



European Aviation Safety Agency — Rulemaking Directorate  
**Comment-Response Document 2012-18 (B.I(a))**

---

Licensing and medical certification of air traffic controllers

(Draft Cover Regulation and IR Part-ATCO,  
Part-ATCO.AR and Part-ATCO.OR)

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

## Table of contents

1. Individual comments and responses .....	3
2. Extracts of resulting text.....	684
3. Appendix A — Attachments.....	685

## 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.

<b>(General Comments)</b>	-
---------------------------	---

comment

95

comment by: FAB CE, HR/TRN SubC

General comment/proposal

- Instead of STDI license endorsement the STDI certificate could be used
- The STDI certificate should be recognized according to Regulation as well
- According to types of training:

*Initial training* – includes basic – for improving the theoretical knowledge of students some practical aids can be used (CBTs, other STDs)

*Unit training* – human factors training is included and this part could be taught by non-ATCOs. Some practical tools to explain the tasks better could be used (usage of STD as well)

*Continuation training* – refresher training includes human factors and phraseology which can be taught on STD by non-ATCOs as well

*Development training* – the training for OJTI, assessors, supervisors – the courses includes theoretical and practical knowledge and they are taught by non-ATCOs too, because the main aim is to gain additional knowledge besides the operational ones which the trainee already has

- The definition of STD and PTT gives wide commentary on the meaning itself.
- The meaning or definition of PTT according to the new Regulation is very wide and it could be understood that includes every “computer programs” which ANSPs use for students to practically improve their theoretical knowledge for example in ab-initio
- Definition of PTT – see proposals below

- The Regulation could differentiate between the trainings which shall be taught by ATCOs only and the trainings which could be either taught by non-ATCOs
- Providing that the Regulation would differentiate between the trainings the proposal is to reconsidered the ideal minimum years of experience for ATCOs (proposal is at least 5 years of experience as ATCO regardless of ratings)
- The proposal for non-ATCOs as STDIs is, that the applicant for an STDI certificate shall:
  - have at least two years experience in the instructional techniques in those procedures in which it is intended to provide instruction
  - demonstrate instructional skills to the training organization
  - Training organization will have an approved competence scheme for STDIs. There should be theoretical exams, practical assessments, demonstration of keeping instructional skills and so.
  - According to general proposal above mention, new definitions can be introduced for practical and theoretical training:

Practical Training – means all training in Rating and Unit Training executed either on the job in an operational position or training using simulator aiming to teach the competences relevant for an ATCO that are of a full task integrated nature.

Theoretical Training – means the acquisition of knowledge by instruction and exercises. STD can be used in theoretical training to enhance knowledge and understanding of the student or to train specific basic skills of an ATCO (e.g. System behavior, Human factors, Phraseology, Vectoring, Speed, Rates, etc).

*Explanatory: It should be considered that training itself consists from theoretical and practical parts, which are not separated in any way. The importance is in understanding that individuals learn in different ways, by different means and using various tools, especially nowadays, when technical progress brings many possibilities to enhance efficiency in ATCO training and by using best practice and modern training philosophy we are able to provide quality and comprehensive training and meets SES requirements as well.*

Basic (practical) skill training – means part task training of basic skills in a generic and safe learning environment with low complexity.

Complex (practical) skill training – means full task integrated training of competences in a specific real-life environment with high complexity.

*Explanatory: The proposal of these two definitions shows the difference between basic skills and complex skills in practical training. Basic skills are taught on STDs in fictitious environment and it is not operational related, safety is not affected in any way.*

'Part task trainer (PTT)' means a synthetic training device in which the operation (function) to be learnt is divided into separate tasks each of which

may be taught and practiced separately or together in a subset of tasks in supervised or unsupervised exercises.

Accordingly, basic skill training shall be carried out by appropriately qualified instructors. There is no reason to require ATCO for all trainings provided. Basic skills could be better trained by non-ATCOs as well regarding that they are qualified and competent to instruct on STD.

We need to be aware of that especially in smaller ANSPs could be problems with understaffing due to high training demands where ATCOs will be needed for STDI purposes and in regard of this high training demand, overtime work will be imminent. This can bring fatigue of ATCOs as well and have effect on overall safety.

When cost-efficiency is one of the main aims of SES initiatives, we need to point out that this will have negative impact on cost efficiency. The salary of ATCOs as STDIs is much higher than non-ATCOs and this causes increasing training costs.

Especially for Initial/Basic training, which is not an operational specific course, there is not a reasonable view of ATCOs provide this training as long as the non-ATCO Instructors are well educated and trained.

Development training is based for e.g. assessors, supervisors and the aim of this training is to gain additional knowledge besides the operational ones which the trainee already has. In regard of this, we need to consider that non-ATCO who is educated and trained in these particular tasks is more competent for providing the training.

The Regulation could differentiate between the trainings which shall be taught by ATCOs only and the trainings which could be either taught by non-ATCOs.

We propose to introduce an STDI Certificate instead of STDI Endorsement which indicates that the holder of this certificate is appropriately educated, trained and competent to instruct on a STD.

The holder of the STDI Certificate shall not instruct in OJT, only if he/she holds an ATCO license with appropriate ratings and endorsements. The holder of the STDI Certificate shall not instruct in pre-OJT, only if he/she holds or has held an ATCO license with appropriate ratings and endorsements.

Seeing that the proposal will affect more provisions in whole Regulation, including GM and AMC, we propose at least to open this issue by incorporating articles (exceptions) about the possibility to deal with this particular task on bilateral basis between NSAs and ANSPs.

response *Noted*

The issues covered in this general comment are addressed in more detail via the responses provided to the individual provisions corresponding to the subject issues.

Generally, it should be stated that it is the relevant essential requirements of Regulation (EC) No 216/2008 which require instructors on practical skills to be or to have been entitled to act as air traffic controllers. Therefore, at implementation level it is not possible to move away from these requirements.

Regarding the issue of establishing a certificate or an endorsement for STDIs, it is analysed in detail in the Explanatory Note, paragraphs 70 to 79.

With reference to the ATCO Common Core Content Initial Training and its transposition to EU law by means of this draft Regulation and its associated AMC and GM it is clear that the objectives at taxonomy level 3 or higher are of practical nature and require, with the exception of the subject Air Traffic Management Basic (ATMB), the use of practical training method. Therefore, the Agency believes that there is sufficient guidance in the training requirements, as well as regarding the privileges of instructors and there is no further need for additional definitions.

comment 156 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO desires that any proposed rules :

-Are focussed only on Safety

-Shall be assessed for its value for safety. The effort to fulfil the regulatory requirements should be proportionate to its safety benefit

-Are based on high-level principles with detail in Acceptable Means of Compliance and Guidance Material.

Differences to ICAO will be standard and filed by each member state, just as now. There is no need to incorporate the differences to ICAO into the rule.

response *Noted*

The listed rulemaking principles are noted and followed.

Regarding the differences to ICAO the Agency has the mandate under Regulation (EC) No 216/2008 to assist Member States in meeting their obligations towards the Chicago Convention. These obligations include the Article 38 obligation to notify ICAO of any differences. In addition, if there are any differences, then Member States are expected to include some indication of how they plan to eliminate any such difference and over what timescale.

The Agency can assist Member States by indicating to them with any new rule whether there are any 'Article 38 differences'. The Agency is aware that the process of identifying and categorising any differences can be very subjective, so any variability can be avoided by the Agency proposing to Member States the differences as seen objectively using criteria that the Agency established for all areas. This should ensure a consistent response to ICAO and avoid confusion. Of course, if a Member State wishes to identify and categorise differences in their own way, then they are perfectly entitled to do so. We know, however, that the majority of Member States would rather use the Agency's assessment so that they are consistent.

comment 331

comment by: DSNA

**General comments on the proposed regulation :**

1) The high number of new requirements regarding ATCO licensing will induce an important additional workload for training organisations. Some of the new requirements create administrative burden, with weak added value on safety .

2) In a lot of areas, the proposed text is too prescriptive, leaving no room to manoeuvre. It is essential to allow some flexibility to implement the new requirements.

3) The overall number of new assessments required by the text is too high.

DSNA has around 3600 ATCO exercising the privileges of their license.

If we don't extend the validity of the unit endorsement, that means 3600 assessments of practical skills per year, plus assessments for OJTI, STDI, assessors, refresher training assessments, and assessments for language proficiency.

In total, that would represent around 4000 assessments per year.

Besides the tremendous financial, organisational and operational impacts, the risk with such a high number of tests, whose benefit is not proven, is to end up by reducing effectiveness of competency assessments.

response *Noted*

1) The Agency is convinced that the requirements, which could be considered as newly introduced, are limited and even in those domains requirements at national level should exist, which to the highest possible degree have been taken into consideration when drafting the common EU requirements. Therefore, the Agency does not consider the argument on important additional workload and administrative burden justified.

2) Contrary to the statement in the comment, this proposal creates a balanced approach between Implementing Rules and Acceptable Means of Compliance, which are purposed to provide the necessary flexibility for the regulated persons and organisations. Following the comments received, a number of areas has been reviewed and rebalanced, as requested by stakeholders.

3) Regarding the number of new assessments, the Agency believes that complying with the common requirements does not create a more significant burden on France or to DSNA compared to other countries or service providers, when considered in a proportional manner. The burden on small service providers is equally big as they have to manage the same assessments with their limited resources. Besides, the draft proposal explicitly maintains the possibility of continuous assessment. Following the comments received, the Agency revised its original proposal and is not proposing any assessment requirement for the revalidations of the instructor and assessor endorsement. Therefore, it can be stated that the actual number of new assessments is rather limited and it is in no way reaching the number referred to in the comment.

comment

724

comment by: UK CAA

**Page No:** N/A**Paragraph No:** General

**Comment:** There is no equivalent provision to Article 8 of Regulation (EU) 1178/2011, which provides clarity on licensing arrangements for individuals from third nations. ATCOs who have undergone training by an Approved Training Organisation (approved by EASA as the Competent Authority) located in a third country, have no provision in this regulation to attain an 'EASA' license through the competent authority of the State within which they wish to work. There is provision at ATCO B.005(f) for ANSPs located outside the EU, providing services within the EU but nothing for individuals. There is neither Regulation nor AMC for Competent Authorities to follow in the absence of EASA being able to issue licences to individuals and this is also complicated by the requirement of this NPA, that when ATCOs move from one State to another, they must apply to the Competent Authority of that State to exchange their licence.

**Justification:** There needs to be a Regulation and associated AMC (with safeguards) for Competent Authorities to follow, to enable ATCOs who have been trained in an Approved Training Organisation, located within a third country, to gain a licence in a Member State of the Union, where they wish to exercise the privileges of that licence.

response

*Not accepted*

Unlike pilots in Article 7(6)(e), Article 8c of the Basic Regulation does not foresee implementing measures on the conditions for the acceptance of licences from third countries. However, persons undertaking training at an Agency approved training organisation located in a third country enjoy the same rights and privileges when it comes to licensing as if they would have been trained within the territory of the EU, thus their licences shall be issued by the competent authority. This practice exists already today based on the provisions of Regulation (EU) No 805/2011. The draft proposal does not introduce any change in this regard, the Agency only approves the training organisation, it does not issue licences to ATCOs.

comment

1091

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*



comment	<p>1234 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>General comment</u>  The administrative burden should be kept to a minimum, and at least should not be increased for the competent authorities, training organisations and ANSPs, in a context where financial and human resources are constrained. The interpretation of the requirements should not mean further administrative tasks compared with today's tasks where it is not a requirement added by the basic regulation compared with the single European Sky regulations.</p>
response	<p><i>Noted</i></p>
comment	<p>1244 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</span></p> <p>It would be beneficial if EASA should give guidance on how competent authorities should deal with third country licence holders.</p>
response	<p><i>Not accepted</i></p> <p>Unlike pilots in Article 7(6)(e), Article 8c of the Basic Regulation 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 requirements of the applicable EU law.</p>
comment	<p>1246 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</span></p> <p>In several places in the regulation requirements are listed. Some of the list have ";" and some have "and". For clarity, "and" should be used in all lists where all the requirements are to be met.</p>
response	<p><i>Not accepted</i></p> <p>According to the applicable Rulemaking style guide when all the elements in a list are cumulative, there is no need to place an 'and' at the end of each point. And 'and' before the last element of the list is customary, but even that is not needed.</p>
comment	<p>1381 <span style="float: right;">comment by: Federal Office of Civil Aviation FOCA</span></p> <p>Article:  General comment</p>

	Comment / Issue / Suggestion: Needs to be in line with the Part AR of the NPA based on 1034/1035
response	<i>Accepted</i>

comment	1393 comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: General comment Comment / Issue / Suggestion: continuing oversight to be changed by monitoring Justification: coherence
response	<i>Not accepted</i>  Within an effective safety oversight system the competent authority's obligation and responsibility do not end with an initial certification of the regulated persons and organisations. Moreover, according to Article 3(a) of the Basic Regulation 'continuing oversight' means the tasks to be conducted to verify that the conditions under which a certificate has been issued continue to be fulfilled at any time during its period of validity, as well as the undertaking of any safeguard measure. Monitoring is only part of the 'continuing oversight' which is a Member State obligation. Therefore, the comment is not accepted.

<p><b>NPA 2012-18 (B.I) 'Licensing and medical certification of air traffic controllers' – Draft cover Regulation and IR Part-ATCO, Part-ATCO.AR and Part-ATCO.OR – General comments</b></p>	p. 1-2
--	--------

comment	356 comment by: <i>CAA-NL</i>
	This is to notify that the comments on NPA 2012-18 (B.I) under the header 'CAA-NL' are issued by CAA-NL and Air Traffic Control The Netherlands/Luchtverkeersleiding Nederland (LVNL) together.
response	<i>Noted</i>

comment	363 comment by: <i>NATS National Air Traffic Services Limited</i>
	General comment: There does not appear to be a definition or explanation of Implementing Rules (IR), Acceptable Means of Compliance (AMC), Alternative Means of Compliance and Guidance Material (GM). In particular this would be helpful for AMC, Alternative MC and GM to help stakeholders apply the regulations properly. The impact of this is a lack of understanding amongst stakeholders as to which regulations are binding and which are not binding resulting in different and unharmonised application of

	<p>the regulations. Suggested resolution: A description or definition of IR, AMC, Alternative MC and GM should be included to aid understanding although it is unclear where this should be placed to satisfy legal requirements.</p>
response	<p><i>Partially accepted</i></p>
	<p>The definitions on 'acceptable means of compliance (AMC)' and 'Alternative Means of Compliance' are proposed in Article 3, points 2 and 4 respectively of the draft rule to NPA 2012-18. Furthermore, to support Member States in ensuring uniform application of the provision in question, the Agency has developed instructions und further information and published them on its website. Please go to: <a href="https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php">https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php</a></p>

comment	<p>364 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p>
	<p>General comment: Much of the IR and AMC have concrete figures. It is preferable not to have concrete figures in IR or AMC where flexibility is required. The impact of this is a lack of flexibility where flexibility would be beneficial. Suggested resolution: Where flexibility is required the figures should be put, for example, in the UTP, UCS, MS etc..</p>
response	<p><i>Accepted</i></p>

comment	<p>618 <span style="float: right;">comment by: <i>CAA-NL</i></span></p>
	<p>General Commend.</p> <p>The proposed rule should be limited to a more performance based rule where a portion of the current text is changed to AMC/GM material stating how the new rule could be complied with, but at the same time creating the possibility for alternative means of compliance to be approved by the competent authority and further dealt with thru the proposed procedures for alternative means of compliance by the EASA system.</p> <p>Motivation</p> <p>The proposed rules for the training of Air Traffic Controlers as proposed in NPA 2012-18 defines as a standard how training is currently given in a great number of organisations. They seem to prevent the incorporation of the current and future developments and innovations in the educating world. The current developments in competence based learning, the introducing of more advanced learning tools and a variation in innovative training methods seem promising for a better transfer of knowledge and competences. We find in general that a more performance based rule would be better suitable to encompass these development when there is prove these innovations deliver a better performance or at least the same at a lower costs.</p> <p>This NPA on implementing rules for Air Traffic Controlers and their training as it stands now creates a substantial problem for the sophisticated way of training introduced in the Netherlands.</p>

With the current proposals it seems that the use of modern educational tools, specifically any electronic device, this part of the training has to be classified as practical training. Consequently, per basic regulation and its annexes an instructor, being an ATCO or former ATCO, with a STDI or OJTI rating is necessary.

In the Netherlands there is an approved training program based on the common core content that:

- Is an integrated training where dedicated tools and training devices are used to both enhance the understanding of the knowledge and stimulate the competences being taught without a hard split between 'theory and practice';
- Uses a specifically designed set of non existing airspace(s) with growing complexity related to the phase of the training in its own training environment. This environment has no connection with any real aviation traffic, so students are able to learn the principles in an increasingly complex context, tailored to their acquired knowledge and competences in an isolated environment;
- Specific requirements for the trainers in each phase and for all subject/competences to be trained, with the emphasis on training competences and quality;
- Contains a transition training phase from the theoretical airspace to the actual airspace situation, for this part there instructors holding an ATCO licence are directly involved;

This innovative program seems to be compromised by the new regulation which is prescriptive in details and doesn't seem to be able to encompass the training setup structured as described above.

We like to see the possibility for this innovative training program to be continued under the new regulations as they lead to qualified controllers of a high standard.

To be able to accept under the new rule the above described program, but more in general to be able to accommodate new innovative concepts we see the need for the following changes.

Various definitions are not needed as the plain English word will cover the intent of the rules using this terminology. This is specifically the case with words as 'examination', 'assessment', 'simulator', 'simulator' and 'synthetic training device'. We agree that a term as 'part-task trainer' needs some explanation, but that could well be given as GM the first time the term is used, as with these other words mentioned above.

At the same time definitions for 'renewal', 'revalidation', 'training course' and 'training organisation' could also be deleted or moved to GM.

When the currently proposed rule stays as is, Basic Regulation article 14.6, equivalent safety case, needs to be used to present new innovative developments to the European Commission. However when writing a new regulation it does not seem right to anticipate at that moment the need to use a flexibility provision which, in a sense creates alternative rules.

We believe we have a right case that the right level of safety can be achieved with the Dutch system. As such we prefer a situation where the rule is able to cater for new and innovative initiatives and we would not have to fall back to use of art14.6. We expect EASA to help finding a solution to cater for this innovative development.

response

*Partially accepted*

The Agency believes that the objectives of performance-based rulemaking are fully met with the subject proposal. The proposed rules are based on the relevant provisions and essential requirements of Regulation (EC) No 216/2008 and not on how training is currently provided in a great number of organisations, as the comment suggests. The Agency also believes that the proposed rules would not prevent innovation and better performance in this important domain. Moreover, the detailed scrutiny of the comments received has also provided the Agency with further helpful proposals on how indeed certain provisions can be better allocated to AMC/GM material, as this comment also underlines. However, the main thrust of the CAA-NL comment on trusting a major part of the ATCO practical training to instructors having never worked themselves in this profession is very individual and subject to major objection by the clear majority of stakeholders.

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

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

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

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

example due to medical reasons or retirement.

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

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

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

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

It does not automatically follow that if an organisation structures its training in a particular way, then the qualifications of the training personnel can be changed. It is true that some system functionality and processes may be taught by non-ATC personnel (or for that matter using other methods, e.g. WBT); however, the integration of these functionalities into the achievement of air traffic controller competencies remains the primary reason why there is a requirement for clear STDIs and OJTIs qualifications.

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

Air traffic controller training — as proposed in NPA 2012-18 — follows the method of competency-based training, although the level of details established in the common rules varies between the different types of training. This is due to the fact that harmonisation of training requirements is considered the basis of mutual recognition of licences. Thus without common requirements there are no objective grounds to establish the 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.

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

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

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

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

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

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

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

comment

811

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
ATCO.X.X		<p>No reference to those cases where:</p> <ul style="list-style-type: none"> <li>- A new unit starts service (new airport, new ACC opens)</li> <li>- Change in service provider</li> </ul> <p>Requirements for personnel and unit training in those special cases should be part of this regulation.</p>

response

Accepted

The NPA already contained the proposed OJTI authorisation for this purpose. Now more detailed requirements are proposed for both instructors and assessors.

comment

1059

comment by: IFATCA

Attachment [#1](#)

as most of IFATCA's comments are in BI please see attached all our comments.

response

Noted

comment

1092

comment by: NATS National Air Traffic Services Limited

General comment

There are various references to both theoretical training and practical training throughout this regulation. However there is no clear definition or description of what these two types of training are. A clear and explicit definition of practical versus theoretical training would be beneficial. Different interpretations may well lead to a lack of harmonisation and standardisation within and between member states.



	Suggest that definitions of 'theoretical' and 'practical' training should be developed.
response	<p><i>Not accepted</i></p> <p>The Agency understands that this question is relevant to initial training. In this context reference is made to the ATCO Common Core Content Initial Training and its transposition into EU law by means of this draft Regulation and its associated AMC and GM, which clearly states that objectives at taxonomy level 3 or higher are of practical nature and require, with the exception of the subject Air Traffic Management Basic (ATMB), the use of practical training method. The Agency, therefore, believes that there is sufficient guidance in the training requirements, as well as regarding the privileges of instructors and there is no further need for additional definitions.</p>

**DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No 805/2011 (citations and recitals)**

p. 3-7

comment	2	comment by: FAA
	Consider establishing an appropriate interval for which an ATCO license would be valid. The FAA credentials air traffic controllers. Credentials must be renewed on a biennial basis, thereby, ensuring that training and refresher training activities are completed and that controllers are able to demonstrate that they continue to have the requisite skills to perform their jobs.	
response	<i>Not accepted</i>	
	There is no validity as such for the ATCO licence; however, the exercise of the privileges of the licence depends on the validity of the associated ratings and endorsements and of the medical certificate.	

comment	9	comment by: ENAC-FRANCE
	<p><b>(12) The minimum requirement for....</b></p> <p><u>Comment:</u>  CCC standards are likely to evolve, they should not be transposed into IR or AMC.  The work of the Eurocontrol ACCCTF (completed in 2012) should be updated with the analysis of comments made on the NPA and integrated in the EASA opinion.  The revision process should involve stakeholder experts. Training organisations should be involved in the EASA updating process, as is the case in the ACCCTF,</p>	

	<p>to reflect the changing training environment.</p> <p><u>Proposal:</u> Add to paragraph 12: Training objectives will regularly be updated by a group of experts, composed in the same manner as the ACCCTF, to be coherent with the evolutions in training environment.</p>
response	<p><i>Partially accepted</i></p> <p>All comments proposing modifications to the ATCO CCC initial training published with the NPA 2012-18 including, but not limited to, those identified by the EUROCONTROL ACCCT Task Force during 2012, are available to the public with this CRD. After the closure of the public consultation for NPA 2012-18 the Agency has reviewed all the comments received together with the EUROCONTROL ACCCT Task Force and, when appropriate, modified the training content accordingly.</p> <p>The ATCO CCC initial training published with this CRD is the result of such cooperation between the Agency and the EUROCONTROL ACCCT Task Force.</p> <p>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 hold and maintain such detailed knowledge and experience in ATCO training. Therefore, it is foreseen to establish a rulemaking task in which the industry carries the major role in defining and drafting the changes, which are then channelled swiftly to the rulemaking process concerning the Agency measures.</p> <p>The involvement of subject matter experts from affected stakeholders is considered 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 on the activity.</p>
comment	<p>204 comment by: <i>skyguide Corporate Regulation Management</i></p> <p>(6)...particular sector or group of <b>sectors and working positions</b>...</p> <p>Should include working position. This is needed also for tower. See also definition 3 Article 3.</p> <p>... Authorities should be in a position to <del>evaluate</del><b>ensure</b> the competence of air traffic...</p> <p>Replace evaluate (which is done by the approved training organisation) with ensure which allows the CA to make certain of the competence within the framework set out in this regulation and therefore issue, revalidate or renew the licence.</p> <p>(9)... detailed language <b>knowledge proficiency</b> requirements...</p> <p>Replace knowledge with proficiency. The ATCO must be able to communicate in the language, but not necessarily have a linguistic knowledge. According CCC taxonomy levels, to know is a level 3</p> <p>... proportionate validity date for the highest language proficiency level...This advocates for 9 years' validity for a level 6 speaker which includes local</p>

	<p>languages. Where it could be justified for English, it certainly makes no sense for a native speaker in their own country. See also comments to ATCO.B.035 (a)(3)</p> <p>... The acknowledgement of the importance of clear and effective communication in the European airspace leads to the introduction of a proportionate validity date for the highest language proficiency level in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use. This needs to be adapted according to the comment on ATCO.B.035(a)(3)</p>
response	<i>Accepted</i>

comment	<p>205 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p>(10)</p> <p>...to introduce uniform requirements as regards training, qualifications, competence and <del>access to the profession</del> of air traffic controller.</p> <p>Access to the profession is a recruitment requirement, not a licensing requirement.</p>
response	<i>Accepted</i>

comment	<p>207 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p>(12) .... In order to facilitate a truly uniform approach to initial training, which is the key element for ensuring air traffic controllers' mobility, those standards have now been transposed into EU law...</p> <p>This is, in fact the contrary as the transposition of the training objectives into AMC introduces less legal certainty because alternate means of compliance could also be used.</p> <p>... ICAO has developed standards...</p> <p>We remain unclear as to which standards from ICAO are being referenced here.</p> <p>(15) .... on an information network between the Member States, the Commission and the Agency should also be included in Regulation (EU) No XXXX/201X....</p> <p>We remain unclear on the particular article in 216/2008 being referenced here.</p> <p>(16) .... the Agency should develop <del>certification specifications</del>, acceptable means of compliance and...</p> <p>Certification specifications have not been developed for this IR. CS are developed for parts and appliances and, as we understand them, not applicable to the ATCO, safety oversight and common requirements IRs.</p>
response	<p><i>Accepted</i></p> <p>(12) Means of compliance are part of the regulatory system and provide the necessary flexibility, where required. The approval of Alternative Means of Compliance needs to be duly justified by the competent authority and shall</p>

meet the requirements established by the EASA Basic Regulation and provisions included in the associated Implementing Rules. The subject of the referenced ICAO Standards is further specified.

(15) The subject matter provision is Article 15 on Information network of Regulation (EC) No 216/2008.

(16) Accepted.

comment 208 comment by: *skyguide Corporate Regulation Management*

(23)..., ~~education requirements~~ and initial training, should not affect the holders of existing licences. Licences and medical certificates issued by Member States in accordance with Directive 2006/23/EC and with Regulation (EU) No 805/2011 should be considered...

Initial training is too restrictive and should be read training (or ATCO training) as this also includes unit, continuation and development training done before the implementation / application of this regulation. (with due regard to the transitional arrangements as in art. 8).

Education requirements will only be necessary if option B (ATCO.B.001) is adopted. The education requirements refer to recruitment and selection and not to licensing, so should not be a factor in applying for a student ATCO licence.

response *Accepted*

comment 251 comment by: *CANSO Civil Air Navigation Services Organization*

The Recital (9) needs to be adapted according to the CANSO comment on ATCO.B.035 (a) (3).

response *Accepted*

comment 328 comment by: *DSNA*

**(9).**

We disagree with the last sentence of paragraph (9):

*"The acknowledgement of the importance of clear and effective communication in the European airspace leads **to the introduction of a proportionate validity date for the highest language proficiency level** in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use."*

This is an interpretation. The introduction of a validity date for Level 6 does not answer to an identified and harmonised need, and it goes beyond ICAO recommendations.

We suggest to delete this sentence.

response *Noted*

comment

329

comment by: *DSNA*

**(12).**

CCC standards are supposed to be updated in the next years, so they should not be fully transposed directly into IR or AMC.

We prefer a dynamic referencing to the Eurocontrol document, which is the best option to harmonise and to facilitate future updates.

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 after 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 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

499

comment by: *DSAC - French NSA*

Paragraph

Recitals (9)

Alternative proposal

~~§(9) The acknowledgement of the importance of clear and effective communication in the European airspace leads to the introduction of a proportionate validity date for the highest language proficiency level in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use~~

Justification

- 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

	<p>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. The extra cost is implicitly linked to the organisation of the roadster due to the absence of the controllers during their assessment. - See also the comments on the risk impact assessment paragraph 7.</p>
response	<p><i>Partially accepted</i></p> <p>Reference to the English language is added.</p>
comment	<p>500 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u> <u>Recitals (12)</u> <u>Justification</u></p> <p>- 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.</p> <p>- Furthermore, the updating process should involve experts on the ATCO Common Core Content within the ANSPs, the training organisations and the competent authorities.</p>
response	<p><i>Noted</i></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 after taking into account comments received on this subject, the Agency decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> <li>• Subjects, topics and subtopics are transposed into Implementing Rules;</li> <li>• 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, all the Common Core Content is available in a single source document in order to facilitate its reading, as requested by several stakeholders.</li> </ul> <p>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 then be channelled swiftly to the rulemaking process concerning the Agency measures.</p> <p>The involvement of subject matter experts from affected stakeholders is considered as a very important asset to ensure the future currency of these</p>

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

529

comment by: ENAC-FRANCE

(9) In many incidents and accidents communication plays a significant role. Therefore, this Regulation lays down detailed language knowledge requirements for air traffic controllers. Those requirements are based on the requirements adopted by the International Civil Aviation Organization (ICAO) and provide a means of enforcing these internationally accepted standards. There is a need for observance of the principles of non-discrimination, transparency and proportionality in language requirements, so as to encourage free movement while ensuring safety. The acknowledgement of the importance of clear and effective communication in the European airspace **leads to the introduction of a proportionate validity date for the highest language proficiency level** in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use.

Comment:

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 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.

Proposal:

~~(9) In many incidents and accidents communication plays a significant role. Therefore, this Regulation lays down detailed language knowledge requirements for air traffic controllers. Those requirements are based on the requirements adopted by the International Civil Aviation Organization (ICAO) and provide a means of enforcing these internationally accepted standards. There is a need for observance of the principles of non-discrimination, transparency and proportionality in language requirements, so as to encourage free movement while ensuring safety. The acknowledgement of the importance of clear and effective communication in the European airspace leads to the introduction of a proportionate validity date for the highest language proficiency level in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use.~~

response

*Noted*

The proposal is changed to cover the English language only. The statement of the reasons at recital level is however considered valid.

comment	<p>535</p> <p style="text-align: right;">comment by: <i>Maastricht UAC</i></p> <p>(2) The implementation of Regulation (EC) No 216/2008, as well as the Single European Sky II legislation[1] footnote                  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.</p>
response	<p><i>Partially accepted</i></p> <p>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, the privileges of the STDI endorsement have been modified after considering the comments received.</p>

comment	<p>553</p> <p style="text-align: right;">comment by: <i>Maastricht UAC Training Organisation</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left; padding: 5px;"><u>Paragraph identification:</u></th> <th style="text-align: left; padding: 5px;"><u>Justification:</u></th> <th style="text-align: left; padding: 5px;"><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <p><u>(2) The implementation of Regulation (EC) No 216/2008, as well as the Single European Sky II legislation[1] footnote</u></p> </td> <td style="padding: 5px;"> <p>(EC) 1070/2009 introduces targets for, amongst other things, cost efficiency. There is no doubt that this proposed regulation imposes a significant cost burden on all training organisations for, in some cases, no gain in quality, safety or efficiency.</p> </td> <td style="padding: 5px;"> <p>If a reference is made to the performance regulation then a comment should be made to the effect that this regulation will increase the cost base of training organisations and ANSPs.</p> </td> </tr> </tbody> </table>	<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	<p><u>(2) The implementation of Regulation (EC) No 216/2008, as well as the Single European Sky II legislation[1] footnote</u></p>	<p>(EC) 1070/2009 introduces targets for, amongst other things, cost efficiency. There is no doubt that this proposed regulation imposes a significant cost burden on all training organisations for, in some cases, no gain in quality, safety or efficiency.</p>	<p>If a reference is made to the performance regulation then a comment should be made to the effect that this regulation will increase the cost base of training organisations and ANSPs.</p>
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>					
<p><u>(2) The implementation of Regulation (EC) No 216/2008, as well as the Single European Sky II legislation[1] footnote</u></p>	<p>(EC) 1070/2009 introduces targets for, amongst other things, cost efficiency. There is no doubt that this proposed regulation imposes a significant cost burden on all training organisations for, in some cases, no gain in quality, safety or efficiency.</p>	<p>If a reference is made to the performance regulation then a comment should be made to the effect that this regulation will increase the cost base of training organisations and ANSPs.</p>					
response	<p><i>Noted</i></p>						



The reference is general to the single European sky II legislation as such, with no particular emphasis on cost-efficiency.

comment

813

comment by: NATS National Air Traffic Services Limited

## Recital (7)

The provision of the Regulation will not achieve common competence standards because the basic and rating practical assessments in different training organisations have very different levels of complexity and simulated traffic levels. Although content and taxonomy levels are common, the standards and conditions of the objectives are not established uniformly. Since the rating training for one ANSP may require high traffic levels and complexity to prepare for unit training and filter out weak trainees and the rating training for another ANSP has very low traffic levels and complexity, a unit endorsement course, with national differences added, will not cover the difference in the conditions or standards of the objectives.

A lack of harmonised and standardised performance objectives in relation to traffic complexity and density could impact upon mobility of the ATCO workforce and the mutual recognition of ATCO Licences. For Member States where complexity and density is low the ATCOs could be under skilled and where the complexity and density is high the ATCOs could be over trained if ATCOs are to be readily transferable from one Member State to another Member State.

**Either:**

Adopt truly harmonised and standardised competence performance objectives in relation to traffic complexity and density

**Or:**

References to common standards and uniformity in training throughout this Regulation should be changed to common content and uniformity of training content. There should be clear establishment of basic and rating standards and conditions for each ANSP, agreed by relevant Competent Authority. This information should be available to the other relevant ANSPs to enable them to assess whether extra training is required and, if so, what it should consist of. Obviously, this contradicts principles of harmonisation and movement of ATCOs but, unless common standards and conditions are applied, this is inevitable anyway.

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 the basis of the mutual recognition of licences. 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.

Therefore, for initial training performance objectives are detailed at Implementing Rule level and complemented by AMC and GM material. Initial training requirements via the rating training performance objectives require the ability to handle complex and dense traffic situations, which is purposed to

facilitate the transition to unit training. Guidance Material is attached to provide parameters determining the required level of traffic complexity and density. Those detailed common rules, however, cannot cover all possible scenarios and needs of all units existing throughout the EU in an equal and proportionate manner. This is why air traffic controller training does not stop at the level of initial training, but it continues and is complemented further in the unit environment, which is purposed to prepare for the provision of the ATC service at the unit concerned.

comment

814

comment by: NATS National Air Traffic Services Limited

Recital (10)

The provision of the Regulation does not introduce uniform requirements as regards competence standards because the basic and rating practical assessments in different training organisations have very different levels of complexity and simulated traffic levels. Although content and taxonomy levels are common, the standards and conditions of the objectives are not established uniformly. Since the rating training for one ANSP may require high traffic levels and complexity to prepare for unit training and filter out weak trainees and the rating training for another ANSP has very low traffic levels and complexity, a unit endorsement course, with national differences added, will not cover the difference in the conditions or standards of the objectives.

A lack of harmonised and standardised performance objectives in relation to traffic complexity and density could impact upon mobility of the ATCO workforce and the mutual recognition of ATCO Licences. For Member States where complexity and density is low the ATCOs could be under skilled and where the complexity and density is high the ATCOs could be over trained if ATCOs are to be readily transferable from one Member State to another Member State.

**Either:**

Adopt truly harmonised and standardised competence performance objectives in relation to traffic complexity and density

**Or:**

References to common standards and uniformity in training throughout this Regulation should be changed to common content and uniformity of training content. There should be clear establishment of basic and rating standards and conditions for each ANSP, agreed by relevant Competent Authority. This information should be available to the other relevant ANSPs to enable them to assess whether extra training is required and, if so, what it should consist of. Obviously, this contradicts principles of harmonisation and movement of ATCOs but, unless common standards and conditions are applied, this is inevitable anyway.

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 the basis of the mutual recognition of licences. 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.

Therefore, for initial training performance objectives are detailed at Implementing Rule level and complemented by AMC and GM material. Initial

training requirements via the rating training performance objectives require the ability to handle complex and dense traffic situations, which is purposed to facilitate the transition to unit training. Guidance Material is attached to provide parameters determining the required level of traffic complexity and density. Those detailed common rules, however, cannot cover all possible scenarios and needs of all units existing throughout the EU in an equal and proportionate manner. This is why air traffic controller training does not stop at the level of initial training, but it continues and is complemented further in the unit environment, which is purposed to prepare for the provision of the ATC service at the unit concerned.

comment **844** comment by: *swissatca*

Working positions shall be added here as a sector can consist of several working positions.

response *Accepted*

comment **1005** comment by: *IFATCA*

<b>2</b>	NPA 2012-18 (B I)	Recital (6)	... particular sector or group of sectors and working position	In order to cope with Tower positions
----------	-------------------	-------------	--	---------------------------------------

response *Accepted*

comment **1006** comment by: *IFATCA*

<b>3</b>	NPA 2012-18 (B I)	Recital (8)	Member States <del>shall</del> <del>should</del> <del>however, as far as practicable,</del> ensure	In no point should there be a lowering of safety because unlicensed and or non-duly qualified military personnel are offering safety to public be allowed in the area of application of this Regulation.
----------	-------------------	-------------	--	--

response *Not accepted*

According to the Joint Practical Guide of the European Parliament, the Council and the Commission the purpose of the recitals is to set out concise reasons for the chief provisions of the enacting terms. They shall not contain normative provisions or political exhortations. These statements of reasons use non-mandatory language and must not create confusion with the enacting terms.

comment 1007

comment by: IFATCA

4 NPA 2012-18 (B I)	Recital (8)	Therefore, Member States <b>shall</b> <del>may also decide to</del> apply this Regulation to their military personnel providing services to the public referred to in Article 1(2)(c) of that Regulation.	In no point should there be a lowering of safety because unlicensed and or non-duly qualified military personnel are offering safety to public be allowed in the area of application of this Regulation. If a state accepts that military personnel provide services to the public, then the state has to apply these rules. Different sets of conditions are not favoured by IFATCA.
---------------------	-------------	---	---

response *Not accepted*

According to the Joint Practical Guide of the European Parliament, the Council and the Commission the purpose of the recitals is to set out concise reasons for the chief provisions of the enacting terms. They shall not contain normative provisions or political exhortations. These statements of reasons use non-mandatory language and must not create confusion with the enacting terms.

comment 1008

comment by: IFATCA

5 NPA 2012-18 (B I)	Recital (9)	proportionate validity date for the highest language proficiency level in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use.	Though only a recital is there not a danger that not only the English language levels are tested to the highest language proficiency level – but as well other languages, which could might not make sense for the some the national languages.
---------------------	-------------	---	---

response *Accepted*

The reference to the English language is added.

comment *1009*

comment by: *IFATCA*

6	NPA 2012-18 (B I)	Recital 12	In order to facilitate a truly uniform approach to initial training, which is the key element for ensuring air traffic controllers' mobility, those standards have now been transposed into EU law. Requirements have also been established for unit and continuation training, taking into account the applicable essential requirements. ICAO has developed standards also in areas where there are no common European training requirements. In the absence of European training requirements Member States may rely on such ICAO standards.	ICAO standards are not referenced – insert reference. The general statement is rather misleading. By transposing it into EU law (allowing in theory Alternate means of compliance) there is a risk of reduced legal certainty and as well increased fragmentation of the use of the CCC. Proposal reword
---	-------------------	------------	---	--

response *Accepted*

The subject of the referenced ICAO Standards is further specified.

comment *1010*

comment by: *IFATCA*

7	NPA 2012-18 (B I)	Recital 13	Medical requirements had been developed at the request of EUROCONTROL Member States as Guidance Material for the medical assessment of air traffic controllers. They have been amended <del>where necessary</del> and transposed into EU law <del>in order to ensure that air traffic controllers benefit from the uniform application of such requirements throughout Europe.</del>	Delete as it does not reflect the reality. They were not amended only where necessary – but in certain cases they have been aligned with the EASA FCL medical part, which does not make sense in certain cases.
---	-------------------	------------	--	---

response *Partially accepted*

The medical requirements for ATCOs are based on the EUROCONTROL Medical Specifications which were amended where necessary. The format of presenting the rules was aligned with the medical requirements for pilots; the technical content is tailored to ATCOs. Nevertheless, recital 13 will be reworded for better understanding.

comment *1011*

comment by: *IFATCA*

8	NPA 2012-18 (B I)	Recital 16	the Agency should develop <del>Certification Specifications,</del> Acceptable Means of Compliance and Guidance Material to facilitate the necessary regulatory uniformity.	It is not fully understood why certification specifications should be developed.
---	-------------------	------------	--	--

response *Accepted*

comment *1012*

comment by: *IFATCA*

9	NPA 2012-18 (B I)	Recital 18	Acknowledging the need to strengthen further the safety culture, especially by integrating reliable incident reporting and just culture in order to learn from incidents, this Regulation <del>should</del> <b>does</b> not establish an automatic link between an incident and the suspension of a licence, rating or endorsement.	Reword: The regulation cannot establish the link. It could be that the states/ANSPs will be misusing the regulation to do it.
---	-------------------	------------	---	---

response *Not accepted*

According to the Joint Practical Guide of the European Parliament, the Council and the Commission the purpose of the recitals is to set out concise reasons for the chief provisions of the enacting terms. They shall not contain normative provisions or political exhortations. These statements of reasons use non-mandatory language and must not create confusion with the enacting terms.

comment **1013**

comment by: IFATCA

10	NPA 2012-18 (B I)	Recital 19	This Regulation <del>should</del> <b>shall</b> not lead to circumvention of existing national provisions governing the rights and obligations applicable to the employment relationship between an employer and applicant air traffic controllers.	Reword
----	-------------------	------------	--	--------

response *Not accepted*

According to the Joint Practical Guide of the European Parliament, the Council and the Commission the purpose of the recitals is to set out concise reasons for the chief provisions of the enacting terms. They shall not contain normative provisions or political exhortations. These statements of reasons use non-mandatory language and must not create confusion with the enacting terms.

comment **1014**

comment by: IFATCA

11	NPA 2012-18 (B I)	Recital 21	<p>Since this Regulation aims at ensuring the recognition of licences, it does not regulate the conditions concerning access to employment.</p> <p>From Recital (10) It is therefore important, with a view to ensuring the highest level of safety, to introduce uniform requirements as regards training, qualifications, competence and access to the profession of air traffic controller.</p>	<p>In the EASA understanding is it not the same, if so is there a need to clarify the differences between access to employment and access to the profession (maybe in the definition).</p>
----	-------------------	------------	--	--

response

*Accepted*

Recital 10 is amended.

comment

1015

comment by: IFATCA



12	NPA 2012-18 (B I)	Recital 22	<p>This Regulation may have an impact on the daily working practices of air traffic controllers. Social partners should be informed and consulted in an appropriate way on all measures having significant social implications. The Sectoral Dialogue Committee set up under Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level<sup>5</sup> should be consulted in an appropriate way on further implementing measures taken by the Commission.</p>	<p>NPA 2012 18 C chapter 12 p.96 does not reflect any of the possible changes affecting the current working conditions. The RIA is in our view not complete because of this. The social impact has only be assessed on a few chosen items – but the real issues where safety and working conditions of ATCOs could be affected (e.g. pension age, rostering etc.) has been left out. It is foreseen to carry out a RIA on this particular issue. IFATCA is further not aware that any of the proposed changes have been discussed in the named body in detail. How will EASA remedy to this?</p>
----	-------------------	------------	---	--

response *Noted*

The RIA has assessed the most important issues and the social aspects of the proposed regulatory changes were considered for each of the assessed subjects. The social impacts include the assessment of working conditions amongst other aspects. The summary is to be found in NPA 2012-18 (C), chapter 12, p. 96 (as quoted).

Pension age is not addressed in the ATCO Regulation, therefore it is not part of the proposed amendments and the RIA.

Rostering system and more generally potential human factors influencing ACTO working conditions are addressed in NPA 2013-08 (B) 'Requirements for ATM/ANS providers and the safety oversight thereof', Annex III – Subpart A 'Additional organisations requirements for the provision of air traffic services (ATS.OR)', in the provisions from ATS.OR.305 to ATS.OR.330.

The Agency is not party to the Sectoral Dialogue Committee set up under Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level. According to the rulemaking procedure the Agency submits its Opinions to the European Commission, which is the proper entity to possibly take action, as appropriate, on any consultation to be undertaken in the framework of the Sectoral Dialogue Committee.

comment 1016

comment by: IFATCA

13	NPA 2012-18 (B I)	Recital 23	The general conditions for obtaining a licence, insofar as they relate to age, medical requirements, educational requirements and initial training, should <b>are</b> not affecting <b>ing</b> the holders of existing licences. Licences and medical certificates issued by Member States in accordance with Directive 2006/23/EC and with Regulation (EU) No 805/2011 should be considered as having been issued in accordance with this Regulation in order to guarantee continuation of existing licence privileges and a smooth transition for all licence holders and for the competent authorities.	It cannot be that the introduction of the new legislation has an impact on the <i>grandfather</i> rights. Our members have already be affected by such a wording in the past (retirement age) when the directive was changed into an IR. It would not be understandable if the <i>grandfather</i> rights would further be limited. Further some of the medical changes – might have a direct impact on the currently working ATCOs (see comments on MED part) if the <i>should</i> remains.
----	-------------------	------------	--	---

response *Not accepted*

According to the Joint Practical Guide of the European Parliament, the Council and the Commission the purpose of the recitals is to set out concise reasons for the chief provisions of the enacting terms. They shall not contain normative provisions or political exhortations. These statements of reasons use non-mandatory language and must not create confusion with the enacting terms.

comment 1093

comment by: NATS National Air Traffic Services Limited

Recital (9)  
 This needs to be adapted according to the comment on ATCO.B.035(a)(3)  
 Suggested amendment:  
**'.....The acknowledgement of the importance of clear and effective communication in the European airspace leads to the introduction of a proportionate validity date for the highest language proficiency level for English in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use.'**

response *Accepted*

The reference to the English language is added.

comment

1157

comment by: *Luca Valerio Falessi*

Add the following article to the Draft Commission Regulation:

**Art XX - prohibition to hold more than one licence at a time.**

**1. No licence holder may have more than one Air Traffic Control licence at the same time.**

**2. With the exception of the procedures described in article 5 (Recognition of licences and certificate) no licence holder may apply for any other air traffic control licences.**

**3. The applicant shall declare in any application for an ATCO licence if he/she has been the holder of any previous licence.**

**Justification**

This is a qualitative text to focus on the fact that having more than one licence active. should be formally forbidden, at the highest level of the regulation.

The present text proposal try to achieve the same result thorough procedural means does not appear to be enough strong under a juridical perspective, while leaving room for some loophole.

In addition, attention should be considered to application for a new licence after the withdrawal of the first one. This point has not been developed in this comment, but it appears to be a key issue.

response

*Partially accepted*

The principle of the comment is accepted and is ensured by the established procedures for the exchange of licences.

comment

1307

comment by: *ENAV*

recital (9)

... The acknowledgement of the importance of clear and effective communication in the European airspace leads to the introduction of a proportionate validity date for the highest language proficiency level in order to ensure that language skills are maintained in the interest of safety and mobility regardless of their daily use.

Comment: This needs to be adapted according to the comment on ATCO.B.035(a)(3)

response

*Accepted*

The reference to the English language is added.

comment

1345

comment by: *Federal Office of Civil Aviation FOCA*

Article:

recital 6

Comment / Issue / Suggestion:

...particular sector or group of sectors and working positions...

Justification:

Should include working position. This is needed also for tower. See also definition 3

response

*Accepted*

comment

1346

comment by: *Federal Office of Civil Aviation FOCA*

Article:

recital 6

Comment / Issue / Suggestion:

... Authorities should be in a position to evaluate ensure the competence of air traffic...

Justification:

Replace evaluate (which is done by the ATO) with ensure which allows the CA to make certain of the competence within the framework set out in this regulation and therefore issue, revalidate or renew the licence

response

*Accepted*

comment

1347

comment by: *Federal Office of Civil Aviation FOCA*

Article:

recital 9

Comment / Issue / Suggestion:

... detailed language knowledge proficiency requirements...

Justification:

Replace knowledge with proficiency. The ATCO must be able to communicate in the language, but not necessarily have a linguistic knowledge.

response

*Accepted*

comment

1348

comment by: *Federal Office of Civil Aviation FOCA*

	<p>Article: recital 9 Comment / Issue / Suggestion: ... proportionate validity date for the highest language proficiency level... Justification: This advocates for 9 years' validity for a level 6 speaker, this includes local languages. Where it could be justified for English, it certainly makes no sense for a native speaker in their own country. See also comments to ATCO.B.035 (a)(3)</p>
response	<i>Accepted</i>

comment	<p>1349 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: recital 10 Comment / Issue / Suggestion: ...to introduce uniform requirements as regards training, qualifications, competence and <del>access to the profession</del> of air traffic controller. Justification: Access to the profession is a recruitment requirement, not a licensing requirement</p>
response	<i>Accepted</i>

comment	<p>1350 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: recital 12 Comment / Issue / Suggestion: ... . In order to facilitate a truly uniform approach to initial training, which is the key element for ensuring air traffic controllers' mobility, those standards have now been transposed into EU law.... Justification: This is, in fact the contrary as the transposition of the training objectives into AMC introduces less legal certainty because alternate MC could also be used.</p>
response	<p><i>Noted</i></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 after taking into account comments received on this subject, the Agency decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> <li>• Subjects, topics and subtopics are transposed into Implementing Rules;</li> <li>• 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</li> </ul>

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.

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.

comment 1351 comment by: *Federal Office of Civil Aviation FOCA*

Article:  
recital 12  
Comment / Issue / Suggestion:  
... ICAO has developed standards...  
Justification:  
Reference is missing

response *Accepted*

The subject of the referenced ICAO Standards is further specified.

comment 1352 comment by: *Federal Office of Civil Aviation FOCA*

Article:  
recital 15  
Comment / Issue / Suggestion:  
... on an information network between the Member States, the Commission and the Agency should also be included in Regulation (EU) No XXXX/201X...  
Justification:  
Reference not found in 216/2008

response *Noted*

The subject matter provision is Article 15 on Information network in Regulation (EC) No 216/2008.

comment 1353 comment by: *Federal Office of Civil Aviation FOCA*

Article:  
recital 16  
Comment / Issue / Suggestion:  
... the Agency should develop ~~certification specifications~~, acceptable means of compliance and...  
Justification:  
Have certification specifications been developed? CS should be for parts and appliances and, as we understand them, not applicable to the ATCO, SO and CR IRs

response *Accepted*

comment 1354 comment by: *Federal Office of Civil Aviation FOCA*

Article:  
recital 23

Comment / Issue / Suggestion:

The general conditions for obtaining a licence, insofar as they relate to age, medical requirements, ~~educational requirements~~ and ~~initial~~ training, should not affect the holders of existing licences. Licences and medical certificates issued by Member States in accordance with Directive 2006/23/EC and with Regulation (EU) No 805/2011 should be considered as having been issued in accordance with this Regulation in order to guarantee continuation of existing licence privileges and a smooth transition for all licence holders and for the competent authorities.

Justification:

It applies for all training (or ATCO training) as this also includes unit, continuation and development training done before the implementation / application of this regulation. (with due regard to the transitional arrangements as in art. 8)

response *Accepted*

**DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No 805/2011 (Article 1 and 2)**

p. 7-8

comment 1 comment by: *HANSA*

Article 2, item (c) the certification of .....for air traffic controller(**s**); [add **s** for plural]

response *Accepted*

comment 13 comment by: *Belgian NSA*

Art 2 (7) state the requirement for military ATCOs correctly and unambiguously.

response *Accepted*

comment

97

comment by: CAA-NL

**Article 2.2. (c)**

The scope does not clearly include ANSPs. However, the following articles are specific for or related to the ANSP:

- Article 2.6
- ATCO.A.015 (d), (e) and (f)
- ATCO.B.005 (f)
- ATCO.B.025
- ATCO.B.030 (d)
- ATCO.C.025 (although it is preferred to rewrite this article to be applicable to the training organization)
- ATCO.D.075
- ATCO.D.080
- ATCO.D.085
- ATCO.D.090

It is advised to include the ANSP in the scope and to add a separate subpart to the organisational requirements describing all requirements for the ANSP. Another option is to include the requirements for the ANSP in the relevant ATM legislation.

response

*Noted*

The Agency considers that ANSPs are clearly included in the scope of the draft Regulation via Article 2(2)(c), which states that the Regulation shall apply to organisations involved in the licensing, training, testing, checking or medical assessment of applicants.

Thus, ANSPs are included in the scope of this Regulation in their capacity as being involved in the licensing, training, testing, checking or medical assessment of applicants and not in their capacity as ANS providers.

comment

98

comment by: CAA-NL

**Article 2.2. (c)**

The scope does not clearly include ANSP's. However, the following articles are specific for or related to the ANSP:

- Article 2.6
- ATCO.A.015 (d), (e) and (f)
- ATCO.B.005 (f)
- ATCO.B.025
- ATCO.B.030 (d)
- ATCO.C.025 (although it is preferred to rewrite this article to be applicable to the training organization)
- ATCO.D.075
- ATCO.D.080
- ATCO.D.085
- ATCO.D.090

It is advised to include the ANSP in the scope and to add a separate subpart to the organisational requirements describing all requirements for the ANSP. Another option is to include the requirements for the ANSP in the relevant ATM legislation.



response *Noted*

The Agency considers that ANSPs are clearly included in the scope of the draft Regulation via Article 2(2)(c), which states that the Regulation shall apply to organisations involved in the licensing, training, testing, checking or medical assessment of applicants.

Thus, ANSPs are included in the scope of this Regulation in their capacity as being involved in the licensing, training, testing, checking or medical assessment of applicants and not in their capacity as ANS providers.

comment 209

comment by: *skyguide Corporate Regulation Management*

**Article 1** The objective of this Regulation is to increase safety standards and to improve the operation of the air traffic control system within the EU through the issue of an air traffic controller licence based on common licensing requirements.

**Reason for comment**

Propose to remove the word "standards" as it is safety that we wish to increase, overall.

Propose to have included the certification of training and medical organisations and medical examiners.

**Article 2 Art. 2.1(c)** the certification of aero medical examiners and aero medical centres for air traffic controller and student air traffic controllers  
Coherence: we would need student ATCOs as well as ATCOs

**Art.2.2 (a) and (b)**

1. This Regulation shall apply to:

(a) (a) student air traffic controllers, (b) air traffic controllers exercising their functions within the scope of Regulation (EC) No 216/2008,  
Reason for comment : Why is 216 referenced in (b) and not in (a) or at all as the whole IR implements 216? Referring to it here seems to bring no added value as it is the basic regulation that the IR services.

**Art. 2.2 (c)** ...checking or medical assessment and examination of applicants in accordance with this Regulation...

We would be missing medical examinations here in order to be coherent with part ATCO.MED.

response *Accepted*

comment 210

comment by: *skyguide Corporate Regulation Management*

**Art.2.3** Personnel referred to in paragraph (2) shall be qualified and, where applicable, licensed in accordance with the provisions of Annexes I and III to this Regulation.

Add "where applicable" otherwise everyone in the training organisation would have to hold a licence.

**Art.2.7-8** ...ensure that services provided or made available by military personnel to the public referred to...

This is already covered in the BR (art 1.3)

response *Not accepted*

The proposed addition in Article 2(3) is not acceptable since both the qualification requirements and the licensing requirements have to be met by the personnel referred to in paragraph 2, where such requirements are set out in Annexes I and III to the Basic Regulation. Inserting 'where applicable', as proposed, would introduce a condition to the applicability of the licensing requirements set out in the said Annexes.

The proposed addition is also not needed as it is clear from the reference to the said Annexes that the qualification and licensing of the referred personnel shall be according to the requirements set out in those Annexes. Thus, only the personnel for which those requirements foresee a licence are required to hold a licence.

The comment on Articles 2(7) to 2(8) is noted.

comment 365 comment by: *NATS National Air Traffic Services Limited*

Article 2 Subject matter and scope 1.

Text layout is not consistent with EASA house style:

**'(d) the certification of air traffic controller training organisations; and the conditions of the validity, renewal, revalidation and use of such licences, ratings, endorsements and certificates.'**

Suggested resolution, amend to:

**'(d) the certification of air traffic controller training organisations; and (e) the conditions of the validity, renewal, revalidation and use of such licences, ratings, endorsements and certificates.'**

response *Accepted*

comment 366 comment by: *NATS National Air Traffic Services Limited*

Article 2 Subject matter and scope 1.

Text layout is not consistent with EASA house style:

**'(d) the certification of air traffic controller training organisations; and the conditions of the validity, renewal, revalidation and use of such licences, ratings, endorsements and certificates.'**

Suggested resolution, amend to:

**'(d) the certification of air traffic controller training organisations; and (e) the conditions of the validity, renewal, revalidation and use of such licences, ratings, endorsements and certificates.'**

response *Accepted*

comment 367 comment by: *NATS National Air Traffic Services Limited*

Article 2 Subject matter and scope 3.

The use of the term "personnel" is not appropriate when referring to Annex III as it covers training organisations and aero-medical centres. Note that paragraph 2 (which is referred to) has (a) and (b) applying to "people" whereas (c) refers to persons and organisation

	Suggested resolution is to amend to: <b>'3. Personnel and organisations referred to in paragraph 2 shall be qualified, licensed or certified in accordance with the provisions of Annexes I and III to this Regulation.'</b>
response	<i>Not accepted</i>
	Organisations are covered by paragraph (5) of Article 2, which similarly to paragraph (3) refers back to paragraph (2). To facilitate reading, the Agency proposes changing the order of paragraphs (4) and (5).

comment	368 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span>
	Article 2 Subject matter and scope 5. As Annex II applies to Competent Authorities (and they are an organisation according to 2. (c)) then there is a requirement for them to be certified. It is believed that the intent is not to certify Competent Authorities. For organisations other than CAs there are explicit certification procedures in their respective IR. The impact of this is that CAs would require to be certified. Suggested resolution: Remove <b>'and shall be certified'</b> .
response	<i>Not accepted</i>
	The subject provision states that organisations referred to in paragraph 2 of the same provision shall be certified once they comply with the technical requirements and administrative procedures laid down in the various annexes. There is no reference to the certification of competent authorities.

comment	570 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span>
	Article 1 last sentence of 1. after d) should be interposed to appear as applicable to all points a-d)
response	<i>Accepted</i>

comment	725 <span style="float: right;">comment by: <i>UK CAA</i></span>
	<b>Page No:</b> 7 <b>Paragraph No:</b> Article 2 (1)(c) <b>Comment:</b> UK CAA proposes additional text be added as shown below. <b>Justification:</b> Clarity. New definitions required for medical examination and assessments. <b>Proposed Text:</b> "c) the certification of aero-medical examiners and aero-medical centres for air traffic controller <b>medical examinations and assessments;</b> "

response

Accepted

comment

726

comment by: UK CAA

**Page No:** 8

**Paragraph No:** Article 2, paragraph 7

**Comment:** This provision repeats, but with a subtle change of wording, a provision in Regulation (EC) No. 216/2008 of the European Parliament and of the Council.

**Justification:** It is not necessary or good legal practice to repeat a provision already set down in the Basic EASA Regulation, especially if the wording is slightly changed i.e from "a level of safety that is at least as effective as..." to "a level of safety that is at least equivalent to..."

**Proposed Text:** Delete paragraph.

response

Not accepted

The subject paragraph is purposed to implement the relevant provision of the Basic Regulation and is to be read in conjunction with the subsequent paragraph (8). Deleting it could possibly lead to interpretation problems.

comment

1017

comment by: IFATCA

14	NPA 2012-18 (B I)	<b>Article 1 Objective</b>	The objective of this Regulation is to increase safety standards and to improve the operation of the air traffic control system within the EU through the issue of an air traffic controller licence based on common licensing requirements.	The aim is to improve overall safety.
----	-------------------	----------------------------	--	---------------------------------------

response

Accepted

comment

1018

comment by: IFATCA

15	NPA 2012-18 (B I)	<b>Article 2 Subject matter and scope 1c)</b>	the certification of aero-medical examiners and aero-medical centres for air traffic controller and student air traffic controllers;
----	-------------------	---	--

response *Accepted*

comment *1019*

comment by: *IFATCA*

16	NPA 2012-18 (B I)	<b>Article 2 Subject matter and scope</b> 2	<p>This Regulation shall apply to:  <del>(a) student air traffic controllers;</del>  <del>(b) air traffic controllers exercising their functions within the scope of Regulation (EC) No 216/2008; and</del>                  (c) persons and organisations involved in the licensing, training, testing, checking or medical assessment of applicants in accordance with this Regulation.                  This Regulation shall apply to:  <b>(a)</b> air traffic controllers exercising their functions within the scope of Regulation (EC) No 216/2008;  <b>(b)</b> student air traffic controllers and;                  (c) persons and organisations involved in the licensing, training, testing, checking or medical assessment <b>and examination</b> of applicants in accordance with this Regulation.</p>	<p>The order shall be arranged.                  In c) add medical examination to improve coherence with ATCO.MED</p>
----	-------------------	--	--	---

response *Partially accepted*

comment *1020*

comment by: *IFATCA*

17	NPA 2012-18 (B I)	Article 2 <b>Subject matter and scope 7</b>	Subject to Article 1(3) of Regulation (EC) No 216/2008, Member States shall, <del>as far as practicable</del> , ensure that services provided or made available by military personnel to the public referred to in Article 1(2)(c) of that Regulation offer a level of safety that is at least equivalent to the level required by the essential requirements as defined in Annex Vb to that Regulation.	No exemption shall be granted in order to improve the overall safety.
----	-------------------	--	--	---

response *Not accepted*

According to Article 1(2)(c), Regulation (EC) No 216/2008 does not apply to ATM/ANS, personnel and organisations that are provided or made available by the military. The obligations of Member States in this respect are clearly defined in Article 1(3) of the said Regulation. This rule, which is purposed to implement the said Regulation, cannot deviate from the legal basis of the higher-ranking Regulation.

comment 1021

comment by: IFATCA

18	NPA 2012-18 (B I)	Article 2 <b>Subject matter and scope 8</b>	With the objective of achieving a harmonised level of safety within the European airspace, Member States <b>shall</b> <del>may decide to</del> apply this Regulation to their military personnel providing services to the public referred to in Article 1(2)(c) of Regulation (EC) No 216/2008.	No exemption shall be granted in order to improve the overall safety.
----	-------------------	--	--	---

response *Not accepted*

According to Article 1(2)(c), Regulation (EC) No 216/2008 does not apply to ATM/ANS, personnel and organisations, that are provided or made available by the military. The obligations of Member States in this respect are clearly defined in Article 1(3) of the said Regulation. This rule, which is purposed to implement the said Regulation, cannot deviate from the legal basis of the higher-ranking Regulation.

comment	1172	comment by: <i>Luca Valerio Falessi</i>
	"Competence in doubt" should be added to the definition list	
response	<i>Not accepted</i>	
	The term 'competence in doubt' is deleted in the resulting draft proposal.	

comment	1355	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: Art. 1 Comment / Issue / Suggestion: The objective of this Regulation is to increase safety standards and to improve the operation of the air traffic control system within the EU through the issue of an air traffic controller licence based on common licensing requirements. Justification: What about certification and oversight	
response	<i>Accepted</i>	

comment	1356	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: Art. 2.1 c Comment / Issue / Suggestion: the certification of aero medical examiners and aero medical centres for air traffic controller and student air traffic controllers Justification: in order to remain consistent	
response	<i>Accepted</i>	

comment	1357	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: Art. 2.2 a&b Comment / Issue / Suggestion: This Regulation shall apply to: (a) student air traffic controllers (b) air traffic controllers exercising their functions within the scope of Regulation (EC) No 216/2008, Justification: Why is 216 referenced in (b) and not in (a) or at all as the whole IR implements	

	216? Referring to it here seems to bring no added value.
response	<i>Accepted</i>

comment	1358 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span>
	Article: Art. 2.2 c Comment / Issue / Suggestion: ...checking or medical assessment and examination of applicants in accordance with this Regulation.. Justification: for consistency
response	<i>Accepted</i>

comment	1359 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span>
	Article: Art. 2.3 Comment / Issue / Suggestion: Personnel referred to in paragraph (2) shall be qualified and, <u>where applicable</u> , licensed in accordance with the provisions of Annexes I and III to this Regulation Justification: Added "where applicable" otherwise everyone in the training organisation would have to hold a licence .
response	<i>Not accepted</i>  The proposed addition in Article 2(3) is not acceptable since both the qualification requirements and the licensing requirements have to be met by the personnel referred to in paragraph 2, where such requirements are set out in Annexes I and III to the Basic Regulation. Inserting 'where applicable', as proposed, would introduce a condition to the applicability of the licensing requirements set out in the said Annexes. The proposed addition is also not needed as it is clear from the reference to the said Annexes that the qualification and licensing of the referred personnel shall be according to the requirements set out in those Annexes. Thus, only the personnel for which those requirements foresee a licence are required to hold a licence.

<p><b>DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No</b></p>	p. 8-10
--	---------



**805/2011 (Article 3)**

comment 8

comment by: ENAC-FRANCE

**Article 3:****1: abnormal situation**Comment

For Air Traffic Control the terms used are "Unusual, Degraded and Emergency" situations (UDES).

Justification:

It is preferable to substitute the two words "Unusual and Degraded" in place of "Abnormal".

This describes two separate types of situations.

Moreover, it allows coherence with the initial training objectives, as defined in EUROCONTROL's specification for the ATCO Common Core Content Initial Training stated as a reference in NPA 2012-18 (BI) Draft cover regulation (12), and coherence with the subject description, to be found in the NPA 2012-18 (BIII) Appendix to the draft commission regulation and the NPA 2012-18 (BV) Acceptable means of compliance to Part-ATCO, subpart D, section 2.

Alternative Proposal:

Add "unusual and degraded" situation definition from Eurocontrol's specification for the ATCO CCC.

**Unusual situation**

A set of circumstances which are neither habitually nor commonly experienced for which an

ATCO has not developed an automatic know-how.

The essential difference with an emergency situation is that the element of danger or serious risk is not necessarily present in an unusual situation.

**Degraded situation**

A situation that is the result of a technical system failure or malfunction or a set of

circumstances arising from human error or violation of rules affecting the quality of the service provided.

**Article 3:****5. Assessment/ 6. Assessor endorsement:**Comment:

As stated in NPA 2012-18 (B.I) Annex I, subpart C ATCO.C.030 (a) and ATCO.C.045 (a), an OJTI or an STDI may assess practical skills during initial training. There is a need to complete the definitions to clarify the requirement concerning assessor endorsement.

Proposal:

5. 'assessment' means an evaluation of the practical skills **in the purpose to issue, revalidate or renew a licence or endorsement**, including behaviour and the practical application of knowledge and understanding being demonstrated by the person undertaking training;

6. 'assessor endorsement' means the authorisation entered on and forming part of the licence, indicating the competence of the holder to assess student air traffic controller's and air traffic controller's practical skills **when this assessment is leading to the issue, renewal or revalidation of the licence or endorsement.**

response

*Partially accepted*

The essential requirement in paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered it to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations and at the same time maintain consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment

36

comment by: LfV

Ref Article 3; Definitions; Assessment

Pls consider to clarify that assessment means an evaluation of practical skills which leads to the issue or revalidation or renewal of licenses or endorsements. It may also be of importance to point out that formative evaluation of practical skills is not assessment.

response

*Accepted*

The definition at Implementing Rule level is amended to take into account the proposed clarification.

Further explanation is added as GM following the alternative text proposal suggested.

comment

61

comment by: FABCE NSA CC

In some cases it would be difficult to follow this requirement especially for training organization providing Basic Training only. For Basic training phase it would be beneficial to have possibility to use "certified personnel" (other than licensed STDI) for providing essential practical instructions (speed, heading, vectoring, phraseology, altitude, coordination, separation, )

Based on FAB CE National Supervisory Authorities Coordination Committee (NSA CC) mutual agreement we suggest incorporating text, as follows:

**“STDI endorsement can be substituted by “certificate” issued by ATO (Approved Training Organization) for persons providing practical instructions with using PTT and/or STD during Basic Training only. This internal procedure is part of management system of ATO and competent authority approval for such procedure is required”**

response *Not accepted*

The novelty of the STDI endorsement is exactly the introduction of a category of certified personnel which is not required to hold a valid ATCO licence. Regarding, however, the process to obtain such certificate, Article 8c(8) of the Basic Regulation clearly requires that the person demonstrate compliance with the rules established to ensure compliance with the relevant essential requirements, meaning to comply with the common rules.

Another favourable consequence of this approach is the mutual recognition of the endorsement which is, however, only possible if the underlying requirements are harmonised in order to ensure the required level of mutual trust in the system.

The approach suggested by the comment would result in ‘certificates’ issued based on diverse requirements across the Member States, irrespective of the fact whether there is a competent authority approval attached to the underlying procedure.

For these reasons the comment is not accepted.

comment 62

comment by: LPS SR

<p><b>Article 3 Definitions 1</b></p>	<p><del>abnormal</del> <b>unusual</b> situation’ means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills.</p>	<p>According to CCC, which refers to unusual situations, it should be better to use accepted and known term.</p>
---	---	--

response *Partially accepted*

The essential requirement in paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term ‘abnormal’ is used in the subject Implementing Rule. As regards the original proposal, the Agency considered it to be explicit that the rather wide definition proposed for ‘abnormal situation’ (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation

includes unusual and degraded situations, and at the same time maintain consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:  
 'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.  
 At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment

63

comment by: LPS SR

**Article 3  
Definitions  
5**

Assessment means an evaluation of the skills required for the issue, revalidation and renewal of a license, rating and/or endorsement

Proposed definition clarifies the difference between the event of a decision and the whole training process with the checks on daily basis.

response

Accepted

The definition at Implementing Rule level is amended to take into account the proposed clarification.  
 Further explanation is added as GM following the alternative text proposal suggested by other commentators.

comment

64

comment by: LPS SR

**Article 3  
Definitions  
14**

'Part task trainer (PTT)' means a synthetic training device in which the operation (function) to be learnt is divided into separate tasks each of which may be taught and practiced separately or together in a subset of tasks in supervised or unsupervised exercises.

Proposed definition brings more clarity.

response

Partially accepted

The spirit of the proposal is accepted, even though the proposed wording is not fully taken into account. The proposed definition is based on the existing EUROCONTROL definition which is considered to be widely accepted.

comment

65

comment by: LPS SR

**Article 3  
Definitions  
8**

'emergency situation' means a serious, unexpected and dangerous situation requiring immediate actions

ICAO and Eurocontrol definitions do not consider emergency situation as unexpected. These definitions are accepted. Any situation may develop into an emergency and therefore it is expected, but still it is an emergency.

response

Accepted

comment

68

comment by: LPS SR

New definition can be introduced in regard of general comment/proposal.

Practical Training – means all training in Rating and Unit Training executed either on the job in an operational position or training using simulator aiming to teach the competences relevant for an ATCO that are of a full task integrated nature.

Theoretical Training – means the acquisition of knowledge by instruction and exercises. STD can be used in theoretical training to enhance knowledge and understanding of the student or to train specific basic skills of an ATCO (e.g. System behavior, Human factors, Phraseology, Vectoring, Speed, Rates, etc).

Explanatory: It should be considered that training itself consists from theoretical and practical parts, which are not separated in any way. The importance is in understanding that individuals learn in different ways, by different means and using various tools, especially nowadays, when technical progress brings many possibilities to enhance efficiency in ATCO training and by using best practice and modern training philosophy we are able to provide quality and comprehensive training and meets SES requirements as well.

Basic (practical) skill training – means part task training of basic skills in a generic and safe learning environment with low complexity.

Complex (practical) skill training – means full task integrated training of competences in a specific real-life environment with high complexity.

Explanatory: The proposal of these two definitions shows the difference between basic skills and complex skills in practical training. Basic skills are taught on STDs in fictitious environment and it is not operational related, safety is not affected in any way.

response

Not accepted

With reference to the ATCO Common Core Content Initial Training and its transposition to EU law by means of this draft Regulation and its associated AMC and GM it is clear that the objectives at taxonomy level 3 or higher are of practical nature and require, with the exception of the subject Air Traffic Management Basic (ATMB), the use of practical training method. The suggested definitions do not take this into account and cannot therefore be accepted. Moreover, the Agency believes that there is sufficient guidance in the training requirements, as well as regarding the privileges of instructors, and there is no further need for additional definitions.

comment

187

comment by: Finnish Transport Safety Agency

14. 'part-task trainer (PTT)' means a synthetic training device to practise some operational functions independently from other functions which are not represented there, although they are necessarily associated to the first operational functions in the operational task;

23. 'synthetic training device instructor (STDI) endorsement' means the authorisation entered on and forming part of a licence, indicating the competence of the holder to give instruction on synthetic training devices;

24. 'synthetic training device' means any type of device by which operational conditions are simulated; these include simulators and part-task trainers;

Comment: Including part task trainers in the definition of synthetic training devices makes the requirement for STDI endorsement too strict.

Alternative proposal: Exclude PTT from STD definition or change the text in ATCO.C.030 Synthetic training device instructor (STDI) privileges:

(a) Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills during initial training, provided that the STDI has successfully completed approved assessor training.

response

Partially accepted

The use of the STD does not prejudge whether the training is considered theoretical or practical. It is the nature of the training which provides the decisive aspect as to whether there is a need to involve STDIs. Furthermore, the privileges of the STDI endorsement are reformulated in order to clarify that it authorises to provide practical training on simulators and part-task trainers for subjects of practical nature during initial training, and for unit training other than OJT, as well as for continuation training.

comment

211

comment by: skyguide Corporate Regulation Management

**Article**

**3**

**Definitions**

**1**

'~~abnormal~~ unusual situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills.

The CCC refers to unusual situations. This is the accepted term, so we do not see why the vocabulary should change.

~~These may include:~~

~~(a) circumstances arising from human error or violation of rules affecting the quality of service provided;~~

~~(b) serious weather or volcanic perturbations; and~~

~~(c) technical system failures or malfunctions~~ As these are examples, they should be in GM, not at IR level.

#### **Definitions 2,4 and Art.6**

acceptable means of compliance (AMC)' means non-binding standards adopted by the Agency to illustrate means to establish compliance with the Basic Regulation and its Implementing Rules;

'alternative means of compliance' means an alternative to an existing AMC or a new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency.

**Comment:** As these terms will be generic to many IRs, it would be better to define them in a generic or over-arching regulation covering all the IRs that will be using them. This will avoid discrepancies with other regulations, it is suggested to remove the provisions that are repeated in many IRs from the individual level and put them in an over-arching regulation. This will then lend clarity to the regulation and the its structure, avoid discrepancies and thereby also the risk of having one entity obliged to comply with different sets of requirements for the same thing, as this entity could be certified for different aspects of its activities (e.g. ANSP and training organisation).

#### **Definitions 5**

~~Assessment means an evaluation of the skills required for the issue, revalidation and renewal of a licence, rating and / or endorsement~~

Assessment means the decision, based on an approved procedure, leading to the issue, renewal or revalidation of a licence, rating and / or endorsement.

In order to allow for different processes to asses – dedicated and continuous – for example, we would prefer these definitions. This also allows for clarity in the distinction between the event of a decision and the whole training process where daily judgement on the student / trainee's performance is being performed.

response *Partially accepted*

#### Definition 1

The essential requirement in paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered it to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintain consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed

automatic skills, including degraded situations.  
 At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.  
 Definitions 2, 4 and Article 6  
 Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.  
 Definition 5  
 The definition at Implementing Rule level is amended to take into account the proposed clarification. Further explanation is added as GM following the alternative text proposal suggested.

comment	<p>212</p> <p>comment by: <i>skyguide Corporate Regulation Management</i></p> <p><b>Article 3</b>  <b>Definitions 7</b>                  'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and/or behavioural reactions in an individual following an event or incident;                  The behavioural changes, and the psychological and physical reactions which a person experiences after a critical incident. These reactions are normal reactions to an abnormal event.                  The manifestation of critical incident stress could be any or all of the reactions, not only all of them. And ECTL has already defined CIS in Critical Incident Stress Management User Implementation Guidelines, p.21. there remains the question of the inclusion of accidents in this definition.  <b>Definitions 8</b>                  emergency situation' means a serious, unexpected and dangerous situation requiring immediate actions.                  A situation may develop into an emergency and therefore be expected and still be an emergency. See also ICAO and ECTL definitions.  <b>Definitions 9</b>                  'examination' means a formalised test that evaluates the depth of a person's knowledge and understanding                  Suggest to delete "the depth" as this will introduce a new notion that is not used elsewhere in the regulation, or else need to be defined  <b>Definitions 14</b>                  part task trainer (PTT)' means a synthetic training device to practise some operational functions independently from other functions which are not represented there, although they are necessarily associated to the first operational functions in the operational task.                  'Part task trainer (PTT)' means a synthetic training device in which the operation (function) to be learnt is divided into separate tasks each of which may be taught and practised separately or together in a subset of tasks in supervised or unsupervised exercisesNeeds to be re-worded for clarity and to allow for using the PTT for more than one task at a time.</p>
response	<p><i>Partially accepted</i></p> <p>Definition 7): The EUROCONTROL CISM User Implementation Manual does not</p>



provide a definition for CIS, but only one for 'Critical Incident', i.e.:  
 'A critical incident is any situation that causes a person to experience unusually strong stress reactions that the person perceives as disturbing or disabling.'  
 This definition does not differentiate between incidents, accidents and occurrences, as it is not focused on aviation activities but refers to 'situations'.  
 Definition 8): Accepted.  
 Definition 9): Accepted.  
 Definition 14): The spirit of the proposal is accepted, even though the proposed wording is not fully taken into account. The proposed definition is based on the existing EUROCONTROL definition which is considered to be widely accepted.

comment

213

comment by: skyguide Corporate Regulation Management

**Article 3****Definitions 17**

'psychoactive substance' means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded.

Very good to keep "caffeine" rather than coffee.

**Definitions 19**

'renewal' '~~revalidation~~' means the administrative act taken after a rating, endorsement or certificate has ~~lapsed~~ **expired** that renews the privileges of the rating, endorsement or certificate for a further specified period subject to the fulfilment of specified requirements;

The word "expired" is in line with the vocabulary used throughout the NPA.

**Definitions 20**

'~~revalidation~~' '**renewal**' means the administrative act taken within the period of validity of a rating, endorsement or certificate that allows the holder to continue to exercise the privileges of a rating, endorsement or certificate for a further specified period subject to the fulfilment of specified requirements;

Keep the existing definition of renewal and revalidation according to Eurocontrol: sub paragraph 19 is a revalidation and 20 a renewal.

**Definitions 22**

simulator' means a synthetic training device that presents the important features of the ~~real situation~~ **real operational environment** and reproduces the operational conditions under which the person undertaking training can practice ~~real-time~~ tasks directly

Real operational environment, rather than real situation We do not need "real time" as it is not defined in relation to what.

**Definitions****23**

'synthetic training device instructor (STDI) endorsement' means the authorisation entered on and forming part of a licence, indicating the competence of the holder to give instruction on synthetic training devices; Although the BR calls for STDs, it does not require STDI endorsements. This will cause quite a lot of extra administrative work. It should be sufficient to say that anyone instructing on an STD has to have at least held a licence (i.e. BR annex Vb)

See also subpart C

**Definitions 25** 'training course' means theoretical and/or practical instruction developed within a structured framework and delivered within a defined ~~period of time~~ **duration**.

Course is a term used in the BR solely for purposes of aligning the ATM / ANS part with the pilot part. However, historically (up until 805) it has always been

	<p>the plans (UTP, ITP) that have been approved by the CA. It would make more sense to define a course as a plan and leave the current structure. The introduction of a new term and concept will increase cost, workload and decrease efficiency for no added safety benefit. Period of time is not defined Same comment throughout the docum</p>
response	<p><i>Partially accepted</i></p> <p>Definiton 17): Accepted.                  Definition 19 and 20): Not accepted. The definitions, as proposed, follow the well established examples of other aviation domains and those terms are already in use with the same meaning in Regulation (EU) No 805/2011.                  Definition 22): Not accepted as it is not in line with other views on the subject. The proposed definition is based on the existing EUROCONTROL definion which is considered to be widely accepted.                  Definition 23): Noted. The requirements to acquire the STDI endorsement and its privileges are adapted according to the comments received on the subject.                  Definiton 25): Accepted.</p>

comment	<p>216 <i>comment by: skyguide Corporate Regulation Management</i></p>
	<p><b>Article 3</b>  <b>Definitions 27</b>  <del>Unit Competence Scheme' means an approved scheme indicating the method by which the ATC unit maintains the competence of its licence holders</del>                  Competence scheme means an approved scheme indicating the method by which the competence of the licence holder is maintained.                  It would be better to have competence scheme (structure) for all competence (ATCO and STDI, OJTI, assessor) rather than separating the competence requirements.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency accepts the comment insofar as that the proposed definition is inappropriate. Furthermore, the Agency agrees with another comment on the subject that the purpose of and the requirements relevant to the unit competence scheme are clearly defined in the normative provisions, in ATCO.B.025, which go clearly beyond a 'method' for maintaining the competence of licence holders. Based on these considerations, and for consistency reasons, this definition is deleted.</p>

comment	<p>217 <i>comment by: skyguide Corporate Regulation Management</i></p>
	<p><b>Article 3</b>  <b>Definitions xx</b>                  Add definition of working position                  Working position                  Add definition of "operational training"                  Operational training summarizes all training activities conducted at operational positions in ATC units involving live traffic. The term operational training is used in several requirements</p>

response	<p><i>Not accepted</i></p> <p>Working position: Following the changes made throughout the draft with regard to the privileges of the unit endorsement, as well as in the context of the TWR rating endorsement, such definition is not considered necessary.</p> <p>Operational training: The term 'operational training' is not found in the Implementing Rule.</p>		
comment	<p>236                      comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>CANSO proposes to replace the definition of 'assessment', Article 3 (5) by <u>one of the following options</u>:  <i>Assessment means an evaluation of the skills required for the issue, revalidation and renewal of a licence, rating and / or endorsement.</i>  <i>Assessment means the decision, based on an approved procedure, leading to the issue, renewal or revalidation of a licence, rating and / or endorsement.</i>  These definitions allow for different processes to assess (including continuous assessment and dedicated assessment) and clarify the distinction of the event of a decision and the whole training process with the daily judgements on the applicant's performance.</p>		
response	<p><i>Accepted</i></p> <p>The definition at Implementing Rule level is amended to take into account the proposed clarification. Further explanation is added as GM following the alternative text proposal suggested by other commentators.</p>		
comment	<p>237                      comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>CANSO proposes the following change to the definition of 'critical incident stress' in Article 3 (7):  <i>'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and/or behavioural reactions in an individual following an event or incident;</i>  The manifestation of critical incident stress could be any or all of the reactions, not only all of them.</p>		
response	<p><i>Accepted</i></p>		
comment	<p>238                      comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>CANSO proposes the following changes to the definition of 'unusual situation', article 3 (1):</p> <table border="1" data-bbox="359 1960 1444 2038"> <tr> <td data-bbox="359 1960 997 2038"><i>'<del>abnormal</del> unusual situation' means circumstances which are neither routinely nor</i></td> <td data-bbox="997 1960 1444 2038">The CCC refers to unusual situations. This is the accepted</td> </tr> </table>	<i>'<del>abnormal</del> unusual situation' means circumstances which are neither routinely nor</i>	The CCC refers to unusual situations. This is the accepted
<i>'<del>abnormal</del> unusual situation' means circumstances which are neither routinely nor</i>	The CCC refers to unusual situations. This is the accepted		

<p><i>commonly experienced and for which an air traffic controller has not developed automatic skills.</i></p>	<p>term, so we do not see why the vocabulary should change.</p>
<p><del><i>These may include: (a) circumstances arising from human error or violation of rules affecting the quality of service provided; (b) serious weather or volcanic perturbations; and (c) technical system failures or malfunctions</i></del></p>	<p>As these are examples, they should be in GM, not at IR level.</p>

response *Partially accepted*

The essential requirement in paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).  
With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintain consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:  
'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.  
At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment 242

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to the definition of 'emergency situation', in Article 3 (8):  
'*emergency situation*' means a serious, ~~unexpected~~ and dangerous situation requiring immediate actions  
A situation may develop into and emergency and therefore be expected and still be an emergency. See also ICAO and ECTL definitions.

response *Accepted*

comment	<p>243 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span></p> <p>With regards to the definition of 'accepted means of compliance' {Article 3 (2)} and to the definition of 'alternative means of compliance' {Article 3 (4)}, CANSO considers more appropriate to define them in a generic regulation covering all the IRs that will be using them as these terms will be generic to many IRs. The comment is also valid with regards to Article 6.</p>
response	<p><i>Noted</i></p> <p>Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.</p>
comment	<p>245 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span></p> <p>With regards to the definition of 'ICAO location indicator' {Article 3 (10)}, CANSO considers appropriate to define them in a generic regulation covering all the IRs that will be using them as these terms will be generic to many IRs.</p>
response	<p><i>Noted</i></p> <p>Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.</p>
comment	<p>247 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span></p> <p>CANSO proposes the following text to <u>replace</u> the definition of 'Part Task Trainer' in Article 3 (14): <i>'Part task trainer (PTT)' means a synthetic training device in which the operation (function) to be learnt is divided into separate tasks each of which may be taught and practised separately or together in a subset of tasks in supervised or unsupervised exercises.</i> This definition has been adapted to lend more clarity and to cater for using the PTT for more than one task at a time.</p>
response	<p><i>Partially accepted</i></p> <p>The spirit of the proposal is accepted, even though the proposed wording is not fully taken into account. The proposed definition is based on the already existing EUROCONTROL definition which is considered to be widely accepted.</p>

comment	<p>248 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span></p> <p>CANSO proposes to add one definition in Article 3 on 'working position' which would be helpful.</p>
response	<p><i>Not accepted</i></p> <p>Following the changes made throughout the draft with regard to the privileges of the unit endorsement, as well as in the context of the TWR rating endorsement, such definition is not considered necessary.</p>
comment	<p>369 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>This Article does not refer to any other definitions in other regulation. As such some terms that are used are undefined, e.g. 'air traffic control service'. Suggested resolution, add:  <b>'For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 549/2004 and Article 3 of Regulation (EC) No 216/2008 apply.'</b>  Exempt any definitions that do not apply or have a different meaning.</p>
response	<p><i>Partially accepted</i></p> <p>The definition of 'air traffic control service' as in Regulation (EC) No 549/2004 is inserted in Article 3.</p>
comment	<p>370 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Article 3 Definitions 2.  Use of the term 'Basic Regulation is undefined and the convention is to use the Regulation number itself.  Amend to:  <b>'acceptable means of compliance (AMC)' means non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules;'</b></p>
response	<p><i>Accepted</i></p>
comment	<p>371 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Article 3.5.  Assessment is defined as an evaluation of practical skills. During training practical Instructors make an evaluation of a trainee's practical skills on a daily basis and write reports accordingly, but this is not an assessment as meant by these proposed regulations. An assessment with regard to the proposed regulations is where a stop/go decision is made whether to continue training or not (e.g. an interim assessment) or a pass/fail decision on whether a candidate</p>

	<p>is qualified or not (e.g. Unit Endorsement assessment). The impact of this is that some stakeholders will interpret the definition to mean that OJTIs will need to be trained to be assessors because OJTIs make an evaluation on practical skills every time they train an individual.</p> <p>Suggested resolution: It must be made clear in the definition that an assessment results in a specific outcome for a particular phase of practical training, either interim or final. Suggested wording for Article 3.5:</p> <p><b>‘assessment’ means an evaluation of the practical skills, including behaviour and the practical application of knowledge and understanding being demonstrated by the person undertaking training to determine a specific outcome for a phase or module of practical training’.</b></p>
response	<p><i>Accepted</i></p> <p>The definition at Implementing Rule level is amended to take into account the proposed clarification.</p> <p>Further explanation is added as GM following the alternative text proposal suggested.</p>
comment	<p>372 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Article 3.6.</p> <p>Comments as per those against article 3.5. The suggested resolution to this is that it must be made clear in the definition that an ‘assessor endorsement’ entitles the holder to assess practical skills to determine a specific outcome for a particular phase of practical training, either interim or final. Suggested wording for Article 3.6:</p> <p><b>‘assessor endorsement’ means the authorisation entered on and forming part of the licence, indicating the competence of the holder to assess student air traffic controller’s and air traffic controller’s practical skills to determine a specific outcome for a phase or module of practical training’.</b></p>
response	<p><i>Not accepted</i></p> <p>With the amendment of the definition of ‘assessment’ the meaning of assessor endorsement is considered to be clear without further modification.</p>
comment	<p>415 <span style="float: right;">comment by: <i>CAA-NL</i></span></p> <p><a href="#">Article 3(5) Assessment</a></p> <p>COMMENTS: Lack of clarity between dedicated assessments and continuous assessment.</p> <p>JUSTIFICATION: In addition, an assessment may be conducted at any time if there is a need to evaluate an individual’s skills etc. ‘assessment’ means an evaluation of the practical skills leading to the issue, revalidation and/or renewal of the license and / or endorsement(s), including behavior and the practical application of knowledge and understanding being demonstrated by the person undertaking training.</p>

response

ALTERNATIVE PROPOSAL: Formative evaluation of practical skills during training should not be considered to be an assessment.

*Accepted*

The definition at Implementing Rule level is amended to take into account the proposed clarification.  
Further explanation is added as GM following the alternative text proposal suggested.

comment

444

comment by: *HungaroControl*

**Article 3 Definitions 1:**

'~~abnormal~~ **unusual** situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills

The CCC refers to unusual situations. This is the accepted term.

response

*Partially accepted*

The essential requirement in paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintain consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment

445

comment by: *HungaroControl*

Article 3 Definitions 1:

~~These may include:~~

~~(a) circumstances arising from human error or violation of rules affecting the quality of service provided;~~

~~(b) serious weather or volcanic perturbations; and~~

~~(c) technical system failures or malfunctions~~



response	<p>These are examples so they should be in GM.</p> <p><i>Accepted</i></p>
comment	<p>446 <span style="float: right;">comment by: HungaroControl</span></p> <p>ATCO (B.I) Article3 Definitions3.:          'air traffic control (ATC) unit' means a generic term meaning variously area control centre, approach control unit or aerodrome control tower; or <b>combined</b>          There are some units where the aerodrome unit is combined with APP.</p>
response	<p><i>Partially accepted</i></p> <p>The text of this definition is amended and aligned with the definition contained in Commission Implementing Regulation (EU) No 923/2012 on SERA. Inserting a comma after the term 'variously' clarifies that it applies to all three units and to any variation or combination thereof. Further amendment of the text is not considered appropriate as it would result in discrepancy compared to the definition of the same term in other regulations.</p>
comment	<p>447 <span style="float: right;">comment by: HungaroControl</span></p> <p>Article 3 Definitions 2 and 4          And article 6:          As these terms will be generic to many IRs, it would be better to define them in a generic regulation covering all the IRs that will be using them.</p>
response	<p><i>Noted</i></p> <p>Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.</p>
comment	<p>449 <span style="float: right;">comment by: HungaroControl</span></p> <p><b>Article 3 Definitions 10:</b>  <b>As these terms will be generic to many IRs, it would be better to define them in a generic regulation covering all the IRs that will be using them.</b></p>
response	<p><i>Noted</i></p> <p>Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States,</p>

there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.

comment 450 comment by: HungaroControl

Article 3 Definitions 14:  
This definition has been adapted to lend more clarity and to cater for using the PTT for more than one task at a time.

response *Accepted*

The proposed definition is based on the existing EUROCONTROL definition which is considered to be widely accepted.

comment 451 comment by: HungaroControl

Article 3 Definitions 2:  
'emergency situation' means a serious, ~~unexpected~~ and dangerous situation requiring immediate actions  
A situation may develop into an emergency and therefore be expected and still be an emergency. See also ICAO and ECTL definitions.

response *Accepted*

comment 518 comment by: HungaroControl

Article 3 Definitions 29:  
Working position  
The definition of working position would be required.

response *Not accepted*

Following the changes made throughout the draft with regard to the privileges of the unit endorsement, as well as in the context of the TWR rating endorsement, such definition is not considered necessary.

comment 536 comment by: Maastricht UAC

Article 3(8) emergency situation  
A situation may develop into an emergency and therefore be expected and yet still be an emergency. See also ICAO and EUROCONTROL definitions.  
Proposed text: 'emergency situation' means a serious, unexpected and dangerous situation requiring immediate actions

response	<p><i>Accepted</i></p> <p>The Agency understands that the commentator intended to propose the deletion of the word 'unexpected' from the definition of emergency situation.</p>
comment	<p>537 <span style="float: right;">comment by: <i>Maastricht UAC</i></span></p> <p>Article 3(5) Assessment There is a lack of clarity between dedicated assessments and continuous assessment. In addition, Assessment is not predicated by the conduct of training, an assessment may be conducted at any time if there is a needed to evaluate an individual's skills etc. Proposed text: 'assessment' means an evaluation of the practical skills leading to the issue, revalidation and/or renewal of the licence and / or endorsement(s), including behaviour and the practical application of knowledge and understanding being demonstrated by the person undertaking training. Formative evaluation of practical skills during training may not be considered to be an assessment.</p>
response	<p><i>Accepted</i></p> <p>The definition at Implementing Rule level is amended to take into account the proposed clarification. Further explanation is added as GM following the alternative text proposal suggested.</p>
comment	<p>538 <span style="float: right;">comment by: <i>Maastricht UAC</i></span></p> <p>Article 3(6) Assessor endorsement Due to the proposed definitions of assessment and theoretical vs. practical training there could be an interpretation that even continuous assessment of students would require an assessor endorsement. OJTIs are already given training in assessment skills and practice this when performing continuous assessment on students. Requiring a separate assessor endorsement for this is a costly and unnecessary exercise. Proposed text: add at the end of (6) ...for the purpose of issuing, revalidating and/or renewing a licence and/or unit endorsement</p>
response	<p><i>Not accepted</i></p> <p>With the amendment of the definition of 'assessment' the meaning of the assessor endorsement is considered to be clear without further modification.</p>
comment	<p>539 <span style="float: right;">comment by: <i>Maastricht UAC</i></span></p> <p>Article 3(7) critical incident stress The manifestation of critical incident stress could be any or all of the reactions, not only all of them.</p>

	Proposed text: 'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and/or behavioural reactions in an individual following an event or incident;
response	<i>Accepted</i>

comment 540 comment by: Maastricht UAC

Article 3(13) OJTI endorsement  
It is important for MUAC to be able to allow an OJTI to evaluate the skills of a student in training  
Proposed text: add at the end of (13) ...and to evaluate practical skills during training

response *Not accepted*

The definition of 'assessment' is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.

comment 541 comment by: Maastricht UAC

Article 3 (14) Part Task Trainer  
Requires rephrasing.  
Refer to EUROCONTROL doc. "Guidance for developing ATCO Basic Training Plans" Ed 2.0. December 2010.  
Proposed text: 'part task trainer (PTT)' a device to provide training for specific and selected operational tasks without requiring the learner to practice all of the tasks which are normally associated with a fully operational environment.

response *Accepted*

comment 542 comment by: Maastricht UAC

Article 3 (23) STDI endorsement  
It is important for MUAC to be able to allow an STDI to evaluate the skills of a student in training  
Proposed text: add at the end of (13) ...and to evaluate practical skills during training

response *Not accepted*

The definition of 'assessment' is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.

comment	<p>545</p> <p style="text-align: right;">comment by: <i>Maastricht UAC</i></p> <p>Article 3 (24) Synthetic Training Device                  Classing PTT as an STD requires an endorsement to instruct on a PTT and so places a burden on a training organisation that is not necessary.                  Remove PTT from the definition.</p>
response	<p><i>Not accepted</i></p> <p>The use of the STD does not prejudge whether the training is considered theoretical or practical. It is the nature of the training which provides the decisive aspect as to whether there is a need to involve STDIs. Furthermore, the privileges of the STDI endorsement are reformulated in order to clarify that it authorises to provide practical training on simulators and part-task trainers for subjects of practical nature during initial training, and for unit training other than OJT, as well as for continuation training. Following these changes no limitation for the scope of the STD definition is considered necessary.</p>

comment	<p>555</p> <p style="text-align: right;">comment by: <i>Maastricht UAC Training Organisation</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left; padding: 5px;"><u>Paragraph identification:</u></th> <th style="text-align: left; padding: 5px;"><u>Justification:</u></th> <th style="text-align: left; padding: 5px;"><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <p><b>Article 3(8)</b> emergency situation</p> </td> <td style="padding: 5px;"> <p>A situation may <u>develop</u> into an emergency and therefore be expected and yet still be an emergency. See also ICAO and EUROCONTROL definitions.</p> </td> <td style="padding: 5px;"> <p><b>Proposed text:</b> ‘emergency situation’ means a serious, <del>unexpected</del> and dangerous situation requiring immediate actions</p> </td> </tr> </tbody> </table>	<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	<p><b>Article 3(8)</b> emergency situation</p>	<p>A situation may <u>develop</u> into an emergency and therefore be expected and yet still be an emergency. See also ICAO and EUROCONTROL definitions.</p>	<p><b>Proposed text:</b> ‘emergency situation’ means a serious, <del>unexpected</del> and dangerous situation requiring immediate actions</p>
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>					
<p><b>Article 3(8)</b> emergency situation</p>	<p>A situation may <u>develop</u> into an emergency and therefore be expected and yet still be an emergency. See also ICAO and EUROCONTROL definitions.</p>	<p><b>Proposed text:</b> ‘emergency situation’ means a serious, <del>unexpected</del> and dangerous situation requiring immediate actions</p>					
response	<p><i>Accepted</i></p>						

comment	<p>558</p> <p style="text-align: right;">comment by: <i>Maastricht UAC Training Organisation</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left; padding: 5px;"><u>Paragraph identification:</u></th> <th style="text-align: left; padding: 5px;"><u>Justification:</u></th> <th style="text-align: left; padding: 5px;"><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <p><b>Article 3(5)</b> Assessment</p> </td> <td style="padding: 5px;"> <p>There is a lack of clarity between dedicated assessments and continuous</p> </td> <td style="padding: 5px;"> <p><b>Proposed text:</b> ‘assessment’ means an evaluation of the practical skills leading to the issue, revalidation and/or renewal</p> </td> </tr> </tbody> </table>	<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	<p><b>Article 3(5)</b> Assessment</p>	<p>There is a lack of clarity between dedicated assessments and continuous</p>	<p><b>Proposed text:</b> ‘assessment’ means an evaluation of the practical skills leading to the issue, revalidation and/or renewal</p>
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>					
<p><b>Article 3(5)</b> Assessment</p>	<p>There is a lack of clarity between dedicated assessments and continuous</p>	<p><b>Proposed text:</b> ‘assessment’ means an evaluation of the practical skills leading to the issue, revalidation and/or renewal</p>					

	<p>assessment. In addition, Assessment is not predicated by the conduct of training, an assessment may be conducted at any time if there is a needed to evaluate an individual's skills etc.</p>	<p>of the licence and / or endorsement(s), including behaviour and the practical application of knowledge and understanding <del>being demonstrated by the person undertaking training.</del> Formative evaluation of practical skills during training may not be considered to be an assessment.</p>
--	--	---

response *Accepted*

The definition at Implementing Rule level is amended to take into account the proposed clarification.  
Further explanation is added as GM following the alternative text proposal suggested.

comment 559

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<p><b>Article 3(6)</b> Assessor endorsement</p>	<p>Due to the proposed definitions of assessment and theoretical vs. practical training there could be an interpretation that even continuous assessment of students would require an assessor endorsement. OJTs are already given training in assessment skills and practice this when performing continuous assessment on students. Requiring a separate assessor endorsement for this is a costly and unnecessary exercise.</p>	<p><b>Proposed text:</b> add at the end of (6) ...for the purpose of issuing, revalidating and/or renewing a licence and/or unit endorsement</p>

response *Not accepted*

With the amendment of the definition of 'assessment' the meaning of the assessor endorsement is considered to be clear without further modification.

comment 560

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<b>Article 3(7)</b> critical incident stress	The manifestation of critical incident stress could be any or all of the reactions, not only <u>all</u> of them.	<b>Proposed text:</b> 'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and/or behavioural reactions in an individual following an event or incident;

response *Accepted*

comment 561

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<b>Article 3(13)</b> OJTI endorsement	It is important for MUAC to be able to allow an OJTI to evaluate the skills of a student in training	<b>Proposed text:</b> add at the end of (13) ...and to evaluate practical skills during training

response *Not accepted*

The definition of 'assessment' is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.

comment 563 comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
Article 3 (14) Part Task Trainer	Requires rephrasing. Refer to EUROCONTROL doc. "Guidance for developing ATCO Basic Training Plans" Ed 2.0. December 2010.	<b>Proposed text:</b> 'part task trainer (PTT)' a device to provide training for specific and selected operational tasks without requiring the learner to practice all of the tasks which are normally associated with a fully operational environment.

response *Accepted*

comment 565 comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
Article 3 (23) STDI endorsement	It is important for MUAC to be able to allow an STDI to evaluate the skills of a student in training	<b>Proposed text:</b> add at the end of (13) ...and to evaluate practical skills during training

response *Not accepted*

The definition of 'assessment' is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.

comment 573 comment by: DFS Deutsche Flugsicherung GmbH



Article 3 1.  
 1. abnormal situation should be re-phrased as “unusual situation”. This is the accepted term and referred by the CCC. Do not change vocabulary.

response *Partially accepted*

The essential requirement in paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term ‘abnormal’ is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for ‘abnormal situation’ (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).  
 With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintain consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:  
 ‘abnormal situation’ means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.  
 At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment 576 comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<b>Article 3 (24)</b> Synthetic Training Device	Classing PTT as an STD requires an endorsement to instruct on a PTT and so places a burden on a training organisation that is not necessary.	Remove PTT from the definition.

response *Not accepted*

The use of the STD does not prejudice whether the training is considered theoretical or practical. It is the nature of the training which provides the decisive aspect as to whether there is a need to involve STDIs. Furthermore, the privileges of the STDI endorsement are reformulated in order to clarify that it authorises to provide practical training on simulators and part-task trainers

for subjects of practical nature during initial training, and for unit training other than OJT, as well as for continuation training. Following these changes no limitation of the scope of the STD definition is considered necessary.

comment 619

comment by: CAA-NL

As stated in our general comment, various definitions could be deleted as the dictionary mean is sufficient, some specific terms could well be explained in the GM.

response *Noted*

comment 628

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

Paragraph

Explanatory note § 29

Article 3 definitions

Alternative proposal

17. 'psychoactive substance' means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded;

Justification

The proposal of the Agency to exclude caffeine from psychostimulants is accepted.

Coffee is too restrictive and products with caffeine would need to be excluded also.

response *Accepted*

comment 707

comment by: ENAC-FRANCE

13. 'on-the-job training instructor (OJTI) endorsement' means the authorisation entered on and forming part of a licence, indicating the competence of the holder to give on-the-job training instruction and instruction on synthetic training devices;

23. 'synthetic training device instructor (STDI) endorsement' means the authorisation entered on and forming part of a licence, indicating the competence of the holder to give instruction on synthetic training devices;

**Comment:**

To be coherent with **ATCO.C.010 On-the-job training instructor (OJTI) privileges** and **ATCO.C.030 Synthetic training device instructor (STDI) privileges**

**Proposal**

13. 'on-the-job training instructor (OJTI) endorsement' means the authorisation

entered on and forming part of a licence, indicating the competence of the holder to give on-the-job training instruction and instruction on synthetic training devices; and to assess practical skills during initial training.

23. 'synthetic training device instructor (STDI) endorsement' means the authorisation entered on and forming part of a licence, indicating the competence of the holder to give instruction on synthetic training devices; and to assess practical skills during initial training.

response *Not accepted*

The definition of 'assessment' is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.

comment 711 comment by: FABEC

Definitions for 'operational training' and 'practical skills training' should be added.

'practical skills training'  
Practical skills training summarizes all training activities involving methods to build or maintain air traffic control skills designated to execute safety related tasks in air traffic control operations at air traffic controller working positions.

'operational training'  
Operational training summarizes all training activities conducted at operational positions in ATC units involving life traffic.

Both terms are used in several requirements.

response *Not accepted*

The terms proposed to be defined are not found in the Implementing Rule.

comment 722 comment by: HungaroControl

Article 3 Definitions 7:  
'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and or behavioural reactions in an individual following an event or incident;  
It could be any or all of them, not only all of them.

response *Accepted*

comment 727 comment by: UK CAA

**Page No:** 8  
**Paragraph No:** Article 3  
**Comment:** Additional definitions are required for 'medical examination' and 'medical assessment'.

response	<p><b>Justification:</b> Licensing &amp; medical definitions are different.  <b>Proposed Text:</b> Suggest use the definitions in the Aircrew Regulation, PART MED.A.010.</p>
response	<p><i>Noted</i></p> <p>The definitions in question are available in ATCO.MED.010.  The definition in the Aircrew Regulation, MED.A.010, has been changed as published in NPA 2013-15 and presently reads: “‘examination’ means an inspection, palpation, percussion, auscultation or any other means of investigation for determining the medical fitness to exercise the privileges of the licence, or to carry out cabin crew safety duties;”  The word ‘any’ will be added to the definition for ‘examination’ in ATCO.MED.010 in order to align both Regulations.</p>
comment	<p>728 <span style="float: right;">comment by: UK CAA</span></p>
response	<p><b>Page No:</b> 8  <b>Paragraph No:</b> Article 3  <b>Comment:</b> A definition is required for the term ‘Assessor’.  <b>Justification:</b> The term ‘Assessor’ is utilised as a generic term which could cause confusion. It is recommended that a definitive definition is used and another term adopted to distinguish between an Assessor who requires an Assessor endorsement and those who ‘assess’ at initial training, or as an OJTI ‘assessing’ as part of the unit endorsement courses whom do not require an Assessor endorsement.  <b>Proposed Text:</b> Distinguish by being exact using ‘OJTI assessor’ or ‘Initial assessor’. Another option could be an ‘Appraiser’.</p>
response	<p><i>Not accepted</i></p> <p>The definition of ‘assessment’ is now amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. With this change it should be clear that assessor is the person holding an assessor endorsement and entitled to make assessments.</p>
comment	<p>729 <span style="float: right;">comment by: UK CAA</span></p>
response	<p><b>Page No:</b> 9  <b>Paragraph No:</b> Article 3, paragraph 16.  <b>Comment:</b> 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.  <b>Justification:</b> Avoid duplication and/or conflict of rules made in different areas, including medical confidentiality.  <b>Proposed Text:</b> “16. ‘provisional inability’ means a temporary, <b>non-medical</b> state in which the licence holder is prevented from exercising the privileges of the licence when ratings and endorsements are valid;”</p>

response

Accepted

comment

730

comment by: UK CAA

**Page No:** 9**Paragraph No:** Article 3, paragraph 17

**Comment:** Aircrew Regulation Part MED.B.055 (Psychiatry) uses the term 'psychotropic', whereas ICAO and this draft regulation uses 'psychoactive'. The term 'psychoactive' is too narrow and does not include many drugs and substances that should be included within the scope of its usage.

**Justification:** Consistency of terminology is required.

**Proposed Text:**

**'psychotropic includes** alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded;'

Or preferably,

**'psychoactive substance' means any substance (drug, medication or compound) likely to impair the psychomotor performance of the ATCO;'**

response

Not accepted

In ATCO.MED.055(a) reference is made to psychoactive substances, psychotropic is not mentioned. As this is also in line with the ICAO terminology, no change is proposed in this draft. If the commentator considers it necessary, appropriate changes could be proposed for the Aircrew Regulation.

comment

731

comment by: DGA FLIGHT TESTING

'FT ATCO' means an air traffic controller specialized in providing air traffic services to flight tests. They are holders of licence in accordance with Article 1 of the present regulation, with specific rating and endorsements pertaining to flight tests.

response

Partially accepted

The Agency accepts the need for special provisions for ATS providers providing services to aircraft undergoing flight tests, in particular when those flight tests are carried out in shared controlled or non-controlled airspace, which are also specifically addressed in NPA 2013-08; however, the way chosen to accommodate such service providers and their air traffic controllers is different from the proposal received in the comment.

The amended proposal is based on the fact that while most of the existing requirements within the proposed Regulation are applicable the Agency recognises the need for additional requirements, especially in the field of training (more specifically: unit training), which ensure the ability of the air traffic controllers to provide air traffic control services to aircraft carrying out flight tests.

Therefore, the Agency proposes to require such air traffic controllers to meet additional requirements to those of the regular unit endorsement course. To this end specific performance objectives are set out and further details of the

specific training are provided in Guidance Material in order to assist affected ATS providers to establish the necessary training.  
The proposed text is available under ATCO.B.020.

comment

732

comment by: UK CAA

**Page No:** 9**Paragraph No:** Article 3, paragraph 17

**Comment: 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 caffeine containing products and the potential adverse effects of excess use of caffeine. The UK CAA would support a move for the ICAO text to be updated.

**Justification:** Changing the wording of the definition to one that results in a requirement to file a difference with ICAO seems unnecessary.

response

*Not accepted*

Following the result of this consultation, where the majority of stakeholders expressed their clear agreement on the change via this rule, the Agency will take the subsequent actions necessary towards ICAO, as well as for establishing consistency amongst the other EU rules still under consultation or already in force.

comment

750

comment by: HungaroControl

**Article 3** Definitions 2:

'air traffic control (ATC) unit' means a generic term meaning variously area control centre, approach control unit or aerodrome control tower, **or a combination thereof;**

The addition allows for a unit to be a combination of, for example, tower and approach or approach and area control which is common practice in Europe today.

response

*Partially accepted*

The text of this definition is amended and aligned with the definition contained in Commission Implementing Regulation (EU) No 923/2012 on SERA. Inserting a comma after the term 'variously' clarifies that it applies to all three units and any variation or combination thereof. Further amendment of the text is not considered appropriate as it would result in discrepancy compared to the definition of the same term in other regulations.

comment

752

comment by: HungaroControl

**Article 3** Definitions 21:

'sector' means a part of a control area and/or part of a flight information

region/upper region;  
This definition excludes tower and approach, which may be sectors, and the definition should be revised.

response *Not accepted*

The definition does not exclude tower and approach as it refers to control area, which includes the above categories.

comment 780 comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b>Article 3</b>	part-task trainer (PTT)' means a synthetic training device to practise some operational functions independently from other functions which are not represented there, although they are necessarily associated to the first operational functions in the operational task;	A more understandable definition would be welcome
<b>Article 3</b>	Validation: process by which, through the accomplishment of a unit endorsement associated to a rating or a rating endorsement, the associated rating or rating endorsement becomes validated for the first time since it was included in the licence.	A definition for "validation" would be welcome. We propose this one in the knowledge that it could be improved.
		<p>Include definition of validity, linked to what the licence says (appendix I)</p> <p>The privileges of the licence <b>unit endorsement</b> shall be exercised only if the holder has a valid medical certificate for the required privilege, <del>except when only STD privileges are exercised.</del></p> <p>ATCO.C.001 considers the licence a qualification for theoretical training. It should also be noted that no medical certificate is needed, neither for that or for delivering any other</p>

		training other than OJT. Therefore, the best considered solution is to say “the privileges of the unit endorsement...”
<b>Article 3</b>	‘training course’ means theoretical and/or practical instruction developed within a structured framework and delivered <del>within a defined period of time</del> according a timeframe previously defined.	The proposed definition could lead to misunderstanding, considering that training should be delivered taking into account dates, instead of duration of the training.

response *Partially accepted*

Part-task trainer: the definition is amended to take into account the comments received. The proposed definition is based on the already existing EUROCONTROL definition which is considered to be widely accepted.  
 Validation: the proposed definition is considered.  
 Training course: the idea behind the comment is accepted, even though another term is used in the amended definition.

comment **815** comment by: *NATS National Air Traffic Services Limited*

Article 3 Definitions 17

NATS fully supports the Agency’s proposal to amend the definition of psychoactive substances to exclude caffeine from psychostimulants as referred to in paragraph 29 of the Explanatory Note. This definition permits the drinking of tea and various soft drinks which would otherwise be illegal if only ‘coffee’ is excluded.

response *Accepted*

comment **816** comment by: *NATS National Air Traffic Services Limited*

Article 3 Definitions 22

This definition is too prescriptive, especially for simulators in initial training which may feed trainees into more than one operation, with different conditions  
 Suggested amendment:  
**“simulator’ means a synthetic training device that presents the**



	<b>important features of the real situation and reproduces the principles of the operational conditions or the actual operational conditions under which the person undertaking training can practice real-time tasks directly;'</b>
response	<i>Not accepted</i>
	Not accepted as it is not in line with other views on the subject. The proposed definition is based on the already existing EUROCONTROL definition which is considered to be widely accepted.

comment	817 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span>
	Article 3 Definitions 23 and 24
	Typographical error.
	The definitions are out of alphabetical sequence. Suggest swapping the positions of definitions 23 and 24.
response	<i>Accepted</i>

comment	869 <span style="float: right;">comment by: <i>swissatca</i></span>
	Definition 7: Critical incident stress reaction could be one, several or all of the reactions.
	Accidents should be included there as well.
response	<i>Accepted</i>
	According to the EUROCONTROL CISM User Implementation Manual 'critical incident is any situation that causes a person to experience unusually strong stress reactions that the person perceives as disturbing or disabling'.
	This definition does not differentiate between incident, accident and occurrence, as it is not focused on aviation activities but refers to 'situations'. Therefore, the reference to 'incident' is deleted so that the definition only refers to 'an event'.

comment	888 <span style="float: right;">comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></span>
	Art. 3(17) <b>SINCTA</b> agrees on the change to amend the definition of psychoactive

	substances to exclude caffeine from psychostimulants.
response	Accepted

comment	939 <span style="float: right;">comment by: ATCEUC- Air Traffic Controllers European Unions Coordination</span>
	<p><b>Regulation Art.3 (17)</b></p> <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><b>ATCEUC</b> agrees on the change to amend the definition of psychoactive substances to exclude caffeine from psychostimulants</p>
response	Accepted

comment	999 <span style="float: right;">comment by: Belgocontrol Training Centre</span>
	<p>Definition of "assessment";                  Assessment means an evaluation of the skills required for the issue, revalidation and renewal of a licence, rating and / or endorsement                  Assessment means the decision, based on an approved procedure, leading to the issue, renewal or revalidation of a licence, rating and / or endorsement.</p>
response	Accepted
	<p>The definition at Implementing Rule level is amended to take into account the proposed clarification.                  Further explanation is added as GM following the alternative text proposal suggested by other commentators.</p>

comment	1000 <span style="float: right;">comment by: Belgocontrol Training Centre</span>
	<p>Rational "assessment":                  These definitions allow for different processes to assess (including continuous assessment and dedicated assessment) and clarify the distinction of the event of a decision and the whole training process with the daily judgements on the applicant's performance.</p>

response *Accepted*

The definition at Implementing Rule level is amended to take into account the proposed clarification.  
Further explanation is added as GM following the alternative text proposal suggested by other commentators.

comment *1003*

comment by: *Belgocontrol Training Centre*

~~abnormal~~ **unusual** situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills.

response *Partially accepted*

The essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintains consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment 1022

comment by: IFATCA

<p>19</p>	<p>NPA 2012-18 (B I)</p>	<p>Article 3 <b>Definitions</b> <b>1</b></p>	<p>1. 'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills. These may include:</p> <p>(a) circumstances arising from human error or violation of rules affecting the quality of service provided;</p> <p>(b) serious weather or volcanic perturbations; and</p> <p>(c) technical system failures or malfunctions;</p>	<p>Disagreement: Under Definition (Art 3 1) is introducing a new definition of abnormal situation. This seems to be in contradiction with all the other safety related legal texts currently in place. IFATCA finds this definition wrong and against the just culture idea in recital 18 of the proposed Regulation. Proposal delete this definition and refer to Annex 13 of ICAO (incident or serious incident), EC 996/2010 Art.2 definition (incident or serious incident) Proposal EC 776/2012 – definition (incident) Further; IFATCA does not understand why abnormal situation are defined. It is part of ICAO ANNEX 6 Chapter 6. Abnormal situations are part of the unusual and degraded mode situation in ATM. EC 1108/2009 is talking about abnormal situation. "automatic skills" might have to be defined – as it is a concept which is difficult to understand. In order not to confuse the audience – either define unusual or drop abnormal. Drop a)-c) this is GM not IR Fragmentation of safety terms!</p>
-----------	--------------------------	--	---	--

response *Partially accepted*

The essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintains consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment 1023

comment by: IFATCA

20	NPA 2012- 18 (B I)	Article 3 <b>Definitions</b>	<p>2. 'acceptable means of compliance (AMC)' means non-binding standards adopted by the Agency to illustrate means to establish compliance with the Basic Regulation and its Implementing Rules;</p> <p>4. 'alternative means of compliance' means an alternative to an existing AMC or a new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency;</p> <p>10. 'ICAO location indicator' means the four letter code group formulated in accordance with the rules prescribed by ICAO in its manual DOC 7910 in its latest updated version and assigned to the location of an aeronautical fixed station;</p>	Why define these? They are defined elsewhere and well known.
----	-----------------------------	---------------------------------	---	--

response *Noted*

Since the implementation of the Basic Regulation is not pursued in the so-

called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often to be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.

comment 1024

comment by: IFATCA

21	NPA 2012-18 (B I)	Article 3 <b>Definitions</b>	<p>7. 'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and behavioural reactions in an individual following an event or incident;</p> <p>7. The behavioural changes, and the psychological and physical reactions which a person experiences after a critical incident. These reactions are normal reactions to an abnormal</p>	No new invention please. It is being defined in the Eurocontrol Management User Implementation Guidelines. They are part of a world-wide harmonisation efforts IFATCA have carried out together with ICISF and DFS/Eurocontrol to get a coherent education and introduction of CISM.
----	-------------------	---------------------------------	---	--

response Not accepted

The EUROCONTROL CISM User Implementation Manual does not provide a definition of CIS, but only one for 'critical incident', as follows:

'A critical incident is any situation that causes a person to experience unusually strong stress reactions that the person perceives as disturbing or disabling'.

