



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

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Licensing and medical certification of air traffic controllers  
(Regulatory Impact Assessment)

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

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## 1. Individual comments and responses

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

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

### (General Comments)

-

comment 28

comment by: SWISS AERODROMES ASSOCIATION

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

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

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

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

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

response

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

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

Noted

Loss of flexibility and proportionality issue:

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

Surveillance Rating System and proportionality issue:

The Regulatory Impact Assessment (RIA) recognised a negative impact for small ANSP but, overall, the economic impacts are neutral.

Proportionality and economic issues:

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

General review of RIA:

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

comment

29

comment by: *Luca Valerio Falessi*

	<p>The Regulatory Impact Assessment does not allow to measure the impact of the new regulation over the activities of Competent Authorities</p> <p>Justification The RIA does not include any serious estimate of the variation of workload over Competent Authorities.</p> <p>Therefore it is impossible to understand the real impact over the oversight procedures and the need for new inspectors and clerical personnel.</p> <p>An estimate of how much work is needed to oversight a licence according to the new procedures (expressed in FTE) should be produced by EASA.</p>
response	<p><i>Noted</i></p> <p>On a general basis, pending more information from ANSPs and competent authorities regarding their current national legislative framework and quantitative information on the specific impacts envisaged by them, the identified impacts are deemed to be valid. With the period of transition established by NPA 2012-18, it is foreseen that the potential additional costs would be smoothly introduced and balanced with other positive aspects, like better working conditions through harmonised requirements (e.g. training requirements), wider basis to support ATCO mobility and to the recognition of licences, thanks to this regulatory harmonisation.</p> <p>Unless more precise and significant information would be given, especially on the impact foreseen by the commentator on aerodromes and aerodrome operators, a general review of the RIA cannot be undertaken.</p>

**EXECUTIVE SUMMARY**

p. 4-12

comment

1

comment by: ENAC-FRANCE

**Change of the surveillance rating system:****Comment:**

ENAC supports option 2: integrated surveillance ratings.

Integrated surveillance ratings also correspond to the work completed on the Common Core Content for initial training.

**Approach to initial training-transposition of the common core content:****Comment:**

ENAC understands the position of EASA about option 2b) dynamic referencing.

However, one single document that could be updated regularly by training organisations, ANSP and competent authorities experts would have been a more efficient solution.

Option 2a) would have been an intermediate solution to guarantee that training organisations, ANSP and competent authorities experts participate in the updating of the documents that will be in the AMC.

The option 1 would be acceptable if:

	<ul style="list-style-type: none"> <li>• Subject objectives, topics and sub topics are transferred into the AMC in order to be coordinated with the updating of the objectives. ENAC suggests that only subjects remain in the IR.</li> <li>• EASA guarantees that training organisations, ANSP and competent authorities are involved through their experts in the updating process of initial training objectives.</li> <li>• The objective of having a timely review and update of initial training content is respected.</li> </ul>
response	<p><i>Noted</i></p> <p>1) Change of the surveillance rating system The support expressed is noted.</p> <p>2) Approach to initial training – transposition of the common core content The rationale and the methodology adopted for the transposition of the EUROCONTROL Specification for the ATCO CCC, Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency has decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> <li>• Subjects, topics and sub-topics are transposed into Implementing Rules;</li> <li>• Subject objectives and training objectives are transposed into AMCs. The AMCs now include also the subjects, topics and sub-topics 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 comments from 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 hold and maintain such detailed knowledge and experience on 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 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 on the activity.</p>
comment	<p>7                      comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>Holistic regulatory approach Comment This "holistic regulatory approach" should be defined.</p>

response

*Noted*

The term 'holistic regulatory approach' is used according to its commonly known and accepted meaning and it refers to an approach looking at a system where its different parts cannot be fully understood by solely looking at each of them, but on the contrary by understanding how they work together.

comment

8

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

The oversight of competent authorities by EASA cannot bring the expected safety benefits without further detailed rules.

Comment :

No regulatory impact assessment have been carried out by EASA concerning the impact of the new ATCO regulation on financial and staffing resources of competent authorities.

