



European Aviation Safety Agency

NOTICE OF PROPOSED AMENDMENT

NPA 2012-18 (A)

RMT.0153 & RMT.0154 (ATM.003(a)&(b))

**Licensing and medical certification
of air traffic controllers**

NPA 2012-18 (A)

Explanatory Note

EXECUTIVE SUMMARY

The subject Notice of Proposed Amendment (NPA) addresses the issue of licensing and medical certification of air traffic controllers and proposes detailed requirements, accompanied by Acceptable Means of Compliance and Guidance Material where necessary, for all aspects governing the access to this safety-related aviation profession, as well as for exercising the privileges granted by the air traffic controller licence.

The proposed rule in this NPA aims at filling the gaps between the safety objectives in the relevant essential requirements of Regulation (EC) No 216/2008 and the currently applicable Regulation (EU) No 805/2011, which although already started the implementation of the said essential requirements, it did not accomplish this task completely. Also, many proposals at comitology level could not yet be considered due to the limited nature of the past rulemaking. Furthermore, the proposed draft Regulation aims at establishing and implementing common training standards for air traffic controllers, which is a key factor to facilitate Europe-wide recognition of licences and the mobility of air traffic controllers, as well as to enhance further harmonisation and the necessary integration at FAB level. The draft proposal is seeking to establish the highest level of synergies within the activities of aero-medical examiners and aero-medical centres concerning the medical certification of flight crew and air traffic controllers, and provides a clear framework for the activities of air traffic controller training organisations, irrespective of whether they are providing initial training only or on-the-job training as well. When introducing changes to the technical requirements, namely in the system of ratings and rating endorsements, the draft proposal is aiming at facilitating and accommodating future developments by providing for a technology-independent framework for surveillance.

During the preparation of this NPA EASA benefited from the extensive experience provided by the ATM.003 Rulemaking Group experts and by other international organisations, such as EUROCONTROL and ICAO, which helped EASA establish a sound and consolidated draft Regulation, incorporating and also restructuring the relevant requirements of Regulation (EU) No 805/2011 and extending them also to some areas that have not been regulated at European Union level. A detailed regulatory impact assessment focusing on the major changes compared to the current regulatory environment and analysing the possible options and their impacts is attached to this NPA.

EASA believes that the structure of the draft proposals enables stakeholders to better identify the requirements applicable to them as well as their interaction with other aspects of the licensing and medical certification of air traffic controllers. Following the cover Regulation, the draft rule contains four chapters, each of them dedicated to a given subject. Annex I, Part-ATCO, defines now not only the licensing but also the qualification and training requirements for air traffic controllers. Annex II, Part ATCO-AR, contains the relevant administrative requirements from the perspective of the competent authorities. Annex III, Part ATCO-OR, defines the requirements applicable to air traffic controller training organisations from the perspective of their organisational set-up. Annex IV, Part ATCO-MED, establishes the necessary requirements for the medical certification of air traffic controllers and for the training of aero-medical examiners.

Although this proposal covers fully the regulatory needs arising from Regulation (EC) No 216/2008, there is a number of issues where EASA wishes to use this NPA to collect further information from stakeholders to better understand the regulated environment as well as the regulatory needs. Stakeholders are therefore invited to provide their comments and views on the proposed approaches, as well as their answers and preferences to the questions posed.

Following the evaluation of the comments and the applicable rulemaking procedure EASA will propose an Opinion for a Commission Regulation on the subject.

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A. Explanatory Note

I. Introduction

1. The continuous growth of aviation in Europe is challenging, in particular regarding the key safety factors of aerodromes and ATM/ANS. Therefore, necessary risk mitigation measures need to be established to ensure safety through a harmonised, holistic regulatory approach across the Member States.
2. Regulation (EC) No 216/2008¹ (hereafter referred to as the 'Basic Regulation') as amended by Regulation (EC) No 1108/2009² establishes an appropriate and comprehensive framework for the definition and implementation of common technical requirements and administrative procedures in the field of civil aviation. Directive 2006/23/EC of the European Parliament and of the Council on a Community air traffic controller licence³ has therefore been repealed, without prejudice to the certification or licensing of persons and organisations already carried out in accordance with that directive. The Basic Regulation empowers the Commission to adopt Implementing Rules for air traffic controller licensing and associated approvals, which shall reflect the state of the art, including best practices and scientific and technical progress, in the field of air traffic controller training. Furthermore, the Basic Regulation requires that Implementing Rules be initially developed on the basis of the provisions of Directive 2006/23/EC.
3. On 28 May 2010 the European Aviation Safety Agency (hereafter referred to as the 'Agency') issued Opinion No 03/2010 for a Commission Regulation (EU) No .../... laying down Implementing Rules for the licensing and medical certification of air traffic controllers, which resulted in the adoption of Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008⁴.
4. As it has been explained in Chapter II of that Opinion, the rulemaking process followed by the Agency has not been fully in accordance with the above-mentioned terms of reference. Both the process and the content of that Opinion have been adapted to the decision taken by the 33rd meeting of the Single European Sky committee held on 3–4 December 2009 and outlined in the subsequent letter⁵ of the European Commission addressed to the Agency by further defining the 'fast track' process for the accelerated transposition of the already existing rules, inter alia Directive 2006/23/EC.
5. It has been highlighted that Opinion No 03/2010 only covered the transposition of the above-mentioned directive with only minimal technical updates. Due to this restrictive approach the content of that Opinion represented only the first stage of the two-stage process, while the complete implementation of the requirements stemming from the Basic Regulation and full compliance with the essential requirements listed in Annex Vb to that Regulation are only established at this stage.
6. This NPA is aiming at fulfilling the relevant essential requirements set out in Annex Vb to the Basic Regulation. While building on previous achievements and existing EU regulatory