This definition does not differentiate between incident, accident and occurrence, as it is not focused on aviation activities but refers to 'situations'.



comment

1025

comment by: IFATCA

22	NPA 2012- 18 (B I)	Article 3 Definitions	<del>'emergency situation'</del> means a serious, <del>unexpected and</del> <del>dangerous situation</del> requiring immediate actions;	Use ICAO and ECTL definitions. Do not invent new ones. Fragmentation of Safety definitions!
----	-----------------------------	-----------------------	--	---

response

Accepted

comment

1026

comment by: IFATCA

23	NPA 2012- 18 (B I)	Article 3 Definitions  NEW	Define working position	This in order to cope with the comment on recital 6
----	-----------------------------	----------------------------------	-------------------------	---

response

Not accepted

Following the changes made throughout the draft with regard to the privileges of the unit endorsement, as well as in the context of the TWR rating endorsement, such definition is not considered necessary.

comment

1027

comment by: IFATCA

Stakeholders are invited to comment on the Agency's proposal to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.				
Q1	(A)	p.11 para 29		Ok for IFATCA

response *Accepted*

comment 1077 comment by: *Civil Aviation Authority Norway*

*Medical expert comment: Art 3 Paragraph 17*

Support the definition of psychoactive substance where caffeine and tobacco are excluded

response *Accepted*

comment 1078 comment by: *Danish Transport Authority, Personnel licensing office*

Articel 3, paragraph 17: We support this definition of psychoactive substances.

response *Accepted*

comment 1094 comment by: *NATS National Air Traffic Services Limited*

Article 3 Definitions 1

The Common Core Content for ATCO Initial Training as transposed into this regulation refers to 'unusual' situations and not 'abnormal' situations'. This is the accepted term, so there is no need to change the vocabulary from what exists elsewhere in the regulation.

Suggested amendment:

**'unusual situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills.'**

And reorder definitions in alphabetical order.

response *Partially accepted*

The essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the

Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintains consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment

1095

comment by: NATS National Air Traffic Services Limited

Article 3 Definitions 1

As these are examples, they should be in Guidance Material and not at IR level.

Suggested amendment:

Delete '**These may include: (a), (b) and (c)**'

And move to GM.

response

Accepted

comment

1097

comment by: EUROCONTROL

'assessment':

Assessment is not predicated by the conduct of training, an assessment may be conducted at any time if there is a needed to evaluate an individual's skills etc. Remove *undertaking training*

response

Accepted

The definition at Implementing Rule level is amended to take into account the proposed clarification. Further explanation is added as GM following the alternative text proposal suggested by other commentators.

comment	<p>1099 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>Article 3 Definitions 2 and 4</p> <p>Acceptable means of compliance (AMC)' and 'alternative means of compliance' are terms that will be generic to many IRs, it would be better to define them in a generic regulation covering all the IRs that will be using them if this is possible.</p> <p>There is a risk that various IR supporting BR216 will have different definitions of AMC and Alternative MC.</p> <p>Suggest moving to a higher level regulation.</p>
response	<p><i>Noted</i></p> <p>Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often to be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.</p>
comment	<p>1100 <span style="float: right;">comment by: EUROCONTROL</span></p> <p><i>'part-task trainer(PTT)'</i>: Replace existing definition with the following: 'part task trainer (PTT)' a device to provide training for specific and selected operational tasks without requiring the learner to practice all of the tasks which are normally associated with a fully operational environment. which is included in the EUROCONTROL document "Guidance for developing ATCO Basic Training Plans" Ed 2.0. December 2010.</p>
response	<p><i>Accepted</i></p>
comment	<p>1101 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>Article 3 Definitions 7</p> <p>The manifestation of critical incident stress could be in any or all of the reactions, not only in all of them.</p> <p>Suggested amendment:</p> <p><b>'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and/or behavioural reactions in an individual following an event or incident;'</b></p>

response *Accepted*

comment *1102* comment by: *EUROCONTROL*

*'unit competence scheme':*

Either delete the definition because the requirements in ATCO.B.025 are clear enough without the need for a definition (as is the case for unit training plans) or amend definition to: 'unit competence scheme' means an approved scheme indicating the method by manner by which the ATC unit maintains the competence of its licence holders; The UCS contains significantly more than just "the method" by which the unit maintains the competence of its licence holders – it contains structure, process, limitations, adaptations, roles and responsibilities, record keeping requirements, review requirements. Consequently, the definition does not align with the requirements in ATCO.B.025.

response *Accepted*

comment *1103* comment by: *NATS National Air Traffic Services Limited*

Article 3 Definitions 2

A situation may develop into an emergency and therefore may be expected but still be an emergency. See also ICAO and ECTL definitions. Therefore it is suggested to remove 'unexpected'.

Suggested amendment:

**'emergency situation' means a serious and dangerous situation requiring immediate actions'**

response *Accepted*

comment *1105* comment by: *NATS National Air Traffic Services Limited*

Article 3 Definitions 10

As this term will be generic to many IRs, it would be better to define them in a generic regulation covering all the IRs that will be using them if this is possible.

There is a risk that various IR supporting BR216 will have different definitions.

Suggest moving to a higher level regulation.

response *Noted*

Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all implementing rules. Definitions and generic provisions, therefore, need often to be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.

comment *1106*

comment by: *EUROCONTROL*

'*abnormal situation*': Streamline the definition of abnormal situation by moving (a) and (b) into guidance material and illustrating (c) in guidance material with examples. This way a distinction can also be made in GM on what are emergencies, and which technical system failures and malfunctions are considered "abnormal situation".

response *Partially accepted*

The essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintains consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment *1107*

comment by: *NATS National Air Traffic Services Limited*

Article 3 Definitions 14

The existing definition in the NPA lacks clarity. The suggested amendment lends more clarity and to allow the use of the PTT for more than one task at a time.

response	<p>Suggested amendment:</p> <p><b>‘Part task trainer (PTT)’ means a synthetic training device in which the operation (function) to be learnt is divided into separate tasks each of which may be taught and practised separately or together in a subset of tasks in supervised or unsupervised exercises.’</b></p> <p><i>Partially accepted</i></p> <p>The spirit of the proposal is accepted, even though the proposed wording is not fully taken into account. The proposed definition is based on the already existing EUROCONTROL definition which is considered to be widely accepted.</p>
----------	--

comment	<p>1110 <span style="float: right;">comment by: EUROCONTROL</span></p> <p>Article 3, paragraph 6: To enable the continuing practice of instructors assessing student progress in a formative system, a change to the assessor definition limiting them to the summative assessment could be considered by changing the definition of assessors and instructors. Possible solution: - add the following at the end of definition 6: "...for the purpose of issuing license / unit endorsement, revalidation, renewal..."; - add the following at the end of definition 13: "and to assess practical skills during training". - add the following at the end of definition 23: "and to assess practical skills during training on STD".</p>
response	<p><i>Partially accepted</i></p> <p>The definition of ‘assessment’ is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.</p>

comment	<p>1111 <span style="float: right;">comment by: EUROCONTROL</span></p> <p>Article 3, Paragraph 13: To enable the continuing practice of instructors assessing student progress in a formative system, a change to the assessor definition limiting them to the summative assessment could be considered by changing the definition of assessors and instructors. Possible solution: - add the following at the end of definition 6: "...for the purpose of issuing license / unit endorsement, revalidation, renewal..."; - add the following at the end of definition 13: "and to assess practical skills during training". - add the following at the end of definition 23: "and to assess practical skills during training on STD".</p>
---------	--

response	<p><i>Partially accepted</i></p> <p>The definition of 'assessment' is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.</p>
comment	<p>1112 <span style="float: right;">comment by: EUROCONTROL</span></p> <p>Article 3, Paragraph 23: To enable the continuing practice of instructors assessing student progress in a formative system, a change to the assessor definition limiting them to the summative assessment could be considered by changing the definition of assessors and instructors. Possible solution: - add the following at the end of definition 6: "...for the purpose of issuing license / unit endorsement, revalidation, renewal..."; - add the following at the end of definition 13: "and to assess practical skills during training". - add the following at the end of definition 23: "and to assess practical skills during training on STD".</p>
response	<p><i>Partially accepted</i></p> <p>The definition of 'assessment' is amended to clarify that formative evaluations of practical skills during training should not be considered as an assessment. Further explanation to this end is added as GM. Therefore, no further amendment is considered necessary for this definition.</p>
comment	<p>1113 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>Article 3 Definitions xx There are several references to 'working position' in this regulation and therefore a definition of 'working position' would be beneficial.</p>
response	<p><i>Not accepted</i></p> <p>Following the changes made throughout the draft with regard to the privileges of the unit endorsement, as well as in the context of the TWR rating endorsement, such definition is not considered necessary.</p>
comment	<p>1156 <span style="float: right;">comment by: Luca Valerio Falessi</span></p> <p>Add UTP definition</p> <p><b>Justification</b> UTP definition is missing</p>



response	<p><i>Not accepted</i></p> <p>The Agency considers that the requirements relevant to the unit training plan are clearly defined in the normative provisions, more closely in ATCO.D.055. Based on this there is no need to add a definition for this term into Article 3.</p>	
comment	1240	comment by: ENAV
	<p><b>On the job training</b></p> <p>We propose to add a definition of OJT that could include also the possibility of using synthetic devices for training under approval from the competent Authority, as it already happens for pilots training.</p> <p>See REGULATION (EC) No 1899/2006SUBPART B, GENERAL, OPS 1.005, General), (d): "All synthetic training devices (STD), such as flight simulators or flight training devices (FTD), replacing an aeroplane for training and/or checking purposes are to be qualified in accordance with the requirements applicable to synthetic training devices. An operator intending to use such STD must obtain approval from the Authority".</p>	
response	<p><i>Partially accepted</i></p> <p>The Agency considers that such definition would be contradictory to the spirit and purpose of on-the-job training, which is linked to live traffic situation. A detailed description of on-the-job training can be found in ATCO.D.005.</p> <p>However, the possibility to supplement on-the-job training with theoretical instructions and computer-based training, part-task trainers or any type of simulators aiming at increasing knowledge, understanding and application of local procedures already exists and is described in GM1 ATCO.D.005(a)(2)(ii).</p> <p>Furthermore, contrary to the requirements for flight crew training, synthetic training devices in air traffic control are not certified exact replica of operational set-ups.</p>	
comment	1252	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
	<p><b>Article 3 Definitions</b>– definitions are needed to clarify the difference between "practical instructor" and "theoretical instructor".</p>	
response	<p><i>Not accepted</i></p> <p>The different privileges of the instructor categories are clearly defined in the relevant provisions. The Agency does not agree with the need to repeat those elements in the definitions.</p>	

comment	1253	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	A definition on "applicant OJTI, STDI" is needed to clarify if an applicant is when one applies to take the course or when one applies for the OJTI endorsement.	
response	<i>Not accepted</i>	
	A person is considered to be an applicant for an endorsement until the moment he/she has received the endorsement.	

comment	1255	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	<b>Article 3.1 (a)(c) Definitions</b> – definition "abnormal situations"; the Transport Agency suggests that the text in (a) and (c) are replaced by the following text from Regulation (EU) 1035/2011: "circumstances arising from mistakes, failures or malfunctions within the functional system as defined in Regulation (EU) No 1035/2011, and affecting the quality of service provided".	
response	<i>Not accepted</i>	
	The Agency considers that limiting the example to the functional systems only would reduce its scope, which does not correspond to its purpose.	

comment	1280	comment by: <i>ENAV</i>
	<b>Article 3 Definitions 5.</b>	
	Assessment means an evaluation of the skills required for the issue, revalidation and renewal of a licence, rating and / or endorsement	
	Assessment means the decision, based on an approved procedure, leading to the issue, renewal or revalidation of a licence, rating and / or endorsement. Comment: These definitions allow for different processes to assess (including continuous assessment and dedicated assessment) and clarify the distinction of the event of a decision and the whole training process with the daily judgements on the applicant's performance	
response	<i>Accepted</i>	
	The definition at Implementing Rule level is amended to take into account the proposed clarification. Further explanation is added as GM following the alternative text proposal suggested by other commentators.	

comment	1297	comment by: ENAV
	<p><b>Article 3 Definitions</b> 7. 'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and/or behavioural reactions in an individual following an event or incident;</p>	
response	Accepted	

comment	1299	comment by: ENAV
	<p><b>Article 3 Definitions 1.</b> 'abnormal unusual situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills. Comment: The CCC refers to unusual situations. This is the accepted term, so we do not see why the vocabulary should change.</p>	
response	Partially accepted	
	<p>The essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).</p> <p>With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintains consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:</p> <p>'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.</p> <p>At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.</p>	

comment	1300	comment by: ENAV
	<p><b>Article 3 Definitions 1</b> These may include:</p>	

	<p><del>(a) circumstances arising from human error or violation of rules affecting the quality of service provided;</del></p> <p><del>(b) serious weather or volcanic perturbations; and</del></p> <p><del>(c) technical system failures or malfunctions</del></p> <p>Comment: As these are examples, they should be in GM, not at IR level.</p>
response	Accepted

comment	1301	comment by: ENAV
	<p><b>Article 3 Definitions 2 and 4</b> 'acceptable means of compliance (AMC)' means non-binding standards adopted by the Agency to illustrate means to establish compliance with the Basic Regulation and its Implementing Rules;</p> <p><b>and 6</b></p> <p>'alternative means of compliance' means an alternative to an existing AMC or a new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency</p> <p>Comment: As these terms will be generic to many IRs, it would be better to define them in a generic regulation covering all the IRs that will be using them.</p>	
response	Noted	
	<p>Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often to be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.</p>	

comment	1303	comment by: ENAV
	<p><b>Article 3 Definitions 14</b></p> <p>'Part task trainer (PTT)' means a synthetic training device in which the operation (function) to be learnt is divided into separate tasks each of which may be taught and practised separately or together in a subset of tasks in supervised or unsupervised exercises</p> <p>Comment: This definition has been adapted to lend more clarity and to cater for using the PTT for more than one task at a time.</p>	
response	Partially accepted	
	<p>The spirit of the proposal is accepted, even though the proposed wording is not fully taken into account. The proposed definition is based on the already existing EUROCONTROL definition which is considered to be widely accepted.</p>	

comment	1304	comment by: ENAV
	<p><b>Article 3 Definitions 8</b>          'emergency situation' means a serious, <del>unexpected</del> and dangerous situation requiring immediate actions          Comment: A situation may develop into an emergency and therefore be expected and still be an emergency. See also ICAO and ECTL definitions</p>	
response	Accepted	

comment	1306	comment by: ENAV
	<p><b>Article 3 Definitions 29</b>          Working position</p> <p>Comment:</p> <p>A definition of working position would be required / helpful</p>	
response	<p>Not accepted</p> <p>Following the changes made throughout the draft with regard to the privileges of the unit endorsement, as well as in the context of the TWR rating endorsement, such definition is not considered necessary.</p>	

comment	1360	comment by: Federal Office of Civil Aviation FOCA
	<p>Article:          Art. 3.1          Comment / Issue / Suggestion:          use the term "unusual situation" as used in CCC isof "abnormal situation"          Justification:          refer to CCC</p>	
response	<p>Partially accepted</p> <p>The essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).</p> <p>With the view to clarifying further that the definition for abnormal situation</p>	

includes unusual and degraded situations, and at the same time maintains consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment 1361 comment by: *Federal Office of Civil Aviation FOCA*

Article:

Art. 3.2 / 3.4 / 3.10 and Art. 6

Comment / Issue / Suggestion:

Delete

Justification:

These terms are generally used throughout the regulations and should therefore be defined on a higher level

response *Noted*

Since the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure, following the decision taken by the Member States, there is no 'generic regulation' covering all Implementing Rules. Definitions and generic provisions, therefore, need often to be repeated across the diverse Implementing Rules in order to ensure the correct and appropriate content of such rules from a legal perspective.

comment 1362 comment by: *Federal Office of Civil Aviation FOCA*

Article:

Art. 3.3

Comment / Issue / Suggestion:

'air traffic control (ATC) unit' means a generic term meaning variously, area control centre, approach control unit or aerodrome control tower, or a combination thereof.

Justification:

combinations need to remain possible

response *Partially accepted*

The text of this definition is amended and aligned with the definition contained in Commission Implementing Regulation (EU) No 923/2012 on SERA. Inserting a comma after the term 'variously' clarifies that it applies to all three units and to any variation or combination thereof. Further amendment of the text is not considered appropriate as it would result in discrepancy compared to the definition of the same term in other regulations.

comment	1363	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Art. 3.5 Comment / Issue / Suggestion: 'assessment' means an evaluation of the practical skills, including behaviour and the practical application of knowledge and understanding being demonstrated by the person <del>undertaking training</del> <u>being assessed</u>; Justification: otherwise an issue may come up for competence assessments.</p>	
response	<i>Accepted</i>	

comment	1364	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Art. 3.7 Comment / Issue / Suggestion: 'critical incident stress' means the manifestation of unusual and/or extreme emotional, physical and/or behavioural reactions in an individual following an event or incident; Justification: combinations are possible</p>	
response	<i>Accepted</i>	

comment	1365	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Art. 3.8 Comment / Issue / Suggestion: 'emergency situation' means a serious, <del>unexpected</del> and dangerous situation requiring immediate actions; Justification: does not necessarily be unexpected</p>	
response	<i>Accepted</i>	

comment	1366	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Art. 3.21 Comment / Issue / Suggestion: 'sector' means a part of a control area and/or part of a flight information region/upper region Justification:</p>	

	what about TWR or APP
response	<p><i>Not accepted</i></p> <p>The definition does not exclude tower and approach as it refers to control area, which includes the above categories.</p>
comment	<p>1367 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p>
	<p>Article: Art. 3.27 Comment / Issue / Suggestion: 'Unit Competence Scheme' means an approved scheme indicating the method by which the <b>ATC</b> unit maintains the competence of its licence holders. <u>Competence scheme means an approved scheme indicating the method by which the competence of the licence holder is maintained.</u></p>
response	<p><i>Partially accepted</i></p> <p>The Agency accepts the comment insofar as the proposed definition is inappropriate. Furthermore, the Agency agrees with another comment on the subject that the purpose of and the requirements relevant to the unit competence scheme are clearly defined in the normative provisions, in ATCO.B.025, which go clearly beyond the 'method' of maintaining the competence of licence holders. Based on these considerations, and for consistency reasons, this definition is deleted.</p>
comment	<p>1368 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p>
	<p>Article: Art. 3.29 Comment / Issue / Suggestion: create definition for working position Justification: term is used in the regulation but not defined.</p>
response	<p><i>Not accepted</i></p> <p>Following the changes made throughout the draft with regard to the privileges of the unit endorsement, as well as in the context of the TWR rating endorsement, such definition is not considered necessary.</p>



**DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No 805/2011 (Article 4)** p. 10-11

comment 227 comment by: skyguide Corporate Regulation Management

**Article 4.1**

Member State shall nominate or establish one or more competent authority(ies) within that Member States with allocated responsibilities for the certification, licensing and oversight of persons and organisations subject to this Regulation. Licensing should be included to be comprehensive

**Article 4.3**

...those entities authorities to ensure...

Why use the term entities and not authorities as this article is about authorities?

response *Partially accepted*

Article 4.1

The scope of the Article already includes the 'certification of persons'. Taking a look at the definition of licence it 'means a certificate', so the wording 'certification of persons' includes implicitly the term 'licensing'.

Article 4.3

Accepted.

comment 228 comment by: skyguide Corporate Regulation Management

**Article 4.5**

Member States shall notify the Agency of the name(s) and address(es) of the competent authority(ies), as well as any changes thereof thereto.

Grammar: name (s) and address (es) (as it is "competent authority (ies)")

Changes thereto (not thereof)

response *Accepted*

comment 301 comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION

Article 4.1	We would propose the addition of "license management" to the allocated responsibilities of the competent authority(ies)	For completeness and clarity's sake, as this is the main activity regulated
Article 4.1	Notwithstanding article 4.3, the possibility of more than one authority is not fully in line with the Annexes (e.g. ATCO.A.005)	Inconsistencies can be found through the regulation on this matter. The regulation has really been developed with a single authority in mind

response *Not accepted*

The scope of the Article already includes the 'certification of persons'. Taking a look at the definition of licence it 'means a certificate', so the wording 'certification of persons' includes implicitly the term 'licensing'.

The comment about the possibility of more than one authority has been noted. The document is revised to assure consistency.

comment 373

comment by: *NATS National Air Traffic Services Limited*

Article 4 Competent authority 4,

Is it intended to include all air navigation service providers in this requirement? Whilst the term is undefined in this Regulation, it is usually understood to include CNS, MET, AIS and ATS – not all of which have air traffic controllers that fall under the scope of this Regulation. The impact of this is a lack of clarity with regard to scope. The scope could be misinterpreted by some CAs to include all ANSP functions when it does not.

Suggested resolution is to replace ANSP with ATS Providers where applicable.

response *Not accepted*

It is clear from the scope of the Regulation in its Article 2(2) that only organisations 'involved in the licensing, training, testing, checking or medical examination and assessment of applicants' are affected by this requirement. Therefore, the suggested amendment is not necessary.

comment	378	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>Article 4 Competent authority 4</p> <p>If the CA is meant to have this independence then shouldn't it be extended to ATM as well? This could lead to different interpretations of CA independence. Suggested resolution: Include CA independence, at least at a functional level, from ATM.</p>	
response	<i>Not accepted</i>	
	<p>The provision, as proposed originally, includes air navigation service providers and training organisations. The provision of ATS is included via the inclusion of ANS providers; therefore, no change is considered necessary.</p>	
comment	620	comment by: <i>CAA-NL</i>
	<p><b>Article 4.1</b> Please delete the words 'within their territory', as such a geographical boundary limits the possibilities for CAs working together under FAB- and/or Multi-State arrangements, which could go beyond these national boundaries.</p>	
response	<i>Accepted</i>	
comment	870	comment by: <i>swissatca</i>
response	<i>Noted</i>	
comment	889	comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i>
	<p>art. 4(1) One of the Single European Sky objectives is to defragment the system but this provision allows exactly the opposite idea. <b>SINCTA</b> considers it also as a change from the reg. 805/2011. Proposed text: <i>1. Member States shall nominate or establish one <del>or more</del> competent authority(ies) within their territory with allocated responsibilities for the certification and oversight of persons and organisations subject to this Regulation.</i></p>	
response	<i>Not accepted</i>	
	<p>The High Level Group on aviation regulation in its recommendations (<a href="http://ec.europa.eu/transport/modes/air/doc/hlg_2007_07_03_report.pdf">http://ec.europa.eu/transport/modes/air/doc/hlg_2007_07_03_report.pdf</a>)</p>	

highlighted the need for separation of regulatory oversight and the provision of services. In line with this principle the SES legislation (Article 4 of Regulation (EC) No 549/2004) requires 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 in the areas of competences needs to be clearly defined in terms of responsibilities and geographical limitation.

comment 1028

comment by: IFATCA

24	NPA 2012-18 (B I	Article 4 <b>Competent authority</b>	1. Member States shall nominate or establish one or more competent authority(ies) within their territory with allocated responsibilities for the certification, licensing and oversight of persons and organisations subject to this Regulation.	Suggestion to include licensing, in order to stop some of the current practices where ANSPs carry regulator functions.
----	------------------	---	--	--

response Not accepted

The scope of the Article already includes the 'certification of persons'. Taking a look at the definition of licence it 'means a certificate', so the wording 'certification of persons' includes implicitly the term 'licensing'.

comment 1158

comment by: Luca Valerio Falessi

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 organisations subject to this Regulation.

**Justification**

The expression "within their territory" focuses on the territorial location of an authority with its responsibility domain.

The basic concept of a regulation is that each authority is responsible for the certifications issued.

Therefore the local authority shall be competent when the ANSP or the training organisation has its principal place of business in the Member State.

Local authorities may perform tasks like audits, surevys, etc, but they cannot replace the issuing authority when decisions over certification documents, or the certificate itself, are to be taken.

response *Accepted*

comment 1159

comment by: *Luca Valerio Falessi*

Modify as per the following:

**Except when the previous para 5 applies,** Member States shall notify the Agency of the names and addresses of the competent authority(ies), as well as any changes thereof.

**JUSTIFICATION**

If the Authority is deemed to remain the same, there's no need to send a specific communication to the Agency.

response *Not accepted*

The intention of the comment is to state the obligation of the Member States to notify the relevant data about the nominated competent authority(ies). The Article does not establish the procedure to do it.  
On the other hand, Article 4(2) derogates from the obligation to nominate authorities in case they remain the same as in Regulation (EU) No 805/2011.

**DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No 805/2011 (Article 5)**

p. 11

comment 66

comment by: *LPS SR*

<b>Article 5 Recognition of</b>	Member States shall recognise air traffic	According to general comment/proposal mention above,
-------------------------------------	---	--

<b>licenses and certificates (1)</b>	controller and student air traffic controller licences, including their ratings, rating endorsements, OJTI, <del>STD</del> and assessor endorsements, <b>STDI certificate</b> , as well as language endorsements and associated medical certificates issued by other Member States in accordance with this Regulation.	we propose to use STDI certificate in whole text.  It affects more provisions in the Regulation and GM and AMC as well.  See general comment/proposal
--------------------------------------	--	---

response *Not accepted*

For the purpose of the subject NPA an in-depth analysis was conducted to decide whether it should be preferable to issue a certificate for STDI instead of an endorsement. The decision was finally taken in favour of the endorsement. The reasons for this decision can be consulted through paragraphs 67 to 76 of the Explanatory Note.

comment 67

comment by: LPS SR

### General comment/proposal

The proposed rule in the NPA 2012-18 aims at filling the gaps between the high level requirements set out as safety objectives in the relevant essential requirements of Regulation (EC) No 216/2008 (as a Basic Regulation – BR) and the currently applicable Regulation (EU) No 805/2011.

When the aim is to filling the gaps and specifying requirements set in Basic Regulation 216/2008 (BR), not creating new ones, the question of interpretation of BR arises. According to the proposed draft of EASA regulation, its AMC and GM, it shall be argued that it is restrictive more than necessary, ANSPs have no room for their own ideas in regard to cost efficiency and safety as well. The level of details provided in the draft is too high. In many ways there is a burden, especially for smaller ANSPs who have limited resources. ANSP should be responsible for details itself and according to the differences between ANSPs within Member States, individual ANSP shall have the possibility to deal with it on bilateral basis with their own competent authority. One of the roles of competent authority is to decide whether or not the ANSP is complied with the requirements and meets the high level of safety.

When we go through the BR, including amending regulation and detailed rules, and taking into account that the draft of EASA regulation should fill the gaps,

we can find in BR statement, which deals with the individual ideas belongs to ANSP. Regulation 1108/2009, 8c (11) - The measures referred to in paragraph 10 shall reflect the state of the art, including best practices and scientific and technical progress, in the field of air traffic controller training. There is no need to go for the concrete provisions in particular regulations. If we take an overall requirement of the SES initiatives, we are going to deal with ensuring safety and cost efficiency. In regard of this, the draft of EASA regulation goes against. The arguments shall be taken into account, at least for the reason that they reflect the main requirements of the SES initiatives – safety and cost efficiency.

### **Proposal in regard of practical and theoretical instructors, training and related provisions**

**New definitions** can be introduced for practical and theoretical training:

Practical Training – means all training in Rating and Unit Training executed either on the job in an operational position or training using simulator aiming to teach the competences relevant for an ATCO that are of a full task integrated nature.

Theoretical Training – means the acquisition of knowledge by instruction and exercises. STD can be used in theoretical training to enhance knowledge and understanding of the student or to train specific basic skills of an ATCO (e.g. System behavior, Human factors, Phraseology, Vectoring, Speed, Rates, etc).

Explanatory: It should be considered that training itself consists from theoretical and practical parts, which are not separated in any way. The importance is in understanding that individuals learn in different ways, by different means and using various tools, especially nowadays, when technical progress brings many possibilities to enhance efficiency in ATCO training and by using best practice and modern training philosophy we are able to provide quality and comprehensive training and meets SES requirements as well.

Basic (practical) skill training – means part task training of basic skills in a generic and safe learning environment with low complexity.

Complex (practical) skill training – means full task integrated training of competences in a specific real-life environment with high complexity.

Explanatory: The proposal of these two definitions shows the difference between basic skills and complex skills in practical training. Basic skills are taught on STDs in fictitious environment and it is not operational related, safety is not affected in any way.

Accordingly, basic skill training shall be carried out by appropriately qualified instructors. There is no reason to require ATCO for all trainings provided. Basic skills could be better trained by non-ATCOs as well regarding that they are qualified and competent to instruct on STD.

We need to be aware of that especially in smaller ANSPs could be problems with understaffing due to high training demands where ATCOs will be needed

for STDI purposes and in regard of this high training demand overtime work will be imminent. This can bring fatigue of ATCOs as well and have effect on overall safety.

When cost-efficiency is one of the main aims of SES initiatives, we need to point out that this will have negative impact on cost efficiency. The salary of ATCOs as STDIs is much higher than non-ATCOs and this causes increasing training costs.

Especially for Initial/Basic training, which is not an operational specific course, there is not a reasonable view of ATCOs provide this training as long as the non-ATCO Instructors are well educated and trained.

Development training is based for e.g. assessors, supervisors and the aim of this training is to gain additional knowledge besides the operational ones which the trainee already has. In regard of this, we need to consider that non-ATCO who is educated and trained in these particular tasks is more competent for providing the training.

The Regulation could differentiate between the trainings which shall be taught by ATCOs only and the trainings which could be either taught by non-ATCOs.

We propose to introduce an STDI Certificate instead of STDI Endorsement which indicates that the holder of this certificate is appropriately educated, trained and competent to instruct on a STD. The holder of the STDI Certificate shall not instruct in OJT, only if he/she holds an ATCO license with appropriate ratings and rating endorsements. The holder of the STDI Certificate shall not instruct in pre-OJT, only if he/she holds or has held an ATCO license with appropriate ratings and rating endorsements.

STDI Certificate should be recognized according to Regulation as well.

Seeing that the proposal will affect more provisions in whole Regulation, including GM and AMC, we propose at least to open this issue by incorporating articles (exceptions) about the possibility to deal with this particular task on bilateral basis between NSAs and ANSPs.

response *Not accepted*

Following the considerations of the comments, the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified. Furthermore, it allows for the unconditional use of the term 'continuation training' when it comes to the aggregation of refresher and conversion training, both for the purpose of traffic controller training organisation certification as well as for the purpose of defining the mandatory elements of the unit competence schemes.

As regards the STDI endorsement, an in-depth analysis was conducted to



decide whether it should be preferable to issue a certificate for STDI instead of an endorsement. The decision was finally taken in favour of the endorsement. The reasons for this decision can be consulted through paragraphs 67 to 76 of the Explanatory Note.

comment

229

comment by: skyguide Corporate Regulation Management

**Article 5.1**

... as well as language proficiency endorsements and associated medical certificates issued by other Member States in accordance with the requirements of this Regulation.

Consistency with definition (7): Language proficiency endorsements

Consistency with recital 21: Issued in accordance with the requirements of this regulation

**Article 5.2**

In cases where a licence holder intends to exercise the privileges of the licence in a Member State other than that in which the licence was issued ~~in~~, the ...

Grammar

**Art 5.2 and ATCO.A.010(c)**

~~...If the licence holder intends to exercise the privileges of the licence...~~

...before the licence holder exercises the privileges of the licence...

For clarity and because an intention is not something concrete, in order to lend certainty to the text, suggest re-wording and replacing "intends" with "before"

**Article 5.3**

In order to grant a unit endorsement for the purpose of paragraph 2 the competent authority designated by the Member State where the ATC unit in which the endorsement is to be exercised is located shall require the applicant to fulfil the particular conditions associated with this endorsement, specifying the ATC unit, sector or working position.

This means that unit training has to be fulfilled before the person can exercise the privileges of the licence in the "new" unit which is located in another MS. The article does not bring added value as this would also be the case should an ATCO wish to change from one unit to another within the same MS.

See 5.4 **Article 5.4-6**

In order to fulfil the requirements for the unit endorsement mentioned in paragraph (3) the applicant shall undergo a unit endorsement course in accordance with ATCO.B.020 and ATCO.D.050.

This is the same should the person change units within the same MS. Why specifically for 5.3 only? Same for following paragraphs in article 5. This could be simplified. For example, with one article stating that the requirements for

	<p>the unit endorsement are the same, whether the licence holder comes from the same MS or another MS.</p>
response	<p><i>Partially accepted</i></p> <p>Article 5(1) Accepted.</p> <p>Article 5(2) The text is revised.</p> <p>Article 5(2) and ATCO.A.010(c) The comment is noted and the text is revised, taking into account what has been proposed in ATCO.A.010(c).</p> <p>Article 5(3) to 5(6) The comment is partially accepted and the text is reworded. However, the Agency still considers it necessary to make a difference between the unit endorsement courses for the applicants of a unit endorsement coming from a different Member State and the 'regular' unit endorsement courses (which apply to the 'national' ATCOs), due to the possible existing differences in national procedures or any other relevant elements. ATCO.B.020 has been modified to this extent.</p>

comment	<p>230 <i>comment by: skyguide Corporate Regulation Management</i></p> <p><b>Article 5.6</b> The competent authority shall approve or reject the unit endorsement course referred to in paragraph 4, containing the proposed training for the applicant <del>not later than six weeks</del> after presentation of the evidence of the assessment of previous competence, and ensure that the principles of non-discrimination and proportionality are respected according to a process defined between the training organisation and the competent authority in which the maximum duration for the approval shall be stated. 6 weeks is an arbitrary number and it would make more sense to take into account the different situations in each country and / or FAB with respect to work processes.</p>
response	<p><i>Not accepted</i></p> <p>In order to prevent any administrative process that could interfere with the mobility of air traffic controllers, the Agency considers it necessary to establish a maximum period for the approval of this course. Therefore, the comment is not accepted and the text shall remain as it is proposed, which is the same time frame as established in Directive 2006/23/EC and is consequently taken over to Regulation (EU) No 805/2011.</p>

comment	<p>456 <i>comment by: Juan Gallego Grana - Aena</i></p>
---------	---

**Article 5.1**

To ensure that the principles of non-discrimination and proportionality are respected, it is proposed to add the following text highlighted in red:

*"Member States shall recognize, without additional conditions or assessments being imposed, air traffic controller and student air traffic controller licences, including their ratings, rating endorsements, OJTI, STDI and assessor endorsements, as well as language endorsements and associated medical certificates issued by other Member States in accordance with this Regulation".*

response

Not accepted

The Agency considers that the proposed text doesn't lead to misinterpretations and, therefore, no change is needed.

comment

733

comment by: UK CAA

**Page No:** 11**Paragraph No:** Article 5

**Comment:** To ensure a single licence policy and to avoid individuals obtaining multiple licences from different Member States, expansion of the Article is required.

**Justification:** For clarity and, to avoid licence holders holding more than one licence and who could therefore, become selective about which licence to present in a Member State or to a third country.

Although there is an explanation for an exchange of licence in ATCO.A.010 Application and Issue of Licences, Ratings and Endorsement paragraph C, emphasis needs to be placed on a single licence policy.

Also ATCO.AR.A.010 Tasks of the Competent Authorities, paragraph (12) needs to emphasise that a Competent Authority will not issue a licence until they are in receipt of the licence to be exchanged. (separate comment provided)

If Article 5 is not in the right place for expansion then it should be captured in the two paragraphs referenced above.

**Proposed Text:** Add new paragraph 8: 'If a licence holder intends to exchange their licence to that of one issued by a Member State, other than that within which the original licence was issued, the original licence must be submitted to the Member State, prior to the issue of a new licence.'

response

Accepted

The subject provision is amended and a new provision is dedicated entirely to the 'exchange of licences'. The comment is considered, and the new provision includes the obligation to exchange a licence before the privileges are exercised.

comment	<p>818 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Article 5, 5.</p> <p>This paragraph appears to be requiring an assessment of previous competence from someone who already has the rating and could have been operational at another unit in another member state the previous week. It does not make sense in context of other statements and provisions on a formal assessment of previous competence which should be to establish that the candidate still satisfies the rating requirements. The assessment of previous competence requirements are independent from the movement from one member state to another member state.</p> <p>Suggested amendment:</p> <p><b>'When establishing the unit endorsement course mentioned in paragraph 4, the training organisation shall take due account of the acquired competencies and the experience of the applicant.'</b></p> <p>The whole question of movement of controllers from ANSP to ANSP needs to be considered in greater detail to provide greater consistency in approach.</p>
response	<p><i>Accepted</i></p> <p>The text is revised and now no assessment of previous competence is required. Instead, for the establishment of the content of the unit endorsement course particular conditions associated to the new unit will be included, such as national procedures or any other relevant element associated to the particular conditions of the new Member State.</p>
comment	<p>819 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Article 5, 6.</p> <p>This paragraph appears to be referring to an assessment of previous competence from someone who already has the rating and could have been operational at another unit in another member state the previous week. It does not make sense in context of other statements and provisions on a formal assessment of previous competence which should be to establish that the candidate still satisfies the rating requirements. The assessment of previous competence requirements are independent from the movement from one member state to another member state.</p> <p>Suggested amendment:</p> <p><b>'The competent authority shall approve or reject the unit endorsement course referred to in paragraph 4, containing the proposed training for the applicant not later than six weeks after presentation of the evidence of the acquired competencies and the experience of the applicant, and ensure that the principles of non-discrimination and proportionality are respected.'</b></p>

response

Accepted

The text is revised and now no assessment of previous competence is required.

comment

1029

comment by: IFATCA

25	NPA 2012- 18 (B I	Article 5 <b>Recognition of licences and certificates</b>	1. Member States shall recognise air traffic controller and student air traffic controller licences, including their ratings, rating endorsements, OJTI, STDI and assessor endorsements, as well as language proficiency endorsements and associated medical certificates issued by other Member States in accordance with this Regulation.	Improve consistency with definition
----	----------------------------	--	---	-------------------------------------

response

Accepted

comment

1160

comment by: Luca Valerio Falessi

Modify as per the following

In order to grant a unit endorsement for the purpose of paragraph 2 the competent authority **of the Air Traffic Provider of** ~~designated by the Member State where the ATC unit in which the endorsement is to be exercised is located~~ shall require the applicant to fulfil the particular conditions associated with this endorsement, specifying the ATC unit, sector or working position.

**JUSTIFICATION**

This formulation is more coherent with the ANSP certification regulation, the concept of ANSP certification itself .

	<p>The Unit Training Plan should be approved by the ANSP competent authority, because it is this authority as a whole that has the competence over ANSP operations.</p> <p>This does not prevent competent authorities to sign agreement in order to transfer all or part of the safety oversight tasks in case of cross border operations. Those agreements may include ATCO oversight.</p>
response	<p><i>Not accepted</i></p> <p>After reviewing the amending proposal, the Agency considers that the proposed text is suitable and leads to no misinterpretation.</p>

comment	<p>1161 <span style="float: right;">comment by: Luca Valerio Falessi</span></p> <p>The competent authority <b><u>of the Air Traffic Provider of the ATC Unit</u></b> shall approve or reject the unit endorsement course referred to in paragraph 4, containing the proposed training for the applicant not later than six weeks after presentation of the evidence of the assessment of previous competence, and ensure that the principles of non-discrimination and proportionality are respected.</p> <p><b>JUSTIFICATION</b></p> <p>It is very important to maintain the general coherence of the approval process in the hands of the authority of the ATC Unit.</p> <p>This authority shall be the one defined in the agreement following the designation of the ATSP, in either national or cross-border situation.</p>
response	<p><i>Not accepted</i></p> <p>After reviewing the amending proposal, the Agency considers that the proposed text is suitable and leads to no misinterpretation.</p>

comment	<p>1187 <span style="float: right;">comment by: Entry Point North</span></p> <p>According to article 5, number 1, member states shall recognize ATCO and student ATCO licenses including ratings and endorsements. In terms of endorsement <i>training</i>, e.g. OJTI, OJTI ref, assessor etc - it could be clarified that training towards these endorsements also be recognized if performed by certified training organization</p>
response	<p><i>Accepted</i></p>

comment	<p>1250 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>Artikel 5 Recognition of licences and certificate</b> - Information and knowledge about alternative AMCs used is very important for Member States and Training Organisations. This will ensure transparency, and it will ensure that confidence in each other's licensing systems is maintained and maybe even enhanced. This is also important in order to obtain and share knowledge about even better practices and procedures.</p> <p>However, in order to fulfil this requirement in an administrative efficient way, this information is best shared by using some kind of centralised alternative AMC database.</p> <p>The Transport Agency suggests, that the text in one way or another, should be accompanied with some guidance on "what is an acceptable way of informing". It will be even better, if the Agency could help fulfilling this requirement and facilitate a centralised alternative AMC database.</p>
response	<p><i>Accepted</i></p> <p>To support Member States in ensuring uniform application of the provision in question the Agency has developed instructions and further information and published them on its website, including a form for notification. Please go to:  <a href="https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php">https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php</a></p>
comment	<p>1257 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>Artikel 5 Recognition of licences and certificate</b> – The requirement for recognition should also cover approved training courses/training plans.</p>
response	<p><i>Partially accepted</i></p> <p>A new text is proposed in order to state that the competent authority shall recognise certificates of completion of training courses issued by training organisations approved by other Member States.</p>
comment	<p>1369 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article:  Art. 5.6  Comment / Issue / Suggestion:  Where do these six weeks come from? How was this defined?</p>

The competent authority shall approve or reject the unit endorsement course referred to in paragraph 4, containing the proposed training for the applicant ~~not later than six weeks~~ after presentation of the evidence of the assessment of previous competence, and ensure that the principles of non-discrimination and proportionality are respected according to a process defined between the training organisation and the competent authority in which the maximum duration for the approval shall be stated.

Justification:

Other process exist in member states not allowing to perform this task in six weeks.

response

*Not accepted*

In order to prevent any administrative process that could interfere with the mobility of air traffic controllers, the Agency considers it necessary to establish a maximum period for the approval of this course. Therefore, the comment is not accepted and the text shall remain as it is proposed, which is the same time frame as established in Directive 2006/23/EC and is consequently taken over to Regulation (EU) No 805/2011.

**DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No 805/2011 (Article 6)**

p. 11-12

comment

214

comment by: *skyguide Corporate Regulation Management*

**Article 6.2**

alternative means of compliance' means an alternative to an existing AMC or a new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency.

**Reason for comment** : As these terms will be generic to many IRs, it would be better to define them in a generic or over-arching regulation covering all the IRs that will be using them. This will avoid discrepancies with other regulations, it is suggested to remove the provisions that are repeated in many IRs from the individual level and put them in an over-arching regulation. This will then lend clarity to the regulation and the its structure, avoid discrepancies and thereby also the risk of having one entity obliged to comply with different sets of requirements for the same thing, as this entity could be certified for different aspects of its activities (e.g. ANSP and training organisation)

**Article 6.5 (b)**

(b) In order to demonstrate that the Implementing Rules are met, a risk assessment ~~should~~ **may** be completed and documented by the organisation or the competent authority, as applicable. The result of this risk assessment ~~should~~ **may** demonstrate that an equivalent level of safety to that established by the acceptable means of compliance adopted by the Agency is reached. As this is GM, "may" statements would be better than "should" statements



**Article 6.5 (c)** When the competent authority finds that the alternative means of compliance are in accordance with the Implementing Rules, it shall without undue delay:

...

(c) inform other Member States about alternative means of compliance that were accepted

There should be a process elaborated to enable the communication of these alternative means of compliance.

**Article 6.7 (b)**

(b) notify the Agency ~~without undue delay~~

This is already in 6,5 and in the paragraph following 6.7(b).

response

*Partially accepted*

**Article 6(2)**

The Agency agrees with the proposal on regulating all the aviation domains under the EASA remit in a holistic approach through an overarching regulation to avoid conflicting requirements and unclear responsibilities. 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.

However, aiming at harmonisation of such generic requirements across all aviation domains the provision in question is split into two separate provisions, which are integrated into the Parts ATCO.AR and ATCO.OR respectively.

Furthermore, to support Member States in ensuring uniform application of the provision in question the Agency has developed instructions and further information, which are available on its website, under:

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

**GM1 Article 6**

The Agency agrees that besides 'should', the present tense and 'may' can also be used. However, the result of an assessment should give evidence that an equivalent level of safety is reached.

**Article 6(5)(c)**

To support competent authorities and other stakeholders in ensuring uniform application of the provision in question the Agency has created a new webpage that also includes the form to be used to notify the Agency on Alternative Means of Compliance. However, the responsibility for informing other Member States about Alternative Means of Compliance remains within the Member State's remit.

**Article 6(7)(b)**

Aiming at harmonisation and better clarity of the regulated organisations' responsibilities the subject Article is split into two separate provisions, which are integrated into the Parts ATCO.AR and ATCO.OR respectively.

It should also be noted that the provision in Article 6(5) relates to Alternative Means of Compliance proposed by an organisation, while Article 6(7) describes the process to be used by the competent authorities when they intend to use

Alternative Means of Compliance to comply with the rules.

comment 231 comment by: *skyguide Corporate Regulation Management*

**Article 6**

When an ANSP / organisation provides alternate MC, they become available to the rest of the MSs. This is not the case when the CA uses alternate MC. If an alternative means of compliance for an ANSP becomes available to all MSs, then it is only consistent that the same applies for CAs and alternative means of compliance. This goes against the notion of a level playing field.

response *Not accepted*

When the competent authority decides to use Alternative Means of Compliance itself, it shall make them available to all organisations and persons under its oversight, meaning to make them public. Therefore, the Agency considers that there is no need for an additional obligation for the competent authorities to inform other Member States about Alternative Means of Compliance that are in use by them.

comment 241 comment by: *Danish Transport Authority, Personnel licensing office*

Article 6, 5(c): Information and knowledge about alternative AMCs is very important for Member States and Training Organisations. This will ensure transparency and maintain confidence. This is also important in order to obtain and share knowledge about even better practices and procedures.

However, in order to fulfil this requirement in an administrative efficient way, this information is best shared by using some kind of centralised alternative AMC database. It seems to be the most efficient solution, if the Agency published and maintained a list of all alternative AMCs sorted according to Articles.

Danish Transport Authority suggest, that the text in one way or another, should be accompanied with some guidance on "what is an acceptable way of informing". It will be even better, if the Agency could help fulfilling this requirement and facilitate a centralised alternative AMC database.

response *Partially accepted*

To support Member States in ensuring uniform application of the provision in question the Agency has created a new webpage on its website to include information for NAAs and other stakeholders on AMC and Alternative Means of Compliance, including a form to be used to notify the Agency. The information is available under:

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

However, the responsibility for informing other Member States about Alternative Means of Compliance remains within the Member State's remit.

comment	<p>244                      comment by: <i>Danish Transport Authority, Personnel licensing office</i></p> <p>Article 7: Information and knowledge about alternative AMCs is very important for Member States and Training Organisations. This will ensure transparency and confidence. This is also important in order to obtain and share knowledge about even better practices and procedures. This is best supported by adding a requirement to Article 6 (7): (c) inform <b>other Member States</b> about alternative means of compliance used.</p>
response	<p><i>Not accepted</i></p> <p>When the competent authority decides to use Alternative Means of Compliance itself, it shall make them available to all organisations and persons under its oversight, meaning to make them public. Therefore, the Agency considers that there is no need for an additional obligation for the competent authorities to inform other Member States about Alternative Means of Compliance that are used by them.</p>
comment	<p>379                      comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Article 6 Means of compliance 2.</p> <p>Is it not also the case that alternative means of compliance can be proposed where there is no existing Agency acceptable means of compliance? There is a need to align with existing EASA Regulations on this matter.</p> <p>Suggested resolution is to add:</p> <p><b>'Alternative means of compliance may be used to establish compliance with the Implementing Rules.'</b></p>
response	<p><i>Accepted</i></p>
comment	<p>380                      comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Article 6 Means of compliance 4.</p> <p>Given that Article 6 3. foresees the possible use of alternative means of compliance by persons as well as organisations, should this paragraph also foresee the possibility of persons as well as organisations proposing alternative means of compliance?</p> <p>Suggest amend text to:</p>

**'4. When an organisation or person wishes to use an alternative means of compliance to those adopted by the Agency.....'**

response

*Not accepted*

The means of compliance used to demonstrate compliance apply to organisations, processes, procedures, criteria, etc., but not the regulated persons themselves.

comment

381

comment by: *NATS National Air Traffic Services Limited*

Article 6 Means of compliance 7.

Why is there no requirement for alternative means of compliance used by the Competent Authority itself to be made available to Member States as per alternative means of compliance proposed by other means (see 5. (c))?

Suggest add text:

**'(c) inform other Member States about alternative means of compliance that are in use by the Competent Authority.'**

response

*Not accepted*

When the competent authority decides to use Alternative Means of Compliance itself, it shall make them available to all organisations and persons under its oversight, meaning to make them public. Therefore, the Agency considers that there is no need for an additional obligation for the competent authorities to inform other Member States about Alternative Means of Compliance that are used by them.

comment

543

comment by: *Maastricht UAC*

Article 6 5(c) Alternative Means of Compliance

This item should be an Agency task not a Competent Authority task. How will the Competent Authority know all of the member states?

Make 5(c) into 6 and make this a task for the Agency

response

*Not accepted*

To support Member States in the uniform application of the provision in question the Agency has created a new webpage on its website to include information for NAAs and other stakeholders on AMC and Alternative Means of Compliance, including a form to be used to notify the Agency. The information is available under:

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

[compliance-AMCs-and-AltMOCs.php](#).

However, the responsibility for informing other Member States about Alternative Means of Compliance remains within the Member State's remit.

comment

566

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<b>Article 6 5(c)</b> Alternative Means of Compliance	This item should be an Agency task not a Competent Authority task. How will the Competent Authority know all of the member states?	Make 5(c) into 6 and make this a task for the Agency

response

*Not accepted*

To support Member States in the uniform application of the provision in question the Agency has created a new webpage on its website to include information for NAAs and other stakeholders on AMC and Alternative Means of Compliance, including a form to be used to notify the Agency. The information is available under:

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

However, the responsibility for informing other Member States about Alternative Means of Compliance remains within the Member State's remit.

comment

1123

comment by: *EUROCONTROL*

Article 6, last paragraph:  
suggest to add in the very last sentence of Article 6 for clarity: ... that the Implementing Rules of Regulation (EC) No 216/2008 are met.

response

*Not accepted*

It is clear from the context that the Implementing Rules of Regulation (EC) No 216/2008 are concerned.

comment	<p>1370 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: Art. 6.5b Comment / Issue / Suggestion: <i>...notify the Agency of their content, including copies of all relevant documentation;... What is considered as relevant documentation?</i> Justification: This shall be defined accordingly. AMC?</p>
response	<p><i>Accepted</i></p> <p>To support Member States in ensuring uniform application of the provision in question the Agency has developed instructions and further information and published them on its website, including a form for notification, which is available under: <a href="https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php">https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php</a></p>
comment	<p>1371 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: Art. 6.5c Comment / Issue / Suggestion: <i>...inform other Member States about alternative means of compliance that were accepted... By what channels?</i> Justification: if not defined the information might not distributed properly</p>
response	<p><i>Partially accepted</i></p> <p>To support Member States in the uniform application of the provision in question the Agency has created a new webpage on its website to include information for NAAs and other stakeholders on AMC and Alternative Means of Compliance, including a form to be used to notify the Agency. The information is available under: <a href="https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php">https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php</a>.</p> <p>However, the responsibility for informing other Member States about Alternative Means of Compliance remains within the Member State's remit.</p>
comment	<p>1372 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: Art. 6.7b Comment / Issue / Suggestion: <i>(b) notify the Agency without undue delay. Suggestion: delete.</i> Justification: This is already stated in Art. 6.5b</p>

response *Not accepted*

Aiming at harmonisation and better clarity of the regulated organisations' responsibilities the subject Article is split into two separate provisions, which are integrated into the Parts ATCO.AR and ATCO.OR respectively.

It should also be noted that the provision in Article 6(5) relates to Alternative Means of Compliance proposed by an organisation, while Article 6(7) describes the process to be used by the competent authorities when they intend to use Alternative Means of Compliance to comply with the rules.

**DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No 805/2011 (Article 7)** p. 12-13

comment

99

comment by: CAA-NL

**Article 7**

There is no Legal basis in the BR for point 1 and 2. Please Delete these.

response

*Accepted*

For consistency with the other aviation domains the subject Article is deleted.

comment

232

comment by: skyguide Corporate Regulation Management

**Article 7.2 (g)**

When applying Article 14(4) of Regulation (EC) No 216/2008, the notification sent by the Member State shall include at least:

(g) evidence demonstrating that the level of safety is not adversely affected including, if applicable, a description of the related mitigation measures.

EASA needs to define how it will contain sensitive data that would not be for the general public, particularly from a business point of view.

**Article 7.3**

When applying Article 14(6) of Regulation (EC) No 216/2008, the notification sent by the Member State shall include at least:

(ref. article 14 (6) of the BR) does this not mean alternative means of compliance, or does it really mean that one can deviate from IR. If it is alternative means of compliance, it would be good to state so. If this is not alternative MC, then this is a door open to any deviation from the BR and its IRs.

**Article 7.3 (e)**

3. When applying Article 14(6) of Regulation (EC) No 216/2008, the notification sent by the Member State shall include at least

	<p>(e) evidence demonstrating that an equivalent level of protection safety is ensured. It would be better to say that the same level of safety needs to be ensured as we are not sure what protection we are referring to here.</p>
response	<p><i>Noted</i></p> <p>For consistency with the other aviation domains the subject Article is deleted. To support Member States in ensuring uniform application of the flexibility provisions established by the Basic Regulation, Articles 14(1), 14(4) and 14(6), the Agency has developed instructions and published them on its website. Please go to: <a href="https://easa.europa.eu/regulations/flexibility-provisions.php">https://easa.europa.eu/regulations/flexibility-provisions.php</a></p>

comment	<p>250 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span></p> <p>With regards to Article 7 Flexibility provisions, CANSO considers that this term would be better defined in a generic regulation covering all the IRs that will be using it as this term will be generic to many IRs.</p>
response	<p><i>Noted</i></p> <p>For consistency with the other aviation domains the subject Article is deleted. To support Member States in ensuring uniform application of the flexibility provisions established by the Basic Regulation, Articles 14(1), 14(4) and 14(6), the Agency has developed instructions and published them on its website. Please go to: <a href="https://easa.europa.eu/regulations/flexibility-provisions.php">https://easa.europa.eu/regulations/flexibility-provisions.php</a></p> <p>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.</p>

comment	<p>735 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Page No:</b> 12-13</p> <p><b>Paragraph No:</b> Article 7</p> <p><b>Comment:</b> A similar article was deleted from the proposed aircrew regulation during negotiations in EASA Committee on the grounds that this was not an appropriate provision for the regulation which eventually became Commission Regulation (EU) No 1178/2011, as amended by Commission regulation (EU) No 290/2012. It was not introduced in the subsequent Operations cover regulation and UK CAA sees no reason to introduce it in this proposal</p> <p><b>Justification:</b> Legal consistency.</p> <p><b>Proposed Text:</b> Delete Article 7 in its entirety.</p>
---------	--



response

Accepted

For consistency with the other aviation domains the subject Article is deleted.

comment

1030

comment by: IFATCA

27	NPA 2012 18 (BI)	<b>Article 7 Flexibility provisions</b>	Add new article  4) EASA shall collect and publish each year for the sake of this regulation and in accordance with art. 14.1. and 14.4 a register of the Member States application of the flexibility provision and keep it updated.	It is important that all the stakeholders do benefit from some of these information and therefore it is being proposed that a transparency register is being established and kept updated by EASA.
----	---------------------------	---	---	--

response

Not accepted

For consistency with the other aviation domains the subject Article is deleted.

To support Member States in ensuring uniform application of the flexibility provisions established by the Basic Regulation, Articles 14(1), 14(4) and 14(6), the Agency has developed instructions and published them on its website. Please go to: <https://easa.europa.eu/regulations/flexibility-provisions.php>

comment

1114

comment by: NATS National Air Traffic Services Limited

Article 7 Flexibility provisions

This article will be generic to many IRs, therefore it would be better to define it in a generic regulation covering all the IRs that will be using them if this is possible.

There is a risk that various IR supporting BR216 will have different inconsistent rules.

Suggest moving to a higher level regulation.

response	<p><i>Noted</i></p> <p>For consistency with the other aviation domains the subject Article is deleted. To support Member States in ensuring uniform application of the flexibility provisions established by the Basic Regulation, Articles 14(1), 14(4) and 14(6), the Agency has developed instructions and published them on its website. Please go to: <a href="https://easa.europa.eu/regulations/flexibility-provisions.php">https://easa.europa.eu/regulations/flexibility-provisions.php</a></p> <p>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.</p>
comment	<p>1302 <span style="float: right;">comment by: ENAV</span></p> <p><b>Article 7 Flexibility provisions</b>  <b>Comment:</b> As this term will be generic to many IRs, it would be better to define it in a generic regulation covering all the IRs that will be using them</p>
response	<p><i>Noted</i></p> <p>For consistency with the other aviation domains the subject Article is deleted. 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.</p>
comment	<p>1373 <span style="float: right;">comment by: Federal Office of Civil Aviation FOCA</span></p> <p>Article:  Art. 7.1c  Comment / Issue / Suggestion:  <i>(c) the identification of the person or organisation concerned; why is this relevant to the agency? Suggest: delete</i>  Justification:  No added value for the agency. This information shall be restricted the competent authority.</p>
response	<p><i>Accepted</i></p> <p>For consistency with the other aviation domains the whole Article is deleted.</p>
comment	<p>1374 <span style="float: right;">comment by: Federal Office of Civil Aviation FOCA</span></p> <p>Article:  Art. 7.2c  Comment / Issue / Suggestion:</p>

	<p>(c) the identification of the person or organisation concerned; why is this relevant to the agency? Suggest: delete Justification: No added value for the agency. This information shall be restricted the competent authority.</p>
response	<p><i>Noted</i></p> <p>For consistency with the other aviation domains the whole Article is deleted.</p>

comment	<p>1375 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: Art. 7.2g Comment / Issue / Suggestion: (g) evidence demonstrating that the level of safety is not adversely affected including, if applicable, a description of the related mitigation measures. It falls under the tasks of the member state to grant flexibility according to Art. 7 of this regulation by properly assessing the request of the concerned organisation. Justification: the evidence documentation might have sensitive data not suitable for general public.</p>
response	<p><i>Noted</i></p> <p>For consistency with the other aviation domains the subject Article is deleted. To support Member States in ensuring uniform application of the flexibility provisions established by the Basic Regulation, Articles 14(1), 14(4) and 14(6), the Agency has developed instructions and published them on its website. Please go to: <a href="https://easa.europa.eu/regulations/flexibility-provisions.php">https://easa.europa.eu/regulations/flexibility-provisions.php</a></p>

comment	<p>1376 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: Art. 7.3c Comment / Issue / Suggestion: (c) the identification of the person or organisation concerned; why is this relevant to the agency? Suggest: delete Justification: No added value for the agency. This information shall be restricted the competent authority.</p>
response	<p><i>Accepted</i></p> <p>For consistency with the other aviation domains the whole Article is deleted.</p>

comment	<p>1377 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p>
---------	---

Article:  
 Art. 7.3e  
 Comment / Issue / Suggestion:  
*evidence demonstrating that an equivalent level of protection is ensured.* It falls under the tasks of the member state to grant flexibility according to Art. 7 of this regulation by properly assessing the request of the concerned organisation.  
 Justification:  
 the evidence documentation might have sensible data not suitable for general public.

response

*Noted*

For consistency with the other aviation domains the subject Article is deleted. To support Member States in ensuring uniform application of the flexibility provisions established by the Basic Regulation, Articles 14(1), 14(4) and 14(6), the Agency has developed instructions and published them on its website. Please go to: <https://easa.europa.eu/regulations/flexibility-provisions.php>

**DRAFT COMMISSION REGULATION (EU) No .../... of ... laying down technical requirements and administrative procedures related to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Regulation (EU) No 805/2011 (Article 8 and 9)** p. 13-15

comment

14

comment by: *Belgian NSA*

Art 8 (new requirement) CA shall approve UTP and UCS under (10) and (11) by (date 12 months following the application data set out in art 9) at the latest.

response

*Accepted*

comment

69

comment by: *LPS SR*

<b>Article 8 Transitional arrangements</b>	<del>In the case of air traffic controller licences issued in accordance with Regulation (EU) No 805/2011 bearing the Area Control Surveillance (ACS) or Approach Control Surveillance (APS) rating accompanied by the Radar (RAD) or Automatic Dependent Surveillance (ADS) endorsement (ACS-RAD, APS-RAD, ACS-ADS</del>	There is no need to have this limitation, because the conversion training is designed to provide knowledge and skills appropriate to a change in either job category (new rating discipline, rating endorsement or unit endorsement), environment (new procedures) or system (system, upgrade or change). When ATCO moves to another unit he/she will receive training for the equipment.
--	---	---

	<p>or APS-ADS), the privileges of the ACS or APS ratings shall be limited to the RAD or ADS rating endorsement. This limitation may be removed once appropriate conversion training has been accomplished taking into account the requirements of Part-ATCO, Subpart D.</p>	
--	---	--

response *Accepted*

comment 172 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes to delete the Article 8,(5).  
 As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations. Indeed, either the surveillance equipment at the unit changes, in which case there will be conversion training, or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement course. However, introducing the limitation induces cost and administrative burden for no added value, safety or otherwise

response *Accepted*

comment 233 comment by: *skyguide Corporate Regulation Management*

**Article 8.2** Transitional arrangements  
~~Notwithstanding paragraphs 5 and 6, licences, ratings and endorsements issued in accordance with the relevant provisions of national ...~~

Remove this article as not needed (see comments to (5))

response *Accepted*

comment 234 comment by: *skyguide Corporate Regulation Management*

**Article 8.5**  
~~5. In the case of air traffic controller licences issued in accordance with Regulation (EU) No 805/2011 bearing the Area Control Surveillance (ACS) or~~

~~Approach Control Surveillance (ACS) rating accompanied by the Radar (RAD) or Automatic Dependent Surveillance (ADS) endorsement (ACS RAD, APS RAD, ACS ADS or APS ADS), the privileges of the ACS or APS ratings shall be limited to the RAD or ADS rating endorsement. This limitation may be removed once appropriate conversion training has been accomplished taking into account the requirements of Part ATCO, Subpart D.~~

Comment to remove limitation as the ATCO will have all the necessary training: should they move to a new unit with a different surveillance technology, they will receive the necessary training in that surveillance equipment with the unit training; should the unit they work in acquire new equipment, the necessary training will be delivered with the conversion training. There are no cases where the ATCO would find themselves using equipment that they are not trained in.

response *Accepted*

comment 262

comment by: ICAA

4. Regarding the time frame given for replacing the licences: Given that licences, ratings and endorsements that have been issued in accordance with legislation based on Directive 2006/23/EC and EU reg. 805/2011 are deemed to be issued in accordance with the new EASA regulation....why is it necessary to hurry up the replacement of licences by giving MS just 6 months to issue new licences?  
For states that currently have a 5 year validity time for ATCO licences it would be beneficial if the EASA reg. provided for a five year period in which all licences shall be in full compliance with the EASA regulation.

response *Accepted*

comment 302

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
Articles 8 & 9	It would be better to shorten the application (article 9) and lengthening the transitional arrangements (article 8) but keeping the total time (2 years) unchanged	This would give the chance to states wishing to implement to new regulation swiftly to do so whilst giving other States the same time to adapt

response *Accepted*

comment

303

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
Articles 8 & 9	It would be better to shorten the application (article 9) and lengthening the transitional arrangements (article 8) but keeping the total time (2 years) unchanged	This would give the chance to states wishing to implement to new regulation swiftly to do so whilst giving other States the same time to adapt

response

Accepted

comment

304

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
Article 8.5	The establishment of limitations and transition training for the ACS and APS ratings accompanied by the RAD or ADS endorsement should be clarified	The reason for these limitations are not clear

response

Accepted

The paragraph is deleted.

comment

308

comment by: Belgocontrol

Art 8.5 Why working with limitations? Isn't it then rather a point to transfer the kind of surveillance used to the unit training? Anyway at that point the system

	<p>will be trained at that moment. This is making an open European licence restrictive again for some of the European citizens.          Art 9. For all the necessary changes and to allow supervising authorities to have a clear view on how the changes are going and will be implemented, two years is a minimum of time frame needed.</p>
response	<i>Accepted</i>

comment	<p>330 <span style="float: right;">comment by: <i>DSNA</i></span></p> <p><b>Article 8.</b></p> <p>We disagree with the limitations on the privileges to exercise the ACS or APS ratings :</p> <ul style="list-style-type: none"> <li>• In case where the surveillance equipment of a unit changes, each ATCO will undergo mandatory conversion training, part of the safety case submitted to the CA</li> <li>• In case an ATCO moves to a unit where the surveillance system is different, he will undergo a specific unit training that will cover the new surveillance equipment.</li> </ul> <p>In both cases, regarding safety, there is no need to put limitations on ACS and APS ratings. Basic working methods are the same whatever is the surveillance equipment used. Putting limitations on the ratings would create administrative burden, for no added value. (See general comment #331, point 1).</p>
response	<i>Accepted</i>

comment	<p>374 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Article 8 Transitional arrangements 10,          Is it intended to include all air navigation service providers in this requirement? Whilst the term is undefined in this Regulation, it is usually understood to include CNS, MET, AIS and ATS – not all of which have air traffic controllers that fall under the scope of this Regulation. The impact of this is a lack of clarity with regard to scope. The scope could be misinterpreted by some CAs to include all ANSP functions when it does not.          Suggested resolution is to replace ANSP with ATS Providers where applicable.</p>
response	<p><i>Not accepted</i></p> <p>It is clear from the scope of Article 2(2) of the Basic Regulation that only organisations 'involved in the licensing, training, testing, checking or medical examination and assessment of applicants' are affected by this requirement. Therefore, the suggested amendment is not necessary.</p>



comment	<p data-bbox="352 215 408 246">491</p> <p data-bbox="986 215 1445 246" style="text-align: right;">comment by: DSAC - French NSA</p> <p data-bbox="352 302 496 333"><u>Paragraph</u></p> <p data-bbox="352 333 469 365">Article 9</p> <p data-bbox="352 365 628 396"><u>Alternative proposal</u></p> <p data-bbox="352 396 1018 427">It shall apply from (18 months after publication).</p> <p data-bbox="352 427 1445 524" style="color: red;"><u>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.</u></p> <p data-bbox="352 524 517 555"><u>Justification</u></p> <p data-bbox="352 555 1445 685">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.</p> <p data-bbox="352 685 1445 784">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.</p>
response	<p data-bbox="352 801 596 833"><i>Partially accepted</i></p> <p data-bbox="352 891 1445 1021">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.</p> <p data-bbox="352 1021 1445 1151">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>
comment	<p data-bbox="352 1245 408 1276">492</p> <p data-bbox="986 1245 1445 1276" style="text-align: right;">comment by: DSAC - French NSA</p> <p data-bbox="352 1332 496 1364"><u>Paragraph</u></p> <p data-bbox="352 1364 469 1395">Article 9</p> <p data-bbox="352 1395 628 1426"><u>Alternative proposal</u></p> <p data-bbox="352 1426 1018 1458">It shall apply from (18 months after publication).</p> <p data-bbox="352 1458 1445 1588" style="color: red;"><u>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.</u></p> <p data-bbox="352 1588 517 1619"><u>Justification</u></p> <p data-bbox="352 1619 1445 1682">To take into account any difficulty due to organisation, financial or social constraints that may arise when preparing for the application of the regulation.</p>
response	<p data-bbox="352 1697 596 1729"><i>Partially accepted</i></p> <p data-bbox="352 1792 1445 1921">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.</p> <p data-bbox="352 1921 1445 2051">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>

comment	<p>544</p> <p style="text-align: right;">comment by: <i>Maastricht UAC</i></p> <p>Article 8 (5) Transitional arrangements                  As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations. Either the surveillance equipment at the unit changes, in which case there will be conversion training; or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement course. However, introducing the limitation introduces cost and an administrative burden for no added value, safety or otherwise.                  Delete this paragraph.</p>
response	<p><i>Accepted</i></p>

comment	<p>546</p> <p style="text-align: right;">comment by: <i>Maastricht UAC</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;"><b>Article 9</b> Entry into force</td> <td style="width: 50%; padding: 5px;">It may be difficult to be fully compliant within 18 months (or 2 years); 3 years would fit with all endorsement revalidation periods.</td> <td style="width: 25%; padding: 5px;">Propose a 3 year transition period.</td> </tr> </table>	<b>Article 9</b> Entry into force	It may be difficult to be fully compliant within 18 months (or 2 years); 3 years would fit with all endorsement revalidation periods.	Propose a 3 year transition period.
<b>Article 9</b> Entry into force	It may be difficult to be fully compliant within 18 months (or 2 years); 3 years would fit with all endorsement revalidation periods.	Propose a 3 year transition period.		
response	<p><i>Not accepted</i></p> <p>The large majority of the commentators accepts the 2-year period.</p>			

comment	<p>572</p> <p style="text-align: right;">comment by: <i>Maastricht UAC Training Organisation</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 25%; padding: 5px;"><u>Paragraph identification:</u></th> <th style="width: 50%; padding: 5px;"><u>Justification:</u></th> <th style="width: 25%; padding: 5px;"><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"><b>Article 8 (5)</b> Transitional arrangements</td> <td style="padding: 5px;">As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations.                      Either the surveillance equipment at the unit changes, in which case there will be conversion training; or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement</td> <td style="padding: 5px;">Delete this paragraph.</td> </tr> </tbody> </table>	<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	<b>Article 8 (5)</b> Transitional arrangements	As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations. Either the surveillance equipment at the unit changes, in which case there will be conversion training; or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement	Delete this paragraph.
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>					
<b>Article 8 (5)</b> Transitional arrangements	As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations. Either the surveillance equipment at the unit changes, in which case there will be conversion training; or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement	Delete this paragraph.					

	course. However, introducing the limitation introduces cost and an administrative burden for no added value, safety or otherwise.	
response	<i>Accepted</i>	

comment	575	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	<p>Article 8 6.                  Regulation 805/2011 foresees two different roles for the assessment after initial training and for the assessment of ongoing competence of an ATCO. DFS based their training and licensing system on these two roles, where the competence assessor is an advanced module to the competence examiner’s course and endorsement. An equal treatment (same endorsement) is not possible without re-structuring the whole training syllabus, not to mention the inexistent need to provide conversion training to all examiners up to significant difficulties in changing the labour agreements within the given period for transition.                  We require a solution which allows maintaining separated endorsements, giving grandfather rights to the existing arrangements.</p>	
response	<i>Not accepted</i>	
	<p>Regulation (EU) No 805/2011 is not specific with regard to the privileges and required qualifications for competence examiners or competence assessors. Regulation (EC) No 216/2008 is, however, very precise concerning the requirements applicable to persons responsible for assessing the skills of air traffic controllers, which are now implemented in the draft proposal. The Agency does not see any justifiable need to distinguish two categories between the persons responsible for and entitled to assess the skills of air traffic controllers. This does not prevent, however, to establish other entitlements at national level, provided that they do not interfere with the EU level requirements established for assessors.</p>	

comment	579	comment by: <i>Maastricht UAC Training Organisation</i>						
	<table border="1"> <thead> <tr> <th><u>Paragraph identification:</u></th> <th><u>Justification:</u></th> <th><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td><b>Article 9</b> Entry into force</td> <td>It may be difficult to be fully compliant within 18 months (or 2 years); 3 years would fit with all endorsement revalidation periods.</td> <td>Propose a 3 year transition period.</td> </tr> </tbody> </table>		<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	<b>Article 9</b> Entry into force	It may be difficult to be fully compliant within 18 months (or 2 years); 3 years would fit with all endorsement revalidation periods.	Propose a 3 year transition period.
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>						
<b>Article 9</b> Entry into force	It may be difficult to be fully compliant within 18 months (or 2 years); 3 years would fit with all endorsement revalidation periods.	Propose a 3 year transition period.						

response *Not accepted*

The large majority of commentators accepts the 2-year period.

comment 736

comment by: UK CAA

**Page No:** 14

**Paragraph No:** Article 8, paragraphs 8 and 9

**Comment:** Paragraphs 8 and 9 mention certificates "referred to in paragraph 2", but there is no mention of "certificates" in "paragraph 2. The certificates concerned are referred to in paragraph 7.

**Justification:** Accuracy.

**Proposed Text:** Replace "referred to in paragraph 2" with "referred to in paragraph 7"

response *Accepted*

comment 991

comment by: Belgocontrol Training Centre

Limitations: As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations. Indeed, either the surveillance equipment at the unit changes, in which case there will be conversion training, or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement course. However, introducing the limitation induces cost and administrative burden for no added value, safety or otherwise

response *Accepted*

comment 1031

comment by: IFATCA

28	NPA 2012 18 (BI)	Article 8 <b>Transitional arrangements</b>	2. <del>Notwithstanding paragraphs 5 and 6,</del> licences, ratings and endorsements issued in accordance with the relevant provisions of national legislation based on Directive 2006/23/EC as well as in accordance with the provisions of Regulation (EU) No 805/2011 shall be deemed to be issued in accordance with this Regulation.	Grandfather rights should not be further reduced.
----	------------------	--	---	---

response *Accepted*

comment 1032

comment by: IFATCA

29	NPA 2012 18 (BI)	Article 8 <b>Transitional arrangements</b>	3. The Area Control Procedural (ACP) rating with the Oceanic Control (OCN) rating endorsement issued on the basis of national rules based on Article 31(1) of Regulation (EU) No 805/2011 shall be deemed to be issued in accordance with this Regulation.	IFATCA welcomes this paragraph. From a legal point of view and consistency with International airspace. How far is this EASA Regulation applicable to ICAO airspace
----	------------------	--	--	---

response *Noted*

The 'ICAO airspace' concept is not used in our legislation, even when considering the Chicago Convention; it appears that all airspace in the world is ICAO airspace. However, from the context of 'Oceanic Control Rating' it is assumed that it actually means high-seas airspace, which of course starts 12 nautical miles off the coast of a State.

Normally EU rules apply only to the area where the EU Treaty applies, i.e. the sovereign airspace of the Member States. As high-seas airspace is not sovereign airspace, but a kind of 'no man's airspace', it would not be covered by our rules. However, in SES we made a rather unusual exemption in 2004 and in 2009 which exemption was — for ATM/ANS purposes — transferred to the Basic Regulation.

Article 4(3c) of the Basic Regulation states that:

'3c. ATM/ANS provided in the airspace of the territory to which the Treaty applies, as well as in any other airspace where Member States apply Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) (1) in accordance with Article 1(3) of that Regulation, shall comply with this Regulation. Systems and constituents, personnel and organisations involved in the provision of these ATM/ANS shall comply with this Regulation.'

If we then look at Article 1(3) of the Airspace Regulation (No 551/2004), which that bit refers to, it states that:

'3. Without prejudice to Article 10, this Regulation shall apply to the airspace within the ICAO EUR and AFI regions where Member States are responsible for the provision of air traffic services in accordance with the service provision Regulation. Member States may also apply this Regulation to airspace under their responsibility within other ICAO regions, on condition that they inform the Commission and the other Member States thereof.'

This means that where the Member States have agreed with ICAO to take care of the provision of services also in the high-seas airspace of ICAO EUR or AFI regions, they shall have to apply SES (and by extension also EASA) rules. Furthermore, they may choose to apply those rules also in other ICAO regions where they provide services. This extension was primarily made for the traffic to Canaries, but the voluntary extension tends to apply also to NAT and the Caribbean areas.

comment 1033

comment by: IFATCA

31	NPA 2012-18 (BI	Article 8 <b>Transitional arrangements</b>	<p>5. In the case of air traffic controller licences issued in accordance with Regulation (EU) No 805/2011 bearing the Area Control Surveillance (ACS) or Approach Control Surveillance (APS) rating accompanied by the Radar (RAD) or Automatic Dependent Surveillance (ADS) endorsement (ACS-RAD, APS-RAD, ACS-ADS or APS-ADS), the <del>privileges of the ACS or APS ratings shall be limited to the RAD or ADS rating endorsement. This limitation may be removed once appropriate conversion training has been accomplished taking into account the requirements of Part-ATCO, Subpart D.</del></p>	<p>Remove as it seems not covering any practical cases and seems to be a theoretical possibility. However experience has shown that in some recently privatised towers in Europe, some very bizarre ratings have been created. They are however not mentioned in this paragraph and will have to be captured by article 7. (self-trained APS with limited ADS or RAD use – only functionality)                  IFATCA welcomes the intention of EASA to exclude the specific national rating endorsements or any form of differing standards.                  IFATCA invites EASA to keep a transparent register attached to the NPA of the current (still) existing divergences to this rule in order to increase the understanding for the national differing rating endorsement. In particular where commercial pressure leads to downgrading the training and national derogation to increase commercial attractiveness for investors, going so far to create new rating endorsement for only those airports which have been sold to investors.</p>
----	-----------------	---	--	---

response *Accepted*

The proposed deletion is accepted, the comment is noted.

comment 1034

comment by: IFATCA

32	NPA 2012-18 (BI)	<b>Article 9 Entry into force and application</b>	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from (18 months after publication).	IFATCA trusts that EASA has established a calendar explaining how the 18 month period will be compatible with the transition provision and the newly established requirements for the competence cycle.
----	------------------	---	---	---

response Noted

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 1079

comment by: Civil Aviation Authority Norway

*Medical expert comment: Art 8 Paragraph 9*

That AMEs and AeMCs certificate shall be replaced with certificates complying with the format in Appendices 11 and 12 6 months following the date set out in Article 9 could come in conflict with Article 10c in EC 290/2012 where the date is 8 April 2017 unless AMEs and AeMCs (with class 1 and 3 privileges) should have certificates issued both according to Part-ATCO and Part-MED.

response Noted

The subject period will be revised, as necessary, when the rule is adopted by taking into account the transitional arrangements. In Member States where both 'types' of AMEs are certified by the same authority it will be sufficient to amend the scope of the AME certificate to include the class 3 privileges. In



other Member States where there are two different competent authorities a separate certificate shall be issued.

comment 1096 comment by: HungaroControl

Article 8 Transitional arrangements  
~~In the case of air traffic controller licences issued in accordance with Regulation (EU) No 805/2011 bearing the Area Control Surveillance (ACS) or Approach Control Surveillance (APS) rating accompanied by the Radar (RAD) or Automatic Dependent Surveillance (ADS) endorsement (ACS RAD, APS RAD, ACS ADS or APS ADS), the privileges of the ACS or APS ratings shall be limited to the RAD or ADS rating endorsement. This limitation may be removed once appropriate conversion training has been accomplished taking into account the requirements of Part ATCO, Subpart D.~~

response Accepted

comment 1115 comment by: NATS National Air Traffic Services Limited

Article 8 Transitional arrangements, 5.  
 As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations. Indeed, either the surveillance equipment at the unit changes, in which case there will be conversion training, or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement course. However, introducing the limitation induces cost and administrative burden for no added value, safety or otherwise.  
 Suggest deleting paragraph '5.'  
 And renumber paragraphs '6.' to '12.' Minus one number.

response Accepted

comment 1125 comment by: EUROCONTROL

Article 8, paragraph 2:  
 Perhaps the insertion of the words of this regulation would remove the ambiguity.

response Not accepted

When within a provision reference is made to paragraphs, those are to be understood as references to the paragraphs of that provision. Should the reference call for another regulatory act, the subject regulatory act is quoted with its unique number, followed by further details on the provisions, as necessary.

comment	1254	comment by: ENAV
	<p><del>5. In the case of air traffic controller licences issued in accordance with Regulation (EU) No 805/2011 bearing the Area Control Surveillance (ACS) or Approach Control Surveillance (APS) rating accompanied by the Radar (RAD) or Automatic Dependent Surveillance (ADS) endorsement (ACS RAD, APS RAD, ACS ADS or APS ADS), the privileges of the ACS or APS ratings shall be limited to the RAD or ADS rating endorsement. This limitation may be removed once appropriate conversion training has been accomplished taking into account the requirements of Part ATCO, Subpart D.</del></p> <p>Comment: As the ATCO will be trained, de facto, in any surveillance equipment they are using, it is not necessary to have these limitations. Indeed, either the surveillance equipment at the unit changes, in which case there will be conversion training, or the ATCO moves to another unit and will receive training for the equipment at that unit during the unit endorsement course. However, introducing the limitation induces cost and administrative burden for no added value, safety or otherwise</p>	
response	Accepted	

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART A – General requirements**

p. 16

comment	100	comment by: CAA-NL
	<p><b>ATCO.A.001</b> As subpart A concerns general requirements, the scope should include student controller licences.</p> <p><b>ATCO.A.010.(c)</b> Why exchange, and not just transfer of records or a copy of those, and adding the new privileges on to the existing Licence?</p>	
response	<p>Partially accepted</p> <p>ATCO.A.001 The comment is accepted and the proposed text is revised. ATCO.A.010 (c) After analysing the different possibilities, the Agency considers that the most suitable way to assist and promote mobility is to exchange the licences. That allows the different authorities to endorse additional information in the licences (new ratings or endorsements).</p>	

comment	188	comment by: Finnish Transport Safety Agency
	<p><u>ATCO.A.010 Application for and issue of licences, ratings and endorsements</u> (c) <i>If the licence holder intends to exercise the privileges of the licence in a Member State other than that the licence was issued in, the licence holder shall</i></p>	

exchange his/her licence for a licence issued in the Member State where the privileges are exercised, except where otherwise foreseen in agreements concluded amongst the Member States. For this purpose he/she shall request a change of the competent authority and the transfer of his/her records to the competent authority of the Member State where the privileges are exercised and shall submit an application referred to in paragraph (b) to that competent authority.

Comment: The requirement to exchange the licence should be restricted to the cases where the privileges of the UNIT ENDORSEMENT are exercised in another Member State. It is unnecessary to change the student licence or an ATCO licence 'with student licence privileges' (= exercising the privileges under the supervision of an OJTI). The licence should be exchanged when a new unit (or eventually rating or language) endorsement is issued.

response

*Not accepted*

The intention is that the exchange of the licence will take place before the holder exercises its privileges.

A student air traffic controller is authorised to provide air traffic control services in accordance with the rating(s) and rating endorsement(s) contained in their licence under the supervision of an on-the-job-training instructor, as well as for an air traffic controller that pursues to be granted with a unit endorsement. In practice, that means going through unit training.

On the other hand, Member States may impose language proficiency endorsements in a national language other than English in order to exercise the privileges of the licence. In that case the licence would need to be exchanged.

comment

239

comment by: skyguide Corporate Regulation Management

#### **ATCO.A.001 scope licensing**

**Consistency:** Provide for suspension and revocation of licences, ratings and endorsements

#### **ATCO.A.001 Scope**

This part establishes the requirements for the issue of air traffic controller licences and associated ratings and endorsements and the conditions of their validity and use, as well as their suspension and revocation. ATCO.A.020 refers to suspension and revocation, but this is not covered in the scope. We suggest to amend either the scope or the title.

#### **ATCO.A.005**

For the purpose of this Part, the competent authority shall be the authority nominated or established by each Member State in order to assume the tasks assigned to such authority under this Regulation.

We suggest to delete this article as it repeats art 4.1 of the cover regulation.

#### **ATCO.A.010 (b)**

to authority who originally issued licence

(b) An application for the issue of further ratings or endorsements, for the revalidation or renewal of endorsements and for the reissue of the licence shall be submitted to the competent authority which issued the licence currently administering the licence.

Should the ATCO move to a different country, they will have "changed" competent authority and should be able to apply to the "new" CA for the renewal, revalidation and application of further endorsements and ratings in their licence.

#### **ATCO.A.010 (f)**

response	<p>"The licence shall remain the property of, <b>and be signed by</b>, the person to whom it is issued <del>and who shall sign it</del> Grammatical</p> <p><i>Partially accepted</i></p> <p>ATCO.A.001 The comment is accepted and the text is revised. ATCO.A.005 Accepted. ATCO.A.010 (b) The comment is noted. This Agency considers that the proposed text is the most suitable since the competent authority that issued the licence is always the one administering it (if a controller moves to another country and exercises the privileges of the licence, an exchange has to have taken place). ATCO.A.010 (f) The comment is accepted and the text is revised.</p>
----------	---

comment	<p>309</p> <p style="text-align: right;">comment by: AESA / DSANA</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th style="text-align: left;">PART</th> <th style="text-align: left;">COMMENT</th> <th style="text-align: left;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">ATCO.A.005</td> <td> <p>This part refers to the competent authority, which is not fully in line with article 4.1 (possibility of more than one authority)</p> <p><i>- related to Article 4.1</i></p> </td> <td> <p>Inconsistencies can be found through the regulation on this matter. The regulation has really been developed with a single authority in mind</p> </td> </tr> <tr> <td style="vertical-align: top;">ATCO.A.010(c)</td> <td> <p>Although we favour this disposition, the [administrative] process for the change and transfer has to be clearly defined</p> </td> <td> <p>This will avoid divergence between processes in the different FABs / States and facilitates the smooth circulation of staff within Europe</p> </td> </tr> <tr> <td style="vertical-align: top;">ATCO.A.010(d)</td> <td> <p>This part seems to imply that there will be a single authority in charge in this regulation in a FAB</p> </td> <td> <p>There may be different authorities in charge within the FAB depending on the agreement reached by the participating States</p> </td> </tr> </tbody> </table>	PART	COMMENT	JUSTIFICATION	ATCO.A.005	<p>This part refers to the competent authority, which is not fully in line with article 4.1 (possibility of more than one authority)</p> <p><i>- related to Article 4.1</i></p>	<p>Inconsistencies can be found through the regulation on this matter. The regulation has really been developed with a single authority in mind</p>	ATCO.A.010(c)	<p>Although we favour this disposition, the [administrative] process for the change and transfer has to be clearly defined</p>	<p>This will avoid divergence between processes in the different FABs / States and facilitates the smooth circulation of staff within Europe</p>	ATCO.A.010(d)	<p>This part seems to imply that there will be a single authority in charge in this regulation in a FAB</p>	<p>There may be different authorities in charge within the FAB depending on the agreement reached by the participating States</p>
PART	COMMENT	JUSTIFICATION											
ATCO.A.005	<p>This part refers to the competent authority, which is not fully in line with article 4.1 (possibility of more than one authority)</p> <p><i>- related to Article 4.1</i></p>	<p>Inconsistencies can be found through the regulation on this matter. The regulation has really been developed with a single authority in mind</p>											
ATCO.A.010(c)	<p>Although we favour this disposition, the [administrative] process for the change and transfer has to be clearly defined</p>	<p>This will avoid divergence between processes in the different FABs / States and facilitates the smooth circulation of staff within Europe</p>											
ATCO.A.010(d)	<p>This part seems to imply that there will be a single authority in charge in this regulation in a FAB</p>	<p>There may be different authorities in charge within the FAB depending on the agreement reached by the participating States</p>											
response	<p><i>Accepted</i></p>												

ATCO.A.005  
 The content of this paragraph has been removed.  
 ATCO.A.010 (c)  
 The whole article has been completely revised in order to better detail the exchange process. Also GM has been added in this regard.  
 ATCO.A.010 (d)  
 The text is revised and the observation is considered.

comment 382 comment by: *NATS National Air Traffic Services Limited*

ANNEX I PART-ATCO REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS  
 SUBPART A – General requirements  
 ‘General requirements’ should be in upper case letters to ensure consistency with EASA house style.  
 Amend to: ‘GENERAL REQUIREMENTS’

response *Accepted*

comment 383 comment by: *NATS National Air Traffic Services Limited*

ATCO.A.010 (f) and ATCO.A.020 (b)  
 ATCO.A.010 (f) states the licence shall remain the property of the licence holder. However ATCO.A.020 (b) states when the licence has been suspended or revoked, the licence shall be returned to the CA which is a contradiction. There is a difference between suspension and revocation of the licence. A suspended licence would normally be retained by the licence holder in preparation for the lifting of the suspension. However if it is revoked for heavy law braking reasons it should be returned to the CA. A suspended licence should not be returned to the CA. There is a contradiction in the regulations leading to confusion and non-standard application.  
 Suggest changing wording of ATCO.A.010 (f) to :  
**‘The licence shall remain the property of the person to whom it is issued unless it is revoked by the competent authority. The licence holder shall sign the licence’** and change ATCO.A.020 (b) to: **‘When the licence holder has his/her licence revoked, he/she shall immediately return the licence to the competent authority according to the administrative procedures established by that authority’.**

response *Accepted*

comment 547 comment by: *Maastricht UAC*

**ATCO.A.010(d)** This statement, while **Proposed text:** Article 4 (7) For the case of

FABs	correct, should be broadened and moved to Article 4 Competent Authority	Functional Airspace Blocks (FABs) or of cross-border service provision, Member States within the FAB may agree to designate a competent authority with responsibility for tasks relating to the certification and oversight of persons and organisations subject to this regulation.
response	<i>Accepted</i>	

comment	581	comment by: <i>Maastricht UAC Training Organisation</i>						
<table border="1"> <thead> <tr> <th data-bbox="363 869 564 987"><u>Paragraph identification:</u></th> <th data-bbox="564 869 852 987"><u>Justification:</u></th> <th data-bbox="852 869 1442 987"><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="363 987 564 1317">ATCO.A.010(d) FABs</td> <td data-bbox="564 987 852 1317">This statement, while correct, should be broadened and moved to Article 4 Competent Authority</td> <td data-bbox="852 987 1442 1317"><b>Proposed text:</b> Article 4 (7) For the case of Functional Airspace Blocks (FABs) or of cross-border service provision, Member States within the FAB may agree to designate a competent authority with responsibility for tasks relating to the certification and oversight of persons and organisations subject to this regulation.</td> </tr> </tbody> </table>			<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	ATCO.A.010(d) FABs	This statement, while correct, should be broadened and moved to Article 4 Competent Authority	<b>Proposed text:</b> Article 4 (7) For the case of Functional Airspace Blocks (FABs) or of cross-border service provision, Member States within the FAB may agree to designate a competent authority with responsibility for tasks relating to the certification and oversight of persons and organisations subject to this regulation.
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>						
ATCO.A.010(d) FABs	This statement, while correct, should be broadened and moved to Article 4 Competent Authority	<b>Proposed text:</b> Article 4 (7) For the case of Functional Airspace Blocks (FABs) or of cross-border service provision, Member States within the FAB may agree to designate a competent authority with responsibility for tasks relating to the certification and oversight of persons and organisations subject to this regulation.						
response	<i>Accepted</i>							

comment	737	comment by: <i>UK CAA</i>
<p><b>Page No:</b> 16</p> <p><b>Paragraph No:</b> ATCO.A.005 and ATCO.A.010, paragraph (a)</p> <p><b>Comment:</b> These two provisions do not make it clear where an applicant for a licence should apply, i.e. to the competent authority of <b>which</b> Member State (MS), should he or she apply? It could be any Member States, as for pilot licences under FCL.001 (Annex I of Regulation 1178/2011) which states that “the competent authority, shall be an authority designated by the Member State to whom a person applies..”. If a specific MS is intended, such as the Member State where the person wishes to exercise the privileges of the licence, this should be reflected in the text.</p> <p><b>Justification:</b> Clarity for applicants and competent authorities.</p>		

	<p><b>Proposed Text:</b> ATCO.A.005 "... the competent authority shall be the authority nominated or established by <b>the</b> Member State in order ... this regulation where the applicant is to exercise the privileges of the licence."</p>
response	<p><i>Accepted</i></p> <p>The comment is accepted and the text is revised.</p>

comment	740	comment by: UK CAA
	<p><b>Page No:</b> 16  <b>Paragraph No:</b> ATCO.A.010, paragraph (c)  <b>Comment:</b> The text should be amended to ensure a single licence policy for an ATCO.                  In addition, there also needs to be a process for the transfer of records detailed in AMC, for consistency across the Union.  <b>Justification:</b> For emphasise and clarity and to avoid any misrepresentation.  <b>Proposed Text:</b> Amend paragraph (c) to read:                  "... For this purpose he/she shall request a change of the competent authority and the transfer of his/her records to the competent authority of the Member State where the privileges are exercised and shall submit an application referred to in paragraph (b) <b>together with his/her ATCO licence</b> to that competent authority."</p>	
response	<p><i>Accepted</i></p>	

comment	781	comment by: AESA / DSANA									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #ADD8E6;"> <th style="width: 25%;">Reference:</th> <th style="width: 35%;">Quote/Proposal</th> <th style="width: 40%;">Comment/Remark (Reason for comment)</th> </tr> </thead> <tbody> <tr> <td><b><u>ATCO.A.010 Application for and issue of licences, ratings and endorsements</u></b></td> <td>2.</td> <td>It should be somehow or somewhere in the licence an element to "keep track" of where the ratings and rating endorsements were obtained.</td> </tr> <tr> <td><b><u>ATCO.A.010 Application for and issue of licences, ratings and endorsements</u></b></td> <td>(c) If the licence holder intends to exercise the privileges of the licence in a Member State other than that the licence was issued in, the licence holder shall <b>submit an application in order to</b> exchange his/her licence for a licence issued in the Member State where the privileges are exercised, except where otherwise foreseen in agreements</td> <td>If the holder has to exchange the licence then he/she should not have to submit any application, since the act of "exchange" already includes the action of receiving a new licence by the authority. The application submitted should be, in any case, related to the exchange. The act of exchanging the licence shall be prior to the</td> </tr> </tbody> </table>		Reference:	Quote/Proposal	Comment/Remark (Reason for comment)	<b><u>ATCO.A.010 Application for and issue of licences, ratings and endorsements</u></b>	2.	It should be somehow or somewhere in the licence an element to "keep track" of where the ratings and rating endorsements were obtained.	<b><u>ATCO.A.010 Application for and issue of licences, ratings and endorsements</u></b>	(c) If the licence holder intends to exercise the privileges of the licence in a Member State other than that the licence was issued in, the licence holder shall <b>submit an application in order to</b> exchange his/her licence for a licence issued in the Member State where the privileges are exercised, except where otherwise foreseen in agreements	If the holder has to exchange the licence then he/she should not have to submit any application, since the act of "exchange" already includes the action of receiving a new licence by the authority. The application submitted should be, in any case, related to the exchange. The act of exchanging the licence shall be prior to the
Reference:	Quote/Proposal	Comment/Remark (Reason for comment)									
<b><u>ATCO.A.010 Application for and issue of licences, ratings and endorsements</u></b>	2.	It should be somehow or somewhere in the licence an element to "keep track" of where the ratings and rating endorsements were obtained.									
<b><u>ATCO.A.010 Application for and issue of licences, ratings and endorsements</u></b>	(c) If the licence holder intends to exercise the privileges of the licence in a Member State other than that the licence was issued in, the licence holder shall <b>submit an application in order to</b> exchange his/her licence for a licence issued in the Member State where the privileges are exercised, except where otherwise foreseen in agreements	If the holder has to exchange the licence then he/she should not have to submit any application, since the act of "exchange" already includes the action of receiving a new licence by the authority. The application submitted should be, in any case, related to the exchange. The act of exchanging the licence shall be prior to the									

	<p>concluded amongst the Member States. For this purpose he/she shall request a change of the competent authority and the transfer of his/her records to the competent authority of the Member State where the privileges are exercised and shall submit an application referred to in paragraph (b) to that competent authority. The new licence will include all the ratings and endorsements that are valid at the moment of the exchange, excluding the unit endorsements, which are not subject to recognition. Once the air traffic controller holds a new licence, he/she shall submit an application referred to in paragraph (b) to the competent authority where he/she intends to exercise the privileges of the licence in order to obtain new ratings or endorsements in his/her licence. The new competent authority shall return the old licence to the authority that issued it.</p>	<p>exercise of the privileges (if it is student ATCO or ATCO). Also, it needs to be clear what ratings and endorsements need to be "written" in the new licences (only valid ones, since there is no need to be keeping things in the licence that are not valid anymore). The old licence should be return to the competent authority that issued it. There is no point for the "new" NAA to keep it. (it will end up with countries having everybody's licences).</p>
<p><b>ATCO.A.010 Application for and issue of licences, ratings and endorsements</b></p>	<p>4. The holder of a student air traffic controller licence who has not exercised the privileges of that licence for a period of one year may only commence or continue unit training associated to any of the ratings or rating endorsements contained in the licence in that rating after assessment of previous competence as to whether he/she continues to satisfy the requirements relevant to that those rating(s) or rating endorsement(s), and after satisfying any training requirements that could result from this assessment.</p>	<p>Better wording. The propose text states a reference to a previous rating ("that rating") while it has not been mentioned before. Also to complement with rating endorsements. The assessment shall be undertaken in an appropriate simulator.</p>



response *Partially accepted*

ATCO.A.010  
 The comment is partially accepted and the text is revised.  
 ATCO.A.010 4.  
 The content of the comment does not refer to ATCO.A.010 (but to ATCO.B.005 instead). Therefore, it is noted; to be considered for the review of ATCO.B.005.

comment

845

comment by: *swissatca*

What happens if an ATCO moves to a different country and thus the competent authority changes?

response

*Noted*

The situation where an air traffic controller moves to another country is covered by the text.

comment

873

comment by: *DATCA*

We support the new Provisional Inability, but feel more clarification and more specific guidelines are needed.

response

*Accepted*

comment

1035

comment by: *IFATCA*

33	NPA 2012- 18 BI)	Annex I	<del><b>ATCO.A.005 Competent authority</b> For the purpose of this part, the competent authority shall be the authority nominated or established by each Member State in order to assume the tasks assigned to such authority under this Regulation.</del>	Delete: repetition (art. 4.1.)
----	------------------------	------------	--	--------------------------------------

response

*Accepted*

comment 1036

comment by: IFATCA

35	NPA 2012-18 (BI)	Annex I	<b>ATCO.A.010 Application for and issue of licences, ratings and endorsements</b> (d) Within a functional airspace block or in the case of cross-border service provision the applicant shall apply to the competent authority designated by the agreement of the involved Member States.	Does this imply that ATCOs providing a cross-border service as a part of a delegated provision of ATS need to have two endorsements, one each from the two different competent Authority? How are those delegation treated where no agreement exists at the State level, but are only Letter of agreement. e.g. sector B is delegated without a state agreement to be managed by another ANSP and the operations are regulated through letter of agreements between the ANSPS (or even only service notes). e.g. where a state agreement exists but does not designate a competent authority?
----	------------------	---------	--	---

response *Noted*

The proposed text does not oblige to have two different unit endorsements because of delegation of airspace. The referred agreements should conclude which part of the airspace should be under the responsibility of the controllers, and thus included in the unit endorsement privileges associated to that airspace.

comment 1037

comment by: IFATCA

37	BI	ANNEXE 1 <b>ATCO.A.015 Provisional inability</b>	<b>ATCO.A.015 Provisional inability incapacity</b>	IFATCA policy talk about incapacity and not inability. We therefore suggest to change the wording.
----	----	---	--	--

response *Not accepted*

The term 'incapacity' relates in this context to medical issues, thus it could cause confusion.

comment

1080

comment by: *Civil Aviation Authority Norway*

(C): Unnecessary to exchange the student licence/ATCO licence during unit training.  
ATCO needs national medical certificate (medical history needs to be transferred) and documentation local LPR level 4.

response

*Not accepted*

After analysing the different possibilities, the Agency considers that the most suitable way to assist and promote mobility is to exchange the licences. That allows the different authorities to endorse additional information in the licences (new ratings or endorsements).

comment

1126

comment by: *EUROCONTROL*

ATCO.A.010 (d):  
As this requirement is beyond just the one competent authority (for FAB) it could better be suited in Art. 4 on nomination of competent authorities

response

*Accepted*

comment

1128

comment by: *EUROCONTROL*

ATCO.A.010 (f):  
add the following words: *The licence ... who shall sign it **in ink or equivalent quality***

response

*Not accepted*

The Agency believes that this proposal brings no added value while at the same time it could introduce ambiguity by the statement of 'equivalent quality'. Therefore, the proposal is not accepted.

comment	<p data-bbox="354 210 427 246">1162</p> <p data-bbox="986 210 1445 246" style="text-align: right;">comment by: <i>Luca Valerio Falessi</i></p> <p data-bbox="354 297 858 333"><b>ATCO.A.005 Competent authority</b></p> <p data-bbox="354 362 1445 427">For the purpose of this part, the competent authority shall be the authority <b><u>competent over:</u></b></p> <p data-bbox="354 490 1342 526"><b><u>a) the training organisation, in case of student controller licence;</u></b></p> <p data-bbox="354 586 946 622"><b><u>b) the ATC Unit of the unit endorsement</u></b></p> <p data-bbox="354 620 1445 685"><del>nominated or established by each Member State in order to assume the tasks assigned to such authority under this Regulation.</del></p> <p data-bbox="354 714 568 750">JUSTIFICATION</p> <p data-bbox="354 748 1445 813">It is very important to maintain the general coherence of the approval process in the hands of the authority of the ATC Unit.</p> <p data-bbox="354 848 1445 913">This authority shall be the one defined in the agreement following the designation of the ATSP, in either national or cross-border situation.</p>
response	<p data-bbox="354 1010 536 1046"><i>Not accepted</i></p> <p data-bbox="354 1095 1445 1193">After analysing the different comments and options, the Agency has decided to remove completely paragraph ATCO.A.005 since it seems to be repetitive from what it has been stated previously in Article 4.</p>
comment	<p data-bbox="354 1285 427 1321">1164</p> <p data-bbox="986 1285 1445 1321" style="text-align: right;">comment by: <i>Luca Valerio Falessi</i></p> <p data-bbox="354 1368 836 1404">A010(c) Modify as per the following</p> <p data-bbox="354 1435 1445 1792">(c) If the licence holder intends to exercise the privileges of the licence in <b><u>an ATC Unit with a competent authority from a</u></b> Member State other than that the licence was issued in, the licence <b><u>oversight responsibility</u></b> holder shall <b><u>be transferred to the competent authority of the ANSP</u></b> <del>exchange his/her licence for a licence issued in the Member State where the privileges are exercised,</del> except where otherwise foreseen in agreements concluded amongst the Member States <b><u>or the competent authorities</u></b>. For this purpose he/she shall request a change of the competent authority and the transfer of his/her records to the competent authority of the <del>Member State</del> <b><u>ATC Unit</u></b> where the privileges are exercised and shall submit an application referred to in paragraph (b) to that competent authority.</p> <p data-bbox="354 1821 568 1856">JUSTIFICATION</p> <p data-bbox="354 1854 1445 1919">This NPA proposes an intricate tangle of competence among the various competent authorities, without giving any specific justification.</p> <p data-bbox="354 1951 1445 2049">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.</p>

	<p>In addition it should be noted that agreements can be stipulated at CA level without involving the MS level, especially when a small number of ATCOs, or a limited time, is involved.</p>
response	<p><i>Partially accepted</i></p> <p>The text is completely revised and the observation is taking into consideration in the new text.</p>
comment	<p>1166 <span style="float: right;">comment by: <i>Luca Valerio Falessi</i></span></p> <p><del>(d) Within a functional airspace block or in the case of cross border service provision the applicant shall apply to the competent authority designated by the agreement of the involved Member States.</del></p> <p><b>JUSTIFICATION</b> If the safety oversight is transferred to the CA of the ATSU, there's no more need of this paragraph.</p>
response	<p><i>Accepted</i></p>
comment	<p>1260 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p><b>ATCO.A.010 (c) Application for and issue of licences, ratings and endorsements</b> – The requirements to exchange the licence should be restricted to the cases where the privileges of unit endorsement are exercised in another Member State. It is unnecessary to change the student licence or an ATCO licence 'with student licence privileges' (= exercising the privileges under the supervision of an OJTI). The licence should be exchanged when a new unit (or eventually rating or language) endorsement is issued.</p>
response	<p><i>Not accepted</i></p> <p>After considering the different possibilities, the Agency considers that the most suitable way to assist and promote mobility is to exchange the licences. That allows the different authorities to endorse additional information in the licences (new ratings or endorsements).</p>
comment	<p>1332 <span style="float: right;">comment by: <i>Avinor ANS</i></span></p> <p>Exchange of license – In addition to submitting existing license there is a need to submit documentation for medical history and proof of at least LPR level 4.</p>
response	<p><i>Not accepted</i></p>

The medical certificate is also recognised, but unlike the licence it is not necessary to be exchanged.  
Language proficiency is included in the licence through the language proficiency endorsement.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART A – General requirements – ATCO.A.015 Provisional inability**

p. 16-17

comment

4

comment by: *Stanislav Sharkovskis*

Hello

ANNEX 1 ATCO.A.015 item d) states

Air navigation service providers **may declare...**

Our proposal is &gt;

Air navigation service providers **shall declare to Competent authority...**

response

*Not accepted*

Since the cases can vary largely and diversely, declaring provisional inability should remain a possibility, rather than an obligation, available to both air traffic controllers and air navigation service providers, under the same conditions and for the same reasons.

comment

189

comment by: *Finnish Transport Safety Agency**ATCO.A.015 Provisional inability*

*(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures enabling air traffic controllers to declare a provisional inability to exercise the privileges of their licence in accordance with paragraph (b), to manage the operational impact of provisional inability cases and inform the competent authority if the provisional inability has not been terminated according to these procedures.*

Comment: Finland supports the idea that the competent authority is only informed in the cases when the provisional ability has not been terminated. Informing the competent authority about the declaration of provisional inability would cause a lot of unnecessary administration.

response

*Partially accepted*

To ensure flexibility and proportionality, as well as to limit the administration to what is considered locally appropriate, it is proposed to define the cases for which the competent authority needs to be involved in the procedure to be defined by the air navigation service provider and to be approved by the competent authority via the unit competence scheme.

comment	<p>203 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span></p> <p>CANSO proposes the following change to ATCO.A.015 (d):  <i>Air navigation service providers may declare the provisional inability of the air traffic controller if they become aware of any of the circumstances described in (b) when his/her competence is in doubt.</i>  The ANSP's behaviour should be as objective and non random as possible and based on a well defined requirement. This would prevent different ANSPs treating PI in different ways. (harmonisation)</p>
response	<p><i>Accepted</i></p>
comment	<p>240 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.A.015(d)</b>  Air navigation service providers may declare the provisional inability of the air traffic controller if <del>his/her competence is in doubt</del> they suspect any of the circumstances described in (b)  Without this amendment, the ANSP would not be able to declare provisional inability should they have reason to doubt the medical fitness of the ATCO, for example.</p>
response	<p><i>Partially accepted</i></p>
comment	<p>375 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATCO.A.015 Provisional inability (c), (d) and (e)  Is it intended to include all air navigation service providers in this requirement? Whilst the term is undefined in this Regulation, it is usually understood to include CNS, MET, AIS and ATS – not all of which have air traffic controllers that fall under the scope of this Regulation. The impact of this is a lack of clarity with regard to scope. The scope could be misinterpreted by some CAs to include all ANSP functions when it does not.  Suggested resolution is to replace ANSP with ATS Providers where applicable.</p>
response	<p><i>Not accepted</i></p> <p>It is clear from the scope of Article 2(2) of the Basic Regulation that only organisations 'involved in the licensing, training, testing, checking or medical examination and assessment of applicants' are affected by this requirement. Therefore, the suggested amendment is not necessary.</p>
comment	<p>452 <span style="float: right;">comment by: <i>Aaron Curtis Prospect ATCOs' Branch UK</i></span></p> <p>(d) 'Competency in doubt' should be re-worded as competency is the technical skill of the ATCO and provision is made for it in ATCO.B.025. By referring to competency in this section confusion could arise under which article</p>

competency is managed through, and could be conflicting. Provisional Inability deals with the ATCO's fitness to work. It is recognised that air navigation service providers may have the need to place an ATCO in provisional inability when they themselves are unable to detect that they are not fit to work. We suggest an amendment to (d):

(d) Air navigation service providers may declare the provisional inability of the air traffic controller when they become aware of any of the circumstances described in (b) is affecting a licence holder.

Further more appropriate governance and guidance on the use of provisional inability should be provided:

(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :

(1) establishing the formation and competence of Provisional Inability Review Bodies

(2) enabling the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),

(3) managing the operational impact of provisional inability cases,

(4) describing the appeal process of a Provisional Inability Review Body decision,

(5) informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.

(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).

(g) Provisional inability shall be without prejudice to the person for its duration.

AMC1 ATCO.A.015 (c) The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.

AMC1 ATCO.A.015(e) Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for expert opinions on medical and human factors issues.

GM1 PROVISIONAL INABILITY – ATCO.A.015 (b)(2)

Other similar causes may include but may not be limited to :

- Incident, accident or safety occurrence which led to removal from duty
- Other kind of temporary decrease of medical fitness

response *Partially accepted*

The text proposal for paragraph (d) is accepted.