However, many of new detailed rules abovementioned competent authorities are expected to comply with constitute a supplementary administrative burden with no particular justification as regard of safety concerns

DGAC FR requests a supplementary regulatory impact assessment concerning the impact of the NPA ATCO on financial and human resources of competent authorities.

response

*Noted*

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

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

comment

9

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

"Total system approach"

Comment :

This concept should be defined.

response

*Noted*

The total system approach is based on the fact that the aviation system components – products, operators, crews, and aerodromes, ATM, ANS, on the ground or in the air - are part of a single network. Uniformity is achieved by common implementing rules adopted by the Commission. The 'total system approach' eliminates the risk of safety gaps or overlaps, and seeks to avoid

conflicting requirements and confused responsibilities. Regulations are interpreted and applied in a standardised manner and best practices are provided. At the same time, uniformity means to protect citizens and to provide a level playing field for the functioning of the internal market. Furthermore, it will allow for the realisation of increased interoperability of products and services. The 'total system approach' also streamlines the certification processes and reduces the burden on regulated persons and organisations. The above description of the concept can be found under <http://www.easa.europa.eu/atm/total-system-approach.html>.

comment

10

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

The oversight of competent authorities by EASA cannot bring the expected safety benefits without further detailed rules.

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No regulatory impact assessemnt have been carried out by EASA concerning the impact of the new ATCO regulation on financial and staffing ressources of competent authorities.

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

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

### 3 OVERVIEW OF THE ISSUES, OBJECTIVES AND OPTIONS

p. 18-27

comment

17

comment by: *DSAC - French NSA*

Paragraph

Explanatory note §53

ATCO.B.020 (c)

Risk Impact Assessment §3.1



	<p><u>Alternative 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 and shall correlate to the frequency of the assessments.</p> <p><u>Justification</u>  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.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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</li> <li>- 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.</li> </ul>
response	<p><i>Accepted</i></p> <p>The alternative proposal proposed by the commentator is in line with the Agency's proposal.</p>
comment	<p>18 <span style="float: right;">comment by: DSAC - French NSA</span></p>
	<p><u>Paragraph</u>  Explanatory note §59  ATCO.B.030 (d)  Risk Impact Assessment §3.1</p> <p><u>Comment</u>  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.</p> <p><u>Alternative 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 and shall correlate to the frequency of the assessments.</p> <p><u>Justification</u>  - 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.</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- 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.</li> </ul>
response	<p><i>Accepted</i></p> <p>The alternative proposal proposed by the commentator is in line with the Agency's proposal.</p>

comment	<p>19</p> <p style="text-align: right;">comment by: <i>DSAC - French NSA</i></p> <p><u>Paragraph</u> Explanatory note §59 ATCO.B.030 (d) Risk Impact Assessment §3.1 <u>Alternative proposal</u> (d) Notwithstanding paragraph (b), extended level (level five) of the language proficiency rating scale set out in Appendix 2 to this Regulation may be required by the air navigation service provider, where the operational circumstances of the particular rating or endorsement warrant a higher level for imperative reasons of safety. Such a requirement shall be non-discriminatory, proportionate, transparent, and objectively justified by the air navigation service provider wishing to apply the higher level of proficiency and shall be approved by the competent authority. <u>Justification</u> The option to have a language level higher than level 4 is not used today but if needed in the future, the option should remain in the regulation. - This option is not used today in France. - It would be more difficult to address the need of a higher level without this provision in the regulation if it arises in the future.</p>
response	<p><i>Accepted</i></p>

comment	<p>26</p> <p style="text-align: right;">comment by: <i>UK CAA</i></p> <p><b>Page No:</b> 21 <b>Paragraph No:</b> Table 3 <b>Comment:</b> This table only takes into account En-route ANSPs as reported in State SES reports. <b>Justification:</b> The table does not provide the complete picture as it is only representative of about half of the UK ATCO population that is affected by this NPA. <b>Proposed Text:</b> The RIA should use complete EU figures not just those related to SES which is primarily centred on En-Route Service provision.</p>
response	<p><i>Noted</i></p> <p>The Agency gathered information on the subject via a questionnaire sent to AGNA and SSCC on 8 June 2012 (reference MAR/nan/R(5.1) 2012(D)51779). The table has been established based on the aggregate information and data received from the various Member States, which, unfortunately, was not complete.</p>

comment	<p>30</p> <p style="text-align: right;">comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p><u>Paragraph</u> Explanatory note §45 ATCO.B.001 (b)</p>
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Risk impact assessment §3.1

Alternative proposal

Option A

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

(1) be at least 18 years old;

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

(3) hold a valid medical certificate;

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

Option B

(1) be at least 18 years old;

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

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

(4) hold a valid medical certificate;

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

Justification

The chosen option is A

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

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

response

*Accepted*

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, set out educational or similar requirements, meeting which could serve as a prerequisite towards commencing air traffic controller training.