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

² Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC (OJ L 309, 24.11.2009, p. 51).

³ OJ L 114, 27.4.2006, p. 22.

⁴ OJ L 206, 11.8.2011, p. 21.

⁵ TREN F2/JP/sr D(2009) 74614, dated 9 December 2009.

requirements this proposed draft Regulation repeals and replaces Regulation (EU) No 805/2011.

II. Scope

7. The scope of this rulemaking activity is outlined in the Terms of Reference (ToR) ATM.003⁶ 'Extension of the EASA system to safety regulation of Air Traffic Management (ATM) and Air Navigation Services (ANS) — development of rules on Air Traffic Controller licensing' which, following appropriate consultation, have been published on the Agency's website.
8. The ToR have been amended after the Agency has issued the Opinion No 03/2010 referred above in order to better reflect the phased approach.

III. Process

9. The Agency developed this Notice of Proposed Amendment (NPA) in line with Regulation (EC) No 216/2008⁷ and the Rulemaking Procedure established by the EASA Management Board⁸.

This rulemaking activity is included in the Agency's Rulemaking Programme for 2013–2016, and its task number is RMT.0153 & RMT.154 (ATM.003(a)&(b)).

10. The work has been carried out by a rulemaking group established by the Agency. The composition of the rulemaking group has been defined based on the rulemaking procedure of the Agency with the aim to reflect the complexity of the task, the necessary expertise, and stakeholders potentially affected by the work. In addition the Agency also involved complementary ad hoc expertise for certain subject matters, such as the establishment of the ATCO medical requirements. The requirements for competent authorities have initially been developed by an ad hoc group composed by experts of the ATM.003⁹ and ATM.004¹⁰ rulemaking tasks to ensure sufficient expertise on the subject. Furthermore, very extensive cooperation has been set up with EUROCONTROL for various subjects as part of the EUROCONTROL-EASA working arrangement. EUROCONTROL experts assisted the Agency particularly in establishing the ATCO training requirements and in the impact assessment for the changes proposed in the structure of ratings and rating endorsements. Further details on this cooperation as well as the relevant working methods, including the nature of cooperation, is explained in this document where the particular subjects are discussed. The Agency itself carried out the secretariat functions of this rulemaking group and has drafted this NPA.
11. The proposed rules have been developed taking into account Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the

⁶ [http://www.easa.europa.eu/rulemaking/docs/tor/atm/EASA-ToR-ATM.003\(a\)_ATM.003\(b\)-02-26082010.pdf](http://www.easa.europa.eu/rulemaking/docs/tor/atm/EASA-ToR-ATM.003(a)_ATM.003(b)-02-26082010.pdf)

⁷ Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Regulation (EC) No 1108/2009 (OJ L 309, 24.11.2009, p. 51).

⁸ The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See EASA MB Decision No 01/2012 of 13 March 2012 amending and replacing MB Decision No 08/2007 concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material ('Rulemaking Procedure').

⁹ [http://www.easa.europa.eu/rulemaking/docs/gc/atm/EASA-GC-ATM.003\(a\)_ATM.003\(b\)-03-08112010.pdf](http://www.easa.europa.eu/rulemaking/docs/gc/atm/EASA-GC-ATM.003(a)_ATM.003(b)-03-08112010.pdf)

¹⁰ [http://www.easa.europa.eu/rulemaking/docs/tor/atm/EASA-ToR-ATM.004\(a\)_ATM.004\(b\)-02-30082010.pdf](http://www.easa.europa.eu/rulemaking/docs/tor/atm/EASA-ToR-ATM.004(a)_ATM.004(b)-02-30082010.pdf)
[http://www.easa.europa.eu/rulemaking/docs/gc/atm/EASA-GC-ATM.004\(a\)_ATM.004\(b\)-03-24052011.pdf](http://www.easa.europa.eu/rulemaking/docs/gc/atm/EASA-GC-ATM.004(a)_ATM.004(b)-03-24052011.pdf)

European Parliament and of the Council, as well as the already existing Union legislation under the Single European Sky framework and applicable international standards and recommended practices published by ICAO (i.e. the annexes) on the basis of Article 37 of the Chicago Convention, based on Article 2(2)(d) of the Basic Regulation, which calls upon the Agency 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 when drafting the Implementing Rules.