The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could change or undermine the notification of provisional inability



by the air traffic controller in question as regards the beginning of the provisional inability status.  
GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.

comment

519

comment by: HungaroControl

**ATCO.A.015 Provisional inability (d):**

Air navigation service providers may **shall** declare the provisional inability of the air traffic controller if **they become aware of any of the circumstances described in (b), or in any case** when his/her competence is in doubt.  
The ANSPs should not treat the ATCOs differently. It needs to be harmonised.

response

*Partially accepted*

Since the cases can vary largely and diversely, declaring provisional inability should remain a possibility, rather than an obligation, available to both air traffic controllers and air navigation service providers, under the same conditions and for the same reasons.

comment

621

comment by: CAA-NL

**ATCO.A.015.(d)**

We suggest to reformulate current point (d) to be an requirement for an ATCO as this is not the Part with requirements for an ANSP. We propose the following words to be added as a (4) under (b) and to delete current point (d):  
New point: ATCO.A.015(b)(4) when declared provisional unable to perform his/her duties by the air navigation service provider.

response

*Partially accepted*

The formulation of ATCO.A.015(d) is changed.

comment

622

comment by: CAA-NL

**ATCO.A.015.(e)/(f)**

Points (e) and (f) are requirements for an ANSP, and should be relocated to Part OR for ANSP's. Some GM related to this requirement could be incorporated here to inform the ATCO of this procedures.

response

*Not accepted*

The scope of Part-ATCO.OR covers air traffic controller training organisations. It is considered to provide more clarity if all requirements relevant to the provisional inability are to be found in one place.

comment	741	comment by: UK CAA
	<p><b>Page No:</b> 16  <b>Paragraph No:</b> ATCO.A.015  <b>Comment:</b> The heading "Provisional inability" refers to only one aspect of the following paragraph, which is more generally about the exercise of the privileges of licences. A similar provision can be found in FCL.040.  <b>Justification:</b> Clarity for applicants and competent authorities about where to find provisions about the conditions governing the exercise of privileges.  <b>Proposed Text:</b> Amend title to "Exercise of the Privileges of Licences and Provisional Inability".</p>	
response	Accepted	

comment	742	comment by: UK CAA
	<p><b>Page No:</b>16  <b>Paragraph No:</b> ATCO.A.015  <b>Comment:</b> 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.  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 character wise, 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.  <b>Justification:</b> Avoid duplication and/or conflict of rules made in different areas (Medical Confidentiality) and ensure that competency issues are raised with the competent authority.  <b>Proposed Text:</b> Replace current text as follows:  "(a) The exercise of the privileges granted by a licence shall be dependent on the validity of the ratings, endorsements and of the medical certificate.  (b) Licence holders shall not exercise the privileges of their licence when in doubt of being able to safely exercise the privileges of the licence.  (c) Licence holders shall immediately notify the relevant air navigation service provider when they become aware of any of the circumstances described in (b).  (d) Air navigation service providers may declare the provisional inability of the air traffic controller if his/her competence is in doubt.</p>	

	<p>(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures enabling air traffic controllers to declare a provisional inability to exercise the privileges of their licence in accordance with paragraph (b), to manage the operational impact of provisional inability cases and inform the competent authority.</p> <p>(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16)."</p>
response	<p><i>Partially accepted</i></p> <p>The proposed modification of the definition of provisional inability is accepted, which ensures clarity regarding medical conditions and other possible causes of provisional inability, thus the issue behind the comment is solved, even though the proposed text is not fully taken into account.</p>

comment	<p>829 comment by: <i>ATCEUC- Air Traffic Controllers European Unions Coordination</i></p> <p><a href="#">Attachment #2</a></p> <p><b>ATCO.A.015- Provisional Inability</b></p> <p><b>Comments:</b></p> <p><b>ATCEUC</b> considers of the utmost importance to have a common, clear and objective proposal on <u>Provisional Inability</u>. It is a new concept that will need some guidance to implement. This new concept provides ATCOs and ANSPs a tool which is able to deliver better, quicker and safer solutions to some of the problems they are facing today.</p> <ul style="list-style-type: none"> <li>•A better solution because it protects ATCOs and ANSPs interests with a balanced approach.</li> <li>•A quicker solution because it enables to react without the Competent Authority intervention preventing the delay of the entire process.</li> <li>•A safer solution because safety is our concern and Human Factors are considered as one of its main pillars.</li> </ul> <p>The EASA approach mixes two different concepts like Competence and Provisional Inability. <b>ATCEUC</b> agrees that Competence is about the technical skill while Provisional Inability is about physical and psychological issues connected with Human Factors. So, Competence is to be dealt under the Unit Competence Scheme where there are already tools to maintain the validity of the unit endorsement. And Provisional Inability is to be dealt with the Provisional Inability procedures which also are to be included under the Unit Competence Scheme.</p> <p>This is why <b>ATCEUC</b> proposes to change <b><u>ATCO.A.015(b)(3) and ATCO.A.015(d)</u></b>.</p> <p>The EASA approach doesn't show balance on Provisional Inability declaration. ANSPs may declare the Provisional Inability due to competence in doubt and ATCO's shall notify the ANSP for the declaration of Provisional Inability when they become aware of any of the circumstances described in ATCO.A.015(b). <b>ATCEUC</b> agrees that ANSPs and ATCOs should be able to ask for the Provisional Inability under the same circumstances, already described in ATCO.A.015(b). This is why <b>ATCEUC</b> proposes to change <b><u>ATCO.A.015(c), (d) and (e)</u></b>.</p>
---------	---

The EASA approach doesn't specify that the notification of provisional inability should constitute the beginning of the provisional inability to provide a safe service and expires in case the provisional inability review body decides otherwise.

**ATCEUC** proposes to add **AMC1 ATCO.A.015 (c)**

The EASA approach doesn't include any guidance on the way to proceed. **ATCEUC** agrees on the need to have an AMC about the balanced composition of the Provisional Inability Body and on the possible need of medical and human factors expert's opinions on some issues. This is why we propose to add **AMC1 ATCO.A.015(e)**.

The EASA approach misses the meaning of this concept and its link to Just Culture. **ATCEUC** agrees on the importance to avoid punishment to the Provisional Inability declaration. When ATCOs are allowed not to exercise the privileges of their licence because an external factor is threatening their behaviour, we are promoting an environment where safety is a common goal. This is why we propose to add **ATCO.A.015(g)**.

**PROVISIONAL INABILITY – ATCO.A.015** *new text:*

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

**(b)** Licence holders shall not exercise the privileges of their licence when:

(1) being under the influence of psychoactive substances;

(2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;

(3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.

**(c)** Licence holders shall immediately notify the relevant air navigation service provider Provisional Inability Review Body when they become aware of any of the circumstances described in (b).

**(d)** Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare~~ the provisional inability of the air traffic controller if ~~his/her competence is in doubt~~ when they become aware of any of the circumstances described in (b) is affecting a licence holder.

**(e)** Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :

(1) establishing the competence of Provisional Inability Review Bodies

(2) enabling air traffic controllers the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),

(3) ~~to manage~~ managing the operational impact of provisional inability cases,

(4) describing the appeal process of a Provisional Inability Review Body decision

(5) ~~and inform~~ for informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.

**(f)** The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).

**(g)** Provisional inability shall be without prejudice to the person for its duration.

	<p><b><u>AMC1 ATCO.A.015 (c)</u></b>  <u>The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.</u></p> <p><b><u>AMC1 ATCO.A.015(e)</u></b>  <u>Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for experts opinions on medical and human factors issues.</u></p> <p><b><u>GM1 PROVISIONAL INABILITY – ATCO.A.015 (b)(2)</u></b>  <u>Other similar causes may include but may not be limited to :</u>  <u>- Incident, accident or safety occurrence which led to removal from duty</u>  <u>- Other kind of temporary decrease of medical fitness</u></p>
response	<p><i>Partially accepted</i></p> <p>The text proposals have been considered, even though not fully applied. GM is provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.</p> <p>The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could change or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.</p>
comment	<p>863 <span style="float: right;">comment by: <i>Laurent BERTIN UNSA-ICNA</i></span></p> <p>EASA should come back to the draft approved by the rulemaking group. UNSA-ICNA is in favor of the provisional inability, but only if it is balanced enough between ATCO mandatory notification and ANSP vague notion of competence in doubt. this provisional inability should never lead to any punishment procedure.</p> <p>UNSA-ICNA strongly and fully supports ETF proposal on provisionnal inability.</p>
response	<p><i>Partially accepted</i></p> <p>The text proposals provided by ETF have been considered, even though not fully applied.</p> <p>GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.</p> <p>The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the</p>

establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could affect change or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.

comment

875

comment by: *European Transport Workers Federation - ETF*

ETF is strongly in favour of introducing the concept of provisional inability in this implementing rule. However, we noticed that there were major changes introduced by EASA after the last meeting of the rulemaking group and we encourage EASA to come back to the draft approved by the rulemaking group (as highlighted below). Finally we stress that the initial aim of the introduction of provisional inability was to prevent to refer to the undefined, vague notion of competence in doubt which is now back in (b) (3) and (d). We emphasize that this notion of competence in doubt is impossible to define to guarantee a discrimination free interpretation so that any reference to this notion is to be strictly banned in the regulation and in the AMC and GM.

ETF proposes an alternative option as reported below in the ETF PROPOSAL. PI is designed to complement and enhance a just culture environment, and strengthens safety by allowing the ATCO in question to declare, without prejudice, that they are not fit to work. This is based upon a culture of mutual trust between licence holder and ANSP.

We consider it of the utmost importance to have a common, clear and objective proposal on Provisional Inability. It is however recognised this is a new concept that will need some guidance to implement. This new concept provides ATCOs and ANSPs with a tool which is able to deliver safer, better, quicker solutions to some of the problems they are facing today.

- A safer solution because safety is our primary concern and Human Factors are considered one of its main pillars. It encourages a licence holder to come forward to report they are not fit for duty, rather than hiding an issue and continuing to work.
- A better solution because it protects ATCOs and ANSPs interests with a balanced approach, strongly based on the recognized principle of mutual trust.
- A quicker solution because it enables the ANSP to react, and gives them greater control of the situation, without the Competent Authority intervening, preventing the delay of the entire process.

The current EASA approach mixes two different concepts, competence and Provisional Inability. ETF agrees that competence is about the technical skill while Provisional Inability is about physical and psychological issues connected with Human Factors. Competence should be dealt with under the Unit Competence Scheme where there exist tools to maintain the validity of the unit endorsement. Provisional Inability is to be dealt with the Provisional Inability procedures which also are to be included under the Unit Competence Scheme. The current drafting of the NPA results in a possible conflict in regulation presenting uncertainty over which area of regulation could be used. The clause 'competency in doubt' currently stated in ATCO.B.015 causes confusion when considered against the rules for competency contained with ATCO.B.025. ETF proposes to change ATCO.A.015(b)(3) and ATCO.A.015(d).

The EASA approach doesn't show balance on Provisional Inability declaration. ANSPs may declare the Provisional Inability due to competence in doubt (see above) and ATCOs shall notify the ANSP for the declaration of Provisional Inability when they become aware of any of the circumstances described in ATCO.A.015 (b). ETF acknowledges that ANSPs and ATCOs should be able to ask for the Provisional Inability under the same circumstances, already described in ATCO.A.015 (b).

ETF proposes to change ATCO.A.015(c), (d) and (e).

The EASA approach doesn't include any guidance on the way to proceed. ETF agrees on the need to have an AMC about the balanced composition of the Provisional Inability Body and on the possible need of medical and human factors expert's opinions on some issues.

ETF proposes to add AMC1 ATCO.A.015(e).

The EASA approach misses the meaning of this concept and its link to Just Culture. ETF agrees on the importance to avoid punishment to the Provisional Inability declaration. When ATCOs are allowed not to exercise the privileges of their licence because an external factor is threatening their behaviour we are promoting an environment where safety is a common goal.

ETF proposes to add ATCO.A.015 (g).

The EASA approach doesn't specify that the notification of provisional inability should constitute the beginning of the provisional inability to provide a safe service and expires in case the provisional inability review body decides otherwise.

ETF proposes to add AMC1 ATCO.A.015 (c)

The EASA approach should include relevant Guidance Material to different cases of temporary unfitness affecting the exercise of the privileges

ETF proposes to add GM1 ATCO.A.015 (b) (2)

### **ETF PROPOSAL**

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

(b) Licence holders shall not exercise the privileges of their licence when:

- (1) being under the influence of psychoactive substances;
- (2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;
- (3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.

(c) Licence holders shall immediately notify the relevant air navigation service provider Provisional Inability Review Body when they become aware of any of the circumstances described in (b).

(d) Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare the provisional inability of the air traffic controller if his/her competence is in doubt~~ when they become aware of any of the circumstances described in (b) is affecting a licence holder.

(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :

- (1) establishing the competence of Provisional Inability Review Bodies
- (2) enabling ~~air traffic controllers~~ the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),
- (3) ~~to manage~~ managing the operational impact of provisional inability cases,
- (4) describing the appeal process of a Provisional Inability Review Body decision
- (5) ~~and inform~~ for informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.

(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).

(g) Provisional inability shall be without prejudice to the person for its duration.

AMC1 ATCO.A.015 (c) The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.

AMC1 ATCO.A.015(e) Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for experts opinions on medical and human factors issues.

GM1 PROVISIONAL INABILITY – ATCO.A.015 (b)(2) Other similar causes may include but may not be limited to :

- Incident, accident or safety occurrence which led to removal from duty
- Other kind of temporary decrease of medical fitness.

#### TEXT AFTER RULEMAKING GROUP

1. A provisional inability to exercise the privileges of a licence shall be based on the following cases:

1. (a) having shown unusual or inappropriate behaviour or possible abuse of psychoactive substances;
2. (b) having been involved in a safety occurrence which lead to removal from duty;
3. (c) having expressed personally a doubt about the ability to exercise the privileges of the licence in a safe manner.

2. In the case of provisional inability to exercise the privileges of the licence the procedures described in the unit competence scheme shall be followed.

3. If the provisional inability is based on (1)(a) the licence holder shall be referred to an aero-medical examiner.

4. The duration of the provisional inability shall not exceed 90 days.

Provisional inability shall be without prejudice to the person for its duration.

response *Partially accepted*

The text proposals have been considered, even though not fully applied.

GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.

The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could affect or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.

comment 890 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

ATCO.A.015



Provisional Inability (PI) is a new concept that **SINCTA** strongly supports. PI is designed to complement and enhance a just culture environment, and strengthens safety by allowing the ATCO in question to declare, without prejudice, that they are not fit to work. This is based upon a culture of mutual trust between licence holder and ANSP.

We consider it of the utmost importance to have a common, clear and objective proposal on Provisional Inability. It is however recognised this is a new concept that will need some guidance to implement. This new concept provides ATCOs and ANSPs with a tool which is able to deliver safer, better, quicker solutions to some of the problems they are facing today.

- A safer solution because safety is our primary concern and Human Factors are considered one of its main pillars. It encourages a licence holder to come forward to report they are not fit for duty, rather than hiding an issue and continuing to work.
- A better solution because it protects ATCOs and ANSPs interests with a balanced approach, strongly based on the recognized principle of mutual trust.
- A quicker solution because it enables the ANSP to react, and gives them greater control of the situation, without the Competent Authority intervening, preventing the delay of the entire process.

The current EASA approach mixes two different concepts, competence and Provisional Inability. **SINCTA** agrees that competence is about the technical skill while Provisional Inability is about physical and psychological issues connected with Human Factors. Competence should be dealt with under the Unit Competence Scheme where there exist tools to maintain the validity of the unit endorsement. Provisional Inability is to be dealt with the Provisional Inability procedures which also are to be included under the Unit Competence Scheme. The current drafting of the NPA results in a possible conflict in regulation presenting uncertainty over which area of regulation could be used. The clause 'competency in doubt' currently stated in ATCO.B.015 causes confusion when considered against the rules for competency contained with ATCO.B.025.

**SINCTA** proposes to change ATCO.A.015(b)(3) and ATCO.A.015(d).

The EASA approach doesn't show balance on Provisional Inability declaration. ANSPs may declare the Provisional Inability due to competence in doubt (see above) and ATCOs shall notify the ANSP for the declaration of Provisional Inability when they become aware of any of the circumstances described in ATCO.A.015 (b). **SINCTA** agrees that ANSPs and ATCOs should be able to ask for the Provisional Inability under the same circumstances, already described in ATCO.A.015 (b).

**SINCTA** proposes to change ATCO.A.015(c), (d) and (e).

The EASA approach doesn't include any guidance on the way to proceed. **SINCTA** agrees on the need to have an AMC about the balanced composition of the Provisional Inability Body and on the possible need of medical and human factors expert's opinions on some issues.

**SINCTA** proposes to add AMC1 ATCO.A.015(e).

The EASA approach misses the meaning of this concept and its link to Just Culture. **SINCTA** agrees on the importance to avoid punishment to the Provisional Inability declaration. When ATCOs are allowed not to exercise the privileges of their licence because an external factor is threatening their behaviour we are promoting an environment where safety is a common goal.

**SINCTA** proposes to add ATCO.A.015 (g).

The EASA approach doesn't specify that the notification of provisional inability should constitute the beginning of the provisional inability to provide a safe service and expires in case the provisional inability review body decides otherwise.

**SINCTA** proposes to add AMC1 ATCO.A.015 (c)

The EASA approach should include relevant Guidance Material to different cases

of temporary unfitness affecting the exercise of the privileges

**SINCTA** proposes to add GM1 ATCO.A.015 (b) (2)

Proposed text:

PROVISIONAL INABILITY – ATCO.A.015

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

(b) Licence holders shall not exercise the privileges of their licence when:

(1) being under the influence of psychoactive substances;

(2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;

(3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.

(c) Licence holders shall immediately notify the relevant air navigation service provider Provisional Inability Review Body when they become aware of any of the circumstances described in (b).

(d) Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare~~ the provisional inability of the air traffic controller if ~~his/her competence is in doubt when they become aware of any of the circumstances described in (b) is affecting a licence holder.~~

(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :

(1) establishing the competence of Provisional Inability Review Bodies

(2) enabling air traffic controllers the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),

(3) ~~to manage~~ managing the operational impact of provisional inability cases,

(4) describing the appeal process of a Provisional Inability Review Body decision

(5) ~~and inform~~ for informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.

(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).

(g) Provisional inability shall be without prejudice to the person for its duration.

AMC1 ATCO.A.015 (c) The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.

AMC1 ATCO.A.015(e) Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for experts opinions on medical and human factors issues.

GM1 PROVISIONAL INABILITY – ATCO.A.015 (b)(2)

Other similar causes may include but may not be limited to :

- Incident, accident or safety occurrence which led to removal from duty

- Other kind of temporary decrease of medical fitness

response

*Partially accepted*

The text proposals have been considered, even though not fully applied.

GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.

The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management

system of the organisation. Moreover, it is not understandable how any decision of such body could change or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.

comment

923

comment by: Federazione ATM-PP

Federazione ATM-PP is to change ATCO.A.015 as follows:

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

*(b) Licence holders shall not exercise the privileges of their licence when:*

*(1) being under the influence of psychoactive substances;*

*(2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;*

*(3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.*

*(c) Licence holders shall immediately notify the relevant air navigation service provider Provisional Inability Review Body when they become aware of any of the circumstances described in (b).*

*(d) Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare the provisional inability of the air traffic controller if his/her competence is in doubt~~ when they become aware of any of the circumstances described in (b) is affecting a licence holder.*

*(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :*

*(1) establishing the competence of Provisional Inability Review Bodies*

*(2) enabling air traffic controllers the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),*

*(3) ~~to manage~~ managing the operational impact of provisional inability cases,*

*(4) describing the appeal process of a Provisional Inability Review Body decision*

*(5) ~~and inform~~ for informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.*

*(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).*

*(g) Provisional inability shall be without prejudice to the person for its duration.*

Provisional inability is a new concept and provides ATCOs and ANSPs a tool which is able to deliver better, quicker and safer solutions to some of the problems they are facing today.

- A better solution because it protects ATCOs and ANSPs interests with a balanced approach.

- A quicker solution because it enables to react without the Competent Authority intervention preventing the delay of the entire process.

- A safer solution because safety is our concern and Human Factors are considered one of its main pillars.

According to Federazione ATM-PP opinion, "competence" is about the technical skill while Provisional Inability is about physical and psychological issues connected with Human Factors.

So, Competence is to be dealt under the Unit Competence Scheme where there are already tools to maintain the validity of the unit endorsement. And Provisional Inability is to be dealt with the Provisional Inability procedures which also are to be included under the Unit Competence Scheme. This is why we propose to change ATCO.A.015(b)(3) and ATCO.A.015(d).

	<p>The EASA approach doesn't show balance on Provisional Inability declaration. ANSPs may declare the Provisional Inability due to competence in doubt and ATCO's shall notify the ANSP for the declaration of Provisional Inability when they become aware of any of the circumstances described in ATCO.A.015(b). Federazione ATM-PP agrees that ANSPs and ATCOs should be able to ask for the Provisional Inability under the same circumstances, already described in ATCO.A.015(b). This is why we propose to change ATCO.A.015(c), (d) and (e) and request the institution of a Provisional Inability Review Body</p>
response	<p><i>Partially accepted</i></p> <p>The text proposals have been considered, even though not fully applied. GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.</p> <p>The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could affect or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.</p>
comment	<p>928 <span style="float: right;">comment by: USAC-CGT</span></p> <p>USAC-CGT supports ETF proposal :</p> <p>ATCO.A.015 Provisional Inability</p> <p>(a) The exercise of the privileges granted by a licence shall be dependent on the validity of the ratings, endorsements and of the medical certificate.</p> <p>(b) Licence holders shall not exercise the privileges of their licence when:</p> <ol style="list-style-type: none"> <li>(1) being under the influence of psychoactive substances;</li> <li>(2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;</li> <li>(3) <del>in doubt</del> <u>feeling uncertain</u> of being able to safely exercise the privileges of the licence.</li> </ol> <p>(c) Licence holders shall immediately notify the relevant air navigation service provider <u>Provisional Inability Review Body</u> when they become aware of any of the circumstances described in (b).</p> <p>(d) Air navigation service providers may <u>notify the relevant Provisional Inability Review Body</u> <del>declare</del> the provisional inability of the air traffic controller <del>if his/her competence is in doubt</del> <u>when they become aware of any of the circumstances described in (b) is affecting a licence holder.</u></p> <p>(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :</p> <ol style="list-style-type: none"> <li>(1) <u>establishing the competence of Provisional Inability Review Bodies</u></li> <li>(2) <u>enabling air traffic controllers the relevant Provisional Inability Review Body to declare and terminate</u> a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),</li> <li>(3) <del>to manage</del> <u>managing</u> the operational impact of provisional inability cases,</li> <li>(4) <u>describing the appeal process of a Provisional Inability Review Body decision</u></li> <li>(5) <del>and inform</del> <u>for informing</u> the competent authority if the provisional inability</li> </ol>

has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.

(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).

(g) Provisional inability shall be without prejudice to the person for its duration.

AMC1 ATCO.A.015 (c) The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.

AMC1 ATCO.A.015(e) Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for experts opinions on medical and human factors issues.

GM1 PROVISIONAL INABILITY – ATCO.A.015 (b)(2)

Other similar causes may include but may not be limited to :

- Incident, accident or safety occurrence which led to removal from duty

- Other kind of temporary decrease of medical fitness

USAC-CGT is strongly in favour of introducing the concept of provisional inability in this implementing rule. Finally we underline that the initial aim of the introduction of provisional inability was to prevent to refer to the undefined, vague notion of competence in doubt which is now back in (b) (3) and (d). We emphasize that this notion of competence in doubt is impossible to define to guarantee a discrimination free interpretation so that any reference to this notion is to be strictly banned in the regulation and in the AMC and GM.

response *Partially accepted*

The text proposals have been considered, even though not fully applied.

GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.

The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could affect or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.

comment 940

comment by: USCA

### **PROVISIONAL INABILITY - ATCO.A.015**

Provisional Inability (PI) is a new concept that USCA understands is designed to complement and enhance a just culture environment, and strengthens safety by allowing the ATCO in question to declare, without prejudice, that they are not fit to work. This is based upon a culture of mutual trust between licence holder and ANSP.

We consider it of the utmost importance to have a common, clear and objective proposal on Provisional Inability, though it is a new concept that will need some

guidance to implement.

It provides ATCOs and ANSPs with a tool which is able to deliver safer, better, quicker solutions to some of the problems they are facing today.

- A safer solution because safety is our primary concern and Human Factors are considered one of its main pillars. It encourages a licence holder to come forward to report they are not fit for duty, rather than hiding an issue and continuing to work.

- A better solution because it protects ATCOs and ANSPs interests with a balanced approach, strongly based on the recognized principle of mutual trust.

- A quicker solution because it enables the ANSP to react, and gives them greater control of the situation, without the Competent Authority intervening, preventing the delay of the entire process.

However, the current EASA approach mixes two different concepts: competence (about the technical skill) and Provisional Inability (about physical and psychological issues connected with Human Factors). For Competence, already dealt with under the Unit Competence Scheme, there already exist tools to maintain the validity of the unit endorsement. Provisional Inability is to be dealt with the Provisional Inability procedures which also are to be included under the Unit Competence Scheme.

\*\*\*\*

The current drafting of the NPA results in a possible conflict in regulation presenting uncertainty over which area of regulation could be used. The clause 'competency in doubt' currently stated in ATCO.B.015 causes confusion when considered against the rules for competency contained with ATCO.B.025. That's why we propose to change **ATCO.A.015(b)(3)**

*(b) Licence holders shall not exercise the privileges of their licence when:*

*(3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.*

and **ATCO.A.015(d)**

*(d) Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare~~ the provisional inability of the air traffic controller if his/her competence is in doubt when they become aware of any of the circumstances described in (b) is affecting a licence holder.*

\*\*\*\*

The EASA approach doesn't show balance on Provisional Inability declaration. ANSPs may declare the Provisional Inability due to competence in doubt (see above) and ATCOs shall notify the ANSP for the declaration of Provisional Inability when they become aware of any of the circumstances described in ATCO.A.015 (b). USCA believes that ANSPs and ATCOs should be able to ask for the Provisional Inability under the same circumstances, already described in

ATCO.A.015 (b).

*(b) Licence holders shall not exercise the privileges of their licence when:*

*(1) being under the influence of psychoactive substances;*

*(2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;*

*(3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.*

\*\*\*\*

The EASA approach doesn't include any guidance on the way to proceed. USCA believes we need to have an AMC about the balanced composition of the Provisional Inability Body and on the possible need of medical and human factors expert's opinions on some issues. USCA then proposes to change ATCO.A.015(c), (d) and (e).

*(c) Licence holders shall immediately notify the relevant air navigation service provider Provisional Inability Review Body when they become aware of any of the circumstances described in (b).*

*(d) Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare~~ the provisional inability of the air traffic controller if his/her competence is in doubt when they become aware of any of the circumstances described in (b) is affecting a licence holder.*

*(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :*

*(1) establishing the competence of Provisional Inability Review Bodies*

*(2) enabling ~~air traffic controllers~~ the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),*

*(3) ~~to manage~~ managing the operational impact of provisional inability cases,*

*(4) describing the appeal process of a Provisional Inability Review Body decision*

*(5) ~~and inform~~ for informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.*

\*\*\*\*

Addition of **AMC1 ATCO.A.015(e)**.

The EASA approach misses the meaning of this concept and its link to Just Culture. ATCEUC and ETF agree on the importance to avoid punishment to the

Provisional Inability declaration. When ATCOs are allowed not to exercise the privileges of their licence because an external factor is threatening their behaviour we are promoting an environment where safety is a common goal.

Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for experts opinions on medical and human factors issues

\*\*\*\*

Addition of **ATCO.A.015 (g)**.

The EASA approach doesn't specify that the notification of provisional inability should constitute the beginning of the provisional inability to provide a safe service and expires in case the provisional inability review body decides otherwise.

(g) Provisional inability shall be without prejudice to the person for its duration.

\*\*\*\*

Addition of **AMC1 ATCO.A.015 (c)**

The EASA approach should include relevant Guidance Material to different cases of temporary unfitness affecting the exercise of the privileges

AMC1 ATCO.A.015 (c) The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.

And **GM1 ATCO.A.015 (b) (2)**

GM1 PROVISIONAL INABILITY – ATCO.A.015 (b)(2)

Other similar causes may include but may not be limited to :

- Incident, accident or safety occurrence which led to removal from duty

- Other kind of temporary decrease of medical fitness

\*\*\*\*\*

So the whole point would remain as follows:

**PROVISIONAL INABILITY – ATCO.A.015**

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

*(b) Licence holders shall not exercise the privileges of their licence when:*

*(1) being under the influence of psychoactive substances;*

*(2) unfit to perform their duties due to injury, fatigue, sickness, stress,*



*including critical incident stress or other similar causes;*

(3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.

(c) Licence holders shall immediately notify the relevant air navigation service provider Provisional Inability Review Body when they become aware of any of the circumstances described in (b).

(d) Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare~~ the provisional inability of the air traffic controller ~~if his/her competence is in doubt~~ when they become aware of any of the circumstances described in (b) is affecting a licence holder.

(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :

(1) establishing the competence of Provisional Inability Review Bodies

(2) enabling ~~air traffic controllers~~ the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),

(3) ~~to manage~~ managing the operational impact of provisional inability cases,

(4) describing the appeal process of a Provisional Inability Review Body decision

(5) and inform for informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.

(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).

(g) Provisional inability shall be without prejudice to the person for its duration.

#### **AMC1 ATCO.A.015 (c)**

The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.

#### **AMC1 ATCO.A.015(e)**

Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for experts opinions on medical and human factors issues.

#### **GM1 – ATCO.A.015 (b)(2)**

Other similar causes may include but may not be limited to :

	<p style="text-align: center;"><u>- Incident, accident or safety occurrence which led to removal from duty</u></p> <p><u>- Other kind of temporary decrease of medical fitness</u></p>
response	<p><i>Partially accepted</i></p> <p>The text proposals have been considered, even though not fully applied. GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED. The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could affect or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.</p>
comment	<p>984 <span style="float: right;">comment by: ICEATCA</span></p> <p>ICEATCA thinks that it is not correct to use the word competence here, it should be provisional inability instead if aware of any circumstances described in (b).</p> <p>ICEATCA thinks that ANSPs and ATCOs should be able to announce provisional inability under the same circumstances, as described in (b). ICEATCA thinks that there is no balance on the provisional inability declaration.</p>
response	<p><i>Accepted</i></p>
comment	<p>1038 <span style="float: right;">comment by: IFATCA</span></p>

38	NPA 2012- 18 (BI)	ANNEXE 1 <b>ATCO.A.015 Provisional inability</b>	<b>ATCO.A.015 Provisional inability</b>  <del>(d) Air navigation service providers may declare the provisional inability of the air traffic controller if his/her competence is in doubt.</del>	In principle IFATCA welcomes the ATCO A 15 (f) referring to ATCO B 025 (16) – however there is no reference to recital 18. 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.  Change proposal – introduce the spirit of recital 18 under ATCO A 15 f by deleting this from the IR – can be move to GM
----	----------------------------	---	---	---

response *Not accepted*

The link between the provisional inability procedure and the unit competence scheme is that the procedure should be included in the scheme, thus be transparent and approved by the competent authority. Such link is considered necessary and has not been challenged by other commentators. References to recitals in the enacting terms are not appropriate for legal drafting.

comment 1039

comment by: IFATCA

39	NPA 2012- 18 (BI)	ANNEXE 1 ATCO.A.015 <i>Provisional inability</i>	<del>(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures enabling air traffic controllers to declare a provisional inability to exercise the privileges of their licence in accordance with paragraph (b), to manage the operational impact of provisional inability cases and inform the competent authority if the provisional inability has not been terminated according to these procedures.</del>	Delete and transfer to Guidance material
----	----------------------------	--	---	--

response *Not accepted*

The existence of objective, transparent and non-discriminatory procedure enabling the declaration of provisional inability and managing its impacts by the air navigation service provider is the cornerstone of the provisional inability concept. Without the establishment of this tool at Implementing Rule level the

concept would be lacking its basics and its transparency.

comment

1060

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

FIT/CISL is strongly in favour of introducing the concept of provisional inability in this implementing rule. However, we noticed that there was major changes introduced by EASA after the last meeting of the rulemaking group and we encourage EASA to come back to the draft approved by the rulemaking group. Finally we underline that the initial aim of the introduction of provisional inability was to prevent to refer to the undefined, vague notion of competence in doubt which is now back in (b) (3) and (d). We emphasize that this notion of competence in doubt is impossible to define to guarantee a discrimination free interpretation so that any reference to this notion is to be strictly banned in the regulation and in the AMC and GM.

FIT/CISL proposes an alternative option as reported in the OPTION B.

PI is designed to complement and enhance a just culture environment, and strengthens safety by allowing the ATCO in question to declare, without prejudice, that they are not fit to work. This is based upon a culture of mutual trust between licence holder and ANSP.

We consider it of the utmost importance to have a common, clear and objective proposal on Provisional Inability. It is however recognised this is a new concept that will need some guidance to implement. This new concept provides ATCOs and ANSPs with a tool which is able to deliver safer, better, quicker solutions to some of the problems they are facing today.

- A safer solution because safety is our primary concern and Human Factors are considered one of its main pillars. It encourages a licence holder to come forward to report they are not fit for duty, rather than hiding an issue and continuing to work.
- A better solution because it protects ATCOs and ANSPs interests with a balanced approach, strongly based on the recognized principle of mutual trust.
- A quicker solution because it enables the ANSP to react, and gives them greater control of the situation, without the Competent Authority intervening, preventing the delay of the entire process.

The current EASA approach mixes two different concepts, competence and Provisional Inability. FIT/CISL agrees that competence is about the technical skill while Provisional Inability is about physical and psychological issues connected with Human Factors. Competence should be dealt with under the Unit Competence Scheme where there exist tools to maintain the validity of the unit endorsement. Provisional Inability is to be dealt with the Provisional Inability procedures which also are to be included under the Unit Competence Scheme. The current drafting of the NPA results in a possible conflict in regulation presenting uncertainty over which area of regulation could be used. The clause 'competency in doubt' currently stated in ATCO.B.015 causes confusion when considered against the rules for competency contained with ATCO.B.025.

FIT/CISL proposes to change ATCO.A.015(b)(3) and ATCO.A.015(d).

The EASA approach doesn't show balance on Provisional Inability declaration. ANSPs may declare the Provisional Inability due to competence in doubt (see above) and ATCOs shall notify the ANSP for the declaration of Provisional Inability when they become aware of any of the circumstances described in

ATCO.A.015 (b). FIT/CISL agrees that ANSPs and ATCOs should be able to ask for the Provisional Inability under the same circumstances, already described in ATCO.A.015 (b).

FIT/CISL proposes to change ATCO.A.015(c), (d) and (e).

The EASA approach doesn't include any guidance on the way to proceed. FIT/CISL agrees on the need to have an AMC about the balanced composition of the Provisional Inability Body and on the possible need of medical and human factors expert's opinions on some issues.

FIT/CISL proposes to add AMC1 ATCO.A.015(e).

The EASA approach misses the meaning of this concept and its link to Just Culture. FIT/CISL agrees on the importance to avoid punishment to the Provisional Inability declaration. When ATCOs are allowed not to exercise the privileges of their licence because an external factor is threatening their behaviour we are promoting an environment where safety is a common goal.

FIT/CISL proposes to add ATCO.A.015 (g).

The EASA approach doesn't specify that the notification of provisional inability should constitute the beginning of the provisional inability to provide a safe service and expires in case the provisional inability review body decides otherwise.

FIT/CISL proposes to add AMC1 ATCO.A.015 (c)

The EASA approach should include relevant Guidance Material to different cases of temporary unfitness affecting the exercise of the privileges

FIT/CISL proposes to add GM1 ATCO.A.015 (b) (2)

#### OPTION A

A provisional inability to exercise the privileges of a licence shall be based on the following cases:

having shown unusual or inappropriate behaviour or possible abuse of psychoactive substances;

having been involved in a safety occurrence which lead to removal from duty;

having expressed personally a doubt about the ability to exercise the privileges of the licence in a safe manner.

In the case of provisional inability to exercise the privileges of the licence the procedures described in the unit competence scheme shall be followed.

If the provisional inability is based on (1)(a) the licence holder shall be referred to an aero-medical examiner.

The duration of the provisional inability shall not exceed 90 days.

Provisional inability shall be without prejudice to the person for its duration.

#### OPTION B

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

(b) Licence holders shall not exercise the privileges of their licence when:

(1) being under the influence of psychoactive substances;

(2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;

(3) ~~in doubt~~ feeling uncertain of being able to safely exercise the privileges of the licence.

(c) Licence holders shall immediately notify the relevant air navigation service provider Provisional Inability Review Body when they become aware of any of the circumstances described in (b).

(d) Air navigation service providers may notify the relevant Provisional Inability Review Body ~~declare~~ the provisional inability of the air traffic controller if his/her competence is in doubt when they become aware of any of the circumstances described in (b) is affecting a licence holder.

(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures :

(1) establishing the competence of Provisional Inability Review Bodies

(2) enabling ~~air traffic controllers~~ the relevant Provisional Inability Review Body to declare and terminate a provisional inability to exercise the privileges of their licence in accordance with paragraph (b),  
 (3) ~~to manage~~ managing the operational impact of provisional inability cases,  
 (4) describing the appeal process of a Provisional Inability Review Body decision  
 (5) ~~and inform~~ for informing the competent authority if the provisional inability has not been terminated according to these procedures or if the provisional inability lasts for more than 90 days.  
 (f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16).  
 (g) Provisional inability shall be without prejudice to the person for its duration.  
 AMC1 ATCO.A.015 (c) The notification should constitute the beginning of the provisional inability of the licence holder unless the relevant Provisional Inability Review Body decides otherwise.  
 AMC1 ATCO.A.015(e) Provisional Inability Body should have a balanced composition between managerial and air traffic controllers. It may ask for experts opinions on medical and human factors issues.  
 GM1 PROVISIONAL INABILITY – ATCO.A.015 (b)(2)  
Other similar causes may include but may not be limited to :  
 - Incident, accident or safety occurrence which led to removal from duty  
 - Other kind of temporary decrease of medical fitness

response *Partially accepted*

The text proposals have been considered, even though not fully applied. GM is now provided on the possible causes leading to provisional inability; issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED. The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) is not accepted. Mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability creates a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it is not understandable how any decision of such body could affect or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.

comment 1116

comment by: *NATS National Air Traffic Services Limited*

ATCO.A.015 Provisional inability (d)  
 This paragraph introduces a principle concerning competence that lies outside the concept of provisional inability. Competence issues should be contained within the unit competency scheme. Nevertheless the ANSP must have an ability to withdraw ATCOs from operational positions if they become aware of any of the circumstances in paragraph (b). The ANSP's behaviour should be as objective and non-random as possible and based on a well-defined requirement. This would prevent different ANSPs treating PI in different ways. Suggested amendment to ATCO.A.015(d):  
**'Air navigation service providers may declare the provisional inability of the air traffic controller if they become aware of any of the circumstances described in (b).'**

response

Accepted

comment

1170

comment by: Luca Valerio Falessi

**ATCO.A.015 Provisional inability**

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

(b) Licence holders shall not exercise the privileges of their licence when:

(1) being under the influence of psychoactive substances;

(2) unfit to perform their duties due to injury, fatigue, sickness, stress, including critical incident stress or other similar causes;

(3) in doubt of being able to safely exercise the privileges of the licence.

(c) Licence holders shall immediately notify the relevant air navigation service provider when they become aware of any of the circumstances described in (b).

~~(d) Air navigation service providers may declare the provisional inability of the air traffic controller **if they have any evidence of any of the circumstances described in (b)** if his/her competence is in doubt.~~

(e) Air navigation service providers shall develop and implement objective, transparent and non-discriminatory procedures enabling air traffic controllers to declare a provisional inability to exercise the privileges of their licence in accordance with paragraph (b), to manage the operational impact of provisional inability cases and inform the competent authority if the provisional inability has not been terminated according to these procedures.

~~(f) The procedures referred to in paragraph (e) shall be included in the unit competence scheme according to ATCO.B.025(a)(16)~~

**JUSTIFICATION**

Provisional inability should be separated from doubt of competence, which is associated with the application of Unit Competence Scheme.

Definition and procedures related with the status of "Doubt of Competence" should be defined in the UCS para.

response

Partially accepted

The text proposals have been considered, even though not fully applied. GM is now provided on the possible causes leading to provisional inability;



issues of decrease in medical fitness, however, have to be dealt with according to the relevant provisions in Part-ATCO.MED.  
The link between the procedures necessary for provisional inability and the unit competence scheme is maintained.

comment

1238

comment by: ENAV

ATCO.A.015 Provisional inability  
d) Air navigation service providers **may** declare the provisional inability of the air traffic controller if they become aware of any of the circumstances described in (b), or in any case when his/her competence is in doubt.

response

Accepted

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART A – General requirements – ATCO.A.020 Revocation and suspension of licences, ratings and endorsements**

p. 17

comment

54

comment by: Aaron Curtis Prospect ATCOs' Branch UK

(b) Any reference to 'suspended' should be removed as there should not be a need to return the licence to the competent authority whilst it is only suspended.

response

Accepted

comment

101

comment by: CAA-NL

**ATCO.A.020.(b)**

It is proposed not to require the immediate return of the licence by the licence holder to the competent authority in case of suspension of the licence. It is the responsibility of the licence holder and the ANSP to ensure that a controller with a suspended licence is not on duty.

When the suspension is ended by a revocation then it should be returned. When the suspension is terminated by fulfilling all requirements again, the suspension is cancelled and the license is reinstated. This way the administrative burden of sending licenses back and forth can be avoided.

Better is to make an addition to ATCO.A.015(b) on suspension. We suggest the following words:

New point ATCO.A.015(b)(5) when the licence is partly or wholly suspended.

ATCO.A.020(b) When the licence holder has his/her licence suspended or revoked, he/she shall immediately return the licence to the competent authority according to the administrative procedures established by that authority.

response *Partially accepted*

The comment is partially accepted. The text is reworded to remove the need for return in case of suspension.

comment 253 comment by: *skyguide Corporate Regulation Management*

**ATCO.A.20 (b)**

When the licence holder has his/her licence ~~suspended or~~revoked, he/she shall immediately return the licence to the competent authority according to the administrative procedures established by that authority.

Requiring the licence holder to return their licence in case of suspension is a change in procedure which will create administrative overload. In the case of suspension, at the most, a letter from the CA to the licence holder should suffice.

response *Accepted*

comment 743 comment by: *UK CAA*

**Page No:** 17

**Paragraph No:** ATCO.A.020 (a)

**Comment:** It is not clear what the reference to the requirements of "this part" encompasses i.e. does it cover only Part-ATCO (in Annex I) or also Part ATCO-MED (Annex IV)?

**Justification:** Clarity for licence holders and competent authorities.

response *Accepted*

For more clarity the text is revised to refer to Part-ATCO.

comment 1040 comment by: *IFATCA*

40	NPA 2012- 18 (BI)	<b>ATCO.A.020 Revocation and suspension of licences, ratings and endorsements</b>	(b) When the licence holder has his/her licence <del>suspended or</del> revoked, he/she shall immediately return the licence to the competent authority according to the administrative procedures established by that authority.	If the license is suspended (e.g. competency in doubt or provisional incapacity), it should not be send to the competent authority – as otherwise the administration burden is too high. Further the suspension might be of very short temporary nature (e.g. anything from 4- 48 hours) and therefore it is not practical.
response	<i>Accepted</i>			

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS**

p. 17-18

comment 10

comment by: ENAC-FRANCE

**ATCO.B.001  
b)OPTION A/B**

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:

OPTION A or  
Rerording 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.

**ATCO.B.001 d)**

Comment:

ENAC students follow all rating training programmes during initial training, to obtain a full rating student licence before being posted in a unit.

This process takes time and sometimes it will be necessary to have more than one year\_between the first rating on the student licence and the start of unit

	<p>training.  <u>Proposal:</u>  (d) The holder of a student air traffic controller licence who has not exercised the privileges of that licence for a period of <del>one year</del> <b>two years</b> 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.</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>102 <span style="float: right;">comment by: CAA-NL</span></p> <p><b>ATCO.B.001.(b)</b>  Option A is considered most appropriate. The general goal of an entrance degree is to minimise the number of students that do not complete the training and end without passing the exam. This is considered a business risk of the training provider and has no influence on safety as the end qualifications are fixed. Moreover, this business risk is normally already taken into account by the strict selection of students.</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>157 <span style="float: right;">comment by: NAVIAIR</span></p>

response	<p>Option A is the preferred option</p> <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>158 <span style="float: right;">comment by: NAVIAIR</span></p> <p>ATCO.B001 (c): Naviair is missing the requirements for "radiotelephony certificate" in connection with ATCO-license</p>
response	<p><i>Not accepted</i></p> <p>The Agency does not see the need to include the R/T privileges into the air traffic controller licence. The existence of an R/T licence is not a prerequisite for the exercise of the air traffic controller privileges. Should it be a requirement at national level, Member States are free to require, by other means, that air traffic controllers are in possession of an R/T licence.</p>
comment	<p>190 <span style="float: right;">comment by: Finnish Transport Safety Agency</span></p> <p><u>ATCO.B.001 Student air traffic controller licence (b)</u> <i>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.</i></p> <p><u>Comment:</u> Finland supports option A. If option B would be chosen it should not be a licensing provision but selection criteria for the TOs. At the time of the licence issue the person in question has already successfully passed the required training and it is of no relevance to the aviation licensing authority to check the educational background of the applicant.</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</p>

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 249

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to the Article ATCO.B.001 (a):  
*Holders of a student air traffic controller licence shall be authorised to provide air traffic control services in accordance with the rating(s) and rating endorsement(s) contained in their licence under the supervision of an on-the-job-training instructor and to undertake training for ~~an additional~~ rating endorsement(s)*  
 When the student ATCO arrives in unit training, they may not have a rating endorsement, only a rating. Therefore they would be training for a first rating endorsement and not an additional rating endorsement.

response

*Accepted*

comment 254

comment by: *skyguide Corporate Regulation Management***ATCO.B.001 (a)**

Holders of a student air traffic controller licence shall be authorised to provide air traffic control services in accordance with the rating(s) and rating endorsement(s) contained in their licence under the supervision of an on-the-job-training instructor and to undertake training for ~~an additional~~ rating endorsement(s).

When the student ATCO arrives in unit training, they may not have a rating endorsement, only a rating. Therefore they would be training for a first rating endorsement and not only an additional rating endorsement.

**ATCO.B.001 (b)**

Respond in favour of option A.

One does not need education requirements on top of initial training. This is a recruitment and employment issue, not a licensing issue. Once the trainee has proved they fulfil the initial training requirements, what is the benefit of requiring further education requirements that are not even within the scope of ATM?

**ATCO.B.001 (d)**

The holder of a ~~student air traffic controller licence~~ **an unvalidated rating** who has not exercised the privileges of that ~~licence~~ **rating** for a period of one year 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.

**Consistency:** As with an ATCO licence for "old" ratings, 4 years in the norm. This provision needs alignment with the rating and rating endorsement requirements (ATCO.B.010.2 and ATCO.B.015.5).

Furthermore, there is no added value of introducing 1 year which will require

response	<p>tracking and create administrative burden and cost, so it could be deleted.</p> <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>265 <span style="float: right;">comment by: ICAA</span></p> <p>Option B is the preferred option.</p> <p>TOs are not required to apply "strict selection procedures" before admitting students to initial training nor do all TOs select their students by other means than applying the criteria that is stated in the national legislation and applies to student licences. ATCO training is a business, if the TOs make more money per student they will of course invite more students.</p> <p>It has been discussed in different fora what the future needs, in terms of qualifications for ATCOs will be. Some have concluded that we will need two kinds of people: the kind that is content in being "just" a controller, and the kind that will develop into "system designers" and managers. Taking into account, that secondary education has developed over the years from being "an advanced education" into being more or less now "basic education" it is my view that we should avoid any downgrading to the profession and at the same time increase the odds that we will recruit people who have the interest (and possibility) at a later stage to enter university and get a higher degree but still remain within the area of ATM/ANS.</p> <p>Regarding (d): It is found to be too demanding to put a one year restriction for holders of a student air traffic controller licence to commence or continue unit training. Currently the restriction is four years, ie. in EU regulation 805/2001 and it is recommended that this is not changed.</p>
response	<p><i>Not accepted</i></p> <p>Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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>

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

281

comment by: *Federazione ATM-PP*

Federazione ATM-PP support Option B in the following text: (2) "*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;*"

In our opinion, it is important maintaining this level of educational requirements due to the high degree of technology involved into the job. Moreover, it is also important having high educational level to manage the complexity of the Air traffic organization.

response

*Not accepted*

Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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

311

comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
ATCO.B.001	Applicants for the issue of a student air traffic controller licence shall be at least 21 years old instead of 18	There is no correlation between the minimum age required to be granted with an STATCOL and an ATCOL. Therefore a student could have finished training at the age of 18 and not be approved (depending on National Legislation) to start training in Units until the age of 21.



		The suggestion is made to use the same age for both cases (STATCOL and ATCOL)
ATCO.B.001(b)	We are in favour of <b>OPTION B</b>	-
ATCO.B.001(d)	The assessment of previous competence (APC) shall contain the topics, subtopics, and objectives related with local procedures, regulations and Phraseology.	It is important to establish a common guidelines for this requirement (APC) in order to facilitate a clear standard towards a smooth circulation of staff within Europe
response	<i>Not accepted</i>	

comment

332	comment by: <i>DSNA</i>
<p><b>ATCO.B.001 (d).</b></p> <p><u>Comment :</u>                  Majority of french ATCOs are "multi-rating", meaning that they must successfully complete the 6 ratings (ADV ADI APP APS ACP ACS) during initial training.                  The student control licence is issued after the successful completion of ratings ADV and ADI.                  During a standard initial course, students are able to begin their unit training less than one year after after the issue of the student license. But in various 'non- standard' cases (like sickness, repeating a module, pregnancy,... etc), the beginning of the unit training can be delayed to more than one year after after the issue of the student license.                  So we propose to extend this period to 2 years, which should allow enough flexibility.</p> <p><u>Proposal :</u></p> <p>d) The holder of a student air traffic controller licence who has not exercised the privileges of that licence for a period of <b>two years</b> 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.</p>	
response	<i>Not accepted</i>
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 384 comment by: *NATS National Air Traffic Services Limited*

ATCO.B.001 (a) and ATCO.C.010 (a)

Neither of these Articles specifically state who remains responsible for the safety of the ATC service provided. Article ATCO.B.001 (a) states 'under the supervision' and ATCO.C.010 (a) states the OJTI provides supervision but neither of them refers to responsibility for the safety of the service.

Suggest additional wording to ATCO.C.010: Insert new ATCO.C.010 (b):

**'An OJTI who is providing supervision shall remain responsible for the safety of the service being provided'.**

Paragraph (b) becomes (c) and paragraph (c) becomes (d).

response *Not accepted*

The scope and subject matter of this draft Regulation in this regard is limited to the issues concerning licensing and medical certification of air traffic controllers. The referenced provisions define the privileges of the given licence or endorsement. Thus, they are not purposed to define the person responsible for the safety of the service provided.

comment 386 comment by: *NATS National Air Traffic Services Limited*

This article refers to an Assessment of Previous Competence (APC) to determine whether the individual still satisfies the Rating requirements. There is no mention as to who is responsible for conducting this APC. This could result in a lack of harmonisation and standardisation of the APC process.

As only Approved Training Organisations, certified to provide Initial Training (Basic and Rating Training), are authorised to determine that the Rating Training objectives have been satisfactorily achieved they should conduct APCs. Suggested wording to add:

**'conducted by an Approved Training Organisation certified to provide Initial Training in the Ratings concerned'.**

response *Accepted*

The comment is accepted. The wording is, however, slightly modified.

comment	<p>391 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.B.001 (d) and ATCO.B.010 (b)</p> <p>This article requires that a student air traffic controller licence who has not exercised the privileges of the student licence for a period of one year or more may only commence or continue unit training in that rating after assessment of previous competence. This does not cover the circumstances where a Student licence holder gains e.g. an ADI and APS Rating in Initial Training but only gains a Unit Endorsement in one of the Ratings within the one year period. The ATCO licence would be issued upon the grant of the Unit Endorsement with both the validated and unvalidated Ratings. There is a potential to miss the one year period for the unvalidated Rating as it now is included in the ATCO licence and not the Student ATCO licence.</p> <p>Suggested wording in ATCO.B.010 (b):</p> <p><b>'The holder of a previously validated rating'</b></p> <p>Suggested additional wording ATCO.B.010 (c):</p> <p><b>The holder of an unvalidated rating who has not exercised the privileges associated with that rating for a period of one year or more since completion of Rating Training may only commence unit training in that rating after assessment of previous competence as to whether the person concerned continues to satisfy the conditions of that rating, and after satisfying any training requirements that result from this assessment.</b></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 be diverse if the holder of the student licence acquired several ratings.</p>
comment	<p>443 <span style="float: right;">comment by: HungaroControl</span></p> <p><b>Student air traffic controller licence (a):</b></p> <p>Holders of a student air traffic controller licence shall be authorised to provide air traffic control services in accordance with the rating(s) and rating endorsement(s) contained in their licence under the supervision of an on-the-job-training instructor and to undertake training for <del>an additional</del> rating endorsement(s)</p> <p>They can undertake training for their first rating endorsement not only for the</p>

	additional one.
response	<i>Accepted</i>

comment	453	comment by: <i>Aaron Curtis Prospect ATCOs' Branch UK</i>
	We support option A	

response	<i>Accepted</i>	
	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 the air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite for commencing air traffic controller training.	

comment	466	comment by: <i>NUAC</i>
	ATCO.B.001 c. We're missing the requirements for "radiotelephony/certificate" in connection with ATCO-license	

response	<i>Not accepted</i>	
	The Agency does not see the need to display R/T privileges on the air traffic controller licence. The existence of an R/T licence is not a prerequisite for the exercise of the air traffic controller privileges. Should it be a requirement at national level, Member States are free to require, by other means, that air traffic controllers be in possession of an R/T licence.	

comment	472	comment by: <i>Aaron Curtis Prospect ATCOs' Branch UK</i>
---------	-----	---

Article ATCO.B.001(a) and article ATCO.C.010(a) make provision for the OJTI to provide supervision, but do not specify who is actually responsible for the service.

We propose additional wording to ATCO.C.010:

An OJTI who is providing supervision shall remain responsible for the safety of the service being provided.

response

*Not accepted*

The scope and subject matter of this draft Regulation in this regard is limited to the issues concerning licensing and medical certification of air traffic controllers. The referenced provisions define the privileges of the given licence or endorsement. Thus, they are not purposed to define the person responsible for the safety of the service provided.

comment

501

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

511

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 setting 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 for commencing air traffic controller training.

comment

630

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	<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 for commencing air traffic controller training.</p>
comment	<p>710 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.B.001 (b) Student air traffic controller licence:</b></p> <p>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 setting 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) 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 for commencing air traffic controller training.</p>
comment	<p>713 <span style="float: right;">comment by: <i>FABEC</i></span></p> <p>FABEC opts for Option A. Educational standards are not harmonized accross Europe. The defined phrase in option B doesn't reflect a clearly defined requirement.</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</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 for commencing air traffic controller training.

comment

744

comment by: UK CAA

**Page No:** 17**Paragraph No:** ATCO.B.001**Comment:** Option A is preferred.

**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:** Add new paragraph (5) at Option A:

"(5) 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 for commencing air traffic controller training.

comment

782

comment by: AESA / DSANA



Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
ATCO.B.001 Air traffic controller licence	<p>d) The holder of a student air traffic controller licence who has not exercised the privileges of that licence after one year from the issue of the licence or has not exercised the privileges of that licence for a period of one year 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.</p>	<p>The way this paragraph is drafted it will always be applicable to all students the first time they intend to go under unit training after the acquisition of the licence, since the privileges do not include the initial training itself (privileges are supposed to be those stated in ATCO.B.001a)</p>

response *Accepted*

The spirit of the comment is accepted; however, the proposed text is slightly modified.

comment

830 comment by: *ATCEUC- Air Traffic Controllers European Unions Coordination*

Attachment [#3](#)

**ATCO.B.001(b)**

**Comment:**

ATCO is a highly demanding profession with high levels of complexity and based on technological systems of last generation. Therefore it doesn't seem plausible that the more demanding a profession is, a lesser education is required to perform it.

	<p>That is why <b>ATCEUC</b> supports <b>option B</b> with educational requirements. The BR also states that ATCOs or student ATCOs shall be sufficiently mature educationally, physically and mentally. Moreover for the ANSPs, ATCOs with a high level of education are an added value in human resources to perform other tasks.</p>
response	<p><i>Not accepted</i></p> <p>Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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) 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 for commencing air traffic controller training.</p>
comment	<p>874 <span style="float: right;">comment by: <i>DATCA</i></span></p> <p>We do not believe that a higher university diploma ensure better ATCOs skills. WE find it more important to ensure a certain level of matureness.</p>
response	<p><i>Accepted</i></p> <p>Appropriate GM is added.</p>
comment	<p>876 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>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 of the ANSPs 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!</p> <p>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</p>

	<p>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 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...</p> <p>ETF is in favour of option B reworded like this : "hold at least a diploma granting access to university or equivalent, <del>or any other secondary education qualification</del>, which enables them to complete air traffic controller training;"</p>
response	<p><i>Not accepted</i></p> <p>Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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) 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 for commencing air traffic controller training.</p>
comment	<p>891 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ATCO.B.001(b)</p> <p>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!</p> <p>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</p>

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 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** prefers option B.

Proposed text:

ATCO.B.001(b)

Option B (with some changes)

*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;*

response

*Not accepted*

Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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 for commencing air traffic controller training.

comment

929

comment by: *USAC-CGT*

ATCO.B.001 (d)

One year isn't enough in a multi-rating training as the trainee might have to exercise a rating which he/she acquired more than 1 year ago and it is not consistent with the 4 years set for the necessity of assessment of previous competence. In a multi-rating training one may have acquire the rating which will be needed in the unit more than 1 year before arriving in the unit (academy time is 18 months in France), furthermore if the student ATC is a woman who happens to be pregnant this one year limit is just an administrative limit with no safety justification.

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; therefore, the Agency does not see the relevance of the training time at the academy. Pregnancy is also not seen as a possible justification for not being subject to an assessment of previous competence, when the period in question has lapsed.

comment

942

comment by: USCA

### STUDENT LICENCE REQUIREMENTS I – ATCO.B.001(b)

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.

Apart from the fact that lower education requirements would downgrade the profession, USCA also thinks that higher education adds value to the ANSP that employs better qualified staff

Furthermore, the technological developments shifting the ATC service into a more high-tech job obviously requires more educated employees.

Finally we understand that Option A goes against the meaning of the Basic Regulation sentence where it is said that "ATCOs and student ATCOs shall be sufficiently mature **educationally**, physically and mentally..."

USCA is then in favour of option B, but it also strongly recommends that higher education if possible would be better for the above mentioned reasons

Option B (with some changes)

*"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;"*

#### **GM1 ATCO.B.001**

*"Applicants for the issue of a student air traffic controller licence shall hold at least a diploma granting access to university or equivalent. However, higher education should be considered as a guarantee of better fulfilling the requirements and the challenges of the job."*

response

*Not accepted*

Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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 for commencing air traffic controller training.

comment

985

comment by: ICEATCA

ICEATCA thinks that the sentence "or any other secondary education qualification" should be removed. Air traffic control students need to be sufficiently prepared.

response

*Not accepted*

Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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 for commencing air traffic controller training.

comment

1041

comment by: IFATCA

42	NPA 2012- 18 (BI)	<b>SUBPART B — LICENCES, RATINGS AND ENDORSEMENTS  ATCO.B.001 Student air traffic controller licence</b>	<i>OPTION B</i>	FAVOURED OPTION
----	----------------------------	--	-----------------	-----------------

response

*Not accepted*

Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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 for commencing air traffic controller training.

comment

1061

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

FIT/CISL is in favour of the Option B (with some changes) due to 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 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...

“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;”

response

*Not accepted*

Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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 for commencing air traffic controller training.

comment	<p>1081 <span style="float: right;">comment by: Civil Aviation Authority Norway</span></p> <p>Option A:          -Competent authority should only evaluate/assess the competence of an ATCO which is the only relevant criteria for obtaining an ATCO licence.          -The service provider is the suitable body for the competence check of student applicants. A high degree diploma is not always a guarantee for success.</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>1108 <span style="float: right;">comment by: Danish Transport Authority, Personnel licensing office</span></p> <p>ATCO.B.001 (b): The requirement in option B (2) should not be a requirement for the <u>issue</u> of a student ATCO licence.          Such a requirement is much more appropriate <i>before</i> commencing initial training.          We also believe that the Service Provider is the best body responsible for such a competence check. After all, the Service Providers are only interested in employing students that will be able to fulfill training requirements to the required standards within the required time.          A high degree diploma could be a good indicator for the student's ability to learn <i>some</i> of the required ATCO skills, but it is definitely not a guarantee for success.          Also, the levels/standards of a high degree diploma are different from member state to member state. This also makes the requirement problematic.</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</p>



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

comment 1117 comment by: NATS National Air Traffic Services Limited

ATCO.B.001 Student air traffic controller licence (a)  
When the student ATCO commences unit training, they may not have a rating endorsement, only a rating. Therefore they would be training for a first rating endorsement and not an additional rating endorsement

Suggested amendment:

**'(a) Holders of a student air traffic controller licence shall be authorised to provide air traffic control services in accordance with the rating(s) and rating endorsement(s) contained in their licence under the supervision of an on-the-job-training instructor and to undertake training for rating endorsement(s)'**

response Accepted

comment 1119 comment by: NATS National Air Traffic Services Limited

ATCO.B.001 (b) OPTIONS

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.

Suggest adopting OPTION A and deleting OPTION B.

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	1134	comment by: EUROCONTROL
	<p>Subpart B: When dealing with delays of xx number of days - renewals, revalidations etc, it could be better to specify "calendar days" to remove ambiguity vs working days.</p>	
response	Accepted	

comment	1191	comment by: Entry Point North
	<p>ATCO.B.001(b) – we vote for Option A, and we think there needs to be clarification of the fact that what is stated in the paragraph is meant to be valid for the issuing of the student license – not forming part of admittance criteria to start initial training.</p>	
response	<p>Accepted</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	1251	comment by: Aura MARCULESCU
	<p>Reference: ATCO.B001 (b)</p> <p>Proposal: We are in favor of Option B.</p> <p>Justification: The Regulation (EU) 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. Our opinion is that deleting this prerequisite could lead to the downgrading of the profession, which should be avoided. In the same time, the technological developments, shifting the ATC service into a more high-tech job, obvious require more educated employees. We are in favor of Option B, which maintains this requirement as in Regulation (EU) No 805/2011.</p>	
response	Not accepted	

Option A is accepted as a licensing requirement. This approach, however, does not preclude setting 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 1333 comment by: Avinor ANS

The service provider shall have the right to check the competence of student controller applicants.

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 for commencing air traffic controller training.

comment 1342 comment by: ERAC European Regional Aerodrome Community

ERAC supports Option A as the applicant has to demonstrate the successful completion of initial training.

Knowing that applicants also participate in very strict selection procedures before being admitted to initial training

and completing initial training is very demanding it does not seem to be appropriate to check

the educational background of the applicant at the stage of issuing a licence.

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 for commencing air traffic controller training.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS – ATCO.B.005 Air traffic controller licence**

p. 18-19

comment

5

comment by: *Stanislav Sharkovskis*

Hello

ANNEX 1 ATCO.B.005 item c) states (1) be at least **21 years old**

Our proposal is > be at least **20 years old**

Justification> The LATVIAN EDUCATION SYSTEM has established a certain age limit for graduates. To avoid the 6 month break before the Student-ATCO becomes an ATCO, we propose the age limit of 20.

response

*Not accepted*

After a precise analysis of the circumstances and comments, and taking into account the questionnaire submitted in order to collect feedback on age requirements set by Member States, the Agency decided to remove the reference to the age in ATCO.B.001(b).

comment

15

comment by: *Belgian NSA*

Applicants for the issue of an air traffic controllers licence shall:  
be at least **18** years old.

response

*Accepted*

comment 43 comment by: LfV

Ref ATCO.B.005 (c) (1)  
 To our knowledge the age of maturity in most states is 18 years. In our view, it is hard to argue for a higher age limit to apply for an ATCO license than 18 years.

response *Accepted*

comment 70 comment by: LPS SR

<b>ATCO.B.005 Air traffic controller licence</b>	Applicants for the issue of an air traffic controller licence shall:  (1) be at least <del>24</del> 18 years old	The difference of 3 years between the applicant of a student ATCO licence and the ATCO licence is too long. E.g. student may finish unit training within 4-6 months and then have to wait 2,5 years to obtain an ATCO licence.  It could increase costs for ANSPs, because they have to pay them for no return for up to 2,5 years.  There is no reason for introducing different age as it is for applicant for student ATCO licence.  It is individual and depends on resources ANSPs have, how long the training will last.
--	--	--

response *Accepted*

The text is revised to remove the reference to the age of the applicant.

comment 191 comment by: Finnish Transport Safety Agency

ATCO.B.005 Air traffic controller licence (c)

Comment: Finland supports the age limit of 21 years but could also live with the possibility where Member States may provide a lower age limit in duly

	justified cases.
response	<p><i>Noted</i></p> <p>After a precise analysis of the circumstances and comments, and taking into account the questionnaire submitted in order to collect feedback on age requirements set by Member States, the Agency decided to remove the reference to the age in ATCO.B.001(b).</p>
comment	<p>255 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.B.005 (c)(1)</b>  (c) Applicants for the issue of an air traffic controller licence shall:</p> <p>(1) be at least <del>21</del> 18 years old</p> <p>Or</p> <p><del>(1) be at least 21 years old</del></p> <p><b>Reason for comment:</b> It is recognised that 21 is the age imposed by ICAO, however, what does 21 bring? Why render less flexible when no safety is added? We would suggest that the age limit be the legal majority, rather than 21 (i.e. 18, in most European states), or else delete this requirement as a lower age limit exists for the student ATCO licence and any further age limitations are redundant.</p> <p><b>ATCO.B.005 (e)</b>  Should provision not be made for otherwise, for example, with electronic licences, and, ensuring that the licence holder is only in possession of one licence at any given moment, when not otherwise provided for, the air traffic controller licence is issued the student air traffic controller licence shall be returned to the competent authority.  This is a proposal that a student licence is an ATCO licence with un-validated rating(s) which simplifies the administrative work.</p> <p>As we shall be moving to an electronic era with electronic licences, it would make sense to have one licence, with "unvalidated" ratings being the "student" part of the licence. This will avoid unnecessary administrative burden for the training organisations, ANSP and CA in tracking the paper documents. Due care should, of course, be taken for such systems as still require the paper versions.</p>
response	<p><i>Accepted</i></p> <p>The text is revised to remove the reference to the age of the applicant.</p>
comment	<p>268 <span style="float: right;">comment by: <i>ICAA</i></span></p> <p>(e) To which CA shall the student licence be returned to in cases where the CA that issued the student licence is a different CA than the one who is issuing the ATCO licence?</p> <p>It is recommended that the student licence be returned to the CA that is issuing</p>

the ATCO licence.

response *Accepted*

comment 313 comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.B.005	EASA should also recommend the use of a simulation Project for not very busy ATC centres	The use of simulation for Emergencies and Abnormal Situations should be recommended
ATCO.B.005(f)(2)	Who will check to equivalence, the competent authority(ies) or EASA?	It is important to establish a common procedure for this check in order to facilitate a clear and common standard towards a smooth circulation of staff within Europe

response *Not accepted*

ATCO.B.005  
The use of simulation for emergency and abnormal situations should be developed in the respective training plans and courses. The comment does not refer to the air traffic controller licence.

ATCO.B.005(f)(2)  
For third-country ANSPs the certifying and oversight authority is the Agency and as such the Agency should check compliance with these requirements, namely that only persons with appropriate qualifications are employed, as part of the oversight activity.

comment 333 comment by: DSNA

**ATCO.B.005 (c) (1)**

Comment :

The 21 years condition could possibly be a problem on small units where unit training is short.

Moreover, this condition is not consistent with the 18 years condition for student ATCO license. Unit training does not last 3 years. So we propose either to remove the age condition or to replace '21 years' by '18 years', which is the age of legal majority in France.

Proposal :

(1) be at least 18 years old;

**ATCO.B.005 (e)**

This requirement adds more administrative work for no added value. We propose to delete it.

response

*Accepted*

The text is revised and the reference to the age of the applicant has been removed.

comment

360

comment by: DSAE/DIRCAM/SDSA

(c) French military ATCO's has a need of derogation about the lower age of 21 for licence delivering.  
In France the legal lower ages is 18 (driver licence, official election, legal responsibility, etc...)

So, maintaining the statement as in the 805/2011 is preferred.

" Member states may provide a lower age limit in duly justified cases". The right to exercise the privileges of the ATCO licence could be limited to the territory of the member state that has issued the licence.

(e) This is administration workload. It doesn't bring anything to the safety.

response

*Not accepted*

After a precise analysis of the circumstances and comments, and taking into account the questionnaire submitted in order to collect feedback on age requirements set by Member States, the Agency decided to remove the reference to the age in ATCO.B.001(b).

comment

455

comment by: Aaron Curtis Prospect ATCOs' Branch UK

(c) (1) There is an inconsistency with having a minimum age of 18 for the grant of a student licence (ATCO.B.001) and a minimum age of 21 for the grant of an ATCO licence. There are many examples where the training to the standard required for the granting of an ATCO licence could take less than 3 years. We would propose that (c) (1) be amended to include a clause to allow a reduction in the age constraint of 21 with the approval of the competent authority.



response *Partially accepted*

After a precise analysis of the circumstances and comments, and taking into account the questionnaire submitted in order to collect feedback on age requirements set by Member States, the Agency decided to remove the reference to the age in ATCO.B.001(b).

comment 478

comment by: DSAC - French NSA

Paragraph

ATCO.B.005 (c) (1)

Alternative proposal

(c) Applicants for the issue of an air traffic controller licence shall:

(1) ) ~~be at least 21 years old~~ be at least the age of majority in the country where the ATCO exercises the privilege of his licence;

Justification

- 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.

response *Not accepted*

After analysing the circumstances and the comments, and taking into account the questionnaire launched in order to collect feedback on the age requirements set by Member States, the Agency decided to remove the reference to the age from ATCO.B.001(b).

With regard to the proposal made by the commentator, establishing an age of maturity would cause a lack of harmonisation within Member States and, therefore, the Agency believes it should not be considered.

comment 479

comment by: DSAC - French NSA

Paragraph

ATCO.B.005 (f)

Comment

Requirements to be kept

Justification

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

response *Accepted*

comment **548**

comment by: *Maastricht UAC*

**ATCO.B.005(c)(1)**  
21 years old

If a student gains a student licence at 18, he/she may well be suitable to gain a full licence before being 21 years old.  
Is this restriction even allowable under EU age discrimination law? It induces cost by preventing the recruitment of younger ATCOs or having to pay them for no return until they turn 21. The higher the age to obtain a licence, the shorter the working life of an ATCO will be. The ICAO justification is not valid in this case taking into regard the EU discrimination legislation and the flexibility provision is not considered suitable for this purpose.

As there is a minimum age limit to obtain a student licence, there is no need to include a minimum age for a 'full' licence. Thus, remove the minimum age limit altogether. Alternatively, if there must be an age limit, allow an NSA to set the limit and give them the possibility to accept exceptions in duly justified cases.

response *Accepted*

comment **577**

comment by: *DFS Deutsche Flugsicherung GmbH*

**ATCO.B.005 (c)**

Following the debate at European level on the minimum age of an ATCO to receive an ATCO license, we propose the following addition:

(6) notwithstanding paragraph (1) an exemption to the minimum age as stated in point (1) of this paragraph shall be granted by the CA based on the justification by the ANSP.

response *Not accepted*

After analysing the circumstances and comments, and taking into account the questionnaire launched in order to collect feedback on the age requirements set by Member States, the Agency decided to remove the reference to the age from ATCO.B.001(b).

comment 584

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<p><b>ATCO.B.005(c)(1)</b> 21 years old</p>	<p>If a student gains a student licence at 18, he/she may well be suitable to gain a full licence before being 21 years old.</p> <p>Is this restriction even allowable under EU age discrimination law? It induces cost by preventing the recruitment of younger ATCOs or having to pay them for no return until they turn 21. The higher the age to obtain a licence, the shorter the working life of an ATCO will be. The ICAO justification is not valid in this case taking into regard the EU discrimination legislation and the flexibility provision is not considered suitable for this purpose.</p>	<p>As there is a minimum age limit to obtain a student licence, there is no need to include a minimum age for a 'full' licence. Thus, remove the minimum age limit altogether. Alternatively, if there must be an age limit, allow an NSA to set the limit and give them the possibility to accept exceptions in duly justified cases.</p>

response *Accepted*

comment 712

comment by: *FABEC*

(c) applicants for the issue of an air traffic controller licence shall:

(1) ~~be at least 21 years old~~

...

The relevant age limit is defined for the issue of a student licence.

Age 21 years would not correspond to the age of majority in European countries and limit the available career length of ATCO without justification.

response *Accepted*

comment	715 <span style="float: right;">comment by: AESA / DSANA</span>
	<p><b>ATCO.B.005(a)</b>  i.- No ATCO shall provide service in a newly established ATS unit unless he/she has at least two-years and at least 500 operational hours previous experience in the last four years in an unit with the same rating or rating endorsement.  ii.- In no case shall a STATCO provide service in a newly established ATS unit until a period of time established by the competent authority has passed from the beginning of the service.</p>
response	<p><i>Not accepted</i></p> <p>The comment is not related to the provisions set in ATCO.B.005(a). In any case, the privileges of the student licence are covered by ATCO.B.001. The Agency sees no safety reason for which a student air traffic controller should be limited to exercise the privileges of his/her licence.</p>
comment	723 <span style="float: right;">comment by: FABEC</span>
	<p>FABEC proposes to delete paragraph (e) of ATCO.B.005 as it would create unnecessary administrative efforts increasing cost without improving the level of safety.  <del>(e) when the air traffic controller licence is issued the student air traffic controller licence shall be returned to the competent authority.</del></p>
response	<p><i>Noted</i></p> <p>An air traffic controller licence substitutes completely the student licence. Therefore, and with the intention to prevent any potential fraudulent use of it, the Agency believes it is necessary to return the student licence when applying for the air traffic controller licence.</p>
comment	746 <span style="float: right;">comment by: UK CAA</span>
	<p><b>Page No:</b> 18  <b>Paragraph No:</b> ATCO.B.005 (c)(1)  <b>Comment:</b> The ATCO age requirement of 21 years is too rigid and does not provide the present flexibility outlined within Regulation 805/2011.  <b>Justification:</b> Some controllers mature and are ready to undertake an Initial Board before the age of 21 years. It is important to have the ability, in these rare cases, to vary the age requirement to become an ATCO, with the correct evidence provided by the relevant ANSP, to ensure that a Student ATCO is allowed to progress seamlessly through training to validation.  <b>Proposed Text:</b> Amend paragraph to read:  “be at least 21 years old. The competent authority may vary this requirement and provide a lower age limit in duly justified cases.”</p>
response	<p><i>Not accepted</i></p> <p>After analysing the circumstances and the comments, and taking into account</p>

the questionnaire launched in order to collect feedback on the age requirements set by Member States, the Agency decided to remove the reference to the age from ATCO.B.001(b).

comment

747

comment by: UK CAA

**Page No:** 18**Paragraph No:** ATCO.B.005 (f)

**Comment:** UK CAA would expect to find a derogation to a provision of the Cover Regulation in the Cover Regulation itself, as has been the practice in previous Implementing Rules, for example, Article 6 of Commission Regulation (EU) No 965/2012.

**Justification:** Clarity for stakeholders and competent authorities; legal practice.

**Proposed Text:** Move to Article 2 of the Cover Regulation.

response

*Not accepted*

Unlike the quoted Regulation as an example, the subject derogation concerns one provision only, not the entire annexes; therefore, and for the sake of clarity, it is considered to be better placed directly within the provision concerned.

comment

748

comment by: UK CAA

**Page No:** 18**Paragraph No:** ATCO.B.005 (f)

**Comment:** This derogation as written, does not stipulate who determines the fitness of an individual, working within a third country's ANSP, providing services within the EU.

**Justification:** Whilst the reasons for this derogation are understood (i.e. Jersey providing services in French FIR and Moldova in Bulgaria), with modern ATC technology, this derogation could open up the prospect of geographically distant, third country ANSPs providing services (either primarily or sub-contracted) within the EU using remote technology. Under Regulation 216/2008 as amended and regulation 1035/2011 Article 3 (1) (b), the Agency has competency to certify ANSPs providing services within the Union, but not the licensing of individuals. Which authority will conduct assurance that the individual has met the terms of ATCO.B.005 (f) (2)? The Agency, the competent authority, or the third country ANSP?

**Proposed Text:** Amend paragraph to read:

"By way of derogation from paragraph 3 of Article 2 **and subject to approval by the Agency and the CA of the member state in which the service is to be provided**, persons employed..."

response

*Not accepted*

For third-country ANSPs the certifying and oversight authority is the Agency and as such the Agency should check compliance with these requirements, namely that only persons with appropriate qualifications are employed, as part of the oversight activity.

The proposed text is not accepted, as it could be read that the derogation would be subject to further approvals.

comment

749

comment by: UK CAA

**Page No:** 19

**Paragraph No:** ATCO.B.005 (f)(2)

**Comment:** There is no reference to third country ATCOs having any language endorsement requirements.

**Justification:** Sub-paragraph (2) only requires equivalency to Part ATCO subpart D which does not include language requirements.

**Proposed Text:** Add new sub-paragraph (3) as follows:

"(3) meet the language requirements detailed at ATCO.B.030".

response

*Not accepted*

The reference to hold a licence issued in accordance with ICAO Annex 1 already includes compliance with the language proficiency requirements. Therefore, no further addition is considered necessary.

comment

783

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.B.005 Air traffic controller licence</u></b>	1. Applicants for the issue of an air traffic controller licence shall: (a) be at least <del>21</del> <b>18</b> years old;	No need for a 3 year gap between the accomplishment of a student ATCO licence and an ATCO licence, while unit training could be much shorter than 3 years. Either we higher the age for becoming student to 21 or we lower this to 18.

response

*Accepted*

The text is revised and the reference to the age of the applicant has been removed.

comment

820

comment by: NATS National Air Traffic Services Limited

ATCO.B.005 (f)

Typographical error.  
 The word 'principle' should be 'principal'.  
 Replace:  
**'.....having their principle place of operations.....'**  
 with:  
**'.....having their principal place of operations.....'**

response *Accepted*

comment 930

comment by: *USAC-CGT*

ATCO.B.005 (c) (1)  
 What is the justification for being at least 21 ? Why 3 years between student licence and the regular licence ?  
 What is needed is full legal responsibility which can be obtained at the legal age of majority so we support a change to be at least the legal age of majority in all States where privileges are intended to be exercised. If EASA is unwilling to follow this, we ask EASA to introduce a procedure enabling licence holders to apply to the Competent Authority to reduce the age in individual circumstances.

response *Not accepted*

After analysing the circumstances and the comments, and taking into account the questionnaire launched in order to collect feedback on the age requirements set by Member States, the Agency decided to remove the reference to the age from ATCO.B.001(b).

comment 1042

comment by: *IFATCA*

43	NPA 2012- 18 (BI)	<b>ATCO.B.005 Air traffic controller licence</b>	c) Applicants for the issue of an air traffic controller licence shall:  (1) be at least <del>21</del> <b>18</b> years old;	In order not to delay the start date, for young talents we propose to use the legal majority as a lower age limit.
----	----------------------------	--	---	--

response *Accepted*

The text is revised and the reference to the age of the applicant has been removed.

comment

1043

comment by: IFATCA

44	NPA 2012- 18 (BI)	<b>ATCO.B.005 Air traffic controller licence</b>	(e) When the air traffic controller licence is issued the student air traffic controller licence shall be returned to the competent authority.	Might be a bit too bureaucratic in particular with some of the data available under electronic form.
----	----------------------------	--	---	--

response

*Noted*

An air traffic controller licence substitutes completely the student licence. Therefore, and with the intention to prevent any hypothetical fraudulent use of it, the Agency believes it is necessary to return the student licence when applying for the air traffic controller licence.

comment

1120

comment by: NATS National Air Traffic Services Limited

ATCO.B.005 (c) (1)

The stipulation of 21 years old is a historical one dating from many years ago. The 'coming of age' is now generally considered to be 18. There does not need to be 3 year gap between being able to apply for a Student ATCO Licence and being able to apply for an ATCO Licence. Unit training, could take less than 3 years and therefore it is suggested that this age requirement is deleted and the age of 18 years to apply for a Student ATCO Licence is adequate to ensure maturity.

Suggest deleting paragraph '(1)'

And

Renumber remaining paragraphs.

response

*Accepted*

comment

1136

comment by: EUROCONTROL

ATCO.B.005 (c) (5) :

As the applicant is holder of a student atco licence, the repetition of the valid language proficiency endorsement could be removed



response	<p><i>Not accepted</i></p> <p>It is true that to be issued with an air traffic controller licence the applicant necessarily holds a student licence, although the language proficiency endorsement validity may or may not be current at the time of proceeding with the application. Therefore, the Agency believes it is still necessary to include it as a requirement.</p>
comment	<p>1137 <span style="float: right;">comment by: EUROCONTROL</span></p> <p>ATCO.B.005 (f): 'principle' is incorrect. It should read 'principal'.</p>
response	<p><i>Accepted</i></p>
comment	<p>1201 <span style="float: right;">comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></span></p> <p>Referring to the <b>ATCO.B.005(c)(1)</b> FIT/CISL thinks that the obligation set to be at least 21 years old is questionable because what is needed is full legal responsibility which can be obtained at the legal age of majority so we support a change to be at least the legal age of majority in all States where privileges are intended to be exercised. If EASA is unwilling to follow this, we ask EASA to introduce a procedure enabling licence holders to apply to the Competent Authority to reduce the age in individual circumstances. The proposed change is as it follows:</p> <p>"be at least at the legal age of majority;"</p>
response	<p><i>Not accepted</i></p> <p>After a precise analysis of the circumstances and comments, and taking into account the questionnaire submitted in order to collect feedback on age requirements set by Member States, the Agency decided to remove the reference to the age in ATCO.B.001(b). With regard to the proposal made by the commentator, establishing an age of maturity would cause a lack of harmonisation within Member States and, therefore, the Agency believes it should not be considered.</p>
comment	<p>1263 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p><b>ATCO.B.005 (e) Air traffic controller licence</b> – GM needed as to clarify to which competent authority the student licence shall be returned when a student uses his/her licence in another country than the issuing country. The Transport Agency propose that the licence be returned to the licensing authority that</p>

response

issues the ATCO licence and that they inform the licensing authority of the student licence.  
Procedures for the return of student licence if the student fails during his/her OJT is also needed.

*Partially accepted*

The text is revised to state that the student licence shall be returned to the competent authority issuing the air traffic controller licence. Therefore, no GM is needed.

On the other hand, there would be no need to return the student licence in case the student fails the unit training, because the issue of the ATCO licence can only take place after completion of the unit training.

According to the provisions of the new *ATCO.A.010 Exchange of licences*, a student shall exchange his/her licence in case he/she intends to exercise the privileges of the licence in a different Member State.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS – ATCO.B.010 Air traffic controller ratings**

p. 19

comment

314

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.B.010	We propose to include a table clearly listing the hierarchical structure and interdependency of the ratings and endorsements	It is important to clearly understand to possible relations and dependencies between ratings and endorsements. This can be better achieve with a table (an example can be found in <i>GM1 ATCO.AR.D.001(a)</i> )
ATCO.B.010(a)	From the definitions, APP and APS can be seen as a particular case of ACP and ACS, respectively. We propose to further refine the definitions to avoid this potential misunderstanding	It is important to clearly establish the ratings and avoid any possible misunderstanding in their definition, as they are the cornerstone of the license

response

*Not accepted*

ATCO.B.010

The Agency believes that the provisions stated in ATCO.B.010 are clear enough and, therefore, no table is needed.

ATCO.B.010(a)

The ratings associated to procedural control should not be considered as a particular case of the ratings associated to surveillance control, since they represent different procedures applicable to air traffic control. The Agency believes that the proposal does not lead to any misunderstanding in this regard since the ratings are clearly identified.

comment

387

comment by: *NATS National Air Traffic Services Limited*

This article refers to an Assessment of Previous Competence (APC) to determine whether the individual still satisfies the Rating requirements. There is no mention as to who is responsible for conducting this APC. This could result in a lack of harmonisation and standardisation of the APC process.

As only Approved Training Organisations, certified to provide Initial Training (Basic and Rating Training), are authorised to determine that the Rating Training objectives have been satisfactorily achieved they should conduct APCs. Suggested wording to add:

**'conducted by an Approved Training Organisation certified to provide Initial Training in the Ratings concerned'.**

response

*Accepted*

The comment is accepted. The wording is, however, slightly modified.

comment

458

comment by: *Juan Gallego Grana - Aena*

**ATCO.B.010(b)**

The provision set out in ATCO.B.010(b) related to a "*period of four immediately preceding consecutive years*" is considered too restrictive, as for example it implies that in the case of a holder of an ACS rating who has exercised the privileges of this rating for three years in an ACC and wants to commence unit training in that rating (ACS) in another ACC, it would be necessary to assess his competence to satisfy the conditions of that rating, although he would be presently exercising the privileges of the rating. Therefore, it is proposed to add the text as highlighted in **orange** below.

Additionally, to ensure that the idea contained in AMC1 ATCO.D.005(a)(2)(e) on which unit training includes "*the reactivation of a rating and/or rating endorsement that has not been exercised for a period of four immediately preceding consecutive years, in accordance with the provisions set out in*

	<p>ATCO.B.010(b) and ATCO.B.015(e)”, it is proposed to add the following text highlighted in red.</p> <p><i>“The holder of a rating who has not exercised the privileges associated with that rating for <b>at least one year in the period of four immediately preceding consecutive years</b> may only commence unit training in that rating after assessment of previous competence as to whether the person concerned continues to satisfy the conditions of that rating, and after satisfying any training requirements that result from this assessment. <b>In accordance with provisions set out in ATCO.D.005(a)(2), this assessment, as well as training requirements that could result from it, can be done by a Unit Training Provider”.</b></i></p>
response	<p><i>Partially accepted</i></p> <p>The Agency considers that only training organisations which are certified to provide training relevant to the rating shall be entitled to undertake the assessment of previous competence relevant to that rating. The issue of the ‘period of four immediately preceding years’ is resolved through a change in the terminology used.</p>
comment	<p>1173 <span style="float: right;">comment by: Luca Valerio Falessi</span></p> <p><b>ATCO.B.010 Air traffic controller ratings</b></p> <p>APS competence should include at least a limited, but specified, APP competence.</p> <p>APS competence should include at least a limited, but specified APP competence.</p> <p><b>JUSTIFICATION</b></p> <p>A minimum specified level of procedural competence should be associated with APS and ACS ratings, in order to cope with:</p> <ul style="list-style-type: none"> <li>- contingency involving loss of surveillance;</li> <li>- limited portions of airspace not covered by surveillance systems</li> </ul>
response	<p><i>Not accepted</i></p> <p>The ratings associated to procedural control should not be considered as a particular case of the ratings associated to surveillance control, since they represent different procedures applicable to air traffic control. A situation where surveillance coverage is temporarily lost should not be catalogued as procedural control, but as a contingency instead. The contingency is to be managed within the context of the contingency, following the procedures established in this regard.</p>

comment	1192	comment by: <i>Entry Point North</i>
	<p>ATCO.B.010 (b) – the AMC connected to this paragraph states that the previous competence assessment should be based on initial rating training requirements – It should be clarified that this assessment can be made only by training organization that itself provides initial training.</p>	
response	<i>Accepted</i>	

comment	1264	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	<p><b>ATCO.B.010 (b) Air traffic controller ratings</b> – An AMC is needed to clarify that only a TO certified for that specific rating can assess the competence of the person who has not exercised the privileges of the rating for four years.</p>	
response	<i>Accepted</i>	
	<p>The requested additional clarification is provided at IR level.</p>	

comment	1266	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	<p><b>ATCO.B.010 Air traffic controller ratings</b> – The Transport Agency finds the structure of the ADI rating too complicated in the draft regulation. The Transport Agency proposes that it to be simplified as with APS and ACS, so as to include TWR, AIR and GMC in the ADI rating.</p>	
response	<i>Noted</i>	
	<p>There is no change to the ADI structure compared to today. It is considered that the current model offers some flexibility for unit training progression and service delivery, as well as options for the specialisation of the personnel. The proposal states that the requirements of the TWR, AIR and GMC endorsements could be integrated into the ADI rating. This could be considered, but would require a deeper analysis and evaluation of the possible impacts, as well as the determination of the necessary transition to accompany such changes. A review of the initial training requirements should also be conducted in order to ensure that the training plans cover all aspects of the different rating endorsements. Therefore, the Agency could foresee a separate rulemaking task encompassing the entire review of the system of ratings and rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task.</p>	

**ENDORSEMENTS – ATCO.B.015 Rating endorsements**

comment	<p data-bbox="351 367 391 403">22</p> <p data-bbox="1197 367 1457 403" style="text-align: right;">comment by: <i>LFV</i></p> <p data-bbox="351 448 1457 660">The TWR endorsement may need clarification on the part "where aerodrome control is provided from one working position". The widespread understanding and application of this endorsement is that it includes both GMC and AIR endorsements. This means that the holder of TWR endorsement have the competence to provide aerodrome control from one position but also ground movement control separately or air control separately.</p>
response	<p data-bbox="351 660 478 705"><i>Accepted</i></p> <p data-bbox="351 750 1457 929">The Agency shares the opinion that the TWR endorsement encompasses the privileges of the GMC and AIR endorsements. In order to clarify the potential misunderstandings with regard to the current text, a new text proposal is elaborated, which does not refer to the working position in this context and establishes clarity at the level of privileges.</p>
comment	<p data-bbox="351 996 406 1041">192</p> <p data-bbox="813 996 1457 1041" style="text-align: right;">comment by: <i>Finnish Transport Safety Agency</i></p> <p data-bbox="351 1086 869 1131"><u><i>ATCO.B.015 Rating endorsements (a)</i></u></p> <p data-bbox="351 1153 1457 1422"><u>Comment:</u> The rating endorsement structure for the ADI rating is unnecessarily complex. The ADI course already contains training for all the alternative compulsory rating endorsements TWR, AIR and GMC and these could thus be deleted and included in the ADI rating itself the same way as the RAD and ADS are included in the surveillance ratings. The possible need to indicate a limitation to AIR or GMC services only could be handled with the unit endorsements.</p> <p data-bbox="351 1444 510 1489"><u><i>(b) and (d)</i></u></p> <p data-bbox="351 1512 1457 1579"><u>Comment:</u> Finland supports the idea of integrating the RAD and ADS rating endorsements into the surveillance ratings.</p>
response	<p data-bbox="351 1624 438 1668"><i>Noted</i></p> <p data-bbox="351 1713 1457 2042">It is considered that the current model offers some flexibility for unit training progression and service delivery, as well as options for the specialisation of the personnel. The proposal states that the requirements of the TWR, AIR and GMC endorsements could be integrated into the ADI rating. This could be considered, but would require a deeper analysis and evaluation of the possible impacts, as well as the determination of the necessary transition to accompany such changes. A review of the initial training requirements should also be conducted in order to ensure that the training plans cover all aspects of the different rating endorsements. Therefore, the Agency could foresee a separate rulemaking task encompassing the entire review of the system of ratings and</p>

rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task.

comment 256 comment by: skyguide Corporate Regulation Management

**ATCO.B.015 (e)**

~~.... a rating endorsement who has not exercised the privileges associated with that rating endorsement for a period of four immediately preceding consecutive years may only commence unit training in that rating endorsement after assessment of previous competence...~~

This provision for rating endorsement does not make sense (unlike the one for ratings) as there are some rating endorsements that are only trained in units. We suggest deleting the provision. Particularly as a rating endorsement will always be attached to a rating.

response Accepted

comment 316 comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.B.015	We propose to include a table clearly listing the hierarchical structure and interdependency of the ratings and endorsements	It is important to clearly understand to possible relations and dependencies between ratings and endorsements. This can be better achieve with a table (an example can be found in <i>GMI ATCO.AR.D.001(a)</i> )
ATCO.B.015(b)(3)	From the definition of TCL as compared to PAR and SRA it can be understood that this service is not provided for final approach. This should be however made explicit	It is important to clearly establish the rating endorsements and avoid any possible misunderstanding in their definition, as they are the cornerstone of the license

response Not accepted

ATCO.B.015

The Agency believes that the provisions stated in ATCO.B.010 are clear enough and, therefore, no table is needed.

ATCO.B.015(b)(3)

The terminal control endorsement is meant to provide control within a terminal area and its adjacent sectors.

In any case, the terminal control starts at a point where the en-route controller hands over responsibility to the 'terminal controller' (who holds the APS/TCL) and ends at a point where the 'terminal controller' hands over to the nominated aerodrome or approach controller, depending on how the airspace and procedures are set.

A controller holding a TCL endorsement is always entitled to provide control service for final approach, since the TCL endorsement is associated to the APS rating, which obviously includes control for final approach.

comment 392

comment by: *NATS National Air Traffic Services Limited*

ATCO.B015 (e)

This Article requires that the holder of a rating endorsement who has not exercised the privileges associated with that rating endorsement for a period of four immediately preceding consecutive years may only commence unit training in that rating endorsement after assessment of previous competence as to whether the person concerned continues to satisfy the conditions of that rating endorsement, and after satisfying any training requirements that result from this assessment. The problem with this is that only ADI (TWR) Rating Endorsement is by default taught in Initial Training. The other eight Rating Endorsements can be, and usually are, part of Unit Training.

Suggest deleting ATCO.B.015 (e).

response *Accepted*

comment 417

comment by: *CAA-NL*

[ATCO.B.015 - Rating endorsements](#)

COMMENTS: 1 ADI A TWR – the PRO endorsement is missing.

JUSTIFICATION: For LVNL it must be possible for an ADI TWR RAD controller to provide PROcedural service during certain hours when RADar is not available.

ALTERNATIVE PROPOSAL: Add a PRO endorsement



response *Noted*

From the operational perspective, the use of the radar to provide aerodrome control service is covered by the RAD rating endorsement. The situation as described without any help of radar equipment should be covered standard by the ADI/TWR rating/rating endorsement. In case procedural approach control is also delivered, the APP rating should also be the necessary together with the ADI/TWR. Therefore, the Agency believes that the proposal should not be taken into account.

comment 459

comment by: *Juan Gallego Grana - Aena*

**ATCO.B.015(e)**

It is considered too restrictive the provision set out in ATCO.B.015(e) related to a *"period of four immediately preceding consecutive years"*, the reasons are the same as those relating to ATCO.B.010(b) explained above. Therefore, it is proposed to add the text as highlighted in orange below.

Additionally, to ensure that the idea contained in AMC1 ATCO.D.005(a)(2)(e) on which unit training includes *"the reactivation of a rating and/or rating endorsement that has not been exercised for a period of four immediately preceding consecutive years, in accordance with the provisions set out in ATCO.B.010(b) and ATCO.B.015(e)"*, it is proposed to add the following text highlighted in red.

*"The holder of a rating endorsement who has not exercised the privileges associated with that rating endorsement for at least one year in the period of four immediately preceding consecutive years may only commence unit training in that rating endorsement after assessment of previous competence as to whether the person concerned continues to satisfy the conditions of that rating endorsement, and after satisfying any training requirements that result from this assessment. In accordance with provisions set out in ATCO.D.005(a)(2), this assessment, as well as training requirements that could result from it, can be done by a Unit Training Provider"*.

response *Noted*

Following other comments on the subject the provision is now deleted.

comment 583

comment by: *DFS Deutsche Flugsicherung GmbH*

ATCO.B.015 (a) (5)

Understanding EN 23+24 in a way that no national deviations/variants are allowed any more, the consequences would be a lower capacity at high density/high traffic airports in Germany if only rating endorsement modules of

the given IR proposal are allowed:  
 In Germany TWR and APP services are not co-located (for organizational and efficiency reasons) and therefore it is impossible to hold a license and especially keep up the validity of ADI and APS endorsements according to the given rules. The specifically developed RAD-S endorsement in combination with ADI gives privileges to use radar data processing and display systems for the purpose of separation without the need to obtain a full APS rating. This enables the delegation of separation from the APP ATCO to the TWR ATCO. This reduction of interfaces allows an enormous gain of capacity, especially at large airports.  
 Not being allowed to use RAD-S endorsements any more would consequently require a change of current procedures with reduced capacity by estimated up to 50% at large airports as, e.g., Frankfurt.  
 It is essential for us to maintain such a possibility in the European regulations. We propose the establishment of the German RAD-S endorsement within the EASA regulations as a usable rating endorsement for all concerned countries in Europe.  
 See as well comment on ATCO.D.010.

response *Not accepted*

The responsibilities for the provision of aerodrome control service with the help of surveillance aids are clearly stated in ICAO Doc 4444.

The current text proposal regarding RAD endorsement is fully in line with the ICAO provisions and, therefore, it covers the situations contained therein. For that reason, the Agency cannot take the comment into consideration.

comment 590

comment by: *DFS Deutsche Flugsicherung GmbH*

ATCO.B.015 (b) (3)  
 There will be no TCL endorsement in combination with APS ratings expected with new CCC. This rule must be adapted in time.

response *Noted*

The initial training requirements cover mainly the ratings, with the exception of the TWR rating endorsement for historical reasons. For rating endorsements such as TCL (or OCN) the training organisation has to develop material according to ATCO.D.010(c). Further development of the common training content could be envisaged by the subsequent amendments and further development of the current training content.

comment 784

comment by: *AESA / DSANA*

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)

<p><a href="#">ATCO.B.015 Rating endorsements</a></p>	<p>1. The Aerodrome Control Visual (ADV) and the Aerodrome Control Instrument (ADI) ratings shall bear at least one of the following endorsements:</p>	<p>There is no technical reason for which ADV rating should not bear with the same endorsements as ADI. The visual/instrument flight rules do not have a relation with the type of control given. Aerodromes with only VFR procedures are controlled also with radar, and in the current situation no endorsement covers it (since RAD cannot be attached to an ADV rating) .</p> <p>This shall also affect the content of the appendices for the ADV rating training.</p>
<p>ATCO.B.015 Rating endorsements</p>	<p>5.The holder of a rating endorsement who has not exercised the privileges associated with that rating endorsement for a period of four immediately preceding consecutive years may only commence unit training in that rating endorsement after assessment of previous competence carried out by a training organization either certified for initial or unit training, as to whether the person concerned continues to satisfy the conditions of that rating endorsement, and after satisfying any training requirements that result from this assessment.</p>	<p>Clarification about who is entitled to carry out those assessments.</p>

response *Partially accepted*

1) The Agency believes that the statement made by the commentator is correct and fully in line with the current standards.

However, due to the potential impact the comment may have on several elements, the Agency could foresee a separate rulemaking task encompassing

the entire review of the system of ratings and rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task.

2) Following other comments on the subject the provision is now deleted.

comment	892 <span style="float: right;">comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></span>
	<p>ATCO.B.015(e)  <b>SINCTA</b> proposes to include an AMC for a matter of coherence clarifying what is the assessment of previous competence in the rating endorsement as it was made for the ratings.  Proposed text:  <u>AMC1 ATCO.B.015(e)</u></p> <p><u>When establishing previous competence in a rating endorsement the assessment should be based on the requirements set out in Part-ATCO, Subpart D, Section 2.</u></p>
response	<i>Not accepted</i>
	Following other comments on the subject the provision is now deleted.

comment	944 <span style="float: right;">comment by: <i>USCA</i></span>
	<p style="text-align: center;"><b>ASSESSMENT IN RATING ENDORSEMENT – ATCO.B.015(e)</b></p> <p><i>"The holder of a rating endorsement who has not exercised the privileges associated with that rating endorsement for a period of four immediately preceding consecutive years may only commence unit training in that rating endorsement after assessment of previous competence as to whether the person concerned continues to satisfy the conditions of that rating endorsement, and after satisfying any training requirements that result from this assessment."</i></p> <p>USCA proposes to include an AMC to clarify what is the assessment of previous competence in the rating endorsement as it was made for the ratings.  <b>AMC1 ATCO.B.015(e)</b>  <i>"When establishing previous competence in a rating endorsement the assessment should be based on the requirements set out in Part-ATCO, Subpart D, Section 2"</i></p>
response	<i>Not accepted</i>
	Following other comments on the subject the provision is now deleted.

comment 1044

comment by: IFATCA

45	NPA 2012- 18 (BI)	<b>ATCO.B.015 Rating endorsements</b>	(e) The holder of a rating endorsement who has not exercised the privileges associated with that rating endorsement for a period of four immediately preceding consecutive years may only commence unit training in that rating endorsement after assessment of previous competence	Is this really needed? Is a rating endorsement not always attached to a rating?
----	----------------------------	---	---	---

response Accepted

comment 1082

comment by: Civil Aviation Authority Norway

a) ADI: Too detailed. Unit endorsement (sectors/positions at a particular unit) gives necessary limitations – ADI should be with or without surveillance (not use AIR and GMC).

Why do we need AIR and GMC when we have the unit endorsement detailed into positions and/or sectors? This can be perceived as a double regulation.

Rating endorsement should be ADI with/without surveillance aid:

1. ADI (without surveillance)
2. ADI SUR (with air or ground surveillance)

OCN: What is the definition for Oceanic Control/Oceanic Control Area, and where is this type of service and training reflected in the NPA?

What is surveillance (ACS) in Oceanic airspace – ADS B/radar or ADS C (together with CPDLC)? Or is the use of ADS C in oceanic airspace strictly ACP?

response Noted

There is no change to the ADI structure compared to today. It is considered that the current model offers some flexibility for unit training progression and service delivery, as well as options for the specialisation of the personnel. The proposal seems to say that the requirements of the TWR, AIR and GMC endorsements could be integrated into the ADI rating. This could be considered, but would require a deeper analysis and evaluation of the possible impacts, as well as the determination of the necessary transition to accompany such

changes. A review of the initial training requirements should also be conducted in order to ensure that the training plans cover all aspects of the different rating endorsements. Therefore, the Agency could foresee a separate rulemaking task encompassing the entire review of the system of ratings and rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task.

Regarding the surveillance aspect, this is a technical issue, not an operational one. SUR could be the neutral term for a variety of surveillance equipment such as RAD, ADS, MLAT. It is also necessary to make a distinction between air and ground surveillance. RAD and GMS endorsements that currently exist are suitable for this distinction.

As OCN is a rating endorsement, it is up to the air traffic service providers and competent authorities to define the training requirements and applicability.

comment 1268 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**ATCO.B.015 Rating endorsements** - The Transport Agency finds the structure of the ADI rating too complicated in the draft regulation. The Transport Agency proposes that it to be simplified as with APS and ACS, so as to include TWR, AIR and GMC in the ADI rating.

response *Noted*

There is no change to the ADI structure compared to today. It is considered that the current model offers some flexibility for unit training progression and service delivery, as well as options for the specialisation of the personnel. The proposal states that the requirements of the TWR, AIR and GMC endorsements could be integrated into the ADI rating. This could be considered, but would require a deeper analysis and evaluation of the possible impacts, as well as the determination of the necessary transition to accompany such changes. A review of the initial training requirements should also be conducted in order to ensure that the training plans cover all aspects of the different rating endorsements. Therefore, the Agency could foresee a separate rulemaking task encompassing the entire review of the system of ratings and rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task.

comment 1334 comment by: *Avinor ANS*

Ground Movement Control in the majority of places, make use of surveillance tools. It should not be GMS in addition to GMC – it can be “or”. The definition specifies GMS includes control.

response *Not accepted*

GMS is linked to a type of equipment (SMR) that may or may not be available at an aerodrome, while GMC refers to the provision of ground control. The differentiation is, therefore, justified.

comment	1335	comment by: Avinor ANS
	Oceanic Control – where is this described in the NPA? Is all types of ADS regarded as Surveillance?	
response	Noted	
	OCN is defined as a rating endorsement. It is up to the air traffic service providers and competent authorities to define the training requirements and applicability.	
	The question aims at the different existing types of ADS which are regarded as surveillance. However, their functionality depends on several aspects. The Agency, therefore, considers that the comment is related to the operation and as such is not subject to the Regulation on air traffic controller licensing.	

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS – ATCO.B.020 Unit endorsements**

p. 21

comment	103	comment by: CAA-NL
	<b>ATCO.B.020.(a)</b>	
	Please consider changing the wording into: "The unit endorsement authorizes the licence holder to provide (...). Reason: the current set-up formally does not establish any authorisation, but only gives a description.	
	<b>ATCO.B.020(c)</b>	
	We prefer an unlimited validity of a unit endorsement under certain conditions, such to avoid unnecessary administrative burdens. To formulate this we propose the following changes to (c) and the points (d) thru (g) can be deleted then, (h) needs to be renumbered (d):	
	(c) Unit endorsements shall remain valid under the following conditions:	
	(1) the applicant has been exercising the privileges of the licence for a minimum number of hours as defined in the approved unit competence scheme;	
	(2) the applicant has undertaken refresher training within a period according to the approved unit competence scheme; and	
	(3) the applicant's competence has been assessed in accordance with the approved unit competence scheme, the interval between assessments shall not exceed three years.	
	(d) If the validity of a unit endorsement is lost, the licence holder shall comply with the requirements set out in the unit competence scheme in order to revalidate the endorsement.	
	Further we suggest a 5 year interval after the issue or latest change of the licence to submit the licence to the competent authority that issued the licence in order to verify the information on the license and the CA file, similar to the provisions in Part 66.	

response	<p><i>Partially accepted</i></p> <p>ATCO.B.020(a)</p> <p>The comment is partially accepted, although the exact wording will not be as the one proposed through the comment. The text is revised.</p> <p>ATCO.B.020(c)</p> <p>After discussing about the different alternatives for the unit endorsement duration, the Agency has concluded that the most suitable solution is to maintain the concept of a validity period for unit endorsements established at unit level in order to ensure the necessary flexibility. Therefore, the comment is not accepted.</p>
----------	--

comment	comment by: NAVIAIR
	<p>159</p> <p>ATCO.B.020 (d):</p> <p>It would be much easier to manage (and cheaper for training organisations) if the validity period of unit endorsements is counted from <b>the last day in the month</b> where the assessment has been successfully completed.</p> <p>This has been the valid procedure for years in Denmark approved by Danish CAA</p>
response	<p><i>Accepted</i></p> <p>The comment is accepted and the text is revised.</p>

comment	comment by: NAVIAIR
	<p>160</p> <p>ATCO.B.020.(e)(2):</p> <p>The consequences of how long a unit endorsement is valid in connection to when refresher training and assessment are conducted will risk an unmanageable administration if held in a yearly cycle.</p> <p>Suggest instead that refresher training shall be undertaken within "a period of time", e.g. undertaken in the preceeding calendar-year</p> <p>It would be much easier to manage (and cheaper for training organisations) if the validity period only follows the assessment. Refresher training in a unit should not follow the licenceholders different validity periods. The requirement for undertaking refresher training within a unit should instead be within a period of time, e.g. the preceeding calendar-year.</p> <p>This has been the valid procedure for years in Denmark approved by Danish CAA</p>
response	<p><i>Not accepted</i></p> <p>The Agency decided to keep the text as proposed since the refresher training</p>



aims to maintain competence, which shall therefore be undertaken within the validity period of the unit endorsement, in other words prior to the expiry date of the unit endorsement.

comment	<p>193</p> <p style="text-align: right;">comment by: <i>Finnish Transport Safety Agency</i></p> <p><u>ATCO.B.020 Unit endorsements (c) + ATCO.B.025 Unit competence scheme (1) and (4)</u></p> <p><i>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.</i></p> <p><u>Comment:</u> We can live with the current proposal of three years validity time in case that further provisions and/or AMC and guidance material will be developed to take into account the handling of elderly ATCOs and the possibility to shorten the validity time or the frequency of competence assessments in individual cases.</p> <p>We would however strongly support a shorter validity period. The current one year validity with a yearly competence assessment would be the best solution and would also help to detect the possible skill erosion of elderly controllers.</p>
response	<p><i>Noted</i></p>

comment	<p>246</p> <p style="text-align: right;">comment by: <i>Danish Transport Authority, Personnel licensing office</i></p> <p>ATCO.B.020 (f): For administrative purposes, it is easier to use a 3 month period instead of a 90-day period. If a 3 month period is used, it is possible to define/mark this period only by replacing the month, whereas a 90-day period will require some calculations.</p> <p>Example: 5. June 2013 will be 5. March 2013 (3 month period) and 5. June 2013 will be 3. March 2013 (90-day period).</p>
response	<p><i>Accepted</i></p>

comment	<p>257</p> <p style="text-align: right;">comment by: <i>skyguide Corporate Regulation Management</i></p> <p><b>ATCO.B.020.(a)</b></p> <p>The unit endorsement shall indicate that the licence holder is competent to provide air traffic control services for a specific_sector, group of sectors or working positions under the responsibility of an air traffic services unit.</p> <p>This provision is not consistent with the definition of unit endorsement: it</p>
---------	--

should be modified or, even better, removed.

If retained, then how each sector, group of sectors or working position is described or determined to form a unit endorsement is not defined and therefore there needs to be a further text developed for this, probably in the **UCSATCO.B.020 (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.~~

We suggest to retain the wording as in 805/2011

Discrepancy between the 12-month validity of the unit endorsement and the 3-year period applicable to competence assessment and the competence scheme.

The existing competence scheme allows to maintain the required level of safety.

We request to keep on revalidating the unit endorsement every year by checking that the minimum number of hours is done, and maintaining the competence training and competence assessment in a three year time frame.

response *Not accepted*

This comment does not seem to be in line with the views expressed by the commentator under the Explanatory Note, which is interpreted as being in favour of the Agency’s proposal.

As regards this comment the Agency recalls that 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 317

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.B.020(a)	Does the unit address the competency to provide services under dynamic sectoring schemes?	Although both a specific sector and group of sectors are considered, a dynamic sectorization should be included as

		part of current practices
ATCO.B.020(e)(1)	The minimum number of hours should be established in this same regulation	This will set a minimo-minimorum value in order to ensure a basic safety level and avoid divergence between procedures for the revalidation of unit endorsements in the different FABs / States and facilitates the smooth circulation of staff within Europe
ATCO.B.020(g)	The date set is ambiguously stated. We propose to set a clear date as, for example, the date of issue stated in the certificate of assessment	For the sake of clear and unambiguous administrative procedures, this date should be set with no ambiguity whatsoever

response *Partially accepted*

ATCO.B.020(a)

The comment is noted. The way a sectorisation is managed shall lie on ANSPs.

ATCO.B.020(e)(1)

After evaluating the different possibilities, the Agency has decided that the best solution is to include the minimum number of hours in the UCS, which shall be approved by the competent authority. Therefore, the comment is not accepted.

ATCO.B.020(g)

The text is revised to state that the validity period shall commence not later than 30 days from the date on which the assessment has been successfully completed.

comment 345

comment by: DSNA

**ATCO.B.020 (c).**

Comment :

There is no need to introduce a correlation between the validity of the unit endorsement and the frequency of the assessments, that does not exist in basic regulation. The on going process for revalidating, together with a process to put

response	<p>in doubt ATCO competences, allows to achieve the required level of safety, whereas correlating them may increase costs and constraints on ANSPs.</p> <p><u>Proposal :</u> (c) Unit endorsements shall be valid for a period defined in the approved unit competence scheme. This period shall not exceed three years. <del>and shall correlate to the frequency of the assessments.</del></p> <p><i>Partially accepted</i></p> <p>The proposed deletion is accepted in order to establish clarity on the intention of the proposal. The requirement of a competence assessment prior to the expiry of the unit endorsement is however maintained, as this is the main tool to get assurance about the continued competence of the air traffic controller.</p>
comment	<p>467 <span style="float: right;">comment by: NUAC</span></p> <p>ATCO.B.020 (d) It would be much easier to manage (and cheaper for training organisations) if the validity period of unit endorsements is counted from <b>the last day in the month</b> where the assessment has been successfully completed. proposal for new text: The validity period of unit endorsements for initial issue and renewal shall be counted from <b>the last day in the month</b> where <del>the date on which</del> the assessment has been successfully completed.</p> <p>ATCO.B.020 (e) (2) The consequences of how long a unit endorsement is valid in connection to when refresher training and assessment are conducted will risk an unmanageable administration if held in a yearly cycle. Suggest instead that refresher training shall be undertaken within "a period of time", fx. undertaken in the preceeding calendar-year It would be much easier to manage (and cheaper for training organisations) if the validity period only follows the assessment. Refresher training in a unit should not follow the licenceholders different validity periods. The requirement for undertaking refresher training within a unit should instead be within a period of time, fx. the preceeding calendar-year. Proposal for new text: Unit endorsements shall be revalidated if: (1) the applicant has been exercising the privileges of the licence for a minimum number of hours as defined in the approved unit competence scheme; (2) the applicant has undertaken refresher training within <b>a period of time</b> <del>the validity period of the unit endorsement</del> according to the approved unit competence scheme; and (3) the applicant's competence has been assessed in accordance with the approved unit competence scheme.</p>
response	<p><i>Partially accepted</i></p> <p>ATCO.B.020(d) The comment is accepted and the text is revised. ATCO.B.020(e)(2) The Agency decided to keep the text as proposed since the refresher training</p>

aims to maintain competence which shall, therefore, be undertaken within the validity period of the unit endorsement, in other words prior to the expiry date of the unit endorsement.

comment

487

comment by: DSAC - French NSA

Paragraph

Explanatory note §53

ATCO.B.020 (c)

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 time for revalidation

- 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

*Accepted*

comment

512

comment by: Juan Gallego Grana - Aena

**ATCO.B.020(c)**

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).

It is also very important for Aena that the regulation ensures that continuous assessment is one of the assessment methods.

response

*Accepted*

comment

592

comment by: DFS Deutsche Flugsicherung GmbH

ATCO.B.020 (d)

ATCOs normally hold several unit endorsements.