**7 ASSESSMENT OF LANGUAGE PROFICIENCY**

p. 51-59

comment

3

comment by: *skyguide Corporate Regulation Management*

**Option 0**

	<p>(or option 1 if only for <b>English</b>)                  Option 1 — Establish a validity period for expert level language proficiency                  Option 1 establishes a validity period for the expert level (level 6) language proficiency and requires revalidation at intervals higher in proportion compared to lower proficiency levels.                  Suggest a re-wording of the IR such as:  <b>ATCO.B.035 Validity of language proficiency endorsement</b>                  (a) The validity of the language proficiency endorsement shall be:                  (3) ..., for English language proficiency, 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>Reason for comment</b>                  Level 6 testing makes sense only for English, not for the national languages as English is the aviation language and the only one that is “exported” outside its country of use. There is therefore a risk of erosion, even for a level 6 expert speaker. The original proposal in ATM003 was for English only and a misunderstanding of the status of the languages, as well as an erroneous drive for equality, led to making this requirement for all languages.</p>
response	<p><i>Accepted</i></p> <p>Following the proposal of the majority of the commentators, the Agency proposes to reduce the 9 years revalidation requirement for level 6 language proficiency for the English language only, and thus, exempt the local or national languages from this requirement.</p>
comment	<p>11 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u>                  7 assessment of language proficiency                  7.2 who is affected ?  <u>Comment</u>                  The risk impact assessment doesn't analyse the number of traffic controllers regarding the local language proficiency level. The number given focus only on the English proficiency level.  <u>Alternative proposal</u>                  Add in the risk impact assessment the number of controller with an expert level in the local language , French in France                  level 4 : 0                  level 5 : 0                  level 6 : 4712  <u>Justification</u>                  The quantitative analysis made in the risk impact assessment focuses only on the expert level in English but the change in the regulation concerning the validity of the language endorsement for expert level concerns also the local language in France.</p>
response	<p><i>Noted</i></p> <p>Following the proposal of the majority of the commentators, the Agency proposes to reduce the 9 years revalidation requirement for level 6 language proficiency for the English language only, and thus, exempt the local or national languages from this requirement.</p>

comment	<p>12 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u> 7 assessment of language proficiency 7.2 who is affected ?</p> <p><u>Comment</u> The risk impact assessment doesn't analyse the number of traffic controllers regarding the local language proficiency level. The number given focus only on the English proficiency level. Furthermore, table n°7 on age distribution of level 6 – proficient air traffic controllers in France is misleading as all data given before concern the English proficiency level. In France, there are only 2 controllers with a level 6 in English and the two of them can't be physically distributed within 5 age category.</p> <p><u>Alternative proposal</u> Add in the risk impact assessment the number of controller with an expert level in the local language , French in France level 4 : 0 level 5 : 0 level 6 : 4712</p> <p><u>Justification</u> The quantitative analysis made in the risk impact assessment focuses only on the expert level in English but the change in the regulation concerning the validity of the language endorsement for expert level concerns also the local language in France.</p>
response	<p>Noted</p> <p>Following the proposal of the majority of the commentators, the Agency proposes to reduce the 9 years revalidation requirement for level 6 language proficiency for the English language only, and thus, exempt the local or national languages from this requirement.</p>
comment	<p>13 <span style="float: right;">comment by: DSAC - French NSA</span></p> <p><u>Paragraph</u> 7 assessment of language proficiency 7.6 analysis of impacts Social impact</p> <p><u>Comment</u> The social impact of the 2 options analysed for the risk impact assessment doesn't take into account the social impact regarding the local language regarding the regular assessment of level 6.</p> <p><u>Alternative proposal</u> Regarding the social impact of local language for French in France, the impact will be more severely felt by controllers who are at the moment all native speakers and who are proficient in technical language through their training made in the local language and their everyday working environment (pilot clearances, briefings, operational notes, continuous training, ...) make them use on a day to day basis their local language at the expert level. Furthermore, there expert level in the local language can't be considered as a</p>