We understand that it is possible to manage the validity periods in a way that renewal of several endorsements is at one point of time (a specific date). Is this interpretation correct? If not, amendment of this paragraph is recommended accordingly.

response	<p><i>Accepted</i></p> <p>The text is revised in order to explicitly introduce some flexibility for aligning the validity dates.</p>
comment	<p>598 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>ATCO.B.025 (a) (3) Limitation to 50% OJTI is as well (comment on B.025 a 2) not based on facts. Limiting figures should therefore not be at the level of the IR or AMC.</p>
response	<p><i>Not accepted</i></p> <p>After analysing the comments and the outcome of the review meetings the spirit of the provision is maintained as proposed with some editorial changes in order to ensure better understanding.</p>
comment	<p>718 <span style="float: right;">comment by: <i>FABEC</i></span></p> <p>FABEC proposes the following change to ATCO.B.020 to remove a discrepancy between the 12-month validity of the unit endorsement and the 3-year period applicable to competence assessment and the competence scheme. (c) unit endorsements shall be valid for a period defined in the approved unit competence scheme. This period shall not exceed three years <del>and shall correlate to the frequency of the assessments.</del></p>
response	<p><i>Accepted</i></p>
comment	<p>751 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Page No:</b> 21 Paragraph No: ATCO.B.020 (c) <b>Comment:</b> 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. <b>Justification:</b> Changing to a three year validity period is confusing the issue between a Unit Competency Scheme and an individual. A 3 year validity would be detrimental to safety. <b>Proposed Text:</b> Replace paragraphs (c) to (h) with paragraphs (c) to (g) as follows: “(c) Unit endorsements shall be valid for an initial period of 12 months. (d) The validity of unit endorsements shall be extended for a subsequent period of 12 months beyond the period provided for in paragraph 2 if the air navigation service provider demonstrates to the competent authority that: (1) the applicant has been exercising the privileges of the licence for a minimum number of hours as defined in the approved unit competence scheme;</p>

(2) the applicant has undertaken refresher training within the validity period of the unit endorsement according to the approved unit competence scheme; and  
 (3) the applicant's competence has been assessed in accordance with the approved unit competence scheme.  
 (e) Unit endorsements shall be revalidated within the 90-day period immediately preceding its expiry date. In such case the validity period shall be counted from that expiry date.  
 (f) If the unit endorsement is revalidated before the period provided for in paragraph (e), its validity period shall be counted from the date on which the requirements set out in the approved unit competence scheme have been met and an assessment has been completed.  
 (g) If the validity of a unit endorsement expires, the licence holder shall comply with the requirements set out in the unit competence scheme in order to renew the endorsement."

response *Partially accepted*

The statement made by the commentator is not fully correct since Part C of Annex II to Regulation (EU) No 805/2011 requires that 'the competence of each air traffic controller shall be appropriately assessed at least every three years'. The requirement of a competence assessment prior to the expiry of the unit endorsement is clarified, as this is the main tool to get assurance about the continued competence of the air traffic controller.

comment 756

comment by: *DGA FLIGHT TESTING*

### **ATCO.B.0XX Flight test rating and endorsements**

#### **Student flight test air traffic controller**

In addition to **ATCO.B.001 (a)**

Applicants for the issue of a flight test air traffic control rating shall:

- (1) be at least holder of Area Control Surveillance (ACS) or Approach Control Surveillance (APS)
- (2) hold a valid medical certificate;
- (3) have demonstrated an adequate level of language proficiency in accordance with the requirements set out in ATCO.B.030.

#### **Flight test air traffic controller rating**

The Flight Test Control (FTC) rating indicates that the holder of the licence is competent to provide an air traffic control service to aircraft carrying out flight tests. The terms of **ATCO.B.010 (b) remain valid**.

#### **Flight test air traffic controller rating endorsements**

The Flight Test Control (FTC) rating may bear at least one of the following endorsements indicating that the holder of the licence is competent to provide air traffic control services to aircrafts carrying out flight tests in all airspaces on land and overseas:

1. Tower Control (TWR)
2. Ground Movement Control (GMC)
3. Ground Movement Surveillance (GMS)

	<p>4. Air Control (AIR)</p> <p>5. Aerodrome Radar Control</p> <p>6. Precision Approach Radar (PAR)</p> <p>7. Surveillance Radar Approach (SRA)</p> <p>8. Terminal Control (TCL)</p> <p>9. Oceanic Control (OCN)</p>
response	<p><i>Partially accepted</i></p> <p>The Agency acknowledges the need for special provisions for ATS providers providing services to aircraft undergoing flight tests, in particular when those flight tests are carried out in controlled or non-controlled airspace which is shared with other airspace users, which need is also specifically addressed in NPA 2013-08; however, the way chosen to accommodate such service providers and their air traffic controllers is different from the proposal received in the comment.</p> <p>The amended proposal builds on the fact that while most of the existing requirements within the proposed Regulation are applicable, the Agency recognises the need for additional requirements, especially in the field of training (more specifically: unit training), which are to ensure the ability of the air traffic controllers to provide air traffic control services to aircraft carrying out flight tests.</p> <p>Therefore, the Agency proposes to require such air traffic controllers to meet additional requirements to those of the regular unit endorsement course. To this end specific performance objectives are set out and further details of the specific training is provided in the Guidance Material in order to assist affected ATS providers to establish the necessary training.</p>
comment	<p>833 <span style="float: right;">comment by: <i>ATCEUC- Air Traffic Controllers European Unions Coordination</i></span></p> <p>Attachment <a href="#">#4</a></p> <p><b>ATCO.B.020(c)</b></p> <p><b>Comment:</b></p> <p><b>ATCEUC</b> agrees with the flexibility provision on the validity of the unit endorsements.</p>
response	<p><i>Accepted</i></p>
comment	<p>846 <span style="float: right;">comment by: <i>swissatca</i></span></p>



	<p>What is a group of sectors? Is it a group of working positions?</p> <p>This article should be reworded.</p>
response	<p><i>Not accepted</i></p> <p>A group of sectors is a composition of sectors. A sector or a group of sectors are associated to a working position (sectorisation). Since there is a definition for 'sector', the Agency believes that there is no need to further define the group of sectors.</p>

comment	<p>855 <span style="float: right;">comment by: <i>Federazione ATM-PP</i></span></p> <p>at point (c), Federazione ATM-PP agrees with the flexibility provision on the validity of the unit endorsements. (see Explanatory note # 53)</p>
response	<p><i>Accepted</i></p>

comment	<p>893 <span style="float: right;">comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></span></p> <p>ATCO.B.020.(c) <b>SINCTA</b> agrees with the flexibility provision on the validity of the unit endorsements.</p>
response	<p><i>Accepted</i></p>

comment	<p>945 <span style="float: right;">comment by: <i>USCA</i></span></p> <p style="text-align: center;"><b>UNIT ENDORSEMENTS VALIDITY – ATCO.B.020(c) - EN53</b></p> <p><i>(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.</i></p> <p><b>USCA is in favour of the flexibility for the validity of the unit endorsements</b></p>
response	<p><i>Accepted</i></p>

comment	<p>1045 <span style="float: right;">comment by: <i>IFATCA</i></span></p>
---------	--

46	NPA 2012- 18 (BI)	<b>ATCO.B.020 Unit endorsements</b>	<del>(e) 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.</del>	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 1046

comment by: IFATCA

48	NPA 2012- 18 (BI)	<b>ATCO.B.020 Unit endorsements</b> <b>New paragraph</b>	2. By way of derogation from Article 12 of this Regulation, Member States who have provided in accordance with Article 10 of Directive 2006/23/EC that the privileges of a unit endorsement are only to be exercised by licence holders below a given age may continue to apply the relevant provisions of their national legislation in force at the date of entry into force of this Regulation.	From a safety point of view the removal of the upper age limit is not understandable. We prefer to retain the text of 805/2011 para 31 (2)  This would also cater for the article ATCO MED a045 increasing the medical checks.
----	----------------------------	---	--	--

response *Not accepted*

Based on other comments and on the data the Agency has about the States that have made use of the derogation, it is believed that it is not necessary to change the proposed text to introduce the provision suggested by the commentator. Further explanation and reasons related to this matter can also be found in the 'legal considerations' of the Explanatory Note.

comment *1047*

comment by: *IFATCA*

IFATCA Policy:

**FATCA Policy is:**

**IFATCA recommends that for active air traffic controllers the age of retirement should be closer to 50 than 55.**

See: WP155 - Santiago 1999

**In view of the peculiarity and uniqueness of the profession of Air Traffic Control, and in the interest of air safety, air traffic controllers should be awarded retirement at an earlier age than that of the national retirement age. The retirement age for air traffic controllers should be determined by negotiations at the national level, taking into consideration the physical and psychological demands and the**

**occupational stress the profession involves. Air Traffic Controller retirement legislation must be accompanied by an adequate superannuation scheme which enables the controller to receive pension benefits as if service had continued to national retirement age.**

See: WP138 - Ottawa 1994, WP49 - Brussels 1979

See also: Policy on "Loss of Licence" - WP8 -1985

**ANSPs must not increase retirement ages in an attempt to address ATCO staff shortage issues. A course in order to prepare ATCOs should be made available by their employer in order to facilitate the transition between an active controlling career, and becoming a retired professional.**

See: WP163 - Dubrovnik 2009

**WC 1.5.2 EARLY RETIREMENT**

**IFATCA Policy is:**

**There should be a possibility to cease from active control before Controller retirement age. Air traffic controllers leaving active control, but staying in employ within the ATC environment should keep their controller retirement privilege.**

See: WP 138 - Ottawa 1994

See also: WP 49 - Brussels 1979 and Policy on "Loss of Licence" - WP8 – 1985

**WC 1.5.3 EXTENDED DUTY**

**IFATCA Policy is:**

**Individual air traffic controllers who wish to remain in active duty, once they have met the conditions to retire, should be allowed to do so provided they meet all medical and proficiency requirements.**

See: WP 138 - Ottawa 1994

See also: WP 49 - Brussels 1979

response *Noted*

comment 1062 comment by: *comments provided on behalf of FIT/CISL italian trade union*

FIT/CISL agrees with the flexibility provision on the validity of the unit endorsements.

response *Accepted*

comment 1083 comment by: *Civil Aviation Authority Norway*

	<p>(c) Maximum validity: Suggest new sentence at the end: <i>After the age of 40, this period shall not exceed one year.</i> Reference to medical part, and to detect possible competence erosion with higher age.</p> <p>(e) (2) ... to the <u>approved</u> unit competence scheme.</p> <p>(f) Suggest to replace 90 days with three month period. Easier to administrate.</p> <p>(h) ... set out in the unit competence scheme.</p> <p>No coherent use of the word <u>approved</u> throughout the document. Already established that unit competence scheme shall be approved by the competent authority.</p>
response	<p><i>Partially accepted</i></p> <p>(c) The Agency considers that the existing medical requirements regarding more frequent assessment is sufficient in this regard.</p> <p>(e)(2) The obligation to have the unit competence scheme approved is regulated under the provisions relevant to the unit competence scheme.</p> <p>(f) Accepted.</p> <p>(h) The text is revised in order to establish consistency.</p>
comment	<p>1271      comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>ATCO.B.020 (f) Unit endorsements</b> - For administrative purposes, it is easier to use a 3 month period instead of a 90-day period. If a 3 month period is used, it is possible to define/mark this period only by replacing the month, whereas a 90-day period will require some calculations. Example: 5 June 2013 will be 5 March 2013 (3 month period) and 5 June 2013 will be 3 March 2013 (90-day period).</p>
response	<p><i>Accepted</i></p>

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS – ATCO.B.025 Unit competence scheme** p. 21-23

comment 56 comment by: Aaron Curtis Prospect ATCOs' Branch UK

(a) (3) The minimum number of hours stipulated should be a minimum for maintaining competency irrespective of other duties, e.g. OJTI. Even though an individual is exercising the privileges of his licence whilst providing OJT, they are not necessarily practicing their skills to the same extent, especially if the trainee is at an advanced stage. Therefore the supplementary paragraph allowing the number of hours to be reduced to not less than 50% should be removed and a standard number of hours to maintain skills should be common, irrespective of other qualifications or roles being performed.

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 assure better understanding.

comment 71 comment by: LPS SR

<b>ATCO.B.025 Unit competence scheme (a)(2)</b>	the maximum continuous period when the privileges of a unit endorsement are not exercised during its validity. <del>This period shall not exceed 90 days;</del>	The figure 90 does not reflect practices ANSPs have nowadays. The maximum duration should be stated in the Unit Competence Scheme and indicate size and complexity of the unit.
---	---	---

response *Not accepted*

After analysing the comments and the opinions coming from the review meetings, the Agency decided not to modify the proposed text.

comment 72 comment by: LPS SR

<b>ATCO.B.025 Unit competence scheme(a)(3)</b>	requirements for <b>revalidating</b> <del>maintaining competence</del> , 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	This means that the number of hours is checked only once at revalidation and not on a rolling basis.
--	---	--

response *Partially accepted*

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

comment 73

comment by: LPS SR

<b>ATCO.B.025 Unit competence scheme (a)(3)</b>	... however, the minimum number of hours for working alone to maintain operational competence shall <del>not be less than 50 % of the number specified according to this paragraph</del> <b>be defined in the Unit competence scheme</b>	The minimum number of hours should be stated in the Unit Competence Scheme and express the size and complexity of the specific unit.
---	--	--

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.

comment 194

comment by: Finnish Transport Safety Agency

ATCO.B.025 Unit competence scheme

*(a) (3) The minimum number of hours may be reduced for on-the-job training instructors exercising he 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;*

	<p><u>Comment:</u> 50 % might be too strict; 25-30% should be enough.  <i>(15) procedures for the renewal of the unit endorsement, as well as procedures for the cases where the licence holder does not meet the requirements set out in subparagraphs (2) and (3);</i>  <u>Comment:</u> Renewal and revalidation?</p>
response	<p><i>Not accepted</i></p> <p>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.</p>

comment	<p>206                      comment by: <i>CANSO Civil Air Navigation Services Organization</i></p>
	<p>CANSO proposes the following set of change to ATCO.B.025 (a) (3):  <i>... however, the minimum number of hours for working alone to maintain operational competence shall <del>not be less than 50 % of the number specified according to this paragraph</del> be defined in the Unit competence scheme</i>  The figure 50% does not convey practices across Europe. The minimum number should be stated in the UCS and be tailored to the size and complexity of the unit.  Specific values should not be at IR level.</p>
response	<p><i>Not accepted</i></p> <p>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.</p>

comment	<p>252                      comment by: <i>CANSO Civil Air Navigation Services Organization</i></p>
	<p>CANSO proposes the following changes to ATCO.B.025 (a) (7) and (9):  (7) processes and frequency to identify the topics and subtopics, objectives and training methods of <del>refresher</del> <b>continuation</b> training;  (9) <del>processes to identify the topics and subtopics, objectives and training methods of conversation training;</del>  By replacing refresher with continuation training, all required training to maintain and keep competence up to date is covered. This also includes language training.  (</p>
response	<p><i>Partially accepted</i></p> <p>(7): Accepted.  (9): After the change in paragraph (7), this paragraph is deleted.  However, following the considerations of the comments the Agency is now proposing to place 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</p>



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.

comment

258

comment by: skyguide Corporate Regulation Management

**ATCO.B.025 (a) (2)**

the maximum continuous period when the privileges of a unit endorsement are not exercised during its validity. ~~This period shall not exceed 90 days;~~  
The figure 90 does not convey practices across Europe. The maximum duration should be stated in the UCS and be tailored to the size and complexity of the unit.

**ATCO.B.025 (a) (3)**

(3) requirements for **revalidating** ~~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.

**Reason for comment:**

Either ATCO.B.025(a)(3) should be moved to the unit endorsement validity ATCO.B.020(e)(4) or the words "maintaining competence" should be replaced with "revalidating". By doing this, the hours for currency are checked once at revalidation and not on a rolling basis.

Unit competence schemes shall be established by the air navigation service provider and include at least the following elements:

~~(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;~~

... hours of on-the-job training instructors exercising the privilege of an OJTI endorsement at an operational position can be taken into account to fulfil the required number of hours as specified in this paragraph

The limitation to 50% OJTI is not based on fact. As OJTI are responsible for the safe handling of traffic during training, OJTI time shall be considered as operational time.

**ATCO.B.025 (a) (4)**

Process and intervals not exceeding three **calendar** years for assessing competence;

By introducing the notion of a calendar year, there is less administration, planning and organisational effort and therefore less cost to obtain the same level of safety.

**ATCO.B.025 (a) (13)**

~~procedure~~ **process** to ensure that practical instructors have practised instructional techniques in the procedures in which it is intended to provide instruction in accordance with ATCO.C.010(b) and ATCO.C.030(b);

Coherence with the vocabulary in the rest of the article.

response

*Partially accepted*

ATCO.B.025(a)(2)

After analysing the different options and opinions, the Agency decided not to modify the proposed text.

ATCO.B.025(a)(3)

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

ATCO.B.025(a)(4)

The text is reworded and no reference to the intervals exists anymore.

ATCO.B.025(a)(13)

The Agency believes that the word 'procedure' is suitable for the context. Therefore, the proposal is not accepted.

comment

318

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.B.025(a)(2)	We propose to include "allowed" as follows: the "(...) <i>maximum allowed continuous period</i> (...)"	For clarity's sake and in order to avoid misinterpretations
ATCO.B.025(a)(3)	We propose to include "required" as follows: "(...) <i>the minimum number of hours required for exercising the privileges</i> (...)"	For clarity's sake and in order to avoid misinterpretations
ATCO.B.025(a)(7)	We would proposed " <i>minimum time (in months) between revision of the refresher training</i> " instead of " <i>frequency</i> "	The wording could be revised to clearly convey the requirements for continuous revision set in this part
ATCO.B.025(a)(17)	We propose to link this part to part ATCO.AR.B.015 on record-keeping	For clarity's sake and in order to avoid misinterpretations

response

*Partially accepted*

ATCO.B.025(a)(2)

The Agency believes that the proposed text is adequate and doesn't lead to

misunderstanding. Since the statement is already a requirement it is implicit that this maximum period has to be allowed, so there is no need to add the word proposed by the commentator.

ATCO.B.025(a)(3)

The Agency believes that the proposed text is adequate and doesn't lead to misunderstanding. Since the statement is already a requirement there is no need to add the word 'required'.

ATCO.B.025(a)(7)

The Agency believes that the proposed text is adequate and doesn't lead to misunderstanding. Therefore, there is no need to change it.

ATCO.B.02(a)(17)

The comment is accepted and the text is revised.

comment 344

comment by: DSNA

**ATCO.B.025 (a) (3).**

*"requirements for 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."*

Comment : (high priority comment for DSNA)

The wording of the sentence is not clear and could be wrongly interpreted as a rolling condition. It is essential to clarify the wording, by referring explicitly to revalidation.

Proposal :

(3) requirements for **revalidating** ~~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

\*\*\*\*\*  
\*\*\*\*\*  
\*\*

*"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;"*

Comment:

That is too inflexible, leaving no flexibility to organisations (see general comment #331 point 2). We suggest to let ANSP determine the minimum number of hours for working alone to maintain operational competence , and to define it in the unit competence scheme, submitted to the approval of the competent authority.

Proposal :

The minimum number of hours may be reduced for on-the-job training

response	<p>instructors exercising the privileges of the OJTI endorsement in an operational position; this minimum number of hours for working alone to maintain operational competence shall be specified in UCS;</p> <p><i>Partially accepted</i></p> <p>Although the proposal is not fully accepted, the text is modified in order to ensure understanding. With regard to the reference to the second part of (a)(3), after analysing the comments and the opinions coming from the review meetings the Agency decided to keep the spirit of the article as it was proposed, although the text changes in order to ensure better understanding.</p>
comment	<p>393 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p>ATCO.B.025 (a)(8) and ATCO.B.025 (a)(9) and ATCO.D.080 and AMC1 ATCO.D.080 ATCO.B.025 (a)(8) and (9) in combination with ATCO.D.080 and AMC1 ATCO.D.080 refer to refresher training. It is noted that there is an inconsistency between the IR and AMC1 ATCO.D.080 where the IR does specify a requirement for performance objectives to be developed but does not specify a requirement for examinations or assessment. Whereas the AMC does require examinations or assessment. The higher regulation IR does not require examinations or assessment for refresher training whereas the lower regulation AMC does. This is inconsistent. Make the regulations consistent by either adding examinations or assessment to the IR or removing the requirement from the AMC. Suggested wording for either ATCO.D.080 (c); <b>'Training organisations shall develop a syllabus for the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives which shall be examined or assessed'.</b> or remove AMC1 ATCO.D.080.</p>
response	<p><i>Accepted</i></p> <p>As a consequence of decision made on comments received to ATCO.B.025(a)(10), the Agency is of the opinion that the subjects taught during refresher training course are assessed during the competence assessment. In this context, AMC1 ATCO.D.080 is removed</p>
comment	<p>463 <i>comment by: Aaron Curtis Prospect ATCOs' Branch UK</i></p> <p>Continuation training is specified as refresher and conversation training as well as language training. Language training is defined in ATCO.D.075 as part of this continuation training, but it is not specified in ATCO.B.025, UCS. To enable a coherent approach it should be included in the UCS via ATOC.B.025.</p> <p>We propose:</p>

	<p>7) processes and frequency to identify the topics and subtopics, objectives and training methods of <del>refresher</del> <u>continuation</u> training;</p> <p>and delete:</p> <p><del>(9) processes to identify the topics and subtopics, objectives and training methods of conversion training;</del></p>
response	<p><i>Partially accepted</i></p> <p>(7): Accepted.  (9): After the change in paragraph (7), this paragraph is deleted.  However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.</p>

comment	<p>502 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u>  ATCO.B.025 (a)(3)  <u>Alternative proposal</u>  (3) requirements for <u>revalidation of the unit endorsement maintaining competence</u>, 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.  <u>Justification</u>  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.</p>
response	<p><i>Partially accepted</i></p> <p>The spirit of the comment is accepted and the text is modified in order to ensure understanding.</p>

comment	<p>503 <span style="float: right;">comment by: DSAC - French NSA</span></p>
---------	---

	<p><u>Paragraph</u></p> <p>ATCO.B.025 (a)(3)</p> <p><u>Alternative proposal</u></p> <p>(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; <del>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</del> <u>as defined in the approved unit competence scheme;</u></p> <p><u>Justification</u></p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul>
<p>response</p>	<p><i>Not accepted</i></p> <p>After analysing the comments and the opinions following 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.</p>
<p>comment</p>	<p>513 <span style="float: right;">comment by: <i>Juan Gallego Grana - Aena</i></span></p> <p><b>ATCO.B.025(a)(3)</b></p> <p>The minimum number should be stated in the unit competence scheme depending on the size and complexity of the unit. Therefore, specific values should not be included in provisions of the proposed regulation. It is proposed to modify ATCO.B.025(a)(3) as follows:</p> <p><i>"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 be <b>defined in the unit competence scheme not be less than 50 % of the number specified according to this paragraph</b>".</i></p>
<p>response</p>	<p><i>Not accepted</i></p> <p>After analysing the comments and the opinions following 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.</p>

comment 520 comment by: HungaroControl

ATCO.B.025 Unit competence scheme (a)(3):  
 ... 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~~ be defined in the Unit competence scheme

The minimum number should be stated in the UCS and it could depend on the size and complexity of the unit.

response *Not accepted*

After analysing the comments and the opinions following 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.

comment 521 comment by: HungaroControl

ATCO.B.025 Unit competence scheme(a)(3):  
 requirements for **revalidating** ~~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.

response *Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment 549 comment by: Maastricht UAC

<b>ATCO.B.025 (c) fair treatment</b>	What constitutes 'fair treatment' - the interpretation of this phrase could open ANSPs up to legal challenges and cannot provide a common requirement.	Either re-word the paragraph to be more specific or provide detailed AMC / GM on the topic.
--------------------------------------	--	---

response *Not accepted*

Since there were no further comments made in this regard, the Agency understands that the wording is clear enough, so no further explanation or GM is needed.

comment 550

comment by: Maastricht UAC

<p><b>AMC1 ATCO.B.025(a)(6)</b> Assessment of practical skills</p>	<p>The possibility to conduct an assessment in simulator is necessary. This may even be beneficial/necessary for safety should the assessment need to be carried out on a infrequently used sector where opening the sector for the sole purpose of assessing the ATCO's skills may be counterproductive.</p>	<p><b>Include text:</b> The assessment may be conducted on a simulator for those aspects that are not readily encountered in the live operational environment.</p>
--	---	--

response Partially accepted

Those situations that are not likely to happen on a daily routine should be treated as refresher training, abnormal situations or emergency, where appropriate. Therefore, these situations would be covered by the GM referring to 'Examinations and assessments during refresher and conversion training'.

comment 551

comment by: Maastricht UAC

<p><b>AMC1 ATCO.B.025(a)(14)</b> Minimum number of OJT instruction hours and assessments</p>	<p>Stipulating the number of hours and assessments is too inflexible and does not allow for the different units / sizes / complexities. Each unit should be allowed to define, in the UCS, these numbers according to their needs and best practices and the limit</p>	<p><b>Proposed text:</b> In order to maintain their competence connected to the respective licence endorsement(s) OJTIs should perform a <b>minimum number of 50</b> hours of instruction per year, an assessor should conduct a minimum number of 5</p>
--	--	--



	will be approved by the competent authority.	assessments per year. <b>These values should be defined in the UCS.</b>
--	--	---

response *Partially accepted*

The minimum number of hours is no longer a requirement to revalidate the OJTI endorsement. Therefore, the reference to this element is removed.

comment 587

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
ATCO.B.025 (c) fair treatment	What constitutes 'fair treatment' - the interpretation of this phrase could open ANSPs up to legal challenges and cannot provide a common requirement.	Either re-word the paragraph to be more specific or provide detailed AMC / GM on the topic.

response *Not accepted*

Since there were no further comments made in this regard, the Agency understands that the wording is clear enough, so no further explanation or GM is needed.

comment 597

comment by: *DFS Deutsche Flugsicherung GmbH*

ATCO.B.025 (a) (2)  
In how far have these values been evaluated and empirically validated? Our

	<p>own values basing on expertise and study differ from these. Limiting figures should therefore not be at the level of the IR or AMC.          Proposal to delete last sentence: the maximum continuous period when the privileges of a unit endorsement are not exercised during its validity. <del>This period shall not exceed 90 days;</del></p>
response	<p><i>Not accepted</i></p> <p>After analysing the different options and opinions, the Agency has decided not to modify the proposed text.</p>

comment	<p>623 <span style="float: right;">comment by: CAA-NL</span></p> <p>These requirements are now formulated as requirements for an ANSP and should therefore be relocated to Part OR for ANSP's. However it seems that some of the points are specifically directed to the approved training organisation, such as point (5)/(6) and (14) when these are related to the (initial) training, as well as points (10)/(11)/(12)/(13), as these are the responsibilities of the approved training organisation. These would be better located in Part ATCO.OR for ANSPs.          The requirement as it is formulated now suggest that the targeted organisation is approved both as an ANSP and a training organisation. If this is not the case an agreement as specified in other points would be a prerequisite.          Further point (a)(1) can be deleted when the comment to ATCO.B.020(c) is accepted.</p>
response	<p><i>Not accepted</i></p> <p>The requirements set in ATCO.B.025 are referring to what the unit competence scheme shall contain. It is the responsibility of the unit training organisation to comply with these requirements, regardless if the ANSP and the unit training organisation are the same organisation or not.          Therefore, the Agency interprets that the proposed text is appropriate and does not need to be reworded.</p>

comment	<p>714 <span style="float: right;">comment by: FABEC</span></p> <p>FABEC proposes the following correction of ATCO.B.025.          A limitation to 50% OJTI time is not based on facts. As OJTI are responsible for the save handling of traffic during training sessions, OJTI time shall be considered as operational time.          ...  <del>(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;</del>          ... hours of on the job training instructors exercising the privilege of an OJTI endorsement at an operational position can be taken into account to fulfil the number specified according to this paragraph.</p>
---------	---

response *Not accepted*

After analysing the comments and the opinions following 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.

comment 716 comment by: FABEC

FABEC proposes the following change to ATCO.B.025.  
 Calendar year periods reduce administration, planning and organizational efforts and therefore generate less cost to obtain the same level of safety.  
 (4) processes and intervals not exceeding three **calendar** years for assessing competence;

response *Partially accepted*

The text is reworded and no reference to the intervals exists anymore.

comment 717 comment by: FABEC

FABEC proposes the following change in ATCO.B.025.  
 The wording of paragraph (a)(3) needs to be clarified.  
 (3) requirements for **revalidating** ~~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 month.

response *Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment 789 comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.B.025 Unit competence scheme</a>	(a) requirements for maintaining competence, including the minimum number of hours for exercising the privileges of the unit endorsement throughout an immediately	The “working alone” concept is not in line with what is done in most ACCs across Europe, where for area control and approach control, two air traffic controllers are in a working position at the same time (executive and planner), while only one of them is actually is responsible for the traffic.

	<p>preceding period, which shall not exceed 12 months.</p> <p>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 <del>alone</del> as an executive controller to maintain operational competence shall not be less than 50% of the number specified according to this paragraph</p>	
<p>ATCO.B.025 Unit competence scheme</p>	<p>In order to comply with the requirement set out in paragraph 1(c) air navigation service providers shall keep records of the hours that each licence holder exercises the privileges of his/her unit endorsement worked, making distinction on whether it was as executive controller or planner controller, in the sectors, group of sectors or in the working positions in the ATC unit and shall provide that data to the competent authorities and to the licence holder upon request.</p>	<p>Coherence with the previous comment</p>

response *Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment

831

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

Attachment [#5](#)

**ATCO.B.025(a)(3)****Comment:**

The requirements are set for the revalidation procedure and the minimum number of hours exercising the privileges of the unit endorsement should be established for a period of 12 months.

**ATCEUC** proposes:

**ATCO.B.025(a)(3)**

new

text

*...requirements for ~~maintaining competence~~ revalidating the unit endorsement, including the minimum number of hours for exercising the privileges of the unit endorsement throughout ~~an immediately preceding period, which shall not exceed~~ the previous 12 months.*

*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;*

response *Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment

832

comment by: *ATCEUC- Air Traffic Controllers European Unions  
Coordination*Attachment [#6](#)**ATCO.B.025(a)(7)(9)****Comment:**

The ATCO.D.075 (continuation training) states that continuation training shall consist of refresher and conversion training as well as language training and shall be provided according to the process defined in the UCS. However provisions about language training are not included on the UCS elements (ATCO.B.025).

**ATCEUC** proposes:

**ATCO.B.025(a)** *new text*

*(7) processes and frequency to identify the topics and subtopics, objectives and training methods of ~~refresher~~ continuation training;*

*(9) ~~processes to identify the topics and subtopics, objectives and training methods of conversion training;~~*

response

*Partially accepted*

(7) Accepted.

(9) After the change in paragraph (7), this paragraph is deleted.

However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.

comment

856

comment by: *Federazione ATM-PP*

At point (a) (7) Federazione ATM-PP proposal is to change in "*processes and frequency to identify the topics and subtopics, objectives and training methods of ~~refresher~~ continuation training;*"

At point (a) (9) Federazione ATM-PP proposal is to cancel the point: "~~(9) processes to identify the topics and subtopics, objectives and training methods of conversion training;~~"

This because ATCO.D.075 (continuation training) states that continuation training shall consist of refresher and conversion training as well as language training and shall be provided according to the process defined in the UCS.

response

*Partially accepted*

(7) Accepted.

(9) After the change in paragraph (7), this paragraph is deleted.

However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.

comment

857

comment by: Federazione ATM-PP

At point (a) (3) Federazione ATM-PP proposal is to change the paragraph: *requirements for ~~maintaining competence~~ revalidating the unit endorsement, including the minimum number of hours for exercising the privileges of the unit endorsement throughout ~~an immediately preceding period, which shall not exceed the previous~~ the previous 12 months.*

*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;*

To determinate the period to be considered in 12 months with no exception

response

*Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment

864

comment by: Laurent BERTIN UNSA-ICNA

(a) (3) : change maintaining by **revalidating**

response

*Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment

865

comment by: Laurent BERTIN UNSA-ICNA

(a) (7) : replace refresher by **continuation**

(a) (9): to be removed

(a) (19): to be added : processes and frequency to identify the topics and subtopics, objectives and training methods of language training.

response

*Partially accepted*

(7) Accepted.

(9) After the change in paragraph (7), this paragraph is deleted.

However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.

comment

866

comment by: *Laurent BERTIN UNSA-ICNA*

(a) (3): replace "maintaining competence" by **"revalidating the unit endorsement"**

(a) (3) : throughout an ~~immediately preceding period, which shall not exceed the previous 12 months."~~

response

*Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment

877

comment by: *European Transport Workers Federation - ETF*

(3) requirements for revalidating ~~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.

It is important that this provision is not misinterpreted : the minimum number of hours is not to be checked at a random time.

response

*Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment

878

comment by: *European Transport Workers Federation - ETF*

Proposal 1 (change current text)



ATCO.B.025(a)

(7) processes and frequency to identify the topics and subtopics, objectives and training methods of ~~refresher~~ continuation training;

~~(9) processes to identify the topics and subtopics, objectives and training methods of conversion training;~~

Proposal 2 (add new provision)

ATCO.B.025(a)

(19) processes and frequency to identify the topics and subtopics, objectives and training methods of language training.

Language has been identified as an important safety issue and its proficiency is now part of the requirements to apply for and maintain any ATCO and student ATCO licence. It is also understood that language erosion may impact the proficiency if measures are not taken. Language training has been identified as the solution to solve these problems and some requirements were drafted for the NPA.

The ATCO.D.075 (continuation training) states that continuation training shall consist of refresher and conversion training as well as language training and shall be provided according to the process defined in the UCS. However provisions about language training are not included in the UCS elements (ATCO.B.025). In order to have a coherent document there is a need to include the language training provisions under the UCS.

ETF makes two proposals for the inclusion of language training in the UCS

response *Partially accepted*

(7) Accepted.

(9) After the change in paragraph (7), this paragraph is deleted.

However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.

comment	<p>879 comment by: <i>European Transport Workers Federation - ETF</i></p> <p><b>ATCO.B.025(a)(4)</b>  <del>processes and intervals not exceeding three years for assessing competence for assessing competence at least once in between each revalidation;</del></p> <p>If the validity of the unit endorsement is set to 3 years, ETF agrees that this provision is an administrative burden added, the idea behind it is to have an assessment in each revalidation period it can then be up to 5 years and a few months and it should not be governed by this additional provision introducing additional requirements.</p>
response	<p><i>Partially accepted</i></p> <p>The text is reworded and no reference to the intervals exists anymore.</p>
comment	<p>894 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ATCO.B.025(a)</p> <p>Language has been identified as an important safety issue and its proficiency is now part of the requirements to apply for and maintain any ATCO and student ATCO licence. It is also understood that language erosion may impact the proficiency if measures are not taken. Language training has been identified as the solution to solve these problems and some requirements were drafted for the NPA.</p> <p>The ATCO.D.075 (continuation training) states that continuation training shall consist of refresher and conversion training as well as language training and shall be provided according to the process defined in the UCS. However provisions about language training are not included in the UCS elements (ATCO.B.025). In order to have a coherent document there is a need to include the language training provisions under the UCS.</p> <p><b>SINCTA</b> proposes the inclusion of language training in the UCS.  Proposed text:  ATCO.B.025(a)</p> <p>(7) processes and frequency to identify the topics and subtopics, objectives and training methods of <del>refresher</del> <u>continuation</u> training;</p> <p><del>(9) processes to identify the topics and subtopics, objectives and training methods of conversion training;</del></p>
response	<p><i>Partially accepted</i></p> <p>(7) Accepted.  (9) After the change in paragraph (7), this paragraph is deleted.</p>

However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.

comment 895 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

ATCO.B.025(a)(3)

Minimum number of hours exercising the privileges of the unit endorsement to maintain competence should be linked to the revalidation process. **SINCTA** proposes some changes to clarify the connection between the minimum number of hours exercising the privileges and the revalidation requirements.

Proposed text:

ATCO.B.025(a)(3)

*requirements for ~~maintaining competence~~ revalidating the unit endorsement, including the minimum number of hours for exercising the privileges of the unit endorsement throughout ~~an immediately preceding period, which shall not exceed the previous 12 months.~~*

*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;*

response *Partially accepted*

The spirit of the comment is accepted and the text is modified in order to ensure understanding.

comment 931 comment by: *USAC-CGT*

ATCO.B.025 (a) (3)

We think that the minimum number of hours to maintain competence (unit competence or OJT competence) should only be required not more often than

response	<p>each 12 months period of the validity of the unit endorsement and not at all time as real life does not allow a regular scheduling year after year and since the maximum period of time without exercising the privileges of an endorsement is set as another barrier preventing abuses and obvious under-competence.</p> <p>The ETF proposal is a way to solve this issue (replacing maintaining competence by revalidating).</p> <p><i>Partially accepted</i></p> <p>The spirit of the comment is accepted and the text is modified in order to ensure understanding.</p>
comment	<p>932 <span style="float: right;">comment by: USAC-CGT</span></p> <p>ATCO.B025 (a) (4) USAC-CGT support ETF's comment, if the validity of the unit endorsement is 3 years then the assessments can be more than 3 years apart without it being a safety hazard.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency establishes the validity of the unit endorsement in 12 months. As for the revalidation of the unit endorsement, assessment is a requirement.</p>
comment	<p>947 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>ATCO.B.025(a)</b></p> <p>Language has been identified as an important safety issue and its proficiency is now part of the requirements to get and maintain any ATCO and student ATCO licence. However, language erosion is a constant threat against which measures must be taken. For USCA language training is the best way to guarantee the level required for a safe provision of the ATC services.</p> <p>However we have detected that while the ATCO.D.075 (continuation training) states that continuation training shall consist of refresher and conversion training <b>as well as language training</b>, provisions about language training are not included in the UCS elements (ATCO.B.025).</p> <p>For us the best way to solve this incoherence is changing the wording of the training required and simply write "continuation training", which includes in its definition language training as well, and then erasing point (9) because it would be redundant. Therefore the text proposed would be as follows:</p> <p><b>ATCO.B.025(a)</b></p>

	<p>(7) processes and frequency to identify the topics and subtopics, objectives and training methods of <u>refresher continuation</u> training;</p> <p><del>(9) processes to identify the topics and subtopics, objectives and training methods of conversion training;</del></p>
response	<p><i>Partially accepted</i></p> <p>(7) Accepted.</p> <p>(9) After the change in paragraph (7), this paragraph is deleted.</p> <p>However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.</p>

comment	<p>949 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>ATCO.B.025(a)(3)</b></p> <p>Also the minimum number of hours exercising the privileges of the unit endorsement to maintain competence should be linked to the revalidation process.</p> <p>So USCA proposes the text as follows:</p> <p><b>ATCO.B.025(a)(3)</b></p> <p><del>"...requirements for <u>maintaining competence revalidating the unit endorsement</u>, including the minimum number of hours for exercising the privileges of the unit endorsement throughout <u>an immediately preceding period, which shall not exceed the previous</u> 12 months."</del></p>
response	<p><i>Partially accepted</i></p> <p>The spirit of the comment is accepted and the text is modified in order to ensure understanding.</p>

comment	<p data-bbox="359 212 406 246">950</p> <p data-bbox="1173 212 1444 246">comment by: USCA</p> <p data-bbox="414 302 1380 336" style="text-align: center;"><b>MINIMUM HOURS OF INSTRUCTION – AMC1 ATCO.B.025(a)(14)</b></p> <p data-bbox="359 369 1444 515">USCA proposes to delete this paragraph because there are units where it is impossible to comply with these numbers. Each unit should be allowed to define these numbers according to their needs and best practices (which will be approved by the CA)</p> <p data-bbox="359 560 1444 705"><i>"In order to maintain their competence connected to the respective licence endorsement(s) OJTIs should perform a minimum number of 50 hours of instruction per year, an assessor should conduct a minimum of 5 assessments per year. These values should be defined in the UCS"</i></p>
response	<p data-bbox="359 728 478 761"><i>Accepted</i></p> <p data-bbox="359 817 1444 873">The minimum number of hours is no longer a requirement to revalidate the OJTI endorsement. Therefore, the reference to this element is removed.</p>
comment	<p data-bbox="359 963 406 996">987</p> <p data-bbox="1125 963 1444 996">comment by: ICEATCA</p> <p data-bbox="359 1052 1444 1120">ICEATCA would like to delete this AMC. There are units where it is impossible to comply with these numbers. These numbers should be in UCS.</p>
response	<p data-bbox="359 1142 438 1176"><i>Noted</i></p> <p data-bbox="359 1220 1444 1288">The commentator does not make correct reference to the AMC the comment is referring to. Therefore, it is not possible to take further action.</p>
comment	<p data-bbox="359 1377 430 1411">1004</p> <p data-bbox="861 1377 1444 1411">comment by: Belgocontrol Training Centre</p> <div data-bbox="359 1467 1061 1680" style="border: 1px solid black; padding: 5px;"> <p data-bbox="375 1467 1045 1657">... however, the minimum number of hours for working alone to maintain operational competence shall <del>not be less than 50 % of the number specified according to this paragraph</del> be defined in the Unit competence scheme</p> </div>
response	<p data-bbox="359 1758 542 1792"><i>Not accepted</i></p> <p data-bbox="359 1948 1444 1982">After analysing the comments and the opinions following the review meetings</p>

the Agency decided to keep the spirit of the provision as proposed, although the text changes in order to ensure better understanding.

comment 1048

comment by: IFATCA

49	NPA 2012- 18 (BI)	<b>ATCO.B.025 Unit competence scheme</b>	(2) the maximum continuous period when the privileges of a unit endorsement are not exercised during its validity. <del>This period shall not exceed 90 days;</del>	Though IFATCA welcomes a statement of this sort, the figure of 90 days might not reflect best practices.
----	----------------------------	--	---	--

response *Not accepted*

After analysing the different options and opinions, the Agency decided not to modify the proposed text.

comment

1063

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

FIT/CISL proposes to change the (a)(3) as follows:

requirements for revalidating ~~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.

response *Partially accepted*

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

comment

1064

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

The ATCO.D.075 (continuation training) states that continuation training shall consist of refresher and conversion training as well as language training and shall be provided according to the process defined in the UCS. However provisions about language training are not included in the UCS elements (ATCO.B.025). In order to have a coherent document there is a need to include the language training provisions under the UCS.

FIT/CISL proposes to delete **ATCO.B.025(a)(9)** and to modify **ATCO.B.025(a)(7)** as follows:

(7) processes and frequency to identify the topics and subtopics, objectives and training methods of ~~refresher~~ continuation training;

~~(9) processes to identify the topics and subtopics, objectives and training methods of conversion training;~~

response

*Partially accepted*

(7): Accepted.

(9): After the change in paragraph (7), this paragraph is deleted.

However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.

comment

1065

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

FIT/CISL thinks that the minimum number of hours exercising the privileges of the unit endorsement to maintain competence should be linked to the revalidation process so proposes to change the **ATCO.B.025(a)(3)** as follows:

requirements for ~~maintaining competence~~ revalidating the unit endorsement, including the minimum number of hours for exercising the privileges of the unit endorsement throughout an ~~immediately preceding period, which shall not exceed~~ the previous 12 months."

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;



response *Partially accepted*

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

comment 1066 comment by: *comments provided on behalf of FIT/CISL italian trade union*

FIT/CISL thinks that, if the validity of the unit endorsement is set to 3 years, this provision is an administrative burden added, the idea behind it is to have an assessment in each revalidation period it can then be up to 5 years and a few months and it should not be governed by this additional provision introducing additional requirements so proposes to change the **ATCO.B.025(a)(4)** as follows:

processes and intervals not exceeding three years for assessing competence for assessing competence at least once in between each revalidation;

response *Partially accepted*

The text is reworded and no reference to the intervals exists anymore.

comment 1072 comment by: *Danish Transport Authority, Personnel licensing office*

ATCO.B.025 (3): This makes it possible to exercise the privileges of the OJTI endorsement e.g. 6 months 100% working alone followed by 6 months 100% working as OJTI. 6 months working as OJTI is too much for the ATCO to maintain operational competence. It is suggested to add a requirement: "Furthermore, at any given time, the minimum number of hours for working alone shall be not less than 25% of the total operational working hours within the preceding month". Maybe chapter (2) overrules (3), and will ensure more balance?

response *Not accepted*

The text is revised. However, the UCS shall be approved by the competent authority, which should prevent the situations stated by the commentator from taking place.

comment 1122 comment by: *NATS National Air Traffic Services Limited*

ATCO.B.025 Unit competence scheme (a)(3)  
The figure of 50% in this paragraph does not convey practices across Europe. The minimum number should be stated in the Unit Competence Scheme and be tailored to the size and complexity of the unit. Specific values should not be at IR level but in the approved UCS.

	Suggested amendment: <b>'.....however, the minimum number of hours for working alone to maintain operational competence shall be defined in the Unit competence scheme'</b>
response	<i>Not accepted</i>
	After analysing the comments and the opinions coming from the review meetings the Agency decided to keep the spirit of the article as it was proposed, although the text changes in order to ensure better understanding.

comment	1124	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>ATCO.B.025(a)(7) and (9) Continuation training according to ATCO.D.005(a)(5) consists of refresher training, conversion training, when relevant; and where appropriate, language proficiency training. ATCO.B.025(a)(7) and (9) variously refer to refresher and conversion training and omit language training. By replacing refresher and conversion with continuation training in these particular paragraphs all required training to maintain and keep competence up to date is covered. Also remove 'frequency' from paragraph (7) as it is covered by paragraph (8). Suggested amendment: <b>'(7) processes to identify the topics and subtopics, objectives and training methods of continuation training;'</b> And delete paragraph '(9)' And renumber paragraphs '(10)' to '(18)' minus one number</p>	
response	<i>Partially accepted</i>	
	<p>(7): Accepted. (9): After the change in paragraph (7), this paragraph is deleted. However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.</p>	

comment	1139	comment by: <i>EUROCONTROL</i>
	<p>ATCO.B.025 (a): (7),(8), (9), (10), (12), (17) These requirements could alternatively also be moved to Subpart D, section 4 for consistency purposes</p>	

response *Not accepted*

Since the content of the continuation (and consequently the refresher) training must be part of the unit competence scheme, the Agency believes the provisions are correctly placed.

comment 1142 comment by: EUROCONTROL

ATCO.B.025 (a) (2)

Eurocontrol supports that the max period away from position does not exceed 90 calendar days

response *Noted*

comment 1143 comment by: EUROCONTROL

ATCO.B.025 (a) (3):  
Suggest that there is an editorial error and it should read "throughout any immediately preceding period"  
Also, it could be considered that the period should not exceed 120 calendar days, rather than 12 months.

response *Partially accepted*

The text is changed, although the statement regarding the '12 months' is kept.

comment 1144 comment by: EUROCONTROL

ATCO.B.025 (a) (3):  
Support that minimum number of hours for working alone in position for OJTIs should not be less than 50%.

response *Noted*

comment 1145 comment by: EUROCONTROL

ATCO.B.025 (c):  
The term "*fair treatment of license holders*" is open to interpretation. GM could help to apply a harmonised manner.

response *Not accepted*

Based on the lack of comments made in this regard, the Agency assumes that

the wording is clear enough, so no further explanation or GM is needed.

comment

1176

comment by: *Luca Valerio Falessi***ATCO.B.025 Unit competence scheme**

(16) processes to declare and terminate, as well as procedures to manage the cases of ~~provisional inability~~ **doubt of competence** to exercise the privileges of a licence in accordance with ATCO.A.015(e);

**JUSTIFICATION**

Doubt of competence should be referred to failure to pass parts of UCS

response

*Not accepted*

The term 'competence in doubt' has been changed to 'provisional inability' in order to cover possible cases which are not necessarily linked to competence issues following proposals from stakeholders. The new term is further supported by the majority of comments.

comment

1239

comment by: *ENAV*

(7) processes and frequency to identify the topics and subtopics, objectives and training methods of ~~refresher~~ **continuation** training;

~~(9) processes to identify the topics and subtopics, objectives and training methods of conversion training;~~

Comment: By replacing "refresher" with "continuation" training, all required training, to maintain and keep competence up to date, is covered. This also includes language training (as discussed in the comment above).

response

*Partially accepted*

(7): Accepted.

(9): After the change in paragraph (7), this paragraph is deleted.

However, following the considerations of the comments the Agency is now proposing to place 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, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified 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.

comment 1272 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**ATCO.B.025 (a)(3) Unit competence scheme** -This writing makes it possible to exercise the privileges of the OJTI endorsement at all operational hours the first 6 months, if working alone the next 6 months. 6 months with only a few hours of working alone is too little to maintain operational competence as an operational ATCO. It is suggested to add a requirement: "Furthermore, at any given time, the minimum number of hours for working alone shall be not less than 25% of the total operational working hours within the preceding month."

response *Not accepted*

The text is revised. However, the UCS shall be approved by the competent authority, which should prevent the situations stated by the commentator from taking place.

comment 1308 comment by: *ENAV*

**ATCO.B.025 Unit competence scheme (a) (3)** ... 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~~ be defined in the Unit competence scheme

Comment:

The figure 50% does not convey practices across Europe. The minimum number should be stated in the UCS and be tailored to the size and complexity of the unit.

Specific values should not be at IR level.

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.

comment 1343 comment by: *ERAC European Regional Aerodrome Community*

ATCO.B.025 (a) (14)

Requiring a minimum number of OJTI and assessor hours in the UCS would be not appropriate for smaller units and ANSP's as they normally do not have a continuous sufficient number of trainees.

response *Partially accepted*

The minimum number of hours is no longer a requirement to revalidate the OJTI endorsement. Therefore, the reference to this element is removed.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS – ATCO.B.030 Language proficiency endorsement**

p. 23

comment 7

comment by: *Air Navigation Services of the Czech Republic*

Comment:

*NPA 2012-18 (B.I), Licensing and medical certification of air traffic controllers,***ATCO.B.030 Language proficiency endorsement:**

*(b) 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.*

In contradiction to above mentioned statement the same proposal (guidance material) says:

GM1 ATCO.D.080(b)(2) Phraseology and radio communication training

*Phraseology and radio communication training is part of the linguistic training according to ICAO; the ICAO **language proficiency check does not assess the use of standard phraseology.***

It is acknowledged that phraseology cannot be tested according to the holistic descriptors and the ICAO rating scale. Furthermore statement **ATCO.B.030 (b)** contradicts with ICAO doc 9835.

response

*Accepted*

Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.

The proposed AMC and GM is adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training of communication tools and means.

comment 23

comment by: *LFV*

Ref ATCO.B.030 b)  
 The applicant shall demonstrate at least an operational level of language proficiency only. The requirement on proficiency in phraseology should be deleted. Standard phraseology is tested and assessed in initial, unit training as well as in competence assessments.

response *Accepted*

comment 42 comment by: LfV

Ref ATCO.B.025 (a)(2)  
 Good. This is a good standard and its harmonisation across Europe preserves a high standard on competence.

response *Noted*

comment 74 comment by: LPS SR

<p><b>ATCO.B.030                  Language proficiency endorsement (b)</b></p>	<p><del>To do so, the applicant shall:</del></p> <p><del>(1) communicate effectively in voice only (telephone/radiotelephone) and in face-to-face situations;</del></p> <p><del>(2) communicate on common, concrete and work-related topics with accuracy and clarity;</del></p> <p><del>(3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work-related context;</del></p> <p><del>(4) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and</del></p> <p><del>(5) use a dialect or accent which is intelligible to the aeronautical community.</del></p>	<p>This part should be deleted, because it is a partial copy-paste from ICAO doc. 9835 and it is sometimes contradictory.</p>
--	---	---

response *Not accepted*

The holistic descriptors, being an essential element of the language proficiency requirements, are contained in Appendix 1 to ICAO Annex 1. No changes have been made other than leaving out the examples in brackets, which are not suitable for a provision at Implementing Rule level. Based on this, the Agency does not understand the comment referring to a contradiction.

comment *104*

comment by: *CAA-NL*

**ATCO.B.030.(b)**

The set-up of this paragraph seems to be not completely in line with the set-up of previous articles. Previous articles provide a general overview on 'how to get it' which is then elaborated in Subpart D.

This article, however, seems to be created the other way round (see ATCO.D.090).

Furthermore, the paragraph does not state how the applicant can prove that he/she lives up to points (1)-(5).

Seen the above, it is proposed to adapt the set-up to the one of the earlier articles.

**ATCO.B.030.(c)**

This point can be deleted as it is already required via point (b).

response *Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment *169*

comment by: *CANSO Civil Air Navigation Services Organization*

With regards to the provision ATCO.B.030, CANSO recommends to delete (c) which appears to be a repeat of (b).

response *Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment *195*

comment by: *Finnish Transport Safety Agency*



ATCO.B.030 Language proficiency endorsement

(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.

Comment: Delete the possibility to require level 5 language proficiency. Level 4 should be enough. Stating the possibility to require a higher level will not facilitate the mobility of ATCOs. On the other hand, when employing an ATCO the ANSP can always make its' own selection and require e.g. a certain amount of experience or a higher level of language proficiency as this regulation should not regulate the conditions concerning access to employment.

response *Not accepted*

Not accepted due to the fact that the majority of the comments wishes to maintain this possibility.

comment 260

comment by: *skyguide Corporate Regulation Management*

**ATCO.B.030 (b)**

(b) 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.~~

**Reason for comment:**

It is nonsensical to require a level of any kind in phraseology, which is a "code" and precludes any wide use of the basic language. Language proficiency levels are for testing the use of plain language (outside the phraseology "code", even though phraseology may be used during the LPR test). Phraseology is taught and tested throughout the ATCO career, starting in initial training and continuing, until retirement, in continuation training. Removing the requirement for phraseology therefore does not lower the standard of safety, it merely allows for the application of the regulation, which is currently impossible.

**ATCO.B.030 (b) (1)-(5)**

~~To do so, the applicant shall:~~

~~(1) communicate effectively in voice only (telephone/radiotelephone) and in face to face situations;~~

~~(2) communicate on common, concrete and work-related topics with accuracy and clarity;~~

~~(3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work-related context;~~

~~(4) handle successfully and with relative ease the linguistic challenges~~

~~presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and~~

~~(5) use a dialect or accent which is intelligible to the aeronautical community.~~  
As this is a partial copy-paste of Doc 9835, suggest that it be removed and the reference to the full document be inserted into either IR or AMC. The partiality of the copy-paste could lead to misconceptions regarding the importance and relative hierarchy of the various elements in language proficiency.

**ATCO.B.030 (c)**

~~(c) The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation.~~

We suggest deleting as this is a repeat of (b)

**ATCO.B.030 (d) and EN 59**

~~(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.~~

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.

response *Partially accepted*

ATCO.B.030(b)

Accepted.

Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.

The proposed AMC and GM is adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences, therefore and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensure regular refresher training of communication tools and means.

ATCO.B.030(b)(1)-(5)

Not accepted.

The holistic descriptors, being an essential element of the language proficiency requirements, are contained in Appendix 1 of ICAO Annex 1. No changes are undertaken other than leaving out the examples in brackets, which are not suitable for a provision at Implementing Rule level. Based on this, the Agency does not understand the comment referring to a contradiction.

ATCO.B.030(d)

Not accepted due to the fact that the majority of the comments wishes to maintain this possibility.

comment	<p data-bbox="352 275 411 309">346</p> <p data-bbox="1173 275 1445 309" style="text-align: right;">comment by: <i>DSNA</i></p> <p data-bbox="352 360 603 394"><b>ATCO.B.030 (b).</b></p> <p data-bbox="352 427 507 461"><u>Comment :</u></p> <p data-bbox="352 461 1445 589">The wording "Level 4... in phraseology" is contradictory. The language proficiency assessment refers to plain language, whereas phraseology is assessed during assessment of practical skills. The text should explicitly refer to ICAO doc 9835.</p>
response	<p data-bbox="352 678 480 712"><i>Accepted</i></p> <p data-bbox="352 763 1445 958">Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.</p> <p data-bbox="352 976 1445 1171">The proposed AMC and GM is adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training of communication tools and means.</p> <p data-bbox="352 1189 1445 1283">Referring to ICAO Doc 9835 it is not considered appropriate given that it is not mandatory, but it is purposed to provide guidance to States for the implementation of the language proficiency requirements.</p>
comment	<p data-bbox="352 1386 411 1420">376</p> <p data-bbox="687 1386 1445 1420" style="text-align: right;">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p data-bbox="352 1471 1054 1505">ATCO.B.030 Language proficiency endorsement (d)</p> <p data-bbox="352 1505 1445 1722">Is it intended to include all air navigation service providers in this requirement? Whilst the term is undefined in this Regulation, it is usually understood to include CNS, MET, AIS and ATS – not all of which have air traffic controllers that fall under the scope of this Regulation. The impact of this is a lack of clarity with regard to scope. The scope could be misinterpreted by some CAs to include all ANSP functions when it does not.</p> <p data-bbox="352 1753 1406 1787">Suggested resolution is to replace ANSP with ATS Providers where applicable.</p>
response	<p data-bbox="352 1839 536 1872"><i>Not accepted</i></p> <p data-bbox="352 1926 1445 2024">It is clear from the scope of the Regulation in its Article 2(2) that only organisations 'involved in the licensing, training, testing, checking or medical examination and assessment of applicants' are affected by this requirement.</p>

Therefore, the suggested amendment is not necessary.

comment 408

comment by: HungaroControl

ATCO. B.30 (b):

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 .

The language proficiency endorsement shall demonstrate the knowledge of plain language and not phraseology. Phraseology is taught and tested both in the initial training and in the unit competence scheme.

~~To do so, the applicant shall:~~

~~(1) communicate effectively in voice only (telephone/radiotelephone) and in face to face situations;~~

~~(2) communicate on common, concrete and work related topics with accuracy and clarity;~~

~~(3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work related context;~~

~~(4) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and~~

~~(5) use a dialect or accent which is intelligible to the aeronautical language community.~~

This part of the requirement is a partial copy-paste from ICAO doc 9835.

response *Partially accepted*

comment 412

comment by: HungaroControl

ATCO.B.030 Language proficiency endorsement (c):

~~The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation~~

This appears to be a repeat of (b).

response *Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment

418

comment by: CAA-NL

ATCO.B.030 (b) - Language proficiency endorsement

COMMENTS: According to ICAO (doc 9835) phraseology should not be part of the assessment.

JUSTIFICATION: The use of phraseology is covered by Eurocontrol CCC Basic Syllabus, Annex 1, Subject 3. The use of phraseology is covered by this NPA in NPA 2012-18 (B.III), Appendix 3 Basic training, NPA 2012-18 (B.I) ATCO.D.015 Basic training examinations and assessment and NPA 2012-18 (B.I) ATCO.D.080 Refresher training. The use of phraseology shall be checked during the competency check.

ALTERNATIVE PROPOSAL: ...at least operational level (level four) of language proficiency in the use of phraseology and plain language.

response

*Accepted*

Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.

The proposed AMC and GM is adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training of communication tools and means.

comment

480

comment by: DSAC - French NSA

Paragraph

ATCO.B.030 (b)

Alternative proposal

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.~~

Justification

- 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	<i>Accepted</i>

comment	488 <span style="float: right;">comment by: DSAC - French NSA</span>
	<p><u>Paragraph</u></p> <p>Explanatory note §59</p> <p>ATCO.B.030 (d)</p> <p>Risk Impact Assessment §3.1</p> <p><u>Alternative proposal</u></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><u>Justification</u></p> <p>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.</p> <ul style="list-style-type: none"> <li>- This option is not used today in France.</li> <li>- 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.</li> </ul>
response	<i>Accepted</i>

comment	532 <span style="float: right;">comment by: ENAC-FRANCE</span>
	<p><b>ATCO.B.030 Language proficiency endorsement</b></p> <p>(b) 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 <b>in the use of phraseology and plain language</b>.</p> <p>To do so, the applicant shall:</p>

- (1) communicate effectively in voice only (telephone/radiotelephone) and in face-to-face situations;
  - (2) communicate on common, concrete and work-related topics with accuracy and clarity;
  - (3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work-related context;
  - (4) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
  - (5) use a dialect or accent which is intelligible to the aeronautical community.
- (c) The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation.

Comment :

*While the ICAO LPRs have had a wide impact on the use of plain language the impact on the use of phraseology and 'speech transmission techniques' is limited to an increased vigilance concerning the phonological intelligibility of the message.*

*In Doc 9835 it is written:*

4.5.2 A note in Appendix 1 to Annex 1 states that "The language proficiency requirements are applicable to the

use of both phraseologies and plain language."

This statement refers only to those characteristics of language use to which ICAO standardized phraseology conforms.

Appropriate application of the language proficiency requirements to the use of phraseology should include the following criteria:

a) pronunciation of phraseology according to ICAO recommended pronunciations as found in Annex 10,

Volume II, 5.2.1.4.3, Doc 9342 or otherwise in accordance with the ICAO Operational Level 4

pronunciation descriptor of the Rating Scale;

b) using a speech transmitting technique (enunciation, rate of speech, pausing, and speaking volume) in

accordance with Doc 9342 or otherwise with the ICAO Operational Level 4 fluency descriptor of the

Rating Scale.

Since speech transmitting techniques are already assessed in the operational environment, the only novelty is to guarantee that pronunciation in English and the local language used for R/T communications is '**intelligible to the aeronautical Community**'. There should be no problem integrating the latter in a formal operational assessment.

***The recommended pronunciation referred to in 4.5.2 is:***

Operational 4: Pronunciation, stress, rhythm and intonation are influenced by the first language or regional variation, but only sometimes interfere with ease of understanding.

Proficient speakers shall use a dialect or accent which is intelligible to the aeronautical Community'.

***Furthermore numerous chapters of Doc 9835 insist on the fact that the testing of plain language and phraseology are completely different issues:***

Doc 9835:

6.3.2.8 The test should be specific to aviation operations.

.....

— **Additional information.** ICAO language provisions require proficiency in the use of standardized phraseology and in the use of plain language. **The assessment of standardized phraseology is an operational activity, not a language proficiency assessment activity.** While an aviation language test

may include phraseology to introduce a discussion topic or make interaction meaningful to the testtaker,

it is important that tests elicit a broad range of plain language and not be limited to tasks that require standardized phraseology. **The focus of a language proficiency test for compliance with ICAO**

**requirements should be on plain language.**

6.3.2.9 **It is acceptable** that a test contains a scripted task in which phraseology is included in a prompt, but the

test should not be designed to assess phraseology.

— **What it means.** An aviation language proficiency test has different aims than a phraseology test.

While an aviation language test can include some phraseology as prompts or scene setters, **the purpose of the test is to assess plain language proficiency in an operational aviation context.**

— **Why it is important.** First, tests of phraseology alone are not suitable for demonstrating compliance

with ICAO language proficiency requirements. Second, using phraseology accurately is an operational

skill which is very dependent on the operational context; and incorrect usage by a test-taker of a

specific phraseology may be an operational error, rather than a language error. Phraseology must



be

taught and tested by qualified operational personnel.

**And on the ICAO website Faq it is clearly stated:**

‘Just as testing of ICAO phraseology cannot be used to assess plain language proficiency, neither can English language proficiency tests be used to test ICAO standardized phraseology.’

Furthermore, as requirements stated in paragraphs (1) to (5) are a partial copy-paste from ICAO Doc 9835, a clear referencing to the document itself would be more efficient and leading to less misinterpretation.

Proposal:

**ATCO.B.030 Language proficiency endorsement**

(a) Air traffic controllers and student air traffic controllers shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement in English and, if applicable, in the language(s) imposed by the Member State for reasons of safety at the ATC unit of the unit endorsement as published in the Aeronautical Information Publications. The language proficiency endorsement shall indicate the language(s), the level(s) of proficiency and the validity date(s).

(b) 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 based on ICAO rating scale ~~both in the use of phraseology and plain language.~~

~~To do so, the applicant shall:~~

~~(1) communicate effectively in voice only (telephone/radiotelephone) and in face-to-face situations;~~

~~(2) communicate on common, concrete and work-related topics with accuracy and clarity;~~

~~(3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work-related context;~~

~~(4) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and~~

~~(5) use a dialect or accent which is intelligible to the aeronautical community.~~

~~(c) The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation.~~

response *Partially accepted*

comment 552 comment by: Maastricht UAC

<b>ATCO.B.030(b) and ATOC.D.080(b)(2)</b>	According to ICAO (doc 9835) phraseology should not	<b>Proposed text:</b> ...at least operational level (level four)
---	---	--

Language proficiency	be part of the assessment. The use of phraseology is covered by Eurocontrol CCC Basic Syllabus, Annex 1, Subject 3. The use of phraseology is covered by this NPA in NPA 2012-18 (B.III), Appendix 3 Basic training, NPA 2012-18 (B.I) ATCO.D.015 Basic training examinations and assessment and NPA 2012-18 (B.I) ATCO.D.080 Refresher training. The use of phraseology shall be checked during the competency check.	of language proficiency in the use of <del>phraseology and</del> plain language.
----------------------	--	--

response *Accepted*

Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.

The proposed AMC and GM is adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training of communication tools and means.

comment 554

comment by: *Maastricht UAC*

<b>ATCO.B.030(b)(1)</b> Language proficiency	This part of the requirement is a partial copy-paste from ICAO doc 9835. These requirements are superfluous to the actual performance	Delete this paragraph.
---	---	------------------------

	objectives in the appendix, and sometimes contradictory.	
--	--	--

response *Not accepted*

The holistic descriptors, being an essential element of the language proficiency requirements, are contained in Appendix 1 to ICAO Annex 1. No changes have been made other than leaving out the examples in brackets, which are not suitable for a provision at Implementing Rule level provision. Based on this, the Agency does not understand the comment referring to a contradiction.

comment 591

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<p><b>ATCO.B.030(b) and ATOC.D.080(b)(2)</b> Language proficiency</p>	<p>According to ICAO (doc 9835) phraseology should not be part of the assessment. The use of phraseology is covered by Eurocontrol CCC Basic Syllabus, Annex 1, Subject 3. The use of phraseology is covered by this NPA in NPA 2012-18 (B.III), Appendix 3 Basic training, NPA 2012-18 (B.I) ATCO.D.015 Basic training examinations and assessment and NPA 2012-18 (B.I) ATCO.D.080 Refresher training. The use of phraseology shall be checked during the competency check.</p>	<p><b>Proposed text:</b> ...at least operational level (level four) of language proficiency in the use of <del>phraseology and</del> plain language.</p>

response *Accepted*

Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.

The proposed AMC and GM is adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training of communication tools and means.

comment 654

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
ATCO.B.030(b)(1) Language proficiency	This part of the requirement is a partial copy-paste from ICAO doc 9835. These requirements are superfluous to the actual performance objectives in the appendix, and sometimes contradictory.	Delete this paragraph.

response *Not accepted*

The holistic descriptors, being an essential element of the language proficiency requirements, are contained in Appendix 1 to ICAO Annex 1. No changes have been made other than leaving out the examples in brackets, which are not suitable for a provision at Implementing Rule level. Based on this, the Agency does not understand the comment referring to a contradiction.

comment

669

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.B.030	We propose to keep the wording set in articles 8.2 and 8.3 of Directive 2006/23/EC allowing the States to require a language proficiency over level 4 only for the case that the local language is used	Experience so far has shown this to be a sound and safe practice which we deem should be kept in the new regulation

response

*Partially accepted*

The possibility is proposed to be maintained both for English and the local language since it is linked to safety reasons which, according to the Agency's view, could not be restricted to the local language only.

comment

753

comment by: UK CAA

**Page No:** 23

**Paragraph No:** ATCO.B.030 (d)

**Comment:** The UK supports the proposed regulation at ATCO.B.030 (d).

response

*Accepted*

comment

834

comment by: ATCEUC- Air Traffic Controllers European Unions Coordination

Attachment [#7](#)

**ATCO.B.030 (c)**

**Comment:**

**ATCEUC** proposes to delete c) because it's a repetition of paragraph (b).

**ATCO.B.030** *new text*

~~(c) The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation~~

response *Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment *847*

comment by: *swissatca*



International standards require a level 4 for language proficiency.

We consider that all ANSP should consider level 4 as the level that shall be reached and maintained and don't consider that any ANSP should have the possibility to request a mandatory higher level of language proficiency.

response *Not accepted*

The majority of the commentators argued for maintaining this possibility.

comment *880*

comment by: *European Transport Workers Federation - ETF*

ETF proposes to delete ATCO.B.030(c) because it appears to be a repeat of ATCO.B.030(b)

response *Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment 896 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

ATCO.B.030(d)  
**SINCTA** agrees with this rule.

response *Accepted*

comment 917 comment by: *DATCA*

Ref. ATCO.B.035  
We think it only needed to renew instead of revalidating

response *Accepted*

comment 920 comment by: *Federazione ATM-PP*

Federazione ATM-PP proposal on ATCO.B.030 (c) is to remove as follows:  
~~The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation~~  
This because point (c) is the same of point (b)

response *Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment 925 comment by: *swissatca*

Phraseology being a code cannot have a level attached to it. It is either passed or failed. Phraseology is amply trained and tested in the Initial training, unit training and continuation training. Therefore removing the requirement for phraseology here allows the ATCO to be compliant with the regulation without in any way diminishing the safety.

*(b) 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.*

response

Accepted

comment

952

comment by: USCA

**ATCO.B.030(d) – EN59**

**USCA agrees with this proposal**

*“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 justified by the ANSP wishing to apply the higher level of proficiency and shall be approved by the competent authority”*

response

Accepted

comment

1049

comment by: IFATCA



50	NPA 2012- 18 (BI)	<b>ATCO.B.030</b> <b>Language</b> <b>proficiency</b> <b>endorsement</b> <b>b)</b>	<p>To do so, the applicant shall:</p> <p><del>(1) communicate effectively in voice only (telephone/radiotelephone) and in face to face situations;</del></p> <p><del>(2) communicate on common, concrete and work related topics with accuracy and clarity;</del></p> <p><del>(3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work related context;</del></p> <p><del>(4) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and</del></p> <p><del>(5) use a dialect or accent which is intelligible to the aeronautical community.</del></p>	<p>Only partial reflection of ICAO Doc 9835. Suggestion remove in total and the reference be introduced into IR or AMC. Otherwise there is a risk of mis-interpretation.</p> <p>Check consistency with AMC2 ATCO B040 (a) (d)</p>
----	----------------------------	---	--	---

response *Not accepted*

The holistic descriptors, being an essential element of the language proficiency requirements, are contained in Appendix 1 to ICAO Annex 1. No changes have been made other than leaving out the examples in brackets, which are not suitable for a provision at Implementing Rule level. Based on this, the Agency

does not understand the comment referring to a contradiction.

comment

1067

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

FIT/CISL proposes to delete **ATCO.B.030(c)** because it appears to be a repeat of **ATCO.B.030(b)**:

~~The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation~~

response

*Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment

1073

comment by: *Danish Transport Authority, Personnel licensing office*

ATCO.B.030 (d): We cannot find any objective justification of this related to ATCO licensing. Level 4 is operational level according to ICAO. In order to be able to approve such a requirement request from a provider, it must be evaluated, but against what?

response

*Noted*

The objective justification shall be provided by the air navigation service provider, as foreseen in the proposal.

comment

1084

comment by: *Civil Aviation Authority Norway*

Suggest to delete d) level 5. Complicating, no added value.

Suggest to add new text in subpoint (c):

«..., or in case of imposed national requirements, the competent authority can accept alternative methods to determine language proficiency».

The rationale for this proposal is that «mother tongue» applicants should not need national LPR testing.

Competent authority must define minimum requirement for «mother tongue».

response

*Not accepted*

(d) The comment is not accepted due to the fact that the majority of the comments wishes to maintain this possibility.

(c) The proposal is noted. As far as the requirements set out in ATCO.B.030 are met, meaning that a formal assessment has been successfully completed, the

proficiency level is determined according to the ICAO rating scale and the demonstrated level is at least operational, it is up to the competent authority to approve the method used for the assessment.

comment 1129 comment by: NATS National Air Traffic Services Limited

ATCO.B.030 Language proficiency endorsement (b) and (c)  
Paragraph (c) is an unnecessary duplication of paragraph (b).  
Suggested amendment:

**'(b) The applicant for any language proficiency endorsement shall demonstrate language proficiency , in accordance with the rating scale set out in Appendix 2 to this Regulation, at least to an operational level (level four) both in the use of phraseology and plain language.'**  
And delete paragraph '(c)'.

response *Accepted*

The order of paragraphs is changed and the text is reformulated to avoid duplications.

comment 1131 comment by: NATS National Air Traffic Services Limited

ATCO.B.030 Language proficiency endorsement (b)  
Paragraph (b) states: 'an operational level (level four) both in the use of phraseology and plain language'. Phraseology has very strict constructs and conventions so that a particular phrase is universally understood by all. This contradicts the requirements of Appendix 2, for example Level 4 Structure which states: 'Basic grammatical and sentence patterns are used creatively'. This is exactly the opposite of phraseology requirements which are not to have creativity  
Suggested amendment:

**'(b) The applicant for any language proficiency endorsement shall demonstrate language proficiency , in accordance with the rating scale set out in Appendix 2 to this Regulation, at least to an operational level (level four) in the use of plain language.'**

response *Accepted*

Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.

The proposed AMC and GM are adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training of communication tools and means.

comment	1146	comment by: EUROCONTROL
	<p>ATCO.B.030: Suggest also to add the process when failing, equivalent to B.025 (11) for other examinations</p>	
response	<p><i>Not accepted</i></p> <p>The method of assessment for language proficiency shall be approved by the competent authority. It is this method which shall contain the process applicable to the assessment, as well as the appeals procedure.</p>	

comment	1149	comment by: EUROCONTROL
	<p>ATCO.B.030 (a): Suggest to insert "valid" in ...<i>unless they have a (valid) language proficiency endorsement in English ...</i></p>	
response	<p><i>Accepted</i></p>	

comment	1178	comment by: Luca Valerio Falessi
	<p><b>ATCO.B.030 Language proficiency endorsement</b></p> <p>(a) Air traffic controllers and student air traffic controllers shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement in English and, if applicable, in the language(s) imposed by the Member State for reasons of safety at the ATC <b>APP or TWR</b> units <del>of the unit endorsement</del> as published in the Aeronautical Information Publications. The language proficiency endorsement shall indicate the language(s), the level(s) of proficiency and the validity date(s).</p> <p><b>JUSTIFICATION</b> The need of local languages requirement in Area Control Center is reduced. Local language requirements, on the other hand, prevent freedom of movements of ATCOs in EU, and are a potential problem for FAB virtual centers.</p>	
response	<p><i>Not accepted</i></p> <p>Although the Agency is in general in favour of establishing more harmonised requirements and thus facilitate the mobility of ATCOs even further, 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.</p>	

comment	1205	comment by: EUROCONTROL
---------	------	-------------------------

	<p>ATCO.B.030(b): This provision sets a requirement for a minimum of level four of language proficiency both in using phraseology and plain language. What does this mean for phraseology, as there is no defined operational level?</p>
response	<p><i>Noted</i></p> <p>The reference to phraseology is deleted.</p>
comment	<p>1241 <span style="float: right;">comment by: ENAV</span></p> <p><del>(c) The language proficiency level shall be determined in accordance with the rating scale set out in Appendix 2 to this Regulation</del> Comment: This appears to be a repeat of (b).</p>
response	<p><i>Accepted</i></p> <p>The order of paragraphs is changed and the text is reformulated to avoid duplications.</p>
comment	<p>1256 <span style="float: right;">comment by: Aura MARCULESCU</span></p> <p>Reference: ATCO.B.030 (d) Proposal: <del>(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.</del></p> <p>Justification: Deletion of paragraph (d) of ATCO.B.030 means that the language proficiency level is based on the ICAO requirements and rating scale, therefore no higher level proficiency should be required as a minimum. According to ICAO, level 4 proficiency provides the necessary safety at operational level. Even so, the air navigation service providers can ask for a higher language proficiency level, based on a safety case, with the approval from Competent Authority, without making use of paragraph (d).</p>
response	<p><i>Noted</i></p> <p>It is not clear whether the commentator wishes to delete the subject provision or, as stated in the justification below, to maintain the possibility of requiring a higher language proficiency level based on a safety case. The comment is therefore noted.</p>

comment	1336	comment by: <i>Avinor ANS</i>
	<p>In case of national requirements the competent authority should be allowed to accept alternative methods to determine proficiency</p> <p>“The definition of Mother Tongue” in this context is vaguely defined and must be more precisely described</p>	
response	<p><i>Noted</i></p> <p>As far as the requirements set out in ATCO.B.030 are met, meaning that a formal assessment has been successfully completed, the proficiency level is determined according to the ICAO rating scale and the demonstrated level is at least operational, it is up to the competent authority to approve the method used for the assessment.</p>	

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS – ATCO.B.035 Validity of language proficiency endorsement** p. 23-24

comment	24	comment by: <i>LFV</i>
	<p>Ref ATCO.B.035 (a) (3) Only English should be re-tested every nine years.</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 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.</p>	

comment	75	comment by: <i>LPS SR</i>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;"><b>ATCO.B.035 Validity of language proficiency endorsement (a) (3)</b></td> <td style="width: 33%; padding: 5px;">nine years from the date of assessment if the level demonstrated is expert level (level six) <b>in English in</b> accordance with Appendix 2 to this Regulation.</td> <td style="width: 33%; padding: 5px;">It should be kept only for English language as “exported” language.</td> </tr> </table>		<b>ATCO.B.035 Validity of language proficiency endorsement (a) (3)</b>	nine years from the date of assessment if the level demonstrated is expert level (level six) <b>in English in</b> accordance with Appendix 2 to this Regulation.	It should be kept only for English language as “exported” language.
<b>ATCO.B.035 Validity of language proficiency endorsement (a) (3)</b>	nine years from the date of assessment if the level demonstrated is expert level (level six) <b>in English in</b> accordance with Appendix 2 to this Regulation.	It should be kept only for English language as “exported” 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.

comment *105*

comment by: *CAA-NL*

**ATCO.B.035.(a)**

There is no need to have the requirements for language proficiency of air traffic controllers more stringent than the requirements for language proficiency of pilots. Therefore, it is suggested to bring this article in line with Part FCL for pilots in the following manner:

- Change (a)(1) into 4 years, and
- Delete (a)(3).

response *Not accepted*

The Agency does not see a well-founded reason to deviate from the established ICAO recommendation regarding the revalidation requirement for level 4 proficiency; on the contrary, prolonging the validity for this proficiency level for administrative reasons could easily result in a negative impact regarding safety. On the other hand the reasons for introducing the revalidation requirement in a corresponding scale for the level 6 proficiency is explained in the Explanatory Note of the subject NPA. Those reasons remain valid for the reduced proposal maintaining the revalidation criteria for the English language only.

comment *170*

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change on ATCO.B.35 (a), (3):  
*nine years from the date of assessment if the level demonstrated is expert level (level six)*  
**in English in** accordance with Appendix 2 to this Regulation.

English is the one language that is "exported" and used throughout Europe. Where the risk for local language erosion is quasi inexistent because the ATCO will be using that language daily, there may be a risk for English language erosion as the local language is different. We suggest therefore to keep the provision for English only.

CANSO proposes the following change on ATCO.B.35 (d):

	<p><i>When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to <del>revalidate</del> or renew the endorsement. In such cases its validity period shall be counted from the date on which the assessment was successfully completed.</i></p> <p>If the endorsement has expired, then it is a renewal, not a revalidation.</p> <p>Addition of the validity period to harmonise with (b) and (c).</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 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> <p>The editorial change proposal regarding renewal has also been considered.</p>
comment	<p>196 <span style="float: right;">comment by: Finnish Transport Safety Agency</span></p>
	<p><u><i>ATCO.B.035 Validity of language proficiency endorsement</i></u></p> <p><i>(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.</i></p> <p><u><i>Comment:</i></u> Finland can live with the proposed reassessment of level 6 but suggest that this would only be applied for the English language. English is in most cases a foreign language that the ATCOs only use at work. Erosion of language skills is thus more likely to happen than in the case of a local language which is practiced in everyday life.</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 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>261 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span></p>
	<p><b>ATCO.B.035 (a) (3)</b></p> <p><i>(3) nine years from the date of assessment if the level demonstrated is expert level (level six) for English in accordance with Appendix 2 to this Regulation.</i></p> <p>Or</p>



~~(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~~

Although initially proposed for English only within ATM003, as this is the aviation language and the only one where a risk of erosion may not be detected through testing, for equality purposes, all languages are now included in the draft proposal. It must be noted that, equality notwithstanding, English is the only language that is "exported" throughout Europe as it is the common denominator for pilot – controller communication. It therefore makes sense to test English more extensively than the local languages where the ATCO will be immersed in the language (as it is local).

Or

Remove this provision as the safe level is level 4 and the risk of someone tested to level 6 falling below level 4 is not realistic. We cannot provide for bad testing or tests which need to be approved by the CA.

**ATCO.B.035 (d)**

When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to ~~revalidate or renew~~ the endorsement. In such cases its validity period shall be counted from the date on which the assessment was successfully completed.

If the endorsement has expired, then it is a renewal, not a revalidation.

Addition of the validity period to harmonise with (b) and (c).

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.

The editorial change proposal regarding renewal has also been considered.

comment

347

comment by: DSNA

**ATCO.B.035 (a) (3).**

Comment :

(high priority comment for DSNA)

There is absolutely no need to have a limited validity for level 6. It does not answer an identified or harmonised need. It is not consistent with ICAO recommendations. It is not consistent with the aircrew regulation.

The argument of language erosion is not scientifically proven. When level 6 is properly assessed, there is no risk to fall under level 4 – which is the "safe"

level - because of language erosion.

In cases where an organisation suspects an ATCO initially given a level 6 language proficiency, not to fulfill the requirements anymore, a process for putting his competencies in doubt should be applied.

Moreover, majority of ATCOs with level 6 in France are native speakers, living and working in France. There is absolutely no risk to have their competency level decreasing. This non-existing risk has to be compared with the cost of a language proficiency test every 9 years for 3600 ATCOs (that is to say 400 tests per year).

**We ask to keep unlimited validity for level six like in regulation 805/2011.**

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 394 comment by: *NATS National Air Traffic Services Limited*

ATCO.B.035 Validity of language proficiency endorsement (b)

'In such case, the validity period....' does not read correctly. This is a typographical/Grammatical error. Suggest amending to: **'In such cases, the validity period....'**

response *Accepted*

comment 395 comment by: *NATS National Air Traffic Services Limited*

ATCO.B.035 (a) (3)

The requirement to reassess Level 6 language proficiency every nine years should only apply to English Language and not local languages required by member states. English is the required international aviation language where any degradation needs to be detected. Requiring level 6 language proficiency to be reassessed for local languages, other than English, is over regulation as well as an unnecessary financial burden with no safety benefits.

	<p>Suggested wording for ATCO.B.035 (a) (3):</p> <p><b>'for English language, nine years from the date of assessment if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation.'</b></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 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>413 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p>ATCO.B.035 Validity of language proficiency endorsement (a) (3):</p> <p>nine years from the date of assessment if the level demonstrated is expert level (level six) <u>in English</u> in accordance with Appendix 2 to this Regulation.</p> <p>English is the one language that is "exported" and used throughout Europe. Where the risk for local language erosion is quasi inexistent because the ATCO will be using that language daily, there may be a risk for English language erosion as the local language is different. We suggest therefore to keep the provision for English only.</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 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>414 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p>ATCO.B.035 Validity of language proficiency endorsement (b):</p> <p>Language proficiency endorsements shall be revalidated within 90 days immediately preceding their expiry date <u>if the assessment was successfully completed within this period</u>. In such case, the validity period shall be counted</p>

	<p>from that expiry date.</p> <p>We should clarify that this is not only an administrative procedure. If the original text remains, the applicant can take the test any time before the 90 day-period and the validity of the language proficiency will be counted from the expiry date if the administrative procedure takes place during that period.</p>
response	<p><i>Accepted</i></p> <p>The comment is accepted in principle, even though the proposed text is not fully taken into account.</p>
comment	<p>416 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.B.035 Validity of language proficiency endorsement (d):</b></p> <p>When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to revalidate or renew the endorsement. <b><u>In such cases its validity period shall be counted from the date on which the assessment was successfully completed.</u></b></p> <p>If the endorsement has expired, then it is a renewal, not a revalidation.</p> <p>Addition of the validity period to harmonise with (b) and (c).</p>
response	<p><i>Accepted</i></p> <p>The editorial change proposal has been considered.</p>
comment	<p>457 <span style="float: right;">comment by: <i>Juan Gallego Grana - Aena</i></span></p> <p><b>ATCO.B.035(a)</b></p> <p>Aena considers that it is not necessary to assess the validity of the language proficiency endorsement of an ATCO with level 6 and it would increase bureaucracy unnecessarily. If this assessment is maintained in the final text, Aena would suggest the associated validity period is extended. Aena also considers level 4 should be assessed for ATCOs with the same periodicity as for pilots. It is proposed to modify requisite ATCO.B.035(a) as follows:</p> <p><i>"(a) The validity of the language proficiency endorsement shall be:</i></p> <p><i>(1) <del>three</del> four years from the date of assessment if the level demonstrated is operational level (level four) in accordance with Appendix 2 to this Regulation;</i></p> <p><i>or</i></p> <p><i>(2) <del>six</del> seven years from the date of assessment if the level demonstrated is</i></p>

	<p>extended level (level five) in accordance with Appendix 2 to this Regulation; or</p> <p>(3) <del>nine</del> ten years from the date of assessment if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation".</p>
response	<p>Not accepted</p> <p>The Agency does not see a well-founded reason to deviate from the established ICAO recommendation regarding the revalidation requirement for level 4 and 5 proficiency; on the contrary, prolonging the validity for these proficiency levels for administrative reasons could easily result in a negative impact regarding safety.</p> <p>On the other hand the reasons for introducing the revalidation requirement in a corresponding scale for the level 6 proficiency is explained in the Explanatory Note of the subject NPA. Those reasons remain valid for the reduced proposal maintaining the revalidation criteria for the English language only.</p>
comment	<p>481 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u></p> <p>ATCO.B.035 (a) (3)</p> <p><u>Alternative proposal</u></p> <p>(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:</p> <p>[...]</p> <p><del>(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.</del></p> <p><b>OR</b></p> <p>(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></p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- The case of the use of the local language in a controller environment in another country is not relevant for other local languages.</li> <li>- 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.</li> </ul>

	<p>- 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. 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>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.</p>
comment	<p>533 <span style="float: right;">comment by: ENAC-FRANCE</span></p> <p><b>ATCO.B.035 Validity of language proficiency endorsement</b> (a) The validity of the language proficiency endorsement shall be: (1) three years from the date of assessment if the level demonstrated is operational level (level four) in accordance with Appendix 2 to this Regulation; or (2) six years from the date of assessment if the level demonstrated is extended level (level five) in accordance with Appendix 2 to this Regulation; or (3) <b>nine years from the date of assessment if the level demonstrated is expert</b></p> <p><u>Comment:</u> This requirement goes far beyond ICAO standards and even beyond aircrew requirements. <i>See comment on Cover regulation paragraph 9:</i> <i>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 <b>the majority of controllers concerned are native speakers of the language, living and working in their home 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.</b></i></p>

See comment on NPA 2012-18 (C) Regulatory Impact Assessment:

It is stated in the Economic impact section:

'Overall for option 1, looking at the relatively low number of air traffic controllers with level 6 (see Table 5: Number of air traffic controllers per English proficiency level, 2010) and the few minor cost impacts identified in the previous paragraph, this cost impact is rather limited'

*In fact ~50% of controllers in Europe will be concerned by the measure either in English or in their local language and so we cannot talk about a 'relatively low number'.*

*Table 6 indicates that 1333 non-native speakers have demonstrated a Level 6 in English.*

*To this must be added (cf Table 3 Pg 21) :*

*1775 British controllers,*

*297 Irish controllers*

*and 80 Cypriot controllers*

*= 2152 Native speakers of English*

*So for English alone there are 3485 controllers involved.*

*Add to these 3687 French controllers for French, 1200 Spanish controllers for Spanish and perhaps a certain number for other local languages.*

*= 8372+ out of a total of 17406 controllers in employment (Table 3).*

*So the overall cost impact will be much higher than presented in the Impact Assessment*

Proposal:

**ATCO.B.035 Validity of language proficiency endorsement**

(a) The validity of the language proficiency endorsement shall be:

(1) three years from the date of assessment if the level demonstrated is operational level (level four) in accordance with Appendix 2 to this Regulation; or

(2) six years from the date of assessment if the level demonstrated is extended level (level five) in accordance with Appendix 2 to this Regulation; or

(3) ~~nine years from the date of assessment~~ **unlimited if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation.**

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 534

comment by: ENAC-FRANCE

**ATCO.B.035 Validity of language proficiency endorsement**

(d) When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to revalidate or renew the endorsement.

Comment:

If case of an expired endorsement, it should be a renewal not a revalidation.

Proposal:

**ATCO.B.035 Validity of language proficiency endorsement**

(d) When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to ~~revalidate or~~ renew the endorsement.

response Accepted

The editorial change proposal has been considered.

comment 556

comment by: Maastricht UAC

<p><b>ATCO.B.035(d)</b> Validity of language proficiency endorsement</p>	<p>If the endorsement has expired, then it is a renewal, not a revalidation.</p>	<p><b>Proposed text:</b> When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to <del>revalidate or</del> renew the endorsement.</p>
--	--	--

response Accepted

The editorial change proposal has been considered.



comment 599 comment by: *DFS Deutsche Flugsicherung GmbH*

ATCO.B.035 (a) (3)  
 Expert level 6 revalidation is currently not an ICAO SARP. The justification given by EASA is "for safety reasons", but level 4 is the safe level according to ICAO. So erosion of level 6 cannot turn into a safety problem.  
 With respect to the erosion, the risk for local language erosion is quasi inexistent because the ATCO will be using that language daily; there may be a risk for English language erosion as the local language is different. **We therefore suggest keeping the provision for English only.**

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 655 comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<b>ATCO.B.035(d)</b> Validity of language proficiency endorsement	If the endorsement has expired, then it is a renewal, not a revalidation.	<b>Proposed text:</b> When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to <del>revalidate</del> or renew the endorsement.

response *Accepted*

The editorial change proposal has been considered.

comment

671

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.B.035(a)(1)	We propose to align this requirement with the equivalent on set under Part-FCL (regulation (EU) No 1178/2011): four years of validity for level 4	This would ease the renewal processes for the language proficiency evaluations of both the ATCOs and pilots and would result in administrative savings

response

*Not accepted*

The Agency does not see a well-founded reason to deviate from the established ICAO recommendation regarding the revalidation requirement for level 4 and 5 proficiency; on the contrary, prolonging the validity for these proficiency levels for administrative reasons could easily result in a negative impact regarding safety.

On the other hand the reasons for introducing the revalidation requirement in a corresponding scale for the level 6 proficiency is explained in the Explanatory Note of the subject NPA. Those reasons remain valid for the reduced proposal maintaining the revalidation criteria for the English language only.

comment

719

comment by: AESA / DSANA

**ATCO.B.035(a)(3)**

We propose to include this sentence at the end of the paragraph: *"Notwithstanding this, expert level (level 6) local language proficiency endorsement shall not expire."*

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

720

comment by: HungaroControl

	<p><b>ATCO.B.035:</b>  Assessment of the language proficiency  Establish a validity period for expert level language proficiency (level 6) <b>in English</b> and require revalidation at intervals higher in proportion compared to lower proficiency levels.  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.</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 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.</p>
comment	<p>721 <span style="float: right;">comment by: FABEC</span></p> <p>FABEC proposes to delete paragraph (a)(3) in ATCO.B.035.  Introducing a validity period for level 6 language endorsements would go far beyond ICAO standards and impose administrative actions to ANSP without contributing to the level of safety in ATC.  <del>(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.</del></p>
response	<p><i>Not 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 national languages from this requirement. The reasoning and justification of the proposal remain valid.  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>835 <span style="float: right;">comment by: ATCEUC- Air Traffic Controllers European Unions Coordination</span></p> <p><a href="#">Attachment #8</a></p> <p><b>ATCO.B.035 (d) Comment:</b></p> <p>When the endorsement expires it should be renewed and not revalidated. It is</p>

	<p>also important to harmonise with paragraphs (b) and (c).</p> <p>Therefore <b>ATCEUC</b> proposes:</p> <p><b>ATCO.B.035</b> <span style="float: right;"><i>new</i> <span style="margin-left: 100px;"><i>text</i></span></span></p> <p><b>(d)</b> <i>When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to <del>revalidate</del> or renew the endorsement. <u>In such cases its validity period shall be counted from the date on which the assessment was successfully completed.</u></i></p>
response	<p><i>Accepted</i></p> <p>The editorial change proposal has been considered.</p>
comment	<p>858 <span style="float: right;">comment by: <i>Federazione ATM-PP</i></span></p> <p>Federazione ATM-PP suggest to change point (d) in:  <i>When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to <del>revalidate</del> or renew the endorsement. <u>In such cases its validity period shall be counted from the date on which the assessment was successfully completed.</u></i>  This because when the endorsement expires, it can't be revalidates but only renewed</p>
response	<p><i>Accepted</i></p> <p>The editorial change proposal has been considered.</p>
comment	<p>867 <span style="float: right;">comment by: <i>Laurent BERTIN UNSA-ICNA</i></span></p> <p>level 6 validity part has to be removed for native speakers. no need to reevaluate it.</p>
response	<p><i>Partially 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 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.</p>

comment	<p>881 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>ETF proposes to cancel the language proficiency endorsement for level six but if the provision has to be maintained, we encourage EASA to soften the requirements for assessing language proficiency of native speakers especially if they are in an environment where they make daily use of that language.</p> <p style="text-align: center;"><b>OPTION A</b></p> <p><del>The validity of the language proficiency endorsement shall be:</del></p> <p><del>nine years from the date of assessment if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation.</del></p> <p style="text-align: center;"><b>OPTION B</b></p> <p>The validity of the language proficiency endorsement shall be:</p> <p>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>except for holders of language proficiency endorsement where the language assessed is a native language of the country in which the licence holder exercises the privileges of their license, and is the common language in use at the unit in which a certificate of competency is held.</u></p>
response	<p><i>Partially 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 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>897 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ATCO.B.035(a)(3)</p> <p><b>SINCTA</b> agrees with the proposal to establish a validity period for level 6 of language proficiency in order to avoid the safety constraints of "wrong" assessments and language erosion.</p>
response	<p><i>Accepted</i></p> <p>The Agency fully agrees with the comment; however, following the analysis and evaluation of the comments, it has been decided to reduce the proposal for the revalidation of the level 6 proficiency in the English language only.</p>

comment	<p>898 <span style="float: right;">comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></span></p> <p>ATCO.B.035(d)          When the validity of rating or an endorsement expires there is a need to renew it because revalidation is only possible within the validity period. <b>SINCTA</b> proposes the following deletion.          Proposed text:  <i>When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to <del>revalidate or</del> renew the endorsement. In such cases its validity period shall be counted from the date on which the assessment was successfully completed.</i></p>
response	<p><i>Accepted</i></p> <p>The editorial change proposal has been considered.</p>

comment	<p>924 <span style="float: right;">comment by: <i>swissatca</i></span></p> <p>English is the aviation language and the one where there is a risk of language erosion because the ATCO could find themselves in a situation where they do not use English in their everyday life. Therefore, testing English every 9 years could make sense in some circumstances. However, it makes no sense to do the same for local languages which are local by definition and will be used in everyday life as well as at work. They are not exported as English is. We suggest re-wording or removing the provision for 9 years completely as the minimum safe level is 4 and the risk of an ATCO who is a level 6 eroding to a level 4 within their working life is minimal.</p> <p><i>3) nine years from the date of assessment if the level demonstrated is expert level (level six) for English in accordance with Appendix 2 to this Regulation.</i></p> <p>Or</p> <p><del><i>(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</i></del></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 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.</p>

comment	<p>933 <span style="float: right;">comment by: USAC-CGT</span></p> <p>USAC-CGT does not understand the reason why EASA wishes to check the language competence of ATCOs assessed at level 6 every 9 years. The RIA is only conducted about English forgetting that it also includes local languages. No difference between aeronautical languages are to be introduced according to us.</p>
response	<p><i>Not 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 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.</p>
comment	<p>953 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>VALIDITY OF LANGUAGE PROFICIENCY ENDORSEMENT – ATCO.B.035 (a) (3)</b></p> <p><b>USCA agrees with the limitation to 9 years for level 6 to avoid the implications of a wrong assessment and/or language erosion.</b></p> <p><i>(a) The validity of the language proficiency endorsement shall be:</i></p> <p style="padding-left: 40px;"><i>(1) three years from the date of assessment if the level demonstrated is operational level (level four) in accordance with Appendix 2 to this Regulation; or</i></p> <p style="padding-left: 40px;"><i>(2) six years from the date of assessment if the level demonstrated is extended level (level five) in accordance with Appendix 2 to this Regulation; or</i></p> <p style="padding-left: 40px;"><i>(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.</i></p>
response	<p><i>Accepted</i></p> <p>The Agency fully agrees with the comment; however, following the analysis and evaluation of the comments, it has been decided to reduce the proposal for the revalidation of the level 6 proficiency in the English language only.</p>
comment	<p>955 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>RENEWAL OF ENDORSEMENTS – ATCO.B.035(d)</b></p> <p>In every rating or endorsement when the validity expires there is a need to</p>

	<p>renew it because revalidation is only possible within the validity period.</p> <p><i>"When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to <del>revalidate or</del> renew the endorsement. In such cases its validity period shall be counted from the date on which the assessment was successfully completed"</i></p>
response	<p><i>Accepted</i></p> <p>The editorial change proposal has been considered.</p>
comment	<p>986 <span style="float: right;">comment by: ICEATCA</span></p> <p>ICEATCA thinks that when this endorsement expires it should be renewed instead of revalidated.</p>
response	<p><i>Accepted</i></p>
comment	<p>1068 <span style="float: right;">comment by: comments provided on behalf of FIT/CISL italian trade union</span></p> <p>Regarding the <b>ATCO.B.035(a)(3)</b> FIT/CISL proposes two different options:</p> <p>A) to cancel the language proficiency endorsement for level six;  B) if the provision has to be maintained, we asks EASA to soften the requirements for assessing language proficiency of native speakers especially if they are in an environment where they make daily use of that language.</p> <p>So we proposes:</p> <p style="text-align: center;"><b>OPTION A</b></p> <p><del>The validity of the language proficiency endorsement shall be: nine years from the date of assessment if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation.</del></p> <p>or to change it as follows:</p> <p><b>OPTION B</b></p> <p>The validity of the language proficiency endorsement shall be: 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>except for holders of language proficiency endorsement where the language assessed is a native language of the country in which the licence holder exercises the privileges of their license, and is the common language in use at the unit in which a certificate of competency is held.</u></p>
response	<p><i>Partially accepted</i></p> <p>Following the proposal of the majority of the commentators the Agency</p>



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 1074 comment by: Danish Transport Authority, Personnel licensing office

ATCO.B.035 (b): For administrative purposes, it is easier to use a 3 month period instead of a 90-day period. If a 3 month period is used, it is possible to define/mark this period only by replacing the month, whereas a 90-day period will require some calculations.  
Example: 5. June 2013 will be 5. March 2013 (3 month period) and 5. June 2013 will be 3. March 2013 (90-day period).

response Accepted

comment 1141 comment by: NATS National Air Traffic Services Limited

ATCO.B.035 Validity of language proficiency endorsement (d)  
This paragraph states: 'When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to revalidate or renew the endorsement.' If the endorsement has expired, then it is a renewal, not a revalidation and therefore 'revalidate' is incorrect. The validity period under renewal circumstances needs to be specified to harmonise with paragraphs (b) and (c).  
Suggested amendment:  
**'(d) When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to renew the endorsement. In such cases its validity period shall be counted from the date on which the assessment was successfully completed.'**

response Accepted

The editorial change proposal has been considered.

comment 1180 comment by: Luca Valerio Falessi

### **ATCO.B.035 Validity of language proficiency endorsement**

**(3) as appropriate**, nine years from the date of assessment if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation.

### **JUSTIFICATION**

	<p>A systematic evaluation of all mother-tongue ATCOs living in their country, would be a conspicuous waste of resources.</p> <p>Mother-tongue re-evaluation should be limited to those ATCOs for which the continuous use of mother tongue is in doubt.</p> <p>This position is shared by ICAO (Doc 9835 para 5.3) and should be the subject of a specific AMC.</p>
response	<p><i>Partially 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 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>1242 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATCO.B.035 Validity of language proficiency endorsement</b> (a) (3) nine years from the date of assessment if the level demonstrated is expert level (level six) <b>in English in</b> accordance with Appendix 2 to this Regulation  Comment: English is the one language that is "exported" and used throughout Europe. Where the risk for local language erosion is quasi inexistent because the ATCO will be using that language daily, there may be a risk for English language erosion as the local language is different. We suggest therefore to keep the provision for English only.</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 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>1243 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATCO.B.035 Validity of language proficiency endorsement</b> (d) When the validity of a language proficiency endorsement expires, the licence holder shall successfully complete a language proficiency assessment in order to revalidate</p>

	<p>er renew the endorsement. In such cases its validity period shall be counted from the date on which the assessment was successfully completed.          Comment: If the endorsement has expired, then it is a renewal, not a revalidation.          Addition of the validity period to harmonise with (b) and (c).</p>
response	<p><i>Accepted</i></p> <p>The editorial change proposal has been considered.</p>
comment	<p>1261 <span style="float: right;">comment by: <i>Aura MARCULESCU</i></span></p> <p>Reference: ATCO.B.035 (a) (3)</p> <p>Proposal:  <del>(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.</del></p> <p>Justification:          Deletion of paragraph (a) (3) as the text contradicts with ICAO SARPs (Doc 9385) regarding language proficiency.</p>
response	<p><i>Not 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 national languages from this requirement. The reasoning and justification of the proposal remain valid.          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>1274 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p><b>ATCO.B.035 (b) Validity of language proficiency endorsement</b> - For administrative purposes, it is easier to use a 3 month period instead of a 90-day period. If a 3 month period is used, it is possible to define/mark this period only by replacing the month, whereas a 90-day period will require some calculations.</p> <p>Example: 5 June 2013 will be 5 March 2013 (3 month period) and 5 June 2013 will be 3 March 2013 (90-day period).</p>
response	<p><i>Accepted</i></p>

comment	1337	comment by: <i>Avinor ANS</i>
	Introducing retesting of level 6 candidates seems unnecessary and is an unnecessary extra cost for service providers. In case there is a problem with the correct scoring of language proficiency other mechanisms should be introduced such as a proper certification system for LPR test providers.	
response	<i>Not accepted</i>	
	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 reasoning and justification of the proposal remain valid. 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	1344	comment by: <i>ERAC European Regional Aerodrome Community</i>
	According to our opinion there is no reason to limit the validity of expert level six to nine years. This only creates additional burden and costs without any significant increase of safety. Why do the two communicating parties pilots and ATCO's have different validities in expert level?	
response	<i>Not accepted</i>	
	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 reasoning and justification of the proposal remain valid. 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.	

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART B – LICENCES, RATINGS AND ENDORSEMENTS – ATCO.B.040 Assessment of language proficiency**

p. 24

comment	16	comment by: <i>Belgian NSA</i>
	... through a method of assessment APPROVED by the CA, which...	

response	<i>Accepted</i>
----------	-----------------

comment	25	comment by: <i>LFV</i>
	<p>Ref ATCO.B.040 Suggests that the method of assessment shall be approved by the CA (instead of established)</p>	

response	<i>Accepted</i>
----------	-----------------

comment	171	comment by: <i>CANSO Civil Air Navigation Services Organization</i>
	<p>CANSO proposes the following change with regards to ATCO.B.40: <i>The demonstration of language proficiency shall be done through a method of assessment <u>approved</u> <del>established</del> by the competent authority, {...}</i></p> <p>The Competent Authority should approve the assessment method that is established / developed by a body with the necessary expertise.</p> <p>See also comment to the AMC to ATCO.B.040 and ATCO.AR.A.010(7) to be adapted.</p>	

response	<i>Accepted</i>
----------	-----------------

comment	180	comment by: <i>CANSO Civil Air Navigation Services Organization</i>
	<p>With regards to the ATCO.B.40 assessment of the language proficiency, CANSO considers that it would be preferable to reference ICAP doc 9835, if necessary. Reproducing part of it takes the requirements out of context and creates imbalance in the requirements.</p>	

response	<i>Not accepted</i>	
	<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 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. Introducing their mandatory application and ensuring their uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.</p>	

comment	<p>197 <span style="float: right;">comment by: Finnish Transport Safety Agency</span></p> <p><u>ATCO.B.040 Assessment of language proficiency</u></p> <p><i>The demonstration of language proficiency shall be done through a method of assessment established by the competent authority,</i></p> <p><u>Comment:</u> The method should be established by the language assessment body and approved by the competent authority.</p>
response	Accepted

comment	<p>263 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span></p> <p><b>ATCO.B.040 &amp; ATCO.AR.A.010(7)</b></p> <p>The demonstration of language proficiency shall be done through a method of assessment <del>established</del> <b>approved</b> by the competent authority, which shall contain:</p> <p>The CA does not need to develop and establish assessments for language proficiency, they need to, as with other processes, approve the assessment and ensure that it fits all the relevant requirements. The CA may not have the necessary expertise to establish language assessment methods, however, it is certainly within their remit to approve established language assessments (e.g. ELPAC).</p>
response	Accepted

comment	<p>396 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.B.040</p> <p>The IR states: 'The demonstration of language proficiency shall be done through a method of assessment established by the competent authority...' The CAs are not the appropriate body to established a method of assessment. The CAs do not establish the other methods of assessment in this regulation, they approve them. The Language Assessment Bodies should establish the method of assessment which is then approved by the CA.</p> <p>Suggested amendment ATCO.B.040:</p> <p><b>'The demonstration of language proficiency shall be done through a method of assessment established by the Language Assessment Body in accordance with ATCO.OR.xxx and approved by the competent</b></p>
---------	--

**authority in accordance with ATCO.AR.xxx.'**

and

**ATCO.OR.xxx**

**The Language Assessment Body shall establish a method of assessment of language proficiency which contains:**

**(a) the process by which an assessment is done;**

**(b) the qualification of the assessors; and**

**(c) the appeals procedure.**

and

**ATCO.AR.A.010 (a) (7)**

**'the approval of the assessment method for the demonstration of language proficiency according to ATCO.OR.xxx;'**

response *Partially accepted*

Part-ATCO.OR establishes requirements for air traffic controller training organisations and for aero-medical centres; therefore, the proposal addressing that Part is not considered.

comment 397 comment by: *NATS National Air Traffic Services Limited*

ATCO.B.040 and AMC4 ATCO.B.040 and ATCO.AR.A.010 (5)

AMC4 ATCO.B.040 states the Criteria for the acceptability of language assessment bodies but there are no IRs that state who undertakes the acceptability of language assessment bodies? It is presumed that it is the CA and by the means of a certificate

AMC4 ATCO.B.040 should be AMC to ATCO.OR.xxx above and amend ATCO.AR.A.010 (5) to read

**'the issue, renewal, suspension, revocation and limitation of training organisation certificates, certificates of aero-medical centres and certificates of Language Assessment Bodies'**

response *Partially accepted*

The proposal has been amended to clarify that the requirements applicable to language assessment bodies are to be set by the competent authorities by means of approving the method applicable for the assessment of language proficiency.  
Part-ATCO.OR only applies to air traffic controller training organisations and to

aero-medical centres.

comment 398

comment by: *NATS National Air Traffic Services Limited*

ATCO.B.040 Assessment of language proficiency

Notwithstanding the comments above, on this IR the first sentence contains two 'shall's which make the intent unclear. The intent appears to be that firstly, the demonstration of language proficiency shall be done through a method of assessment established by the competent authority and secondly, a method of assessment established by the competent authority shall contain (a), (b), (c) and (d). If this is correct then should the requirement on the Competent Authority be in ATCO.AR? there is a lack of clarity here.

Suggest amending to:

**'ATCO.B.040**

**The demonstration of language proficiency shall be done through a method of assessment established by the competent authority in accordance with ATCO.AR.xxx.'**

and add:

**'ATCO.AR.xxx**

**The competent authority shall establish a method of assessment of language proficiency which contains:**

**(a) the process by which an assessment is done;**

**(b) the requirements for organisations conducting assessments;**

**(c) the qualification of the assessors; and**

**(d) the appeals procedure.'**

response *Not accepted*

The proposal has been changed to refer to the assessment method's approval by the competent authority. The task of the competent authority has also been amended accordingly.

comment 399

comment by: *NATS National Air Traffic Services Limited*

ATCO.B.040 Assessment of language proficiency (b) and AMC4 ATCO.B.040.

Notwithstanding the comments above on this IR the organisations conducting assessments the same as the language assessment bodies referred to in the



response	<p>related AMC? If so can consistent terminology be used?</p> <p>Amend to:</p> <p><b>'(b) the requirements for language assessment bodies;'</b></p> <p><i>Accepted</i></p>
comment	<p>423 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.B.040 Assessment of language proficiency:</b></p> <p>The demonstration of language proficiency shall be done through a method of assessment <b>approved</b> <del>established</del> by the competent authority,</p> <p style="padding-left: 40px;">The CA should approve the assessment method that is established / developed by a body with the necessary expertise.</p> <p>See also comment to the AMC to ATCO.B.040 and ATCO.AR.A.010(7) to be adapted.</p>
response	<p><i>Accepted</i></p>
comment	<p>426 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.B.040:</b> Assessment of the language proficiency</p> <p>Incorporate relevant ICAO requirements into EU legislation with regard to the language assessment bodies</p> <p>Reference Doc 9835</p> <p>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 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. Introducing their mandatory application and ensuring their uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.</p>

comment	<p>464 <span style="float: right;">comment by: Aaron Curtis Prospect ATCOs' Branch UK</span></p> <p>This is contrary to 805/2011 which makes provision already for the CA to approve the method of assessment. Reword to say: The demonstration of language proficiency shall be done through a method of assessment <u>approved</u> by the competent authority, which shall contain:</p> <p>(as listed a - d in NPA)</p> <p>Appropriate Language assessment body articles should be incorporated which make provision for language assessment bodies to be approved by the competent authority, and specify the method of language proficiency.</p>
response	<p>Accepted</p> <p>The proposal has been amended to clarify that the requirements applicable to language assessment bodies are to be set by the competent authorities by means of approving the method applicable to the assessment of the language proficiency.</p>
comment	<p>516 <span style="float: right;">comment by: Juan Gallego Grana - Aena</span></p> <p><b>ATCO.B.040</b> It is proposed the following modification as the CA should approve the assessment method that is established/developed by a body with the necessary expertise: "The demonstration of language proficiency shall be done through a method of assessment <i>approved established</i> by the competent authority".</p>
response	<p>Accepted</p>
comment	<p>531 <span style="float: right;">comment by: ENAC-FRANCE</span></p> <p><b>ATCO.B.040 Assessment of language proficiency</b> The demonstration of language proficiency shall be done through a method of assessment <b>established by the competent authority</b>, which shall contain: (a) the process by which an assessment is done; (b) the requirements for organisations conducting assessments; (c) the qualification of the assessors; and (d) the appeals procedure. <u>Comment:</u> The competent authority approves an assessment method. <u>Proposal:</u> <b>ATCO.B.040 Assessment of language proficiency</b> The demonstration of language proficiency shall be done through a method of assessment <u>approved</u> <del>established</del> by the competent authority, which shall</p>

	<p>contain:</p> <ul style="list-style-type: none"> <li>(a) the process by which an assessment is done;</li> <li>(b) the requirements for organisations conducting assessments;</li> <li>(c) the qualification of the assessors; and</li> <li>(d) the appeals procedure</li> </ul>
response	Accepted

comment	557	comment by: Maastricht UAC			
	<table border="1"> <tr> <td><b>ATCO.B.040</b> language assessment <i>established</i> by the competent authority</td> <td>It is not for the competent authority to <i>establish</i> an assessment method but the testing organisation</td> <td><b>Proposed text:</b> The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority...</td> </tr> </table>	<b>ATCO.B.040</b> language assessment <i>established</i> by the competent authority	It is not for the competent authority to <i>establish</i> an assessment method but the testing organisation	<b>Proposed text:</b> The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority...	
<b>ATCO.B.040</b> language assessment <i>established</i> by the competent authority	It is not for the competent authority to <i>establish</i> an assessment method but the testing organisation	<b>Proposed text:</b> The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority...			
response	Accepted				

comment	624	comment by: CAA-NL
	<p>The method of assessment should be established by the organisation and approved by the competent authority. It is not the task nor the responsibility of the competent authority to create assessment methods.</p>	
response	Accepted	

comment	656	comment by: Maastricht UAC Training Organisation						
	<table border="1"> <thead> <tr> <th><u>Paragraph identification:</u></th> <th><u>Justification:</u></th> <th><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td><b>ATCO.B.040</b> language assessment <i>established</i> by the competent authority</td> <td>It is not for the competent authority to <i>establish</i> an assessment method but the testing organisation</td> <td><b>Proposed text:</b> The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority...</td> </tr> </tbody> </table>	<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	<b>ATCO.B.040</b> language assessment <i>established</i> by the competent authority	It is not for the competent authority to <i>establish</i> an assessment method but the testing organisation	<b>Proposed text:</b> The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority...	
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>						
<b>ATCO.B.040</b> language assessment <i>established</i> by the competent authority	It is not for the competent authority to <i>establish</i> an assessment method but the testing organisation	<b>Proposed text:</b> The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority...						

response *Accepted*

comment 836 comment by: *ATCEUC- Air Traffic Controllers European Unions  
Coordination*

Attachment [#9](#)

**ATCO.B.040**

**Comment:**

The aim of the CAs are not to established or to create methods of assessment but to validate or approved the ones proposed  
CAs have a huge lack of resources (human and financial) and this requirement could bring some more burden to them.

**ATCEUC** proposes:

**ATCO.B.040** *new text*

*The demonstration of language proficiency shall be done through a method of assessment ~~established~~ approved by the competent authority, which shall contain:*

(...)

response *Accepted*

comment 860 comment by: *Federazione ATM-PP*

Federazione ATM-PP proposal is to change "established" in "approved":  
*The demonstration of language proficiency shall be done through a method of assessment ~~established~~ approved by the competent authority, which shall contain:*

This will make it easier and cheaper for ANSPs and Competent Authorities

response *Accepted*

comment 868 comment by: *Laurent BERTIN UNSA-ICNA*

response	<p>Attachment <a href="#">#10</a></p> <p>a method assessment <del>established</del> <b>approved</b> by the competent authority.</p> <p>see attached file. AeMC proposed by UNSA-ICNA to french DSNA and DSAC to promote our efficient continuing training in English (PIFA). the training is mandatory, very different and much more efficient than a formal test.</p> <p><i>Accepted</i></p>
comment	<p>882 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>"The demonstration of language proficiency shall be done through a method of assessment <del>established</del> <b>approved</b> by the competent authority, which shall contain:"</p> <p>The regulation n.º 805/2011 already included the obligation for the Competent Authority to approve the method of assessment. This EASA proposal changes the procedure in force, putting further burden to the Competent Authorities and deteriorating their already difficult situation about human and financial resources without bringing any added value. ETF prefers to maintain the previous provision.</p>
response	<p><i>Accepted</i></p>
comment	<p>899 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ATCO.B.040 The regulation n.º 805/2011 already included the obligation for the Competent Authority to approve the method of assessment. This EASA proposal changes the procedure in force, putting further burden to the Competent Authorities and deteriorating their already difficult situation about human and financial resources without bringing any added value.</p> <p><b>SINCTA</b> prefers to maintain the previous provision. Proposed text: <i>The demonstration of language proficiency shall be done through a method of assessment <del>established</del> <b>approved</b> by the competent authority, which shall contain:</i></p>
response	<p><i>Accepted</i></p>
comment	<p>926 comment by: <i>swissatca</i></p>

	<p>As with other processes, the competent authority shall approve the assessment method and ensure that it fits all the relevant requirements. They do not establish the method of assessment. Indeed, they may not even have the necessary expertise to establish language assessment methods. However, it is certainly within their remit to approve established language assessments (e.g. ELPAC). See also and ATCO.AR.A.010.7</p> <p><i>The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority, which shall contain</i></p>
response	Accepted

comment	934	comment by: USAC-CGT
	The method shall be established by operators and approved by the competent authority.	
response	Accepted	

comment	957	comment by: USCA
	<b>ASSESSMENT OF LANGUAGE PROFICIENCY – ATCO.B.040</b>	
	<p>The regulation n.º 805/2011 already included the obligation for the Competent Authority to approve the method of assessment. This EASA proposal changes the procedure in force, putting further burden to the Competent Authorities and deteriorating their already difficult situation about human and financial resources without bringing any added value. <b>USCA prefers to maintain the previous provision.</b></p> <p><i>"The demonstration of language proficiency shall be done through a method of assessment <del>established</del> approved by the competent authority, which shall contain:"</i></p>	
response	Accepted	

comment	958	comment by: USCA
	<b>LANGUAGE ASSESSMENT – AMC2 ATCO.B.040(a)</b>	
	<p><b>USCA understands that the way EASA proposes is the best way to do it.</b></p> <p><i>(a) The assessment should be subdivided into the following three elements, as follows:</i></p>	

	<p>(1) listening – assessment of comprehension;</p> <p>(2) speaking – assessment of pronunciation, fluency, structure and vocabulary;</p> <p>(3) interaction.</p>
response	Noted

comment	960	comment by: USCA
	<b>AMC3 ATCO.B.040(a)</b>	
	<p>The ATCO language proficiency is about phraseology and plain language (ATCO.B.030). It is also important to underline that it has work related topics which means it is not a regular English test (ICAO doc 9835). In order to comply with these requirements USCA believes it is important to have current or former air traffic controllers in the assessment team.</p> <p>(a) <i>It is essential that the persons responsible for language proficiency assessment are suitably trained and qualified. They should be <del>either aviation specialists (e.g. current or former air traffic controllers)</del> or language specialists with additional aviation-related training. The preferred approach for an assessment would be to form a team consisting of an operational expert and a language expert.</i></p>	
response	Not accepted	
	<p>While it is accepted, also by the commentator, that language specialists with additional aviation-related training are suitably qualified to conduct the language proficiency assessment, it is not understood based on what justification aviation specialists not being current or former air traffic controllers should not be suitable for the subject task. Therefore, the comment is not accepted.</p>	

comment	988	comment by: ICEATCA
	<p>ICEATCA thinks that persons responsible for language proficiency assessment should be current or former air traffic controllers, "aviation specialists" should be deleted.</p>	
response	Not accepted	
	<p>While it is accepted, also by the commentator, that language specialists with additional aviation-related training are suitably qualified to conduct the language proficiency assessment, it is not understood based on what justification aviation specialists not being current or former air traffic controllers should not be suitable for the subject task. Therefore, the comment is not accepted.</p>	

comment	1085	comment by: <i>Civil Aviation Authority Norway</i>
	<p>We disagree.</p> <p>The method should be established by the language assessment body and approved by the competent authority.</p> <p>Reference to ATCO.AR.A.010</p>	
response	<i>Accepted</i>	

comment	1132	comment by: <i>Danish Transport Authority, Personnel licensing office</i>
	<p>ATCO.B.040: We disagree with (a). The method and the process should be decided/established by the language assessment body and approved by the competent authority.</p>	
response	<i>Accepted</i>	

comment	1147	comment by: <i>DSAC - French NSA</i>
	<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 approved by the competent authority, which shall contain: <u>Justification</u></p> <ul style="list-style-type: none"> <li>- No explanation is given to a change from "approval" in regulation n°805/2011 to "establishment" in the NPA for the language proficiency assessment.</li> <li>- 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...</li> <li>- 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.</li> </ul>	
response	<i>Accepted</i>	

comment	1155	comment by: <i>comments provided on behalf of FIT/CISL italian trade</i>
---------	------	--



	<p style="text-align: right;"><i>union</i></p> <p>The regulation n.º 805/2011 already included the obligation for the Competent Authority to approve the method of assessment. This EASA proposal changes the procedure in force, putting further burden to the Competent Authorities and deteriorating their already difficult situation about human and financial resources without bringing any added value.</p> <p>FIT/CISL prefers to maintain the previous provision proposing to change it as follows:</p> <p>"The demonstration of language proficiency shall be done through a method of assessment <del>established</del> <u>approved</u> by the competent authority, which shall contain:"</p>
response	<i>Accepted</i>
	<p>1245 <span style="float: right;">comment by: ENAV</span></p> <p>The demonstration of language proficiency shall be done through a method of assessment <b>approved</b> <del>established</del> by the competent authority</p> <p>Comment: If the endorsement has expired, then it is a renewal, not a revalidation.</p> <p>Addition of the validity period to harmonise with (b) and (c).</p>
response	<i>Accepted</i>
	<p>1258 <span style="float: right;">comment by: ENAV</span></p> <p>Assessment of the language proficiency</p> <p>Incorporate relevant ICAO requirements into EU legislation with regard to the language assessment bodies</p> <p><b>Reference Doc 9835</b></p> <p>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</p>

in order to facilitate and strengthen the establishment of uniform language testing and assessment criteria. Introducing their mandatory application and ensuring their uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.

comment

1265

comment by: *Aura MARCULESCU*

Reference: ATCO.B.040

Proposal:

The demonstration of language proficiency shall be done through a method of assessment ~~established~~ **approved** by the competent authority, ~~which shall contain:~~

~~(a) the process by which an assessment is done;~~

~~(b) the requirements for organisations conducting assessments;~~

~~(c) the qualification of the assessors; and~~

Justification:

The language proficiency is assessed by a method of assessment which has been approved by the Competent Authority.

response

*Accepted*

comment

1276

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

**ATCO.B.040 Assessment of language proficiency** – The method of assessment should be established by the assessment body and approved by the competent authority or be established by the competent authority, depending on by whom the assessment is done. (ref. ATCO.AR.010 (a)(7))

response

*Accepted*

comment

1338

comment by: *Avinor ANS*

The method of assessment should be done and described by the provider of the service or at EASA level. Not the competent authority. The competent authority however will need to do this for the national LPR.

response

*Accepted*

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 1 INSTRUCTORS – ATCO.C.001 Theoretical instructors**

p. 24

comment 40 comment by: *European HF Advisory group*

Page 24

ATCO.C.001 Theoretical instructors

ATCO.C.005 Practical instructors

The requirements for both Theoretical and Practical Instructors need to include not only Instructional Skills but also knowledge and ability.

The Knowledge needs to be checked in line with the expected training i.e. if training Human factors there must be an associated knowledge confirmation.

The personnel who make the assessment must be equal to, or better than those being assessed.

response *Noted*

ATCO.C.001(b)(1) already guarantees the knowledge and experience of the theoretical instructor through the requirement to either hold an air traffic controller licence or a professional qualification appropriate to the subject being taught.

comment 57 comment by: *ENAC-FRANCE*

**ATCO.C.001.**

ENAC supports these requirements that correspond to the requirements of Basic Regulation

216-2008 Annex Vb 4(g)

*(i) Theoretical instruction shall be given by appropriately qualified instructors. They shall:*

*i. have appropriate knowledge in the field where instruction is to be given; and*

*ii. have demonstrated the ability to use appropriate instructional techniques.*

response *Accepted*

comment 76 comment by: *LPS SR*

<b>SUBPART C — REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS</b>	See proposal in general comment/proposal	A clear and explicit definition of practical and theoretical training would be beneficial.
---	--	--

response *Not accepted*

With reference to the ATCO Common Core Content Initial Training and its transposition into EU law by means of this draft Regulation and its associated AMC and GM it is clear that the objectives at taxonomy level 3 or higher are of practical nature and require, with the exception of the subject Air Traffic Management Basic (ATMB), the use of practical training method. The suggested definitions do not take this into account and cannot, therefore, be accepted. Moreover, the Agency believes that there is sufficient guidance in the training requirements, as well as regarding the privileges of instructors, and there is no further need for additional definitions.

comment 106

comment by: CAA-NL

**ATCO.C**

The privileges for assessment are set out in section 1 (ATCO.C.010 (a), ATCO.C.030 (a)) section 2 (ATCO.C.045) and even in SUBPART D (ATCO.D.030). This creates a puzzle. All assessment privileges and requirements should be joint and part of section 2 to improve readability.

response *Not accepted*

After considering the different possibilities for structuring, the Agency believes the proposal is the most appropriate solution.

comment 201

comment by: CANSO Civil Air Navigation Services Organization

CANSO recommends to develop a clear and explicit definition of practical versus theoretical training with regards to *Subpart C-requirements for instructors and assessors*.

response *Noted*

comment 269

comment by: skyguide Corporate Regulation Management

**SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS**

Wording to be developed.

A clear and explicit definition of practical versus theoretical training would be beneficial.

response *Not accepted*

With reference to the ATCO Common Core Content Initial Training and its transposition into EU law by means of this draft Regulation and its associated AMC and GM it is clear that the objectives at taxonomy level 3 or higher are of practical nature and require, with the exception of the subject Air Traffic Management Basic (ATMB), the use of practical training method. The suggested definitions do not take this into account and cannot, therefore, be accepted. Moreover, the Agency believes that there is sufficient guidance in the training requirements, as well as regarding the privileges of instructors, and there is no further need for additional definitions.

comment 348

comment by: *DSNA*

**ATCO.C.001 (b) (2).**

In some specific technical subjects, it is proved that direct training delivery by subject matter experts, with no specific instructional training is more effective than indirect teaching by an approved instructor. Therefore, article (b)(2) has to be optional when it comes to specific matters, such as technical systems, or specific conferences.

response *Not accepted*

Although what has been stated through the comment may be correct, the intention of ATCO.C.001(b)(2) is that the instructor demonstrates instructional skills to the training organisation, which is necessary to assure the adequacy of the instructor with regard to the subject being taught.

comment 436

comment by: *HungaroControl*

**SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS:  
The definitions of practical and theoretical training would be useful.**

response *Not accepted*

With reference to the ATCO Common Core Content Initial Training and its transposition into EU law by means of this draft Regulation and its associated AMC and GM it is clear that the objectives at taxonomy level 3 or higher are of practical nature and require, with the exception of the subject Air Traffic Management Basic (ATMB), the use of practical training method. The suggested definitions do not take this into account and cannot, therefore, be accepted. Moreover, the Agency believes that there is sufficient guidance in the training requirements, as well as regarding the privileges of instructors, and there is no

further need for additional definitions.

comment 562

comment by: Maastricht UAC

<p><b>ATCO.C.001(b)(1)</b> Theoretical Instructors</p>	<p>There are many situations where it will not practicable to hold a <b>professional qualification</b>. E.g. can an ATSEP with only in-house training from the ANSP teach the Systems and Equipment subject if he/she does not have a degree or diploma despite being the acknowledged expert? Can a non-ATCO “human factors expert” teach human factors or TRM without a related degree? Which pilot qualifications are acceptable to teach emergency situations?</p>	<p>Either remove this requirement entirely and allow the Training Organisation to justify its selection of staff to its NSA or provide GM on what qualifications are appropriate.</p>
--	--	---

response *Not accepted*

As the GM related to this provision states, several qualifications could be appropriate to the subject as long as they are relevant to the subject and its application in air traffic control.

comment 564

comment by: Maastricht UAC

<p><b>ATCO.C.001(b)(2)</b> Theoretical Instructors</p>	<p>Clarity is needed on what is meant by the word “demonstrated”. Does it mean that each theoretical instructor must be subject to a practical assessment of their instructional skills by</p>	<p>Provide GM to explain what is meant by 'demonstrated'.</p>
--	--	---

	<p>the training organisation? Does it mean that the theoretical instructor needs only produce evidence of an educational qualification?</p>	
--	---	--

response *Not accepted*

The Agency believes that the word 'demonstrated' is sufficiently clear and that no GM is needed. It is the training organisations' task to demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.

comment 657

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<p><b>ATCO.C.001(b)(1)</b> Theoretical Instructors</p>	<p>There are many situations where it will not be practicable to hold a <b>professional qualification</b>. E.g. can an ATSEP with only in-house training from the ANSP teach the Systems and Equipment subject if he/she does not have a degree or diploma despite being the acknowledged expert? Can a non-ATCO "human factors expert" teach human factors or TRM without a related degree? Which pilot qualifications are acceptable to teach emergency situations?</p>	<p>Either remove this requirement entirely and allow the Training Organisation to justify its selection of staff to its NSA or provide GM on what qualifications are appropriate.</p>

response *Accepted*

The comment is accepted and the text is revised.

comment 658

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<b>ATCO.C.001(b)(2)</b> Theoretical Instructors	Clarity is needed on what is meant by the word “demonstrated”. Does it mean that each theoretical instructor must be subject to a practical assessment of their instructional skills by the training organisation? Does it mean that the theoretical instructor needs only produce evidence of an educational qualification?	Provide GM to explain what is meant by 'demonstrated'.

response *Not accepted*

The Agency believes that the word 'demonstrated' is sufficiently clear and that no GM is needed. It is the training organisations' task to demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.

comment 673

comment by: *AESA / DSANA*

<b>PART</b>	<b>COMMENT</b>	<b>JUSTIFICATION</b>



ATCO.C.001(b)(2)	How are those instructional skills demonstrated?	A common set of requirements has to be established within the regulation in order to ensure a common understanding and avoid divergence between qualification levels for theoretical instructors throughout the different FABs / States in order to facilitate the smooth circulation of instructors within Europe
------------------	--	--

response *Noted*

The Agency believes that the word 'demonstrated' is sufficiently clear and that no GM is needed. It is the training organisations' task to demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.

comment 790

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.C.001 Theoretical instructors</a>	1. A theoretical instructor is appropriately qualified if he/she:  (a) holds or has held an air traffic controller licence <del>with a unit endorsement in the relevant rating</del> and/or holds a professional qualification appropriate to the subject being taught, and	No need for distinction for the rating, especially when the other option says in not even necessary to be a controller. If theoretical training is intended to be part of basic training (most commonly) then there is again, no need for distinction.  Taking a look at GM1 ATCO.C.001 (b) (1) it is not coherent, since a rating is considered relevant (in the IR article) and the AMCs don't consider it as such.
	1. Holders of an OJTI endorsement shall only exercise the privileges of	Need to fix a period for those 2 years of experience.  For the six months period of

	<p>the endorsement if they have:</p> <p>(a) at least two years' experience in the rating they will instruct in within the previous <b>x</b> years prior to the application of the endorsement; and</p> <p>(b) an immediately preceding period of at least six months of experience working continuously in the corresponding valid unit endorsement; and</p>	<p>experience, it should be stated that the intention is not to be "six months since the ATCO obtained the unit endorsement" but six months of real experience (working). Maybe the chosen wording is not appropriate, but the idea is what has been stated.</p> <p>We understand by "continuously" the following: 50% percentage of the aeronautical average work day in the six-month period.</p>
--	--	---

response *Partially accepted*

ATCO.C.001

Accepted.

The second part of the comment does not apply to this provision. In any case, the Agency does not consider the possibility of amending the proposed text as requested.

comment

<p>837</p> <p>Attachment <a href="#">#11</a></p> <p><b>ATCO.C.001</b> <b>Comment:</b></p> <p><b>ATCEUC</b> proposes to include an AMC to increase the quality of classroom lessons because it is well known that a good domain of classroom technical skills increases successfully the final results in theoretical training.</p> <p><b>AMC2 ATCO.C.001(b)(2) new text</b></p> <p>The theoretical instructor should have successfully completed an instructional</p>	<p>comment by: <i>ATCEUC- Air Traffic Controllers European Unions Coordination</i></p>
---	--

	classroom techniques course.
response	<p><i>Not accepted</i></p> <p>The proposed text already includes the need for the theoretical instructor to demonstrate instructional skills. It is the training organisations' task to demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.</p>
comment	<p>861 <span style="float: right;">comment by: <i>Federazione ATM-PP</i></span></p> <p>Federazione ATM-PP proposal is to change point (b) (2) in:  <i>has demonstrated instructional skills to the training organization and, if he/she holds or has held an air traffic control licence, should have successfully completed an instructional classroom techniques course.</i>          To have best results in theoretical instruction</p>
response	<p><i>Not accepted</i></p> <p>The proposed text already includes the need for the theoretical instructor to demonstrate instructional skills. It is the training organisations' task to demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.</p>
comment	<p>900 <span style="float: right;">comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></span></p> <p>ATCO.C.001(b)(2)          According to the Basic Regulation the requirements for the theoretical instructors are to have knowledge in the field and ability to use instructional techniques. The second requirement is supposed to be handled by the training organisation through a demonstration of competence in those areas described in the AMC1 ATCO.C.001(b)(2). But no requirement is set on who will assess those competencies. And if the objective is to have harmonised initial training, how is it going to be achieved with this kind of requirements for those who instruct? There is a need to guarantee the theoretical instructors ability to use instructional techniques and it can only be accomplished via a classroom instructional techniques course, as it was being done so far, or via an equivalent course for the holders of a professional qualification appropriate to the subject being taught. <b>SINCTA</b> strongly believes this is an important added value.          Proposed text:  <u>AMC2 ATCO.C.001(b)(2)</u>  <u>The theoretical instructor should have successfully completed an instructional classroom techniques course.</u></p>
response	<p><i>Not accepted</i></p> <p>The proposed text already includes the need for the theoretical instructor to demonstrate instructional skills. It is the training organisations' task to</p>

demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.

comment 961

comment by: USCA

### ATCO.C.001

According to the BR the requirements for the theoretical instructors are to have knowledge in the field and ability to use instructional techniques. The second requirement is supposed to be handled by the training organisation through a demonstration of competence in those areas described in the AMC1 ATCO.C.001(b)(2). But no requirement is set on who will assess those competencies. There is a need to guarantee the theoretical instructors ability to use instructional techniques and it can only be accomplished via a classroom instructional techniques course, as it was being done so far or via an equivalent course for the holders of a professional qualification appropriate to the subject being taught.

USCA proposes to change **AMC1 ATCO.C.001(b)(2)**

~~A successful demonstration of instructional skills for theoretical instructors should establish competence in the following areas: The theoretical instructor should have successfully completed an instructional classroom techniques course that ensures at least that:~~

- (a) lesson objectives are defined and communicated;*
- (b) subject questions are fully answered;*
- (c) visual aids are used appropriately;*
- (d) language is unambiguous;*
- (e) the lesson is correctly summarised;*
- (f) lesson objectives are fulfilled.*

response *Not accepted*

The proposed text already includes the need for the theoretical instructor to demonstrate instructional skills. It is the training organisations' task to demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.

comment 989

comment by: ICEATCA

ICEATCA thinks that it is important that theoretical instructors have completed an instructor classroom techniques course. This should be included.

response *Not accepted*

The proposed text already includes the need for the theoretical instructor to demonstrate instructional skills. It is the training organisations' task to

demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.

comment 1194

comment by: *Entry Point North*

ATCO.C.001 (b) – it is highly appreciated that it is clarified that a theoretical instructor can hold professional qualification to the subject other than holding or having held an ATCO licence, e.g. a meteorologist can teach MET, a pilot can teach NAV etc. On the other hand I think it is confusing that the GM states “for basic training any rating is considered relevant”, implying that there should be an ATC license involved anyway? I strongly think one can hold professional competence in specific subjects from elsewhere without holding/having held an ATCO license.

response *Partially accepted*

The text of ATCO.C.001(b) is revised and so is the text of GM1 ATCO.C.001(b)(1) in order to assist understanding.

comment 1206

comment by: *EUROCONTROL*

ATCO.C.001 (b) (1):  
Suggest to provide GM on what constitutes acceptable “professional qualifications”.

response *Noted*

GM to this subject has already been provided in the NPA.

comment 1207

comment by: *EUROCONTROL*

ATCO.C.001 (b) (2):  
Provide GM on how to understand this requirement to clarify how this demonstration can be done, maybe including the knowledge level of the person evaluating the competence.

response *Not accepted*

The proposed text already includes the need for the theoretical instructor to demonstrate instructional skills. It is the training organisations’ task to demonstrate how they intend to fulfil the provisions set in this requirement, and the competent authority to approve the procedure.

comment	<p>1269</p> <p style="text-align: right;">comment by: ENAV</p> <p><b>REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS</b>                  Wording to be developed</p> <p>Comment: A clear and explicit definition of practical versus theoretical training would be beneficial.</p>
response	<p><i>Not accepted</i></p> <p>With reference to the ATCO Common Core Content Initial Training and its transposition into EU law by means of this draft Regulation and its associated AMC and GM it is clear that the objectives at taxonomy level 3 or higher are of practical nature and require, with the exception of the subject Air Traffic Management Basic (ATMB), the use of practical training method. The suggested definitions do not take this into account and cannot, therefore, be accepted. Moreover, the Agency believes that there is sufficient guidance in the training requirements, as well as regarding the privileges of instructors, and there is no further need for additional definitions.</p>

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 1 INSTRUCTORS – ATCO.C.005 Practical instructors** p. 24

comment	<p>567</p> <p style="text-align: right;">comment by: Maastricht UAC</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;"> <p><b>ATCO.C.005</b> practical instruction</p> </td> <td style="width: 33%; padding: 5px;"> <p>Requiring an OJTI or STDI even for PTT places a major cost / resource burden on the training organisation (see previous comments)</p> </td> <td style="width: 33%; padding: 5px;"> <p>Make clear in the regulation that an OJTI or STDI is only required for a simulator (or OJT with an OJTI) and not for a PTT</p> </td> </tr> </table>	<p><b>ATCO.C.005</b> practical instruction</p>	<p>Requiring an OJTI or STDI even for PTT places a major cost / resource burden on the training organisation (see previous comments)</p>	<p>Make clear in the regulation that an OJTI or STDI is only required for a simulator (or OJT with an OJTI) and not for a PTT</p>
<p><b>ATCO.C.005</b> practical instruction</p>	<p>Requiring an OJTI or STDI even for PTT places a major cost / resource burden on the training organisation (see previous comments)</p>	<p>Make clear in the regulation that an OJTI or STDI is only required for a simulator (or OJT with an OJTI) and not for a PTT</p>		
response	<p><i>Accepted</i></p> <p>The use of the STD does not prejudice whether the training is considered theoretical or practical. It is the nature of the training which provides the decisive aspect as to whether there is a need to involve STDIs. Moreover, the privileges of the STDI endorsement are reformulated in order to clarify that it authorises to provide practical training on simulators and part-task trainers for</p>			

subjects of practical nature during initial training, and for unit training other than OJT, as well as for continuation training.

comment 659

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
ATCO.C.005 practical instruction	Requiring an OJTI or STDI even for PTT places a major cost / resource burden on the training organisation (see previous comments)	Make clear in the regulation that an OJTI or STDI is only required for a simulator (or OJT with an OJTI) and not for a PTT

response *Accepted*

The use of the STD does not prejudge whether the training is considered theoretical or practical. It is the nature of the training which provides the decisive aspect as to whether there is a need to involve STDIs. Moreover, the privileges of the STDI endorsement are reformulated in order to clarify that it authorises to provide practical training on simulators and part-task trainers for subjects of practical nature during initial training, and for unit training other than OJT, as well as for continuation training.

comment 1195

comment by: *Entry Point North*

ATCO.C.005 – where to prove an STDI endorsement qualification if a person doesn't hold any license to attach it to? This comment is connected to comments for ATCO.C.030 (b) below.

response *Accepted*

The comment is accepted and the text is revised.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 1 INSTRUCTORS – ATCO.C.010 On-the-job training instructor (OJTI) privileges and ATCO.C.015 Application for on-the-job training instructor endorsement** p. 25

comment 31 comment by: LfV

Ref ATCO.C.015 (c)  
 To be better in line with the basic rules the following is suggested:  
 "have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and appropriately assessed, using theoretical and practical methods within the year preceding the application."

response *Accepted*

comment 32 comment by: LfV

Ref ATCO.C.010 (a)  
 How to assess is part of what is taught in the instructional techniques course and performance assessment is part of the daily task of every OJTI. To require additional assessor training for OJTIs are superfluous with no added value.

response *Accepted*

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

comment 77 comment by: LPS SR

<b>ATCO.C.010 On-the-job training instructor (OJTI) privileges (a)</b>	Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills for the grant of a	OJTI needs to have an assessor course for any assessment leading to the grant of a student ATCO licence. This should be added in the provision, because there can be a misunderstanding, when OJTI assess/check the performance of the student on a daily basis (not for the grant of student ATCO licence). This is one of OJTI tasks. The course for OJTI should already include "how to assess". So,
--	--	---



	<p>student ATCO licence during initial training, provided that the OJTI has successfully completed approved assessor training</p>	<p>requirement for an additional assessor course for OJTI assessing in initial training is not necessary.</p>
--	---	---

response *Accepted*

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

comment 107

comment by: CAA-NL

**ATCO.C.010.(a)**

The privilege to assess practical skills depends on the completion of the assessor training. This requirement and privilege should be part of section 2.

response *Not accepted*

Section 2 refers to assessors (air traffic controllers holding assessor endorsement), and since OJTIs with no assessor endorsement are treated under Section 1, the Agency has considered that the proposed structure is the most appropriate.

comment 161

comment by: NAVIAIR

ATCO.c.010 (b)(2) & (b)(3):

The writing in this paragraph (2) is unflexible in cases where a holder of an OJTI endorsement has lost his valid unit endorsement for a very brief moment. Some form of exemption would be appreciated, for example; if the period of time where the license holder has not exercised his privileges is shorter than 6 months, then his right of working as an OJTI should still be valid

It is not clear enough what is meant in this paragraph (3). Do you need to have different OJTI-courses for different ratings? Ex a TWR-OJTI-course, RAD-OJTI-course? In that case, we don't see the need or relevance of paragraph (3)

response *Not accepted*

ATCO.C.010(b)(2)  
After considering the different possibilities and opinions, the Agency has considered it necessary to have recent and current experience in the unit. Therefore, the proposed text is considered appropriate.

ATCO.C.010(b)(3)  
The proposed text refers to the procedures that are going to be taught. No different OJTI courses are needed or exist.

comment *162* comment by: NAVIAIR

ATCO.c.015 (b):  
"Immediately preceding" is very unflexible. Suggest "**accumulated** preceding"

response *Not accepted*

ATCO.C.010(b)(2)  
After considering the different possibilities and opinions, the Agency has considered it necessary to have recent and current experience in the unit. Therefore, the proposed text is considered appropriate.

comment *181* comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change on ATCO.C.15 (c):  
*have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and appropriately assessed, using theoretical and practical methods within the year preceding the application.*  
Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the Competent Authority, to approve an appropriate method / process. This is in line with the BR requirements.

response *Accepted*

comment *182* comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change on ATCO.C.10 (a) On-the-job training instructor (OJTI) privileges  
*Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills for the grant of a student ATCO licence during initial training, provided that the OJTI has successfully completed approved assessor*

	<p><i>training</i> OJTI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for OJTI assessing in initial training is superfluous. However, it is important that the OJTI have done an assessor course for any assessment leading to the grant of a student ATCO licence.</p>
response	<p><i>Partially accepted</i></p> <p>The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments. It is understood that the comment is in line with this statement.</p>
comment	<p>198 <span style="float: right;">comment by: Finnish Transport Safety Agency</span></p> <p><u>ATCO.C.015 Application for on-the-job training instructor endorsement</u></p> <p><i>(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught and assessed using theoretical and practical methods within the year preceding the application.</i></p> <p><u>Comment:</u> Editorial – this sentence is difficult to read. New proposal: have successfully, within the year preceding the application, completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught and assessed using theoretical and practical methods.</p>
response	<p><i>Accepted</i></p> <p>The text is revised.</p>
comment	<p>270 <span style="float: right;">comment by: ICAA</span></p> <p><u>ATCO.C.010 On-the-job training instructor (OJTI) privileges</u></p> <p><u>(b) (3) this requirement is too "open" ie. what does this mean? is this necessary considering the corresponding requirements for the validity of the OJTI endorsement?</u></p>
response	<p><i>Noted</i></p> <p>The proposed text refers to the procedures that are going to be taught.</p>

comment	272 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span>
	<p><b>ATCO.C.010(a)</b>  Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills for the grant of a student ATCO licence during initial training, provided that the OJTI has successfully completed approved assessor training.</p> <p>As one of the tasks of OJTI is to assess the student / trainee every time they are working under their supervision, the instructional techniques course should include "how to assess". Requiring an additional assessor course for initial training is superfluous. However, the OJTI need to have done the assessor course for any assessment that will grant the student ATCO licence.</p>
response	<p><i>Partially accepted</i></p> <p>The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.</p>
comment	273 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span>
	<p><b>ATCO.C.015</b>  (b) have exercised the privileges of an air traffic controller licence for an immediately preceding period of at least <del>two</del> <b>one</b> years. 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;  805/2011 says 1 year and the BR does not state a duration so there is not need to go further than 805/2011.</p> <p>(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught <b>using theoretical and practical methods</b>, and <b>appropriately</b> assessed, <del>using theoretical and practical methods</del> within the year preceding the application.  Instructional techniques courses should use both theoretical and practical methods, but it is up to the training organisation to propose the appropriate method / process for assessment. This is in line with the BR216 Where the instructional techniques course will use both.</p>
response	<p><i>Partially accepted</i></p> <p>(b) After analysis at the review meetings and taking into account other comments, the Agency believes that the 2-year period should remain as proposed. However, the competent authority could shorten the period when requested by the training organisation.</p> <p>(c) The text is revised and the sentence 'using theoretical and practical methods' is removed.</p>

comment

349

comment by: DSNA

**ATCO.C.010 (b) (1).**Comment:

Since the implementation of the ATCO license in France (2008), the minimum period of experience requested to become an OJTI was one year on major airports or en-route centers. This one-year experience criteria proved to be safe. There is no scientific arguments to prove that extending this period to 2 years would be safer, whereas this extension will create unnecessary blocking situations (e.g. important number of trainees that could efficiently be trained by OJTI with 1 year experience, small units with not enough OJTI with the 2 years experience...etc)

Proposal :

We proposed to keep the 1-year experience criteria, like in regulation 805/2011.

response

*Not accepted*

After considering the different options, and based on different opinions and criteria, the Agency decided to keep the text as it was proposed.

comment

350

comment by: DSNA

**ATCO.C.015 (b).**Comment:

Since the implementation of the ATCO license in France (2008), the minimum period of experience requested to become an OJTI was one year on major airports or en-route centers. This one-year experience criteria proved to be safe. There is no scientific arguments to prove that extending this period to 2 years would be safer, whereas this extension will create unnecessary blocking situations (e.g. important number of trainees that could efficiently be trained by OJTI with 1 year experience, small units with not enough OJTI with the 2 years experience...etc)

Proposal :

We proposed to keep the 1-year experience criteria, like in regulation 805/2011.

response

*Not accepted*

After considering the different options, and based on different opinions and criteria, the Agency decided to keep the text as it was proposed.

comment	<p>385 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.C.010 (a) and ATCO.B.001 (a) Neither of these Articles specifically state who remains responsible for the safety of the ATC service provided. Article ATCO.B.001 (a) states 'under the supervision' and ATCO.C.010 (a) states the OJTI provides supervision but neither of them refers to responsibility for the safety of the service. Suggest additional wording to ATCO.C.010: Insert new ATCO.C.010 (b): 'An OJTI who is providing supervision shall remain responsible for the safety of the service being provided'. Paragraph (b) becomes (c) and paragraph (c) becomes (d).</p>
response	<p><i>Not accepted</i></p> <p>The scope and subject matter of this draft Regulation in this regard is limited to the issues concerning the licensing and medical certification of air traffic controllers. The referenced provisions define the privileges of the given licence or endorsement. Thus, they are not purposed to define the person responsible for the safety of the service provided.</p>
comment	<p>419 <span style="float: right;">comment by: CAA-NL</span></p> <p><a href="#">ATCO.C.015 - Application for On-the-Job-Training Instructor endorsement</a> COMMENTS: paragraph (c) of his rule is multi interpretable. ALTERNATIVE PROPOSAL: where the instructional technique course will use both theoretical and practical methods, it should be up to the training organization to propose, and the competent authority to approve appropriately.</p>
response	<p><i>Accepted</i></p> <p>The text is revised and the reference to the sentence 'using theoretical and practical methods' is removed.</p>
comment	<p>433 <span style="float: right;">comment by: HungaroControl</span></p> <p><b>ATCO.C.015 Application for on-the-job training instructor endorsement (c):</b> have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught <b>using theoretical and practical methods</b>, and <b>appropriately</b> assessed, <del>using theoretical and practical methods</del> within the year preceding the application. Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the CA, to approve an appropriate method / process. This is in line with the BR requirements.</p>
response	<p><i>Accepted</i></p>

comment	<p data-bbox="352 210 411 241">434</p> <p data-bbox="1038 210 1447 241" style="text-align: right;">comment by: <i>HungaroControl</i></p> <p data-bbox="352 297 1326 329"><b>ATCO.C.010 On-the-job training instructor (OJTI) privileges (a):</b></p> <p data-bbox="352 329 1447 521">Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills <b>for the grant of a student ATCO licence</b> during initial training, provided that the OJTI has successfully completed approved assessor training</p> <p data-bbox="352 521 1447 589">This requirement should be applicable for those OJTIs only who assess practical skills for the grant of a student ATCO licence.</p> <p data-bbox="352 589 1018 620">The OJTI course usually covers the assessments.</p>
response	<p data-bbox="352 640 596 672"><i>Partially accepted</i></p> <p data-bbox="352 728 1447 857">The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.</p>
comment	<p data-bbox="352 947 411 978">468</p> <p data-bbox="1174 947 1447 978" style="text-align: right;">comment by: <i>NUAC</i></p> <p data-bbox="352 1034 596 1066">ATCO.C.010 b (2)</p> <p data-bbox="352 1066 1447 1229">The writing in this paragraph (2) is too un-flexible in cases where a holder of an OJTI endorsement has lost his valid unit endorsement for a very brief moment. Some form of exemption would be appreciated, for example; if the period of time where the license holder has not exercised his privileges is shorter than 6 months, then his right of working as an OJTI should still be valid</p> <p data-bbox="352 1229 1447 1326">It is not clear enough what is meant in this paragraph (3). Do you need to have different OJTI-courses for different ratings? Ex a TWR-OJTI-course, RAD-OJTI-course? In that case, we don't see the need or relevance of paragraph (3)</p> <p data-bbox="352 1326 655 1357">Proposal for new text:</p> <p data-bbox="352 1357 1447 1422">Holders of an OJTI endorsement shall only exercise the privileges of the endorsement if they have:</p> <p data-bbox="352 1422 1447 1583">(1) at least two years' experience in the rating they will instruct in; and (2) an immediately preceding period of at least six months experience in the corresponding valid unit endorsement; and (3) practised instructional skills in those procedures in which it is intended to provide instruction.</p> <p data-bbox="352 1583 571 1615">ATCO.C.015 (b)</p> <p data-bbox="352 1615 1417 1646">"Immediately preceding" is too un-flexible. Suggest "<b>accumulated</b> preceding"</p> <p data-bbox="352 1646 655 1677">Proposal for new text:</p> <p data-bbox="352 1677 1086 1709">Applicants for the issue of an OJTI endorsement shall:</p> <p data-bbox="352 1709 1447 2000">(a) hold an air traffic controller licence with a valid unit endorsement; (b) have exercised the privileges of an air traffic controller licence for an <b>accumulated preceding</b> <del>immediately preceding</del> period of at least two years. 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; (c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught and assessed using theoretical and practical methods within the year preceding the application.</p>

response *Not accepted*

After considering the different possibilities and opinions, the Agency has considered it necessary to have recent and current experience in the unit. Therefore, the proposed text is considered appropriate.

comment 504

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 2-year period is maintained as originally 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 505

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 2-year period is maintained as originally 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

568

comment by: *Maastricht UAC*

<b>ATCO.C.010(a)</b> OJTI	OJTIs assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for OJTI assessing in initial training is superfluous.	<b>Proposed text:</b> Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills during initial training. <del>provided that the OJTI has successfully completed approved assessor training</del>
------------------------------	---	--

response

*Partially accepted*

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

comment

660

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
ATCO.C.010(a) OJTI	OJTIs assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for OJTI assessing in initial training is superfluous.	<b>Proposed text:</b> Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills during initial training. <del>provided that the OJTI has successfully completed approved assessor training</del>

response *Partially accepted*

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

comment 674

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.C.015(b)	The minimum number of hours having exercised the privileges of an OJTI endorsement should be the 50 % percentage of the aeronautical average work day.	
ATCO.C.015(c)	Who will approve the practical instructions techniques course: the competent authority or EASA?	It is important to establish a common procedure for this approval in order to facilitate a clear standard towards a smooth circulation of staff within Europe

response *Not accepted*

ATCO.C.015(b)

The provision does not state the number of hours during which the person should have exercised the privileges of the OJTI endorsement but the experience the air traffic controller shall have in order to be granted with an OJTI endorsement.

ATCO.C.015(c)

The course is meant to be approved by the competent authority nominated in accordance with Article 4.

comment 754

comment by: UK CAA

**Page No:** 25

**Paragraph No:** ATCO.C.010

**Comment:** The paragraph states:

*"(a) Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions, where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills during initial training, provided that the OJTI has successfully completed approved assessor training."*

The requirement for OJTIs to have an 'Assessor' endorsement in order to evaluate student progress is considered over-proscriptive. If enacted, this will have a significant impact in the UK, as personnel who conduct such evaluation will need to gain an EASA Assessor endorsement.

**Justification:** The UK has a long standing system established as part of unit training, where a nominated individual, conducts evaluation of a student's progress and ensures standards are maintained in the Unit Training Scheme. These individuals have completed a specific UK training course ( in accordance with CAP 624 Air traffic Controllers – Performance Objectives Part 13 Unit Assessor) to allow them to 'assess' and, a Verifier who also has completed a specific course (in accordance with CAP 624 Air traffic Controllers – Performance Objectives Part 14 Verifier) which allow the verifier to ensure that the standards of training at the unit are being maintained and to verify the process. The tasks and responsibilities of these individuals are different to those undertaken by EASA 'Assessors' in the context of this regulation. In addition to this suggested change to the NPA, the UK acknowledges that it will probably need to change the title of these individuals to ensure that there is no confusion between the roles and responsibilities of an EASA Assessor and the UK specific 'Unit Assessor'.

**Proposed Text:** Replace paragraph (a) as follows:

*"(a) Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions, where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to evaluate practical skills during initial training, provided that the OJTI has successfully completed approved assessor training."*

response *Partially accepted*

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

comment 838 comment by: *ATCEUC- Air Traffic Controllers European Unions Coordination*

**ATCO.C.010(b)(2)**

**Comment:**

The term "corresponding" could mean similar and to avoid any doubts **ATCEUC** proposes this change:

**ATCO.C.010(b)(2) new text**

an immediately preceding period of at least six months experience in the ~~corresponding~~ valid unit endorsement in which instruction will be given

response *Accepted*

comment 848 comment by: *swissatca*

C.010 (a) OJTI is not an examiner!!!  
OJTI shall not assess a student.  
Only examiner with the respective unit licence endorsement can assess a student.

response *Partially accepted*

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

comment 862 comment by: *Federazione ATM-PP*

Federazione ATM-PP propose to change point ATCO.C.010 (b) (2) in:  
*an immediately preceding period of at least six months experience in the ~~corresponding~~ valid unit endorsement in which instruction will be given*  
To avoid misunderstanding, we think the word "corresponding" can be interpreted as "similar" and not "the same"

response *Accepted*

comment 883 comment by: *European Transport Workers Federation - ETF*

**ATCO.C.010(b)(2)**

"an immediately preceding period of at least six months experience in the ~~corresponding~~ same valid unit endorsement"

OR

"an immediately preceding period of at least six months experience in the ~~corresponding~~ valid unit endorsement in which instruction will be given"

ETF proposes to clarify this provision via an editorial change.

response *Accepted*

comment 901 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

ATCO.C.010(a)

There is no indication about who is responsible for the assessments of previous competence. **SINCTA** proposes this change.

Proposed text:

*Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills during initial training and previous competence referred in ATCO.B.001(d), ATCO.B.010(b), ATCO.B.015(e), ATCO.C.035(b) and ATCO.C.040(d)(1) in the validated ratings, provided that the OJTI has successfully completed approved assessor training.*

response *Accepted*

comment 902 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

ATCO.C010(b)(2)

**SINCTA** proposes to clarify this provision via an editorial change and to increase the unit endorsement experience requirement to exercise the privileges of the OJTI endorsement. We believe that 6 months is a very short period of time which doesn't allow experiencing the traffic and weather seasonality of summer and winter periods.

Proposed text:

an immediately preceding period of at least ~~six months~~ one year experience in

	the <del>corresponding</del> valid unit endorsement <u>in which instruction will be given</u>
response	<p><i>Not accepted</i></p> <p>After analysing the possibilities and the comments, the Agency believes that the proposed period is suitable, so the proposal made by the commentator to change to one year is not accepted.</p>
comment	<p>935 <span style="float: right;">comment by: USAC-CGT</span></p> <p>ATCO.C.015 (b) 2 years of experience for OJTI applicants is too long in USAC-CGT's opinion. It does not allow french system to continue while no safety risk has ever been linked to current french rules.</p>
response	<p><i>Not accepted</i></p> <p>After analysing the possibilities and the comments, the Agency believes that the proposed period is suitable, so the proposal made by the commentator is not accepted.</p>
comment	<p>963 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>ATCO.C.010(a)</b></p> <p>As there is no indication about who is responsible for the assessments of previous competence USCA proposes this change: <i>(a) Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills during initial training <u>and previous competence referred in ATCO.B.001(d), ATCO.B.010(b), ATCO.B.015(e), ATCO.C.035(b) and ATCO.C.040(d)(1) in the validated ratings</u>, provided that the OJTI has successfully completed approved assessor training.</i></p>
response	<p><i>Accepted</i></p> <p>The comment is accepted and the text is revised.</p>
comment	<p>964 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>OJTI ENDORSEMENT – ATCO.C.010(b)(2)</b></p> <p><b>USCA proposes an editorial change to clarify this provision and to strongly recommends to increase the time of experience required:</b></p>

	<p>"an immediately preceding period of at least <del>six months</del> <u>one year</u> experience in the <i>corresponding valid</i> unit endorsement <u>in which instruction will be given</u>"</p>
response	<p><i>Partially accepted</i></p> <p>The text is revised, but after considering the different options and based on several opinions the Agency considers the 6-month period appropriate.</p>
comment	<p>994 <span style="float: right;">comment by: <i>Belgocontrol Training Centre</i></span></p> <p>OJTI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for OJTI assessing in initial training is superfluous. However, it is important that the OJTI have done an assessor course for any assessment leading to the grant of a student ATCO licence.</p>
response	<p><i>Partially accepted</i></p> <p>The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.</p>
comment	<p>1069 <span style="float: right;">comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></span></p> <p>In reference to the <b>ATCO.C.010(b)(2)</b> FIT/CISL proposes to clarify this provision via an editorial change to avoid a misuse of the word "corresponding":</p> <p><del>"an immediately preceding period of at least six months experience in the corresponding <b>same</b> valid unit endorsement"</del></p> <p style="text-align: center;">OR</p> <p>"an immediately preceding period of at least six months experience in the <i>corresponding</i> valid unit endorsement <u>in which instruction will be given</u>"</p>
response	<p><i>Accepted</i></p>
comment	<p>1086 <span style="float: right;">comment by: <i>Civil Aviation Authority Norway</i></span></p> <p>b) (3) -Practiced instructional skills in simulator? No GM/AMC.</p>
response	<p><i>Not accepted</i></p>

It is the training organisation's task to establish and demonstrate how the requirement is going to be met, and the competent authority's task is to approve the procedure. The Agency believes that no AMC/GM is needed with regard to this provision.

comment 1148 comment by: NATS National Air Traffic Services Limited

ATCO.C.010 On-the-job training instructor (OJTI) privileges (a)  
 OJTIs assess the performance of the student/trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include 'how to assess' for daily/periodic report writing. Therefore, requiring an additional assessor course for OJTI assessing performance for daily/periodic report writing in initial training is superfluous. However, it is important that OJTIs have done an assessor course for any assessment leading to the grant of a student ATCO licence.

Suggested amendment:

**'(a) Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills for the grant of a student ATCO licence during initial training, provided that the OJTI has successfully completed approved assessor training'**

response Partially accepted

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

comment 1150 comment by: NATS National Air Traffic Services Limited

ATCO.C.015 Application for on-the-job training instructor endorsement (c)  
 Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the Competent Authority to approve, an appropriate method and/or process. The suggested amendment aligns with the BR216 requirements.

Suggested amendment:

**'(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and assessed within the year preceding the application.'**

response Partially accepted

The text is revised.

comment 1181 comment by: Luca Valerio Falessi



**TCO.C.010 On-the-job training instructor (OJTI) privileges**

(2) an immediately preceding period of at least six months experience in the same corresponding valid unit endorsement; and

**JUSTIFICATION**

It must be clear that the six months refers to the same unit endorsement of the trainee.

response *Partially accepted*

The text is revised.

comment

1182

comment by: *Luca Valerio Falessi*

**ATCO.C.010 On-the-job training instructor (OJTI) privileges**

Add the following point d:

**(d) The period of six months referred to in paragraph (b)(2) can be shortened or removed by the ATSU competent authority in case of activation of new ATSUs/Sectors or severe and unplanned shortage of controllers. The Competent Authority may pose additional requirements to ensure an acceptable level of safety.**

**JUSTIFICATION**

This new para is needed in order to manage within the rule two biasci cases:

a) the activation of new Units or sectors;

b) in small units, the sudden unavailability of OJTI (i.e. lottery win or, less happily, sudden loss of medical certification)

response *Not accepted*

For the special cases referred to in the comment, the IR includes the 'temporary OJTI authorisation'. Therefore, the Agency considers that there is no need to amend the article for that purpose.

comment

1199

comment by: *Entry Point North*

ATCO.C.015 (c) – our suggestion is to also state that Eurocontrol Guidelines for OJTI should be the approved practical techniques course to be mandatory for OJTI endorsement.

response	<p><i>Not accepted</i></p> <p>EUROCONTROL's Guidelines for ATCO Development Training — OJTI Course Syllabus Edition 2.0, 27/08/2009, is suggested as Guidance Material in GM1 ATCO.D.095. The Agency believes that it is not suitable to impose this course at IR level.</p>
comment	<p>1208 <span style="float: right;">comment by: EUROCONTROL</span></p> <p>ATCO.C.010 (b) (3): The requirement of ATCO.C.010 (b) (3) should be reflected also in ATCO.C.015, as an applicant should have practised the skills in the procedures in which he or she intends to instruct (and be assessed) before being issued an endorsement. The provision could then be dropped in ATCO.C.010 (b)(3) as it constitutes a requirement for application for the endorsement rather than for exercising the privilege.</p>
response	<p><i>Not accepted</i></p> <p>The intention is to meet this requirement prior to the exercise of the privileges, not to the application. It would not be possible to practise skills in the procedures when applying for an OJTI endorsement, since it could be used in any unit (provided that the corresponding requirements are met). Therefore, the Agency considers that the requirement is well placed in ATCO.C.010(b)(3).</p>
comment	<p>1209 <span style="float: right;">comment by: EUROCONTROL</span></p> <p>ATCO.C.015: The requirement of ATCO.C.010 (b) (3) should be reflected also in ATCO.C.015, as an applicant should have practised the skills in the procedures in which he or she intends to instruct before being issued an endorsement. In addition, this practice should be not only in procedures, but while exercising the privileges of the unit endorsement, before applying.</p>
response	<p><i>Not accepted</i></p> <p>The intention is to meet this requirement prior to the exercise of the privileges, not to the application. It would not be possible to practise skills in the procedures when applying for an OJTI endorsement, since it could be used in any unit (provided that the corresponding requirements are met). Therefore, the Agency considers that the requirement is well placed in ATCO.C.010(b)(3).</p>
comment	<p>1259 <span style="float: right;">comment by: ENAV</span></p> <p>(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and appropriately assessed, <del>using theoretical and practical methods</del> within the year preceding the application.</p>

	Comment: Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the CA, to approve an appropriate method / process. This is in line with the BR requirements.
response	<i>Accepted</i>

comment 1262 comment by: ENAV

**ATCO.C.010 On-the-job training instructor (OJTI) privileges (a)** Holders of an OJTI endorsement are authorised to provide practical training and supervision on operational working positions where a valid unit endorsement is held and on synthetic training devices in the relevant ratings held, as well as to assess practical skills for the grant of a student ATCO licence during initial training, provided that the OJTI has successfully completed approved assessor training

Comment: OJTI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for OJTI assessing in initial training is superfluous. However, it is important that the OJTI have done an assessor course for any assessment leading to the grant of a student ATCO licence.

response *Partially accepted*

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

comment 1270 comment by: Aura MARCULESCU

Reference: ATCO.C010 (b) (2)

Proposal:

~~(2) an immediately preceding period of at least six months experience in the corresponding **same** valid unit endorsement; and~~

Justification:

In order to avoid any confusion we propose to replace "corresponding" by "same".

response *Partially accepted*

The text is revised, although the final wording is not as proposed.

comment 1277 comment by: Swedish Transport Agency, Civil Aviation Department

(Transportstyrelsen, Luftfartsavdelningen)

**ATCO.C.010 (b)(3) On-the-job training instructor (OJTI) privileges** - The instructional skills are skills as such and the additional requirement for having practised instructional skills in those procedures in which it is intended to provide instruction is too demanding. (b)(2) covers the skills in procedures in which it is intended to provide instruction

response *Not accepted*

This provision aims at implementing the essential requirement in paragraph 4(g)(ii)iii of Annex Vb to Regulation (EC) No 216/2008, and shall remain in this proposed Regulation.

comment

1339

comment by: *Avinor ANS*

What is meant by "practised instructional skills"? Completed approved assessor training in addition to OJTI course will generate extra costs and constraints on resources.

response *Noted*

This provision aims at implementing the essential requirement in paragraph 4(g)(ii)iii of Annex Vb to Regulation (EC) No 216/2008, its practical implementation is however left to stakeholders.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 1 INSTRUCTORS – ATCO.C.020**  
**Validity of on-the-job training instructor endorsement**

p. 25-26

comment

26

comment by: *LFV*

Ref ATCO.C.020 (b)  
 Since the basic regulation only requires refresher training all other requirements should be deleted. I.e. (2), (3) and the text underneath (3) should be deleted.

response *Accepted*

comment

108

comment by: *CAA-NL*

**ATCO.C.020**

We prefer an unlimited validity of a OJTI enforcement under certain conditions,

such to avoid unnecessary administrative burdens.  
Furthermore, this article refers to *a minimum amount of time* as defined in the unit competency scheme, where article ATCO.B.025.(a).(14) refers to *the minimum number of hours to work*. Both articles should be brought in line.

To formulate this we propose the following text for the complete article:

- (a) The OJTI endorsement shall remain valid under the following conditions:
- (1) receiving approved refresher training on practical instructional skills , the interval between training shall not exceed three years; and
  - (2) either successfully passing a practical instructor competence assessment, the interval between assessments shall not exceed three years; or
  - (3) exercising the privileges of the OJTI endorsement for a minimum amount of hours to work as defined in the unit competence scheme.
- (b) If the OJTI endorsement has lost its validity, it may be revalidated by:
- (1) receiving approved refresher training on practical instructional skills; and
  - (2) successfully passing a practical instructor competence assessment, within the year preceding the application.

As a supplement to the above comment, this article is missing a requirement for renewal after the endorsement has expired for more than four years equivalent to the requirement for the STDI as set out in ATCO.C.040. Therefore we propose to add the following sub (c):

- (c) If the validity of the STDI endorsement has been lost for more than four years without exercising the privileges of the rating, the applicant shall:
- (1) fulfil all the requirements determined by an assessment of previous competence in the relevant rating(s); and
  - (2) have passed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught and assessed using theoretical and practical methods.

Further we suggest a 5 year interval after the issue or latest change of the licence to submit the licence to the competent authority that issued the licence in order to verify the information on the license and the CA file, similar to the provisions in Part 66.

response *Partially accepted*

Already now, according to the provisions of Regulation (EU) No 805/2011, the instructor endorsement and the approval of assessors are valid for a renewable period of 3 years. The Agency considers that establishing a new system of verification every 5 years in addition to the 3-year cycle of the competence assessment on instructional skills as proposed by the comment is not diminishing but rather creating more administrative burden. For these reasons the proposal for an unlimited validity is not accepted.  
The reference to the 'minimum amount of time' is deleted.

comment 163

comment by: NAVIAIR

ATCO.C.020 (b)(2) & (b)(3):

This is a very important topic about OJTI-PFC and Naviair fully support the CANSO comments

OJTI-PFC will cause ANS-providers unnecessary costs

	<p>Text: Delete (b)(2) &amp; (3)</p> <p>It may be revalidated by:</p> <p>(1) receiving approved refresher training on practical instructional skills during the validity period of the OJTI endorsement; and</p> <p><del>(2) either successfully passing a practical instructor competence assessment; or</del></p> <p><del>(3) exercising the privileges of the OJTI endorsement for a minimum amount of time as defined in the unit competence scheme.</del></p>
response	<i>Accepted</i>

comment	164	comment by: NAVIAIR
	<p>ATCO.C.020 (d):</p> <p>It would be much easier to manage and cheaper for training organisations if the validity period of the OJTI-endorsements is counted from <b>the last day in the calendar-year</b>, where the OJTI-refresher has been successfully completed.</p> <p>In big organisations with many OJTI's, this procedure will minimize costs to administration. It is important that many OJTI's have the same validity date (and we prefer the last day in the calendar-year). This means that administration personnel only have to look at the next calendar year, not at individual validity periods, and can easily have the answer to the question: "Who need to complete an OJTI-refresher next year to revalidate the OJTI-endorsement?"</p> <p>This has been the valid procedure for years in Denmark approved by Danish CAA</p>	
response	<i>Partially accepted</i>	
	<p>The text is revised and now a 30-day period starting from the date of the assessment is available to commence counting the validity period. That allows flexibility to fix the desirable date.</p>	

comment	271	comment by: skyguide Corporate Regulation Management
	<p><b>ATCO.C.020(b)(2);</b> ATCO.C.040(b)(2); ATCO.C.060(b)(2) and related in the UTP, UCS and part ATCO.OR</p> <p>b) It may be revalidated by:</p> <p><del>(1)</del> receiving approved refresher training on practical instructional skills during the validity period of the OJTI endorsement; <del>and</del></p>	

	<p><del>(2) either successfully passing a practical instructor competence assessment; or</del></p> <p><del>(3) exercising the privileges of the OJTI endorsement for a minimum amount of time as defined in the unit competence scheme.</del></p> <p>Remove all requirements except for refresher training as the BR 216 does not require anything further for the competence maintenance of the OJTI, STDI and assessors. So, by requiring assessments and a minimum number of hours, the IR goes beyond the scope of the BR216</p>
response	<i>Accepted</i>

comment	<p>274 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.C.020 (c)</b> &amp; and ATCO.C.015 renewal of OJTI endorsement when lapsed The requirement (2) is over-prescriptive and should be removed or formulated as stated in ATCO.C.015(c) An OJTI who has exercised and needs to revalidate should not need more (assessment as well as course) than a new OJTI who has never exercised before. (see also comment to ATCO.C.020; ATCO.C.040 and ATCO.C.060)</p> <p><b>ATCO.C.020 (b)</b> 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. If the assessment takes place in the year immediately preceding the expiry date, its validity period shall be counted from the date on which the assessment was successfully completed.</p> <p>This comment is only to be taken into account should the comment regarding the deletion of ATCO.C.020 (b) and (c) is not accepted. The addition lends clarity to the grace period.</p>
response	<p><i>Partially accepted</i></p> <p>ATCO.C.020(b) is revised and the reference to the assessment is removed.</p>

comment	<p>275 <span style="float: right;">comment by: <i>ICAA</i></span></p> <p><b>ATCO.C.020 Validity of on-the-job training instructor endorsement</b> It appears as if there is a possibility for inconsistency:</p> <p>An ATCO gets the OJTI endorsement in 2015 - valid until 2018</p> <p>He is scheduled for refresher training in 2017, but</p>
---------	---

	<p>successfully passes a competence assessment in</p> <p>2016....which means that the validity is extended from 2016</p> <p>until 2019....but without him having gone through refresher</p> <p>training..</p> <p>The last paragraph: if the successful practical instructor.....</p> <p>needs to be better linked with the fulfilling of item (1), ie.</p> <p>refresher training</p>	
response	<p><i>Partially accepted</i></p> <p>ATCO.C.020(b) is revised and the reference to the assessment is removed.</p>	
comment	<p>351</p> <p>comment by: DSNA</p> <p><b>ATCO.C.020 (b) (2) and (3).</b></p> <p><u>Comment</u> : (high priority comment for DSNA)</p> <p>The basic regulation requires only refresher training to maintain competence for practical instructors: <b>BR 216/2008 annex Vb(4)(g)(ii)iv.</b></p> <p>The introduction of a second condition to revalidate OJTI endorsement (either a test or an experience criteria ) is against the basic regulation, with no real cost-benefit analysis in the RIA. This will increase the overall number of assessments (see general comment #331 point 3).</p> <p><b>The second condition for revalidation (paragraphs (2) and (3)) should be removed.</b></p> <p>The requirements for the UCS should be amended accordingly (ATCO.B.025)</p>	
response	<p><i>Accepted</i></p>	



comment	<p data-bbox="355 210 411 246">470</p> <p data-bbox="1177 210 1457 246" style="text-align: right;">comment by: <i>NUAC</i></p> <p data-bbox="355 297 614 331">ATCO.C.020 (b)(2)</p> <p data-bbox="355 331 1445 394">This is a very important topic about OJTI-PFC and NUAC fully support the CANSO comments</p> <p data-bbox="355 394 1082 427">OJTI-PFC will cause ANS-providers unnecessary costs</p> <p data-bbox="355 427 655 461">Proposal for new text:</p> <p data-bbox="355 461 703 495">It may be revalidated by:</p> <p data-bbox="355 495 1445 557">(1) receiving approved refresher training on practical instructional skills during the validity period of the OJTI endorsement; and</p> <p data-bbox="355 557 1445 651"><del>(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.</del></p> <p data-bbox="355 651 571 685">ATCO.C.020 (d)</p> <p data-bbox="355 685 1445 815">It would be much easier to manage (and cheaper for training organisations) if the validity period of the OJTI-endorsements is counted from <b>the last day in the calendar-year</b>, where the OJTI-refresher has been successfully completed.</p> <p data-bbox="355 815 1445 1010">In big organisations with many OJTI's, this procedure will minimize costs to administration. It is important that many OJTI's have the same validity date (and we prefer the last day in the calendar-year). This means that administration personnel only have to look at the next calendar year, not at individual validity periods, and can easily have the answer: Who need to complete an OJTI-refresher next year to revalidate the OJTI-endorsement</p> <p data-bbox="355 1010 655 1043">Proposal for new text:</p> <p data-bbox="355 1043 1445 1106">In the case of first issue and renewal the period of validity shall be counted from the last day in the calendar-year <del>the date of issue</del></p>
response	<p data-bbox="355 1126 596 1162"><i>Partially accepted</i></p> <p data-bbox="355 1214 604 1247">ATCO.C.020(b)(2)</p> <p data-bbox="355 1247 480 1281">Accepted</p> <p data-bbox="355 1281 563 1314">ATCO.C.020(d)</p> <p data-bbox="355 1314 1445 1408">The Agency considers that the proposed text provides enough flexibility and its wording allows the competent authority to establish 'the last day in the calendar year' as the date of issue.</p>
comment	<p data-bbox="355 1496 411 1532">506</p> <p data-bbox="991 1496 1445 1532" style="text-align: right;">comment by: <i>DSAC - French NSA</i></p> <p data-bbox="355 1585 496 1619"><u>Paragraph</u></p> <p data-bbox="355 1619 520 1653">ATCO.C.020</p> <p data-bbox="355 1653 628 1686"><u>Alternative proposal</u></p> <p data-bbox="355 1686 751 1720">(b) It may be revalidated by:</p> <p data-bbox="355 1720 1445 1783">(1) receiving approved refresher training on practical instructional skills during the validity period of the OJTI endorsement; and</p> <p data-bbox="355 1783 1445 1877"><del>(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.</del></p> <p data-bbox="355 1877 1445 2007"><del>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.</del></p> <p data-bbox="355 2007 517 2040"><u>Justification</u></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.

response *Partially accepted*

ATCO.C.020(b)(2)  
 Accepted  
 ATCO.C.020(d)  
 The Agency considers that the proposed text provides enough flexibility and its wording allows the competent authority to establish 'the last day in the calendar year' as the date of issue.

comment 569 comment by: *Maastricht UAC*

<b>ATCO.C.020</b> Validity of OJTI endorsement	The provisions in this paragraph exceeds the requirements in the Basic Regulation which only requires refresher training to maintain competence	delete (b)(2) & (b)(3)
--	---	------------------------

response *Accepted*

comment 600 comment by: *DFS Deutsche Flugsicherung GmbH*

ATCO.C.020 (b) (2)  
 The basic regulation requires refresher training to maintain competence. Other measures are beyond its scope.  
 Assessment of competence bears the general disadvantage that the most essential criteria, the social competence (the interaction with the trainee) and self competence (motivation), will be shown as expected and therefore are only weak indicators. An assessment through examination/observation of the OJTI is not regarded as productive.  
 For DFS this regulation is a regression accompanied by

- raise of staff capacity (operational as well as administrative) - e.g. need to establish a new role and function to perform assessments which needs to be recruited from the operational staff,
- considerably high additional costs (e.g. to adapt the technical infrastructure):  
 - e.g. installation of a third port for headsets in the CWP (controller working position) in order to perform practical assessment,
- inflexible procedures in particular for small units: - e.g. not sufficient trainees available.

The requirement to assess or examine, where necessary, the competence of

OJTIs is better placed in the relevant Unit Competence Scheme in order to enable the ANSP to act according to their organizational and situational conditions, which allows as well alternative instruments to assess theoretical and practical skills. This would be in line with our comments on the UCS (see ATCO.B.025).  
 Proposed change to para (b):  
 (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 an ~~practical instructor competence~~ **examination or** 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~~ **examination or** 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.

response *Partially accepted*

The text is revised to remove the reference to the practical instructor competence assessment.

comment

661

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
ATCO.C.020 Validity of OJTI endorsement	The provisions in this paragraph exceeds the requirements in the Basic Regulation which only requires refresher training to maintain competence	delete (b)(2) & (b)(3)

response *Accepted*

comment

676

comment by: *AESA / DSANA*

<b>PART</b>	<b>COMMENT</b>	<b>JUSTIFICATION</b>
ATCO.C.020(b)(1)	Who will approve the refresher training?	It is important to establish a common procedure for this approval in order to

		facilitate a clear standard towards a smooth circulation of staff within Europe
ATCO.C.020(b)(2)	Who will define the refresher training?	A common set of requirements has to be established within the regulation in order to ensure a common understanding and avoid divergence between refresher training levels for OJT instructors throughout the different FABs / States in order to facilitate the smooth circulation of instructors within Europe
ATCO.C.020(b)(3)	The minimum number of hours should be established in this same regulation - related to ATCO.B.020(e)(1)	This will set a minimo-minimorum value in order to ensure a basic safety level and avoid divergence between procedures for the revalidation of OJTI endorsements in the different FABs / States and facilitates the smooth circulation of staff within Europe
ATCO.C.020(b)	What happens with the assessment if it takes place with the period of time between 2 and 3 years of the OJTI endorsement validity?	There seems to be an undefinition in case the successful practical assessment takes place in the third year of the validity. This has to be addressed for a throughout treatment of the different possibilities
ATCO.C.020(c)(1)	Who will approve the refresher training? - related to ATCO.C.020(b)(1)	It is important to establish a common procedure for this approval in order to facilitate a clear standard towards a smooth circulation of staff within Europe

response *Partially accepted*

ATCO.C.020(b)(1) and (c)(1)  
The refresher training shall be defined and included in the unit competence scheme by the training organisation, which shall be approved by the nominated

competent authority.  
ATCO.C.020(b)(3)  
The text is removed.

comment 734

comment by: FABEC

FABEC request to modify the revalidation requirements in ATCO.C.020. The basic regulation requires only refresher training to maintain competence (BR 216/2008 Annex Vb(4)(g)). All other provisions are outside the scope of BR. The requirements for the UCS should be amended accordingly (ATCO.B.025).  
(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.~~

response *Accepted*

comment 821

comment by: NATS National Air Traffic Services Limited

ATCO.C.020 (b) Validity of on-the-job training instructor endorsement  
Paragraph (b) includes the following: '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.'  
The text does not clearly state when the endorsement would be valid from if the assessment is completed within the third year of validity.  
The absence of this text leaves ambiguity as to the validity of a competence assessment made in the third year of validity  
Add further to this paragraph:  
**'If the successful practical instructor competence referred to in paragraph (b)(2) takes place within the third year of the validity, the validity of the OJTI endorsement is extended for a period of three years starting from the original date of expiry.'**

response *Partially accepted*

ATCO.C.020(b) is revised and the reference to the assessment is removed.

comment	903	comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i>
	<p>ATCO.C.020(b)  <b>SINCTA</b> believes this proposal for revalidation is well balanced and the 2 out of 3 rule is welcomed.</p>	
response	<i>Noted</i>	

comment	1098	comment by: <i>HungaroControl</i>
	<p><b>ATCO.C.020 Validity of on-the-job training instructor endorsement (b):</b>  It may be revalidated by:  (1) receiving approved refresher training on practical instructional skills during the validity period of the OJTI endorsement; <del>and</del>  (2) <del>either successfully passing a practical instructor competence assessment; or</del>  (3) <del>exercising the privileges of the OJTI endorsement for a minimum amount of time as defined in the unit competence scheme.</del>  If the <del>successful practical instructor competence assessment referred to in paragraph (b)(2)</del> 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.  <del>the minimum number of hours to work as OJTI, as well as the minimum number of assessments for an assessor to perform in order to revalidate the relevant endorsements;</del>  The basic regulation requires only refresher training to maintain competence.</p>	
response	<i>Accepted</i>	

comment	1104	comment by: <i>HungaroControl</i>
	<p><b>ATCO.C.020 Validity of on-the-job training instructor endorsement (b):</b>  If the <del>successful practical instructor competence assessment referred to in paragraph (b)(2)</del> revalidation 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. If the assessment takes place in the year immediately preceding the expiry date, its validity period shall be counted from the date on which the assessment was successfully completed  This comment is only to be taken into account should the comment regarding the deletion of ATCO.C.020 (b) and (c) is not accepted.  The addition lends clarity to the grace period.  Revalidation: see comment 41</p>	
response	<i>Accepted</i>	
	ATCO.C.020(b) is revised and the reference to the assessment is removed.	

comment	1135	comment by: HungaroControl
	<p><b>SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS:</b>  <del>(2) either successfully passing a practical instructor competence assessment; or</del>                  According to the Basic Regulation Refresher Training is sufficient to maintain competence.</p>	
response	Accepted	

comment	1278	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
	<p><b>ATCO.C.020 (b)(3) Validity of on-the-job training instructor endorsement</b>                  The OJTI endorsement is not linked to a specific unit endorsement. An ATCO can hold several valid unit endorsements. The unit competence scheme is too specific, as it is only necessary to meet this requirement at one unit, in order to get the OJTI revalidated.                  The text should be more like: "(3) exercising the privileges of the OJTI endorsement for a minimum amount of time as defined in the unit competence scheme. If the privileges of the OJTI endorsement are exercised at more than one unit, it is only necessary to fulfil this requirement as defined for one of the unit endorsements."</p>	
response	Partially accepted	
	<p>ATCO.C.020(b) is revised and the reference to the minimum amount of time for exercising the privileges of the OJTI endorsement is removed.</p>	

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 1 INSTRUCTORS – ATCO.C.025 Temporary OJTI authorisation** p. 26

comment	78	comment by: LPS SR			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 25%; vertical-align: top;"> <p><b>ATCO.C.025 Temporary OJTI authorisation (a)</b></p> </td> <td style="width: 45%; vertical-align: top;"> <p>When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a safety analysis a safety risk assessment presented by the air navigation service provider.</p> </td> <td style="width: 30%; vertical-align: top;"> <p>This enables the ANSP to differentiate between the full safety assessment and the elements enabling them to request a particular exemption, which is temporary OJTI authorization in this case</p> </td> </tr> </table>		<p><b>ATCO.C.025 Temporary OJTI authorisation (a)</b></p>	<p>When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a safety analysis a safety risk assessment presented by the air navigation service provider.</p>	<p>This enables the ANSP to differentiate between the full safety assessment and the elements enabling them to request a particular exemption, which is temporary OJTI authorization in this case</p>
<p><b>ATCO.C.025 Temporary OJTI authorisation (a)</b></p>	<p>When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a safety analysis a safety risk assessment presented by the air navigation service provider.</p>	<p>This enables the ANSP to differentiate between the full safety assessment and the elements enabling them to request a particular exemption, which is temporary OJTI authorization in this case</p>			

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 *109*

comment by: *CAA-NL*

**ATCO.C.025.(a)**

The intention of this paragraph does not seem to be completely clear from the outset, it only seems become clear after reading paragraph (c).

It is therefore proposed to already indicate in paragraph (a) that the issuance of a temporary OJTI could only be considered when introducing a new ATC service.

response *Partially accepted*

The proposed text is simplified and further clarified with AMC and GM. However, introducing a new ATC service is not the only reason which could necessitate the use of a temporary OJTI authorisation.

comment *183*

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change on ATCO.C.025 (a):

*When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a safety analysis a safety risk assessment presented by the air navigation service provider.*

This enables the ANSP to distinguish between the full safety assessment and the elements enabling them to request a particular exemption (temporary OJTI, in this case).

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 *277*

comment by: *skyguide Corporate Regulation Management*



	<p><b>ATCO.C.025 (a)</b>  ...based on a safety risk assessment presented...  or  When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a safety analysis a <del>safety risk assessment</del> presented by the air navigation service provider.  Coherence: To keep the terminology coherent with the other IRs, suggest deleting the word "risk".  This enables the ANSP to distinguish between the full safety assessment and the elements enabling them to request a particular exemption (temporary OJTI, in this case).</p>
response	<p><i>Accepted</i></p> <p>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.</p>
comment	<p>437 <span style="float: right;">comment by: <i>HungaroControl</i></span></p>
	<p><b>ATCO.C.025 Temporary OJTI authorisation (a):</b>  When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a <b>safety analysis</b> a <del>safety risk assessment</del> presented by the air navigation service provider.  This enables the ANSP to distinguish between the full safety assessment and the elements enabling them to request a particular exemption (temporary OJTI, in this case)</p>
response	<p><i>Accepted</i></p> <p>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 will be ensured and which are to be demonstrated by the safety analysis.</p>
comment	<p>603 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p>
	<p>ATCO.C.025 (a)  safety risk assessment: The notion "safety assessment" should be used only in the context with Regulation 1035/11 on changes to the ATM functional system and this clearly be identified.  We believe that this complex methodology is not intended with this requirement and suggest a different wording.  Proposal: ...issue temporary OJTI authorization based on a <b>safety analysis</b> presented by....  Reason: the use of OJTI with less experience on a rating than required is already a result of a safety assessment according to Regulation 1035/11, e.g. because it is a new unit.</p>

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

678

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.C.025(c)	We would be quite interested in knowing what was the case in mind for including this requirement	The temporary OJTI authorisation seems to respond to a specific requirement. We would welcome examples of this paragraph being applied

response

Accepted

Examples for the possible use of temporary OJTI authorisation can be found in GM1 ATCO.C.025.

comment

792

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.C.025</u></b> <b><u>Temporary</u></b> <b><u>OJTI</u></b> <b><u>authorisation</u></b>	1. Applicants for the issue of the temporary OJTI authorisation referred to in paragraph 1 shall be holders of a valid OJTI endorsement issued in accordance with ATCO.C.015 and have exercised its privileges for at least <del>one year</del> <b>x</b> hours within the last three years.	It is not possible to control experience saying "for at least one year within the last three years". That actually means "holding the OJTI endorsement within the last 3 years", while real experience cannot be checked.

response *Noted*

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

904

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

ATCO.C.025(a)

**SINCTA** understands the need of this provision but wishes to underline the importance of the safety risk assessment in order to limit its use to the situations where it's really required.

response

*Noted*

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

905

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

ATCO.C.025(b)

**SINCTA** proposes to change the text because the EASA proposal doesn't bring clarity about the need for the applicant to have a valid unit endorsement in those ratings.

It is important that the OJTIs have exercised their privileges on the relevant ratings and rating endorsements. Otherwise it would be possible, as an example, for an ACS ATCO, with the OJTI endorsement, to have a temporary OJTI authorisation for a new tower where the necessary rating was ADI.

Proposed text:

Applicants for the issue of the temporary OJTI authorisation referred to in paragraph (a) shall:

a) ~~be holders of~~ a valid OJTI endorsement issued in accordance with ATCO.C.015; ~~and~~

b) have exercised its the OJTI endorsement privileges in the relevant ratings for at least one year within the last three years; and hold a valid unit endorsement in the rating and rating endorsement in which they will instruct in.

response

*Not 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 965

comment by: USCA

#### TEMPORARY OJTI AUTHORISATION – ATCO.C.025(b)

USCA would prefer that it is made clear that the applicant needs to have a valid unit endorsement in those ratings:

*"Applicants for the issue of the temporary OJTI authorisation referred to in paragraph (a) shall:*

*a) ~~be holders of~~ a valid OJTI endorsement issued in accordance with ATCO.C.015; ~~and~~*

*b) have exercised ~~its~~ the OJTI endorsement privileges for at least one year within the last three years; ~~and~~*

*c) hold a valid unit endorsement in the rating and rating endorsement, if applicable, in which they will instruct in"*

response Not 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 1152

comment by: NATS National Air Traffic Services Limited

ATCO.C.025 Temporary OJTI authorisation (a)

The requirement for ANSPs to undertake a full safety analysis when requesting the issue of Temporary OJTI authorisation is too onerous. The suggested amendment enables the ANSP to distinguish between the full safety assessment and the elements enabling them to request a particular exemption, Temporary OJTI, in this case.

Suggested amendment:

**'(a) When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a safety analysis presented by the air navigation service provider.'**

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 1273

comment by: ENAV

**ATCO.C.025 Temporary OJTI authorisation (a)** When compliance with the requirements provided for in ATCO.C.010(b) is not possible, the competent authority may issue a temporary OJTI authorisation based on a safety analysis ~~a safety risk assessment~~ presented by the air navigation service provider.

Comment: This enables the ANSP to distinguish between the full safety assessment and the elements enabling them to request a particular exemption (temporary OJTI, in this case)

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.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 1 INSTRUCTORS – ATCO.C.030 Synthetic training device instructor (STDI) privileges and ATCO.C.035 Application for synthetic training device instructor endorsement**

p. 26

comment 33

comment by: LfV

Ref ATCO.C.030

The assessment of performance is the daily task of an STDI, also covered in instructional techniques course. To require additional assessor training is superfluous with no added value.

response *Accepted*

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

comment 34

comment by: LfV

Ref ATCO.C.030 (a)

If the STDI is excluded from pre-ojt, there is a risk that simulation activities are "removed" to transitional training. Suggestion: The STDI whois providing pre-ojt shall have hold or have held the relevant unit endorsement.

response *Accepted*

The text is revised to include the possibility for the holders of an STDI endorsement to be authorised to provide practical training during the pre-OJT phase.

comment 35 comment by: LfV

Ref ATCO.C.035 (c)  
 For an ATCO with a former OJTI endorsement, becoming STDI, there is no need for an instructional techniques course since this is a part of the OJTI endorsement course.  
 Since the instructional techniques course provides training in both theoretical and practical methods, it is better that the training organisation proposes, and the CA approves an appropriate process for assessment of skills and knowledge. In our view this is also in line with the basic rules.

response *Accepted*

The text in ATCO.C.020 is revised to introduce a new provision that covers the proposal made by the commentator with regard to 'former OJTIs'.

comment 53 comment by: Belgian NSA

ATCO. C.035 Applicants for... (a) have exercised the privileges of an air traffic controller licence in any rating for at least two years  
 In the explanatory notes this can refer to ATCOs who or no longer medically fit or retired; does this include military ATCOs working with an ESARR 5 document (in line with regulatory requirement prior the directive 23/2006) ?

response *Noted*

This proposed draft Regulation establishes the requirements to be met by those persons and organisations under its scope. The requirement refers to licences issued in accordance with this Regulation.

comment 79 comment by: LPS SR

<b>ATCO.C.030- ATCO.C.040</b>	See general comment/proposal	See general comment/proposal
-----------------------------------	------------------------------	------------------------------

response *Noted*

comment 80 comment by: LPS SR

<b>ATCO.C.030 Synthetic</b>	Holders of an STDI endorsement are	STDI needs to have an assessor course for any assessment
---------------------------------	------------------------------------	--

<p><b>training device instructor (STDI) privileges (a)</b></p>	<p>authorised to provide practical training on <b>STD simulators and part-task trainers</b> during all types of training other than <del>pre-OJT</del> and OJT in the validated ratings, as well as to assess practical skills during initial training for <b>the grant of a student ATCO licence</b>, provided that the STDI has successfully completed approved assessor training. <b>Where the STDI is providing pre-OJT, they shall have hold or have held the relevant unit endorsement</b></p>	<p>leading to the grant of a student ATCO licence. This should be added in the provision, because there can be a misunderstanding, when STDI assess/check the performance of the student on a daily basis (not for the grant of student ATCO licence). This is one of STDI tasks. The course for STDI should already include "how to assess". So, requirement for an additional assessor course for STDI assessing in initial training is not necessary. Pre-OJT should be deleted, because it is too restrictive. E.g. - An ATCO with OJTI endorsement from a unit, who cannot exercise the privileges of his/her licence due to medical reasons, may be able to instruct in pre-OJT for that specific unit.</p>
--	--	---

response *Partially accepted*

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

comment 96

comment by: CAA CZ

The CAA CZ proposes to add a new point (d) to ATCO.C.0350 as follows:  
 (d) STDI endorsement can be substituted by a certificate issued by an ATO (Approved Training Organization). This certificate authorises STDI to be involved in Basic Training only. Procedure for issuing such a certificate is a part of the management system of ATO and subject to the competent authority approval.

**Rationale**  
 Current text of NPA 2012-18 (B.I) requires for STDI to exercise the privileges of an air traffic controller licence in any rating for at least two years; STDI endorsement is put into valid/previously valid ATCO licence. In some cases it would be difficult to follow this requirement especially for training organization providing Basic Training only or for instructors providing operational functions which are divided to the part tasks training, to help the students understand those particular functions better. For example - technicians teaching systems,

response	<p>use of CBTs or other synthetic training devices for speed, heading, vectoring, phraseology, altitude, coordination, separation ... training.</p>
response	<p><i>Not accepted</i></p> <p>The use of the STD does not prejudice whether the training is considered theoretical or practical. It is the nature of the training which provides the decisive aspect as to whether there is a need to involve STDIs. Moreover, the privileges of the STDI endorsement are reformulated in order to clarify that it authorises to provide practical training on simulators and part-task trainers for subjects of practical nature during initial training, and for unit training, other than OJT, as well as for refresher and conversion training. It is also clarified at Implementing Rule level that for the purpose of the Basic Training, when it comes to the qualification of STDIs, any rating is considered appropriate.</p>
comment	<p>110 <span style="float: right;">comment by: CAA-NL</span></p>
	<p><b>ATCO.C.030.(a)</b> The privilege to assess practical skills depends on the completion of the assessor training. This requirement and privilege should be part of section 2.</p>
response	<p><i>Not accepted</i></p> <p>The text is revised and the STDI is required to hold an assessor endorsement in order to assess (the provisions in Section 2 in order to be granted with the assessor endorsement are also revised). Therefore, the Agency believes that the statement is placed in a suitable article.</p>
comment	<p>146 <span style="float: right;">comment by: ENAC-FRANCE</span></p>
	<p style="text-align: center;"><b>ATCO.C.030</b> <b><u>STDI privileges</u></b> <b><u>ATCO.C.030 Synthetic training device instructor (STDI) privileges</u></b></p> <p>(a) Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills during initial training, <b>provided that the STDI has successfully completed approved assessor training.</b></p> <p><b><u>Comment:</u></b> In order to correctly conduct the teaching they are responsible for, instructors need to have complete knowledge of the training objectives and the performance objectives the students must reach. They are in charge of continuous assessments for the students all along their training, they conduct recurrent formative evaluation and the corresponding corrective actions. The entire process therefore requires that the instructors completely master assessment skills. Therefore the assessment method is part of the instructors' instructional practices training and there is no need for a specific assessor training. Assessment is included in the instructional technique course and as stated in AMC2 ATCO.D.095 (a) (1) regarding assessment of instructional techniques for</p>



practical instructors, instructors must be assessed on their ability to “evaluate the performance of the person undertaking training”

**Proposal**

**ATCO.C.030 Synthetic training device instructor (STDI) privileges**

(a) Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills during initial training, ~~provided that the STDI has successfully completed approved assessor training~~

response *Partially accepted*

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

In any case, the text is revised and the STDI is required to hold an assessor endorsement in order to assess (the provisions in Section 2 in order to be granted with the assessor endorsement are also revised).

comment 147

comment by: ENAC-FRANCE

**ATCO.C.030**  
**STDI privileges**

(c) Holders of an STDI endorsement shall only exercise the privileges of the endorsement if they have:

(1) at least **two years’ experience in the rating they will instruct in**; and

**Comment:**

The requirement of two years’ experience in the rating taught for the purpose **of initial training** is far too demanding regarding the Basic Regulation 216-2008 and the current regulation 805-2011. The new requirements generate unjustified added difficulties for the ENAC.

Practical instructors at the ENAC have successfully completed the initial training in all the domains, and therefore have had a student licence with all the ratings. When posted at the ENAC after having been an air traffic controller in an operational unit, they have seldom validated all the ratings, and depending on their professional past they don’t have experience in all the domains they are going to instruct in.

However, we make sure they still have the knowledge and competences needed as required in ATCO.C.035 and provide them refresher training as necessary.

Each group of students is trained by a team of practical instructors having different validated ratings and different operational experience. The all training is supervised by a “senior” STDI witch has been a controller in the rating taught.

That process gives us the certainty that the training is fully compliant with the operational practice in each domain.

Even more, the students’ assessment is conducted by two “assessors”, a STDI from the ENAC and an OJTI coming from a control unit and having the corresponding rating endorsement. This process allows us to guarantee that the training objectives taught and the competence objectives reached by the students are fully compliant with operational practices.

The initial training main objective is to ensure that the students reach the required level of competence and are able to continue their training in any unit according to the student licence endorsement they obtain.

For that purpose, initial training is based on a specific environment specified to comply with initial training objectives (as stated in AMC1 ATCO.D.025(c) (1)) and a generic working method is taught.

Having instructors which are not always specialized of the domain prevents them from importing working methods or operational habits specific to their former unit and guarantees a harmonized content of the training.

This training organisation has proved its efficiency to provide adequately trained students to our ANSP (DSNA) for the past 20 years.

A change would be socially hardly acceptable as French ATCO are strongly attached to their "multi-rating" initial training and the professional changes it allows them.

A change would generate a huge cost rise of French ATCO training as it would require to consistently increasing the numbers of ATCOs posted at the ENAC to work as practical instructors.

It would be for the ENAC and DSNA far too expensive in terms of staff increase and that for very difficult to manage.

As we are fully compliant with Basic Regulation 216-2008 Annex Vb requirements, we deny that these new demanding requirements "offer the necessary flexibility" stated in Explanatory Note 63. nor allow to "reflect the state of the art and best practices" referred to in the NPA 2012-18 (B.I) Draft Cover Regulation Recitals (11).

**Proposal**

**ATCO.C.030**  
**STDI privileges**

(b) Notwithstanding paragraph (a), for the purpose of **basic initial** training any rating held is appropriate.

(c) Holders of an STDI endorsement shall only exercise the privileges of the endorsement if they have:

(1) at least two years' experience in **any** the rating ~~they will instruct in~~; and

response *Partially accepted*

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.

comment 148

comment by: ENAC-FRANCE

**ATCO.C.035 Application for synthetic training device instructor endorsement**

Applicants for the issue of an STDI endorsement shall:

(a) have exercised the privileges of an air traffic controller licence in any rating for at least two years;

(b) fulfil all the requirements determined by an assessment of previous competence, if the privileges of the rating have not been exercised within the preceding four years;

**Comment:**

ENAC fully supports ATCO.C.035 (a) (b) as these requirements meet the objectives of Basic Regulation 216-2008 Annex Vb

response *Accepted*

comment 174

comment by: ENAC-FRANCE

**ATCO.C.035 Application for synthetic training device instructor endorsement**

Applicants for the issue of an STDI endorsement shall:

(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught and assessed using theoretical and practical methods within the year preceding the application.

**Comment:**

We suggest a re-wording of ATCO.C.035 (c) as OJTI endorsement includes SDTI privileges, an OJTI does not need to complete an instructional technique course to apply for an SDTI endorsement.

The practical instructional technique course and the assessment of the skills taught should be approved by the CA, as stated in ATCO.D.095 (b).

We believe you should let the CA approve the teaching and the assessment process of this course and evaluate the appropriate techniques.

**Proposal**

**ATCO.C.035 Application for synthetic training device instructor endorsement**

Applicants for the issue of an STDI endorsement shall:

(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are appropriately taught and assessed using theoretical and practical methods within the year preceding the application, or hold an OJTI endorsement.

response *Partially accepted*

With regard to the possibility for the OJTIs to be granted with an STDI endorsement, the text in ATCO.C.020 is revised to introduce a new provision.

comment 184

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to ATCO.C.030 (a):

*Holders of an STDI endorsement are authorised to provide practical training on ~~simulators and part-task trainers~~ STD during all types of training other than ~~pre-OJT and OJT in the validated ratings, as well as to assess practical skills for the grant of a student ATCO licence~~ during initial training, provided that the STDI has successfully completed approved assessor training*

STDI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for STDI assessing in initial training is superfluous. However, it is important that the STDI have done an assessor course for any assessment leading to the grant of a student ATCO licence

CANSO proposes the following change to ATCO.C.035 (c):

*have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and appropriately assessed ~~using theoretical and practical methods~~ within the year preceding the application, or hold an OJTI endorsement*

response	<p>As the OJTI endorsement includes the STDI privileges, a former OJTI becoming an STDI should not have to follow an instructional techniques course again, if he becomes an STDI (i.e. stops being an OJTI in an live operational environment)</p> <p>Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the CA, to approve an appropriate method / process. This is in line with the BR requirements.</p>
	<p><i>Accepted</i></p> <p>ATCO.C.030(a) The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.</p>

comment	<p>199 <span style="float: right;">comment by: Finnish Transport Safety Agency</span></p> <p><i>ATCO.C.030 Synthetic training device instructor (STDI) privileges (a) and (c)</i>  <i>(a) Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills during initial training, provided that the STDI has successfully completed approved assessor training.</i>  <i>(b) Notwithstanding paragraph (a), for the purpose of basic training any rating held is appropriate.</i>  <i>(c) Holders of an STDI endorsement shall only exercise the privileges of the endorsement if they have:</i>  <i>(1) at least two years' experience in the rating they will instruct in; and</i>  <i>(2) practised instructional techniques in those procedures in which it is intended to provide instruction.</i>  <u>Comment:</u> It seems to be an overkill to require two years experience in the rating and STDI endorsement for providing practical training on part task trainers. This requirement should be limited to simulator instruction only.</p>
response	<p><i>Not accepted</i></p> <p>After considering the different options and opinions, the Agency considers necessary to include the requirement of the 2 years' experience in a rating, and considers the proposed text as appropriate.</p>

comment	<p>276 <span style="float: right;">comment by: ICAA</span></p> <p>(b) I don't understand this requirement:</p> <p>(b) fulfil all the requirements determined by an assessment of previous competence, if the privileges of the rating have not been exercised within the preceding four years;</p>
---------	--

response

*Noted*

The referred text is removed.

comment

278

comment by: *skyguide Corporate Regulation Management***ATCO.C.030**

Assessment of practical skills during initial training may be conducted by STDIs and OJTIs ~~who have successfully completed approved assessor training~~

In order to be coherent with comment on article ATCO.C.030. STDI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for STDI assessing in initial training is superfluous.

**ATCO.C.030 (a)**

Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training ~~other than pre-OJT~~ and OJT in the validated ratings, as well as to assess practical skills during initial training for the grant of a student ATCO licence, provided that the STDI has successfully completed approved assessor training. Where the STDI is providing pre-OJT, they shall hold or have held the relevant unit endorsement

As one of the tasks of STDI is to assess the student / trainee every time they are working under their supervision, the instructional techniques course should include "how to assess". Requiring an additional assessor course for initial training is superfluous. However, the STDI need to have done the assessor course for any assessment that will grant the student ATCO licence.

Preventing STDI from performing pre-OJT is felt to be too restrictive. An ATCO with OJTI endorsement from a unit who, for example, cannot exercise the privileges of their licence due to medical reasons, may well be able to instruct in pre-OJT for that unit. This will be beneficial as they will have the necessary understanding and knowledge of the unit.

There is a risk, if we exclude STDI from pre-OJT, that transition training takes precedence and is unduly extended, due to economic factors.

response

*Accepted***ATCO.C.030(a)**

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

The text is revised to include the possibility for the holders of an STDI endorsement to be authorised to provide practical training during the pre-OJT phase.

comment

279

comment by: *skyguide Corporate Regulation Management***ATCO.C.035 (c)**

(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught

using theoretical and practical methods, and appropriately assessed using ~~theoretical and practical methods~~ within the year preceding the application, or hold an OJTI endorsement

The OJTI endorsement enables the holder to perform STDI as well. Therefore an OJTI who becomes an STDI (e.g. loses his medical certificate or no longer wishes to instruct in live operations), should not have to follow another instructional techniques course (which he already followed to become an OJTI). Instructional techniques courses should use both theoretical and practical methods, but it is up to the training organisation to propose the appropriate method / process for assessment. This is in line with the BR216 Where the instructional techniques course will use both.

response *Partially accepted*

With regard to the possibility for the OJTIs to be granted with an STDI endorsement, the text in ATCO.C.020 is revised to introduce a new provision.

comment 352

comment by: DSNA

### **ATCO.C.030 (c) (1).**

#### Comment :

The requirement for STDI of a 2-years experience in the rating they instruct in, raises a big issue regarding the way initial training is currently organized in France.

Regarding **initial** training only, instruction on rating training can be delivered by ATCOs who have received a specific instructor training, considering that they all have the relevant rating endorsement, despite it is not validated.

This is due to the French "multi-rating" specificity: majority of french ATCOs have successfully completed the initial training in all the domains, and therefore have had a student licence with all the ratings.

We believe that the qualifications of instructors should be adapted to the level of risk associated with the type of service and the tasks performed. Regarding initial training, an ATCO with experience, even in another rating, is enough qualified to give instruction on STD. At this stage, they are in position to teach generic working methods on generic environments.

The assessments are performed by ATCOs coming from units, with a valid unit endorsement in the rating taught.

This on going process complies with the requirements of the basic regulation.

The new regulation should encourage the best practises in ATC, and should not compel the ANSPs to give up a working method that has trained ATCO with high success rates during 20 years.

#### Proposal :

**We propose, either :**

#### **to modify § (b) :**

...for the purpose of **initial** training any rating held is appropriate

#### **OR to modify § (c) (1) a :**

At least 2 years experience in **any** rating,

response *Not accepted*

After analysing the different possibilities, and taking into account the opinions of the training experts, the Agency believes it is important and safety beneficial to require from persons who are going to be teaching in a rating to have experience in that exact rating.

comment 388

comment by: *NATS National Air Traffic Services Limited*

This article refers to an Assessment of Previous Competence (APC) to determine whether the individual still satisfies the Rating requirements. There is no mention as to who is responsible for conducting this APC. This could result in a lack of harmonisation and standardisation of the APC process.

As only Approved Training Organisations, certified to provide Initial Training (Basic and Rating Training), are authorised to determine that the Rating Training objectives have been satisfactorily achieved they should conduct APCs. Suggested wording to add:

**'conducted by an Approved Training Organisation certified to provide Initial Training in the Ratings concerned'.**

response *Not accepted*

The provision referred to by the commentator is removed.

comment 389

comment by: *NATS National Air Traffic Services Limited*

ATCO.C.035 (b)

This article refers to an Assessment of Previous Competence (APC) to determine whether the individual still satisfies the Rating requirements. There is no mention as to who is responsible for conducting this APC. This could result in a lack of harmonisation and standardisation of the APC process.

As only Approved Training Organisations, certified to provide Initial Training (Basic and Rating Training), are authorised to determine that the Rating Training objectives have been satisfactorily achieved they should conduct APCs. Suggested wording to add:

**'conducted by an Approved Training Organisation certified to provide Initial Training in the Ratings concerned'.**

response *Not accepted*

The provision referred to by the commentator is removed.

comment 400

comment by: *NATS National Air Traffic Services Limited*

ATCO.C.030 and ATCO.C.035

NATS fully endorses and supports these Articles that implement the BR216

	<p>requirement that Instructors on practical skills shall also be or have been entitled to act as an air traffic controller.</p> <p>The Articles as proposed will enhance the safe provision of ATC training. It should be ATCOs who deliver practical training in all ATC training types. Initial Training is the most formative part of ATC training and should be delivered by those who have real life experience of the task to embed into the trainee the real skills that will hold them in good stead for the whole of their ATC careers. The highest appropriate safety standard should be maintained.</p>
response	Noted

comment	435	comment by: HungaroControl
	<p><b>ATCO.C.030 Synthetic training device instructor (STDI) privileges:</b>  Holders of an STDI endorsement are authorised to provide practical training on <del>simulators and part-task trainers</del> <b>STD</b> during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills <b>for the grant of a student ATCO licence</b> during initial training, provided that the STDI has successfully completed approved assessor training  This requirement should be applicable for those STDIs only who assess practical skills for the grant of a student ATCO licence.</p>	
response	Accepted	
	<p>The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.</p>	

comment	438	comment by: HungaroControl
	<p><b>ATCO.C.030 Synthetic training device instructor (STDI) privileges (a):</b>  Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training other than <del>pre-OJT and</del> OJT in the validated ratings, as well as to assess practical skills during initial training, provided that the STDI has successfully completed approved assessor training.  <u><b>Where the STDI is providing pre-OJT, they shall have hold or have held the relevant unit endorsement</b></u>  If we exclude STDIs from pre-OJT it may extend the training and cause financial problems.</p>	
response	Accepted	

comment	439	comment by: HungaroControl
	<p><b>ATCO.C.035 Application for synthetic training device instructor</b></p>	



	<p><b>endorsement (c):</b>  have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught <b>using theoretical and practical methods</b>, and <b>appropriately</b> assessed using <del>theoretical and practical methods</del> within the year preceding the application, <b>or hold an OJTI endorsement</b>  As the OJTI endorsement includes the STDI privileges, a former OJTI becoming an STDI should not have to follow an instructional techniques course again, if he becomes an STDI (i.e. stops being an OJTI in an live operational environment)  Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the CA, to approve an appropriate method / process. This is in line with the BR requirements</p>
response	<p><i>Accepted</i></p> <p>The text in ATCO.C.020 is revised to introduce a new provision that covers the proposal made by the commentator with regard to 'former OJTIs'.</p>
comment	<p>473 <span style="float: right;">comment by: <i>Aaron Curtis Prospect ATCOs' Branch UK</i></span></p> <p>We fully support the provisions in this article. Practical training must be provided by a suitably qualified and experienced air traffic controller who has the skills to impart such knowledge of the provision of an air traffic service, together with the unique skills required to perform the task.</p>
response	<p><i>Noted</i></p>
comment	<p>507 <span style="float: right;">comment by: <i>DSAC - French NSA</i></span></p> <p><u>Paragraph</u>  ATCO.C.030  <u>Alternative proposal</u>  (b) Notwithstanding paragraph (a), for the purpose of <b>basic initial</b> training any rating held is appropriate.  <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>Not accepted</i></p> <p>The text is revised. The new proposal states that the privileges of the STDI endorsement with regard to the initial trianing include authorisation to provide practical training on simulators and part-task trainers for subjects of practical</p>

nature during initial training.  
For the purpose of basic training any rating held is appropriate.

comment

571

comment by: Maastricht UAC

<p><b>ATCO.C.030</b> <b>(a) STDI</b> privileges</p>	<p>Why can an STDI not be used in pre-OJT if he/she comes from the unit concerned and is competent to do so? In the worst case this may lead to the re-definition in some units of their Transition and Pre-OJT phases.</p> <p>Furthermore, with this requirement a person holding an STDI endorsement cannot provide pre-OJT however nothing prevents them from providing STD instruction during continuation training which could include the teaching of skills very closely related, and at times more advanced than what is taught during pre-OJT.</p> <p>The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for STDI assessing in initial training is superfluous.</p>	<p><b>Proposed text:</b> Holders of an STDI endorsement are authorised to provide practical training on simulators and <del>part-task trainers</del> during all types of training other than <del>pre-OJT and</del> OJT in the validated ratings, as well as to assess practical skills during initial training, provided that the STDI has successfully completed approved assessor training. Where the STDI provides training during pre-OJT, they shall have held the relevant unit endorsement for which training is taking place. In addition, they must complete the continuation training for the relevant unit endorsement(s) according to the procedures set out in the UCS.</p>
---	--	---

response

*Partially accepted*

The text is revised to include the possibility for the holders of an STDI endorsement to be authorised to provide practical training during the pre-OJT phase.

comment

604

comment by: DFS Deutsche Flugsicherung GmbH

ATCO.C.030 (c)  
 We suggest an additional condition: The qualification in this context means that the STDI has done a course in the topics concerning the Rating to be taught. This offers more flexibility.  
 Proposal: insert a second condition (green mark):  
 Holders of an STDI endorsement shall only exercise the privileges of the endorsement if they have:  
 (1) at least two years' experience in the rating they will instruct in, or  
 (2) at least two years of experience in any rating and have been qualified in the rating they will instruct; and  
 (3) practised instructional techniques in those procedures in which it is intended to provide instruction.

response

Not accepted

After analysing the different options, the Agency considers it necessary for the STDI to have validated the ratings they will be giving instruction in.

comment

662

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<p><b>ATCO.C.030 (a)</b> STDI privileges</p>	<p>Why can an STDI not be used in pre-OJT if he/she comes from the unit concerned and is competent to do so? In the worst case this may lead to the re-definition in some units of their Transition and Pre-OJT phases. Furthermore, with this requirement a person holding an STDI endorsement cannot provide pre-OJT however nothing prevents them from providing STD instruction during continuation training which could include the teaching of skills very closely related, and at times more advanced that what is taught during pre-OJT. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for STDI assessing in initial training is superfluous.</p>	<p><b>Proposed text:</b> Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills during initial training, provided that the STDI has successfully completed approved assessor training. Where the STDI provides training during pre-OJT, they shall have held the relevant unit endorsement for which training is taking place. In addition, they must complete the continuation training for the relevant unit endorsement(s) according to the procedures set out in the UCS.</p>

response *Partially accepted*

The text is revised to include the possibility for the holders of an STDI endorsement to be authorised to provide practical training during the pre-OJT phase.

comment 679

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.C.030(d)	It would be better to add a third line in ATCO.C.030(c)(1) instead of including ATCO.C.030(d)	If both ATCO.C.030(c)(1) and ATCO.C.030(d) are deemed equivalent, it would be better to add a third line in ATCO.C.030(c)(1)
ATCO.C.030(c)	The minimum number of hours having exercised the privileges of an STDI endorsement should be the 50 % percentage of the aeronautical average work day.	

response *Partially accepted*

ATCO.C.030(d)  
The paragraph is removed.  
ATCO.C.030(c)  
The article refers to the privileges to be exercised by the holders of the STDI endorsement and, therefore, the comment is not relevant to this article.

comment 793

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.C.035</u></b> <b><u>Application for synthetic training device instructor endorsement</u></b>	Applicants for the issue of an STDI endorsement shall: (a) have exercised the privileges of an air traffic controller licence in any rating for at least two years within the previous x years prior to the application of the endorsement;	Need to fix a period for those 2 years of experience. It should not be possible to take into account that experience in case it came from a long time ago.

response *Partially accepted*

For the purpose of preventing STDIs from not being current when they intend to exercise the privileges of the endorsement, the text is revised to include the need to demonstrate knowledge of current operational practices.

comment 849

comment by: *swissatca*

C.035 (c) OJTI endorsement gives de facto the privilege to perform STDI as well. Therefore a "live" OJTI who becomes an STDI should not be obliged to follow another instructional techniques course (he received this training already)

response *Accepted*

The text in ATCO.C.020 is revised to introduce a new provision that covers the proposal made by the commentator with regard to 'former OJTIs'.

comment 936

comment by: *USAC-CGT*

ATCO.C.030  
We think that the provision should be soften for initial training that experience in the appropriate rating shouldn't be a rule but a guidance. In France, for example, we have had for years practical instructors for initial training that had experience in one rating but not necessarily in the one taught at any given time if refreshment training to these instructors on the appropriate rating has been provided. Not once has a safety issue been related to this practice. Also it goes beyond basic regulation settings (ref :54BGIII)

response *Not accepted*

After analysing the different options, the Agency considers it necessary for the STDI to have validated the ratings they will be giving instruction in.

comment 966

comment by: USCA

### SDTI PRIVILEGES –

As there is no indication about who is responsible for the assessments of previous competence USCA proposes this change:

*"Holders of an STDI endorsement are authorised to provide practical training on simulators and part-task trainers during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills during initial training and previous competence referred in ATCO.B.001(d), ATCO.B.010(b), ATCO.B.015(e), ATCO.C.035(b) and ATCO.C.040(d)(1) in the validated ratings, provided that the STDI has successfully completed approved assessor training."*

response *Not accepted*

After revising the text, also STDIs are required to hold an assessor endorsement in order to assess. At the same time the provisions in Section 2 relevant to assessors are also revised.

comment 995

comment by: Belgocontrol Training Centre

Proposal:

Holders of an STDI endorsement are authorised to provide practical training on ~~simulators and part-task trainers~~ **STD** during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills **for the grant of a student ATCO licence** during initial training, provided that the STDI has successfully completed approved assessor training

response *Partially accepted*

The definition of assessment is revised in order to state that only those

evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.

comment 996

comment by: *Belgocontrol Training Centre*

Rational:

STDI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for STDI assessing in initial training is superfluous. However, it is important that the STDI have done an assessor course for any assessment leading to the grant of a student ATCO licence

response *Accepted*

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

comment 997

comment by: *Belgocontrol Training Centre*

Proposal:

have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and appropriately assessed using theoretical and practical methods within the year preceding the application, or hold an OJTI endorsement

response *Accepted*

The text in ATCO.C.020 is revised to introduce a new provision that covers the proposal made by the commentator with regard to 'former OJTIs'.

comment **998**

comment by: *Belgocontrol Training Centre*

Rationel:

As the OJTI endorsement includes the STDI privileges, a former OJTI becoming an STDI should not have to follow an instructional techniques course again, if he becomes an STDI (i.e. stops being an OJTI in an live operational environment)

Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the CA, to approve an appropriate method / process. This is in line with the BR requirements

response *Accepted*

The text in ATCO.C.020 is revised to introduce a new provision that covers the proposal made by the commentator with regard to 'former OJTIs'.

comment **1163**

comment by: *NATS National Air Traffic Services Limited*

ATCO.C.030 Synthetic training device instructor (STDI) privileges (a)

STDIs assess the performance of the student/trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include 'how to assess' for daily/periodic report writing. Therefore, requiring an additional assessor course for STDI assessing performance for daily/periodic report writing in initial training is superfluous. However, it is important that



	<p>STDIIs have done an assessor course for any assessment leading to the grant of a student ATCO licence. Furthermore specifying 'simulators and part task trainers' instead of using 'synthetic training device' serves no purpose.</p> <p>Suggested amendment:</p> <p><b>'(a) Holders of an STDI endorsement are authorised to provide practical training on synthetic training devices during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills for the grant of a student ATCO licence during initial training, provided that the STDI has successfully completed approved assessor training'</b></p>
response	<p><i>Partially accepted</i></p> <p>The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.</p>
comment	<p>1165 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.C.035 Application for synthetic training device instructor endorsement (c)</p> <p>Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the Competent Authority to approve, an appropriate method and/or process. The suggested amendment aligns with the BR216 requirements. Furthermore as the OJTI endorsement includes the STDI privileges, a former OJTI becoming an STDI should not have to follow an instructional techniques course again, to become an STDI.</p> <p>As the proposed regulation stands it misaligns with BR216. Additionally the rule does not take into account an applicant who has already done the instructional techniques course.</p> <p>Suggested amendment:</p> <p><b>'(c) have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and assessed within the year preceding the application, or hold or have held an OJTI endorsement'</b></p>
response	<p><i>Partially accepted</i></p> <p>The text in ATCO.C.020 is revised to introduce a new provision that covers the proposal made by the commentator with regard to 'former OJTIs'.</p>

comment	1202 <span style="float: right;">comment by: <i>Entry Point North</i></span>
	<p>ATCO.C.030 (b) – since Basic is not rating training we believe that there should not necessarily be a need for a practical instructor at Basic to have or have held an ATCO license. If it is believed – since it is stated - that <b>any ATCO rating</b> will do for Basic practical instructing, then that would be equal to having gained necessary skills elsewhere than from an ATCO experience. The highest priority should always be that the instructor has <i>appropriate</i> skills for the tasks; for some activities it requires actual rating experience, and for certain Basic simulator or part-task activities those skills could have been obtained from other experience.</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	1203 <span style="float: right;">comment by: <i>Entry Point North</i></span>
	<p>ATCO.C035 (a) – referring to previous comment for ATCO.C.030 (b), it should not be necessary to hold or have held an ATCO license to be a practical instructor on a synthetic training device. The highest priority should always be that the instructor has <i>appropriate</i> skills for the tasks; for some activities it requires actual rating experience, and for certain Basic simulator- or part-task activities those skills could have been obtained from other experience.</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	1211 <span style="float: right;">comment by: <i>EUROCONTROL</i></span>
	<p>ATCO.C.030 (a): Remove "<i>and OJT</i>" as it is not in the privileges of an STDI</p>
response	<p><i>Accepted</i></p> <p>The text is revised to make clear what the privileges of the STDI are and what types of training they are entitle to provide.</p>

comment	<p data-bbox="352 277 427 309">1212</p> <p data-bbox="1043 277 1445 309">comment by: EUROCONTROL</p> <p data-bbox="352 362 1445 495">ATCO.C.030 (c) (2): The requirement of ATCO.C.030 (c) (2) should be reflected also in ATCO.C.035, as an applicant should have practised the skills in the procedures in which he or she intends to instruct before being issued an endorsement.</p>
response	<p data-bbox="352 517 536 548"><i>Not accepted</i></p> <p data-bbox="352 602 1445 860">The intention of this specific provision in ATCO.C.030 is referred to the requirements necessary to exercise the privileges of the endorsement, provided that the person already holds the endorsement (and thus he/she meets the requirements of ATCO.C.035). The Agency believes that such requirement should not be required at the moment of the application, since the instructional techniques are to be practised on the basis of the training organisation, for which the person could already hold the endorsement.</p>
comment	<p data-bbox="352 949 427 981">1213</p> <p data-bbox="1043 949 1445 981">comment by: EUROCONTROL</p> <p data-bbox="352 1034 1445 1256">ATCO.C.035: The requirement of ATCO.C.030 (c) (2) should be reflected also in ATCO.C.035, as an applicant should have practised the skills in the procedures in which he or she intends to instruct before being issued an endorsement. In addition, there should be a probationary period successfully passed before the endorsement is issued, this would then also clarify what the word practiced means</p>
response	<p data-bbox="352 1285 536 1317"><i>Not accepted</i></p> <p data-bbox="352 1370 1445 1628">The intention of this specific provision in ATCO.C.030 is referred to the requirements necessary to exercise the privileges of the endorsement, provided that the person already holds the endorsement (and thus he/she meets the requirements of ATCO.C.035). The Agency believes that such requirement should not be required at the moment of the application, since the instructional techniques are to be practised on the basis of the training organisation, for which the person could already hold the endorsement.</p>
comment	<p data-bbox="352 1718 427 1749">1214</p> <p data-bbox="1043 1718 1445 1749">comment by: EUROCONTROL</p> <p data-bbox="352 1803 1445 1899">ATCO.C.035 (b): Support the need to perform an assessment of previous competence if persons have been away from position for a significant period.</p>
response	<p data-bbox="352 1924 440 1955"><i>Noted</i></p>

comment	1267 <span style="float: right;">comment by: ENAV</span>
	<p><b>ATCO.C.030 Synthetic training device instructor (STDI) privileges (a)</b>  Holders of an STDI endorsement are authorised to provide practical training on <del>simulators and part-task trainers</del> STD during all types of training other than pre-OJT and OJT in the validated ratings, as well as to assess practical skills for the grant of a student ATCO licence during initial training, provided that the STDI has successfully completed approved assessor training  Comment: STDI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for STDI assessing in initial training is superfluous. However, it is important that the STDI have done an assessor course for any assessment leading to the grant of a student ATCO licence</p>
response	<p><i>Partially accepted</i></p> <p>The definition of assessment is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.</p>
comment	<p>1275 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATCO.C.035 Application for synthetic training device instructor endorsement (c)</b> have successfully completed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught using theoretical and practical methods, and appropriately assessed using theoretical and practical methods within the year preceding the application, or hold an OJTI endorsement</p> <p>Comment: As the OJTI endorsement includes the STDI privileges, a former OJTI becoming an STDI should not have to follow an instructional techniques course again, if he becomes an STDI (i.e. stops being an OJTI in an live operational environment)</p> <p>Where the instructional techniques course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the CA, to approve an appropriate method / process. This is in line with the BR requirements</p>
response	<p><i>Accepted</i></p> <p>The text in ATCO.C.020 is revised to introduce a new provision that covers the proposal made by the commentator with regard to 'former OJTIs'.</p>
comment	<p>1279 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</span></p> <p><b>ATCO.C.030 (a) Synthetic training device instructor (STDI) privileges –</b>  Part-time trainers should be excluded from this requirement.</p>

response *Not accepted*

The text refers to the practical training. The use of an STD should not prejudice whether the training is considered theoretical or practical. The text is revised to include the statement that holders of an STDI are authorised to provide practical training on simulators and part-task trainers, depending on the nature of the training.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 1 INSTRUCTORS – ATCO.C.040 Validity of synthetic training device instructor endorsement**

p. 27

comment 27

comment by: LfV

Ref ATCO.C.040 (b)  
Only requirement should be on receiving approved refresher training, to be in line with basic regulation. (2), (3) and text underneath (3) should be deleted.

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 criteria 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 81

comment by: LPS SR

<b>ATCO.C.040 Validity of synthetic training device instructor</b>	It may be revalidated by:  (1) receiving approved refresher training on practical instructional skills and current	The Basic Regulation 216/2008 requires only refresher training to maintain their competence.
--	--	--

<p><b>endorsement (b)</b></p>	<p>operational practices during the validity period of the STDI endorsement; and</p> <p><del>(2) either successfully passing a practical instructor competence assessment; or</del></p> <p><del>(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.</del></p> <p><del>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.</del></p>	
-------------------------------	---	--

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 criteria 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

111

comment by: CAA-NL

**ATCO.C.040**

We prefer an unlimited validity of a STDI enforcement under certain conditions, such to avoid unnecessary administrative burdens. To formulate this we propose the following text for the complete article:

(a) The STDI endorsement shall remain valid under the following conditions:

(1) receiving approved refresher training on practical instructional skills and current operational practices , the interval between training shall not exceed three years; and

(2) either successfully passing a practical instructor competence assessment, the interval between assessments shall not exceed three years; 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.

(b) If the STDI endorsement has lost its validity, it may be renewed by:

(1) receiving approved refresher training on practical instructional skills and current operational practices; and

(2) successfully passing a practical instructor competence assessment within the year preceding the application.

(c) If the validity of the STDI endorsement has been lost for more than four years without exercising the privileges of the rating, the applicant shall:

(1) fulfil all the requirements determined by an assessment of previous competence in the relevant rating(s); and

(2) have passed an approved practical instructional techniques course during which the required knowledge and pedagogical skills are taught and assessed using theoretical and practical methods.