	<p>basis for their mobility as air traffic controllers as for local language, few countries use French as operational language on the frequency.</p> <p><u>Justification</u> The impact of the regular assessment of the local language at expert level was highly underestimated in the risk impact assessment compared to the impact of this regular assessment at expert language for English.</p>
response	<p><i>Noted</i></p> <p>Following the proposal of the majority of the commentators, the Agency proposes to reduce the 9 years revalidation requirement for level 6 language proficiency for the English language only, and thus, exempt the local or national languages from this requirement.</p>

comment	<p>14 <span style="float: right;">comment by: DSAC - French NSA</span></p>
	<p><u>Paragraph</u> 7 assessment of language proficiency 7.6 analysis of impacts Economic impact</p> <p><u>Comment</u> The risk impact assessment underestimates the cost of creating from scratch a regular assessment for 4700 French controllers to be assessed every nine years.</p> <p><u>Alternative proposal</u> The risk impact assessment should analyse the true impact on cost for the local language of the assessment every 9 years for 4700 native speaker French controllers as this assessment doesn't exist today. The assessment should evaluate the cost impact of : - the actual assessment (staff, equipment, assessment material) - the added constraint on the unit roster : unavailability of controllers for this assessment and need to compensate the absence of these controllers during their assessment</p> <p><u>Justification</u> The impact on costs of the regular assessment of the local language at expert level was underestimated in the risk impact assessment compared to the impact of this regular assessment at expert language for English.</p>
response	<p><i>Noted</i></p> <p>Following the proposal of the majority of the commentators, the Agency proposes to reduce the 9 years revalidation requirement for level 6 language proficiency for the English language only, and thus, exempt the local or national languages from this requirement.</p>

comment	<p>20 <span style="float: right;">comment by: ENAC-FRANCE</span></p>
	<p><b><i>In NPA 2012-18 (C) Regulatory Impact Assessment</i></b> <b>7 ASSESSMENT OF LANGUAGE PROFICIENCY</b> <u>Comment:</u></p>

**In 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.**

**Moreover 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.**

**Renewing their level 6 every 9 years would be costly and unnecessary.**

**Proposal:**

Come back to unlimited validity for language proficiency level 6.

response

Not accepted

Following the proposal of the majority of the commentators, the Agency proposes to reduce the 9 years revalidation requirement for level 6 language proficiency for the English language only, and thus, exempt the local or national languages from this requirement.

The Agency agrees that table 5 in the RIA does not take into account the English native speakers.

**9 APPROACH TO INITIAL TRAINING – TRANSPOSITION OF THE COMMON CORE CONTENT (CCC)**

p. 65-81

comment

4

comment by: skyguide Corporate Regulation Management

**Option 2b): dynamic referencing****Reason for comment**

The explanations given in the RIA are not correct, and there are some political implications involved in this issue. From a purely training and operational point of view as well as the aim of the document, transposing a training document into legislation makes no sense on many counts. These arguments have been

	<p>presented and documentation exists upon request. Furthermore, the drive towards lowering costs is in contradiction with transposition which will induce a substantial cost factor to initial training organisations</p>
response	<p><i>Noted</i></p> <p>The rationale and the methodology adopted for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency has decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> <li>• Subjects, topics and sub-topics are transposed into Implementing Rules;</li> <li>• Subject objectives and training objectives are transposed into AMCs. The AMCs now include also the subjects, topics and sub-topics 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 comments from stakeholders.</li> </ul> <p>The statements in the comment are not supported by evidence. The RIA concluded that the proposed option is the most efficient from both the regulatory and economic point of view.</p>

comment	<p>5 <i>comment by: skyguide Corporate Regulation Management</i></p> <p>The explanations given in the RIA are not correct, and there are some political implications involved in this issue. From a purely training and operational point of view as well as the aim of the document, transposing a training document into legislation makes no sense on many counts. These arguments have been presented and documentation exists upon request. Furthermore, the drive towards lowering costs is in contradiction with transposition which will induce a substantial cost factor to initial training organisations</p>
response	<p><i>Noted</i></p> <p>The rationale and the methodology adopted for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency has decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> <li>• Subjects, topics and sub-topics are transposed into Implementing Rules;</li> <li>• Subject objectives and training objectives are transposed into AMCs. The AMCs now include also the subjects, topics and sub-topics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach, the entire Common Core</li> </ul>



Content is available in a single source document, in order to facilitate its reading and its implementation, as requested by several comments from stakeholders.