Further we suggest a 5 year interval after the issue or latest change of the licence to submit the licence to the competent authority that issued the licence in order to verify the information on the license and the CA file, similar to the provisions in Part 66.

response

*Not accepted*

Already now, according to the provisions of Regulation (EU) No 805/2011, the instructor endorsement and the approval of assessors are valid for a renewable period of 3 years. The Agency considers that establishing a new system of verification every 5 years in addition to the 3-year cycle of the competence assessment on instructional skills as proposed by the comment is not diminishing but rather creating more administrative burden.

comment

175

comment by: ENAC-FRANCE

**ATCO.C.040****Validity of synthetic training device instructor endorsement**

(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.

**Comment:**

The requirements stated in (2) and (3) are exceedingly demanding regarding requirements existing in the Basic Regulation Annex Vb 4) (g) (ii)

(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 basic requirement of a refresher course is enough to ascertain skills maintenance for practical instructors as there will not be a significant erosion of teaching skills when not exercising.

The new requirements formulated in § (2) and (3), would generate a huge amount of paperwork and organisation workload.

Furthermore as stated in AMC1 ATCO.C.095(a)(2) specifying the training of practical instructors, the refresher course completely fulfils the requirements for maintaining practical instructor competence.

**AMC1 ATCO.C.095(a)(2) Training of practical instructors**

*REFRESHER TRAINING ON PRACTICAL INSTRUCTIONAL SKILLS*

*Refresher training on practical instructional skills should prevent knowledge and skills erosion, and for the training of STDIs it should be designed to maintain awareness of the live operational environment.*

**Proposal**

**ATCO.C.040**

**Validity of synthetic training device instructor endorsement**

(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





comment

353

comment by: DSNA

**ATCO.C.040 (b) (2) and (3).**Comment : (high priority comment for DSNA)

The basic regulation requires only refresher training to maintain competence for practical instructors: **BR 216/2008 annex Vb(4)(g)(ii)iv.**

The introduction of a second condition to revalidate STDI endorsement (either a test or an experience criteria ) is against the basic regulation, with no real cost-benefit analysis in the RIA. This will increase the overall number of assessments (see general comment #331 point 3).

**The second condition for revalidation (paragraphs (2) and (3)) should be removed.**

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 criteria 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

390

comment by: NATS National Air Traffic Services Limited

## ATCO.C.040 (d) (1)

This article refers to an Assessment of Previous Competence (APC) to determine whether the individual still satisfies the Rating requirements. There is no mention as to who is responsible for conducting this APC. This could result in a lack of harmonisation and standardisation of the APC process.

As only Approved Training Organisations, certified to provide Initial Training (Basic and Rating Training), are authorised to determine that the Rating Training objectives have been satisfactorily achieved they should conduct APCs.

	<p>Suggested wording to add:</p> <p><b>'conducted by an Approved Training Organisation certified to provide Initial Training in the Ratings concerned'.</b></p>
response	<p><i>Not accepted</i></p> <p>The text refers to a 'practical instructor competence assessment' which focuses on the practical application of the instructional skills. Since the STDI endorsement entitles its holder to provide practical training on simulators and part-task trainers for subjects of practical nature during initial training, unit training other than OJT and continuation training, this assessment could be held in any training organisation approved in this regard. Therefore, no reference to the initial training organisation is appropriate.</p>
comment	<p>429 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.C.040 Validity of synthetic training device instructor endorsement (b):</b> It may be revalidated by:</p> <p>(1) receiving approved refresher training on practical instructional skills and current operational practices during the validity period of the STDI endorsement; and</p> <p><del>(2) either successfully passing a practical instructor competence assessment; or</del></p> <p><del>(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.</del></p> <p><del>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.</del></p> <p>The basic regulation requires only refresher training to maintain 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 criteria for revalidation</p>

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

508

comment by: DSAC - French NSA

Paragraph

ATCO.C.040 (b)

Alternative proposal

(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.~~

Justification

- 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.

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 criteria 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

601

comment by: DFS Deutsche Flugsicherung GmbH

ATCO.C.040 (b) (2)

The basic regulation requires refresher training to maintain competence. Other measures are beyond its scope.

Proposed change to para (b):

(b) It may be revalidated by:

(1) receiving approved refresher training on practical instructional skills during the validity period of the STDI endorsement; and (2) either successfully passing an ~~practical instructor competence~~ examination or 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~~ examination or 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.

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 criteria 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

680

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.C.040	See comments already made for ATCO.C.020  - related to ATCO.C.020(b) & (b)(1), (2) & (3) and ATCO.C.020(c)(1)	-

response *Partially accepted*

comment 738

comment by: FABEC

FABEC request to modify the revalidation requirements in ATCO.C.040. The basic regulation requires only refresher training to maintain competence (BR 216/2008 Annex Vb(4)(g)). All other provisions are outside the scope of BR.

(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.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.~~

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 criteria 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

794

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.C.040</a> <a href="#">Validity of synthetic training device instructor endorsement</a>	5. In the case of first issue and renewal the period of validity shall be counted from the date of issue the <u>assessment</u> .	Paragraph 2 refers to the date of validity when the assessment takes place (in case of successful). To be coherent, paragraph 5 should also refer to date of assessment.

response

Accepted

comment

822

comment by: NATS National Air Traffic Services Limited

ATCO.C.040 (b) Validity of synthetic training device instructor endorsement

Paragraph (b) includes the following: '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.'

The text does not clearly state when the endorsement would be valid from if the assessment is completed within the third year of validity.

The absence of this text leaves ambiguity as to the validity of a competence assessment made in the third year of validity.

Add further to this paragraph:

**'If the successful practical instructor competence referred to in paragraph (b)(2) takes place within the third year of the validity, the validity of the STDI endorsement is extended for a period of three years starting from the original date of expiry.'**

response

Partially accepted

The text is revised and the requirement for assessment has been removed, so the comment does not refer to existing text anymore.

comment

906

comment by: SINCTA - Portuguese Air Traffic Controllers' Union

	<p>ATCO.C.040(b)  <b>SINCTA</b> believes this proposal for revalidation is well balanced and the 2 out of 3 rule is welcomed.</p>
response	<p><i>Noted</i></p> <p>In line with the comment, 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; nonetheless, it accepts those comments according to which it may be difficult to maintain currency due to the seasonality of the training tasks.</p> <p>From the safety perspective this situation, however, reinforces the need for verifying the maintenance of instructional competencies.</p> <p>Therefore, the Agency is proposing to maintain the approved refresher training as the only criteria 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>907 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p>
	<p>ATCO.C.040(b)(1)  <b>SINCTA</b> believes there is a need to give guidance (AMC or GM) on how the STDI maintain the operational practices current  Proposed text:  <u>GM1 ATCO.C.040(b)(1)</u></p> <p><u>Current operational practices may be refreshed by transitional and pre-OJT training phases.</u></p>
response	<p><i>Accepted</i></p>

comment	<p>908 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p>
	<p>ATCO.C.040(c)(1)  <b>SINCTA</b> believes there is a need to give guidance (AMC or GM) on how the STDI maintain the operational practices current  Proposed text:  <u>GM1 ATCO.C.040(c)(1)</u></p> <p><u>Current operational practices may be refreshed by transitional and pre-OJT training phases.</u></p>
response	<p><i>Accepted</i></p>

comment	<p>967 comment by: <i>USCA</i></p>
---------	------------------------------------



**ATCO.C.040(b)(1) & ATCO.C.040(c)(1)**

USCA believes there is a need to give guidance (AMC or GM) on how the STDI maintain the operational practices current

**ATCO.C.040(b)(1)**

*(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.*

**ATCO.C.040(c)(1)**

*(c) If the STDI endorsement has expired, it may be renewed by:*

*(1) receiving approved refresher training on practical instructional skills and current operational practices; and*

*(2) successfully passing a practical instructor competence assessment within the year preceding the application.*

**GM1 ATCO.C.040(b)(1) and GM1 ATCO.C.040(c)(1)**

*Current operational practices may be refreshed by transitional and pre-OJT training phases*

response Accepted

comment 1138

comment by: HungaroControl

ATCO.C.040(b)(2):

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

response Accepted

**Assessor privileges; ATCO.C.050 Limitation of privileges in case of vested interests; ATCO.C.055 Application for assessor endorsement**

comment 37 comment by: LfV

Ref ATCO.C.055 (a)

It seems not to be in line with the basic regulation to require that the assessor applicant should have a valid unit endorsement. The BR states that an assessor "is or has been entitled to act as an ATCO":

response *Accepted*

Despite of important safety-related factors in favour of requiring assessors to hold the unit endorsement of the unit they will assess in, the Agency recognises that such requirement would be too stringent and in many cases impossible to comply with, which then would warrant the need for many different exemptions. Considering the relevant safety objectives set out in the essential requirements, the Agency proposes a different approach for assessors.

As a basic criterion for the application for an assessor endorsement the Agency proposes to require that applicants have exercised the privileges of an air traffic controller licence for at least two years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application.

The basic requirements foreseen for the application are complemented with the required operational experience tailored to the specific cases in the provisions on assessor privileges.

comment 38 comment by: LfV

Ref ATCO.C.045 (e)

From the safety perspective it is important the OJTI being present is there to ensure safety. It is important that the OJTI with a valid unit endorsement for the actual position/sector is present.

response *Accepted*

comment 39 comment by: LfV

Ref ATCO.C.055 (c) and (d)

Proposal to include "using theoretical and practical methods" to (c) and remove the same from (d). Then it is up to the training organisation to propose and the CA to approve the appropriate method to assess those skills. Better in line with the Basic Rules.

response

Accepted

comment

82

comment by: LPS SR

<p><b>ATCO.C.045 Assessor privileges (e)</b></p>	<p>When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have OJTI <del>an on-the-job training instructor</del> 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.</p>	<p>The OJTI endorsement is there to ensure safety. Therefore, the person holding the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place.</p>
--	--	---

response

Accepted

The subject provision is completely reformulated; please consult the respective resulting text.

comment

83

comment by: LPS SR

<p><b>ATCO.C.055 Application for assessor endorsement (a)</b></p>	<p>Applicants for the issue of an assessor endorsement shall:</p> <p>(a) hold or has held an air traffic controller licence with a <del>valid</del> unit endorsement where the assessment is taking place</p> <p>(b) have exercised the</p>	<p>The requirements for assessors in this provision, to hold a valid unit endorsement, contradicts the requirements in the Basic Regulation where an assessor "is or has been entitled to act as an ATCO"</p>
---	---	---

	privileges of an air traffic controller licence for <del>an immediately preceding</del> period of at least two years;	
--	---	--

response *Accepted*

Despite of important safety-related factors in favour of requiring assessors to hold the unit endorsement of the unit they will assess in, the Agency recognises that such requirement would be too stringent and in many cases impossible to comply with, which then would warrant the need for many different exemptions. Considering the relevant safety objectives set out in the essential requirements the Agency proposes a different approach for assessors.

As a basic criterion for the application for an assessor endorsement the Agency proposes to require that applicants have exercised the privileges of an air traffic controller licence for at least two years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application.

The basic requirements foreseen for the application are complemented with the required operational experience tailored to the specific cases in the provisions on assessor privileges.

comment *112*

comment by: *CAA-NL*

**ATCO.C.045.(f)**

As it is mandatory to have an OJTI with a valid rating and unit endorsement present at all times, it is proposed to add the following text:

*In this case an OJTI with a current unit endorsement shall be present to ensure safety.*

response *Accepted*

The subject provision is completely reformulated; please consult the respective resulting text.

comment *113*

comment by: *CAA-NL*

**ATCO.C.045.(g)**

It is proposed to delete this paragraph and to rely on article 14 of the Basic Regulation and applicable safeguards where necessary.

Without requiring an equivalent level of safety, this paragraph may have

	negative safety implications. Furthermore, the lack of any conditions might open the door for an ATC unit to economise on assessors.
response	<i>Partially accepted</i>
	<p>The Agency agrees with the comment insofar as maintaining the equivalent level of safety is of absolute importance. Therefore, the exemption is reformulated so that it only refers to the lack of the unit endorsement requirement, when it comes to the need to ensure independent assessment, which is usually the problem of small units not having a large number of assessors.</p> <p>In order to ensure the equivalent level of safety it is now proposed that the competent authority may grant temporary authorisation to an assessor holding the same rating, and if applicable rating endorsement(s) from a different ATC unit with a valid unit endorsement to perform assessments in the unit for which they do not hold a valid unit endorsement, provided that familiarity with the current operational practices and procedures of that unit is ensured or grant a temporary authorisation to conduct assessments based on a safety analysis presented by the air navigation service provider.</p>

comment	167 <span style="float: right;">comment by: NAVIAIR</span>
	<p>ATCO.D.055 (b)(6): We don't see the need for a maximum duration</p> <p>Text: (b)(6):(6) minimum <del>and maximum</del> duration of the unit endorsement course(s);</p>
response	<i>Accepted</i>
	<p>The Agency accepts the proposal to remove the requirement regarding the maximum duration of the unit endorsement courses, as it is not considered to be primarily safety-related.</p>

comment	185 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span>
	<p>CANSO would like to propose the following changes to ATCO.C.045:</p> <ul style="list-style-type: none"> <li>- ATCO.C.045 (c) <i>The privileges of the holder of an assessor endorsement may be extended to the assessment of applicant practical instructors or applicant <del>other</del> assessors when</i></li> <li>Compliance with the requirements of ATCO.C.065 and ATCO.C.070 is ensured.</li> <li>- ATCO.C.045 (e) <i>When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have OJTI <del>an on-the-job training instructor</del> endorsement and a valid unit endorsement in the working position / sector where the assessment is taking place, or an OJTI with a valid <del>current</del> unit endorsement in the working position where the assessment is taking place shall be present to ensure safety.</i></li> </ul> <p>The OJTI endorsement is there to ensure safety. Therefore, the person holding</p>

	<p>the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place.</p> <p>- ATCO.C.045 (f)</p> <p><i>In order to ascertain independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement to perform assessments in the unit for which they do not hold a valid unit endorsement.</i></p> <p>This is to bring clarity and grammatical correctness.</p> <p>- ATCO.C.045 (g)</p> <p><i>The competent authority may authorise assessors not fulfilling the requirements of paragraph (d) to exercise the privilege of the assessor endorsement in ATC units having less than three assessors. They shall however hold a rating and rating endorsement applicable relevant to the assessment.</i></p> <p>This is to bring clarity.</p>
response	<p><i>Accepted</i></p> <p>The subject provisions are completely reformulated; please consult the respective resulting text.</p>
comment	<p>186 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>CANSO proposes the following change to ATCO.C.050: <i>Assessors shall not conduct:</i></p> <p><del><i>(a) competence assessment of applicants for the issue or renewal of a unit endorsement to whom they have provided more than 50 % of the on-the-job training required for the unit endorsement for which competence assessment is being taken;</i></del></p> <p><del><i>(b) competence assessments whenever their objectivity may be affected.</i></del></p> <p>CANSO recommends to delete paragraph (a) as this would create effort – documentation to identify when 50% are reached- for no value, where the second paragraph covers that already</p> <p>CANSO recommends to delete 'competence' in (b) to ensure harmonisation of the terminology.</p>
response	<p><i>Accepted</i></p> <p>The reference to the 50 % is deleted.</p>
comment	<p>200 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>CANSO proposes the replace ATCO.C.055 (c) and (d) by the following: <i>have successfully completed an approved assessor course within the last two years during which the required knowledge and skills are taught using theoretical and practical methods and have been appropriately assessed using</i></p>

	<del>theoretical and practical methods</del> within the year preceding the application Where the assessor course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the Competent Authority, to approve an appropriate method / process. This is in line with the BR requirements.
response	Accepted

comment	283 comment by: skyguide Corporate Regulation Management
	<p><b>ATCO.C.45 (e)</b> When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an OJTI <del>an on-the-job training instructor endorsement</del> and a valid unit endorsement in the working position / sector where the assessment is taking place, or an OJTI with a valid <del>current</del> unit endorsement in the working position where the assessment is taking place shall be present to ensure safety. In order to ensure safety, someone with a valid unit endorsement for that unit has to be present, so if the assessor is not an OJTI holding that valid unit endorsement, then an OJTI holding that valid unit endorsement needs to be present.</p> <p><b>ATCO.C.45 (f)</b> In order to ascertain independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement to perform assessments in the unit for which they do not hold a valid unit endorsement. The addition lends clarity and grammatical correctness.</p> <p><b>ATCO.C.45 (g)</b> The competent authority may authorise assessors not fulfilling the requirements of paragraph (d) to exercise the privilege of the assessor endorsement in ATC units having less than three assessors. They shall however hold a rating and rating endorsement <del>applicable relevant</del> to the assessment.</p> <p>We suggest changing the wording to lend clarity.</p>
response	Accepted
	The subject provisions are completely reformulated; please consult the respective resulting text.

comment	284 comment by: skyguide Corporate Regulation Management
	<p><b>ATCO.C.55 (c) and (d)</b> have successfully completed an approved assessor course within the last two years during which the required knowledge and skills are taught using <del>theoretical and practical methods</del> and have been appropriately assessed <del>using theoretical and practical methods</del> within the year preceding the application. Instructional techniques courses should use both theoretical and practical methods, but it is up to the training organisation to propose the appropriate</p>

response	<p>method / process for assessment. This is in line with the BR216 Where the instructional techniques course will use both.</p> <p><i>Accepted</i></p>
----------	--

comment	<p>361 <span style="float: right;">comment by: <i>DSAE/DIRCAM/SDSA</i></span></p> <p>(b) We understand that the unit and rating endorsement need to be assessed by an assessors. In that case this is a new requirement. It increase the workload and will be only possible with more assessors in the organisation.</p> <p>(d) Military ATCO's need to move regularly (between 3 and 6 years). French ANSP ask for recognition of the skills in the previous organisation as an assessor or at least only 6 monthes in their current unit endorsement.</p>
response	<p><i>Not accepted</i></p> <p>As regards the comment under (b):</p> <p>Article 24 of Regulation (EU) No 805/2011 requires that competent authorities approve licence holders entitled to act as competence examiners or competence assessors for unit and continuation training. This is valid for a renewable period of three years. Therefore, assessing practical skills for the purpose of a rating, rating endorsement or unit endorsement is not considered as new requirement. The requirements to be met by assessors both in terms of qualification and experience are newly proposed, since no common requirements exist today in this domain. Common requirements are, however, indispensable for the introduction of an endorsement, which ensures the benefit of mutual recognition.</p> <p>As regards the comment under (d):</p> <p>Six-month experience in the unit endorsement is considered to be too short as a general requirement, when it comes for example to seasonality. To overcome the potential difficulties with the unit endorsement experience requirement the provisions on the granting of a temporary authorisation to conduct assessment could be used.</p>

comment	<p>401 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>It must be made clear in ATCO.C.045 (a) that an assessors privileges entitles the holder to assess practical skills to determine a specific outcome for a particular phase of practical training, either interim or final. Suggested wording for ATCO.C.045 (a):</p> <p><b>'A person shall only carry out assessments of practical skills to determine a specific outcome for a phase or module of practical training, with the exception of assessment of practical skills during initial training, when he/she holds an assessor endorsement'.</b></p>
---------	---



response

*Accepted*

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

comment

420

comment by: CAA-NL

[ATCO.C.045 - Assessor privileges](#)

COMMENTS: 'assessment' means an evaluation of the practical skills leading to the issue, revalidation and renewal of the license and / or endorsement(s), including behavior and the practical application of knowledge and understanding being demonstrated by the person undertaking training. Formative evaluation of practical skills during training is not considered to be assessment.

JUSTIFICATION: An assessor may not be required for continuous assessment during training. This is done continually during training. So does every OJTI need to be an assessor?

ALTERNATIVE PROPOSAL: A person shall only carry out a dedicated assessment of practical skills with the exception of assessment of practical skills during initial training leading to the issue, revalidation and/or renewal of the license and / or endorsement(s), when he/she holds an assessor endorsement

response

*Accepted*

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

comment

421

comment by: CAA-NL

[ATCO.C.050 - Limitation of privileges in case of vested interests](#)

COMMENTS: Especially smaller units will NOT be able to cope with this article.

ALTERNATIVE PROPOSAL: subpart a: change 'on-the-job training for the unit endorsement' in 'training'. Leave it up to the ANSP to determine what

	percentage should be applied. Or: they should not assess an applicant to whom they have given on the job training in the last 2-4 (e.g.) weeks preceding to the final assessment.
response	<p><i>Accepted</i></p> <p>The reference to the 50 % is deleted.</p>

comment	<p>422 <span style="float: right;">comment by: CAA-NL</span></p> <p><a href="#">ATCO.C.055(a) assessor endorsement application</a></p> <p>COMMENTS: The requirements for assessors in the NPA, to hold a valid unit endorsement, contradicts the requirements in the BR where an assessor "is or has been entitled to act as an ATCO</p> <p>ALTERNATIVE PROPOSAL: Applicants for the issue of an assessor endorsement shall:</p> <p>a. hold or have held an air traffic controller license with a relevant unit endorsement</p> <p>b. <i>to be deleted</i></p>
response	<p><i>Accepted</i></p> <p>Despite of important safety-related factors in favour of requiring assessors to hold the unit endorsement of the unit they will assess in, the Agency recognises that such requirement would be too stringent and in many cases impossible to comply with, which then would warrant the need for many different exemptions. Considering the relevant safety objectives set out in the essential requirements the Agency proposes a different approach for assessors.</p> <p>As a basic criterion for the application for an assessor endorsement the Agency proposes to require that applicants have exercised the privileges of an air traffic controller licence for at least two years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application.</p> <p>The basic requirements foreseen for the application are complemented with the required operational experience tailored to the specific cases in the provisions on assessor privileges.</p>

comment	<p>440 <span style="float: right;">comment by: HungaroControl</span></p>
---------	--

**ATCO.C.045 Assessor privileges (f):**

In order to ascertain independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement to perform assessments in the unit for which they do not hold a valid unit endorsement.

Clarity and grammatical correctness.

response

*Accepted*

The subject provision is completely reformulated; please consult the respective resulting text.

comment

441

comment by: *HungaroControl*

**ATCO.C.045 Assessor privileges (g):**

The competent authority may authorise assessors not fulfilling the requirements of paragraph (d) to exercise the privilege of the assessor endorsement in ATC units having less than three assessors. They shall however hold a rating and rating endorsement applicable relevant to the assessment

Clarity.

response

*Accepted*

The subject provision is completely reformulated; please consult the respective resulting text.

comment

442

comment by: *HungaroControl*

**ATCO.C.050 Limitation of privileges in case of vested interests:**

Assessors shall not conduct:

~~(a) competence assessment of applicants for the issue or renewal of a unit endorsement to whom they have provided more than 50 % of the on the job training required for the unit endorsement for which competence assessment is being taken;~~

~~(b) competence assessments whenever their objectivity may be affected.~~

We recommend to delete paragraph (a) as this would create effort – documentation to identify when 50% are reached- for no value, where the second paragraph covers that already

Harmonisation of the terminology

response

*Accepted*

The reference to the 50 % is deleted.

comment

465

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

The individual with the OJTI endorsement also needs to have a valid unit endorsement for the position they are responsible for.

Re word (e):

When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have 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 on-the-job training instructor-endorsement with a valid current unit endorsement in the working position where the assessment is taking place shall be responsible for the safety for the air traffic control service.

response

*Accepted*

The subject provision is completely reformulated; please consult the respective resulting text.

comment

482

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

	<p>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.</p>
response	<p><i>Not accepted</i></p> <p>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 problem 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 conducting assessments for the same purpose.</p>
comment	<p>514 <span style="float: right;">comment by: Juan Gallego Grana - Aena</span></p> <p><b>ATCO.C.050(a)</b></p> <p>It is proposed to delete paragraph (a) as this would create effort to identify when 50% are reached for no value (where the second paragraph covers that already):</p> <p><i>"Assessors shall not conduct:</i></p> <p><i><del>(a) competence assessment of applicants for the issue or renewal of a unit endorsement to whom they have provided more than 50 % of the on-the-job training required for the unit endorsement for which competence assessment is being taken;"</del></i></p>
response	<p><i>Accepted</i></p> <p>The reference to the 50 % is deleted.</p>
comment	<p>515 <span style="float: right;">comment by: Juan Gallego Grana - Aena</span></p> <p><b>ATCO.C.055(b)</b></p> <p>It is proposed to delete paragraph (b) as it is considered too restrictive and difficult to comply:</p> <p><i>"Applicants for the issue of an assessor endorsement shall:</i></p> <p><i>(a) hold an air traffic controller licence with a valid unit endorsement;</i></p> <p><i>(b) have exercised the privileges of an air traffic controller licence <del>for an</del></i></p>

*immediately preceding period of at least two years;*".

response *Partially accepted*

The reference to the immediately preceding period is deleted; the 2-year minimum experience is however maintained.

comment 574 comment by: *Maastricht UAC*

<p><b>ATCO.C.045 (a)</b> assessment of practical skills</p>	<p>An assessor may not be required for continuous assessment during training. This is done in MUAC continually from pre-OJT to end of training. So does every OJTI need to be an assessor?</p>	<p><b>Proposed text:</b> A person shall only carry out a dedicated assessment of practical skills <del>with the exception of assessment of practical skills during initial training</del> leading to the issue, revalidation and/or renewal of the licence and / or endorsement(s), when he/she holds an assessor endorsement</p>
---	--	---

response *Accepted*

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

comment 578 comment by: *Maastricht UAC*

<p><b>ATCO.C.045(e)</b> Assessor privileges</p>	<p>The OJTI endorsement is there to ensure safety. Therefore, the person holding the OJTI endorsement has to have a valid unit</p>	<p><b>Proposed text:</b> When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the</p>
---	--	---

	<p>endorsement for the position where the assessment is taking place.</p>	<p>assessor shall have an OJTI <del>an on-the-job training instructor</del> endorsement and a valid unit endorsement in the working position / sector where the assessment is taking place, or an OJTI with a valid <del>current</del> unit endorsement in the working position where the assessment is taking place shall be present to ensure safety.</p>
--	---	---

response *Accepted*

The subject provision is completely reformulated; please consult the respective resulting text.

comment *580*

comment by: *Maastricht UAC*

<p><b>ATCO.C.055(a)</b> assessor endorsement application</p>	<p>The requirements for assessors in the NPA, to hold a valid unit endorsement, contradicts the requirements in the BR where an assessor "is or has been entitled to act as an ATCO"</p>	<p><b>Proposed text:</b> Applicants for the issue of an assessor endorsement shall: (a) hold or have held an air traffic controller licence with a <b>relevant</b> unit endorsement</p>
--	--	---

response *Accepted*

Despite of important safety-related factors in favour of requiring assessors to hold the unit endorsement of the unit they will assess in, the Agency recognises that such requirement would be too stringent and in many cases

impossible to comply with, which then would warrant the need for many different exemptions. Considering the relevant safety objectives set out in the essential requirements the Agency proposes a different approach for assessors.

As a basic criterion for the application for an assessor endorsement the Agency proposes to require that applicants have exercised the privileges of an air traffic controller licence for at least two years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application.

The basic requirements foreseen for the application are complemented with the required operational experience tailored to the specific cases in the provisions on assessor privileges.

comment 605 comment by: DFS Deutsche Flugsicherung GmbH

ATCO.C.050  
This would be more strict than for OJTI.  
DFS recommends to delete para a), as the second para covers that condition already.

response Accepted

The reference to the 50 % is deleted.

comment 663 comment by: Maastricht UAC Training Organisation

<b>Paragraph identification:</b>	<b>Justification:</b>	<b>Alternative proposal:</b>
ATCO.C.045 (a) assessment of practical skills	An assessor may not be required for continuous assessment during training. This is done in MUAC continually from pre-OJT to end of training. So does every OJTI need to be an assessor?	<b>Proposed text:</b> A person shall only carry out a dedicated assessment of practical skills <del>with the exception of assessment of practical skills during initial training</del> leading to the issue, revalidation and/or renewal of the licence and / or endorsement(s), when he/she holds an assessor endorsement



response *Accepted*

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

comment 664

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
ATCO.C.045(e) Assessor privileges	The OJTI endorsement is there to ensure safety. Therefore, the person holding the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place.	<b>Proposed text:</b> When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an OJTI <del>an on-the-job training instructor</del> endorsement <b>and a valid unit endorsement in the working position / sector where the assessment is taking place</b> , or an OJTI with a valid <del>current</del> <b>unit endorsement in the working position where the assessment is taking place</b> shall be present to ensure safety.

response *Accepted*

The subject provision is completely reformulated; please consult the respective resulting text.

comment 665

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
ATCO.C.055(a) assessor endorsement application	The requirements for assessors in the NPA, to hold a valid unit endorsement, contradicts the requirements in the BR where an assessor "is or has been entitled to act as an ATCO"	<b>Proposed text:</b> Applicants for the issue of an assessor endorsement shall: (a) hold or have held an air traffic controller licence with a <b>relevant</b> unit endorsement

response *Accepted*

Despite of important safety-related factors in favour of requiring assessors to hold the unit endorsement of the unit they will assess in, the Agency recognises that such requirement would be too stringent and in many cases impossible to comply with, which then would warrant the need for many different exemptions. Considering the relevant safety objectives set out in the essential requirements the Agency proposes a different approach for assessors.

As a basic criterion for the application for an assessor endorsement the Agency proposes to require that applicants have exercised the privileges of an air traffic controller licence for at least two years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application.

The basic requirements foreseen for the application are complemented with the required operational experience tailored to the specific cases in the provisions on assessor privileges.

comment 681

comment by: *AESA / DSANA*

<b>PART</b>	<b>COMMENT</b>	<b>JUSTIFICATION</b>

ATCO.C.045(d)(2)	The experience required shall be at any time or immediately preceding the assessment?	A specific requirement has to be established within the regulation in order to ensure a common understanding and avoid divergence between requirements for holders of assessor endorsement throughout the different FABs / States in order to facilitate the smooth circulation of assessors within Europe
------------------	---	--

response *Noted*

The Agency believes that the requirement as proposed is clear and precise. However, to facilitate the implementation, the provision is restructured to start with the at least two years' experience in the rating and rating endorsement(s), followed by the experience requirement relevant to the unit endorsement, for which an immediately preceding period of at least one year is required. However, following the consideration of other comments, this latter requirement is now only proposed for assessment leading to the issue, revalidation and renewal of a unit endorsement.

comment

757

comment by: UK CAA

**Page No:** 27

**Paragraph No:** Section 2, ATCO.C.045

**Comment:** Paragraph (a) states that a person shall only carry out assessments of practical skills with the exception of assessment of practical skills during initial training, therefore, this statement has an impact on all units in the UK as currently, the Unit Training Plan requires that a Unit Assessor, who will be an OJTI, conducting progress assessment, (this duty is separate to that of a Unit Competency Examiner who requires the Examiner endorsement) will now be required to hold an **Assessor Endorsement**.

However, in the additional paragraphs, there is some clarification for the duties of a holder of an **Assessor Endorsement**, which does not include the duty detailed above for progress assessments on a UTP.

This links to the comment Article 3 on Definitions for the term 'Assessor' to be clarified, which will avoid misinterpretation.

	<p><b>Justification:</b> To avoid confusion with the term 'Assessor'.</p> <p><b>Proposed Text:</b> Change the title of Section 2 to '<b>Holders of an Assessor Endorsement</b>' and change the header for ATCO.C.045 to '<b>Privileges of the Holder of an Assessor Endorsement</b>'.</p> <p>If the title and header are changed then paragraph (a) can be reduced to:</p> <p>"A person shall only carry out assessments of practical skills when he/she holds an assessor endorsement."</p>
response	<p><i>Partially accepted</i></p> <p>The requested clarification concerning the different treatment of assessments leading to the issue, revalidation or renewal of a licence, rating or endorsement and assessments or continuous assessment during training is ensured via the amended definition of the term 'assessment'. This ensures that only 'final' assessments leading to the issue, revalidation or renewal of a licence, rating or endorsement are under the scope of the requirements relevant to the assessment and thus require the involvement of an assessor.</p>
comment	<p>758 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 28</p> <p><b>Paragraph No:</b> Section 2 ATCO.C.045 (f)</p> <p><b>Comment:</b> Suggest word 'ascertain' is replaced.</p> <p><b>Justification:</b> The establishment of independence is a more proactive and direct verb.</p> <p><b>Proposed Text:</b> Amend paragraph (f) as follows:</p> <p>"(f) In order to <del>ascertain</del><b>establish</b> independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement."</p>
response	<p><i>Partially accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>
comment	<p>760 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 28</p> <p><b>Paragraph No:</b> Section 2 ATCO.C.045 (g)</p>

**Comment:** The proposals for the award and retention of the ASSESSOR endorsement are over prescriptive would put at risk, the high level of safety achieved in the UK under the current regulatory arrangements.

**Justification:** The EASA Basic Regulation (Annex V.b4(h)(ii)), as amended, requires Assessors to **be or have been** entitled to act as an air traffic controller in those areas in which assessment is to be made. Under these long standing arrangements, the UK has ensured that a high level of ATM safety has been achieved, by ensuring common standards of ATCO endorsement and validation. The competent authority inspectors, qualified as Assessors have been a key tool in ensuring that the large and diverse ATM industry, is overseen and standardised with 65 ANSPs in the UK alone. Such Inspectors are also able to endorse at 'green field' sites where there are no qualified personnel.

The UK, being home to a significant amount of independent ANSPs, all subject to market conditions, is particularly vulnerable to any action which would place those ANPS into closer commercial conflict. The removal of the ability for competent authorities to provide impartial and independent assessment at a stable cost across that industry will put in place an imbalance in the ATM market. Smaller ANSPs will not be able to afford to train personnel as Assessors and will be therefore subject to purchase of those services from competitors.

**Proposed Text:** Replace paragraph (g) as follows:

"(g) Where assessors are engaged in safety oversight on behalf of the competent authority, that competent authority may authorise an assessor not fulfilling the requirements of paragraph (d) to exercise the privilege of the assessor endorsement in ATC units. The authorised assessor shall hold or have held a rating and rating endorsement(s) relevant to the assessment."

response

*Accepted*

The provisions relevant to assessors are completely reformulated in order to take into account the comment with regard to the related essential requirement. The issue of competent authority assessors (inspectors) is addressed in ATCO.AR.A.005, as this contains the provisions relevant to the personnel of the competent authorities.

comment

823

comment by: *NATS National Air Traffic Services Limited*

ATCO.C.045 (f)

Paragraph (f) states 'In order to ascertain independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement.' There needs to be other safeguards for these circumstances to ensure non-discrimination.

	<p>There is a potential for commercial discrimination for those being assessed or a conflict of interest if for example the ATC provision is being put out for tender or bids under a new contract.</p> <p>It is suggested that the CA needs to observe any assessments done under this provision. Suggested amendment:</p> <p><b>'In order to ascertain independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement to conduct the assessment under the supervision of the competent authority.'</b></p>
response	<p><i>Partially accepted</i></p> <p>The proposed text is not in line with the proposal made via comment No 1168; nevertheless, the subject provision is completely reformulated, please consult the respective resulting text. The issue of competent authority assessors (inspectors) is addressed in ATCO.AR.A.005, as this contains the provisions relevant to the personnel of the competent authorities.</p>
comment	<p>824 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.C.050 (a)</p> <p>Paragraph (a) has a presumption that the objectivity of the OJTI may be affected when they have provided more than 50 % of the on-the-job training. This is not the case in all circumstances and flexibility should be available for those cases. This may especially apply in small units where there could be a limited number of OJTIs (who are also Assessors). Paragraph (b) adequately covers paragraph (a) and therefore (a) is not needed.</p> <p>Suggested amendment:</p> <p>Remove paragraph <b>'(a)'</b> entirely</p> <p>and</p> <p>remove the paragraph designator <b>'(b)'</b> but leave the content of the paragraph.</p>
response	<p><i>Accepted</i></p> <p>The reference to the 50 % is deleted.</p>
comment	<p>839 <span style="float: right;">comment by: ATCEUC- Air Traffic Controllers European Unions Coordination</span></p>

	Attachment <a href="#">#12</a>
	<b>ATCO.C.045(e)</b>
	<b>Comment:</b>
	<b>ATCEUC</b> proposes this change to clarify that the OJTI shall hold the relevant unit endorsement.
	<b>ATCO.C.045(e) new text</b>
	<i>When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an OJTI <del>an on-the-job training instructor</del> endorsement <u>and a valid unit endorsement in the working position / sector where the assessment is taking place</u>, or an OJTI with a <u>valid current unit endorsement in the working position where the assessment is taking place</u> shall be present to ensure safety.</i>
response	Accepted
	The subject provision is completely reformulated; please consult the respective resulting text.
comment	850 <span style="float: right;">comment by: swissatca</span>
	C.045 (e) For safety reasons, at least one person (EXM/ OJTI) with a valid unit endorsement (for this specific unit) shall be present.
response	Accepted
comment	872 <span style="float: right;">comment by: Federazione ATM-PP</span>
	Federazione ATM-PP proposal, regarding ATCO.C.045 (e) is to change in: <i>When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an OJTI <del>an on-the-job training instructor</del> endorsement <u>and a valid unit endorsement in the working position / sector where the assessment is taking place</u>, or an OJTI with a <u>valid current unit endorsement in the working position where the assessment is taking place</u> shall be present to ensure safety.</i>
	Safety can be assured only if the OJTI has the same endorsement where the assessment is taking place
response	Accepted
	The subject provision is completely reformulated; please consult the respective resulting text.

comment	<p>884 comment by: <i>European Transport Workers Federation - ETF</i></p> <p><b>ATCO.C.045(e)</b>  When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an on-the-job training instructor-endorsement <u>and a valid unit endorsement in the working position / sector where the assessment is taking place</u>, or an on-the-job training instructor-endorsement with a <u>valid <del>current</del> unit endorsement in the working position where the assessment is taking place</u> shall be present to ensure safety.</p> <p>ETF proposes to re-word because the OJTI endorsement is there to ensure safety. Therefore the person holding the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place.</p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>
comment	<p>909 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ATCO.C.045(a)  <b>SINCTA</b> considers it is not necessary to have an assessor endorsement to assess the previous competence before starting unit training.  Proposed text:  <i>A person shall only carry out assessments of practical skills with the exception of assessment of practical skills during initial training <u>and assessments of previous competence</u> when he/she holds an assessor endorsement.</i></p>
response	<p><i>Noted</i></p> <p>Following the consideration of the comments the Agency is now proposing for the application for an assessor endorsement to require that applicants have exercised the privileges of an air traffic controller licence for at least two years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application.</p> <p>By proposing these requirements the particular situation of initial training assessments could be simplified. The Agency doesn't see anymore any particular difficulty for training organisations providing initial training only in requiring qualified assessors for the assessment of practical skills for initial training. Therefore, the need to empower STDIs undergoing assessor training to act as assessors does not exist anymore; STDIs without a valid unit endorsement can now obtain the assessor endorsement. Therefore, and with regard to the amended assessor requirements and privileges, the Agency does not see any difficulty in requiring assessors to perform the assessment of previous competence.</p>



comment	910	comment by: SINCTA - Portuguese Air Traffic Controllers' Union
	<p>ATCO.C.045(e)  <b>SINCTA</b> proposes this change for clarification.  Proposed text:  <i>When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an <u>OJTI</u> <del>on the job training instructor</del> endorsement and a valid unit endorsement in the working position / sector where the assessment is taking place, or an OJTI with a valid <del>current</del> unit endorsement in the working position where the assessment is taking place shall be present to ensure safety.</i></p>	
response	<p>Accepted</p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>	

comment	911	comment by: SINCTA - Portuguese Air Traffic Controllers' Union
	<p>ATCO.C.045(f);(g)  <b>SINCTA</b> agrees on the need to have exemptions from the rules but only in exceptional cases. In paragraph (f) and some cases of paragraph (g), those assessors do not hold the unit endorsement which means they do not have the knowledge and skills necessary to perform the job. Therefore it will be important for them to have at least theoretical training in those procedures, or else how would they be able to assess the application of procedures they don't know and understand? <b>SINCTA</b> proposes to include an AMC for those assessors. As the transitional training phase is designed primarily to impart knowledge and understanding of site specific operational procedures and task specific aspects it seems the ideal training for them.  Proposed text:  <u>AMC1 ATCO.C045(f);(g)</u>  <i><u>When assessors do not hold the unit endorsement in which they are intended to assess, they should have completed the transitional training phase of the unit endorsement they are assessing.</u></i></p>	
response	<p>Partially accepted</p> <p>The subject provisions are completely reformulated and require now assessors and prospective holders of a temporary assessor authorisation to demonstrate knowledge of current operational practices.</p>	

comment	937	comment by: USAC-CGT
	<p>ATCO.C.050  USAC-CGT congratulates EASA for inserting this provision but considers that (a) is not necessary.</p>	

response	<p><i>Accepted</i></p> <p>The reference to the 50 % is deleted.</p>
comment	<p>968 <span style="float: right;">comment by: USCA</span></p> <p><b>ATCO.C.045(a)</b></p> <p><b>USCA</b> proposes to make some editorial changes in behalf of clarification</p> <p><i>(a) A person shall only carry out assessments of practical skills with the exception of assessment of practical skills during initial training <u>and assessments of previous competence</u>, when he/she holds an assessor endorsement.</i></p>
response	<p><i>Noted</i></p> <p>Following the consideration of the comments the Agency is now proposing for the application for an assessor endorsement to require that applicants have exercised the privileges of an air traffic controller licence for at least two years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application.</p> <p>By proposing these requirements the particular situation of initial training assessments could be simplified. The Agency doesn't see anymore any particular difficulty for training organisations providing initial training only in requiring qualified assessors for the assessment of practical skills for initial training. Therefore, the need to empower STDIs undergoing assessor training to act as assessors does not exist anymore, STDIs without a valid unit endorsement can now obtain the assessor endorsement. Therefore, and with regard to the amended assessor requirements and privileges, the Agency does not see any difficulty in requiring assessors to perform the assessment of previous competence.</p>
comment	<p>969 <span style="float: right;">comment by: USCA</span></p> <p><b>ATCO.C.045(e)</b></p> <p>The OJTI endorsement is there to ensure safety, therefore the person holding the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place:</p> <p><i>(e) When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an <u>on-the-job training</u></i></p>

	<p><i>instructor OJTI endorsement and a valid unit endorsement in the working position/sector where the assessment is taking place, or an OJTI with a <del>current</del> valid unit endorsement in the working position where the assessment is taking place shall be present to ensure safety.</i></p>
response	<p>Accepted</p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>

comment	<p>970 <span style="float: right;">comment by: USCA</span></p> <p><b>ATCO.C.045(f)(g)</b></p> <p>USCA agrees on the need to have exemptions from the rules but only in exceptional cases. In paragraph (f) and some cases of paragraph (g), those assessors do not hold the unit endorsement which means they do not have the knowledge and skills necessary to perform the job.</p> <p>The new approach takes paragraph (f) for cases where assessors from other units are needed and paragraph (g) for cases where the holders of the assessor endorsement from that unit could be used even if they do not comply with the experience in the unit endorsement requirement to exercise the assessor endorsement.</p> <p><i>"(f) In order to ascertain independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement to perform assessments in the unit for which they do not hold a valid unit endorsement.</i></p> <p><i>(g) The competent authority may authorise assessors not fulfilling the <u>experience</u> requirements of paragraph (d) to exercise the privilege of the assessor endorsement in ATC units having less than three assessors. <del>They shall however hold a rating and rating endorsement relevant applicable to the assessment.</del>"</i></p> <p>Also, it will be important for them to have at least theoretical training in those procedures, or else how would they be able to assess the application of procedures they don't know and understand? USCA proposes to include an AMC for those assessors. As the transitional training phase is designed primarily to impart knowledge and understanding of site specific operational procedures and task specific aspects it seems the ideal training for them.</p> <p><b>AMC1 ATCO.C045(f);(g)</b></p> <p><u><i>When assessors do not hold the unit endorsement in which they are intended to assess, they should have completed the transitional training phase of the unit endorsement they are assessing.</i></u></p>
response	<p>Partially accepted</p> <p>The subject provisions are completely reformulated and require now assessors and prospective holders of a temporary assessor authorisation to demonstrate</p>

knowledge of current operational practices.

comment 990

comment by: ICEATCA

(e) ICEATCA would like to clarify a little better that the OJTI shall hold a relevant unit endorsement.

response Accepted

The subject provision is completely reformulated; please consult the respective resulting text.

comment 1001

comment by: Belgocontrol Training Centre

Propôsal:

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.

response Accepted

The subject provision is completely reformulated; please consult the respective resulting text.

comment 1002

comment by: Belgocontrol Training Centre

Reason:

The OJTI endorsement is there to ensure safety. Therefore, the person holding the OJTI endorsement has to have a valid unit endorsement for the position

	<p>where the assessment is taking place.</p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>

comment	<p>1057 <span style="float: right;">comment by: ICEATCA</span></p> <p>(e) ICEATCA would like to clarify a little better that the OJTI shall hold a relevant unit endorsement.</p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>

comment	<p>1070 <span style="float: right;">comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></span></p> <p>In reference to the <b>ATCO.C.045(e)</b> FIT/CISL proposes to re-word because the OJTI endorsement is there to ensure safety. Therefore the person holding the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place:</p> <p>"When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an on-the-job training instructor-endorsement <u>and a valid unit endorsement in the working position / sector where the assessment is taking place,</u> or an on-the-job training instructor-endorsement with a <u>valid <del>current</del> unit endorsement in the working position where the assessment is taking place</u> shall be present to ensure safety"</p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>

comment

1071

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

In reference to the **ATCO.D.055(b)(14)** FIT/CISL thinks that according to the Basic Regulation, ATCO.D.045(c) includes operational procedures, task specific aspects, abnormal and emergency situations and human factors as the minimum items to the unit training.

The NPA Explanatory Note (126) states that abnormal and emergency situations to be taught during the unit training will need to be identified by every unit but no mention has been made of the human factors training neither it has been included in the unit training plan content (ATCO.D.055). In order to have a coherent document there is a need to include the human factors training provisions under the UTP.

FIT/CISL proposes two different options:

“(b) The unit training plan shall contain at least:

(16) the list of human factor topics specific for each unit endorsement”

OR

~~(14) a list of identified abnormal and emergency situations specific for each unit endorsement~~ the training under the ATCO.D.045(c);

response

*Not accepted*

The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in ATCO initial training since 2006. AMC1 to ATCO.D.045(c)(4) details the human factors subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.

The training subjects are included in the unit endorsement course which is part of the UTP.

comment

1153

comment by: *HungaroControl*

**ATCO.C.055 Application for assessor endorsement (a):**

Applicants for the issue of an assessor endorsement shall:

(a) hold an air traffic controller licence with a valid unit endorsement

(b) have exercised the privileges of an air traffic controller licence ~~for an immediately preceding period of at least two years;~~

In BR an assessor is or has been entitled to act as an ATCO.

response

*Accepted*

Regarding the application criteria, the requirement for a valid unit endorsement and the reference to the immediately preceding period is deleted.

comment	<p>1154 <span style="float: right;">comment by: HungaroControl</span></p> <p><b>ATCO.C.055 Application for assessor endorsement (c) and (d):</b>  have successfully completed an approved assessor course within the last two years during which the required knowledge and skills are taught <b>using theoretical and practical methods</b> and have been <b>appropriately</b> assessed using <del>theoretical and practical</del> methods within the year preceding the application  The CA approves the appropriate method of assessment.</p>
response	<p><i>Accepted</i></p>

comment	<p>1167 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.C.045 Assessor privileges (e)</p> <p>The OJTI endorsement is there to provide supervision, ensure safety and take responsibility for the service. Therefore, the person holding the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place</p> <p>The proposed regulation as it stands is not specific enough. It would allow an OJTI to be present who does not hold a valid unit endorsement in that working position</p> <p>Suggested amendment:</p> <p><b>'(e) When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have an OJTI endorsement and a valid unit endorsement in the working position / sector where the assessment is taking place, or an OJTI with a valid unit endorsement in the working position where the assessment is taking place shall be present to ensure safety.'</b></p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>

comment	<p>1168 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.C.045 Assessor privileges (f)</p> <p>This paragraph is not specific enough and therefore lacks clarity.</p> <p>Suggested amendment:</p> <p><b>'(f) In order to ascertain independence from the training process the</b></p>
---------	---

	<p><b>competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement to perform assessments in the unit for which they do not hold a valid unit endorsement.'</b></p>
response	<p><i>Partially accepted</i></p> <p>The proposed text is not in line with the proposal made via comment No 823; nevertheless, the subject provision is completely reformulated, please consult the respective resulting text.</p>

comment	<p>1169 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.C.045 Assessor privileges (g)</p> <p>This paragraph gives an exemption from (d) (1) and not (d) (2). Therefore all it is (d) (1) that should be specified in the rule.</p> <p>There is a lack of clarity which may result in misinterpretation.</p> <p>Suggested amendment:</p> <p><b>'(g) The competent authority may authorise assessors not fulfilling the requirements of paragraph (d) (1) to exercise the privilege of the assessor endorsement in ATC units having less than three assessors. They shall however hold a rating and rating endorsement relevant to the assessment according to (d) (2).'</b></p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>

comment	<p>1171 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.C.055 Application for assessor endorsement (c) and (d)</p> <p>Where the assessor course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the Competent Authority to approve, an appropriate method and/or process. The suggested amendment aligns with the BR216 requirements. Also combine (c) and (d) and delete (d).</p> <p>Suggested amendment:</p> <p><b>'(c) have successfully completed an approved assessor course within</b></p>
---------	--



**the preceding two years during which the required knowledge and skills are taught using theoretical and practical methods, and assessed within the year preceding the application.'**

And delete paragraph '(d)'.

response *Partially accepted*

The subject provision is reformulated; please consult the respective resulting text.

comment 1183

comment by: *Luca Valerio Falessi*

**ATCO.C.045 Assessor privileges**

(f) In order to ascertain independence from the training process the **ATSU** competent authority may, ~~upon request of the training organisation~~, authorise an assessor holding the same rating, and if applicable rating endorsement(s), from a different ATC unit with a valid unit endorsement.

**JUSTIFICATION**

It is not clear the purpose of this requirement, unless it is closely related to the implementation of ATCO.C.050 (a). This para should be moved in ATCO.C.050 in order to cope with those cases when due to the size of ATSU, the 50% rule cannot be applied.

response *Partially accepted*

The subject provision is reformulated; please consult the respective resulting text.

comment 1210

comment by: *Danish Transport Authority, Personnel licensing office*

ATCO.C.045 (g): It is very important to keep this option. We have really good experiences with "external" assessors, without a unit endorsement but with the same rating/rating endorsement(s). It is problematic if 3-4 colleagues at a small unit will have to assess each other. Added value is, that it has proven to be a good way of sharing knowledge between units and to harmonize and improve procedures etc.

response *Accepted*

comment 1215

comment by: *EUROCONTROL*

ATCO.C.045 (b) & (e):

There should be clarity who can assess for summative assessments and who can assess training progress for formative assessments. Maybe AMC or GM

response	could help?
response	<p><i>Accepted</i></p> <p>The requested clarification concerning the different treatment of assessments leading to the issue, revalidation or renewal of a licence, rating or endorsement and assessments or continuous assessment during training is ensured via the amended definition of the term 'assessment'. This ensures that only 'final' assessments leading to the issue, revalidation or renewal of a licence, rating or endorsement are under the scope of the requirements relevant to the assessment and thus require the involvement of an assessor.</p>
comment	<p>1216 <span style="float: right;">comment by: <i>Luca Valerio Falessi</i></span></p>
	<p><b>ATCO.C.050 Limitation of privileges in case of vested interests</b></p> <p>The "50%" rule should be re-evaluated for small ATSU's</p> <p><b>JUSTIFICATION</b> A regulatory hook, plus a specific AMC should be developed for those units with less than 5 ATCOs, where it is likely to have only 1 OJTI.</p>
response	<p><i>Accepted</i></p> <p>The reference to the 50 % is deleted.</p>
comment	<p>1281 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p>
	<p><b>ATCO.C.045 Assessor privileges</b> – We find the requirements for becoming an assessor too low. We would like it to say that they need to have an OJTI endorsement and that they have worked at least two years as an operational OJTI.</p>
response	<p><i>Not accepted</i></p> <p>The Agency is of the opinion that based on the difference in the necessary skills (instructional techniques or assessing), as well as the nature of the activity, it is not obvious that only persons with an OJT instructor qualification and experience could ensure that the assessor tasks are appropriately undertaken. This is the reason why there is no link proposed between the two endorsements, other than for assessments leading to issue, revalidation and renewal of a unit endorsement.</p>
comment	<p>1282 <span style="float: right;">comment by: <i>ENAV</i></span></p>
	<p><b>ATCO.C.045 Assessor privileges (c)</b></p>

	<p>The privileges of the holder of an assessor endorsement may be extended to the assessment of applicant practical instructors or applicant other assessors when</p> <p>compliance with the requirements of ATCO.C.065 and ATCO.C.070 is ensured. Comment: To be coherent with comments on ATCO.C.020 and ATCO.C.040 and ATCO.C.060</p>
response	Accepted

comment	<p>1283 comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</p> <p><b>ATCO.C.045 (d)(1) Assessor privileges</b> – It is very important that assessors don't need a unit endorsement at each and every unit they assess ATCOs at. It should be enough that they have a unit endorsement at one unit in the rating(s)/ endorsement(s) they assess in. See Regulation 1108/2009 Annex Vb, 4. Qualification of the Air Traffic Controller h) ii) "Assessors on practical skills shall also be or have been entitled to act as an air traffic controller in those areas in which assessment is to be made."</p>
response	Accepted

comment	<p>1284 comment by: ENAV</p> <p><b>ATCO.C.045 Assessor privileges (e)</b> When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have OJTI <del>an on-the-job training instructor</del> endorsement and a valid unit endorsement in the working position / sector where the assessment is taking place, or an OJTI with a valid <del>current</del> unit endorsement in the working position where the assessment is taking place shall be present to ensure safety. Comment: The OJTI endorsement is there to ensure safety. Therefore, the person holding the OJTI endorsement has to have a valid unit endorsement for the position where the assessment is taking place.</p>
response	<p>Accepted</p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>

comment	<p>1286 comment by: ENAV</p> <p><b>ATCO.C.045 Assessor privileges (f)</b> In order to ascertain independence from the training process the competent authority may, upon request of the training organisation, authorise an assessor holding the same rating, and if applicable</p>
---------	---

response	<p>rating endorsement(s), from a different ATC unit with a valid unit endorsement to perform assessments in the unit for which they do not hold a valid unit endorsement.          Comment: Clarity and grammatical correctness</p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>
comment	<p>1287 <span style="float: right;">comment by: ENAV</span></p>
response	<p><b>ATCO.C.045 Assessor privileges (g)</b>          The competent authority may authorise assessors not fulfilling the requirements of paragraph (d) to exercise the privilege of the assessor endorsement in ATC units having less than three assessors. They shall however hold a rating and rating endorsement applicable relevant to the assessment          Comment: Clarity</p>
response	<p><i>Accepted</i></p> <p>The subject provision is completely reformulated; please consult the respective resulting text.</p>
comment	<p>1289 <span style="float: right;">comment by: ENAV</span></p>
response	<p><b>ATCO.C.050 Limitation of privileges in case of vested interests</b>          Assessors shall not conduct:</p> <p><del>(a) competence assessment of applicants for the issue or renewal of a unit endorsement to whom they have provided more than 50 % of the on-the-job training required for the unit endorsement for which competence assessment is being taken;</del></p> <p>(b) <del>competence</del> assessments whenever their objectivity may be affected.          Comment:</p> <p>We recommend to delete paragraph (a) as this would create effort – documentation to identify when 50% are reached- for no value, where the second paragraph covers that already</p> <p>Harmonisation of the terminology</p>
response	<p><i>Accepted</i></p> <p>The reference to the 50 % is deleted.</p>

comment	1292	comment by: ENAV
	<p><b>ATCO.C.055 Application for assessor endorsement (c) and (d)</b>  have successfully completed an approved assessor course within the last two years during which the required knowledge and skills are taught using theoretical and practical methods and have been appropriately assessed using theoretical and practical methods within the year preceding the application  Comment: Where the assessor course will use both theoretical and practical methods, it should be up to the training organisation to propose, and the CA, to approve an appropriate method / process. This is in line with the BR requirements.</p>	
response	Accepted	

comment	1340	comment by: Avinor ANS
	<p>The requirement for Assessor endorsement for OJTIs is an extra cost in terms of both resources and financially. The requirement for refreshment training every 3 year is considered unnecessary.</p>	
response	<p>Not accepted</p> <p>Instructor and assessor tasks are different in nature, thus persons holding those endorsements shall meet different requirements, which are tailored to the task they are entitled to perform.  The refresher training as such is mandated by the essential requirements in order to ensure that assessment standards are maintained up to date. The 3-year interval is proposed as an alignment with the already existing validity requirement for the OJTI endorsement.</p>	

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 2 ASSESSORS – ATCO.C.060**  
**Validity of assessor endorsement**

p. 28-29

comment	29	comment by: LfV
	<p>Ref ATCO.C.060  Basic regulation only requires refresher training. (2), (3) and the text underneath (3) should be deleted.</p>	
response	<p>Partially accepted</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

84

comment by: LPS SR

<p><b>ATCO.C.060 Validity of assessor endorsement</b></p>	<p>It may be revalidated by:</p> <p>(1) receiving approved refresher training on assessment skills during the validity period of the assessor endorsement; and</p> <p><del>(2) either successfully passing an assessor competence assessment; or</del></p> <p><del>(3) exercising the privileges of the assessor endorsement for a minimum number of assessments as defined in the unit competence scheme.</del></p> <p><del>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.</del></p> <p><del>the minimum number of hours to work as OJT, as well as the minimum number of assessments for an assessor to perform in order to revalidate the relevant endorsements</del></p>	<p>The Basic Regulation 216/2008 requires only refresher training to maintain competence.</p> <p>The requirements for the Unit Competence Scheme should be amended accordingly (ATCO.B.025)</p>
---	--	---

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.

comment 114

comment by: CAA-NL

**ATCO.C.060**

We prefer an unlimited validity of a assessor enforcement under certain conditions, such to avoid unnecessary administrative burdens. To formulate this we propose the following text for the complete article:

- (a) The assessor endorsement shall remain valid under the following conditions:
- (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, the interval between assessments shall not exceed three years; or
  - (3) exercising the privileges of the assessor endorsement for a minimum number of assessments as defined in the unit competence scheme.
- (b) If the assessor endorsement has lost its validity, it may be revalidated by:
- (1) receiving approved refresher training on assessor skills; and
  - (2) successfully passing an assessor competence assessment;
- within a timeframe of one year.

Further we suggest a 5 year interval after the issue or latest change of the licence to submit the licence to the competent authority that issued the licence in order to verify the information on the license and the CA file, similar to the provisions in Part 66.

response *Not accepted*

Already now, according to Article 24 of Regulation (EU) No 805/2011, the approval of licence holders acting as competence examiners or competence

assessors is valid for a renewable period of 3 years. The Agency considers that establishing a new system of verification every 5 years in addition to the 3-year cycle of the assessor competence assessment as proposed by the comment is not diminishing but rather creating more administrative burden.

comment

165

comment by: NAVIAIR

ATCO.C.060:

This is a very important topic about assessor-PFC and Naviair fully support the CANSO comments

Assessor-PFC's will cause ANS-providers unnecessary costs Text: Delete (2) & (3):

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.~~

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.

comment

166

comment by: NAVIAIR

ATCO.C.060 (d):

It would be much easier to manage and cheaper for training organisations if the validity period of the assessor-endorsements is counted from **the last day in the calendar-year**, where the assessor-refresher has been successfully



response	<p>completed.</p> <p>In big organisations with many assessors, this procedure will minimize costs to administration. It is important that many assessors have the same validity date (and we prefer the last day in the calendar-year). This means that administration personnel only have to look at the next calendar year, not at individual validity periods, and can easily have the answer: Who need to complete an assessor-refresher next year to revalidate the assessor-endorsement</p> <p>This has been the valid procedure for years in Denmark approved by Danish CAA</p> <p><i>Accepted</i></p>
comment	<p>354 <span style="float: right;">comment by: DSNA</span></p> <p><b>ATCO.C.060 (b) (2) and (3).</b></p> <p><u>Comment</u> : (high priority comment for DSNA)</p> <p>The basic regulation requires only refresher training to maintain competence for assessors: <b>BR 216/2008 annex Vb(4)(h)(ii).</b></p> <p>The introduction of a second condition to revalidate assessor endorsement (either a test or an experience criteria) is against the basic regulation, with no real cost-benefit analysis in the RIA. This will increase the overall number of assessments (see general comment #331 point 3).</p> <p><b>The second condition for revalidation (paragraphs (2) and (3)) should be removed.</b></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 431 comment by: HungaroControl

**ATCO.C.060 Validity of assessor endorsement:**

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.~~

~~the minimum number of hours to work as OJTI, as well as the minimum number of assessments for an assessor to perform in order to revalidate the relevant endorsements~~

The basic regulation requires only refresher training to maintain competence. The requirements should be in UCS.

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.

comment 471 comment by: NUAC

ATCO.C.060 (b)

This is a very important topic about assessor-PFC and NUAC fully support the

## CANSO comments

Assessor-PFC's will cause ANS-providers unnecessary costs

Proposal for new text:

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. →~~

## ATCO.C.060 (d)

It would be much easier to manage (and cheaper for training organisations) if the validity period of the assessor-endorsements is counted from **the last day in the calendar-year**, where the assessor-refresher has been successfully completed.

In big organisations with many assessors, this procedure will minimize costs to administration. It is important that many assessors have the same validity date (and we prefer the last day in the calendar-year). This means that administration personnel only have to look at the next calendar year, not at individual validity periods, and can easily have the answer: Who need to complete an assessor-refresher next year to revalidate the assessor-endorsement

Proposal for new text:

In the case of first issue and renewal the period of validity shall be counted from the last day in the calendar-year ~~the date of issue~~.

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.

comment	<p data-bbox="355 215 411 241">509</p> <p data-bbox="991 215 1445 241">comment by: DSAC - French NSA</p> <p data-bbox="355 300 496 327"><u>Paragraph</u></p> <p data-bbox="355 362 571 389">ATCO.C.060 (b)</p> <p data-bbox="355 425 628 452"><u>Alternative proposal</u></p> <p data-bbox="355 488 751 515">(b) It may be revalidated by:</p> <p data-bbox="355 551 1445 622">(1) receiving approved refresher training on assessment skills during the validity period of the assessor endorsement; and</p> <p data-bbox="355 645 1326 672"><del>(2) either successfully passing an assessor competence assessment; or</del></p> <p data-bbox="355 707 1445 779"><del>(3) exercising the privileges of the assessor endorsement for a minimum number of assessments as defined in the unit competence scheme.</del></p> <p data-bbox="355 815 1445 909"><del>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.</del></p> <p data-bbox="355 945 517 972"><u>Justification</u></p> <p data-bbox="405 1008 858 1034">- In basic regulation n°216/2008,</p> <p data-bbox="355 1070 1366 1097">(i) Persons responsible for assessing the skill of air traffic controllers shall:</p> <p data-bbox="355 1133 1445 1205">ii. receive regular refresher training to ensure that the assessment standards are maintained up to date. »</p> <p data-bbox="355 1240 1445 1312">The revalidation of the assessor endorsement should then be only related to a refresher training.</p>
response	<p data-bbox="355 1357 596 1384"><i>Partially accepted</i></p> <p data-bbox="355 1442 1445 1603">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 data-bbox="355 1626 1445 1751">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 data-bbox="355 1774 1445 1989">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

602

comment by: DFS Deutsche Flugsicherung GmbH

ATCO.C.060 (b) (2)

The basic regulation requires refresher training to maintain competence. Other measures are beyond its scope.

Assessment of competence bears the general disadvantage that the most essential criteria, the social competence (the interaction with the trainee) and self competence (motivation), will be shown as expected and therefore are only weak indicators. An assessment through examination/observation of the assessor is not regarded as productive.

For DFS this regulation is a regression accompanied by

- raise of staff capacity (operational as well as administrative): - e.g. need to establish a new role and function to perform assessments which needs to be recruited from the operational staff,
- considerably high additional costs (e.g. to adapt the technical infrastructure): - e.g. installation of third port for headsets in order to perform practical assessment,
- inflexible procedures in particular for small units: - e.g. not sufficient trainees available.

The requirement to assess the competence of assessors is better placed in the relevant Unit Competence Scheme in order to enable the ANSP to act according to their organizational and situational conditions, which allows as well alternative instruments to assess theoretical and practical skills. This would be in line with our comments on the UCS (see ATCO.B.025).

Proposed change to para (b):

(b) It may be revalidated by:

- (1) receiving approved refresher training on practical instructional skills during the validity period of the assessor endorsement; and
- (2) either successfully passing an ~~practical instructor competence~~ **examination or assessment**; or
- (3) exercising the privileges of the assessor endorsement for a minimum amount of time as defined in the unit competence scheme.

If the ~~successful practical instructor competence assessment~~ **examination or assessment** takes place within the first two years of the validity, the validity is extended for three years starting from the assessment date.

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.

comment

739

comment by: FABEC

FABEC request to modify the revalidation requirements in ATCO.C.060. The basic regulation requires only refresher training to maintain competence. All other provisions are outside the scope of BR. The requirements for the UCS should be amended accordingly (ATCO.B.025).

(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 of the assessor endorsement is extended for a period of three years starting from the assessment date.~~

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.

comment

795

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.C.060 Validity of assessor endorsement</a>	4. In the case of first issue and renewal the period of validity shall be counted from the date of <del>issue</del> the <b>assessment</b> .	Paragraph 3 refers to the date of validity when the assessment takes place (in case of successful). To be coherent, paragraph 5 should also refer to date of assessment.

response *Accepted*

comment 912 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

ATCO.C.060(b)

**SINCTA** believes this proposal for revalidation is well balanced and the 2 out of 3 rule is welcomed.

response *Noted*

In line with the comment, 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; nonetheless, it accepts those comments, according to which it may be difficult to maintain currency due to the seasonality of training tasks. From the safety perspective this situation, however, reinforces the need for verifying the maintenance of assessor competencies.

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 1140 comment by: *HungaroControl*

ATCO.C.060(b)(2):

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

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.

comment 1285 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**ATCO.C.060 (c) Validity of assessor endorsement** – shouldn't "within the year preceding the application" apply to (2) and not to both (1) and (2)?

response Not accepted

The Agency considers that since both conditions shall be met for the renewal of the assessor endorsement there should also be a time frame within which these conditions shall be met.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 3 ASSESSMENT OF PRACTICAL INSTRUCTORS AND ASSESSORS**

p. 29

comment 28 comment by: LfV

Ref ATCO.C.065

Text needs adjustment to be in line with ATCO.C.020 and 040.

a) "A person assessing the competence of an ~~OJTI~~ or applicant OJTI...."

b) "A person assessing the competence of an ~~STDI~~ or applicant STDI..."

response Accepted

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 30 comment by: LfV

Ref ATCO.C.070

Adjustment needed to be in line with ATCO.C.060: " A person assessing the competence of an ~~assessor~~ or applicant assessor..."

response Accepted

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.



comment 176

comment by: ENAC-FRANCE

**ATCO.C.065 Assessment of practical instructors**

(b) A person assessing the competence of an STDI or applicant STDI shall hold or have held an OJTI or STDI endorsement and have exercised the privilege of the endorsement for at least three years.

**Comment:**

To be coherent with the comment on ATCO.C.040 and the proposal we made.

*Comment on ATCO.C.040*

**ATCO.C.040****Validity of synthetic training device instructor endorsement**

(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.**~~

*The requirements stated in (2) and (3) are exceedingly demanding regarding requirements existing in the Basic Regulation Annex Vb 4) (g) (ii)*

*(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 basic requirement of a refresher course is enough to ascertain skills maintenance for practical instructors as there will not be a significant erosion of teaching skills when not exercising.*

*The new requirements formulated in § (2) and (3), would generate a huge amount of paperwork and organisation workload.*

Furthermore as stated in AMC1 ATCO.C.095(a)(2) specifying the training of practical instructors, the refresher course completely fulfils the requirements for requirement for maintaining practical instructor competence.

**AMC1 ATCO.C.095(a)(2) Training of practical instructors**

**REFRESHER TRAINING ON PRACTICAL INSTRUCTIONAL SKILLS**

Refresher training on practical instructional skills should prevent knowledge and skills erosion, and for the training of STDIs it should be designed to maintain awareness of the live operational environment.

**Proposal**

**ATCO.C.065 Assessment of practical instructors**

(b) A person assessing the competence of an ~~an~~ STDI or applicant STDI shall hold or have held an OJTI or STDI endorsement and have exercised the privilege of the endorsement for at least three years.

response *Accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 177

comment by: ENAC-FRANCE

**ATCO.C.065 Assessment of practical instructors**

(b) A person assessing the competence of an STDI or applicant STDI shall hold or have held an OJTI or STDI endorsement and have exercised the privilege of the endorsement for at least three years.

**(c) The person referred to in paragraphs (a) and (b) shall also have successfully completed approved assessor training.**

**Comment:**

The instructional skills of an applicant for an STDI endorsement should be assessed by a "senior" STDI who has complete knowledge of instructional techniques. As assessor skills are integrated in the instructional technique course (cf comment on ATCO.C.030), and since he has an STDI endorsement, he doesn't need to redo an assessor training.

*Comment on C.030 (a)*

*In order to properly conduct the teaching they are responsible for, instructors need to have complete knowledge of the training objectives and the performance objectives the students have must meet.*

*They are in charge of continuous assessments of the students all along their training, they conduct recurrent*

*formative evaluation and the corresponding corrective actions.*

*The entire process requires that the instructors thoroughly master assessment skills. Therefore the assessment method is part of the instructors' instructional practices training and there is no need for a specific assessor training.*

*Assessment is included in the instructional technique course and as stated in AMC2 ATCO.D.095 (a) (1) regarding assessment of instructional techniques for practical instructors, instructors have to be assessed on their ability to "evaluate the performance of the person undertaking training"*

**Proposal**

**ATCO.C.065 Assessment of practical instructors**

(a) A person assessing the competence of ~~an OJTI~~ or applicant OJTI shall hold or have held an OJTI endorsement and have exercised the privilege of the endorsement for at least three years.

(b) A person assessing the competence of ~~an STDI~~ or applicant STDI shall hold or have held an OJTI or STDI endorsement and have exercised the privilege of the endorsement for at least three years.

~~(c) The person referred to in paragraphs (a) and (b) shall also have successfully completed approved assessor training.~~

response *Partially accepted*

The principle of the comment regarding paragraphs (a) and (b) is accepted and the text is reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges. However, holding an assessor endorsement is a requirement, as it is purposed to provide proof for different skills relevant to the assessment itself, which are not contained in the training for and privileges of the instructor endorsement.

comment 280

comment by: ICAA

**SECTION 3 ASSESSMENT OF PRACTICAL INSTRUCTORS AND ASSESSORS**

regarding (c): why not "shall have a valid assessor endorsement"?

Provisions regarding "limitations of privileges in case of vested interests" should also apply to those conducting assessment of assessors.

response *Accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the

assessor privileges.

comment 285 comment by: skyguide Corporate Regulation Management

**ATCO.C.065 (a) and (b)**

(a) A person assessing the competence of an ~~OJTI~~ or applicant OJTI shall hold or have held an OJTI endorsement and have exercised the privilege of the endorsement for at least three years.

(b) A person assessing the competence of an ~~STDI~~ or applicant STDI shall hold or have held an OJTI or STDI endorsement and have exercised the privilege of the endorsement for at least three years.

To be coherent with comments on ATCO.C.020 and ATCO.C.040.

response *Accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 286 comment by: skyguide Corporate Regulation Management

**ATCO.C.070**

A person assessing the competence of an ~~assessor~~ or applicant assessor shall hold or have held an assessor endorsement and have exercised the privilege of that endorsement for at least three years.

To be coherent with comments on ATCO.C.060.

response *Accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 355 comment by: DSNA

**ATCO.C.065 (c)**

Comment :

According to comments #351 and 353, this article should only refer to the initial issue of the OJTI or STDI endorsement.

The experience criteria defined in paragraphs (a) and (b) are sufficient in order to assess practical instructors.

We suggest to delete paragraph (c).

response *Accepted*

The principle of the comment is accepted; the text is however reformulated to

incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment

424

comment by: CAA-NL

[ATCO.C.065 - Assessors of practical instructors and assessors](#)

COMMENTS : Assessing an OJTI/STDI requires special skills and education. Therefore this should be done by a professional trainer/assessor who does not need to have an ATCO license. The assessing competences are far more important for this person than ATC skills.

JUSTIFICATION: Providing training in, and assessing coaching and instructional skills should be carried out by a skilled coaching professional who has had suitable professional training in the field of training, coaching, instruction and assessment. That person needs to have knowledge of instructional technics, didactics, training methods, communication skills etc. This is knowledge that an ATCO in general does possess, not even if he is an OJTI himself. An air traffic controller in general is not an expert in the field of coaching and instruction.

ALTERNATIVE PROPOSAL: to make it possible that assessments can be carried out by professional coaching and assessments trainers with experience in training coaching/assessor skills for ATCO 's.

response

*Not accepted*

The essential requirements of the Basic Regulation require that 'assessors on practical skills shall also be or have been entitled to act as an air traffic controller'. The privileges to assess practical instructors and assessors are now incorporated into the assessor privileges.

comment

430

comment by: HungaroControl

**ATCO.C.065 Assessment of practical instructors:**

(a) A person assessing the competence of an ~~OJTI~~ applicant OJTI shall hold or have held an OJTI endorsement and have exercised the privilege of the endorsement for at least three years.

(b) A person assessing the competence of an ~~STDI~~ applicant STDI shall hold or have held an OJTI or STDI endorsement and have exercised the privilege of the endorsement for at least three years.

response

*Accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment

432

comment by: HungaroControl

**ATCO.C.070 Assessment of assessors:**

**A person assessing the competence of an assessor or applicant assessor shall**

hold or have held an assessor endorsement and have exercised the privilege of that endorsement for at least three years.  
It should be coherent with ATCO.C.060.

response *Accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 606 comment by: DFS Deutsche Flugsicherung GmbH

ATCO.C.065  
Based on our justification on ATCO.C.020/040 and 060 the competence assessment for OJTI/STDI/assessors according to these rules will happen only for initial endorsement. Therefore ATCO.C.065 (a) and (b) needs to be changed:  
(a) A person assessing the competence of an ~~OJTI~~ or applicant OJTI shall hold or have held an OJTI endorsement and have exercised the privilege of the endorsement for at least three years.  
(b) A person assessing the competence of an ~~STDI~~ or applicant STDI shall hold or have held an OJTI or STDI endorsement and have exercised the privilege of the endorsement for at least three years.

response *Partially accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 607 comment by: DFS Deutsche Flugsicherung GmbH

ATCO.C.070  
In consequence of our arguments on C.065 and C.020/40/60, this article should be removed.  
ATCO.OR.C.010 (h) as well is affected (see separate comment).

response *Noted*

The text is reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 796 comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b>ATCO.C.065</b>	1. A person assessing the	It is very difficult to check if

<b><u>Assessment of practical instructors</u></b>	competence of an OJTI or applicant OJTI shall hold or have held an OJTI endorsement and have exercised the privilege of the endorsement for at least three years.	the privileges have been exercised "for at least three years". That could only mean having the endorsement (which in fact has a validity of three years), but not exercising it. Instead, it is proposed that a number of
<b><u>ATCO.C.070 Assessment of assessors</u></b>	A person assessing the competence of an assessor or applicant assessor shall hold or have held an assessor endorsement and have exercised the privilege of that endorsement <u>for at least three years</u> for a minimum number of assessments of <b>x</b> .	In line with the previous comment, it would be important to establish a number of assessments instead of "exercising the privileges of the assessor endorsement for x time", which is actually very difficult to keep track of.

response *Not accepted*

This is the only comment which proposes to define a number of accomplished assessments instead of the time period as experience criterion. Based on the experts' view the Agency concludes that setting a minimum number of accomplished assessments is not feasible due to the very diverse situations existing in the Member States, as well as due to seasonality issues. Therefore, the comment could not be considered.

comment 992 comment by: *Belgocontrol Training Centre*

ATCO C 070: This needs to be coherent with comments on ATCO.C.060

response *Accepted*

The principle of the comment is accepted; the text is however reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

comment 1288 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**ATCO.C.070 Assessment of assessors** – We find this level of control taking it one step too far.

response *Noted*

The text is reformulated to incorporate the assessment of practical instructors and assessors into the assessor privileges.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART C – REQUIREMENTS FOR INSTRUCTORS AND ASSESSORS – SECTION 4 INSTRUCTORS AND ASSESSORS OF THIRD-COUNTRY TRAINING ORGANISATIONS**

p. 29-30

comment 52

comment by: *LFV*

Ref ATCO.C.075  
 "...the competent authority ~~may~~ shall grant instructor...."

response *Accepted*

comment 85

comment by: *LPS SR*

<p><b>ATCO.C.075                  Instructors and assessors of third-country training organisations (a)</b></p>	<p>By way of derogation from paragraph 3 of Article 2, in the case of practical instruction and assessments provided by a training organisation located outside the territory of the Member States, the competent authority shall <del>may</del> grant instructor or assessor privileges to applicants holding an air traffic controller licence issued by a third country in accordance with Annex 1 to the Chicago Convention, provided that the applicant</p>	<p>As this is IR level, if the applicant fulfills the requirements set out this provision, then the CAA does not have the choice but to grant them the privileges. We suggest instead of "may" use "shall".</p>
---	--	---

response *Accepted*

comment 86

comment by: *LPS SR*



<p><b>ATCO.C.075 Instructors and assessors of third-country training organisations(b)</b></p>	<p>(2) <del>to persons undertaking training who have sufficient knowledge of the language in which instruction is given.</del></p>	<p>We suggest delete this provision as it pertains to the person undertaking training and not to the certification of the assessors and instructors. Why do we deal only with instructional language for the third country training organisations, but not for the member states training organisations. There are also many different languages.</p>
---	--	---

response *Accepted*

comment 202 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to ATCO.C.075 (a):  
*By way of derogation from paragraph 3 of Article 2, in the case of practical instruction and assessments provided by a training organisation located outside the territory of the Member States, the competent authority shall ~~may~~ grant instructor or assessor privileges to applicants holding an air traffic controller licence issued by a third country in accordance with Annex 1 to the Chicago Convention, provided that the applicant:*  
 As this is IR level, if the applicant fulfils the requirements set out this provision, then the CA does not have the choice but to grant them the privileges. Therefore we suggest changing "may" into "shall".  
 In addition, CANSO proposes to delete ATCO.C.075 (b) (2) as it pertains to the person undertaking training and not to the certification of the assessors and instructors. Furthermore, why do we have the requirement on language for the third country training organisations, but not for the MS training organisations (as Europe also counts many different languages).

response *Accepted*

comment 287 comment by: *skyguide Corporate Regulation Management*

**ATCO.C.075 (a)**  
 By way of derogation from paragraph 3 of Article 2, in the case of practical instruction and assessments provided by a training organisation located outside the territory of the Member States, the competent authority shall ~~may~~ grant instructor or assessor privileges to applicants holding an air traffic controller licence issued by a third country in accordance with Annex 1 to the Chicago Convention, provided that the applicant.  
 The CA should not have the choice but to grant the certificate if the applicant fulfils the requirements and as this is IR level, we suggest changing "may" into

"shall".  
**ATCO.C.075 (b) (2)**  
 (2) to persons undertaking training who have sufficient knowledge of the language in which instruction is given.  
 This provision addresses the person undertaking training and not to the certification of the assessors and instructors. Furthermore the requirement on language for the third country training organisations is not reflected for the MS training organisations (and Europe also counts many different languages, so the same problem could arise within Mess).

response *Accepted*

comment 682

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.C.075(a)	Who will check to equivalence, the competent authority(ies) or EASA?  - related to ATCO.B.005(f)(2)	This requirement should be under the competence of EASA to ensure a common and sound level of knowledge of third country ATCOs. In fact, TCO are under the competence of EASA as per regulation (EC) No 216/2008
ATCO.C.075(b)(2)	What is exactly a "sufficient knowledge of the language", level 4, 5 or 6? A level should be established as a clear requirement	It is important to establish a common level for this requirement in order to facilitate a clear standard towards a smooth circulation of staff within Europe

response *Accepted*

The Agency is the competent authority for third-country training organisations; therefore, these organisations shall demonstrate to the Agency acting as competent authority that the relevant requirements are met by the personnel they employ.  
 Following the comments received the second subparagraph of paragraph (b) is deleted.

comment 777

comment by: HungaroControl

	<p><b>ATCO.C.075 Instructors and assessors of third-country training organisations (a):</b> By way of derogation from paragraph 3 of Article 2, in the case of practical instruction and assessments provided by a training organisation located outside the territory of the Member States, the competent authority <b>shall</b> <del>may</del> grant instructor or assessor privileges to applicants holding an air traffic controller licence issued by a third country in accordance with Annex 1 to the Chicago Convention, provided that the applicant The CA does not have the choice but to grant them the privileges if they fulfil the requirements.</p>
response	Accepted

comment	778 <span style="float: right;">comment by: HungaroControl</span>
	<p><b>ATCO.C.075 Instructors and assessors of third-country training organisations(b):</b> (2) <del>to persons undertaking training who have sufficient knowledge of the language in which instruction is given.</del> Our suggestion is to delete this provision as it pertains to the person undertaking training and not to the certification of the assessors and instructors</p>
response	Accepted

comment	1174 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span>
	<p>ATCO.C.075 Instructors and assessors of third-country training organisations (a) As this is IR level, if the applicant fulfils the requirements set out this provision, then the CA does not have the choice but to grant them the privileges. Therefore it is suggested that 'may' is changed to 'shall'. The regulation allows the competent authority a choice when in fact if the requirements are fulfilled the competent authority does not have a choice. Suggested amendment: <b>'(a) By way of derogation from paragraph 3 of Article 2, in the case of practical instruction and assessments provided by a training organisation located outside the territory of the Member States, the competent authority shall grant instructor or assessor privileges to applicants holding an air traffic controller licence issued by a third country in accordance with Annex 1 to the Chicago Convention, provided that the applicant:.....'</b></p>
response	Accepted

comment	1175 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span>
	ATCO.C.075 Instructors and assessors of third-country training organisations(b)

	(2) This provision pertains to the person undertaking training and not to the certification of the assessors and instructors therefore it is suggested that it is deleted. Furthermore, this brings a language requirement for third country training organisations, but not for the Member State training organisations. Suggest deletion of paragraph '(2)'.
response	Accepted

comment	1325 <span style="float: right;">comment by: ENAV</span>
	<p><b>ATCO.C.075 Instructors and assessors of third-country training organisations (a)</b></p> <p>By way of derogation from paragraph 3 of Article 2, in the case of practical instruction and assessments provided by a training organisation located outside the territory of the Member States, the competent authority shall may grant instructor or assessor privileges to applicants holding an air traffic controller licence issued by a third country in accordance with Annex 1 to the Chicago Convention, provided that the applicant</p> <p>Comment: As this is IR level, if the applicant fulfils the requirements set out this provision, then the CA does not have the choice but to grant them the privileges. Therefore we suggest changing "may" into "shall".</p>
response	Accepted

comment	1326 <span style="float: right;">comment by: ENAV</span>
	<p><b>ATCO.C.075 Instructors and assessors of third-country training organisations(b) (2)</b></p> <p><del>to persons undertaking training who have sufficient knowledge of the language in which instruction is given.</del></p> <p>Comment: We suggest to delete this provision as it pertains to the person undertaking training and not to the certification of the assessors and instructors. Furthermore, why do we have the requirement on language for the third country training organisations, but not for the MS training organisations (as Europe also counts many different languages).</p>
response	Accepted

comment	21	comment by: LfV
	<p>Proposal to change order ATCO.D.005 (a) (2), between (ii) and (iii) to have the training phases in the logical sequence. New order should be:</p> <ul style="list-style-type: none"> <li>(i) transitional training phase</li> <li>(ii) pre-on-the-job training phase</li> <li>(iii) on-the-job-training phase</li> </ul>	
response	<i>Not accepted</i>	
	<p>The phases are not listed in chronological order but are split between mandatory and mandatory under specific circumstances.</p>	

comment	45	comment by: LfV
	<p>Ref ATCO.D.005 (2) (iii)  Add that pre on-the-job training should be designed to prepare the student controller for the live traffic and environment. A major reason for pre-ojt is to prepare the student for what he/she can expect in the live sector, and will therefor decrease the safety risks when entering the on-the-job training phase.</p>	
response	<i>Accepted</i>	
	<p>The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted and minor editorial changes are introduced.  Resulting text: ‘...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit’.</p>	

comment	115	comment by: CAA-NL
	<p><b>ATCO.D.005.(a).(1) and ATCO.D.005.(a).(2)</b>  The requirements for initial training and unit training at least partially seem to be a doublure when compared with ATCO.D.010 and ATCO.D.045. The latter articles at least partially contain the same requirements, however in an elaborated and somewhat different manner.  Proposal: ATCO.D.005 (a)(1) and (a)(2) should only generally indicate the type of training, to be elaborated completely in ATCO.D.010 and ATCO.D.045.</p>	
response	<i>Not accepted</i>	
	<p>The proposed structure is maintained, as it establishes the list of types of ATCO training for which the detailed provisions are defined in dedicated sections. This structure supports the essential requirement of paragraph (f) of Annex Vb to the Basic Regulation.</p>	

comment	222	comment by: CANSO Civil Air Navigation Services Organization
---------	-----	--

	<p>CANSO proposes the following change to ATCO.D.005 (2) (iii)  <i>At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired rating routines and skills to an exceptionally high level of achievement prepare for situations reflecting the live traffic that may be encountered in that unit.</i></p> <p>This amendment reflects the need to emphasise that pre-OJT is to prepare for future live traffic situations that may be complex, dense and therefore challenging.</p> <p>In addition, CANSO believes it would be good to have the requirement for pre-OJT reflected in the UTP, as each unit will have to determine if it needs this phase or not, and then the Competent Authority to approve the plan as such.</p>
response	<p><i>Partially accepted</i></p> <p>1) The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted and minor editorial changes are introduced.          Resulting text: `...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit`.</p> <p>2) Provisions defining the Unit Training Plan (UTP) already cover the proposal by its link to the unit endorsement course.</p>

comment	<p>288 comment by: <i>skyguide Corporate Regulation Management</i></p> <p><b>ATCO.D.005(a) (1) (ii)</b>          (1) initial training, leading to the grant of a student air traffic controller licence, providing:          ... `rating training`: ...          and          (2) unit training, leading ...          Initial training leads to a student licence and rating training is included there. However, one may wish to obtain additional ratings after having obtained an ATCO licence. There should be a provision for obtaining an extra rating on an ATCO licence.</p> <p><b>ATCO.D.005 (1) (2)</b>          (1) initial training, leading to the grant <b>issue</b> of a student air traffic controller licence, providing:          (2) unit training, leading to the issue of an air traffic controller licence,...For coherence in the text, one should use either "grant" or "issue". The correction could also be done the other way around.</p> <p><b>ATCO.D.005 (2) (iii)</b>'At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired routines and skills to an exceptionally high level of achievement.'</p> <p>The requirement for pre-OJT should be reflected in the UTP, as each unit will have to determine if it needs this phase or not, and then the CA has to approve the plan as such.</p> <p>'At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired <b>rating</b> routines and skills to an exceptionally high level of achievement</p>
---------	--

	<p>prepare for situations reflecting the live traffic that may be encountered in that unit.'</p> <p>There is a need to emphasise that pre-OJT is to prepare for future live traffic situations that may be complex, dense and therefore challenging. This change in wording reflects that need.</p>
response	<p><i>Accepted</i></p> <p>1) Accepted. Resulting text: 'Initial training, leading to the grant of a student air traffic controller licence or to the grant of an additional rating or rating endorsement, providing: a)...'. 2) Accepted. 3) Accepted. The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted and minor editorial changes are introduced. Resulting text: '...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit'.</p>
comment	<p>454 <span style="float: right;">comment by: <i>Juan Gallego Grana - Aena</i></span></p>
	<p><b>ATCO.D.005(a)(2)(ii)</b> Aena considers that, as in the case of flight hours accumulated by pilots when using simulators, hours accumulated using synthetic training devices which comply with the applicable specifications and requirements appropriate to the task, <u>can be counted</u> towards the on-the-job training. Therefore, it is proposed to add the following text highlighted in red: "(ii) on-the-job training phase, which is the final phase of unit training during which previously acquired job-related routines and skills are integrated in practice under the supervision of a qualified on-the-job training instructor in a live traffic situation <i>as well as in synthetic training devices when appropriate</i>".</p>
response	<p><i>Not accepted</i></p> <p>The purpose of the on-the-job training is to expose student ATCOs to live traffic situations. Contrary to the requirements for flight crew training, synthetic training devices in air traffic control are not certified exact replica of operational set-ups, and are only used as proposed in GM1 ATCO.D.005(a)(2)(iii) to supplement training for pedagogical reasons.</p>
comment	<p>475 <span style="float: right;">comment by: <i>NUAC</i></span></p>
	<p>ATCO.D.005 (2) (iii) We find it unnecessary to try to describe a certain training level here, since it already should be described in the Unit Training Plan, which is approved by the competent Authority, according to ATCO.D.045 and ATCO.D.055. Proposal for new text: unit training, leading to the issue of an air traffic controller licence, validation of rating(s) or rating endorsement(s) and/or the issue or renewal of a unit</p>

endorsement. It is composed of the following phases:  
 (i) transitional training phase, designed primarily to impart knowledge and understanding of site specific operational procedures and task specific aspects; and  
 (ii) on-the-job training phase, which is the final phase of unit training during which previously acquired job-related routines and skills are integrated in practice under the supervision of a qualified on-the-job training instructor in a live traffic situation.  
 (iii) At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired routines and skills. ~~to an exceptionally high level of achievement.~~

response

*Accepted*

The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted and minor editorial changes are introduced.  
 Resulting text: ‘...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit’.

comment

523

comment by: *HungaroControl***ATCO.D.005 Types of air traffic controller training(2)(iii):**

At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired routines and skills to an exceptionally high level of achievement  
 Pre-OJT should be reflected in the UTP, as each unit will have to determine if it needs this phase or not, and then the CA to approve the plan as such.

response

*Not accepted*

Provisions defining the Unit Training Plan already cover the proposal by its link to the unit endorsement course.

comment

524

comment by: *HungaroControl***ATCO.D.005 Types of air traffic controller training(2)(iii):**

At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required ~~designed to enhance the development of previously acquired~~ **rating** routines and skills to ~~an exceptionally high level of achievement~~ **prepare for situations reflecting the live traffic that may be encountered in that unit.**

Pre-OJT is a preparation phase for live traffic environment.

response

*Accepted*

The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted



and minor editorial changes are introduced.  
 Resulting text: ‘...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit’.

comment 609 comment by: DFS Deutsche Flugsicherung GmbH

ATCO.D.005  
 AMC1 cannot be traced to the requirements.

response *Noted*

The proposed AMC1 ATCO.D.005(a)(2) relates specifically to the reasons for undertaking unit training.

comment 625 comment by: CAA-NL

The structure of the different sections of subpart D should be harmonised in order to improve general readability throughout this subpart.

response *Accepted*

The sequence of the provisions in Sections 2 and 3 of this Subpart is harmonised.

comment 683 comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.D.005(2)(iii)	How is this pre-OJT phase defined to meet the requirements for which it is designed?	It is important to establish a common definition for this requirement in order to facilitate a clear standard towards a smooth circulation of staff within Europe

response *Not accepted*

Units vary across Europe in their operations and in their links to the competent authority. Rather than drafting exact provisions on the unit training, including pre-on-the-job training phase, it is important to evaluate traffic and facilities

available in each specific unit. The pre-on-the-job training phase does not grant any privileges to the licence by itself.

comment 797

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b>ATCO.D.xxx. Types of training</b>		It is necessary to list the types of training linked to the types of certificates that can be granted to a TO, in consistency with what is contained in the Appendix 10.
<b><u>ATCO.D.005 Air traffic controller training</u></b>	1. Air traffic controller training shall consist of: (a) initial training, leading to the grant of a student air traffic controller licence or to the grant of a new rating or rating endorsement, providing: ii. 'rating training': theoretical and practical training designed to impart knowledge and practical skills related to a specific rating and, <del>when relevant if applicable,</del> to rating endorsement;	The initial training could also lead to the grant of a new rating or rating endorsement in either a student ATCO licence or an ATCO licence. To be consistent with other references throughout the text, the wording "if applicable" should be used.
<b>ATCO.D.005 Air traffic controller training</b>	1. Air traffic controller training shall consist of: (b) unit training, leading to the issue of an air traffic controller licence, a rating endorsement, validation of rating(s) or rating endorsement(s) and/or the issue or renewal of a unit endorsement. It is composed of the following phases:	Since it is possible to also accomplished a rating endorsement through unit training (at the same time as acquiring the unit endorsement), this aspect should also be referenced here.
<b>ATCO.D.005 Air traffic controller training</b>	b) (iii) At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired routines and skills to an exceptionally high level of achievement. For this purpose,	It might be important to remark that in case a PRE-OJT phase is needed due to the complexity of the unit, then the use of a simulator or a STD shall be necessary.

	STD shall be used.	
response	<p><i>Partially accepted</i></p> <p>1) Accepted. Resulting text: 'Air traffic controller training shall consist of the following types:...'.</p> <p>Practical instructor and assessor training are added to the list for consistency with the certificate of training organisations as in Appendix 10.</p> <p>2a) Accepted. Resulting text: 'Initial training, leading to the grant of a student air traffic controller licence or to the grant of an additional rating or rating endorsement, providing: a)...'.</p> <p>2b) Accepted.</p> <p>3) Accepted. Resulting text: '...leading to the issue of an air traffic controller licence, the issue of a rating endorsement, ...'.</p> <p>4) Not accepted. The use of STD for pre-on-the-job is addressed in AMC1 ATCO.OR.C.015(c); for clarification purposes the same AMC will be added to this provision (ATCO.D.005(a)(2)(iii)).</p>	
comment	1177	comment by: <i>NATS National Air Traffic Services Limited</i>
response	<p>ATCO.D.005 Types of air traffic controller training(2)(iii) The NPA rule does not entirely reflect the need to emphasise that pre-OJT is to prepare for future live traffic situations that may be complex, dense and therefore challenging. Suggested amendment: <b>'(iii) At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills to prepare for situations reflecting the live traffic that may be encountered in that unit.'</b></p> <p><i>Accepted</i></p> <p>The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted and minor editorial changes are introduced. Resulting text: '...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit'.</p>	

comment 1310 comment by: ENAV

**ATCO.D.005 Types of air traffic controller training (2) (iii)**

At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired routines and skills to an exceptionally high level of achievement

Comment: It would be good to have the requirement for pre-OJT reflected in the UTP, as each unit will have to determine if it needs this phase or not, and then the CA to approve the plan as such

response *Accepted*

The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted and minor editorial changes are introduced.

Resulting text: `...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit`.

comment 1312 comment by: ENAV

**ATCO.D.005 Types of air traffic controller training(2)(iii)**

At least for unit endorsement(s) that require the handling of complex and dense traffic situations and in addition to points (i) and (ii), a pre-on-the-job training phase is required designed to enhance the development of previously acquired rating routines and skills to an exceptionally high level of achievement prepare for situations reflecting the live traffic that may be encountered in that unit.

Comment: This amendment reflects the need to emphasise that pre-OJT is to prepare for future live traffic situations that may be complex, dense and therefore challenging.

response *Accepted*

The proposal regarding the modification of ATCO.D.005(a)(2)(iii) is accepted and minor editorial changes are introduced.

Resulting text: `...a pre-on-the-job training phase is required to enhance the previously acquired rating routines and skills and to prepare for live traffic situations which may be encountered in that unit`.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 2 INITIAL TRAINING REQUIREMENTS – ATCO.D.010**  
**Composition of Initial training**

p. 31

comment 46 comment by: LfV



They are no hindrance to mobility or recognition of student ATCO licences or additional rating training, which is based on the common training content defined in ATCO.D.010(a), (b) and (c).

comment

362

comment by: *DSNA*

**Section 2**  
**ATCO.D.010.**

Regarding CCC, dynamic referencing is the best option (see comment #329).

In case it is not possible, it is essential that the following conditions are fulfilled :

- All the subjects, subject objectives, topics, sub topics and associated objectives should be in the same document.
- The updates of the document should be defined within a working group that includes training organisations, ANSPs and competent authorities (like the present ACCCTF configuration).
- EASA should establish a process for update the training objectives.

response

*Partially accepted*

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 subjects, 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.

comment

402

comment by: *NATS National Air Traffic Services Limited*

ATCO.D.010 Composition of initial training (d)

The abbreviation "FAB" is described in AMC1 to Appendix 3 – Basic Training Supplement 2 Abbreviations. However this is not readily obvious to the reader of the regulation. The meaning of 'FAB' should be made clearer and earlier.

Amend the first mention of Functional Airspace Block in ATCO.A.010 (d) to:

**"...Functional Airspace Block (FAB)..."**

Then use 'FAB' thereafter.

response

*Accepted*

The text is modified accordingly.

comment

517

comment by: *Juan Gallego Grana - Aena*

**ATCO.D.010(d)**

As the common core content is "common" to all ATCOs, national/local requirements should be taught during unit training. ATCO.D.010(d) could not facilitate Europe-wide recognition of licences and the mobility of air traffic controllers as introduces differences in the initial training that could be used by CA as a reason for imposing additional conditions or assessments before recognizing an air traffic controller and student air traffic controller licences. Therefore, it is proposed the deletion of requisite ATCO.D.010(d):

~~"(d) Basic and/or rating training may be complemented with subjects, subject objectives, topics and subtopics that are additional or specific to the FAB or national environment".~~

response

*Not accepted*

The provisions in ATCO.D.010(d) are optional and are intended to include in the Initial Training framework the national or FAB-specific elements. Examples of such elements might be national phraseology or civil/military coordination arrangements and procedures, that are more efficiently taught during rating training.

They are no hindrance to mobility or recognition of student ATCO licences or additional rating training, which is based on the common training content defined in ATCO.D.010(a), (b) and (c).

comment	525 <span style="float: right;">comment by: HungaroControl</span>
	<p><b>ATCO.D.010 Composition of Initial training(d):</b>  <del>Basic and/or rating training may be complemented with subjects, subject objectives, topics and subtopics that are additional or specific to the FAB or national environment</del>  The CCC (basic/rating training) gives general training. National/local requirements should be taught during unit training.</p>
response	<p><i>Not accepted</i></p> <p>The provisions in ATCO.D.010(d) are optional and are intended to include in the Initial Training framework the national or FAB-specific elements. Examples of such elements might be national phraseology or civil/military coordination arrangements and procedures, that are more efficiently taught during rating training.</p> <p>They are no hindrance to mobility or recognition of student ATCO licences or additional rating training, which is based on the common training content defined in ATCO.D.010(a), (b) and (c).</p>
comment	588 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span>
	<p>ATCO.D.010  There is a need to establish an additional rating or endorsement to use Radar for surveillance in a TWR environment for very busy Airports with mainly IFR traffic which have no APP office at the location (see comment on ATCO.B.015 (a) 5.  Radar for Surveillance is required for the following tasks:</p> <ul style="list-style-type: none"> <li>• Support of pilots in case of emergency and/or loss of orientation</li> <li>• Separation of Traffic in the Control Zone if IMC prevails</li> <li>• Initial departure radar separation to successive IFR departures</li> <li>• Radar separation to successive IFR arrivals on final handed over by APP using Radar</li> <li>• Radar separation between IFR arrivals and IFR departures</li> <li>• Separation of IFR flights to VFR flights at night</li> </ul> <p>Objectives should mainly be taken from ADI and APS Ratings.  Proposal to extend ATCO.D.010 (a) (2) (i) to (vi) with a new rating: (vii) Aerodrome Surveillance Rating/Endorsement.</p>
response	<p><i>Not accepted</i></p> <p>The responsibilities for the provision of aerodrome control service with the help of surveillance aids are clearly stated in ICAO Doc 4444. The current text proposal regarding RAD endorsement is fully in line with the ICAO provisions and, therefore, covers the situations contained therein.</p> <p>From the operational perspective, the use of radar to provide aerodrome control service is covered by the RAD rating endorsement associated to the ADI rating. Therefore, the Agency believes that the proposal should not be taken into account.</p>



comment 685

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.D.010(a)(2)(ii)	Why is ADI (TWR) and not just ADI included as mandatory in initial training?	This specific link between a rating (ADI) and rating endorsement (TWR) introduces a complication in the regulation that maybe could be overcome by a specific rating
ATCO.D.010(b)	Is this requirement needed?	This requirement is already implicit in <i>ATCO.D.010(a)</i> and seems redundant. In case that the requirement conveys a specific requirement, this should be stated as clearly as possible
ATCO.D.010(c)	We would welcome guidelines for training intended for additional rating endorsement	It is important to establish a common guidelines for this requirement in order to facilitate a clear standard towards a smooth circulation of staff within Europe

response *Noted*

1) There is no change to the ADI structure compared to today. It is considered that the current model offers some flexibility for unit training progression and service delivery, as well as options for the specialisation of the personnel. The proposal states that the requirements of TWR, AIR and GMC endorsements could be integrated into the ADI rating. This could be considered, but would require a deeper analysis and evaluation of the possible impacts, as well as the determination of the necessary transition to accompany such changes. A review of the initial training requirements should also be conducted in order to ensure that the training plans cover all aspects of the different rating endorsements. Therefore, the Agency could foresee a separate rulemaking task encompassing the entire review of the system of ratings and rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task.

2) The modification introduced to the text of ATCO.D.010(a) provides for the

required clarification. The training for ratings is considered to be within the remit of Initial Training; therefore, if a holder of an ATCO licence intends to train for an additional rating the ATCO is required to undertake the relevant part of Initial Training.

3) The Agency notes that the training for additional rating endorsement follows the same provisions as those established for the first rating endorsement associated to a rating, if applicable. This proposal could be considered, but would require a deeper analysis and evaluation of the possible impacts, as well as the determination of the necessary transition to accompany such changes. A review of the initial training requirements should also be conducted in order to ensure that the training plans cover all aspects of the different rating endorsements. Therefore, the Agency could foresee a separate rulemaking task encompassing the entire review of the system of ratings and rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task.

comment

765

comment by: *DGA FLIGHT TESTING*

(vii) Flight Test Control (FTC) Rating— FTC defined in Appendix 10 to this Regulation.

response

*Partially accepted*

The Agency acknowledges the need for special provisions for ATS providers providing services to aircraft undergoing flight tests, in particular when those flight tests are carried out in controlled or non-controlled airspace which is shared with other airspace users, which need is also specifically addressed in NPA 2013-08; however, the way chosen to accommodate such service providers and their air traffic controllers is different from the proposal received in the comment.

The amended proposal builds on the fact that, while most of the existing requirements within the proposed Regulation are applicable, the Agency recognises the need for additional requirements, especially in the field of training (more specifically: unit training) which ensure the ability of the air traffic controllers to provide air traffic control services to aircraft carrying out flight tests.

Therefore, the Agency proposes to require such air traffic controllers to meet additional requirements to those of the regular unit endorsement course. To this end specific performance objectives are set out and further details of the specific training are provided in the Guidance Material in order to assist affected ATS providers to establish the necessary training.

The proposed text is available under ATCO.B.020.

comment

1179

comment by: *NATS National Air Traffic Services Limited*

	<p>ATCO.D.010 Composition of Initial training(d) Initial Training is by definition common core content and is common to all initial training providers. Therefore subjects, subject objectives, topics and subtopics that are additional or specific to the FAB or national environment should be taught when the training is site specific, i.e. during unit training as per ATCO.D.060(f). Suggest deletion of paragraph '(d)'.</p>
response	<p><i>Not accepted</i></p> <p>The provisions in ATCO.D.010(d) are optional and are intended to include in the Initial Training framework the national or FAB-specific elements. Examples of such elements might be national phraseology or civil/military coordination arrangements and procedures, that are more efficiently taught during rating training. They are no hindrance to mobility or recognition of student ATCO licences or additional rating training, which is based on the common training content defined in ATCO.D.010(a), (b) and (c).</p>
comment	<p>1204 <span style="float: right;">comment by: ENAC-FRANCE</span></p>
	<p><b>ATCO.D.010 (a) (1) and (2):</b> <u>Comment:</u> All the subjects, subject objectives, topics, sub topics and associated objectives should be contained in a single document. • <b>If the training objectives remains in the IR and AMC, then</b> 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; which could be modified when necessary.</p>
response	<p><i>Partially accepted</i></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 (2012-18 (C)) of 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"> <li>• Subjects, topics and subtopics are transposed into Implementing Rules;</li> <li>• 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 stakeholder comments.</li> </ul>
comment	<p>1235 <span style="float: right;">comment by: DSAC - French NSA</span></p>

	<p><u>Paragraph</u> ATCO.D.010 <u>Justification</u></p> <p>- 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.</p> <p>- Furthermore, the updating process should involve experts on the ATCO Common Core Content within the ANSPs, the training organisations and the competent authorities.</p>
response	<p><i>Partially accepted</i></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 (2012-18 (C)) of 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"> <li>• Subjects, topics and subtopics are transposed into Implementing Rules;</li> <li>• 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 stakeholder comments.</li> </ul> <p>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 doesn't have 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 are then channelled swiftly to the rulemaking process concerning the Agency measures.</p> <p>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.</p>
comment	<p>1311 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 31</p> <p><b>Paragraph No:</b> ATCO.D.010 Composition of Initial Training</p> <p><b>Comment:</b> This is a change to the paragraph in the EUROCONTROL Specification for the ATCO Common Core Content Initial Training (Specification Main Body para 8.6.4) and will have an impact on the delivery of training as it does not ensure pedagogical consistency as the additional national objectives</p>

would have to be taught in addition to ICAO.  
**Justification:** The EUROCONTROL Specification for the ATCO Common Core Content Initial Training, the Specification Main Body paragraph 8.6.4 states "If an objective or its content is governed by National regulations or practices which differ from ICAO, the National regulations may be taught **instead** of ICAO and, as appropriate, applied practically **to ensure pedagogical consistency** with further unit training. This difference shall be notified to the learner, and when practicable, should be explained."

There is possible ambiguity in the implementation of the statement in D.010 (d) for the Competent Authority and the Training Organisation. Are the national regulations to be taught and assessed at the same time or subsequent to ICAO? For practical application, do ICAO or national procedures require to be utilised? When assessments take place, must the candidate be assessed in ICAO as well as national regulations? If so, this could result in confusion and a higher risk of human error.

response *Noted*

The basis for recognition of student ATCO licences and additional ratings is established in ATCO.D.010(a) and (b) and is linked directly to the subjects, topics and subtopics as in Appendices 3 to 9 to the draft Implementing Rule. The content of these appendices and their related AMC constitute the common elements that need to be taught, examined and assessed.  
 If a training organisation and its competent authority agree on the need to include additional subjects, topics and subtopics according to ATCO.D.010(d), they have to ensure that they are taught, examined and assessed in addition to the subjects, topics and subtopics of ATCO.D.010(a) and (b).

comment *1313*

comment by: ENAV

**ATCO.D.010 Composition of Initial training (d)**  
~~Basic and/or rating training may be complemented with subjects, subject objectives, topics and subtopics that are additional or specific to the FAB or national environment~~  
 Comment: The common core content is "common" to all. Therefore national / local requirements should be taught when the training is site specific, i.e. during unit training

response *Not accepted*

The provisions in ATCO.D.010(d) are optional and are intended to include in the Initial Training framework the national or FAB-specific elements. Examples of such elements might be national phraseology or civil/military coordination arrangements and procedures, that are more efficiently taught during rating training.  
 They are no hindrance to mobility or recognition of student ATCO licences or additional rating training, which is based on the common training content defined in ATCO.D.010(a), (b) and (c).

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 2 INITIAL TRAINING REQUIREMENTS – ATCO.D.015**  
**Basic training examinations and assessment**

p. 31-32

comment

11

comment by: ENAC-FRANCE

**ATCO.D.015(b):**Comment:

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 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 (b)

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

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.

comment

116

comment by: CAA-NL

**ATCO.D.015.(b)**

A regulatory fixed passmark for examination requires a harmonised exam content in order to reach the goal of common level of training. In case a harmonised exam content is not included in the regulation, we propose to have the passmark approved by the competent authority based on the organisation's test matrix.

**ATCO.D.015.(c)**

It is proposed to create a separate article "Basic training performance objectives" for this paragraph in order to make the regulatory structure consistent with ATCO.D.025.

Furthermore, in this paragraph performance objectives for practical skill assessments are given. However, the assessment of practical skills should have

	<p>a direct and clear link with the training subjects, subject objectives, topics and subtopics of appendix 3 (see ATCO.D.010(a)(1)). Otherwise, the link between training and assessment may not be guaranteed sufficiently. Seen the above, please consider replacing (c)(1)-(10) by an unambiguous link to appendix 3.</p>
response	<p><i>Partially accepted</i></p> <p>1) 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.</p> <p>2) Accepted. The content of ATCO.D.015(c) is moved to a newly created article (ATCO.D.016) addressing specifically basic training performance objectives.</p> <p>3) Not accepted. The necessary and unambiguous link between the content of basic training, defined in Appendix 3 and its AMC, and the performance objectives established by the rule is already provided in ATCO.D.010(a)(1).</p>

comment	<p>290 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p>
	<p><b>ATCO.D.015 (b)</b> <del>(b) A pass in theoretical examination(s) shall be awarded to an applicant achieving a minimum of 75% of the marks allocated to that examination.</del> A general definition of a pass rate is not justified. Testing of higher taxonomy levels might require different pass/fail threshold.</p>
response	<p><i>Not accepted</i></p> <p>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.</p>

comment	<p>686 <span style="float: right;">comment by: <i>AESA / DSANA</i></span></p>							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e6e6fa;"> <th style="width: 20%;">PART</th> <th style="width: 40%;">COMMENT</th> <th style="width: 40%;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">ATCO.D.015(b)</td> <td style="vertical-align: top;">We would like to know the basis of this requirement and when must it be applied</td> <td style="vertical-align: top;">-</td> </tr> </tbody> </table>		PART	COMMENT	JUSTIFICATION	ATCO.D.015(b)	We would like to know the basis of this requirement and when must it be applied	-
PART	COMMENT	JUSTIFICATION						
ATCO.D.015(b)	We would like to know the basis of this requirement and when must it be applied	-						

response *Noted*

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 785

comment by: *FABEC*

FABEC proposes to delete ATCO.D.015(b).  
~~(b) A pass in theoretical examination(s) shall be awarded to an applicant achieving a minimum of 75% of the marks allocated to that examination~~

*A general definition of a pass rate is not justified. Testing of higher taxonomy levels might require different pass/fail threshold.*

*The applicable pass rates should be defined by the ANSP and accepted/approved by the CA.*

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.

comment 1050

comment by: *IFATCA*

52	NPA 2012-18 BI	ATCO D 015	(b) A pass in theoretical examination(s) shall be awarded to an applicant achieving a minimum of 75 % of the marks allocated to that examination.	It is not understandable why a pass mark is indicated in an IR. (best practice for pass mark is higher).
----	----------------	------------	---	--



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.

comment 1217

comment by: EUROCONTROL

ATCO.D.015 (c):

Eurocontrol suggests the following performance objectives are added to the list as a consequence of the revised training objectives Basic Training:

- detecting potential conflicts between aircraft;
- appreciating priority of actions;
- choosing appropriate separation methods;

response *Accepted*

With the provisions of ATCO.B.010 and ATCO.B.015, this NPA has proposed a significant change as regards APS and ACS ratings and their RAD and ADS rating endorsements as in Regulation (EU) No 805/2011.

The initial training requirements relevant to these ratings have been modified accordingly, and these modifications have been published with this NPA.

The proposed introduction of the three additional performance objectives is necessary to reflect these changes in the Initial Training content.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 2 INITIAL TRAINING REQUIREMENTS – ATCO.D.020 Rating training examinations and assessment**

p. 32

comment 12

comment by: ENAC-FRANCE

**ATCO.D.020. (b)**

Comment:

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.

	<p>However, open questions could have different threshold in the pass mark.</p> <p>In any case, a score of 75% doesn't necessary mean that the student has a good understanding of the subject.</p> <p>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.</p> <p><u>Proposal: delete (b)</u></p> <p><del>A pass in theoretical examination(s) shall be awarded to an applicant achieving a minimum of 75 % of the marks allocated to that examination.</del></p>
response	<p><i>Not accepted</i></p> <p>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.</p>
comment	<p>117 <span style="float: right;">comment by: CAA-NL</span></p>
	<p><b>ATCO.D.020.(b)</b></p> <p>A regulatory fixed passmark for examination requires a harmonised exam content in order to reach the goal of common level of training. In case a harmonised exam content is not included in the regulation, we propose to have the passmark approved by the competent authority based on the organisation's test matrix.</p>
response	<p><i>Not accepted</i></p> <p>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.</p>
comment	<p>291 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span></p>
	<p><b>ATCO.D.020 (b)</b></p> <p><del>(b) A pass in theoretical examination(s) shall be awarded to an applicant achieving a minimum of 75% of the marks allocated to that examination.</del></p> <p>A general definition of a pass rate is not justified. Testing of higher taxonomy levels might require different pass/fail threshold.</p>
response	<p><i>Not accepted</i></p> <p>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</p>

agreed among the Agency and the experts consulted on this subject throughout the rule drafting process and the review of the NPA comments.

comment

357

comment by: DSNA

**ATCO.D.020 (b).**

This 75% refers to with MCQ, which is not always the best way to assess competence. In order to assess the depth of student understanding, other kinds of exams can be used, and other marking systems : threshold mark, go/No go...etc.

We suggest to delete paragraph (b).

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.

comment

510

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.

comment

786

comment by: FABEC

FABEC proposes to delete ATCO.D.020(b).

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

*A general definition of a pass rate is not justified. Testing of higher taxonomy levels might require different pass/fail threshold. The applicable pass rates should be defined by the ANSP and accepted/approved by the CA.*

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.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 2 INITIAL TRAINING REQUIREMENTS – ATCO.D.025**  
**Rating training performance objectives**

p. 32-33

comment

44

comment by: LfV

Ref ATCO.D.025 (b) (2)

It is good that the requirement "to handle complex and dense traffic situations" is stated, since the level of practical training differs across Europe.

However, there should be an attempt to define/quantify what complex and dense traffic situations are on an European level, because else there is a risk that there will be major differences and thereby big difference in the value of student licenses. Attempt were made by Eurocontrol in the late 90's, without any real result. It is a difficult task with many parameters involved, for example: total number of movements, how many of simultaneous potential conflicts, type of traffic (IFR, VFR, military etc) weather situations, technical systems/tools, coordination requirements... List is long!

If the requirement is not defined/quantified, then it has little value and will probably be assessed by the CA very subjectively.

response

Noted

The expression 'to handle complex and dense traffic situations' is not a regulatory novelty as it is already included in Commission Regulation (EU)

No 805/2011. In particular, Part A of Annex II to this Regulation, establishing the Initial Training requirements, requires that 'acquired skills shall ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training'.

In order to provide a clarification about the meaning of the terms 'complex and dense traffic situations' in the given context, the Agency proposes in B.IV (AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR) the EUROCONTROL document 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14/12/2010 as GM1 ATCO.D.025.

comment

118

comment by: CAA-NL

**ATCO.D.025**

The rating training performance objectives should have a direct and clear link with the training subjects, subject objectives, topics and subtopics of appendix 4-9 (see D.010(a)(2)). It is proposed to consider adding this link.

It would seem to be more logical if the training performance objectives would be given before the examination/assessment article (now D.020). Please consider establishing this reversed order.

response

*Not accepted*

1) Not accepted.

The necessary and unambiguous link between the content of rating training, defined in Appendices 4 to 9 and their respective AMC, and the performance objectives established by the rule for each of the rating training are already provided in ATCO.D010(a)(2).

2) Noted.

comment

221

comment by: CANSO Civil Air Navigation Services Organization

CANSO proposes to delete ATCO.D.025 (b) (2). CANSO considers that it is too demanding for rating training and this requirement does not exist in the CCC specification.

response

*Not accepted*

The expression 'to handle complex and dense traffic situations' is not a regulatory novelty, as it is already included in Commission Regulation (EU) No 805/2011. In particular, Part A of Annex II to this Regulation, establishing the Initial Training requirements, requires that 'Acquired skills shall ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training'.

In order to provide a clarification about the meaning of the terms 'complex and dense traffic situations' in the given context, the Agency proposes in B.IV (AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR) the EUROCONTROL document 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14/12/2010 as GM1 ATCO.D.025.

comment	<p>292 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.D.025 (b) (2)</b>  <del>(2) handle complex and dense traffic situations</del>  This requirement does not exist in the common core content specification and is too demanding for this point in training.</p>
response	<p><i>Not accepted</i></p> <p>The expression 'to handle complex and dense traffic situations' is not a regulatory novelty, as it is already included in Commission Regulation (EU) No 805/2011. In particular, Part A of Annex II to this Regulation, establishing the Initial Training requirements, requires that 'Acquired skills shall ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training'.</p> <p>In order to provide a clarification about the meaning of the terms 'complex and dense traffic situations' in the given context, the Agency proposes in B.IV (AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR) the EUROCONTROL document 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14/12/2010 as GM1 ATCO.D.025.</p>
comment	<p>522 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.D.025 Rating training performance objectives(b)(2):</b>  <del>handle complex and dense traffic situations</del>  It is too demanding for rating training and this requirement does not exist in the CCC specification.</p>
response	<p><i>Not accepted</i></p> <p>The expression 'to handle complex and dense traffic situations' is not a regulatory novelty, as it is already included in Commission Regulation (EU) No 805/2011. In particular, Part A of Annex II to this Regulation, establishing the Initial Training requirements, requires that 'Acquired skills shall ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training'.</p> <p>In order to provide a clarification about the meaning of the terms 'complex and dense traffic situations' in the given context, the Agency proposes in B.IV (AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR) the EUROCONTROL document 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14/12/2010 as GM1 ATCO.D.025.</p>
comment	<p>768 <span style="float: right;">comment by: <i>DGA FLIGHT TESTING</i></span></p> <p>(h) Rating training performance objectives for FT ATCO shall ensure that</p>

	<p>applicants:</p> <p>(1) manage the workload and provide air traffic services dedicated to flight test within a defined aerodrome, approach control and/or area control area of responsibility; and</p> <p>(2) apply specific exemption procedures to flight tests in order to ensure safety and an acceptable rate of success of flight test.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency acknowledges the need for special provisions for ATS providers providing services to aircraft undergoing flight tests, in particular when those flight tests are carried out in controlled or non-controlled airspace which is shared with other airspace users, which need is also specifically addressed in NPA 2013-08; however, the way chosen to accommodate such service providers and their air traffic controllers is different from the proposal received in the comment.</p> <p>The amended proposal builds on the fact that while most of the existing requirements within the proposed Regulation are applicable, the Agency recognises the need for additional requirements, especially in the field of training (more specifically: unit training) which ensure the ability of the air traffic controllers to provide air traffic control services to aircraft carrying out flight tests.</p> <p>Therefore, the Agency proposes to require such air traffic controllers to meet additional requirements to those of the regular unit endorsement course. To this end specific performance objectives are set out and further details of the specific training are provided in the Guidance Material in order to assist affected ATS providers to establish the necessary training.</p> <p>The proposed text is available under ATCO.B.020.</p>
comment	<p>825 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATCO.D.025 (b) (2)</p> <p>There is a concern that there is no description or definition of 'complex and dense traffic situations'. What is complex and dense traffic in one Member State may be entirely different in another Member State.</p> <p>A lack of harmonised and standardised Rating Training could impact upon mobility of the ATCO workforce and the mutual recognition of ATCO Licences. For Member States where complexity and density is low the ATCOs could be under skilled and where the complexity and density is high the ATCOs could be over trained if ATCOs are to be readily transferable from one Member State to another Member State.</p> <p>We would suggest either developing a description or definition of 'complex and dense traffic situations' that could be applied uniformly across all Member</p>

	<p>States' Initial Training organisations.</p> <p>Or</p> <p>If this cannot be achieved this paragraph should be deleted because of lack of harmonisation and some organisations will interpret it too weakly and others too strongly.</p>
response	<p><i>Not accepted</i></p> <p>The expression 'to handle complex and dense traffic situations' is not a regulatory novelty, as it is already included in Commission Regulation (EU) No 805/2011. In particular, Part A of Annex II to this Regulation, establishing the Initial Training requirements, requires that 'Acquired skills shall ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training'.</p> <p>In order to provide a clarification about the meaning of the terms 'complex and dense traffic situations' in the given context, the Agency proposes in B.IV (AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR) the EUROCONTROL document 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14/12/2010 as GM1 ATCO.D.025.</p>
comment	<p>851 <span style="float: right;">comment by: <i>swissatca</i></span></p> <p>D.025 (2) We consider that the objectives for this phase are set too high and are very demanding for this level of training.</p>
response	<p><i>Not accepted</i></p> <p>The expression 'to handle complex and dense traffic situations' is not a regulatory novelty as it is already included in Commission Regulation (EU) No 805/2011. In particular, Part A of Annex II to this Regulation, establishing the Initial Training requirements, requires that 'Acquired skills shall ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training'.</p> <p>In order to provide a clarification about the meaning of the terms 'complex and dense traffic situations' in the given context, the Agency proposes in B.IV (AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR) the EUROCONTROL document 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14/12/2010 as GM1 ATCO.D.025.</p>
comment	<p>1309 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATCO.D.025 Rating training performance objectives (b) (2) handle complex and dense traffic situations</b>  Comment: It is too demanding for rating training and this requirement does not exist in the CCC specification</p>



response *Not accepted*

The expression 'to handle complex and dense traffic situations' is not a regulatory novelty as it is already included in Commission Regulation (EU) No 805/2011. In particular, Part A of Annex II to this Regulation, establishing the Initial Training requirements, requires that 'Acquired skills shall ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training'.

In order to provide a clarification about the meaning of the terms 'complex and dense traffic situations' in the given context, the Agency proposes in B.IV (AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR) the EUROCONTROL document 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14/12/2010 as GM1 ATCO.D.025.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 2 INITIAL TRAINING REQUIREMENTS – ATCO.D.030** p. 33-34  
**Basic and rating training courses and ATCO.D.035 Availability of examination and assessment results**

comment 119

comment by: CAA-NL

**ATCO.D.030 (f)**

This requirement is referring to the OJTI and STDI as well as to the assessor training. The requirement should therefore be part of SUBPART C section 2.

response *Accepted*

As a result of the revision of the assessor requirements the subject provision is deleted from ATCO.D030.

comment 120

comment by: CAA-NL

**ATCO.D.035**

This article seems to be more logical as a general organisational requirement for the training organisation, valid for each type of training. Therefore, it is proposed to transfer this to the ORs as a general requirement.

response *Accepted*

The subject provision is moved to Part-ATCO.OR.

comment 178

comment by: ENAC-FRANCE

**ATCO.D.030 Basic and rating training courses**

(f) Assessments of practical skills during initial training may be conducted by STDIs and OJTIs **who have successfully completed approved assessor training.**

**Comment:**

To be coherent with comments on ATCO.C.030 (a)

In order to correctly conduct the teaching they are responsible for, instructors need to have complete knowledge of the training objectives and the performance objectives the students must reach.

They are in charge of continuous assessments for the students all along their training, they conduct recurrent

formative evaluation and the corresponding corrective actions.

The entire process therefor requires that the instructors completely master assessment skills. Therefore the assessment method is part of the instructors' instructional practices training and there is no need for a specific assessor training.

Assessment is included in the instructional technique course and as stated in AMC2 ATCO.D.095 (a) (1) regarding assessment of instructional techniques for practical instructors, instructors must be assessed on their ability to "evaluate the performance of the person undertaking training"

**Proposal****ATCO.D.030 Basic and rating training courses**

(f) Assessments of practical skills during initial training may be conducted by STDIs and OJTIs ~~who have successfully completed approved assessor training~~

response *Not accepted*

As a result of the revision of the assessor requirements the subject provision is deleted from ATCO.D.030. However, this does not mean that assessors could be replaced by practical instructors for the assessments as defined in Article 3. The referenced AMC provision for the instructional techniques course is different as regards the objectives to be reached and the competences to be acquired following an assessor training course.

comment 293 comment by: *skyguide Corporate Regulation Management*

**ATCO.D.030 (d)**

(d) The completion of **rating** initial training shall be demonstrated by a certificate.

By changing initial to rating, this allows for a qualified ATCO to come back for an additional rating and to obtain a certificate for that training (They need not have done the full initial training for the additional rating). This is in line with the application form that requires the applicant to provide a certificate for the rating when applying for the student ATCO licence.

**ATCO.D.030 (f)**

(f) Assessment of practical skills during initial training may be conducted by STDIs and OJTIs ~~who have successfully completed approved assessor training~~

In order to be coherent with comment on article ATCO.C.030. STDI assess the performance of the student / trainee on a daily basis. This is one of their tasks. The Instructional techniques course should already include "how to assess". Therefore, requiring an additional assessor course for STDI assessing in initial training is superfluous.

response

*Partially accepted*

1) Accepted.

Text modified according to the comment.

2) Not accepted.

As a result of the revision of the assessor requirements the subject provision is deleted from ATCO.D.030. However, this does not mean that assessors could be replaced by practical instructors for the assessments as defined in Article 3. The referenced AMC provision for the instructional techniques course is different as regards the objectives to be reached and the competences to be acquired following an assessor training course.

comment

617

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to ATCO.D.030 (d):  
*The completion of rating initial training shall be demonstrated by a certificate*  
 This allows for a qualified ATCO coming back for an additional rating to obtain a certificate for that training (as they will not have done the full initial training for the additional rating). This then lines up with the application form that requires the applicant to provide a certificate for the rating when applying for the student ATCO licence.

response

*Accepted*

The text is modified according to the comment.

comment

687

comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
ATCO.D.030(d)	We propose to include " <i>successful</i> " as follows: the " <i>The <u>successful</u></i> "	For clarity's sake and in order to avoid misinterpretations

	<i>completion of initial training (...)"</i>	
--	--	--

response *Accepted*

The text is modified accordingly.

comment 791

comment by: FABEC

FABEC proposes to amend ATCO.D.030(f) as follows to avoid avoid repetition of requirements:

~~(f) Assessment of practical skills during initial training may be conducted by STDIs and OJTIs who have successfully completed approved assessor training~~

Assessment of practical skills during initial training may be conducted by STDIs and OJTIs

response *Not accepted*

As a result of the revision of the assessor requirements the subject provision is deleted from ATCO.D.030. However, this does not mean that assessors could be replaced by practical instructors for the assessments as defined in Article 3. The referenced AMC provision for the instructional techniques course is different as regards the objectives to be reached and the competences to be acquired following an assessor training course.

comment 798

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.D.030 Basic and rating training courses</a>	1. Basic and rating training courses or an integrated initial training course shall be developed and provided by approved certified training organisations and approved by the competent authority.	To be consistent with the rest of the document.
ATCO.D.030 Basic and	2. Upon request, a certificate of completion of the basic training shall be issued by the training	Important to make clear if this certificate is valid and for what means (other countries, other

rating training courses	organisation only if all subjects, topics and sub-topics contained within Appendix 3 to this Regulation have been completed and the applicant has successfully passed the associated examinations and assessments.	TOs, etc).
-------------------------	--	------------

response *Not accepted*

1) Not accepted. The definition of training organisation provided with these measures implies that the training organisation is certified by the competent authority and, therefore, it is not necessary to emphasize this aspect.  
 2) Noted.  
 The mutual recognition of certificates issued by training organisations as a result of training undertaken according to the provisions of this draft Regulation is addressed in Article 5.

comment *1184*

comment by: *NATS National Air Traffic Services Limited*

ATCO.D.030 Basic and rating training courses (d)

The NPA does not allow for a qualified ATCO coming back for an additional rating to obtain a certificate for that training (as they will not have done the full initial training for the additional rating). The suggested amendment also lines up with the application form that requires the applicant to provide a certificate for the rating when applying for the student ATCO licence. In addition the wording as it is implies that a certificate can be issued regardless of whether a candidate is successful or not. Therefore the word 'successful' needs to be included.

Suggested amendment :

**'(d) The successful completion of rating training shall be demonstrated by a certificate'**

response *Accepted*

Text modified according to the comment.

comment	1218	comment by: EUROCONTROL
	<p>ATCO.D.030 (d): The completion of initial training shall be demonstrated by a certificate issued by the training organisation. This change is proposed to remove the ambiguity on who has to issue the certificate of completion.</p>	
response	<p><i>Accepted</i></p> <p>Text modified according to the comment.</p>	

comment	1237	comment by: HungaroControl
	<p><b>ATCO.D.030 Basic and rating training courses:</b> d) The completion of <b>basic</b> and <b>rating</b> initial <b>training as appropriate</b> shall be demonstrated by a certificate</p> <p>A qualified ATCO being trained for an additional rating will not do the full initial training.</p>	
response	<p><i>Accepted</i></p> <p>Text modified according to the comment.</p>	

comment	1328	comment by: ENAV
	<p><b>ATCO.D.030 Basic and rating training courses (d)</b> (d) The completion of <b>rating</b> initial training shall be demonstrated by a certificate</p>	
response	<p><i>Accepted</i></p> <p>Text modified according to the comment.</p>	

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 2 INITIAL TRAINING REQUIREMENTS – ATCO.D.040**  
**Initial training plan**

p. 34

comment	121	comment by: CAA-NL
---------	-----	--------------------

**ATCO.D.040**  
 Similar to ATCO.D.035, this article also seems to be more logical as a general organisational requirement for the training organisation, valid for each type of training.  
 Therefore, it is proposed to also transfer this to the ORs as a general requirement.

response *Noted*

The Agency prefers to address training within the same Subpart to maintain the cohesion of the training requirements.

comment 294 comment by: *skyguide Corporate Regulation Management*

**ATCO.D.040 (e)**  
 Training organisations shall establish an initial training plan, which shall contain at least:

(e) ~~minimum and maximum duration of the initial training course(s);~~

This is an over definition of a plan, when all other requirements are fulfilled.

response *Not accepted*

The provision does not establish values for the minimum and maximum duration of the Initial Training course, which have to be proposed by the training organisation and approved by the competent authority.  
 The requirement to establish a minimum duration is proposed to allow a student to smoothly absorb the training content and to demonstrate that he/she possesses the adequate knowledge and understanding, as well as the practical skills, throughout an appropriate time frame.  
 The requirement to establish a maximum duration is proposed to ensure transparency towards the student.

comment 688 comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
ATCO.D.040	For ICAO license holders, in order to obtain a EU SATCO license, it is possible to perform shorter courses. In this case, an assessment of previous competence shall be successfully passed.	-
ATCO.D.040	A selection process (psycotechnical test,...) for the applicants for initial training should be established	This would ensure that the students are well suited to carry on with the unit training

response *Accepted*

Any form of recognition of third-country licences and qualification is and remains within the remit of the Member States; therefore, the decision shall be taken by the competent authority.

Guidance Material is proposed regarding the maturity of air traffic controllers, which indicates that training organisations may conduct aptitude assessments, set out educational or similar requirements, and meeting them could serve as a prerequisite for commencing air traffic controller training.

comment 788

comment by: FABEC

FABEC proposes to amend ATCO.D.040(e) as follows to avoid over definition of a course when all other requirements are fulfilled:

Training organisations shall establish an initial training plan, which shall contain at least:

...

(e) ~~minimum and maximum duration of the initial training course(s)~~

...

response *Not accepted*

The provision does not establish values for the minimum and maximum duration of the Initial Training course, which have to be proposed by the training organisation and approved by the competent authority.

The requirement to establish a minimum duration is proposed to allow a student to smoothly absorb the training content and to demonstrate that he/she possesses the adequate knowledge and understanding, as well as the practical skills, throughout an appropriate time frame.

The requirement to establish a maximum duration is proposed to ensure transparency towards the student.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 3 UNIT TRAINING REQUIREMENTS – ATCO.D.045  
Composition of unit training and ATCO.D.050 Prerequisites of unit training**

p. 34-35



comment	<p>41 <span style="float: right;">comment by: <i>European HF Advisory group</i></span></p> <p>Page 35</p> <p><a href="#">ATCO.D.045 Composition of unit training (c) (4)</a></p> <p><a href="#">The subject of Human Factors at item (4) would need further expansion and definition as to expectation (depth to which the subject is to be covered and what competence for Instructors would be required)</a></p>
response	<p><i>Noted</i></p> <p>The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in ATCO Initial Training since 2006. AMC1 ATCO.D.045(c)(4) details the human factors subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.</p>
comment	<p>122 <span style="float: right;">comment by: <i>CAA-NL</i></span></p> <p><a href="#">Attachment #13</a></p> <p><b>ATCO.D.045</b></p> <p>This article seems to lack (except for some in the AMCs) material requirements (for example subjects, subject objectives, topics and subtopics) for training. It may be difficult for the CA to perform proper oversight without such material requirements, which could be considered problematic from a safety point of view.</p> <p>Furthermore, it creates an uncertain situation for the applicant as he/she would not know what to expect from the course in a rationalized manner.</p> <p>Even if unit training is very unit-specific, some general basics –also within the framework of a harmonised safety situation throughout the EU-area- would in our opinion be useful or even required.</p> <p>Seen the above, please consider developing and introducing basic material requirements for this article.</p> <p>As guidance material, the attached FABEC 'ATCO Competence Model' as established by the FABEC Unit Training Group may be useful.</p>
response	<p><i>Noted</i></p> <p>The size of the units, the traffic patterns, the number of movements and the complexity of their operations vary significantly across Europe. The difference in ATC service provision represents a further factor requiring a low level of harmonisation. At this stage, the Agency considers that the proposed approach is balanced in order to regulate the content of unit training.</p>
comment	<p>295 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.D.045 (a)and (b)</b></p>

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

Remove requirement for unit endorsement **course** approval. Justification is interpretation of words, double guessing the legislator's intent in the BR with the use of the word course (to line up with FCL). It is, however, possible to say that a course is a plan and leave the situation as it is today with approved unit training plans. This will reduce the administrative burden and cost.

response *Not accepted*

The concept of 'training course' is introduced to fulfil the essential requirement of paragraph 4(f)(ii) of Annex Vb to the Basic Regulation. The unit training plan, which includes all unit endorsement 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.

comment

403

comment by: *NATS National Air Traffic Services Limited*

ATCO.D.045 Composition of unit training (b)

This includes "...and approved by the competent authority according to ATCO.D.060". However ATCO.D.060 does not appear to have anything to do with CA approval. The reference to another IR which does not contain the relevant text is confusing.

Amend ATCO.D.060 (b) to read:

**The unit training phases referred to in paragraph (a) shall be developed as separate or integrated courses and provided by approved training organisations and approved by the competent authority.**

response *Partially accepted*

The rationale of the proposal is accepted, but the change is introduced in ATCO.D.045.

The text of ATCO.D.045(b) is modified as follows:

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

comment

483

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 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.

comment *610*

comment by: *DFS Deutsche Flugsicherung GmbH*

ATCO.D.045 (c)

Points (c) (3) and (4) are subject to both Initial and Refresher Training.

Integrating them in Unit Training as well is not necessary.  
Delete points 3 and 4.

response *Not accepted*

The training context of initial, unit and refresher training varies according to the objectives of these training types. The Agency is of the opinion that the subjects specified in the essential requirements of paragraph 4(c)(i) of Annex Vb to the Basic Regulation need to be taught during all types of ATCO training.

comment 799 comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.D.045 Composition of unit training</a>	1. The unit endorsement course(s) shall be developed and provided by <del>approved</del> certified training organisations and approved by the competent authority according to ATCO.D.060.	To be consistent with the rest of the document.

response *Not accepted*

The definition of training organisation provided with this measure implies that the training organisation is certified by the competent authority and, therefore, it is not necessary to emphasize this aspect.

comment 800 comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.D.050 Prerequisites of unit training</a>	Unit training may only be commenced by persons, who are holders of:  (a) a student air traffic controller licence with the appropriate rating and, where applicable, rating	It is important to remark that unit training should not commence in the cases considered on ATCO.B.010 (2) and ATCO.B.015 (5)

	<p>endorsement; or</p> <p>(b) an air traffic controller licence with the appropriate rating and, where applicable, rating endorsement.</p> <p>Without prejudice of what is stated in ATCO.B.010 (2) and ATCO.B.015 (5)</p>	
--	--	--

response *Accepted*

As the references mentioned in the comment do not correspond to any provisions, the Agency assumes that the comment refers to provisions ATCO.B.010(b) and ATCO.B.015(e) respectively, to which this reply relates. The Agency is of the opinion that the comment is applicable to ATCO.B.001(d) as well.  
 The text of ATCO.D.050 is modified to take account of this comment.  
 The provision ATCO.B.015(e) is removed.

<p><b>ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 3 UNIT TRAINING REQUIREMENTS – ATCO.D.055</b></p> <p><b>Unit training plan</b></p>	<p>p. 35</p>
--	--------------

comment 6

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

In order to be consistent with ATCO.D.045 which makes provision for human factor training, there should be specified in ATCO.D.055 (b) an expanded requirement of the type and content of human factor training in the unit training plan.

response *Not accepted*

The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in ATCO Initial Training since 2006. AMC1 ATCO.D.045(c)(4) details the human factors subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.

comment	<p>123 <span style="float: right;">comment by: CAA-NL</span></p> <p><b>ATCO.D.055</b>  This is a requirement for and responsibilities of (partly) the approved training organisation, please relocate to Part ATCO.OR. This requirement is incorporated in ATCO.OR.B.015(b)  To be able to fulfil this requirement the approved training organisation must cooperate with a unit that is part of an ANSP. For this reason, a complementary article should be included in the suggested OR for ANSPs.</p>
response	<p><i>Noted</i></p> <p>The Agency prefers to address training within the same Subpart to maintain the cohesion of the training requirements.  The link between the training organisation and the ATC provider is addressed in ATCO.OR.B.015(b).</p>
comment	<p>297 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span></p> <p><b>ATCO.D.055 (b) (6)</b>  The unit training plan shall contain at least:</p> <p>(6) minimum <del>and maximum</del> duration of the unit endorsement course(s) ;  A defined maximum duration of unit endorsement courses will create an additional limitation that might reduce success rates without added value.</p>
response	<p><i>Accepted</i></p> <p>The Agency accepts the proposal to remove the requirement regarding the maximum duration of the unit endorsement courses, as it is not considered to be primarily safety-related.</p>
comment	<p>358 <span style="float: right;">comment by: DSNA</span></p> <p><b>ATCO.D.055 (6).</b></p> <p><u>Comment</u> :  The average duration is more useful than minimum and maximum durations.</p> <p><u>Proposal</u> :  (6): the <b>average</b> duration of the unit endorsement course(s);</p>
response	<p><i>Not accepted</i></p>

The Agency is of the opinion that a minimum duration must be established for each of the unit endorsement courses included in the unit endorsement plan. The requirement to establish a minimum duration is proposed to allow the individual to smoothly absorb the training content and to demonstrate that he/she possesses the adequate knowledge and understanding, as well as the practical skills, throughout an appropriate time frame. As regards the unit endorsement course, this time frame may vary according to the complexity of the unit endorsement to be achieved.

The Agency is also of the opinion that the minimum number of hours of practical training during the OJT phase needs specification to adequately take into account the ICAO requirements, as specified in AMC1 ATCO.D.055(b)(6).

comment

476

comment by: NUAC

ATCO.D.055 (b) (6)  
 We don't see the need for a maximum duration  
 Proposal for new txt:  
 The unit training plan shall contain at least:  
 (1) ratings and endorsements for which the training is conducted;  
 (2) the structure of the unit training;  
 (3) unit endorsement course(s) according to ATCO.D.060;  
 (4) the process for the conduct of a unit endorsement course;  
 (5) the training methods;  
 (6) minimum ~~and maximum~~ duration of the unit endorsement course(s);

response

*Accepted*

The rule text is modified accordingly.

comment

611

comment by: DFS Deutsche Flugsicherung GmbH

ATCO.D.055 (b) (6)  
 We disagree to limit unit training by a time period or maximum duration. Based on experience at DFS the unit training plan contains a recommendation of approximate value hours (Richtstunden). Points 7 to 15 leave sufficient conditions and flexibility to end the training.  
 Change proposal for b (6):  
~~minimum and maximum duration~~ **approximate value hours** of the unit endorsement course(s);

response

*Partially accepted*

The Agency is of the opinion that a minimum duration must be established for each of the unit endorsement courses included in the unit endorsement plan. The requirement to establish a minimum duration is proposed to allow the individual to smoothly absorb the training content and to demonstrate that he/she possesses the adequate knowledge and understanding, as well as the practical skills, throughout an appropriate time frame. As regards the unit endorsement course, this time frame may vary according to the complexity of the unit endorsement to be achieved.

The Agency is also of the opinion that the minimum number of hours of

practical training during the OJT phase needs specification to adequately take into account the ICAO requirements, as specified in AMC1 ATCO.D.055(b)(6). The Agency accepts the proposal to remove the requirement regarding the maximum duration of the unit endorsement courses.

comment

689

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.D.055(b)(8)	An homogeneous level for the pass marks (70%?) should be established in this regulation	This would set a minimo-minimorum value in order to ensure a basic evaluation level and avoid divergence between requested levels for the demonstration of theoretical knowledge for the unit training in the different FABs / States, thus facilitating the smooth circulation of staff within Europe

response

Accepted

The requirement for a pass mark of minimum 75 % is introduced in ATCO.D.055(b)(8). This is to ensure consistency with initial training and to ensure that an adequate level of theoretical knowledge is demonstrated.

comment

840

comment by: ATCEUC- Air Traffic Controllers European Unions Coordination

Attachment [#14](#)

**ATCO.D.055(b)(14)**

**Comment:**

Human factors are under the composition of unit training but not included in the UTP.

**ATCEUC** proposes:

**ATCO.D.055(b)(14) new text**

~~a list of identified abnormal and emergency situations specific for each unit endorsement~~ the training under the ATCO.D.045(c);



response

*Not accepted*

The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in the ATCO Initial Training since 2006. AMC1 ATCO.D.045(c)(4) details the human factors subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.  
The training subjects are included in the unit endorsement course which is part of the UTP.

comment

852

comment by: *swissatca*

D.055 (b) (6) We suggest to set only a minimum duration and to not mention a maximum duration in order to increase the chances of successful training.

response

*Accepted*

The Agency accepts the proposal to remove the requirement regarding the maximum duration of the unit endorsement courses, as it is not considered to be primarily safety-related.

comment

885

comment by: *European Transport Workers Federation - ETF*

“(b) The unit training plan shall contain at least:  
(16) the list of human factor topics specific for each unit endorsement”

OR

~~(14) a list of identified abnormal and emergency situations specific for each unit endorsement~~  
the training under the ATCO.D.045(c);

According the Basic Regulation, ATCO.D.045(c) includes operational procedures, task specific aspects, abnormal and emergency situations and human factors as the minimum items to the unit training.

The NPA Explanatory Note (126) states that abnormal and emergency situations to be taught during the unit training will need to be identified by every unit but no mention was made of the human factors training although it is included in the unit training plan content (ATCO.D.055). In order to have a coherent document there is a need to include the human factors training provisions under the UTP.

ETF proposes to include a new paragraph to include human factors training in the UTP

response

*Not accepted*

The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in ATCO Initial Training since 2006. AMC1 ATCO.D.045(c)(4) details the human factors

subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.  
The training subjects are included in the unit endorsement course which is part of the UTP.

comment 913 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

ATCO.D.055(b)(14)  
According the Basic Regulation, ATCO.D.045(c) includes operational procedures, task specific aspects, abnormal and emergency situations and human factors as the minimum items to the unit training.  
The NPA Explanatory Note (126) states that abnormal and emergency situations to be taught during the unit training will need to be identified by every unit but no mention was made to the human factors training neither it is included in the unit training plan content (ATCO.D.055). In order to have a coherent document there is a need to include the human factors training provisions under the UTP.  
**SINCTA** proposes to include this provisions on the same paragraph just pointing it to the unit training content under ATCO.D.045(c).  
Proposed text:  
~~*a list of identified abnormal and emergency situations specific for each unit endorsement the training under the ATCO.D.045(c);*~~

response *Not accepted*

The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in ATCO Initial Training since 2006. AMC1 ATCO.D.045(c)(4) details the human factors subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.  
The training subjects are included in the unit endorsement course which is part of the UTP.

comment 921 comment by: *Federazione ATM-PP*

Federazione ATM-PP proposal is to change ATCO.D.055 (b) (14) as follows:  
~~*a list of identified abnormal and emergency situations specific for each unit endorsement*~~the training under the ATCO.D.045(c);  
To include in the UTP the "Human factors"

response *Not accepted*

The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in ATCO Initial Training since 2006. AMC1 ATCO.D.045(c)(4) details the human factors subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.  
The training subjects are included in the unit endorsement course which is part

of the UTP.

comment

971

comment by: USCA

**ATCO.D.055(b)(14)**

According to the Basic Regulation, ATCO.D.045(c) includes operational procedures, task specific aspects, abnormal and emergency situations and human factors as the minimum items to the unit training. The NPA Explanatory Note (126) states that abnormal and emergency situations to be taught during the unit training will need to be identified by every unit but no mention was made to the human factors training neither it is included in the unit training plan content (ATCO.D.055). In order to have a coherent document **USCA believes there is a need to include the human factors training provisions under the UTP.**

"(b) The unit training plan shall contain at least:

...

(16) the list of human factor topics specific for each unit endorsement as established in ATCO.D.045(c)"

response

*Not accepted*

The subject of human factors is introduced as a unit training element for the first time with this NPA, while it is appropriately included in ATCO Initial Training since 2006. AMC1 ATCO.D.045(c)(4) details the human factors subjects to be covered during unit training; the articulation between Implementing Rules and AMC seems in this case appropriate and balanced for the purpose.

The training subjects are included in the unit endorsement course which is part of the UTP.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 3 UNIT TRAINING REQUIREMENTS – ATCO.D.060  
Unit endorsement course**

p. 35-36

comment

47

comment by: LfV

Ref ATCO.D.060 (c)

Since the Unit Training Plan is referring to all necessary content there should be no need to in addition develop a syllabus for the unit endorsement course. The circumstances around the unit endorsement training changes constantly, i.e. there is no static syllabus.

response

*Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit

endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

comment

87

comment by: LPS SR

**ATCO.D.060  
Unit  
endorsement  
course (c)  
and  
ATCO.D.080  
Refresher  
training**

Unit endorsement courses shall define ~~the syllabus and~~ the performance objectives and shall be conducted in accordance with the unit training plan. Training organisations shall develop ~~a syllabus for~~ the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives

We suggest deleting syllabus from these provisions, because the Unit training plan is the plan which refers to all necessary elements. There is no need for requiring a syllabus in addition. Refresher training changes according to circumstances and does not have a rigid syllabus.

response

*Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment

224

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following changes to ATCO.D.060 (c):  
*Unit endorsement courses shall define ~~the syllabus and~~ the performance*

	<p><i>objectives and shall be conducted in accordance with the unit training plan.</i></p> <p>The UTP is the overall plan which refers to all the necessary elements. Requiring a syllabus in addition to the unit endorsement course brings no added value. Furthermore refresher training changes according to circumstances and does not have a static syllabus. (Comment in line with the CANSO comment made on ATCO.D.080 (c) ).</p>
response	<p><i>Not accepted</i></p> <p>The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.</p>
comment	<p>296 <i>comment by: skyguide Corporate Regulation Management</i></p> <p><b>ATCO.D.060</b></p> <p>(a) Unit training shall consist of approved training <del>course(s)</del> <b>plans</b> for each unit endorsement established at the ATC unit <del>as defined in the unit training plan.</del></p> <p>(b) The unit endorsement <del>course(s)</del> <b>plan(s)</b> shall be developed and provided by approved training organisations and approved by the competent authority according to ATCO.D.060.</p> <p>Remove requirement for unit endorsement <b>course</b> approval. Justification is interpretation of words, double guessing the legislator's intent in the BR with the use of the word course (to line up with FCL). It is, however, possible to say that a course is a plan and leave the situation as it is today with approved unit training plans. This will reduce the administrative burden and cost.</p> <p><b>ATCO.D.060 (c) &amp; ATCO.D.80</b></p> <p>Unit endorsement courses shall define <del>the syllabus and</del> the performance objectives and shall be conducted in accordance with the unit training plan. Training organisations shall develop <del>a syllabus for</del> the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives.</p> <p>Requiring a syllabus in addition to the unit endorsement course brings no added value as the UTP is the plan which refers to all the necessary elements. Refresher training changes according to circumstances and does not have a static syllabus.</p>
response	<p><i>Not accepted</i></p> <p>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.</p> <p>The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.</p> <p>The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in</p>

ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.  
 The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment

526

comment by: *HungaroControl*

**ATCO.D.060 Unit endorsement course (c):**

Unit endorsement courses shall define ~~the syllabus and~~ the performance objectives and shall be conducted in accordance with the unit training plan. The UTP is the overall plan which refers to all the necessary elements. Requiring a syllabus in addition to the unit endorsement course brings no added value. Furthermore refresher training changes according to circumstances and does not have a static syllabus.

response

*Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.  
 The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.  
 The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment

690

comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
ATCO.D.060(f)	We propose to specify the nature of the license mentioned under this requirement (ATCOL and/or STATCOL)	For clarity's sake and in order to avoid misinterpretations

ATCO.D.060(f)	What would be the case when the applicant comes from another State within a FAB? Would this be covered in the FAB State Agreement?	This adaptation would be natural within the FAB; therefore, we suggest to include "(...) a licence that was issued by a Member State other than the ones belonging to the FAB" instead of the current wording
---------------	--	---

response *Partially accepted*

1) Accepted. Text modified accordingly.  
 2) Not accepted. There is no mandatory requirement for States within a FAB to develop common training requirements, although there is evidence that some FABs are proceeding in this direction. Moreover, national differences might still exist even in this case.

comment 801

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.D.060 Unit endorsement course</u></b>	2. The unit training phases referred to in paragraph 1 shall be provided as separate or integrated courses. Successful completion of each phase shall be necessary to continue to the next one.	Paragraph 2. states that each phase could be delivered as a separate course. That would lead us to "a course (phase) inside a course" (unit endorsement course), which is not very coherent. In that case, a solution could be to rename the unit endorsement courses under the new definition of "unit endorsement training", which would be then composed of courses (either integrated ones with all phases or separated for each phase).

response *Not accepted*

According to ATCO.D060(b) the unit training phases can be provided in a

separate or an integrated manner. The choice is left to the training organisation. Therefore, it is not possible to specify the training design.

comment 853

comment by: *swissatca*

D.060 (c) Refresher training changes constantly according to circumstances. Imposing a syllabus is likely to impair refresher training (less flexibility, less efficiency, etc.)

response *Noted*

ATCO.D.060(c) refers to unit training. For issues related to refresher training see responses to ATCO.D.080.

comment 1185

comment by: *NATS National Air Traffic Services Limited*

ATCO.D.060 Unit endorsement course (c)  
The UTP is the overall plan which refers to all the necessary elements. Requiring a syllabus in addition to the unit endorsement course brings no added value  
Suggested amendment:

**'(c) Unit endorsement courses shall define the performance objectives and shall be conducted in accordance with the unit training plan.'**

response *Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

comment 1314

comment by: *ENAV*

**ATCO.D.060 Unit endorsement course (c) and**

Unit endorsement courses shall define ~~the syllabus and~~ the performance objectives and shall be conducted in accordance with the unit training plan.

Training organisations shall develop ~~a syllabus for~~ the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives

Comment: The UTP is the overall plan which refers to all the necessary elements. Requiring a syllabus in addition to the unit endorsement course brings no added value. Furthermore refresher training changes according to circumstances and does not have a static syllabus.



response

*Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 3 UNIT TRAINING REQUIREMENTS – ATCO.D.065**  
**Demonstration of theoretical knowledge and understanding and ATCO.D.070**  
**Assessments of practical skills during unit endorsement courses**

p. 36

comment

124

comment by: CAA-NL

**ATCO.D.065**

Requirements for the examination of theoretical knowledge should be harmonised throughout the different phases of training. For instance, there is no mention in this article about the establishment of a passmark. See also the comment on ATCO.D.015.(b) and ATCO.D.020.(b).

Furthermore, this article in general seems to lack material requirements for examinations and assessments.

It may be difficult for the CA to perform oversight without such material requirements, which could be considered problematic from a safety point of view. It may create an uncertain situation for the applicant as he/she would not know what to expect from the examinations and assessments in a rationalized manner.

Even if unit training and its examinations and assessments are very unit-specific, some general basics –also within the framework of a harmonised safety situation throughout the EU-area- would in our opinion be required.

Seen the above, please consider developing and introducing basic material requirements for these articles.

response

*Noted*

The requirement for a pass mark of minimum 75 % is introduced in ATCO.D.055(b)(8). This is to ensure consistency with initial training and to

ensure that an adequate level of theoretical knowledge is demonstrated. The size of the units, the traffic patterns, the number of movements and the complexity of their operations vary significantly across Europe. The difference in ATC service provision represents a further factor requiring a low level of harmonisation. At this stage, the Agency considers that the proposed approach is balanced in order to regulate the content of unit training.

comment

126

comment by: CAA-NL

**ATCO.D.070**

This article in general seems to lack material requirements for examinations and assessments.

It may be difficult for the CA to perform oversight without such material requirements, which could be considered problematic from a safety point of view.

Furthermore, it may create an uncertain situation for the applicant as he/she would not know what to expect from the examinations and assessments in a rationalized manner. An example for this is the lack of a binding pass-mark.

Even if unit training and its examinations and assessments are very unit-specific, some general basics –also within the framework of a harmonised safety situation throughout the EU-area- would in our opinion be required.

Seen the above, please consider developing and introducing basic material requirements for these articles.

response

*Noted*

The size of the units, the traffic patterns, the number of movements and the complexity of their operations vary significantly across Europe. The difference in ATC service provision represents a further factor requiring a low level of harmonisation. At this stage, the Agency considers that the proposed approach is balanced in order to regulate the content of unit training.

comment

582

comment by: Maastricht UAC

<p><b>ATCO.D.070 (b)</b> assessment during pre-OJT</p>	<p>The OJTI course includes instruction on assessment techniques. See previous comments where assessors should only be needed for assessments directly related to obtaining or maintaining a licence or endorsement.</p>	<p>Do not mandate the use of an assessor for pre-OJT tests</p>
--	--	--

response

*Partially accepted*

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

comment 666

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<b>ATCO.D.070 (b)</b> assessment during pre-OJT	The OJTI course includes instruction on assessment techniques. See previous comments where assessors should only be needed for assessments directly related to obtaining or maintaining a licence or endorsement.	Do not mandate the use of an assessor for pre-OJT tests

response *Partially accepted*

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

comment 802

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.D.070 Assessments of practical skills during unit endorsement courses</u></b>	1. The assessment of the applicant's <del>practical</del> skills shall be conducted in the operational environment under normal operational conditions at least once at the end of on-the-job training.	The assessment word includes implicitly the "practical". Also coherent with paragraph 2.
<b>Assessments for</b>		Need to develop a section

<p><b>revalidation of unit endorsements</b></p>		<p>regarding this type of assessment. Neither in this document nor in the GM/AMC is contained. While the assessment related to the issue and renewal of the unit endorsement is covered, the assessment for the revalidation is not mentioned. (see GM ATCO.D.070)</p>
<p>response</p>	<p><i>Partially accepted</i></p> <p>1) Accepted. The definition of 'assessment' explains that it refers to 'practical skills'.</p> <p>2) Not accepted. The processes for assessment, valid also for revalidation of unit endorsements, are specified in ATCO.B.025(a)(6) and supported by AMC1 ATCO.B.025(a)(6) and GM1 ATCO.B.025(a)(6).</p>	

<p><b>ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 4 CONTINUATION TRAINING REQUIREMENTS – ATCO.D.075 Continuation training</b></p>	<p>p. 36</p>
---	--------------

<p>comment</p>	<p>125</p> <p><b>ATCO.D.075</b>                  This is a requirement for and responsibilities of (partly) the approved training organisation, please relocate to Part ATCO.OR. This requirement is incorporated in ATCO.OR.B.015(b)                  To be able to fulfil this requirement the approved training organisation must cooperate with the to the unit related ANSP. For this reason, a complementary article should be included in the suggested OR for ANSPs.</p>	<p>comment by: CAA-NL</p>
<p>response</p>	<p><i>Not accepted</i></p> <p>The provision describes the components of continuation training and its link with the unit competence scheme; it does not include explicit requirements for training organisations and for ANSPs. The link between the training organisation and the ATC provider is addressed in ATCO.OR.B.015(b).                  The Agency prefers to address training within the same Subpart to maintain the cohesion of the training requirements.</p>	

comment	<p>299</p> <p style="text-align: right;">comment by: <i>skyguide Corporate Regulation Management</i></p> <p><b>ATCO.D.075</b>                  Same as ATCO.D.045 and D.060: Remove requirement for approved continuation training course.                  Reason for comment: Justification is interpretation of words, double guessing the legislator's intent in the BR with the use of the word course (to line up with FCL). It is, however, possible to say that a course is a plan and leave the situation as it is today with approved unit training plans. This will reduce the administrative burden and cost.</p>
response	<p><i>Not accepted</i></p> <p>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.</p>

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 4 CONTINUATION TRAINING REQUIREMENTS – ATCO.D.080 Refresher training** p. 36-37

comment	<p>88</p> <p style="text-align: right;">comment by: <i>LPS SR</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;"> <p><b>ATCO.D.060 Unit endorsement course (c) and ATCO.D.080 Refresher training</b></p> </td> <td style="width: 40%; padding: 5px;"> <p>Unit endorsement courses shall define <del>the syllabus and</del> the performance objectives and shall be conducted in accordance with the unit training plan.                      Training organisations shall develop <del>a syllabus for</del> the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives</p> </td> <td style="width: 30%; padding: 5px;"> <p>We suggest deleting syllabus from these provisions, because the Unit training plan is the plan which refers to all necessary elements. There is no need for requiring a syllabus in addition. Refresher training changes according to circumstances and does not have a rigid syllabus.</p> </td> </tr> </table>	<p><b>ATCO.D.060 Unit endorsement course (c) and ATCO.D.080 Refresher training</b></p>	<p>Unit endorsement courses shall define <del>the syllabus and</del> the performance objectives and shall be conducted in accordance with the unit training plan.                      Training organisations shall develop <del>a syllabus for</del> the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives</p>	<p>We suggest deleting syllabus from these provisions, because the Unit training plan is the plan which refers to all necessary elements. There is no need for requiring a syllabus in addition. Refresher training changes according to circumstances and does not have a rigid syllabus.</p>
<p><b>ATCO.D.060 Unit endorsement course (c) and ATCO.D.080 Refresher training</b></p>	<p>Unit endorsement courses shall define <del>the syllabus and</del> the performance objectives and shall be conducted in accordance with the unit training plan.                      Training organisations shall develop <del>a syllabus for</del> the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives</p>	<p>We suggest deleting syllabus from these provisions, because the Unit training plan is the plan which refers to all necessary elements. There is no need for requiring a syllabus in addition. Refresher training changes according to circumstances and does not have a rigid syllabus.</p>		
response	<p><i>Not accepted</i></p> <p>The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit</p>			

endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment 127

comment by: CAA-NL

**ATCO.D.080**

This is a requirement for and responsibilities of (partly) the approved training organisation, please relocate to Part ATCO.OR. This requirement is incorporated in ATCO.OR.B.015(b)

To be able to fulfil this requirement the approved training organisation must cooperate with the to the unit related ANSP. For this reason, a complementary article should be included in the suggested OR for ANSPs.

response Noted

The Agency prefers to address training within the same Subpart to maintain the cohesion of the training requirements.

The link between the training organisation and the ATC provider is addressed in ATCO.OR.B.015(b).

comment 225

comment by: CANSO Civil Air Navigation Services Organization

CANSO proposes the following changes to ATCO.D.080 (c):

*Training organisations shall develop a ~~syllabus~~ for the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives*

The UTP is the overall plan which refers to all the necessary elements. Requiring a syllabus in addition to the unit endorsement course brings no added value. Furthermore refresher training changes according to circumstances and does not have a static syllabus. (Comment in line with the CANSO comment made on ATCO.D.060 (c) ).

response Not accepted

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit

endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment

298

comment by: *skyguide Corporate Regulation Management***ATCO.D.80**

Unit endorsement courses shall define ~~the syllabus and~~ the performance objectives and shall be conducted in accordance with the unit training plan.

Training organisations shall develop ~~a syllabus for~~ the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives.

Requiring a syllabus in addition to the unit endorsement course brings no added value as the UTP is the plan which refers to all the necessary elements. Refresher training changes according to circumstances and does not have a static syllabus.

response

*Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment

425

comment by: *CAA-NL*[ATCO.D.080 \(b\) Refresher training](#)

COMMENTS: The requirement obliges ANSPs to include (1).(2). and (3).

	<p>JUSTIFICATION: every time refresher training is delivered (which in some instances could be once per year per ATCO). The Basic Regulation requires the maintenance of practical skills to be proportionate to the level of risk. The unintended consequence of this requirement is that the refresher training that is really needed to address identified issue/s could be compromised.</p> <p>ALTERNATIVE PROPOSAL: Delete all text and replace with: Refresher training shall be designed to review, reinforce or enhance the existing knowledge and skills of air traffic controllers to provide a safe, orderly and expeditious flow of air traffic and shall contain at least abnormal and emergency situations training.</p> <p>Move part (c) to AMC and then provide GM on types / topics and how to rotate.</p>
response	<p><i>Not accepted</i></p> <p>The Agency is of the opinion that the subjects of the refresher training indicated in the essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation shall be explicitly addressed in the Implementing Rule. For these purposes, as for initial and unit training, a syllabus and performance objectives shall be developed.</p> <p>It is recognised that the refresher training can be provided in a single course or in modular fashion over the duration of the validity of unit endorsements. The Agency recognises the need for Guidance Material on this subject, which will be made available.</p>
comment	<p>527 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.D.080 Refresher training:</b>  Training organisations shall develop <del>a syllabus for</del> the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives  Refresher training doesn't have a static syllabus.</p>
response	<p><i>Not accepted</i></p> <p>The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.</p> <p>The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.</p> <p>The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.</p>



comment

585

comment by: Maastricht UAC

<p><b>ATCO.D.080 (b)</b> Refresher training</p>	<p>The requirement obliges ANSPs to include (1).(2). and (3). every time refresher training is delivered (which in some instances could be once per year per ATCO). The Basic Regulation requires the maintenance of practical skills to be proportionate to the level of risk. The unintended consequence of this requirement is that the full benefit of refresher training, which is meant to address current identified issue/s or safety concerns, could be compromised.</p>	<p><b>Proposed text:</b> Delete all text and replace with: Refresher training shall be designed to review, reinforce or enhance the existing knowledge and skills of air traffic controllers to provide a safe, orderly and expeditious flow of air traffic and shall contain at least abnormal and emergency situations training.</p> <p>Move part (c) to AMC and then provide GM on types / topics and how to rotate these topics.</p>
---	---	--

response

*Not accepted*

The Agency is of the opinion that the subjects of the refresher training indicated in the essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation shall be explicitly addressed in the Implementing Rule. For these purposes, as for initial and unit training, a syllabus and performance objectives shall be developed.

It is recognised that the refresher training can be provided in a single course or in modular fashion over the duration of the validity of unit endorsements. The Agency recognises the need for Guidance Material on this subject, which will be made available.

comment

586

comment by: Maastricht UAC

<p><b>ATCO.D.080 (c)</b> Refresher training</p>	<p>The MUAC refresher training content changes on a yearly basis depending on the circumstances. To require a fixed syllabus for the refresher training course reduces the ability of the ANSP to extract the maximum value from the training and may be detrimental to safety over time.</p>	<p><b>Proposed text:</b> Training organisations shall develop a syllabus for the refresher training course. Where a subject...</p>
---	---	--

response *Not accepted*

The UTP requirements do not include a provision for the content of continuation training. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives, and can change on an annual basis as the refresher training. The Agency recognises that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a)(7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment 591 ❖

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<b>ATCO.B.030(b) and ATOC.D.080(b)(2)</b> Language proficiency	According to ICAO (doc 9835) phraseology should not be part of the assessment. The use of phraseology is covered by Eurocontrol CCC Basic Syllabus, Annex 1, Subject 3. The use of phraseology is covered by this NPA in NPA 2012-18 (B.III), Appendix 3 Basic training, NPA 2012-18 (B.I) ATCO.D.015 Basic training examinations and assessment and NPA 2012-18 (B.I) ATCO.D.080 Refresher training. The use of phraseology shall be checked during the competency check.	<b>Proposed text:</b> ...at least operational level (level four) of language proficiency in the use of <del>phraseology and</del> plain language.

response *Accepted*

Although the Note attached to ICAO Annex 1 states that 'The language

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

comment 612 comment by: *DFS Deutsche Flugsicherung GmbH*

ATCO.D.080  
 ATCOs will be regularly assessed for their competence for revalidation of their endorsement, therefore an additional assessment after their refresher training (according to AMC1 ATCO.D.080 these shall be examined or assessed) is regarded as over prescriptive.

response *Accepted*

The text in ATCO.B.025(a)(10) is modified accordingly and AMC1 ATCO.D.080 is removed.

comment 667 comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<b>ATCO.D.080 (b)</b> Refresher training	The requirement obliges ANSPs to include (1).(2). and (3). every time refresher training is delivered (which in some instances could be once per year per ATCO). The Basic Regulation requires the maintenance of practical skills to be proportionate to the level of risk. The unintended consequence of this requirement is that the full benefit of refresher training, which is meant to address current identified issue/s or safety concerns, could be	<b>Proposed text:</b> Delete all text and replace with: Refresher training shall be designed to review, reinforce or enhance the existing knowledge and skills of air traffic controllers to provide a safe, orderly and expeditious flow of air traffic and shall contain at least abnormal and emergency situations training.  Move part (c) to AMC and then

	compromised.	provide GM on types / topics and how to rotate these topics.
response	<p><i>Not accepted</i></p> <p>The UTP requirements do not include a provision for the content of continuation training. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives, and can change on an annual basis as the refresher training. The Agency recognises that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a) (7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.</p>	

comment	668	comment by: <i>Maastricht UAC Training Organisation</i>						
	<table border="1"> <thead> <tr> <th data-bbox="357 1182 572 1301"><u>Paragraph identification:</u></th> <th data-bbox="572 1182 1129 1301"><u>Justification:</u></th> <th data-bbox="1129 1182 1442 1301"><u>Alternative proposal:</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="357 1301 572 1630"> <p><b>ATCO.D.080 (c)</b> Refresher training</p> </td> <td data-bbox="572 1301 1129 1630"> <p>The MUAC refresher training content changes on a yearly basis depending on the circumstances. To require a fixed syllabus for the refresher training course reduces the ability of the ANSP to extract the maximum value from the training and may be detrimental to safety over time.</p> </td> <td data-bbox="1129 1301 1442 1630"> <p><b>Proposed text:</b> Training organisations shall develop a syllabus for the refresher training course. Where a subject...</p> </td> </tr> </tbody> </table>		<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>	<p><b>ATCO.D.080 (c)</b> Refresher training</p>	<p>The MUAC refresher training content changes on a yearly basis depending on the circumstances. To require a fixed syllabus for the refresher training course reduces the ability of the ANSP to extract the maximum value from the training and may be detrimental to safety over time.</p>	<p><b>Proposed text:</b> Training organisations shall develop a syllabus for the refresher training course. Where a subject...</p>
<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>						
<p><b>ATCO.D.080 (c)</b> Refresher training</p>	<p>The MUAC refresher training content changes on a yearly basis depending on the circumstances. To require a fixed syllabus for the refresher training course reduces the ability of the ANSP to extract the maximum value from the training and may be detrimental to safety over time.</p>	<p><b>Proposed text:</b> Training organisations shall develop a syllabus for the refresher training course. Where a subject...</p>						
response	<p><i>Not accepted</i></p> <p>The UTP requirements do not include a provision for the content of continuation training. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation</p>							

course as it contains the related subjects, subject objectives, topics, subtopics and objectives, and can change on an annual basis as the refresher training. The Agency recognises that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a) (7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment

691

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.D.080	Refresher training should be carried out in TOs or Units Training that have at their disposal suitable simulator systems when simulation is requested to train students	Appropriate simulator with a minimum standards should be required to perform refresher training

response

*Noted*

The comment is responded by AMC1 ATCO.OR.C.015(c).

comment

803

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.D.080 Refresher training</u></b>	1. Refresher training course(s) shall be developed and provided by certified training organisations and approved by the competent authority.	To be consistent with the rest of the document

response

*Not accepted*

The definition of training organisation provided with these measures implies that the training organisation is certified by the competent authority and therefore it is not necessary to emphasise this aspect.

comment 854

comment by: *swissatca*

D.080 (c) Refresher training changes constantly according to circumstances. Imposing a syllabus is likely to impair refresher training (less flexibility, less efficiency, etc.)

response *Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a) (7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment 1051

comment by: *IFATCA*

53	NPA 2012-18 (BI)	<b>ATCO.D.080 Refresher training</b>	b) (2) <del>abnormal</del> <b>unusual</b> and emergency situations training, using phraseology and radio communication effectively; and	Adapt to ATM as mentioned before
----	------------------	--------------------------------------	---	----------------------------------

response *Not accepted*

The essential requirement of paragraph 4(c)(i) of Annex Vb to the Basic Regulation requires air traffic controllers to be trained in and qualified for

abnormal and emergency situations. This is the reason why the term 'abnormal' is used in the subject Implementing Rule. As regards the original proposal, the Agency considered to be explicit that the rather wide definition proposed for 'abnormal situation' (= circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills) does include unusual and degraded situations as well. The examples placed into the definition itself provided an even more detailed description of abnormal situations, amongst which degraded situations are covered with an example in subparagraph (c).

With the view to clarifying further that the definition for abnormal situation includes unusual and degraded situations, and at the same time maintain consistency with the terminology used in the Basic Regulation, the Agency proposes to expand the definition as follows:

'abnormal situation' means circumstances which are neither routinely nor commonly experienced and for which an air traffic controller has not developed automatic skills, including degraded situations.

At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

comment

1186

comment by: NATS National Air Traffic Services Limited

ATCO.D.080 Refresher training (c)

Refresher training changes according to circumstances and does not have a static syllabus, the text as drafted implies a lack of required flexibility.

Suggested amendment:

**'(c) Training organisations shall develop the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives.'**

response

*Not accepted*

The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.

The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a) (7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.

comment	<p data-bbox="351 212 422 246">1219</p> <p data-bbox="1045 212 1444 246">comment by: EUROCONTROL</p> <p data-bbox="351 302 1444 560">           ATCO.D.080(d):            We propose to introduce a provision that allows the training organisation more flexibility in the choice of content while still keeping the abnormal and emergency situation training mandatory, to react appropriately to operational needs.            GM could be provided with examples of other content of refresher training and ways to rotate the various types of refresher topics over an extended period, taking into account the specific requirements of 216/2008 Annex Vb 4 (c) (i).         </p>
response	<p data-bbox="351 571 598 616"><i>Partially accepted</i></p> <p data-bbox="351 660 1444 896">           The proposal does not need a specific provision, as the subjects indicated are the essential ones to be taught during refresher training, and others can be added at the discretion of the training organisation.            It is recognised that the refresher training can be provided in a single course or in modular fashion over the duration of the validity of unit endorsements. The Agency recognises the need for Guidance Material on this subject, which will be made available.         </p>
comment	<p data-bbox="351 974 422 1019">1220</p> <p data-bbox="1045 974 1444 1019">comment by: EUROCONTROL</p> <p data-bbox="351 1064 1444 1254">           ATCO.D.080 (b):            Remove the reference to phraseology and radio communications from the requirement and add more AMC or GM to emphasis that it should be an important component of abnormal/unusual situations training. Alternatively, the explanatory note should clearly emphasise why using phraseology and radio communication are at the level of requirement.         </p>
response	<p data-bbox="351 1265 486 1310"><i>Accepted</i></p> <p data-bbox="351 1366 1444 1758">           Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepts the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) is deleted.            The proposed AMC and GM is adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training of communication tools and means.         </p>
comment	<p data-bbox="351 1848 422 1892">1221</p> <p data-bbox="1045 1848 1444 1892">comment by: EUROCONTROL</p> <p data-bbox="351 1937 1444 2004">           Annex I, Subpart D, section 4, ATCO.D.080 (b) (2) and Annex I, Subpart B, ATCO.B.025 (a) and AMC1 ATCO.D.080:         </p>



	<p>Either the requirement should be clearly stated in the rules, or AMC/GM material provided that makes clear when and under which circumstances refresher training should be assessed.</p>
response	<p><i>Accepted</i></p> <p>The text in ATCO.B.025(a)(10) is modified and AMC1 ATCO.D.080 is removed. With these modifications the assessment of refresher training is not mandatory anymore.</p>

comment	<p>1315 <span style="float: right;">comment by: ENAV</span></p>
	<p><b>ATCO.D.080 Refresher training (c)</b>  Unit endorsement courses shall define <del>the syllabus and</del> the performance objectives and shall be conducted in accordance with the unit training plan. Training organisations shall develop <del>a syllabus for</del> the refresher training course. Where a subject refreshes skills of air traffic controllers, the training organisation shall also develop performance objectives  Comment: The UTP is the overall plan which refers to all the necessary elements. Requiring a syllabus in addition to the unit endorsement course brings no added value. Furthermore refresher training changes according to circumstances and does not have a static syllabus</p>

response	<p><i>Not accepted</i></p>
	<p>The UTP requirements do not include a provision for the content of unit training. The details of the training course are specified in ATCO.D.060 'Unit endorsement course'. The syllabus is the core of the unit endorsement course as it contains the related subjects, subject objectives, topics, subtopics and objectives.  The UTP requirements do not include a provision for the content of continuation training either. The details of the continuation training course are specified in ATCO.D.080 and ATCO.D.085. The syllabus is the core of the continuation course as it contains the related subjects, subject objectives, topics, subtopics and objectives.  The Agency acknowledges that refresher training may be subject to frequent modifications due to the changes introduced into the operational environment, which need to be reflected in the syllabus. Training organisations shall make use of the provision in ATCO.B.025(a) (7) and (18) and ATCO.OR.B.020(b) to define with their competent authority the reasons, the procedure and the frequency for updating the syllabus.</p>

comment	128 <span style="float: right;">comment by: CAA-NL</span>
	<p><b>ATCO.D.085</b>  This is a requirement for and responsibilities of (partly) the approved training organisation, please relocate to Part ATCO.OR. This requirement is incorporated in ATCO.OR.B.015(b)  To be able to fulfil this requirement the approved training organisation must cooperate with the to the unit related ANSP. For this reason, a complementary article should be included in the suggested OR for ANSPs.</p>
response	<p><i>Noted</i></p> <p>The Agency prefers to address training within the same Subpart to maintain the cohesion of the training requirements.  The link between the training organisation and the ATC provider is addressed in ATCO.OR.B.015(b).</p>
comment	300 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span>
	<p><b>ATCO.D.085(c)(3)</b>  (3) conduct the training before the implementation of the change.  training organisations shall ensure that any ATCO exercising the privileges of their licence in a new environment have undertaken the required conversion training.  It is impossible to guarantee that all ATCOs will have had the conversion training before the implementation. It would be better to provide for the conversion training to have taken place for the ATCOs before they are to use the new environment.</p>
response	<p><i>Accepted</i></p> <p>The text is modified to reflect the proposal.</p>
comment	427 <span style="float: right;">comment by: CAA-NL</span>
	<p><a href="#">ATCO.D.085 - Conversion training</a>  COMMENTS / JUSTIFICATION:  2. Determine the examination and/or assessment methods for the conversion training  In general, certain training organisations do not assess or examine conversion training right away. Changes are processed in our question database though, and will appear in the annual examination of our ATCO's. Conversion Training is not examined right away, partly because changes are small, but also because we simply do not have enough capacity (employees) for it. Assessment and verification thus takes place at the regular annual examination an assessment process.  In order to assess and/or examine conversion training right away in the future, a more narrow cooperation within our Human Factor Department is needed and more capacity is needed in the examination sub department within the Human Factor department. It might also be possible to use e-learning for training and</p>

	<p>assessment not used in a formal way but as self-assessment for instance.                  ALTERNATIVE PROPOSAL:                  Not every training is approved by the authority, every change will be notified to the authority (NSA) and be rated on impact.                  With regards to (a) delete the part: and approved by competent authority.</p>
response	<p><i>Not accepted</i></p> <p>The Agency takes note of the considerations provided. The modification proposed is however not accepted.                  A conversion training course shall be developed and provided when the safety assessment conducted for the introduction of a change in the operational environment requires so, and not for any change introduced. When a safety assessment does not conclude that conversion training is required, a training organisation may organise a training according to its own assessment which does not need approval.                  The approval of conversion training course is considered necessary, as for any other training course, as required by paragraph 4(f)(ii) of Annex Vb to the EASA Basic Regulation and specified by ATCO.AR.A.010(a)(6) of the draft Regulation proposed with this NPA.</p>

comment	428	comment by: CAA-NL
	<p><a href="#">ATCO.D.085 (c)(3) conversion training</a>                  COMMENTS: This paragraph does not take into account the needs of an ANSP.                  JUSTIFICATION: Conversion training always depends on the type of change being made. Sometimes the change is urgent - safety related - and must be implemented regardless of training. Would have to use the flexibility provision in this case.                  ALTERNATIVE PROPOSAL: Wherever possible conduct the training before the implementation of the change.</p>	
response	<p><i>Not accepted</i></p> <p>If according to applicable regulations the change requires a safety assessment, then ATCO.D.085(c)(3) is applicable.                  The rule text is modified in order to ensure that each air traffic controller receives conversion training before he/she exercises the privileges of his/her licence in the changed operational environment.</p>	

comment	589	comment by: Maastricht UAC			
	<table border="1"> <tr> <td data-bbox="359 1758 550 2027"> <p><b>ATCO.D.085 (c)(3)</b>                      conversion training</p> </td> <td data-bbox="550 1758 1117 2027"> <p>This paragraph does not take into account the needs of an ANSP. Conversion training always depends on the type of change being made. It is possible that the change is urgent - safety related - and must be implemented regardless of training. An ANSP would have to use the</p> </td> <td data-bbox="1117 1758 1436 2027"> <p><b>Proposed text:</b>                      Wherever possible conduct the training before the implementation of the change</p> </td> </tr> </table>		<p><b>ATCO.D.085 (c)(3)</b>                      conversion training</p>	<p>This paragraph does not take into account the needs of an ANSP. Conversion training always depends on the type of change being made. It is possible that the change is urgent - safety related - and must be implemented regardless of training. An ANSP would have to use the</p>	<p><b>Proposed text:</b>                      Wherever possible conduct the training before the implementation of the change</p>
<p><b>ATCO.D.085 (c)(3)</b>                      conversion training</p>	<p>This paragraph does not take into account the needs of an ANSP. Conversion training always depends on the type of change being made. It is possible that the change is urgent - safety related - and must be implemented regardless of training. An ANSP would have to use the</p>	<p><b>Proposed text:</b>                      Wherever possible conduct the training before the implementation of the change</p>			

	flexibility provision in this case?	
--	-------------------------------------	--

response *Not accepted*

If according to applicable regulations the change requires a safety assessment, then ATCO.D.085(c)(3) is applicable.  
 The rule text is modified in order to ensure that each air traffic controller receives conversion training before he/she exercises the privileges of his/her licence in the changed operational environment.

comment 670

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
<b>ATCO.D.085 (c)(3)</b> conversion training	This paragraph does not take into account the needs of an ANSP. Conversion training always depends on the type of change being made. It is possible that the change is urgent - safety related - and must be implemented regardless of training. An ANSP would have to use the flexibility provision in this case?	<b>Proposed text:</b> Wherever possible conduct the training before the implementation of the change

response *Not accepted*

If according to applicable regulations the change requires a safety assessment, then ATCO.D.085(c)(3) is applicable.  
 The rule text is modified in order to ensure that each air traffic controller receives conversion training before he/she exercise the privileges of his/her licence in the changed operational environment.

comment 692

comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
ATCO.D.085	The process described within this part together with the existing process for safety assessment approval could result in a "double" approval of the course	The conversion training would be on safety requirement derived from the safety assessment to be performed as per regulation (EU) No 1034/2011 and would therefore be approved within the safety assessment approval process

response

*Noted*

This provision is complementary to the relevant provisions of Commission Regulation (EU) No 1034/2011, as it follows on from the safety assessment where the need for training is concluded. The approval process of the safety assessment of the change and the approval of the required conversion training course are therefore separated.

comment

804

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.D.085 Conversion training</u></b>	1. Conversion training course(s) shall be developed and provided by certified training organisations and approved by the competent authority.	To be consistent with the rest of the document

response

*Not accepted*

The definition of training organisation provided with this measure implies that the training organisation is certified by the competent authority and therefore it is not necessary to emphasize this aspect.

**ANNEX I – PART-ATCO – REQUIREMENTS FOR THE LICENSING OF AIR TRAFFIC CONTROLLERS – SUBPART D – AIR TRAFFIC CONTROLLER TRAINING – SECTION 4 CONTINUATION TRAINING REQUIREMENTS – ATCO.D.090 Language training**

p. 37

comment 129

comment by: CAA-NL

**ATCO.D.090**

This is a requirement and responsibility for the ANSP, please relocate to Part.OR for ANSP's.

response *Partially accepted*

Part-ATCO.OR covers air traffic controller training organisations; language training as such is however not part of the air traffic controller training. Therefore, and taking into account the comments received, the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Unclarity on the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.

comment 359

comment by: DSNA

**ATCO.D.090.**Comment :

This requirement is very important because language training improves safety. But the terms "Where appropriate" are unclear. We propose to remove them and to introduce a corresponding AMC, in order to precise the meaning of the requirement.

Proposal :**ATCO.D.090**

Air navigation service providers shall make available language training to maintain the level of languages proficiency of air traffic controllers.

**(new) AMC ATCO.D.090 Language training**

Language training should be provided to holders of a language proficiency endorsement, except where the language assessed is a local language in which the licence holder exercises the privileges of their licence and is the local language at the unit in which the privileges of the licence are exercised.

response *Partially accepted*

Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Unclarity on the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.

comment

377

comment by: *NATS National Air Traffic Services Limited*

ATCO.D.090 Language training.

Is it intended to include all air navigation service providers in this requirement? Whilst the term is undefined in this Regulation, it is usually understood to include CNS, MET, AIS and ATS – not all of which have air traffic controllers that fall under the scope of this Regulation. The impact of this is a lack of clarity with regard to scope. The scope could be misinterpreted by some CAs to include all ANSP functions when it does not.

Suggested resolution is to replace ANSP with ATS Providers where applicable.

response

*Not accepted*

It is clear from the scope of Article 2(2) of the Basic Regulation that only organisations 'involved in the licensing, training, testing, checking or medical examination and assessment of applicants' are affected by this requirement. Therefore, the suggested amendment is not necessary.

comment

469

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

The 'Where appropriate' part of the sentence below is too vague and open to misinterpretation. It could be applied in different states in very different ways, and although we recognise that provision needs to be made for states that may not have a requirement to provide language training, we feel there is a better way of drafting this article.

We propose:

~~Where appropriate,~~ air navigation service providers shall make available language training to maintain the required level of language proficiency of air traffic controllers.

This would be enhanced with AMC which is commented on in AMC 1 ATCO.D.090

response

*Partially accepted*

Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to

provide language training for the entire staff.

comment

841

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

Attachment [#15](#)

**ATCO.D.090**

**Comment:**

Language erosion is well recognized even for higher levels of language proficiency. It is essential to provide ATCOs with the language training except in those cases where language proficiency endorsement is practiced in a daily basis. **ATCEUC** proposes to change ATCO.D.090.

**ATCO.D.090 new text**

~~Where appropriate,~~ air navigation service providers shall make available language training to maintain the ~~required~~ level of language proficiency of air traffic controllers.

response

*Partially accepted*

Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.

comment

871

comment by: *Laurent BERTIN UNSA-ICNA*

French PIFA perfectly fullfills with this.

remove "where appropriate", language training should be mandatory and provided by the ANSP, free of any charges, of course.

response

*Partially accepted*

Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.

comment

886

comment by: *European Transport Workers Federation - ETF*



	<p>ATCO.D.090</p> <p><del>Where appropriate,</del> air navigation service providers shall make available language training to maintain the <del>required</del> level of language proficiency of air traffic controllers.</p> <p>Language erosion is well recognized even for higher levels of language proficiency. It is essential to provide ATCOs with the language training except in those cases where the language is practiced in a daily basis.</p> <p>ETF proposes to change ATCO.D.090 and AMC1 ATCO.D.090 Language training</p>
response	<p><i>Partially accepted</i></p> <p>Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.</p>
comment	<p>914 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p><i>ATCO.D.090</i></p> <p>Language erosion is well recognized even for higher levels of language proficiency. It is essential to provide ATCOs with the language training except in those cases where the language is practiced in a daily basis.</p> <p><b>SINCTA</b> propose to change ATCO.D.090. Proposed text: <del>Where appropriate,</del> air navigation service providers shall make available language training to maintain the <del>required</del> level of language proficiency of air traffic controllers.</p>
response	<p><i>Partially accepted</i></p> <p>Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.</p>
comment	<p>922 comment by: <i>Federazione ATM-PP</i></p> <p>Federazione ATM-PP proposal is to change ATCO.D.090 as follows: <del>Where appropriate,</del> Air navigation service providers shall make available language training to maintain the <del>required</del> level of language proficiency of air</p>

	<p><i>traffic controllers.</i> To avoid the language erosion</p>
response	<p><i>Partially accepted</i></p> <p>Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.</p>
comment	<p>938 <span style="float: right;">comment by: USAC-CGT</span></p> <p>USAC-CGT fully supports ETF comment on this issue.</p>
response	<p><i>Partially accepted</i></p> <p>Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.</p>
comment	<p>972 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>ATCO.D.090 &amp; – AMC1 ATCO.D.090</b></p> <p>Language erosion is well recognized even for higher levels of language proficiency. It is essential to provide ATCOs with the language training except in those cases where the language is practiced in a daily basis. USCA proposes to change ATCO.D.090 and AMC1 ATCO.D.090 on Language training.</p> <p><b>ATCO.D.090</b></p> <p><i>"<del>Where appropriate,</del> Air navigation service providers shall make available language training to maintain the <del>required</del> level of language proficiency of air traffic controllers."</i></p> <p><b>AMC1 ATCO.D.090</b></p> <p><i>"Language training should be <del>made available to:</del></i>  <i>(a) holders of language proficiency endorsement at level 4;</i>  <i>(b) licence holders without the opportunity to apply their skills on a regular basis in order to maintain their language skills.</i></p> <p><i><u>provided to holders of a language proficiency endorsement, except where the language assessed is a local language in which the licence holder exercises the</u></i></p>

	<u><i>privileges of their licence and is the local language at the unit in which the privileges of the licence are exercised.</i></u>
response	<i>Partially accepted</i>
	Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Uncertainties with regard to the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.

comment	1075      comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i>
	Language erosion is well recognized even for higher levels of language proficiency. It is essential to provide ATCOs with the language training except in those cases where the language is practiced in a daily basis. FIT/CISL proposes to change ATCO.D.090 as follows: <del>Where appropriate,</del> air navigation service providers shall make available language training to maintain the <del>required</del> level of language proficiency of air traffic controllers

response	<i>Partially accepted</i>
	Taking into account the comments received the provisions on language training are moved to the provisions dealing with the language proficiency requirements. Unclarities on the term 'where appropriate' are now resolved by inserting the criteria into the Implementing Rule. The criteria are however maintained, as it is not considered appropriate to oblige ANSPs to provide language training for the entire staff.

comment	1222      comment by: <i>EUROCONTROL</i>
	ATCO.D.090: The " <i>where appropriate</i> " should be clarified in the provision rather than in AMC to ascertain that economic pressure does not reduce safety.
response	<i>Accepted</i>

comment	130	comment by: CAA-NL
	<p><b>ATCO.D.095.(a)</b>  The possibility of an organisation providing <i>only</i> OJTI or STDI training should be included.  <i>Text proposal:</i>  Training organisations providing training for OJTI or STDI shall develop and provide:  (1) Practical instructional technique course, including an assessment;  (2) &lt;unchanged&gt;  (3) &lt;unchanged&gt;</p>	
response	Accepted	

comment	993	comment by: Belgocontrol Training Centre
	<p>Proposal:  (a) A successful assessment of instructional techniques for practical instructors <del>may should</del> establish competence in the following areas:  (b) In addition to paragraph (a), a successful assessment of instructional techniques for STDIs <del>may should</del> establish competence in the following areas:  Rational: We propose to move these requirements to GM. Not all of them may be applicable to all circumstances of instructing. (e.g. (a)(5) plan training is not always a part of the OJTI tasks and may belong to the course manager or someone else)</p>	
response	Partially accepted	
	<p>The proposed change to GM with the use of the verb 'may' is not accepted as it would prevent the necessary and required level of harmonisation across Member States. The training objectives have been however reviewed and revised and the general reference to 'plan training' is now deleted.</p>	

<p><b>ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART A – GENERAL REQUIREMENTS – ATCO.AR.A.001</b></p> <p><b>Scope</b></p>	p. 38
---	-------

comment	305	comment by: skyguide Corporate Regulation Management
	<p><b>ATCO.AR (General)</b>  Care should be taken that these parts are harmonised with the NPA based on the work of ATM001/004 due shortly.  Replace "continuing oversight" with monitoring.</p>	

response *Not accepted*

When developing the provisions related to the competent authorities due consideration has been given to the critical elements of the safety oversight system as required by ICAO. It should be noted that surveillance and monitoring are part of the oversight in general.

comment 306 comment by: *skyguide Corporate Regulation Management*

**ATCO.AR.A.001**

This part establishes the administrative requirements applicable to the competent authority **authorities** with responsibility for the issue, maintenance, suspension or revocation of licences, ratings, endorsements and certificates for air traffic controllers and **medical** certification and oversight of training organisations and aero-medical centres.

There can be more than one competent authority.

The only certificate possible is a medical certificate for the ATCO.

response *Partially accepted*

The proposal to use plural for 'competent authorities' is accepted. The medical certification of air traffic controllers is covered in the first part listing the responsibilities of the competent authorities, while the second part relates to the certification and oversight of organisations, training and aero-medical ones.

comment 1378 comment by: *Federal Office of Civil Aviation FOCA*

Article:

Annex II ATCO.AR.A.001

Comment / Issue / Suggestion:

This part establishes the administrative requirements applicable to the competent authority **authorities** with responsibility for the issue, maintenance, suspension or revocation of licences, ratings, endorsements and certificates for air traffic controllers and certification and oversight of training organisations and aero-medical centres.

Justification:

more than one competent authority possible

response *Accepted*

comment 153 comment by: *Belgian NSA*

ATCO.AR.A.005 Personnel should be removed; it is part of the actual 1034/1035 Reg!

response *Not accepted*

The provision facilitates the empowerment of the competent authority’s personnel to carry out certification and oversight tasks related to air traffic controllers certification and certification and oversight of the regulated organisation, subject of this draft Regulation, while the scope of Regulations Nos 1034/2011 and 1035/2011 relates to ATM/ANS oversight and the provision of air navigation services.

Moreover, it is fully consistent with the critical elements of the safety oversight system as defined by ICAO, especially CE-7 on surveillance obligations.

comment 307 comment by: *skyguide Corporate Regulation Management*

**ATCO.AR.A.005(d)**  
 (d) enter relevant premises **and** operating sites ~~or means of transport;~~  
 Means of transport does not make sense in the context of ATCOs.

response *Accepted*

comment 693 comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
ATCO.AR.A.005	How will this personnel be empowered? Through this same regulation?	The empowerment of the oversight personnel is already enshrined in different national and European regulations; care should be for a coherent treatment of this matter

response *Noted*

The provision facilitates the empowerment of the competent authority’s personnel to carry out certification and oversight tasks under the scope of this draft Regulation.

comment

762

comment by: UK CAA

**Page No:** 38

**Paragraph No:** ATCO.AR.A.005 (f)

**Comment:** It has been agreed in implementing rules so far adopted, that competent authorities may not in all cases, be empowered in national legislation to "take" enforcement measures but should at least be empowered to "initiate" such measures. UK CAA also notes that these personnel requirements are included in the Cover regulations, rather than the annexes, of other adopted IRs and would welcome an explanation for the difference in this case.

**Justification:** Clarity and consistency.

**Proposed Text:** In paragraph (f) insert "or initiate" after "take".

response

*Accepted*

In the other aviation domains regulations the provision is part of an article on oversight capability. During the drafting phase the Agency was advised not to transpose the whole oversight capability article but only the provision in question. Since it relates to the personnel of the competent authorities it has been placed into Part-ATCO.AR.

comment

1052

comment by: IFATCA

54	NPA 2012-18 (BI)	<b>ATCO.AR.A.005 Personnel</b>	<b>ATCO.AR.A.005 Personnel</b> Personnel authorised by the competent authority to carry out certification and/or oversight tasks shall be empowered to perform as a minimum the following acts without endangering safety or security of the ATM facility :	Not to endanger the safety and security of the ATS unit to be inspected. Similar worded rights and/or duties are formulated in the revised Performance and Charging scheme IR (accepted by SSC49). Is there a need to have additional points insert for this IR. Consistency with regard to rights/duties could be fostered if it is outlined for all those possible inspections visits by an EU body. Reduce institutional fragmentation and administrative burden.
----	------------------	--------------------------------	--	--

response

*Not accepted*

The provision facilitates the empowerment of the competent authority's personnel to carry out certification and oversight tasks under the scope of this draft Regulation. Moreover, the proposal assumes the shared responsibilities of the Member States and the aviation community, consistent with the critical elements of safety oversight system as defined by ICAO, especially CE-7 on surveillance obligations. The proposed text would introduce inconsistency with the already adopted and in force similar provision in other aviation domains (e.g. air crew, air operations, aerodromes).

comment	1379	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: Annex II ATCO.AR.A.005c) Comment / Issue / Suggestion: ask for an <del>oral explanation on site and/or request written</del> explanation; Justification: leave site and form open	
response	<i>Accepted</i>	

comment	1380	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: Annex II ATCO.AR.A.005 Comment / Issue / Suggestion: Delete whole Paragraph Justification: This is part of oversight activities and shall be regulated in the NPA for Oversight and Common Requirements	
response	<i>Not accepted</i>  The provision facilitates the empowerment of the competent authority's personnel to carry out certification and oversight tasks related to air traffic controllers certification and certification and oversight of the regulated organisation, subject of this draft Regulation, while the scope of Regulations Nos 1034/2011 and 1035/2011 relates to ATM/ANS oversight and the provision of air navigation services. Moreover, it is fully consistent with the critical elements of safety oversight system as defined by ICAO, especially CE-7 on surveillance obligations.	

<b>ANNEX II — PART-ATCO.AR — REQUIREMENTS FOR COMPETENT AUTHORITIES — SUBPART A — GENERAL REQUIREMENTS — ATCO.AR.A.010</b>	p. 38-39
<b>Tasks of the competent authorities and ATCO.AR.A.015 Information to the</b>	



**Agency**

comment 17 comment by: *Belgian NSA*

(a) (7) the APPROVAL of the assessment method for demonstration of language proficiency...  
 (b) Skip UNIT endorsement for transfert of an ATCO lic (it has no value on the new lic!)

response *Accepted*

The provision on the assessment method is amended accordingly. Based on the evaluation of the comments received, ATCO.AR.A.010(b) is removed.

comment 131 comment by: *CAA-NL*

**ATCO.AR.A.010.(a)**

Although the content of this article is the same as various points in Part ARA, why not adapt the structure of Part ARA?

response *Noted*

ATCO.AR.A.010 originates from Article 22 of Regulation (EU) No 805/2011. During the rule development the Agency was advised by the rulemaking groups to keep this provision and amend it listing in more details the tasks of the competent authorities.

comment 132 comment by: *CAA-NL*

**ATCO.AR.A.010.(a).(9)**

The unit competence scheme is a responsibility of the ANSP's, therefore the monitoring of the unit competency scheme by the competent authority cannot be done at the training organisation.

It is proposed to make the monitoring of the unit competency scheme a separate point under (a).

**ATCO.AR.A.010.(a).(12)**

Please see the comments on ATCO.A.010(d).

response *Accepted*

comment 133 comment by: *CAA-NL*

**ATCO.AR.A.015.(a):**

Informing the Agency only seems relevant when the CA is unable to implement

	<p>the BR and this regulation. In order to avoid a too extensive administrative burden, we therefore propose to replace the text by the following: "the CA shall without undue delay notify the Agency in case of any inability to implement fully Regulation 216/2008 and this Regulation".</p>
response	<p><i>Not accepted</i></p> <p>Member States have the duty to ensure compliance with the EU rules. This provision requires the competent authorities to notify the Agency in case of significant problems with the implementation of the Basic Regulation and this draft Regulation before being unable to implement it fully. A significant number of commentators requested the Agency to align as much as possible the provisions related to the competent authorities with the existing ones relevant to other aviation domains (e.g. aircrew and air operations, aerodromes and the proposed ones with NPA 2013-08 on ATM/ANS provides and safety oversight thereof) unless there is a sector-specific reason.</p>

comment	134	comment by: CAA-NL
	<p><b>ATCO.AR.A.020 (proposed additional article)</b> We suggest to include here a point related to immediate reactions to a safety problem as is also incorporated in the authority requirements for Aircrew and Operations as well as in the proposals for aerodromes. As an example we include the relevant text from the aircrew regulation: 'ARA.GEN.135 Immediate reaction to a safety problem (a) Without prejudice to Directive 2003/42/EC of the European Parliament and of the Council ( 1 ) the competent authority shall implement a system to appropriately collect, analyse and disseminate safety information. (b) The Agency shall implement a system to appropriately analyse any relevant safety information received and without undue delay provide to Member States and the Commission any information, including recommendations or corrective actions to be taken, necessary for them to react in a timely manner to a safety problem involving products, parts, appliances, persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules. (c) Upon receiving the information referred to in (a) and (b), the competent authority shall take adequate measures to address the safety problem. (d) Measures taken under (c) shall immediately be notified to all persons or organisations which need to comply with them under Regulation (EC) No 216/2008 and its Implementing Rules. The competent authority shall also notify those measures to the Agency and, when combined action is required, the other Member States concerned.'</p>	
response	<p><i>Accepted</i></p> <p>The new provision is ATCO.AR.A.020.</p>	

comment	259	comment by: <i>CANSO Civil Air Navigation Services Organization</i>
---------	-----	---

	<p>CANSO proposes the following change to ATCO.AR.A.010 (b)  <i>Upon requests for a transfer of an ATCO licence from one Member State to another Member State according to ATCO.A.010(c), the competent authority issuing the new licence shall include ratings and their associated rating endorsements as well as all valid endorsements—licence endorsements and all valid unit endorsements in the licence.</i>          This simplifies the requirements and lends clarity to what needs to be in the licence issued by the "new" CA.</p>
response	<p><i>Noted</i></p> <p>Based on the evaluation of the comments received, ATCO.AR.A.010(b) is removed.</p>

comment	<p>310 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span></p> <p><b>ATCO.AR.A.010 (a) (7)</b>          (7) the establishment approval of the assessment method for the demonstration of language proficiency according to ATCO.B.040;          See comment to ATCO.B.040.</p> <p><b>ATCO.AR.A.010 (a) (6)</b>          (6) the approval of training courses, plans and unit competence schemes, as well as assessment methods          Approval of the assessment methods is not required in the BR 216.</p> <p><b>ATCO.AR.A.010 (a) (11)</b>          (11) the establishment of appropriate appeal procedures and notification mechanisms;          Is it the CA who establishes or approves the appeal procedures and notification mechanisms? It could also be the organisation, whether ANSP or training organisation or AeMC.</p> <p><b>ATCO.AR.A.010 (b)</b>          (b) ...the competent authority issuing the new licence shall include ratings, endorsements, licence endorsements and all valid unit endorsements in the licence.          Although this is a good provision and should be kept, it is unclear how the CA issuing the new licence will be able to enter a unit endorsements from the old member state in the new licence. The option of a common EASA issued licence with a common European database and ad hoc access makes sense and allows for full harmonisation of the licences.          Removing the word "unit" allows for all endorsements that are valid to be included (i.e. OJTI, STDI and assessor as well as language endorsements)</p>
response	<p><i>Partially accepted</i></p> <p>The comment to ATCO.AR.A.010(a)(7) is accepted.</p> <p>The comment to ATCO.AR.A.010(a)(6) is not accepted as it refers to other than ATCO.B.040 assessment methods such as method(s) for assessing the competence of practical instructors (ATCO.D.095), method(s) for assessing the competence of assessors (ATCO.D.100), etc.</p> <p>ATCO.AR.A.010(a)(11) ensures that the parties affected by the decisions taken by the competent authorities enjoy the necessary remedies in a manner which is suited to the special character of the field of aviation. An appropriate appeal mechanism should be set up so that decisions of the competent authority can</p>

be subject to appeal and open to action before the Court of Justice, whereas the unit competence schemes provision requires it to be established by the air navigation service provider and one of its element is the processes in case of failure of an examination or assessment, including the appeal process. It should be noted that both appeal mechanisms address different processes.  
 ATCO.AR.A.010(b) has been removed.

comment 404 comment by: NATS National Air Traffic Services Limited

ATCO.B.040 states: 'The demonstration of language proficiency shall be done through a method of assessment established by the competent authority...' The CAs are not the appropriate body to established a method of assessment. The CAs do not establish the other methods of assessment in this regulation, they approve them. The Language Assessment Bodies should establish the method of assessment which is then approved by the CA.  
 Amend ATCO.AR.A.010 (a) (7):  
**'the approval of the assessment method for the demonstration of language proficiency according to ATCO.B.040;'**

response Accepted

comment 528 comment by: HungaroControl

**ATCO.AR.A.010 Tasks of the competent authorities(b):**  
~~Upon requests for a transfer of an ATCO licence from one Member State to another Member State according to ATCO.A.010(c), the competent authority issuing the new licence shall include ratings and their associated rating endorsements as well as all valid endorsements licence endorsements and all valid unit endorsements in the licence.~~  
 The new wording simplifies what is needed to be issued by the new CA.

response Accepted  
 Based on the evaluation of the comments received, ATCO.AR.A.010(b) is removed.

comment 694 comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.AR.A.010	Has an <u>detailed assessment of the resources</u> needed at competent authority-level to carry out these tasks in a proper manner been performed?	It is quite important for a successful implementation of this regulation to make sure it is feasible in the current global environment; otherwise, the actual effectivity of

	- related to ATCO.AR.B.001(a)(2)	this regulation will be impaired
--	----------------------------------	----------------------------------

response *Partially accepted*

ATCO.AR.A.005 is amended and paragraph (a) is added as follows:  
 (a) Competent authorities shall produce and update every two years an assessment of the human resources needed to perform their oversight functions, based on the analysis of the processes required by this Regulation and their application.

comment 695

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.AR.A.015	This requirement would be better placed within the articles of the cover regulation and limited in scope to this regulation	The requirement relates to the regulation as a whole and verges on the application of the regulation itself

response *Not accepted*

Annex II on requirements for competent authorities addresses the administrative requirements applicable to the competent authorities and therefore all competent authority-related requirements are placed in this Part-ATCO.AR.  
 ATCO.AR.A.015 is developed based on the existing requirements on the competent authorities for aircrew and air operations, and is now proposed for the field of aerodromes and ATM/ANS. However, it should be emphasized that the scope of the subject draft Regulation relates to the licensing and medical certification of air traffic controllers ensuring implementation of the Basic Regulation, and in particular Article 8c(10) thereof.

comment

763

comment by: UK CAA

**Page No:** 38**Paragraph No:** ATCO.AR.A.010 (a)(3)**Comment:** Paragraph (a)(3) states:*"(a) The tasks of the competent authorities shall include:**...**(3) the revalidation and renewal of endorsements and the revalidation, renewal and limitation of medical certificates; "*

The text should be compatible with Part ARA.MED.125.

**Justification:** Clarity and consistency of text.**Proposed Text:** Amend paragraph (a)(3) as follows:*"(3) (i) the revalidation and renewal of endorsements,***(ii) the revalidation, renewal and limitation of medical certificates following referral by the AME or AeMC;"**

response

*Accepted*

The comment is accepted and the text results in new paragraph (4) as follows:

*(4) the revalidation, renewal and limitation of medical certificates following referral by the AME or AeMC;*

comment

764

comment by: UK CAA

**Page No:** 39**Paragraph No:** ATCO.AR.A.010 Paragraph 12**Comment:** Paragraph 12 should be amended to be consistent with the proposal made for ATCO.A.010 Application and Issue of Licences, Ratings and Endorsements, paragraph C, with emphasis on a licence being submitted for exchange. Also to ensure that the licence submitted for exchange is returned to the Member State who originally issued that licence.**Justification:** To ensure a single licence policy for an ATCO.**Proposed Text:** *"(12) facilitating the recognition and exchange of licences, including the transfer of the records of air traffic controllers according to ATCO.A.010(c), including a process which shall ensure that a Member State is in receipt of the applicants licence prior to the issue of another licence and that the submitted licence is returned to the issuing Member State;"*

response

*Partially accepted*

The comment is considered and the resulting text is as follows:

*(12) facilitating the recognition and exchange of licences, including the transfer of the records of air traffic controllers and return of the old licence to the issuing competent authority according to ATCO.A.010(c);*

The requirement that the competent authority shall establish documented procedure for the purpose of the subject task is part of the management system requirements.

comment

805

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<b><u>ATCO.AR.A.010</u></b> <b><u>Tasks of the competent authorities</u></b>	1. Upon requests for a transfer of an ATCO licence from one Member State to another Member State according to ATCO.A.010(3), the competent authority issuing the new licence shall include ratings, endorsements, <b>licence endorsements</b> and all valid unit endorsements in the licence.	The term " <i>licence endorsements</i> " should be previously defined. In the case that " <i>the endorsements in the licence</i> " is meant, this should be clearly stated. It is not in line to what the rest of the document sets (this term is not so usually used, e.g ATCO.AR.D.001)

response

*Noted*

Based on the evaluation of the comments received, ATCO.AR.A.010(b) is removed.

comment

859

comment by: *swissatca*

ATCO.AR.A.010 (a) (11) The competent authority, ANSP and Training organisation could establish and approve appeal procedures as well.

response

*Not accepted*

Annex II on requirements for competent authorities addresses the administrative requirements applicable to the competent authorities. Therefore, only competent authority-related requirements are placed in Part-ATCO.AR.

comment

1053

comment by: *IFATCA*

55	NPA 2012- 18 (BI)	<b>ATCO.AR.A.015 Information to the Agency</b>	(a) The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and this Regulation. (b) The competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports it has received.	In the light of the revision of 2003/42/EC (COM 776/2012) IFATCA believes that this is not adequate reference. How far will this lead to double (differing) reporting requirement. We would propose to delete this – as it has as such nothing to do with the license of an air traffic controller and is covered elsewhere. Further no mention of a just culture approach is available (reference to Recital 18)
----	----------------------------	--	---	---

response *Not accepted*

The aim of this provision is to enhance the reporting practice between the competent authorities and the Agency. More details on this matter will be specified in AMC and GM across all aviation domains, currently under development.

comment *1087* comment by: *Civil Aviation Authority Norway*

a) (7) – see comments ATCO.B.040

response *Accepted*

comment *1127* comment by: *CANSO Civil Air Navigation Services Organization*

The provision ATCO.AR.A 010 (7) should be adapted in consideration of the CANSO comment on ATCO.B.040.

response *Accepted*

comment *1236* comment by: *DSAC - French NSA*



	<p><u>Paragraph</u> ATCO.AR.A.010 (7) <u>Alternative proposal</u> (7) the <b>establishment approval</b> of the assessment method for the demonstration of language proficiency according to ATCO.B.040; <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	Accepted
comment	<p>1298      comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>ATCO.AR.A.010 (a)(7) - Tasks of the competent authorities</b> The method of assessment should be established by the assessment body and approved by the competent authority or be established by the competent authority, depending on by whom the assessment is done. (ref. ATCO.B.040)</p>
response	Accepted
comment	<p>1316      comment by: <i>ENAV</i></p> <p><b>ATCO.AR.A.010 Tasks of the competent authorities(b)</b> Upon requests for a transfer of an ATCO licence from one Member State to another Member State according to ATCO.A.010(c), the competent authority issuing the new licence shall include ratings and their associated rating endorsements as well as all valid endorsements licence endorsements and all valid unit endorsements in the licence. Comment: This simplifies the requirements and lends clarity to what needs to be in the licence issued by the "new" CA</p>
response	<p>Noted</p> <p>Based on the evaluation of the comments received, ATCO.AR.A.010(b) is removed.</p>

comment	1382	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Annex II ATCO.AR.A.010 (7) Comment / Issue / Suggestion: not establish - approve Justification: the establishment rests with the training organisation</p>	
response	<i>Accepted</i>	

comment	1383	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Annex II ATCO.AR.A.010 (b) Comment / Issue / Suggestion: Upon requests for a transfer of an ATCO licence from one Member State to another Member State according to ATCO.A.010(c), the competent authority issuing the new licence shall include ratings, endorsements, licence endorsements and all valid unit endorsements in the licence. Justification: Exchange of licences is generally agreed. However, it will be difficult for a competent authority to issue a new licence with the old unit endorsements stated.</p>	
response	<i>Noted</i>	
	Based on the evaluation of the comments received, ATCO.AR.A.010(b) is removed.	

comment	1384	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: ATCO.AR.A.015 Comment / Issue / Suggestion: (b) The competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports it has received. Justification: what are safety-relevant information? This should be covered by the ECCAIRS tool.</p>	
response	<i>Noted</i>	
	The associated GM is developed. Moreover, to support the competent authorities in the implementation of the new reporting obligation, the Agency is working on more detailed AMC and GM, including the link to ECCAIRS.	

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART B – MANAGEMENT – ATCO.AR.B.001 Management system**

p. 39-40

comment 18 comment by: *Belgian NSA*

ATCO .AR.B. 001 management system sjhould bein new 1034/2011

response *Not accepted*

The draft proposal lays down the technical requirements and administrative procedures related to air traffic controller's licences and certificates, while Regulation (EU) No 1034/2011 sets up the requirements related to the oversight for the provision of ATM/ANS. The competent authorities responsible for the air traffic controllers' licencing and medical certification and for the certification and oversight of training organisations and aero-medical centres shall establish and maintain a management system as well. The scope of both regulations is different.

comment 150 comment by: *Direction de la sécurité de l'aviation civile (DSAC)*

Comments :

The Competent Authority shall be allowed the flexibility to organize itself in the most appropriate way to fulfil its tasks. The following specifications in **ATCO.AR.B.001** are too prescriptive and may result in unnecessary administrative burden 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;

Proposal :

**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.

response *Not accepted*

With a view to achieving a realistic implementation of the safety management procedures through SSP as required by ICAO, there is a growing support within the ATM/ANS community 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.

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 meet the requirements for the air traffic controllers licensing and certification authority along the same lines to achieve full alignment.

comment

315

comment by: *skyguide Corporate Regulation Management***ATCO.AR.B.001 (a) (2)**

The competent authority shall establish and maintain a management system, including as a minimum:  
 ...the means to ensure a sufficient number of personnel to perform its tasks and discharge its responsibilities ...

Grammatical: It is not the management system that has the personnel, but rather the CA in order to fulfil the management system requirements.

**ATCO.AR.B.001 (a) (3)**

The competent authority shall establish and maintain a management system, including as a minimum:

...the means to ensure adequate facilities and office accommodation to perform the allocated tasks;

Grammatical: It is not the management system that has the facilities, but rather the CA in order to fulfil the management system requirements.

**ATCO.AR.B.001 (a) (4)**

...and a safety risk management process.

Coherence in the terminology.

response

*Not accepted*

The text on management system of the competent authorities at European level in other aviation domains (e.g. aerodromes) has already been agreed, adopted and in force (e.g. aircrew, air operations).

comment

405

comment by: *NATS National Air Traffic Services Limited*

ATCO.AR.B.001 Management system

response	<p>Whilst it is understood that ideally the MS provisions for a CA across the various domains should be identical (except for sector specific differences) these MS requirements are significantly different to those currently proposed in draft rules for ATM/ANS. Given that the CA is likely to be the same entity should there not be alignment across the rules?</p> <p>Recommend that MS provisions for CAs should be aligned between Authority requirements for this regulation and ATM/ANS regulations</p>
	Accepted

comment	<p>489 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u></p> <p>ATCO.AR.B.001</p> <p><u>Comment</u></p> <p>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.</p> <p>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>Noted</p> <p>The existence of the authority requirements is instrumental to the achievement of the principal objective of the Basic Regulation, i.e. to establish and maintain a high uniform level of civil aviation safety in Europe; only by imposing common requirements on civil aviation authorities it can be ensured that Union law is uniformly applied in the territory of the Member States.</p> <p>Furthermore, an additional objective in the fields covered by the Basic Regulation 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 in the rules drawn up for implementation of the Basic Regulation. As explained in detail in the Explanatory Note of the NPA, the provision on management system of the competent authorities duly considers the critical elements of the safety oversight system as defined by ICAO and facilitates the implementation of SSP as required by ICAO Annex 19.</p>

comment	<p>696 <span style="float: right;">comment by: AESA / DSANA</span></p>
---------	--

PART	COMMENT	JUSTIFICATION
ATCO.AR.B.001(a)(1)	This requirement should be adjusted to the scope of this regulation as defined in article 2. In particular, this requirement exceeds the scope of the regulation	This requirement should be established in regulation (EC) No 216/2008. Otherwise, the scope of the requirements should be limited

response *Not accepted*

The Agency agrees with the proposal on regulating all the aviation domains under the EASA remit in a holistic approach to avoid conflicting requirements and unclear responsibilities. At this stage it couldn't be implemented with the current proposal. When regulatory action towards a total system approach is decided, the comment will be considered.

The draft rule lays down the technical requirements and administrative procedures related to air traffic controllers licences and certificates. The competent authorities responsible for the air traffic controllers' licencing and medical certification and for the certification and oversight of training organisations and aero-medical centres shall establish and maintain a management system as well.

comment 1385

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.AR.B.001 d)

Comment / Issue / Suggestion:

A copy of the procedures related to the management system and their amendments shall be made available to the Agency for the purpose of standardisation.

Justification:

What is the use for the Agency to receive this documentation. Usually this is documentation that changes over time because it has to be adapted to the latest developments. It would be of much more use to deliver actual information on these processes during standardisation inspections performed by the agency

response *Noted*

Moving towards performance-based oversight in the standardisation activities the Agency aims at continuous monitoring and for that purpose up-to-date information should be collected and analysed to set up the standardisation

priorities.

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART B – MANAGEMENT – ATCO.AR.B.005 Allocation of tasks to qualified entities** p. 40

comment

151

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

**Comments :**

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

(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.

**Proposal :**

**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;



	<p>(iii) the technical conditions to be met in performing such tasks;</p> <p>(iv) the related liability coverage; and</p> <p>(v) the protection given to information acquired in carrying out such tasks.</p> <p><del>(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.</del></p>
response	<p><i>Partially accepted</i></p> <p>The comment related to ATCO.AR.B.005(a) is accepted.</p> <p>Tasks on certification and oversight can be allocated; however, the responsibilities remain within the Member States' competence. Therefore, the issue of certificates is the obligation of the competent authorities and the associated GM replicates the requirement of Article 13 of the Basic Regulation.</p> <p>The comment related to ATCO.AR.B.005(a)(1) is not accepted. The subject provision aims at guaranteeing that any certification or oversight tasks performed on behalf of the competent authority conforms with the applicable requirements, similar to what is required from organisations when contracting activities within their scope of certification and it fully considers CE-7 (Surveillance obligations) as required by ICAO.</p>
comment	<p>154 <span style="float: right;">comment by: <i>Belgian NSA</i></span></p> <p>ATCO.AR.B.005 (a) (1) a system in place to initially and MONITOR... (replace continuous assess because this is NOT possible!</p>
response	<p><i>Not accepted</i></p> <p>The competent authority's obligation and responsibility for allocation of tasks to be performed on its behalf does not end with an initial assessment of the qualified entity. The subject provision aims at guaranteeing that any certification or oversight tasks performed on behalf of the competent authority conforms with the applicable requirements, similar to what is required from organisations when contracting activities within their scope of certification and it fully considers CE-7 (Surveillance obligations) as required by ICAO.</p>
comment	<p>319 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.AR.B.005 (a)</b>  Tasks related to the certification or oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules shall only be allocated to qualified entities <del>when</del> <del>When allocating tasks,</del> the competent authority <del>has</del> <del>shall ensure that it the qualified entity has:</del>  This reads as if the competent authority may not do any of the tasks as they</p>

	<p>shall all e allocated to the qualified entity. There is probably a conditional missing Therefore suggest rewording.  <b>ATCO.AR.B.005 (a) (1)</b>                  a system in place to monitor as well as initially and continuously assess that the qualified entity complies with Annex V to Regulation (EC) No 216/2008. Continuously assess is onerous and using the term monitor is harmonised with ATCO.AR.B.001.  <b>ATCO.AR.B.005 (b)</b>                  ... safety risk management process ...                  Coherence in the terminology.</p>
response	<p><i>Not accepted</i></p> <p>Most of the commentators requested the Agency to harmonise the management system provisions for the competent authorities across the various domains. This provision is of horizontal nature across aviation and, within this context, the Agency supports the holistic approach towards management systems as being a fundamental element of the set-up of an authority. This provision is aligned as much as feasible with a similar provision existing already in the field of aircraft operations, air crew, and aerodromes, and is now being proposed for the field of ATM/ANS (NPA 2013-08 'Requirements for ATM/ANS providers and the safety oversight thereof').</p>

comment	<p>406 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.AR.B.005 Allocation of tasks to qualified entities</p> <p>Whilst it is understood that ideally the MS provisions for a CA across the various domains should be identical (except for sector specific differences) these MS requirements are slightly different to those currently published by EASA e.g. COMMISSION REGULATION (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council. Given that the CA is likely to be the same entity should there not be alignment across the rules? These requirements are significantly different to those currently proposed in draft rules for ATM/ANS. Given that the CA is likely to be the same entity should there not be alignment across the rules?</p> <p>MS provisions for CAs should be aligned between Authority requirements for this regulation and the existing and proposed ATM/ANS regulations.</p>
response	<p><i>Accepted</i></p>

comment	<p>407 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATCO.AR.B.005 Allocation of tasks to qualified entities (a)</p> <p>This includes '...shall only be allocated to qualified entities' which implies that</p>
---------	--

	<p>qualified entities are the only bodies that can be used and that the CAs themselves cannot undertake the tasks.</p> <p>Amend ATCO.AR.B.005 (a) to:</p> <p><b>'If the competent authority allocates tasks related to the certification or oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules they shall only be allocated to qualified entities.....'</b></p>
response	<i>Accepted</i>

comment	<p>474 <span style="float: right;">comment by: Aaron Curtis Prospect ATCOs' Branch UK</span></p> <p>Article (a) only makes provision for tasks to <i>only</i> be allocated to qualified entities. This appears to rule out the competent authority from carrying out tasks itself.</p> <p>Propose a re word to:</p> <p>If the competent authority allocates tasks related to the certification or oversight of persons or organisations subject to Regulation (EC) no 216/2008 and its Implementing Rules they shall only be allocated to qualified entities.</p>
response	<i>Accepted</i>

comment	<p>767 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 40</p> <p><b>Paragraph No:</b> ATCO.AR.B.005 (a)</p> <p><b>Comment:</b> This provision should be restricted to the allocation of tasks by Member States (as in adopted regulations e.g. ARA.GEN.205), since the Agency, as competent authority for the issue of certificates to training organisations outside the EU, may also allocate tasks to National Aviation Authorities. As written, the regulation also states that such tasks can ONLY be allocated to qualified entities, thereby excluding Competent Authorities.</p> <p><b>Justification:</b> Clarity and consistency.</p> <p><b>Proposed Text:</b> Amend (a) to read "...implementing Rules shall be allocated by Member States' competent authorities only to qualified entities"</p>
response	<p><i>Not accepted</i></p> <p>The use of qualified entities is one way of allocating tasks. According to Regulation (EC) No 216/2008, and in particular to Articles</p>

38(3)(e) and 38(3)(i) thereof, and to the Management Board Decision No 04-2009 on guidelines for the allocation of certification tasks to National Aviation Authorities or qualified entities, the allocation of tasks to NAAs is another possibility for the Agency to allocate tasks.

comment

1386

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.AR.B.005 a)

Comment / Issue / Suggestion:

Where do these six weeks come from? How was this defined?  
The competent authority shall approve or reject the unit endorsement course referred to in paragraph 4, containing the proposed training for the applicant not later than six weeks after presentatio

Justification:

This means that this task has to be allocated to a qualified entity and cannot be performed by the competent authority. Reword: ...shall only be allocated to qualified entities when the competent authority has:...

response

*Accepted*

Based on the comments received, the provision is amended as follows:

'(a) If the competent authority allocates tasks related to the initial certification or continuous oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules, they shall only be allocated to qualified entities...'

comment

1387

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.AR.B.005 a) 1)

Comment / Issue / Suggestion:

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

response

*Not accepted*

The competent authority's obligation and responsibility for the allocation of tasks to be performed on its behalf does not end with an initial assessment of the qualified entity. The subject provision aims at guaranteeing that any certification or oversight tasks performed on behalf of the competent authority conforms with the applicable requirements, similar to what is required from organisations when contracting activities within their scope of certification and it fully considers CE-7 (Surveillance obligations) as required by ICAO.

<b>the management system</b>
------------------------------

comment	19	comment by: <i>Belgian NSA</i>
	ATCO .AR.B. 010 management system sjhould bein new 1034/2011	
response	<i>Not accepted</i>	
	<p>The draft proposal lays down the technical requirements and administrative procedures related to air traffic controllers' licences and certificates, while Regulation (EU) No 1034/2011 sets up the requirements related to the oversight of the provision of ATM/ANS. The competent authorities responsible for the air traffic controllers' licencing and medical certification and for the certification and oversight of training organisations and aero-medical centres shall establish and maintain a management system as well. The scope of both regulations is different.</p>	
comment	320	comment by: <i>skyguide Corporate Regulation Management</i>
	<p><b>ATCO.AR.B.010 (c)</b>  (c) The competent authority shall notify the Agency of changes affecting its <del>capability to perform its tasks and discharge its responsibilities</del> <b>management system</b></p> <p>Comment: Shouldn't all changes to the management system be notified to the Agency?</p>	
response	<i>Not accepted</i>	
	<p>The competent authority shall notify the Agency of only those changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No 216/2008 and this draft Regulation. To identify these changes, the competent authority shall have a system in place to identify them in accordance with the requirement laid down in paragraph (a) of the same provision.</p>	
comment	409	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>ATCO.AR.B.010 Changes in the management system and ATCO.AR.B.015 Record-keeping</p> <p>Whilst it is understood that ideally the MS provisions for a CA across the various domains should be identical (except for sector specific differences) these requirements are significantly different to those currently proposed in draft rules for ATM/ANS. These requirements are slightly different to those currently published by EASA e.g. COMMISSION REGULATION (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative</p>	

	<p>procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council. Given that the CA is likely to be the same entity should there not be alignment across the rules?</p> <p>MS provisions for CAs should be aligned between Authority requirements for this regulation and the existing and proposed ATM/ANS regulations.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency agrees with the proposal on regulating all the aviation domains under the EASA remit in a holistic approach towards a total system approach. However, the provisions should also reflect the specificities of the domain under the scope of this draft Regulation.</p>

comment	<p>1388 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: ATCO.AR.B.010 Comment / Issue / Suggestion: swap with article ATCO.AR.B.005 Justification: it makes more sense to have the article about the changes to the management system directly after the article of the manangement system itself. The part about qualified entities shall be after that.</p>
response	<p><i>Not accepted</i></p> <p>Under certain conditions the competent authority may allocate tasks to qualified entities. In order to do so, the competent authority should ensure that all certification and oversight tasks performed on its behalf are covered by the internal audit process and a safety risk management process as required by ATCO.AR.B.001(a)(4) which is part of the management system of the competent authority.</p> <p>Therefore, the requirements related to the changes in the management system of the competent authority are defined thereafter.</p>

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART B – MANAGEMENT – ATCO.AR.B.015 Record-keeping**

p. 41

comment	<p>135 <span style="float: right;">comment by: <i>CAA-NL</i></span></p> <p><b>ATCO.AR.B.015.(b)</b> To be some more specific on what records should be kept on the qualified entities used we suggest to change point (3) into the following, in line with Part</p>
---------	---

	<p>ARA:  (b)(3) the allocation of tasks, covering the elements required by ATCO.AR.B.005 as well as the details of tasks allocated;  Further we are missing the obligation to keep records on the alternative means of compliance accepted. We suggest to include the following in line with Part ARA:  ARA:  (b)(12) the evaluation and notification to the Agency of alternative means of compliance proposed by organisations and the assessment of alternative means of compliance used by the competent authority itself;</p>
response	<i>Accepted</i>

comment	<p>155 <span style="float: right;">comment by: <i>Belgian NSA</i></span></p> <p>As above replace CONTINUOUS oversight by MONITOR!  ...also in the other articles because it is impossible for a CA to perform such a thing as CONTINUOUS oversight!</p>
response	<p><i>Not accepted</i></p> <p>Within an effective safety oversight system the competent authority's obligation and responsibility do not end with an initial certification of the regulated persons and organisation. Moreover, according to Article 3(a) of the Basic Regulation, 'continuing oversight' means the tasks to be conducted to verify that the conditions under which a certificate has been granted continue to be fulfilled at any time during its period of validity, as well as the taking of any safeguard measure. The monitoring is only part of the 'continuing oversight' which is a Member State obligation. Therefore, the comment is not accepted.</p>

comment	<p>321 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.AR.B.015</b> (General)  Comment: As this article has the same requirements as in the SO and CR regulations, would it not be better to have one regulation dealing with all record keeping, rather than repeat it here? There needs to be consistency with the AR and OR requirements in the other regulations.  <b>ATCO.AR.B.015 (b) (3)</b>  (3) the <del>use</del> <u>function</u> of qualified entities;  Use does not convey what is really meant.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency agrees with the proposal on regulating the aviation domains under the EASA remit in a holistic approach in an overarching regulation to avoid conflicting requirements and unclear responsibilities. 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.</p> <p>Consistency with the similar provision of NPA 2013-08 'Requirements for ATM/ANS providers and the safety oversight thereof' is ensured. The provision</p>

is amended and the resulting text is as follows:

'(3) the allocation of tasks, covering the elements required by ATCO.AR.B.005 as well as the details of tasks allocated;'

comment

769

comment by: UK CAA

**Page No:** 41

**Paragraph No:** ATCO.AR.B.015 (a)

**Comment:** The specific requirement to maintain a "database" differs from other IRs where the requirement is only to maintain a list. The UK CAA queries whether such a specific, prescriptive means of maintaining the list should be included in hard law; this may be more appropriate for AMC material.