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

comment 27

comment by: *swissatca*

Dynamic referencing is the preferred option. Legal certainty is not ensured by transposing the EUROCONTROL Specification Common Core Content (CCC). On the contrary, it adds legal uncertainty as there may be Alternate Means of Compliance, rather than just one possibility. The transposition of a training document, which needs to live and be updated rapidly to take into account the changes in the training environment, makes no sense. Furthermore, the drive towards lowering costs is in contradiction with transposition which will induce a substantial cost factor to initial training organisations.

response *Noted*

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

- Subjects, topics and sub-topics are transposed into Implementing Rules;
- Subject objectives and training objectives are transposed into AMCs. The AMCs now include also the subjects, topics and sub-topics 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 comments from 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 provisions included in the associated implementing rules.

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

comment	31	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Table 10 Comment / Issue / Suggestion: Preferred Option: Option 2 integrated surveillance ratings Justification: future proof</p>	
response	<i>Noted</i>	
	The comment matches the preferred option from the RIA point of view.	

comment	32	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Table 10 Comment / Issue / Suggestion: Preferred Option: Option 2 flexible system adapted to the diversity of ATC units Justification: future proof</p>	
response	<i>Noted</i>	
	The comment matches the preferred option from the RIA point of view.	

comment	33	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Table 10 Comment / Issue / Suggestion: Preferred Option: Option 0 or Option 1 if for English only Justification: Where there is a risk for language erosion for a level 6 speaker throughout Europe (except the UK and Ireland) as the environmental language is not English this is not the case for local languages, as in almost all cases the environmental language will be the local language and the risk of erosion is virtually nil. It therefore makes sense to test English on a regular basis for any level speaker, but not local languages. Furthermore, the administrative burden and cost of developing and implementing local language tests to a level 6 is not justified by the negligible safety impact.</p>	
response	<i>Accepted</i>	
	Following the proposal of the majority of the commentators, the Agency proposes to reduce the 9 years revalidation requirement for level 6 language proficiency for the English language only, and thus, exempt the local or national languages from this requirement.	

comment	34	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Table 10 Comment / Issue / Suggestion: Preferred Option: partly Option 1 Justification: consistency</p>	
response	<i>Noted</i>	
	<p>The comment matches the preferred option from the RIA point of view. The word 'partly' cannot be understood due to lack of explanations in the comment.</p>	

comment	35	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: Table 10 Comment / Issue / Suggestion: Preferred Option: Option 2b dynamic referencing Justification: this ensures legal certainty by not allowing for differences through alternative means of compliance, thereby guaranteeing harmonised and uniform initial training. This then establishes clarity for the mutual recognition of licences and allows for the timely review of the training content.</p>	
response	<i>Noted</i>	
	<p>The rationale and the methodology adopted for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency has decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> <li>• Subjects, topics and sub-topics are transposed into Implementing Rules;</li> <li>• Subject objectives and training objectives are transposed into AMCs. The AMCs now include also the subjects, topics and sub-topics 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 comments from stakeholders.</li> </ul> <p>It is recalled that the approval of alternative means of compliance needs to be duly justified by the competent authority and shall meet the requirements established by the EASA Basic Regulation and provisions included in the associated implementing rules.</p> <p>The statements in the comment are not supported by evidence. The RIA concluded that the proposed option is the most efficient from both the</p>	

regulatory and economic point of view.

comment

36

comment by: *Federal Office of Civil Aviation FOCA*

Article:

Table 10

Comment / Issue / Suggestion:

Preferred Option: partly Option 2

Justification:

Where it is agreed that AMC and GM is useful and should be developed, care should be taken that it will be done incorporating the expert views of all stakeholders. A group of experts representing the different entities would be the preferred way forward.

response

*Noted*

The comment matches the preferred option from RIA point of view.

The Agency's rulemaking process requires to gather the expert views of all stakeholders when developing/amending rules.