**Justification:** Better balance of hard and soft law.

**Proposed Text:** Change to read: "Competent authorities shall ensure that a list is maintained of all licences ..."

response

*Partially accepted*

Taking into account the comment, and moving towards harmonisation of the competent authorities' requirements across all aviation domains, the provision is amended as follows:

'(a) Competent authorities shall maintain a list of all organisation certificates and personnel licences and certificates they issued.'

comment

1223

comment by: EUROCONTROL

ATCO.AR.B.015 (c):  
EUROCONTROL suggest to clarify if life time means "natural life" or "working life" i.e. retirement

response

*Partially accepted*

'Life time' is replaced by 'working span', based on the approach proposed.

comment

1389

comment by: Federal Office of Civil Aviation FOCA

Article:  
ATCO.AR.B.015 b) 3)  
Comment / Issue / Suggestion:  
(3) the use of qualified entities; reword: details of qualified entities  
Justification:  
the use only does not bring any added value



response *Partially accepted*

The provision is amended to ensure consistency with the similar provision of NPA 2013-08 'Requirements for ATM/ANS providers and the safety oversight thereof'. The resulting text is as follows:  
'(3) the allocation of tasks, covering the elements required by ATCO.AR.B.005 as well as the details of tasks allocated;'

comment 1390

comment by: *Federal Office of Civil Aviation FOCA*

Article:  
ATCO.AR.B.015 b) 4)  
Comment / Issue / Suggestion:  
certification processes and **monitoring** ~~continuing oversight~~ of certified organisations;  
Justification:  
coherence

response *Not accepted*

Within an effective safety oversight system the competent authority's obligation and responsibility do not end with an initial certification of the regulated persons and organisation. Moreover, according to Article 3(a) of the Basic Regulation, 'continuing oversight' means the tasks to be conducted to verify that the conditions under which a certificate has been granted continue to be fulfilled at any time during its period of validity, as well as the taking of any safeguard measure. The monitoring is only part of the 'continuing oversight' which is a Member State obligation. Therefore, the comment is not accepted.

comment 1391

comment by: *Federal Office of Civil Aviation FOCA*

Article:  
ATCO.AR.B.015 b) 6)  
Comment / Issue / Suggestion:  
processes for the issue of licences, ratings, endorsements and certificates, and for the **monitoring** ~~continuing oversight~~ of the holders of those licences, ratings, endorsements and certificates;  
Justification:  
coherence

response *Not accepted*

Within an effective safety oversight system the competent authority's obligation and responsibility do not end with an initial certification of the regulated persons and organisation. Moreover, according to Article 3(a) of the Basic Regulation, 'continuing oversight' means the tasks to be conducted to verify that the conditions under which a certificate has been granted continue to be fulfilled at any time during its period of validity, as well as the taking of any safeguard measure. The monitoring is only part of the 'continuing oversight' which is a Member State obligation. Therefore, the comment is not accepted.

comment	<p>1392 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: ATCO.AR.B.015 b) 5) Comment / Issue / Suggestion: to what extent? Justification: clarification needed</p>
response	<p><i>Accepted</i></p> <p>The associated GM is developed as follows:  'GM2 ATCO.AR.B.015(b)(5) Record keeping  Details of courses provided by training organisations may be considered subjects, subject objectives, topics, subtopics.'</p>
comment	<p>1394 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: ATCO.AR:B.015 b) 8) Comment / Issue / Suggestion: to be checked against NPA for Oversight and Common Requirements. Justification: coherence</p>
response	<p><i>Accepted</i></p> <p>The provisions are identical in both draft Regulations.</p>
comment	<p>1395 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: ATCO.AR:B.015 b) 10) Comment / Issue / Suggestion: what is safety information? Justification: clarification needed</p>
response	<p><i>Noted</i></p> <p>Based on a comment received, Subpart ATCO.AR.A has been amended with the criteria for the reaction to safety problems laid down in ATCO.AR.A.020 on immediate reaction to safety problem. In this regard the safety information for timely reaction to a safety problem shall be properly stored and traced.</p>

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART C – OVERSIGHT AND ENFORCEMENT – ATCO.AR.C.001 Oversight** p. 41-42

comment 136 comment by: CAA-NL

**ATCO.AR.C.001**  
 We suggest for clarity to add a few words to point (a)(3) to refer to the new ATCO.AR.A.020 we proposed in an earlier comment.  
 (a)(3) implementation of appropriate safety measures mandated by the competent authority as defined in ATCO.AR.A.020 (c) and (d).

response *Accepted*

comment 322 comment by: skyguide Corporate Regulation Management

**ATCO.AR.C** (Oversight)  
 Comment: As this is dealt with in the Safety oversight and common requirements IR, we do not need a repeat of it in this IR. Having the requirement in more than one place may lead to discrepancies and differences.  
**ATCO.AR.C.001 (b) (3)**  
 (3) be based on audits and inspections, including, **as appropriate**, unannounced inspections;  
 If we do not add the "as appropriate", then the CA will be obliged to do all oversight activities in each oversight cycle. They should be allowed to choose and define the type of oversight they wish to carry out.

response *Partially accepted*

With reference to the ATCO.AR.C comment, the Agency agrees with the holistic approach of regulating the aviation domains under the EASA remit through an overarching regulation to avoid discrepancies and different requirements for the competent authorities. It was the initial idea; however, at this stage it could not be implemented and the subject NPA proposes Implementing Rules having regard to Regulation (EC) No 216/2008, and in particular Article 8c, while NPA 2013-08 proposes implementing measures having regard in particular to Article 8b. When regulatory action towards this approach is decided, the comment will be considered.  
 With reference to ATCO.AR.C.001(b)(3), the comment is accepted.

comment 594 comment by: Maastricht UAC

<b>ATCO.AR.C.001(b)(3)</b> Access to competent	As it is written, all competent authorities <u>must</u> perform	<b>Proposed text:</b> ...including, <b>when considered necessary</b>
---	---	--

authority	unannounced inspections. If implemented, this measure could serve to break the trust between Training organisation / ANSP and the NSA. The NSA should not act like a police force - such a measure is only to be used in duly justified cases.	by the competent authority, unannounced inspections
-----------	--	---

response *Partially accepted*

Based on the evaluation of the comments received with regard to ATCO.AR.C.001(b)(3) the subject provision is amended and the resulting text is as follows:  
 '(3) be based on audits and inspections, including, as appropriate, unannounced inspections; and'.

comment 672

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<b>ATCO.OR.B.030 and ATCO.AR.C.001(b)(3)</b> Access to competent authority	Some training organisations will be ANSPs which have their own security access policy. This must be respected by ALL visitors.	<b>Proposed text:</b> ...access according to the security policy of the organisation

response *Not accepted*

The empowerment of the competent authority's personnel to carry out certification and oversight tasks under the scope of this draft Regulation is already regulated in ATCO.AR.A.005. The proposal assumes the shared responsibilities of the Member States and the aviation community and is consistent with the critical elements of the safety oversight system as defined

by ICAO, especially CE-7 on surveillance obligations. Based on the evaluation of the comments received, the provision is amended and the resulting text is as follows:

'(3) be based on audits and inspections, including, as appropriate, unannounced inspections; and'.

comment 675

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<p><b>ATCO.AR.C.001(b)(3)</b> Access to competent authority</p>	<p>As it is written, all competent authorities <u>must</u> perform unannounced inspections. If implemented, this measure could serve to break the trust between Training organisation / ANSP and the NSA. The NSA should not act like a police force - such a measure is only to be used in duly justified cases.</p>	<p><b>Proposed text:</b> ...including, <b>when considered necessary by the competent authority,</b> unannounced inspections</p>

response *Partially accepted*

Based on the evaluation of the comments received with regard to ATCO.AR.C.001(b)(3), the subject provision is amended and the resulting text is as follows:

'(3) be based on audits and inspections, including, as appropriate, unannounced inspections; and'.

comment 708

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to ATCO.AR.C.001 (b) (3): *be based on audits and inspections, including, as appropriate, unannounced inspections;*

response	<p>If we do not add the "as appropriate", then the CA will be obliged to do all oversight activities in each oversight cycle. They should be allowed to chose and define the type of oversight they wish to carry out.</p> <p><i>Accepted</i></p>
comment	<p>755 <span style="float: right;">comment by: <i>HungaroControl</i></span></p> <p><b>ATCO.AR.C.001 Oversight (b)(3):</b> be based on audits and inspections, including, <b>as appropriate</b>, unannounced inspections;</p> <p>If we do not add the "as appropriate", then the CA will be obliged to do all oversight activities in each oversight cycle. They should be allowed to chose and define the type of oversight they wish to carry out.</p>
response	<p><i>Accepted</i></p>
comment	<p>1188 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATCO.AR.C.001 Oversight (b)(3)</p> <p>The term "when appropriate" should be incorporated into this rule otherwise then the Competent Authority will be obliged to make unannounced inspections in every oversight cycle. The Competent Authority should be allowed to determine when they wish to carry out unannounced inspections</p> <p>Suggested amendment:</p> <p><b>'(3) be based on audits and inspections, including when appropriate, unannounced inspections;'</b></p>
response	<p><i>Accepted</i></p> <p>Based on the evaluation of the comments received with regard to ATCO.AR.C.001(b)(3), the subject provision is amended and the resulting text is as follows: '(3) be based on audits and inspections, including, as appropriate, unannounced inspections; and'.</p>
comment	<p>1305 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATCO.AR.C.001 Oversight (b) (3)</b></p>

	<p>be based on audits and inspections, including, <b>as appropriate</b>, unannounced inspections;</p> <p><b>Comment:</b> If we do not add the "as appropriate", then the CA will be obliged to do all oversight activities in each oversight cycle. They should be allowed to chose and define the type of oversight they wish to carry out.</p>
response	<i>Accepted</i>

comment	<p>1396 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: Subpart C Comment / Issue / Suggestion: to be covered in NPA for Oversight and Common Requirements. Suggest delete. Justification: coherence</p>
response	<p><i>Not accepted</i></p> <p>With reference to the Subpart ATCO.AR.C comment, the Agency agrees with the holistic approach of regulating the aviation domains under the EASA remit through an overarching regulation to avoid discrepancies and different requirements for the competent authorities. It was the initial idea; however, at this stage it could not be implemented and the subject NPA proposes Implementing Rules having regard to Regulation No 216/2008, and in particular Article 8c, while NPA 2013-08 proposes implementing measures having regard in particular to Article 8b, i.e. different scopes and subject matters. When regulatory action towards this approach is decided, the comment will be considered.</p>

comment	<p>1397 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></span></p> <p>Article: ATCO.AR.D.001 a) Comment / Issue / Suggestion: The competent authority shall establish procedures for the application for and the issuing of licences, ratings and endorsements, as well as the revalidation and renewal of endorsements <b>and the renewal of ratings</b> Justification: Ratings are kept valid through the exercising of the function. However, if the functions of a rating have not been exercised for more than 4 years an assessment of previous competence has to be made.</p>
response	<i>Accepted</i>

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART C – OVERSIGHT AND ENFORCEMENT – ATCO.AR.C.005 Oversight programme** p. 42-43

comment

137

comment by: CAA-NL

**ATCO.AR.C.005**

The oversight programme of the competent authority should encompass the possibility to perform oversight on the issued licences. Without such possibility it may be difficult for the competent authority to have sufficient justification for the revocation or suspension of a licence, and  
Therefore it is suggested to include the following point (in line with part ARA.)to this requirement:

(e) For persons holding a licence, rating, or endorsement issued by the competent authority the oversight programme shall include inspections, including unannounced inspections, as appropriate.

response

Accepted

comment

697

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.AR.C.005	Will the oversight programme follow the performance-based approach now being introduced?	Due to the lack of resources that the competent authorities normally have, we would welcome this approach

response

Noted

The provision, especially paragraph (3), introduces the approach to perform oversight in a performance-based environment. This is a new way for the competent authorities to discharge their responsibilities based on criteria in a controlled process.

comment

1054

comment by: IFATCA



56	NPA 2012- 18 (BI)	<b>ATCO.AR.C.005 Oversight programme</b>	(b) For organisations certified by the competent authority the oversight programme shall be developed taking into account the specific nature of the organisation, the complexity of its activities and past certification and/or oversight activities. It shall include within each oversight planning cycle:  (1) audits and inspections, if needed, including unannounced inspections as appropriate <b>without endangering safety or security of the ATM facility</b> ; and	Not to endanger the safety and security of the ATS unit to be inspected. Similar worded rights and/or duties are formulated in the revised Performance and Charging scheme IR (accepted by SSC49). Is there a need to have additional points insert for this IR. Consistency with regard to rights/duties could be fostered if it is outlined for all those possible inspections visits by an EU body. Reduce institutional fragmentation and administrative burden.
----	----------------------------	--	---	--

response *Not accepted*

The provision addresses the criteria for the development of the oversight programme by the competent authorities. It assumes the shared responsibilities of the Member States and the aviation community, fully consistent with the critical elements of the safety oversight system as defined by ICAO, especially CE-7 on surveillance obligations. The proposed text would introduce inconsistencies with the principles and already adopted and in force similar provision in other aviation domains (e.g. air crew, air operations, aerodromes).

comment	<p data-bbox="354 215 411 246">138</p> <p data-bbox="1150 215 1445 246">comment by: CAA-NL</p> <p data-bbox="354 300 587 331"><b>ATCO.AR.C.010</b></p> <p data-bbox="354 333 1445 396">We suggest for transparency reasons to include here an additional requirement for the competent authority, to inform the related medical organisation .</p> <p data-bbox="354 398 1445 461">(d) Where applicable, the competent authority shall inform the person or organisation that issued the medical certificate or attestation.</p>
response	<p data-bbox="354 483 536 515"><i>Not accepted</i></p> <p data-bbox="354 568 1445 730">By way of derogation from Subpart A, B, C of Part ATCO.AR of the Regulation, with regard to aero-medical certification, the competent authorities shall apply Annex VI, Subpart ARA.GEN of Regulation (EU) No 290/2012 in accordance with ATCO.AR.F.005. The proposal is not accepted as it duplicates the requirement laid down in ARA.GEN.355(c) of Regulation (EU) No 290/2012.</p>
comment	<p data-bbox="354 819 411 851">323</p> <p data-bbox="655 819 1445 851">comment by: skyguide Corporate Regulation Management</p> <p data-bbox="354 904 643 936"><b>ATCO.AR.C.010 (a)</b></p> <p data-bbox="354 938 1445 1193">(a) If during oversight or by any other means evidence is found by the competent authority responsible for the oversight in accordance with ATCO.AR.C.001 that shows non-compliance with the applicable requirements by a person holding a licence or medical certificate issued in accordance with this Regulation, the competent authority shall raise a finding, record it and <b>inform</b> <del>communicate it in writing to</del> the licence or certificate holder, <b>as well as communicate the finding</b> to the employing organisation, <del>if applicable</del>.</p> <p data-bbox="354 1225 1445 1350">There is no requirement explaining to the licence holder what they should do with the notification of a finding. As individuals, they are not equipped to respond to a finding in the same way that an organisation is. Therefore suggest re-wording.</p> <p data-bbox="354 1352 700 1384"><b>ATCO.AR.C.010 (b) (1)</b></p> <p data-bbox="354 1386 1445 1489">(1) it may <b>limit</b>, suspend or revoke the licence, rating, endorsement or limit, suspend or revoke the medical certificate as applicable, when a safety issue has been identified;</p> <p data-bbox="354 1523 1445 1590">Limiting a licence, rating or endorsement is also a possibility that should not be excluded here.</p>
response	<p data-bbox="354 1648 596 1680"><i>Partially accepted</i></p> <p data-bbox="354 1733 1445 1827">The provision of ATCO.AR.C.010(a) addresses the responsibility of the competent authority to communicate in writing to the licence holder a finding resulted from oversight or by any other means showing non-compliance.</p> <p data-bbox="354 1830 1445 1991">With regard to aero-medical certification, the competent authorities shall apply Annex VI, Subpart ARA.GEN of Regulation (EU) No 290/2012 in accordance with ATCO.AR.F.005. Therefore, the references to aero-medical certification are removed from <i>ATCO.AR.C.010 Findings and enforcement measures for personnel</i>.</p>

comment	<p>771</p> <p style="text-align: right;">comment by: UK CAA</p> <p><b>Page No:</b> 43</p> <p><b>Paragraph No:</b> ATCO.AR.C.010 (a)</p> <p><b>Comment:</b> This requirement may breach medical confidentiality regulations by requiring communicating Medical non-compliance to the ATCO’s employer.</p> <p><b>Justification:</b> Possible conflict with requirement ATCO.MED.A.015 and breach of UK and EU law related to medical confidentiality and data protection.</p> <p><b>Proposed Text:</b> In paragraph (a) remove the words “or medical Certificate”.</p>
response	<p><i>Accepted</i></p> <p>The proposed amendment is accepted as with regard to aero-medical certification; the competent authorities shall apply Annex VI, Subpart ARA.GEN of Regulation (EU) No 290/2012 in accordance with ATCO.AR.F.005.</p>

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART D – ISSUE, REVALIDATION, RENEWAL, SUSPENSION AND REVOCATION OF LICENCES, RATINGS AND ENDORSEMENTS – ATCO.AR.D.001 Procedure for the issue, revalidation and renewal of licences, ratings and endorsements and ATCO.AR.D.005 Reissue of an ATCO licence** p. 43-44

comment	<p>20</p> <p style="text-align: right;">comment by: Belgian NSA</p> <p>(a) ... renewal of RATING(s) and endorsements. ATCO.AR.D.001: the competent authority shall establish WRITTEN OR ELECTRONIC procedures for the application...</p>
response	<p><i>Partially accepted</i></p> <p>The ‘renewal of ratings’ is not accepted as the rating does not expire as such. The procedures shall be documented in accordance with the management system requirements as laid down in ATCO.AR.B.001(a)(1), but in a most suitable manner to serve as the basic working documents within the competent authority for all related tasks. The Agency doesn’t see a need for further clarification of the subject provision at Implementing Rule level.</p>

comment	<p>90</p> <p style="text-align: right;">comment by: LPS SR</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><b>ATCO.AR.D.005</b></td> <td style="width: 33%;">The licensing authority</td> <td style="width: 33%;">Issue is sufficient and we do not</td> </tr> </table>	<b>ATCO.AR.D.005</b>	The licensing authority	Issue is sufficient and we do not
<b>ATCO.AR.D.005</b>	The licensing authority	Issue is sufficient and we do not		

<p><b>Reissue of an ATCO licence (a)</b>  and  <b>ATCO.MED.A.040 Issue, revalidation and renewal of medical certificates</b></p>	<p>may issue or <del>reissue</del> a medical certificate, as applicable, if:</p>	<p>need to introduce a new term.</p>
--	--	--------------------------------------

response *Accepted*

comment

139

comment by: *CAA-NL*

**ATCO.AR.D.001**

We suggest a small change to point (b) and (c) whereby the emphasis will be on the applicant complying with the requirements instead of the information being in compliance, this also in line with Point ATCO.AR.D.010 related to findings and enforcement.

(b) Upon receipt of an application and, if relevant, any supporting documents, the competent authority shall verify the application for completeness and ensure that the ~~information provided~~ applicant meets the ~~relevant~~ applicable requirements ~~of this Regulation~~.

(c) When satisfied that the applicant meets the ~~relevant~~ applicable requirements ~~of this Regulation~~, the competent authority shall issue, revalidate or renew the relevant licence, rating(s) and endorsement(s) using the format for licences in Appendix 1 to this Regulation.

response *Partially accepted*

The provision is amended towards harmonisation of the requirements related to the competent authorities across the aviation domains and the resulting text is as follows:

'(b) Upon receiving an application and, if relevant, any supporting documentation, the competent authority shall verify the completeness of the application and whether the applicant meets the applicable requirements.'

comment

324

comment by: *skyguide Corporate Regulation Management*

**ATCO.AR.D.001 (a)**

(a) The competent authority shall establish procedures for the application for and the issuing of licences, ratings and endorsements, as well as the revalidation and renewal of endorsements and the renewal of ratings

Although a rating is revalidated by exercising the privileges of the unit endorsement, if the privileges associated with that rating have not been exercised for more than 4 years, an APC has to be performed.

**ATCO.AR.D.001(b)**  
 (b) Upon receipt of an application and, if relevant, any supporting documents, the competent authority shall verify that the application ~~for~~ is completeness and ensure that the information provided provides the relevant information ensuring that the applicant ~~to~~ meets the relevant requirements of this Regulation.  
 Re-wording for clarity and better reading and consistency with the subject in (c).

response *Partially accepted*

**ATCO.AR.D.001(a)**  
 A rating does not expire as such (it does not have an associated date of validity), and when an assessment of previous competence is conducted and passed, no administrative process affects the rating in the licence, so no renewal process is necessary. Therefore, the Agency considers that there is no need to amend the proposed text.  
**ATCO.AR.D.001(b)** is amended towards harmonisation of the requirements related to the competent authorities across the aviation domains and aiming at more clarity and better reading, and the resulting text is as follows:  
 '(b) Upon receiving an application and, if relevant, any supporting documentation, the competent authority shall verify the completeness of the application and whether the applicant meets the applicable requirements.'

comment *613* comment by: *DFS Deutsche Flugsicherung GmbH*

**ATCO.AR.D.001 (a)**  
 We welcome this requirement as it will reduce the administrative effort at ANSPs enormously.

response *Noted*

comment *614* comment by: *DFS Deutsche Flugsicherung GmbH*

**ATCO.AR.D.005 (b)**  
 We welcome this requirement for high transparency.

response *Noted*

comment *698* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION

<p>ATCO.AR.D.001</p>	<p>We would suggest that the timeframes for the different renewal processes (unit, OJTI, assessor, language(s) proficiency) be aligned and/or the Competent Authority be given the possibility to establish the renewal dates so as to simplify the administrative burden. This could be achieved by different means: extension of validity to adjust the renewal date, either by a number of months or a percentage of the initial validity period</p>	<p>The renewal process is resource-intensive for all parties (ATCO, ATSP, Competent Authority)</p>
----------------------	---	--

response *Accepted*

comment

1329

comment by: ENAV

Comment: See comment to **ATCO.MED.A.040**, use term **issue** instead of **re-issue**

response

*Accepted*

The text is revised.

comment

1398

comment by: Federal Office of Civil Aviation FOCA

Article:

ATCO.AR.D.001 b)

Comment / Issue / Suggestion:

(b) Upon receipt of an application and, if relevant, any supporting documents, the competent authority shall verify that the application for is completeness and ensure that the information provided provides the relevant information ensuring that the applicant to meets the relevant requirements of this Regulation.

Justification:

In order to be consistent with subject in c) this paragraph has been reworded.

response

*Partially accepted*

**ATCO.AR.D.001(b)** is amended towards harmonisation of the requirements related to the competent authorities across the aviation domains and aiming at more clarity and better reading, and the resulting text is as follows:

'(b) Upon receiving an application and, if relevant, any supporting documentation, the competent authority shall verify the completeness of the application and whether the applicant meets the applicable requirements.'

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART D – ISSUE, REVALIDATION, RENEWAL, SUSPENSION AND REVOCATION OF LICENCES, RATINGS AND ENDORSEMENTS – ATCO.AR.D.010 Suspension and revocation of licences, ratings and endorsements**

p. 44-45

comment 325 comment by: skyguide Corporate Regulation Management

**ATCO.AR.D.010 (c) (1)**

The competent authority shall suspend or revoke a licence, rating or endorsement in accordance with ATCO.AR.C.010 in, but not limited to, the following circumstances:

(1) exercising the privileges of the licence when the licence holder no longer complies with the applicable requirements of this Regulation; Suggest to provide GM on this article as it may lead to confusion.

**ATCO.AR.D.010 (c) (4)**

(4) exercising the privileges of the licence, rating(s) or endorsement(s) when ~~adversely affected by~~ under the influence of psychoactive substances; Adversely affected means that if the ATCO believes that they are not adversely affected, even if they are under the influence, they may exercise the privileges of the licence.

**ATCO.AR.D.010 (c) (5)**

(5) evidence of malpractice or fraudulent use of the licence;

A definition or explanation of malpractice would be welcome.

response *Partially accepted*

comment 485 comment by: DSAC - French NSA

Paragraph

ATCO.AR.D.010 (c) (1)

Alternative proposal

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 intentionally and in case of fraudulent use ;

	<p><u>Justification</u></p> <p>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.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- The process of suspension and revocation would lead to more administrative work if the non compliance isn't intentional for the controller. For example, 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.</li> </ul>
response	<p><i>Not accepted</i></p> <p>Exercising the privileges of the licence implies that the intention from the licence holder exists.</p>
comment	<p>773 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 44</p> <p><b>Paragraph No:</b> ATCO.AR.D.010 (c)(6)</p> <p><b>Comment:</b> The phrase "unacceptable behaviour" seems very wide and capable of varying interpretations. The phrase used in Part FCL at ARA.FCL.250 (a) (7) is "<b>unacceptable performance</b> in any phase of the flight examiner's duties or responsibilities" which seems less open to subjective judgements. Additionally the proposal only deals with instructors and assessors but should cover all ATCO licence holders.</p> <p><b>Proposed Text:</b> "(6) unacceptable <b>performance</b> of the <b>ATCO licence</b> holder while performing their duties or responsibilities."</p>
response	<p><i>Accepted</i></p>
comment	<p>1055 <span style="float: right;">comment by: IFATCA</span></p>



57	NPA 2012- 18 (BI)	<b>ATCO.AR.D.010 Suspension and revocation of licences, ratings and endorsements</b>	<del>(5) evidence of malpractice or fraudulent use of the licence; or</del>	No examples were found for such possibilities. (maybe GM or a definition) could assist in understanding what is meant.
----	----------------------------	--	---	---

response *Accepted*

comment 1224 comment by: EUROCONTROL

ATCO.AR.D.010 (a):  
Should there be the possibility in the procedure for a service provider or training organisation to request the suspension or revocation of a licence, rating or endorsement?

response *Not accepted*

Such possibility exists without any specific provision on the procedure.

comment 1225 comment by: EUROCONTROL

ATCO.AR.D.010 (c) (6):  
Why is unacceptable behaviour as reason for suspension/revocation only relevant for instructors and assessors ?

response *Accepted*

The provision is amended.

comment 1226 comment by: EUROCONTROL

ATCO.AR.D.010 (f):  
Training hours and formative assessments done by practical instructors with suspended or revoked endorsement seem to be without consequence. Is this intentional?

response *Accepted*

The text is revised in order to include OJTIs and STDIs assessing during suspension or revocation.

comment	1290	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	<b>ATCO.AR.D.010 (c)(6) Suspension and revocation of licences, ratings and endorsements</b> – GM is needed to give example on “unacceptable behaviour”.	
response	<i>Noted</i>	
	The provision is revised to align it with similar provisions in other domains.	

comment	1399	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: ATCO.AR:D.010 c) 4) Comment / Issue / Suggestion: exercising the privileges of the licence, rating(s) or endorsement(s) <b>under the influence of</b> when adversely affected by psychoactive substances; Justification: coherence with the use psychoactive substances	
response	<i>Accepted</i>	

comment	1400	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Article: ATCO.AR:D.010 c) 5) Comment / Issue / Suggestion: evidence of malpractice or fraudulent use of the licence; or Justification: define malpractice in this regard	
response	<i>Noted</i>	
	The provision is deleted.	

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART E – CERTIFICATION PROCEDURE FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS – ATCO.AR.E.001 Application and certification procedure for training organisations**

p. 45

comment	140	comment by: <i>CAA-NL</i>
	<b>ATCO.AR.E.001.(b)</b>	

	<p>We suggest a small change to the wording in point (b) to refer to all applicable requirements instead of this Part.          (b) Competent authorities shall issue certificates when the applicant training organisation fulfils the applicable requirements <del>laid down in Annex III (Part-ATCO-OR)</del>.</p>
response	<p><i>Partially accepted</i></p> <p>The text has been amended to read ‘...laid down in this Regulation’.</p>

comment	<p>141 <span style="float: right;">comment by: CAA-NL</span></p> <p><b>ATCO.AR.E.001 (c) and (d)</b>          The requirement is incorrect because it suggests that training is an air navigation service.          The certification of ANSP and Training Organisation are two very different processes with a different legal basis and different requirements. Although it is very possible that one organisation is certified for both disciplines, the legal certification should not be combined by principle.          Furthermore the mandatory format for the certificate does not allow the combination.          It should also be brought to attention that the appendix mentioned in (d) should be appendix 10 instead of appendix 1 as appendix 1 is referring to the licence format.</p>
response	<p><i>Accepted</i></p> <p>The comments are accepted.          Resulting text:          ‘(c) The certificate shall be issued for each type of training as defined in ATCO.D.XXX or in combination.          (d) The certificate shall follow the format set out in Appendix 10 to this Regulation.’</p>

comment	<p>326 <span style="float: right;">comment by: skyguide Corporate Regulation Management</span></p> <p><b>ATCO.AR.E.001 (a)</b>          (a) Upon receiving an application for the issue of a training organisation certificate, the competent authority shall verify the compliance of <b>the</b> training organisation with the applicable requirements. Grammatical.</p> <p><b>ATCO.AR.E.001 (c)</b>          (c) The certificate may be issued for each type of training or in combination with other air navigation services, whereby the type(s) of training and the type(s) of air navigation service(s) shall be certified as a package of services.          This is a good provision and needs to remain in the regulation.</p> <p><b>ATCO.AR.E.001 (e)</b>          To enable an organisation to implement changes without prior competent authority’s approval ...</p>
---------	---

Or

To enable an organisation to implement changes without ~~prior~~ **the** competent authority's **prior** approval ...Grammatical.

response *Partially accepted*

The comment on ATCO.AR.E.001(a) is accepted.

After further evaluation of ATCO.AR.E.001(c) considering the different legal basis for the certification of an air navigation service provider and the certification of a training organisation and the introduction of a common certificate format to facilitate the mutual recognition, this possibility is removed.

ATCO.AR.E.001(e) has been drafted based on a similar provision already adopted in other aviation domains. Therefore, the Agency decided to keep the text as initially proposed.

comment **806** comment by: *AESA / DSANA*

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.AR.E.001 Application and certification procedure for training organisations</a>	1. The certificate may be issued for each type of training defined in ATCO.XX.X.XX or in combination with other air navigation services, whereby the type(s) of training and the type(s) of air navigation service(s) shall be certified as a package of services.	Reference to where the types of training are defined. See comment 18

response *Accepted*

comment **1088** comment by: *Civil Aviation Authority Norway*

d) Appendix 1 should be Appendix 10

response *Accepted*

comment **1227** comment by: *EUROCONTROL*

	<p>ATCO.AR.E.001 (c): When the training and services are certified as a package, it should be clear that all the provisions applicable for training organisation independent of air navigation service providers should also be applicable for the combined certificate</p>
response	<p><i>Noted</i></p> <p>After further evaluation of ATCO.AR.E.001(c) considering the different legal basis for the certification of an air navigation service provider and the certification of a training organisation and the introduction of a common certificate format to facilitate the mutual recognition, this possibility is removed.</p>
comment	<p>1291      comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p>
	<p><b>ATCO.AR.E.001 (d)</b> – should be Appendix 10.</p>
response	<p><i>Accepted</i></p>

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART E – CERTIFICATION PROCEDURE FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS – ATCO.AR.E.005 Changes to organisations**

p. 45

comment	<p>327      comment by: <i>skyguide Corporate Regulation Management</i></p>
	<p><b>ATCO.AR.E.005 (a)</b> (a) Upon receiving an application for a change that requires prior approval, the competent authority shall verify the training organisation's compliance with the applicable requirements before the issue of the approval. The competent authority shall approve the conditions under which the organisation may operate during the change, unless the competent authority determines that the change cannot be implemented.</p> <p>When satisfied that the training organisation complies with the applicable requirements, the competent authority shall approve the change. Suggest re-wording due to lack of clarity: compliance shall be ensured by the training organisation before, during and after the change. The way it is worded here implies that the compliance will only be ensured at a particular point in time and not over a period. It would be helpful to have a link / cross reference to the relevant part ATCO.OR.B.020 <b>ATCO.AR.E.005 (b)</b></p> <p>(b) Without prejudice to any additional enforcement measures, when the organisation implements changes requiring prior approval without having received the competent authority's approval as defined in paragraph (a), the competent authority shall take immediate and adequate action.</p>

	Cross reference ATCO.AR.E.010
response	<i>Partially accepted</i>
	<p><b>ATCO.AR.E.005(a)</b></p> <p>ATCO.AR.E.005 defines the required action to be taken by the competent authority when a training organisation decides to implement organisational changes. For these 'changes to be approved', straightforward requirements are proposed with ATCO.AR.E.005(a) and (b) requiring that the competent authority verifies the training organisation's compliance with the applicable requirements before issuing the approval, as well as that it acts appropriately if the training organisation implements the 'change to be approved' without receiving such approval.</p> <p><b>ATCO.AR.E.005(b)</b></p> <p>The comment is accepted.</p>

comment	410 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span>
	<p>ATCO.AR.E.005</p> <p>IR title is different from AMC and GM title. Changing the IR title to 'Changes to training organisations' more accurately reflects the content of the IR.</p> <p>Suggest amending:</p> <p><b>'ATCO.AR.E.005 Changes to organisations'</b></p> <p>To:</p> <p><b>'ATCO.AR.E.005 Changes to training organisations'</b></p>
response	<i>Accepted</i>

comment	493 <span style="float: right;">comment by: DSAC - French NSA</span>
	<p><u>Paragraph</u></p> <p>ATCO.AR.E.005 (c)</p> <p><u>Alternative proposal</u></p> <p>(c) For changes not requiring prior approval, the competent authority shall <del>approve a procedure developed by</del> <u>define with</u> the training organisation in accordance with ATCO.OR.B.020 <del>defining</del> the scope of such changes and its management <del>and notification mechanism</del>. In the continuing oversight process the competent authority shall assess the information provided <del>in the notification</del></p>

~~sent~~ to verify compliance with the applicable requirements.

Justification

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.

response *Not accepted*

Regarding the changes not requiring prior approval, the controlled process proposed is twofold. First, the competent authority needs to approve a procedure developed by the training organisation defining the scope of such changes, their management, and notification mechanism as part of its certification process. Then the information provided by the training organisation when notifying such change does not have to be assessed immediately, 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 organisations on the other hand.

comment *807*

comment by: *AESA / DSANA*

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.AR.E.005 Changes to organisations</a>	1. Upon receiving an application for a change that requires prior approval, the competent authority shall verify the training organisation's compliance with the applicable requirements before the issue of the approval.	Those changes that are subject to prior approval should be listed somewhere, maybe as GM or AMC, but somewhere.

response *Accepted*

Additional AMC2 ATCO.AR.E.005(a) named CHANGES REQUIRING PRIOR APPROVAL is proposed. It includes examples on changes requiring prior

approval.

comment

1401

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.AR.E.005 a)

Comment / Issue / Suggestion:

Upon receiving an application for a change that requires prior approval, the competent authority shall verify the training organisation's compliance with the applicable requirements before the issue of the approval. The competent authority shall approve the conditions under which the organisation may operate during the change, unless the competent authority determines that the change cannot be implemented. When satisfied that the training organisation complies with the applicable requirements, the competent authority shall approve the change.

Justification:

Compliance has to be ensured by the training organisation at all times, not only during the change. Here one could come to the conclusion that the compliance does not have to be ensured constantly. Taking into account part ATCO.OR.B.020 a link would be useful.

response

*Accepted*

ATCO.AR.R.005 defines the required action to be taken by the competent authority when the training organisation decides to implement organisational changes. The certificate template clearly states that it is valid whilst the certified training organisation remains in compliance with Part-ATCO.OR, Part-ATCO and other applicable requirements.

The link to ATCO.OR.B.020 is introduced in paragraph (c).

comment

1402

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.AR.E.005 b)

Comment / Issue / Suggestion:

provide link to ATCO.AR.E.010

Justification:

for clarity

response

*Accepted*



<b>Findings and corrective actions</b>
--

comment

334

comment by: *skyguide Corporate Regulation Management***ATCO.AR.E.010 - General**

The oversight activities should be a reference to the oversight requirements from the work done in ATM004 in order to avoid differing requirements on the same entity.

**ATCO.AR.E.010 (b)**

(b) A level 1 finding shall be issued by the competent authority when any significant non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and this Regulation, with the training organisation's procedures and manuals, with the type(s) of training and/or service(s) provided or certificate which lowers or seriously endangers safety and/or results in a significant degradation of the quality of the training provided.

It would be appreciated to have a definition of a significant non-compliance, notwithstanding the general comments regarding oversight.

**ATCO.AR.E.010 (d) (2) (i)**

(I) grant the training organisation a corrective action implementation period included in an action plan appropriate to the nature of the finding that in any case initially shall not exceed 90 days. At the end of this period, and subject to the nature of the finding, the competent authority may extend the 90-day period subject to a satisfactory corrective action plan agreed by the competent authority;

The 90 days should run from the reception of the non -conformity statement by the ANSP / training organisation and not from the date of the audit. This should be reflected in this provision.

response

*Partially accepted*

With reference to the general comment on the subject provision the Agency agrees with the holistic approach of regulating the competent authorities' requirements through an overarching regulation to avoid discrepancies and different requirements. It was the initial idea; however, at this stage it could not be implemented and this NPA proposes Implementing Rules having regard to Regulation (EC) No 216/2008, and in particular Article 8c, while NPA 2013-08 proposes implementing measures having regard in particular to Article 8b, i.e. different scopes and subject matters. When regulatory action towards this approach is decided, the comment will be considered.

With reference to the comment related to ATCO.AR.E.010(d)(2)(i) for more clarification on the commencement of the corrective action implementation period the Agency proposes the following associated GM:

'GM2 ATCO.AR.E.010(d)(2) Findings and corrective actions

**CORRECTIVE ACTION IMPLEMENTATION PERIOD**

The 3-month period should commence from the date of the communication of the finding to the training organisation in writing and requesting corrective action to address the non-compliance(s) identified in accordance with ATCO.AR.E.010(d).'

comment

460

comment by: Juan Gallego Grana - Aena

**ATCO.AR.E.010(d)(2)(i)**

Regarding findings classified as level 2, the draft regulation establish that competent authority can unilaterally establish an implementation period (below the maximum of 90 days) to implement a corrective action without taking into account that there could be corrective actions whose magnitude or implications impose that 90 days is clearly insufficient for its implementation. Therefore, it is proposed to modify the following text included in requisite ATCO.AR.E.010(d)(2)(i) as highlighted in red:

*"In the case of level 2 findings, the competent authority shall:*

*(i) grant the training organisation a corrective action implementation period included in an action plan appropriate to the nature of the finding that ~~in any case~~ initially ~~shall~~ may not exceed 90 days (this initial period may be extended according to the nature of corrective action)".*

response

Partially accepted

For more flexibility the subject provision is amended by removing any details on the length of the corrective action implementation period from the Implementing Rule which is consistent with the proposed rule in NPA 2013-08 on 'Requirements for ATM/ANS providers and the safety oversight thereof'. However, the requirements on the initial length of the implementation period in the action plan are defined at AMC level as follows:

**AMC1 ATCO.AR.E.010(d)(2) Findings and corrective actions****CORRECTIVE ACTION IMPLEMENTATION PERIOD**

The corrective action implementation period included in an action plan granted by the competent authority initially should not exceed 3 months. At the end of this period, and subject to the nature of the finding, the competent authority may extend the 3-month period subject to a satisfactory corrective action plan agreed by the competent authority.

comment

461

comment by: Juan Gallego Grana - Aena

**ATCO.AR.E.010(d)(3)**

It is too restrictive that findings classified as level 2 and with low impact in safety (since according to the definition of ATCO.AR.E.010(c) it is also considered as level 2 a finding that just "may result in a degradation of the quality of the training provided") can become level 1 (with the serious consequences that it entails) just for example by a failure to meet deadline for its implementation. Therefore, it is proposed to modify the following text

	<p>included in requisite ATCO.AR.E.010(d)(3) as highlighted in red:</p> <p><i>"Where a training organisation fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the competent authority, depending on its nature the finding shall may be raised to a level 1 finding, and action shall be taken as laid down in (d)(1) above".</i></p>
response	<p><i>Not accepted</i></p> <p>This rule is the same as the one in force for the oversight of aircrew in Regulation (EU) No 290/2012 (ARA.GEN.350(d)), for the oversight of air operations in Regulation (EU) No 956/2012 (ARO.GEN.350(d)), the one as it has been adopted in the Aerodromes rule (Opinion No 01/2013), and as proposed in NPA 2013-08 on 'Requirements for ATM/ANS providers and the safety oversight thereof'. We see no reason why the text should clearly state that failing to submit a corrective action plan or to follow that plan will lead to a raising of the finding to level 1. This is also deterrent for the training organisation.</p>

comment	<p>462 <span style="float: right;">comment by: Juan Gallego Grana - Aena</span></p> <p><b>ATCO.AR.E.010(d)</b></p> <p>The current wording does not permit training organisations to exercise an allegation process regarding findings detected by the authority. It just considers the implementation of corrective actions on time.</p> <p>It should be considered the common supervision process which includes the possibility of allegation by the organization being supervised (at least for level 2 findings), so that the maximum period of 90 days starts counting once resolved by the authority's the allegation made by the training organisation.</p> <p>Consequently, it is proposed to add the text highlighted in red in requisite ATCO.AR.E.010(d):</p> <p><i>"(2bis) The training organisation may carry out an allegation process regarding findings detected by the authority. For level 2 findings the maximum corrective action implementation period of 90 days shall start counting once resolved by the authority's the allegation made by the training organization".</i></p> <p>Furthermore, it is paramount that the AMC or GM associated to this requirement ATCO.AR.E.010(d)(2bis) should establish the <b>deadlines for the various stages of the process associated to the management of the findings</b> (distinguishing between level 1 and level 2 findings): submission of allegations by the training organisation, resolution of allegations by the authority, submission of a corrective action plan by the training organisation, acceptance of the corrective action plan by the authority, implementation of</p>
---------	--

response	<p>corrections and corrective actions by the training organisation.</p> <p><i>Not accepted</i></p> <p>This rule is the same as the one in force for the oversight of aircrew in Regulation (EU) No 290/2012 (ARA.GEN.350(d)), for the oversight of air operations in Regulation (EU) No 956/2012 (ARO.GEN.350(d)), the one as it has been adopted in the Aerodromes rule (Opinion No 01/2013), and as proposed in NPA 2013-08 on 'Requirements for ATM/ANS providers and the safety oversight thereof'. We see no reason why the text should clearly state that failing to submit a corrective action plan or to follow that plan will lead to a raising of the finding to level 1. This is also deterrent for the training organisation.</p> <p>Furthermore, for more clarity on the commencement of the corrective action implementation period the Agency proposes the following associated GM:</p> <p><b>GM2 ATCO.AR.E.010(d)(2) Findings and corrective actions</b></p> <p><b>CORRECTIVE ACTION IMPLEMENTATION PERIOD</b></p> <p>The 3-month period should commence from the date of the communication of the finding to the training organisation in writing and requesting corrective action to address the non-compliance(s) identified in accordance with ATCO.AR.E.010(d).</p>
comment	<p>494 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u></p> <p>ATCO.AR.E.010 (b)</p> <p><u>Alternative proposal</u></p> <p>(b) A level 1 finding shall be issued by the competent authority when any significant non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and this Regulation, with the training organisation's procedures and manuals, with the type(s) of training and/or service(s) provided or certificate which lowers or seriously endangers safety and/or results in a significant degradation of <del>the quality of</del> the training provided.</p> <p><u>Justification</u></p> <ul style="list-style-type: none"> <li>- There is no definition of what is the "quality of the training", which can be very subjective.</li> <li>- If some requirements of the regulation are not met, the level of degradation of the training provided can be measured as significant or not.</li> </ul>

response *Accepted*

comment 495 comment by: DSAC - French NSA

Paragraph

ATCO.AR.E.010 (c)

Alternative proposal

(c) A level 2 finding shall be issued by the competent authority when any non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and this Regulation, with the training organisation's procedures and manuals, with the type(s) of training and/or service(s) provided or certificate which may lower or endanger safety and/or may result in a degradation of ~~the quality of~~ the training provided.

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*

comment 774 comment by: UK CAA

**Page No:** 46

**Paragraph No:** ATCO.AR.E.010 (d)(2)(i)

**Comment:** The time limit for the action plan to deal with Level 2 findings is 90 days, whereas in ARA.GEN and ARO.GEN it is 3 months.

**Justification:** A difference of this kind does not enable a competent authority to have a consistent process as part of its Management System which should be applied across all domains. If 90 days is considered to be a better and more precise limit then this should be the requirement in all cases.

response *Partially accepted*

For more flexibility the subject provision is amended by removing any details on the length of the corrective action implementation period from the

Implementing Rule which is consistent with the proposed rule in NPA 2013-08 on 'Requirements for ATM/ANS providers and the safety oversight thereof'. However, the requirements on the initial length of the implementation period in the action plan are defined at AMC level as follows:

**AMC1 ATCO.AR.E.010(d)(2) Findings and corrective actions**

**CORRECTIVE ACTION IMPLEMENTATION PERIOD**

The corrective action implementation period included in an action plan granted by the competent authority initially should not exceed 3 months. At the end of this period, and subject to the nature of the finding, the competent authority may extend the 3-month period subject to a satisfactory corrective action plan agreed by the competent authority.

comment

1228

comment by: EUROCONTROL

ATCO.AR.E.010 (d) (2) (i):

The beginning of the 90 day corrective action implementation period should be clearly identifiable, e.g. with the date of the finding or other relevant date. Also it should be specified if it is 90 working days or calendar days. The provision does not state how many times the 90 day period can be extended.

response

*Partially accepted*

For clarification on the commencement of the corrective action implementation period the Agency proposes the following associated GM:

**GM2 ATCO.AR.E.010(d)(2) Findings and corrective actions**

**CORRECTIVE ACTION IMPLEMENTATION PERIOD**

The 3-month period should commence from the date of the communication of the finding to the training organisation in writing and requesting corrective action to address the non-compliance(s) identified in accordance with ATCO.AR.E.010(d).

comment

1293

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

**ATCO.AR.E.010 (d)(2)** – many findings take more than 90 days to correct. If you can give no more than 90 days initially you'll have to approve an extension on the action plan, which will mean more administrative work compared with today. We suggest that you leave it to the competent authority to decide if the times given in the action plan by the audited unit are relevant.

response

*Partially accepted*

For more flexibility the subject provision is amended by removing any details on the length of the corrective action implementation period from the Implementing Rule which is consistent with the proposed rule in NPA 2013-08 on 'Requirements for ATM/ANS providers and the safety oversight thereof'. This

way the competent authorities may decide to show compliance with the requirements using other means following the relevant procedures.

comment 1403 comment by: *Federal Office of Civil Aviation FOCA*

Article:  
ATCO.AR.E.010  
Comment / Issue / Suggestion:  
to be covered in NPA for Oversight and Common Requirements. Suggest cross-reference.  
Justification:  
coherence in regulatory issues

response *Not accepted*

The Agency agrees with the holistic approach of regulating the competent authorities through an overarching regulation to avoid discrepancies and different requirements for them. It was the initial idea; however, at this stage it could not be implemented and the subject NPA proposes Implementing Rules having regard to Regulation (EC) No 216/2008, and in particular Article 8c, while NPA 2013-08 proposes implementing measures having regard in particular to Article 8b, i.e. different scopes and subject matters. When regulatory action towards this approach is decided, the comment will be considered.

comment 1404 comment by: *Federal Office of Civil Aviation FOCA*

Article:  
ATCO.AR.E.010 b)  
Comment / Issue / Suggestion:  
significant non-compliance  
Justification:  
provide definition.

response *Not accepted*

The same rule gives in (b) a definition 'A level 1 finding shall be issued (...) when any significant non-compliance is detected with (...) which lowers or seriously endangers safety and/or (...)'.  
In (c) you may find a definition of level 2: 'A level 2 finding shall be issued (...) when any non-compliance is detected with (...) which may lower or endanger safety and/or (...)'.  
It is within these definitions that the competent authorities need to categorise findings and act accordingly.

<b>AERO-MEDICAL CERTIFICATION – SECTION I GENERAL REQUIREMENTS</b>
--

comment	<p>152 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>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 aero-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.</p>
response	<p><i>Not accepted</i></p> <p>1. There are Member States, e.g. Sweden, where Medical for ATCOs and Aircrew is run administratively by the same authority. Other Member States, e.g. Norway and Finland, asked for an absolute alignment of the administrative parts of Part-MED and Part-ATCO.MED (Subpart A and Subpart on aero-medical examiners), including the authority and organisation requirements. The very specific rules for ATCO certification have been published in this Part, e.g. the medical certificate and examination and application forms for an ATCO medical certificate.</p> <p>2. The aircrew authority and organisation requirements are presently under review and will be published as an NPA in the beginning of 2014 and comments from the ATCO licensing side will be welcome. This revised Part-ARA and Part-ORA will be ready for implementation even before the rules for ATCO licensing and medical certification will be fully applicable considering the adoption process and the transition periods.</p> <p>3. The Agency publishes the technical rules on paper and DVD and the authority requirements that will be applicable to medical certification of ATCOs can be published in a way that they are easily accessible. This will be ARA.GEN and all rules in ARA.MED as well as ORA.GEN and ORA.AeMC.</p> <p>The reason for the references made are:</p> <p>In many cases AMEs have the privilege to issue medical certificates for ATCOs and for pilots and their certification should follow the same process in all Member States. The privileges of AMEs are noted on the medical certificate and they in several countries will need only one certificate for all privileges (class 1, class 2 and class 3). Countries where AMEs who examine ATCOs and pilots apply to the same authority should not have to follow different procedures to issue one single certificate.</p> <p>Aero-medical centres may apply for the privilege to issue initial medical certificates for class 1 and class 3. If the organisation requirements are</p>



different it will be difficult, if not impossible, for the AeMC to follow the rules.

Authorities and organisations have to follow also the rules in ARA.GEN and ORA.GEN. These general rules are slightly different in the Aircrew Regulation and in the Regulation on ATCO licensing. If copied from Part-ARA and Part-ORA into the rules for ATCOs it will not be clear who has to follow which general rules.

Even if the rules were copied to this Regulation, the rules in both books cannot be kept aligned over time because any revisions of the rules, as is presently the case for the Aircrew Regulation, will not be made at the same time. This will lead to conflicting rules with regard to AME and AeMC certification and medical certification procedures.

comment

235

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

ARA.MED.125 Referral to the licensing authority

Comment

The referral to the licensing authority will lengthen significantly the procedure with no specific added-value for safety as most of the times the medical assessor will base his/her assessment on the expertise of the AeMC (medical military centers for pilots "CEMPN").

In addition to that, when an AeMC or an AME has referred the decision on the fitness of an applicant to the licensing authority nothing is foreseen concerning the administrative situation of the applicant.

As a consequence the applicant, the service provider or the authority don't know the exact situation of the applicant. This situation is socially not acceptable for the applicant, could lead to operational drawbacks for the service provider and could have legal implication in case of accident.

It is therefore a need to foresee a temporary decision.

Proposal :

ARA.MED.125 Referral to the licensing authority

When an AeMC, or aero-medical examiner (AME) has referred the decision on the fitness of an applicant to the licensing authority:

(a) the medical assessor or medical staff designated by the competent authority shall evaluate the relevant medical documentation and request further medical documentation, examinations and tests where necessary; and

(b) the medical assessor shall determine the applicant's fitness for the issue of a medical certificate with one or more limitation(s) as necessary

**(c) the medical assessor shall issue a temporary decision**

response

*Not accepted*

The qualification and expertise in an AeMC will vary between AeMCs and not all MS will have highly experienced AeMCs as in the example of the comment.

Nothing in the rules prevents the medical assessor of the licensing authority to base his/her decision on the recommendation of an AeMC if this qualification exists.

If an AME refers a decision to the licensing authority, meaning that no medical certificate will be issued, the ATCO cannot perform operational duties. Therefore, the temporary decision automatically equals to an unfit decision. A temporary decision on medical fitness is not possible because it is not known at this point whether the applicant for a medical certificate is fit to perform

operational duties.

comment 343 comment by: *skyguide Corporate Regulation Management*

**ATCO.AR.F.005**

Needs to be completely rewritten.

Reason for comment: 290/2012 does not relate to ATCOs and therefore the section should be rewritten to ensure proper application in the ATCO environment.

response *Not accepted*

Regulation (EU) No 290/2012 refers, inter alia, to the certification of aero-medical examiners and aero-medical centres, both qualified to perform aero-medical examinations and to assess fitness to perform duties. Medical fitness has to be determined to avoid, as far as possible, an incapacitation due to a medical condition while on duty, independent of the duties performed. AMEs and AeMCs are very often the same individuals with the privilege to examine and assess pilots, cabin crew and ATCOs and it would not be possible for them to follow two different regulations.

comment 812 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Section: [ATCO.AR.F.005](#)

**Comment:**

[Part-ARA.MED](#) for aircrew is currently under revision through RMT.0287/8 and the text for an amended [Part-ARA.MED](#) for aircrew has recently been finalised by the rulemaking group. The NPA for [Part-ARA.MED](#) is supposed to be published shortly.

When references to the Aircrew Regulation are given in [ATCO.AR.F.005](#) it is essential that the references are made towards the amended version of [Part-ARA.MED](#) where a new paragraph **[ARA.MED.126 Suspension and revocation of medical certificates](#)** also should be included in the references from [ATCO.AR.F.005](#).

Exclusion of all references to GMPs should also include references to OHMPs.

**Proposal:**

[Cross-check](#) the references in [ATCO.AR.F.005](#) with the amended [Part-ARA.MED](#) to avoid gaps or inconsistencies.

response *Accepted*

comment

843

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

Attachment [#16](#)

**ATCO.AR.F.005  
Comment:**

ATCEUC understands these provisions are not under consultation because they are already in force but we need to draw attention to the time spent between the AME referral to the licensing authority and the decision of the medical assessor. This period of time is not limited and may be too long to the ATCO and also to the ANSP to have a clear decision.

response *Noted*

The time needed for the decision on medical fitness depends mainly on the medical condition and the examination or tests that have to be undertaken. For this reason no time frame has been included in the rules.

comment

927

comment by: *swissatca*

The commission Regulation (EU) No 290/2012 (the Aircrew Regulation), is already published and there was no call for commenting it in the area of ATCO / ATM. By introducing it here, we have not been able to express differences of opinion in important areas concerning us directly. Furthermore, ATCOs are not pilots and due care should be taken in writing regulation that this difference is taken into account.

response *Noted*

In several Member States, the medical assessor in the authority (meaning the same individual) will deal with medical certification of ATCOs and pilots and will issue certificates for AMEs and AeMC. These AMEs or AeMCs may have applied for the privilege to issue medical certificates for ATCOs only, for pilots only, or for both. It would not be practical if the medical assessor had to follow two slightly different rules for the same task.

The individual ATCO is not affected by the way the authority works. Member States were consulted on the Aircrew Regulation and provided comments during the drafting phase of this Regulation.

Part-ARA and Part-ORA are presently under revision and will be published as

NPA in the beginning of 2014 and can be commented at that stage.

comment

1331

comment by: *NATS National Air Traffic Services Limited*

ATCO.AR.F.005 Aero-medical centres and aero-medical certification  
 This IR references Annex VI to Commission Regulation (EU) No 290/2012 (the Aircrew Regulation) which has to be followed by the Competent Authority for the implementation of this regulation. Stakeholders will not have read through 290/2012 to check its suitability and as it's already law it can't be changed to suit ATC requirements which can be and often are very different from Aircrew Requirements.  
 We would recommend the writing of regulations fit for purpose specifically for this regulation and delete references to 290/2012.

response

*Noted*

The rules in Part-ARA that are relevant here deal with authority procedures with little or no impact on the individual ATCO.  
 However, these rules are presently under revision and the dedicated NPA will be published in early 2014. Comments will be then welcome.

**ANNEX II – PART-ATCO.AR – REQUIREMENTS FOR COMPETENT AUTHORITIES – SUBPART F – SPECIFIC REQUIREMENTS RELATING TO AERO-MEDICAL CERTIFICATION – SECTION II DOCUMENTATION**

p. 47-48

comment

142

comment by: *CAA-NL*

**ATCO.AR.F.015 and ATCO.AR.F.020**

We would prefer to issue one certificate to AME's or AeMC when they perform medical assessments for both Pilots and ATCO's. Therefore we suggest to use the certificate as defined with ARA with minor amendments necessary. The approval and oversight will be performed by the same medical officer within the CA and both the requirements for the authority and the organisation are harmonised.

response

*Accepted*

comment

226

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

ATCO.AR.F.010

Comment

The explanation and format should be in the same place, suggest the appendix as for the ATCO licence format

response	<p><i>Not accepted</i></p> <p>This has been extensively discussed in the rulemaking drafting group and Member States were in favour to have the medical certificate format in an AMC because they could not agree on one single format. The AMC now provides the format that should be used, but MS can issue Alternative Means of Compliance if they think that e.g. a different size of the certificate suits their purpose better.</p>
comment	<p>335 comment by: <i>skyguide Corporate Regulation Management</i></p> <p><b>ATCO.AR.F.010</b>  Comment : It would be better to have the explanation and format in the same place, and we suggest the appendix as for the ATCO licence format.  <b>ATCO.AR.F.010 (b)</b>  (b) Material: The <del>paper or other</del> material or electronic media used shall prevent or readily show any alterations or erasures. Any entries or deletions to the form shall be clearly authorised by the competent authority.  This should not preclude the use of electronic certificates (just as with electronic licences).</p>
response	<p><i>Not accepted</i></p> <p>During the drafting phase Member States were in favour to have the medical certificate format in an AMC because they could not agree on one single format. The AMC now provides the format that should be used, but MS can issue Alternative Means of Compliance if they think that e.g. a different size of the certificate suits their purpose better.</p>
comment	<p>1089 comment by: <i>Civil Aviation Authority Norway</i></p> <p><i>Medical expert comment:</i></p> <p>ATCO.AR.F.015 refers to Appendix 11 which presents the format for Aero-medical examiner certificate and the attachment includes a list of Privileges and Scope. This listing of Class 3 revalidation/renewal is not according to the format in Appendix VII to ANNEX VI PART-ARA as referred to ARA.MED.200. Should AMEs with privileges for class 1 and 3 have one certificate issued according to Part-MED on the format as described in Part-ARA and one issued in accordance with Part-ATCO.MED according to format in Part-ARTCO.AR.  Corresponding ATCO.AR.F.020 refers to Appendix 12 for AeMCs.</p>
response	<p><i>Accepted</i></p> <p>The AME and AeMC certificates with the privilege to examine ATCOs and pilots will have the same format.</p>
comment	<p>1189 comment by: <i>NATS National Air Traffic Services Limited</i></p>

	ATCO.AR.F.010 Medical certificate
	The IR and format should be in the same place in the regulation. The text as drafted leads to a difficulty in cross referencing. We suggest they are both in the appendix as for the ATCO licence format.
response	<i>Not accepted</i>
	During the drafting phase Member States were in favour to have the medical certificate format in an AMC because they could not agree on one single format. The AMC now provides the format that should be used, but MS can issue Alternative Means of Compliance if they think that e.g. a different size of the certificate suits their purpose better.

comment	1229	comment by: EUROCONTROL
	ATCO.AR.010 (a): The Roman numeral II (in (2) does not appear on the AMC (9) specifies expiry date of class 3 medical - isn't this self evident as the certificate is class 3?	
response	<i>Accepted</i>	
	The text and the format will be aligned.	

comment	1330	comment by: ENAV
	Comment: The explanation and format should be in the same place, suggest the appendix as for the ATCO licence format	
response	<i>Not accepted</i>	
	During the drafting phase Member States were in favour to have the medical certificate format in an AMC because they could not agree on one single format. The AMC now provides the format that should be used, but MS can issue Alternative Means of Compliance if they think that e.g. a different size of the certificate suits their purpose better.	

<b>ANNEX III — PART-ATCO.OR — REQUIREMENTS FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS AND AERO-MEDICAL CENTRES —</b> <b>SUBPART A — GENERAL REQUIREMENTS — ATCO.OR.A.001 Scope</b>	p. 49
--	-------

comment	60	comment by: ENAC-FRANCE
---------	----	-------------------------

**ANNEX III  
PART-ATCO.OR  
REQUIREMENTS FOR AIR TRAFFIC CONTROLLER TRAINING  
ORGANISATIONS AND AERO-MEDICAL CENTRES**

Comment:

The number of documents to be given to the NSA is very large and the process is very lengthy.

The application of the whole process will require significant resources which do not appear to be justified.

response *Noted*

**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 – ATCO.OR.B.005 Competent authority**

p. 49

comment 699

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.OR.B.005	This part refers to the competent authority, which is not fully in line with article 4.1 (possibility of more than one authority)  <i>- related to ATCO.A.005</i>	Inconsistencies can be found through the regulation on this matter. The regulation has really been developed with a single authority in mind

response *Not accepted*

Article 4(1) establishes the possibility for a Member State to nominate or establish one or more competent authorities with allocated responsibilities for the certification and oversight of persons and organisations. It is important to note that this provision is made to allow countries to establish different authorities for different purposes, whose responsibilities need to be clearly established.

Therefore, the Agency believes that there is no inconsistency with what has been stated in ATCO.OR.B.005, provided that the authority referred to in this article and nominated by the Member State has allocated responsibilities, in line with Article 4(1).

comment	<p>915 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ATCO.OR.B.005 Is there an ATCO.OR.B.001 missing or just a numbering mistake?</p>
response	<p><i>Accepted</i></p> <p>The text is revised and the numbering is changed.</p>

comment	<p>1230 comment by: <i>EUROCONTROL</i></p> <p>ATCO.OR.B.005 (b): '<i>principle</i>' should read '<i>principal</i>'.</p>
response	<p><i>Accepted</i></p>

**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 — ATCO.OR.B.010 Application for a training organisation certificate** p. 49-50

comment	<p>49 comment by: <i>LFV</i></p> <p>Ref ATCO.OR.B.010 (d) (5) The training organisation is certified to deliver certain types of training. Training courses are revised and adapted regularly, and thereafter approved by the CA. Therefore it is suggested that the applicant lists the types of training rather than the training courses. It is not understood what kind of services that the training organisation might have.</p>
response	<p><i>Accepted</i></p>

comment	<p>91 comment by: <i>LPS SR</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;"><b>ATCO.OR.B.010(c)</b></td> <td style="width: 33%; padding: 5px;">Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment</td> <td style="width: 33%; padding: 5px;">Requirements in this provision. - staff, equipment and environment, are out of a list of 12 that Annex Vb, 5(d) requires, even the term environment does</td> </tr> </table>	<b>ATCO.OR.B.010(c)</b>	Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment	Requirements in this provision. - staff, equipment and environment, are out of a list of 12 that Annex Vb, 5(d) requires, even the term environment does
<b>ATCO.OR.B.010(c)</b>	Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment	Requirements in this provision. - staff, equipment and environment, are out of a list of 12 that Annex Vb, 5(d) requires, even the term environment does		



	<p>suitable for the provision of the training necessary to obtain student air traffic controller licences and to obtain or maintain air traffic controller licences</p>	<p>not appear there. Some of the requirements from Annex Vb, 5(d) are covered in many subparts of part ATCO.OR.</p>
<p>response</p>	<p><i>Accepted</i></p> <p>The requirement is addressed in the subpart related to the management of air traffic controller training organisations and, therefore, the provision is removed.</p>	

comment

92

comment by: LPS SR

<p><b>ATCO.OR.B.010 Application for a training organisation certificate and ATCO.OR.B.020</b></p>	<p>(a) Applications for a training organisation certificate <del>or an amendment to an existing certificate</del> shall be submitted to the competent authority in due time to allow the competent authority to evaluate the application. The application shall be submitted in accordance with the procedure established by that authority.</p> <p>(d) An application for a training organisation certificate <del>or an amendment of an existing certificate</del> shall include the following information</p>	<p>ATCO.OR.B.010 should deal with the application only.</p> <p>ATCO.OR.B.020 deal with any changes, whether affecting the certificate or not.</p>
---	--	---

response

*Accepted*

comment

94

comment by: LPS SR

<b>ATCO.OR.B.010(d)(5)</b>	a list of <b>types of</b> training <del>courses and/or service(s)</del> provided	The training organisation is certified to provide certain types of training.  What is the meaning of services? We suggest deleting
----------------------------	--	--

response

Accepted

comment

266

comment by: *CANSO Civil Air Navigation Services Organization*

CANSO has several comments on ATCO.OR.B.010.

Firstly, CANSO proposes the following change to ATCO.OR.B.010. (a) and (d) (comment linked to the provisions in ATCO.OR.B.020).

*(a) Applications for a training organisation certificate ~~or an amendment to an existing certificate~~ shall be submitted to the competent authority in due time to allow the competent authority to evaluate the application. The application shall be submitted in accordance with the procedure established by that authority.*

*(d) An application for a training organisation certificate ~~or an amendment of an existing certificate~~ shall include the following information*

ATCO.OR.B.010 should deal with the application only. Any change, whether affecting the certificate or not, is dealt with in ATCO.OR.B.020.

CANSO also proposes the following change to ATCO.OR.B.010 (d) (5)

*a list of **types of** training ~~courses and/or service(s)~~ provided*

The courses will change and be adapted regularly, (and therefore will be approved at the appropriate moment) however, the training organisation will be certified to deliver certain types of training.

What services would these be? CANSO suggests deleting this part.

Finally, the text in ATCO.OR.B.010 (c) singles out staff, equipment and environment, out of a list of 12 that Annex Vb, 5(d) requires. What is the added value of this Section compared to 2, and why only these three elements? The term environment does not even appear in Annex Vb 5.(some of the requirements in annex Vb are covered in various subparts of part OR.).

response

Accepted

comment	<p>336 <span style="float: right;">comment by: <i>skyguide Corporate Regulation Management</i></span></p> <p><b>ATCO.OR.B.010 (c)</b>  (c) Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain student air traffic controller licences and to obtain or maintain air traffic controller licences.</p>
response	<i>Noted</i>

comment	<p>484 <span style="float: right;">comment by: <i>DSAC - French NSA</i></span></p> <p><u>Paragraph</u></p> <p>ATCO.OR.B.010 (d) (5)  ATCO.OR.C.001 (e)  AMC ATCO.OR.C.001 (e)</p> <p><u>Alternative proposal</u></p> <p>ATCO.OR.B.010 (d) (5)</p> <p>(5) a list of training <del>courses</del> <b>plan(s)</b> and/or service(s) provided;</p> <p><u>Justification</u></p> <p>The certificate of the training organisation shall refer to the unit training plan provided with all contained training courses.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> <li>- The link between unit training plans and unit training courses within the monitoring of the training organisations is not clear in the NPA.</li> </ul>
response	<p><i>Not accepted</i></p> <p>After analysing the different options and opinions, the Agency decided to reword the paragraph to include 'types of training' instead of 'training courses and/or service(s) provided'.</p>

comment

496

comment by: DSAC - French NSA

Paragraph

ATCO.OR.B.010 (d) (2)

Alternative proposal

(3) the functions within the training organisation names, telephone, fax numbers and e-mail addresses and relevant contact data 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;

Comment

Avoid being too prescriptive with administrative information required.

response

*Accepted*

comment

700

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.OR.B.010(b)	This requirement should be adjusted to the scope of this regulation as defined in article 2. In particular, this requirement exceeds the scope of the regulation  - related to ATCO.AR.B.001(a)(1)	This requirement should be established in regulation (EC) No 216/2008. Otherwise, the scope of the requirements should be limited

response

*Not accepted*

Article 2 of the draft Regulation covers the certification of air traffic controller training organisations; therefore, the Agency does not agree with the comment that the proposed requirement would exceed the scope of that Regulation.

comment	761	comment by: <i>HungaroControl</i>
	<p><b>ATCO.OR.B.010(d)(5):</b>  a list of <b>types of</b> training courses and/or service(s) provided</p> <p>The training organisation will be certified to deliver certain types of training.</p>	
response	Accepted	

comment	770	comment by: <i>HungaroControl</i>
	<p><b>ATCO.OR.B.010 Application for a training organisation certificate :</b></p> <p>Applications for a training organisation certificate <del>or an amendment to an existing certificate</del> shall be submitted to the competent authority in due time to allow the competent authority to evaluate the application. The application shall be submitted in accordance with the procedure established by that authority.</p> <p>(d) An application for a training organisation certificate <del>or an amendment of an existing certificate</del> shall include the following information</p> <p>ATCO.OR.B.010 should deal with the application only as any change, whether affecting the certificate or not is dealt with in ATCO.OR.B.020</p>	
response	Accepted	

comment	808	comment by: <i>AESA / DSANA</i>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Reference:</th> <th style="width: 45%;">Quote/Proposal</th> <th style="width: 30%;">Comment/Remark (Reason for comment)</th> </tr> </thead> <tbody> <tr> <td> <a href="#">ATCO.OR.B.010 Application for a training organisation certificate</a>   <a href="#">ATCO.OR.B.020 Changes to the training organisation</a> </td> <td> <p>3. Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain <del>or maintain</del> student air traffic controller licences <del>or obtain and maintain</del> and air traffic controller licences.</p> </td> <td> <p>The concept of “maintaining” a student ATCO licence has not been defined throughout the document.</p> <p>An insurance of guarantee must be stated.</p> </td> </tr> </tbody> </table>		Reference:	Quote/Proposal	Comment/Remark (Reason for comment)	<a href="#">ATCO.OR.B.010 Application for a training organisation certificate</a>  <a href="#">ATCO.OR.B.020 Changes to the training organisation</a>	<p>3. Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain <del>or maintain</del> student air traffic controller licences <del>or obtain and maintain</del> and air traffic controller licences.</p>	<p>The concept of “maintaining” a student ATCO licence has not been defined throughout the document.</p> <p>An insurance of guarantee must be stated.</p>
Reference:	Quote/Proposal	Comment/Remark (Reason for comment)						
<a href="#">ATCO.OR.B.010 Application for a training organisation certificate</a>  <a href="#">ATCO.OR.B.020 Changes to the training organisation</a>	<p>3. Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain <del>or maintain</del> student air traffic controller licences <del>or obtain and maintain</del> and air traffic controller licences.</p>	<p>The concept of “maintaining” a student ATCO licence has not been defined throughout the document.</p> <p>An insurance of guarantee must be stated.</p>						

response *Noted*

This provision is removed, so the comment cannot be taken into consideration anymore.

comment

1190

comment by: *NATS National Air Traffic Services Limited*

ATCO.OR.B.010 Application for a training organisation certificate (a) and (d) and ATCO.OR.B.020

ATCO.OR.B.010 should deal with the application only as any change, whether affecting the certificate or not is dealt with in ATCO.OR.B.020.

Suggested amendment:

**'(a) Applications for a training organisation certificate shall be submitted to the competent authority in due time to allow the competent authority to evaluate the application. The application shall be submitted in accordance with the procedure established by that authority.'**

**'(d) An application for a training organisation certificate shall include the following information'**

response

*Accepted*

comment

1193

comment by: *NATS National Air Traffic Services Limited*

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

Although it is accepted that the application should be accompanied by at least one training course to have a definitive list is inappropriate. A training organisation's courses will change and be adapted over time and therefore will be approved at the appropriate time. However, the training organisation will be certified to deliver certain types of training. Furthermore it is unclear what services the training organisation will provide and consequently this element should be deleted.

Suggested amendment:

**'(5) a list of types of training to be provided and at least one training**

	<b>course from each type of training that is intended to be provided.'</b>
response	<i>Accepted</i>

comment	1318 <span style="float: right;">comment by: ENAV</span>
	<p><b>ATCO.OR.B.010 (d) (5)</b> a list of <del>types of training courses and/or service(s)</del> provided</p> <p>Comment:</p> <p>The courses will change and be adapted regularly, (and therefore will be approved at the appropriate moment) however, the training organisation will be certified to deliver certain types of training.</p>
response	<i>Accepted</i>

comment	1319 <span style="float: right;">comment by: ENAV</span>
	<p><b>ATCO.OR.B.010(c)</b> Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain student air traffic controller licences and to obtain or maintain air traffic controller licences</p> <p>Comment: This requirement singles out staff, equipment and environment, out of a list of 12 that Annex Vb, 5(d) requires. What is the added value of this Section compared to 2, and why only these three elements? The term environment does not even appear in Annex Vb 5.(some of the requirements in annex Vb are covered in various subparts of part OR.)</p>
response	<i>Accepted</i>
	The requirement is addressed in the subpart related to the management of air traffic controller training organisations and, therefore, the provision is removed.

comment	1321 <span style="float: right;">comment by: ENAV</span>
	<p><b>ATCO.OR.B.010 Application for a training organisation certificate</b></p> <p>(a) Applications for a training organisation certificate <del>or an amendment to an existing certificate</del> shall be submitted to the competent authority in due time to allow the competent authority to evaluate the application. The application shall be submitted in accordance with the procedure established by that authority.</p> <p>(d) An application for a training organisation certificate <del>or an amendment of an</del></p>

	existing certificate shall include the following information Comment: ATCO.OR.B.010 should deal with the application only as any change, whether affecting the certificate or not is dealt with in ATCO.OR.B.020
response	Accepted

**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 — ATCO.OR.B.015 Terms of approval and privileges of a training organisation certificate**

p. 50

comment	48	comment by: LfV
	Ref ATCO.OR.B.015 (b) Very good that it is stated that training organisation conduction unit, refresher and conversion training needs to has privilege to provide ATC. Better yet that the requirement should be to hold a valid certificate for the provision of air traffic control.	
response	Accepted	

comment	143	comment by: CAA-NL
	<b>ATCO.OR.B.015.(b)</b> A training organization as such could not have the privilege to provide ATS. For this reason, it is proposed to replace "it also has (...) service" by "if it holds a valid certificate for the provision of ATC".	
response	Accepted	

comment	264	comment by: CANSO Civil Air Navigation Services Organization
	CANSO proposes the following change to ATCO.OR.B.015 (b): <i>The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also <del>has the privilege to provide air traffic control service</del> holds a valid certificate for the provision of ATC or has concluded a specific arrangement with an ATC provider</i>	
	The privilege to provide ATC service means that it is a certified ANSP. This lends clarity.	



response *Accepted*

comment 337 comment by: *skyguide Corporate Regulation Management*

**ATCO.OR.B.015 (b)**

(b) The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also ~~has the privilege to provide air traffic control service~~ holds a valid certificate for the provision of ATC or has concluded a specific arrangement with an ATC provider.

In order to keep the terminology coherent throughout the document and ensure that there is clarity in the interpretation of the text, we suggest rewording. The privilege to provide ATC service means that it is a certified ANSP.

response *Accepted*

comment 759 comment by: *HungaroControl*

**ATCO.OR.B.015 Terms of approval and privileges of a training organisation certificate (b):**

The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also ~~has the privilege to provide air traffic control service~~ **holds a valid certificate for the provision of ATC** or has concluded a specific arrangement with an ATC provider

The privilege to provide ATC service means that it is a certified ANSP. This lends clarity.

response *Accepted*

comment 842 comment by: *ATCEUC- Air Traffic Controllers European Unions Coordination*

Attachment [#17](#)

**ATCO.OR.B.015 (b)**

**Comment:**

Unit and continuation training shall be provided by ATC service providers because it is unit specific.

As an example we don't understand how a TO not being a ATC service provider

	<p>would be able to provide OJT (part of unit training).</p> <p><b>ATCO.OR.B.015 (b) new text</b></p> <p><i>The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also has the privilege to provide air traffic control service <del>or has concluded a specific arrangement with an ATC service provider</del></i></p>
response	<p><i>Not accepted</i></p> <p>After analysing legal aspects, and although it is known that the situation is not considered as 'usual', the Agency has concluded that the proposed text is appropriate. A very detailed explanation on how a TO not providing ATC service could provide on-the-job training shall be included in the arrangements.</p>
comment	<p>887 comment by: <i>European Transport Workers Federation - ETF</i></p> <p><b>ATCO.OR.B.015 (b)</b> "The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also has the privilege to provide air traffic control service <del>or has concluded a specific arrangement with an ATC service provider</del>"</p> <p>The ATCO.OR.B.015 opens the possibility for training organisations that concluded specific arrangements with ATC providers to provide unit, refresher and conversion training.</p> <p>The Explanatory Note (179) states that it is assumed that the provisions in ATCO.OR.B.015 are applied today by common sense. However we do not consider as a common sense for a training organisation to provide unit training without being a ATC service provider because training is unit specific and the instructors able to provide the training are employees of the ATC service provider. It would be strange for an ATC service provider to contract a service to be executed by their own employees! Only rating endorsement training as part of the unit endorsement course (GM1 ATCO.D.060(d);(e)) is possible to be "outsourced" .</p>
response	<p><i>Not accepted</i></p> <p>After analysing the legal aspects, and although it is known that the situation is not considered as 'usual', the Agency has concluded that the proposed text is appropriate. A very detailed explanation on how a TO not providing ATC service could provide on-the-job training shall be included in the arrangements.</p>

comment	<p>916 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ATCO.OR.B.015(b) The ATCO.OR.B.015 opens the possibility for training organisations that concluded specific arrangements with ATC providers to provide unit, refresher and conversion training.</p> <p>The Explanatory Note (179) states that it is assumed that the provisions in ATCO.OR.B.015 are applied today by common sense. However we do not consider as a common sense for a training organisation to provide unit training without being an ATC service provider because training is unit specific and the instructors able to provide the training are employees of the ATC service provider. It would be strange at least in an ethical point of view, for an ATC service provider to contract a service to be executed by their own employees! Another issue is about the responsibility of the service provision during OJT. If the OJTI is providing training through a TO that concluded a specific arrangement with the ATC service provider how could he be responsible for the service provision if the TO certificate doesn't include the service provision? <b>SINCTA</b> believes the above arguments are more than enough to propose strong changes in the text. Proposed text: <i>The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also has the privilege to provide air traffic control service <del>or has concluded a specific arrangement with an ATC service provider</del></i></p>
response	<p><i>Not accepted</i></p> <p>After analysing the legal aspects, and although it is known that the situation is not considered as 'usual', the Agency has concluded that the proposed text is appropriate. A very detailed explanation on how a TO not providing ATC service could provide on-the-job training shall be included in the arrangements.</p>
comment	<p>918 comment by: <i>DATCA</i></p> <p>Ref. ATCO.OR.B015 (b)</p> <p>To optimize training for unit, it should be the specific ATC provider/unit that are responsible for the unit training</p>
response	<p><i>Noted</i></p>
comment	<p>919 comment by: <i>Federazione ATM-PP</i></p> <p>Federazione ATM-PP proposal on ATCO.OR.B.015 (b) is to change as follows: <i>The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also has the privilege to provide air traffic control service <del>or has concluded a specific arrangement with an ATC service provider</del></i></p>

	<p>Only the ATC service providers can provide the "Unit" and "continuation" training e.g. the OJT</p> <p>Second option is:</p> <p><i>Refresher and conversion training shall be provided by the training organisation if it also has the privilege to provide air traffic control service or has concluded a specific arrangement with the same ATC service provider where the training is to be provided</i></p>
response	<p><i>Not accepted</i></p> <p>After analysing the legal aspects, and although it is known that the situation is not considered as 'usual', the Agency has concluded that the proposed text is appropriate. A very detailed explanation on how a TO not providing ATC service could provide on-the-job training shall be included in the arrangements.</p>
comment	<p>974 <span style="float: right;">comment by: USCA</span></p> <p style="text-align: center;"><b>ATCO.OR.B.015(b)</b></p> <p>The ATCO.OR.B.015 opens the possibility for training organisations that concluded specific arrangements with ATC providers to provide unit, refresher and conversion training. The Explanatory Note (179) states that it is assumed that the provisions in ATCO.OR.B.015 are applied today by common sense. However we do not consider as a common sense for a training organisation to provide unit training without being an ATC service provider because training is unit specific and the instructors able to provide the training are employees of the ATC service provider. It would be strange for an ATC service provider to contract a service to be executed by their own employees! Only rating endorsement training as part of the unit endorsement course (GM1 ATCO.D.060(d);(e)) is possible to be "outsourced"</p> <p><b>ATCO.OR.B.015(b)</b></p> <p><i>"The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also has the privilege to provide air traffic control service <del>or has concluded a specific arrangement with an ATC service provider</del>"</i></p>
response	<p><i>Not accepted</i></p> <p>After analysing the legal aspects, and although it is known that the situation is not considered as 'usual', the Agency has concluded that the proposed text is appropriate. A very detailed explanation on how a TO not providing ATC service could provide on-the-job training shall be included in the arrangements.</p>

comment	1058	comment by: ICEATCA
	(b) ICEATCA doesn't see how this is possible for others than ATC service providers. "Or has concluded a specific arrangement with an ATC service provider" should be removed.	
response	Not accepted	

comment	1076	comment by: comments provided on behalf of FIT/CISL italian trade union
	<p>The <b>ATCO.OR.B.015(b)</b> opens the possibility for training organisations that concluded specific arrangements with ATC providers to provide unit, refresher and conversion training.</p> <p>The Explanatory Note (179) states that it is assumed that the provisions in ATCO.OR.B.015 are applied today by common sense. However we do not consider as a common sense for a training organisation to provide unit training without being an ATC service provider because training is unit specific and the instructors able to provide the training are employees of the ATC service provider. FIT/CISL considers strange for an ATC service provider to contract a service to be executed by their own employees, so we proposes to change it as follows:</p> <p>"The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also has the privilege to provide air traffic control service <del>or has concluded a specific arrangement with an ATC service provider</del>"</p>	
response	Not accepted	
	<p>After analysing the legal aspects, and although it is known that the situation is not considered as 'usual', the Agency has concluded that the proposed text is appropriate.</p> <p>A very detailed explanation on how a TO not providing ATC service could provide on-the-job training shall be included in the arrangements.</p>	

comment	1196	comment by: NATS National Air Traffic Services Limited
	<p>ATCO.OR.B.015 Terms of approval and privileges of a training organisation certificate (b)</p> <p>If the ANSP has the privilege to provide ATC service it means that it is a certified ANSP. The suggested amendment lends clarity.</p> <p>Suggested amendment:</p> <p><b>'(b) The privileges to provide unit, refresher and conversion training</b></p>	

**shall only be granted to the training organisation if it also holds a valid certificate for the provision of ATC or has concluded a specific arrangement with an ATC provider'**

response *Accepted*

comment 1317

comment by: ENAV

**ATCO.OR.B.015 Terms of approval and privileges of a training organisation certificate (b)**

The privileges to provide unit, refresher and conversion training shall only be granted to the training organisation if it also ~~has the privilege to provide air traffic control service~~ holds a valid certificate for the provision of ATC or has concluded a specific arrangement with an ATC provider

Comment: The privilege to provide ATC service means that it is a certified ANSP. This lends clarity

response *Accepted*

**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 – ATCO.OR.B.020 Changes to the training organisation** p. 50-51

comment 93

comment by: LPS SR

<p><b>ATCO.OR.B.010 Application for a training organisation certificate</b></p> <p><b>and</b></p> <p><b>ATCO.OR.B.020</b></p>	<p>(a) Applications for a training organisation certificate <del>or an amendment to an existing certificate</del> shall be submitted to the competent authority in due time to allow the competent authority to evaluate the application. The application shall be submitted in accordance with the procedure established by that authority.</p> <p>(d) An application for a</p>	<p>ATCO.OR.B.010 should deal with the application only.</p> <p>ATCO.OR.B.020 deal with any changes, whether affecting the certificate or not.</p>
---	--	---

	<p>training organisation certificate or an amendment of an existing certificate shall include the following information</p>	
--	---	--

response *Noted*

The comment refers to ATCO.OR.B.010. Please see the responses to the comments on that provision.

comment

497

comment by: DSAC - French NSA

Paragraph

ATCO.OR.B.020 (e)

Alternative proposal

(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 and the training organisation in accordance with ATCO.AR.E.005.

Justification

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.

response

*Not accepted*

This provision requires the training organisation to agree with the competent authority on a procedure for dealing with changes, which is part of the certification process. Such procedure includes also the definition of changes that only need to be notified to the competent authority and do not require prior approval, which does not add further administrative burden on the regulated organisation. The associated AMC and GM are provided to support the training organisation on how to comply with these requirements and to assist the training organisations in proposing and developing such procedure.

comment

772

comment by: HungaroControl

**ATCO.OR.B.020:**

(a) ~~(A) Applications for a training organisation certificate or an amendment to an existing certificate shall be submitted to the competent authority in due time to allow the competent authority to evaluate the application. The application shall be submitted in accordance with the procedure established by that authority.~~

(d) An application for a training organisation certificate ~~or an amendment of an existing certificate~~ shall include the following information  
 ATCO.OR.B.010 should deal with the application only as any change, whether affecting the certificate or not is dealt with in ATCO.OR.B.020

response

Noted

The comment refers to ATCO.OR.B.010. Please see the responses to the comments on that provision.

comment

809

comment by: AESA / DSANA

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.OR.B.010 Application for a training organisation certificate</a> <a href="#">ATCO.OR.B.020 Changes to the training organisation</a>	3. Training organisations shall demonstrate that they are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain <del>or maintain</del> student air traffic controller licences <del>or obtain and maintain</del> and air traffic controller licences.	The concept of “maintaining” a student ATCO licence has not been defined throughout the document.  An insurance of guarantee must be stated.

response

Noted

The comment refers to ATCO.OR.B.010. Please see the responses to the comments on that provision.



comment	826	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>ATCO.OR.B.020 (a) Changes to the training organisation Paragraph (a) states: 'Changes to the organisation that affect the certificate or the terms of approval of the training organisation or any relevant element of the training organisation's management systems shall require prior approval of the competent authority.' The term 'any relevant' does not provide a very clear level of significance. Suggested amendment: <b>'.....or any relevant and/or significant element.....'</b></p>	
response	<i>Not accepted</i>	
	<p>The Agency believes that the word 'significant' does not add any value to the proposed wording. Therefore, the comment is not accepted.</p>	
comment	1295	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	<p><b>ATCO.OR.B.020 (a)</b> – This paragraph is not consistent with the wording in article 6.2 in Regulation (EU) 1035/2011, where the organisation shall notify the competent authority.</p> <p>2. A certified organisation shall <b>notify</b> the competent authority of planned changes to its provision of air navigation services which may affect its compliance with the applicable common requirements or with the conditions attached to the certificate, where applicable.</p>	
response	<i>Noted</i>	
	<p>The comment will be considered during the processing of NPA 2013-08.</p>	
comment	1322	comment by: <i>ENAV</i>
	<p>Comment: ATCO.OR.B.010 should deal with the application only as any change, whether affecting the certificate or not is dealt with in ATCO.OR.B.020</p>	
response	<i>Noted</i>	
	<p>The comment refers to ATCO.OR.B.010. Please see the responses to the comments on that provision.</p>	

**TRAINING ORGANISATIONS – ATCO.OR.B.025 Continued validity**

comment	58	comment by: ENAC-FRANCE
	<p><b>ATCO OR.B.025 Continued validity</b>  <u>Comment:</u>                  ENAC agrees with the continued validity as proposed.</p>	
response	Noted	

comment	498	comment by: DSAC - French NSA
	<p><u>Paragraph</u></p> <p>ATCO.OR.B.025</p> <p><u>Alternative proposal</u></p> <p>Keep the requirement in the NPA.</p> <p><u>Justification</u></p> <p>The requirements for the continued validity are fully satisfying as written in the regulation.</p> <p>- It will lessen the administrative burden of the revalidation of the certificate if no change has occurred in the training organisations.</p>	
response	Noted	

**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 – ATCO.OR.B.030 Access to training organisations facilities and data** p. 51

comment	593	comment by: Maastricht UAC			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;"> <b>ATCO.OR.B.030 and ATCO.AR.C.001(b)(3)</b>                      Access to competent                 </td> <td style="width: 33%; padding: 5px;">                     Some training organisations will be ANSPs which have their own security access                 </td> <td style="width: 33%; padding: 5px;"> <b>Proposed text:</b> ...access according to the security policy of the organisation                 </td> </tr> </table>		<b>ATCO.OR.B.030 and ATCO.AR.C.001(b)(3)</b> Access to competent	Some training organisations will be ANSPs which have their own security access	<b>Proposed text:</b> ...access according to the security policy of the organisation
<b>ATCO.OR.B.030 and ATCO.AR.C.001(b)(3)</b> Access to competent	Some training organisations will be ANSPs which have their own security access	<b>Proposed text:</b> ...access according to the security policy of the organisation			

authority	policy. This must be respected by ALL visitors.	
-----------	---	--

response *Not accepted*

An ANSP, which is also an approved training organisation, should not prevent the personnel authorised by the competent authority to perform their assigned tasks.

comment 672 ❖

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
ATCO.OR.B.030 and ATCO.AR.C.001(b)(3) Access to competent authority	Some training organisations will be ANSPs which have their own security access policy. This must be respected by ALL visitors.	<b>Proposed text:</b> ...access according to the security policy of the organisation

response *Not accepted*

An ANSP, which is also an approved training organisation, should not prevent the personnel authorised by the competent authority to perform their assigned tasks.

comment 827

comment by: *NATS National Air Traffic Services Limited*

ATCO.OR.B.030 Access to training organisations facilities and data  
This IR states: 'Training organisations and applicants for training organisation certificates shall grant access to any person authorised by the competent authority to the relevant premises in order to examine the required records, data, procedures and any other material pertinent to the execution of the tasks of the competent authority.' There needs to be some safeguard to prevent a competitor/ non-regulator party being authorised by the Competent Authority

to examine records.  
There is a potential for a commercial conflict of interest between the person authorised by the Competent Authority and the organisation or applicant.  
Suggested amendment:

**'(a) Training organisations.....'**

**'(b) Persons in (a) authorised by the competent authority to examine the required records, data, procedures and any other material shall not have any role or function that presents a potential conflict of interest with the training organisation that is granting access.'**

response *Not accepted*

The possible conflict of interest is now addressed in Article 4. In any case, the text is reworded to include not only persons authorised by the competent authority but also those who act on behalf of the competent authority.

**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 – ATCO.OR.B.035 Findings**

p. 51

comment 338 comment by: *skyguide Corporate Regulation Management*

**ATCO.OR.B.035, 040 and 045**

Propose to reference text in CR and SO, rather than duplicate.

Comment: In duplication of text there is a risk of inconsistency and units needing to comply with 2 sets of requirements for the same operation.

response *Noted*

**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 – ATCO.OR.B.045 Occurrence reporting**

p. 51-52

comment 50 comment by: *LFV*

Ref ATCO.OR.B.045

It is true that during on-the-job-training occurrences may happen, which shall be reported. But this requirement is already existing for the ANSP in other regulations and covered by the ANSPs certification. There is no value to put the requirement on the training organisation. Suggest deletion.

response

*Not accepted*

GM is developed in order to clarify that the training organisation’s report should focus on the occurrences related to the training activity and that reports can be combined.

comment

339

comment by: *skyguide Corporate Regulation Management*

**ATCO.OR.B.045**  
**Occurrence reporting**

Occurrence reporting requirements for ANSPs already exist in other regulations. As OJT will occur within a unit (ANSP / ATC provider) they will be covered by the ANSP certification. What is the added value of repeating the requirements here? There is a risk that the reporting requirements will be updated at different times and therefore differ for the same entity.

response

*Not accepted*

GM is developed in order to clarify that the training organisation’s report should focus on the occurrences related to the training activity and that reports can be combined.

comment

595

comment by: *Maastricht UAC*

<p><b>ATCO.OR.B.045</b> Occurrence reporting</p>	<p>Occurrence reporting is the subject of other EC regulations. It has no place in a training and licensing regulation. An ANSP must report all occurrences anyway and it will be a very rare independent Training organisation that could create a safety impact. By including these provisions in a Training &amp; Licensing regulation it appears as if EASA is deviating from its 'total system approach'. Indeed, items such as occurrence reporting, the definitions of Acceptable / Alternative Means of Compliance, ICAO location</p>	<p>Delete this paragraph.</p>
--	---	-------------------------------

	<p>indicators or the flexibility provision should not be constantly duplicated across different regulations but stated once in the appropriate place. <u>The big risk is that of contradictory regulations.</u></p>	
<p>response</p>	<p><i>Not accepted</i></p>	
	<p>GM is developed in order to clarify that the training organisation’s report should focus on the occurrences related to the training activity and that reports can be combined.</p>	

comment

677

comment by: *Maastricht UAC Training Organisation*

<b><u>Paragraph identification:</u></b>	<b><u>Justification:</u></b>	<b><u>Alternative proposal:</u></b>
<p><b>ATCO.OR.B.045</b> Occurrence reporting</p>	<p>Occurrence reporting is the subject of other EC regulations. It has no place in a training and licensing regulation. An ANSP must report all occurrences anyway and it will be a very rare independent Training organisation that could create a safety impact. By including these provisions in a Training &amp; Licensing regulation it appears as if EASA is deviating from its</p>	<p>Delete this paragraph.</p>

	<p>'total system approach'. Indeed, items such as occurrence reporting, the definitions of Acceptable / Alternative Means of Compliance, ICAO location indicators or the flexibility provision should not be constantly duplicated across different regulations but stated once in the appropriate place. <u>The big risk is that of contradictory regulations.</u></p>	
--	---	--

response *Not accepted*

GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment 709 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes to delete ATCO.OR.B.045.  
Occurrence reporting requirements for ANSPs already exist in other regulations. As OJT will occur within a unit (ANSP / ATC provider) they will be covered by the ANSP certification. What is the added value of repeating the requirements here?

response *Not accepted*

GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment 766 comment by: *HungaroControl*

**ATCO.OR.B.045:**

	<p>Occurrence reporting</p> <p>Occurrence reporting requirements for ANSPs already exist in other regulations. We suggest to delete the whole paragarph.</p>
response	<p><i>Not accepted</i></p>
	<p>GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.</p>
comment	<p>1056 <span style="float: right;">comment by: IFATCA</span></p>



58	NPA 2012- 18  (BI)	<b>ATCO.OR.B.045 Occurrence reporting</b>	<b>ATCO.OR.B.045 Occurrence reporting</b>  (a) Training organisations providing on-the-job training shall report to the competent authority, and to any other organisation required by the State of the operator to be informed, any accident, serious incident and occurrence as defined in Regulation (EU) No 996/2010 and Directive 2003/42/EC.  (b) Reports shall be made as soon as practicable, but in any case within 72 hours of the training organisation identifying the condition to which the report relates, unless exceptional circumstances prevent this. (c) Where relevant, training organisations shall produce a follow up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. (d) Without prejudice to Regulation (EU) No 996/2010 and Directive 2003/42/EC, the reports referred in paragraph (a) to (c) shall be made in a form and manner established by the competent authority and contain all pertinent information about the condition known to the training organisation.	Delete and refer to the current proposal for the IR (EC COM 776 / 2012)
----	--------------------------------	---	---	---

response *Not accepted*

GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment 1090 comment by: Civil Aviation Authority Norway

Occurrence reporting is a air navigation service providers responsibility, and covered in other regulations.

response *Not accepted*

GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment 1198 comment by: NATS National Air Traffic Services Limited

ATCO.OR.B.045

Occurrence reporting requirements for ANSPs already exist in other regulations. As OJT will occur within a unit they will be covered by the ANSP certification which contains occurrence reporting. This repetition is unnecessary.

Suggest deletion of '**ATCO.OR.B.045**'

response *Not accepted*

GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment 1231 comment by: EUROCONTROL

ATCO.OR.B.045:

Training organisation providing OJT are ATC units, which are already under an obligation to report occurrences under EU 996/2010, Dir 2003/42/EC and EU 1035/2011 Annex II 3.1.2(g)

a) Does requirement (a) mean that the occurrence has to be reported twice, as ANSP and as training organisation?

b) Is the reporting requirement (in the case of a training organisation) only

	limited to occurrences involving training or any other occurrence? c) Is the ANSP internal occurrence investigation/analysis report accepted as complying with requirement (c)?
response	<i>Not accepted</i>
	GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment	1320 <span style="float: right;">comment by: ENAV</span>
	<b>ATCO.OR.B.045 Occurrence reporting</b> Comment: Occurrence reporting requirements for ANSPs already exist in other regulations. As OJT will occur within a unit (ANSP / ATC provider) they will be covered by the ANSP certification. What is the added value of repeating the requirements here?
response	<i>Not accepted</i>
	GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment	1341 <span style="float: right;">comment by: Avinor ANS</span>
	Unnecessary - methods for reporting are already established and approved by the service provider and the competent authority. The introduction of an additional reporting process is therefore unnecessary.
response	<i>Not accepted</i>
	GM is developed in order to clarify that the training organisation's report should focus on the occurrences related to the training activity and that reports can be combined.

comment	59	comment by: ENAC-FRANCE
	<p><b>ATCO.OR.C.001 Management system of training organisations</b></p> <p><u>Comment:</u>          These requirements represent a very demanding process and generate a heavy workload.          It will be time consuming and make heavy demands on ENAC resources.</p>	
response	Noted	

comment	144	comment by: CAA-NL
	<p><b>ATCO.OR.C.001</b></p> <p>We suggest to include the following point to allow some flexibility to the approved organisation in organising its management system related to its size and activities, in line with Part ora.          (b) The management system shall correspond to the size of the organisation and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities.</p>	
response	<p>Not accepted</p> <p>It is not possible to catalogue the size, nature and complexity of the training organisation. In any case, the competent authority is responsible for accepting the management system and its terms, since the granting of the certificate already implies this.</p>	

comment	411	comment by: NATS National Air Traffic Services Limited
	<p>ATCO.OR.C.001 Management system of training organisations</p> <p>Whilst it is understood that ideally the MS provisions for an ANSP across the various domains should be identical (except for sector specific differences) these requirements are significantly different to those currently proposed in draft rules for ATM/ANS. Given that training organisations could well be operated by ANSPs there is a need for a degree of consistency across the rules. There is a lack of consistent rules for ANSPs and Training Organisations on the same subject.</p> <p>MS provisions for Training Organisations should be aligned between OR requirements for this regulation and the existing and proposed ATM/ANS regulations.</p>	
response	<p>Noted</p> <p>The Agency agrees with the recommendation of a 'total system approach' suggested by the commentator. ATM/ATS regulations are under development</p>	

and the Agency fully supports the consistency between rules. For that purpose the comment is noted.

comment

483 ❖

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

*Noted*

The comment is not related to ATCO.OR.C.001.

comment

484 ❖

comment by: DSAC - French NSA

response	<p><u>Paragraph</u></p> <p>ATCO.OR.B.010 (d) (5)</p> <p>ATCO.OR.C.001 (e)</p> <p>AMC ATCO.OR.C.001 (e)</p> <p><u>Alternative proposal</u></p> <p>ATCO.OR.B.010 (d) (5)</p> <p>(5) a list of training <del>courses</del> <b>plan(s)</b> and/or service(s) provided;</p> <p><u>Justification</u></p> <p>The certificate of the training organisation shall refer to the unit training plan provided with all contained training courses.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> <li>- The link between unit training plans and unit training courses within the monitoring of the training organisations is not clear in the NPA.</li> </ul>
	<p><i>Noted</i></p> <p>The comment is not related to ATCO.OR.C.001.</p>

comment

596	comment by: <i>Maastricht UAC</i>	
<p><b>ATCO.OR.C.001 (c)</b> safety hazards</p>	<p>This will be done by the ANSP in its safety manual anyway. Not applicable for an independent training organisation. See comments on ATCO.OR.B.045 on the lack of a 'total system approach'.</p>	<p>Delete this paragraph.</p>

response *Not accepted*

The Agency agrees that there are different types of training organisations:

- (i) training organisations that are not necessarily part of the air navigation service providers, and
- (ii) training organisations providing unit or continuation training, which are mainly part of the air navigation service providers or air traffic service units.

The safety risk associated to the activities of the training organisations is therefore to be considered higher in the case of training organisations providing unit training, in particular when providing on-the-job training.

Taking into account this aspect, the proposed training organisation requirements are generally such that they can be applied to all training organisations and they are aligned with the concept foreseen in ICAO Annex 1 and also in the draft ICAO Annex 19.

comment 684

comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
ATCO.OR.C.001 (c) safety hazards	This will be done by the ANSP in its safety manual anyway. Not applicable for an independent training organisation. See comments on ATCO.OR.B.045 on the lack of a 'total system approach'.	Delete this paragraph.

response *Not accepted*

The Agency agrees that there are different types of training organisations:

- (i) training organisations that are not necessarily part of the air navigation service providers, and

(ii) training organisations providing unit or continuation training, which are mainly part of the air navigation service providers or air traffic service units.

The safety risk associated to the activities of the training organisations is therefore to be considered higher in the case of training organisations providing unit training, in particular when providing on-the-job training.

Taking into account this aspect, the proposed training organisation requirements are generally such that they can be applied to all training organisations and they are aligned with the concept foreseen in ICAO Annex 1 and also in the draft ICAO Annex 19.

comment

776

comment by: UK CAA

**Page No:** 52

**Paragraph No:** ATCO.OR.C.001

**Comment:** The UK CAA notes that management system requirements for organisations covered by the aircrew and operations regulations include a provision that the management system shall correspond to the size of the organisation and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities. There seems no reason not to include this in this set of requirements.

**Justification:** Consistency and clarity.

**Proposed Text:** Add (g) "The management system shall correspond to the size of the organisation and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities."

response

*Not accepted*

It is not possible to catalogue the size, nature and complexity of the training organisation. In any case, the competent authority is responsible for accepting the management system and its terms, since the granting of the certificate already implies this.

**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 — ATCO.OR.C.005 Contracted activities**

p. 52



comment

701

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.OR.C.005(b)	What does "under approval of the contracting training organisation" actually and practically means?	-

response

Accepted

The text is revised in order to clarify its meaning.

**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 – ATCO.OR.C.010 Personnel requirements** p. 52-53

comment

3

comment by: Stanislav Sharkovskis

Hello  
 In according to ATCO.D.055> TO shall establish a UTP for each ATC unit.  
 ATCO.OR.C.005 Allows Contracted activities or \*SUBCONTRACTORS\*.  
 My comment is: The \*SUBCONTRACTORS\* > Do they have to establish **an own UTP** and apply for the NSA approval or shall comply with the UTP presented by CONTRACTOR ? How the ATS unit may react to this uncertainty?

Proposal > **to exclude the Contracting activities from the DRAFT REGULATION.**

ATCO.OR.C.010 Personell requirements  
 .....the activities have sufficient insurance cover in accordance with the nature of the training provided.....

My comment is :  
 Please to clarify > What does it mean \*SUFFICIENT INSURANCE COVER\*?

**INSURANCE COVER for what kind of risks ? Insurance Cover, taking into account the following risk must be clearly defined. In my opinion it's a very serious liability issue when the TO falls into bankruptcy. Who shall refund the student's loses ?**

Proposal > all the risks shall be clearly defined.

With Respect  
Stanislav

response *Partially accepted*

The first comment is not related to ATCO.C.010. In any case, after analysing the legal aspects, and although it is known that the situation is not considered as 'usual', the Agency has concluded that the proposed text is appropriate. In relation to the insurance cover referenced in ATCO.OR.C.010, AMC is added and the Agency believes this will be helpful to better understand how to ensure sufficient insurance cover. A new provision on 'funding and insurances' is proposed.

comment 51 comment by: LFV

Ref ATCO.OR.C.010 (f)  
Since the basic rules only requires regular refresher training, the requirement on time spent in exercising the privileges should be deleted.

response *Accepted*

comment 89 comment by: LPS SR

<b>ATCO.OR.C.010 Personnel requirements (f)</b>	(f) Training organisations shall ensure that the STDI receive regular refresher training <del>define the minimum number of hours to work as STDI</del> in order to revalidate the STDI endorsement.	The Basic Regulation 216/2008 requires only refresher training to maintain their competence.  There is no requirement to exercise the privileges for a minimum number of hours.
---	---	---

response *Accepted*

comment 179 comment by: ENAC-FRANCE

**ATCO.OR.C.010 Personnel requirements**

(f) Training organisations shall **define the minimum number of hours to work as STDI** in order to revalidate the STDI endorsement.

**Comment:**

To be coherent with the comment on ATCO.C.040.

Comment on ATCO.C.040:

**ATCO.C.040****Validity of synthetic training device instructor endorsement**

(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.~~

The requirements stated in (2) and (3) are exceedingly demanding regarding requirements existing in the Basic Regulation Annex Vb 4) (g) (ii)

(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 basic requirement of a refresher course is enough to ascertain skills maintenance for practical instructors as there will not be a significant erosion of teaching skills when not exercising.

The new requirements formulated in § (2) and (3), would generate a huge amount of paperwork and organisation workload.

Furthermore as stated in AMC1 ATCO.C.095(a)(2) specifying the training of practical instructors, the refresher course completely fulfils the requirements for requirement for maintaining practical instructor competence.

**AMC1 ATCO.C.095(a)(2) Training of practical instructors****REFRESHER TRAINING ON PRACTICAL INSTRUCTIONAL SKILLS**

Refresher training on practical instructional skills should prevent knowledge and skills erosion, and for the training of STDIs it should be designed to maintain

awareness of the live operational environment.

**Proposal**

**ATCO.OR.C.010 Personnel requirements**

~~(f) Training organisations shall define the minimum number of hours to work as STDI in order to revalidate the STDI endorsement.~~

response *Accepted*

comment 267 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to ATCO.OR.C.010 (f)  
 (f) Training organisations shall ensure that the STDI receive regular refresher training ~~define the minimum number of hours to work as STDI in order to revalidate the STDI endorsement.~~

The BR only requires that the STDI receive regular refresher training in order to maintain their instructional competence. There is no requirement to exercise the privileges for a minimum number of hours.

response *Accepted*

comment 340 comment by: *skyguide Corporate Regulation Management*

**ATCO.OR.C.010 (f)**

(f) Training organisations shall ensure that the STDI receive regular refresher training ~~define the minimum number of hours to work as STDI in order to revalidate the STDI endorsement.~~

In line with the comments to ATCO.C.020, ATCO.C.040 and ATCO.C.060, as well as the comment to AMC ATCO.OR.C.010 (f) on the minimum number of hours, the BR only requires that the STDI receive regular refresher training in order to maintain their instructional competence. There is no requirement to exercise the privileges for a minimum number of hours.

response *Accepted*

comment 608 comment by: *DFS Deutsche Flugsicherung GmbH*

**ATCO.OR.C.010 (h)**

In consequence of our arguments on C.070 this article should be removed.

response *Partially accepted*

The subject provision is removed. The requirements are reformulated and included in the assessor's privileges.

comment 702

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
ATCO.OR.C.010(f)	The minimum number of hours should be established in this same regulation	This will set a minimo-minimorum value in order to ensure a basic safety level and avoid divergence between procedures for the revalidation of STDI endorsements in the different FABs / States and facilitates the smooth circulation of staff within Europe

response *Not accepted*

The text is revised and the reference to the minimum number of hours to work as STDI has been removed. The new proposal refers now to the successful completion of refresher training.

comment 775

comment by: HungaroControl

**ATCO.OR.C.010 Personnel requirements (f):**  
 (f) Training organisations shall **ensure that the STDI receive regular refresher training** define the minimum number of hours to work as STDI in order to revalidate the STDI endorsement.

The BR only requires that the STDI receive regular refresher training in order to maintain their instructional competence.

response *Accepted*

comment	1232	comment by: EUROCONTROL
	<p>ATCO.OR.C.010: AMC to indicate that insurance coverage in a combined certificate according to ATCO.AR.E.001 (d) could also be the insurance coverage of the air navigation service provider.</p>	
response	<p><i>Not accepted</i></p> <p>Training organisations should comply with the provisions regarding the insurance coverage. The provisions do not prevent the training organisation from using the insurance coverage of the air navigation service provider as long as all the elements and activities are adequately covered. Therefore, the Agency believes that no AMC is needed in this regard.</p>	

comment	1296	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
	<p><b>ATCO.OR.C.010 (a)</b> – Request some GM to be provided to what “sufficient insurance cover” is.</p>	
response	<p><i>Accepted</i></p> <p>AMC is added and the Agency believes this will be helpful to better understand how to ensure sufficient insurance cover. A new provision on ‘funding and insurances’ is proposed.</p>	

comment	1323	comment by: ENAV
	<p><b>ATCO.OR.C.010 Personnel requirements (f)</b> Training organisations shall ensure that the STDI receive regular refresher training <del>define the minimum number of hours to work as STDI</del> in order to revalidate the STDI endorsement.</p> <p>Comment: The BR only requires that the STDI receive regular refresher training in order to maintain their instructional competence. There is no requirement to exercise the privileges for a minimum number of hours.</p>	
response	<p><i>Accepted</i></p>	

comment 341 comment by: *skyguide Corporate Regulation Management*

**ATCO.OR.C.015 (b)**  
 ...exactly the same information as the person undertaking OJT and **the** means to intervene immediately ~~when circumstances require so~~.  
 Grammatical: (the)

The phrase "when circumstances require so" does not bring any added value as one of the tasks of the OJTI is to intervene when circumstances so require, in any case. Suggest deleting.

response *Accepted*

comment 615 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to ATCO OR.C.015 (b):  
 ...*exactly the same information as the person undertaking OJT and **the** means to intervene immediately ~~when circumstances require so~~*.  
 CANSO proposes a grammatical change (the).

The phrase "when circumstances require so" does not bring any added value. CANSO suggests deleting.

response *Accepted*

comment 703 comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
ATCO.OR.C.015(c)	The specifications and requirements which the STD has to comply with should be defined in this regulation	A common set of requirements has to be established within the regulation in order to ensure a common understanding and avoid divergence between STD throughout the different FABs / States in order to facilitate the smooth circulation of instructors within Europe

response *Not accepted*

Specifications for STDs are not within the scope of this draft Regulation since Regulation (EC) No 216/2008 does not foresee the development of such requirements.

comment 1200 comment by: NATS National Air Traffic Services Limited

ATCO.OR.C.015(b)  
Grammatical correction requires the addition of 'the' to the paragraph. The phrase 'when circumstances require so' does not bring any added value. Suggest deleting.  
Suggested amendment:

**'(b) If practical training takes place at an operational position with live air traffic, the instructor shall have exactly the same information as the person undertaking OJT and the means to intervene immediately.'**

response Accepted

comment 1324 comment by: ENAV

**ATCO.OR.C.015(b)** ...exactly the same information as the person undertaking OJT and the means to intervene immediately ~~when circumstances require so~~.  
Comment:  
Grammatical (the)

The phrase "when circumstances require so" does not bring any added value. Suggest deleting.

response Accepted

**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 — ATCO.OR.C.020 Record-keeping**

p. 53

comment 342 comment by: skyguide Corporate Regulation Management

**ATCO.OR.C.020 (c)**  
The records required by (a) and (b) shall be retained for a minimum period of five years subject to the applicable data protection law  
Reference to ATCO.AR.B.015(c). This provision should be subject to the data



response protection laws of each country.  
Accepted

comment 616 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO proposes the following change to ATCO .OR.C.020 (c):  
*The records required by (a) and (b) shall be retained for a minimum period of five years*  
*subject to the applicable national data protection law*  
 As in ATCO.AR.B.015(c), this provision should also be subject to the data protection laws of each country.

response Accepted

comment 779 comment by: *HungaroControl*

**ATCO.OR.C.020(c):**  
 The records required by (a) and (b) shall be retained for a minimum period of five years  
**subject to the applicable national data protection law**  
 This provision should be subject to the data protection laws of each country.

response Accepted

comment 810 comment by: *AESA / DSANA*

Reference:	Quote/Proposal	Comment/Remark (Reason for comment)
<a href="#">ATCO.OR.C.025</a> Funding and insurances	<p>Training organizations shall demonstrate that sufficient funding is available to conduct the training ensuring its continuity. For this purpose, training organizations shall:</p> <p>b) present an economic study to identify the minimum coverage required to ensure the organization's liability for the activities</p> <p>c) accredit that there is an insurance with an</p>	<p>Necessity to establish requirements related to economic aspects of the TO. Students pay a lot of money for these courses, and they should therefore be protected from hypothetical fraud.</p>

	<p>insurance company duly registered with the minimum coverage established, taking into account economical amounts and prices of the courses, where applicable.</p>	
--	---	--

response *Partially accepted*

A new provision on funding and insurance is introduced, based on the approach suggested by the NPA. Regarding the proposal made by the commentator the Agency believes that it is too prescriptive; however, certain elements are considered as AMC.

comment 828

comment by: *NATS National Air Traffic Services Limited*

ATCO.OR.C.020 (c) Record-keeping

Paragraph (c) states: 'The records required by (a) and (b) shall be retained for a minimum period of five years'. This is considered excessive for some training organisations and a period of two years would be more appropriate. As in ATCO.AR.B.015(c), this provision should also be subject to the data protection laws of each country. This introduces an additional cost of retention of records. Suggested amendment:

**'The records required by (a) and (b) shall be retained for a minimum period of two years subject to the applicable national data protection law.'**

response *Partially accepted*

The text is modified to include the reference to the 'applicable national data protection law', but the Agency considers appropriate the minimum period of time the records shall be retained.

comment 1327

comment by: *ENAV*

**ATCO.OR.C.020 (c)**

The records required by (a) and (b) shall be retained for a minimum period of five years

subject to the applicable national data protection law

Comment: As in ATCO.AR.B.015(c), this provision should also be subject to the

	data protection laws of each country
response	<i>Accepted</i>


<p><b>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 – ATCO.OR.D.001 Requirements for training courses, training plans and unit competence schemes</b></p>	<p>p. 54</p>
---	--------------

comment	<p>1233 <span style="float: right;">comment by: EUROCONTROL</span></p> <p>The title of the article and the content do not match, remove <i>unit competence schemes</i> from title</p>
response	<i>Accepted</i>

## 2. Extracts of resulting text

For the extracts of the resulting text please refer to **Annex B.I(b)** published at <http://easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>

### 3. Appendix A – Attachments

 [IFATCA Comments on NPA2012-18 ATCO Lic PUBLISHED 130428.pdf](#)

Attachment #1 to comment [#1059](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #2 to comment [#829](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #3 to comment [#830](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #4 to comment [#833](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #5 to comment [#831](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #6 to comment [#832](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #7 to comment [#834](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #8 to comment [#835](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #9 to comment [#836](#)

 [bn\\_23juin12\\_projet\\_d\\_amc\\_sur\\_la\\_formation\\_a\\_la\\_langue\\_anglaise.pdf](#)

Attachment #10 to comment [#868](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #11 to comment [#837](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #12 to comment [#839](#)

 [FABEC UTG ATCO Competence Model v1 1 released \(2\).pdf](#)

Attachment #13 to comment [#122](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #14 to comment [#840](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #15 to comment [#841](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #16 to comment [#843](#)

 [EASA NPA 2012-18 ATCEUC Comments finaldocx.pdf](#)

Attachment #17 to comment [#842](#)