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

When the Commission — assisted by EASA — adopts new regulations, there is a need for support to identify any differences between the new regulations and the ICAO SARPs so that Member States can then notify ICAO of the differences. One of the mandates of the Basic Regulation (Article 2(2)(d)) is 'to assist Member States in fulfilling their obligations under the Chicago Convention, by providing a basis for a common interpretation...'. For these reasons it is necessary for EASA, in conjunction with the Commission, Member States and other bodies, to complete the Electronic Filing Of Differences (EFOD) system.

EASA has started 'pilot projects' to cover subject areas where regulations are either in force or where an EASA Opinion has been published. Regulation (EU) No 805/2011 is one of them. 'Pilot projects' will enable EASA to develop the common EFOD work process in conjunction with the Commission, Member States, ICAO and other relevant bodies. EASA will include in the Opinion, resulting from this NPA public consultation, correlation tables providing full comparison of the proposed Regulation and the ICAO SARPs.

13. The Agency herewith submits its NPA for public consultation in accordance with Article 6 of the Rulemaking Procedure¹¹. The said Rulemaking Procedure foresees a 3-month consultation period. In order however to allow for the appropriate time for stakeholders to familiarise themselves with the proposal and to formulate their opinion on the draft rules the consultation period for this NPA shall last until **1 April 2013**.
14. Following the closing date of the NPA public consultation, the Agency will consider all comments and will publish a Comment-Response Document (CRD). The CRD will be available on the Agency's website and in the Comment-Response Tool (CRT).
15. The Agency will perform a final review of the comments received and will publish the CRD and the Opinion/Decision in due course in accordance with Articles 7 and 8 of the Rulemaking Procedure.
16. The Decision (containing CSs, AMC and GM) will be suspended by the Agency until the related Regulation is adopted by the Commission.

IV. Overview of the changes proposed

Changes to the existing technical requirements and novelties

17. Changes introduced to the technical requirements compared to Regulation (EU) No 805/2011 mainly affect the structure of ratings and rating endorsements, the validity of the unit endorsement, the validity of the language proficiency endorsement at expert level (level 6), the conditions to exercise the privileges of an OJTI endorsement, and the educational requirement as a licensing criterion, where two possible options are proposed. An additional change to the technical requirements compared to Regulation

¹¹ EASA MB Decision No 01-2012 amending and replacing MB Decision No 08-2007 on the Rulemaking Procedure, 13 March 2012.

(EU) No 805/2011 is the implementation of ICAO Annex 1 by requiring training organisations to implement a management system to manage the safety of the services for those training organisations having an impact on aircraft operations.

18. Novelties proposed in the technical requirements compared to Regulation (EU) No 805/2011 are mainly to be found within the requirements for instructor and assessor qualification and certification, namely the newly established categories and the qualification requirements applicable to them, but novelty is also the incorporation of the applicable initial training and medical requirements instead of the previous referencing to external documents, as well as the incorporation of the ICAO-based requirements applicable to language assessment bodies.
19. Furthermore, and to facilitate the implementation of the State Safety Programme (SSP), the Agency is proposing with Annex II, Part-ATCO.AR, the requirements for the competent authorities to oversee the regulated personnel and organisations in full alignment with the relevant ICAO standards for States' safety oversight systems. It should be highlighted, however, that the core of the authorities' tasks defined in the draft Implementing Rule does not differ from those that competent authorities are already performing today.
20. The details of the proposed changes and novelties are explained in detail below in Chapter V of this document.

Changes stemming from implementation feedback

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

Legal considerations

22. In accomplishing this rulemaking task the Agency has continued the process started for the establishment of Regulation (EU) No 805/2011 with the aim to adapt the requirements to the **legal basis** and to the clearly defined objectives, scope, and content of the delegation of powers stemming from the higher ranking regulation (see in particular Article 8c(10) of the Basic Regulation). Full compliance is now established for cases where Regulation (EU) No 805/2011 provided for limited or intermediate solutions due to the accelerated process.
23. Changes were still necessary to handle the remaining **discretionary powers** attributed to Member States under Regulation (EU) No 805/2011 stemming from Directive 2006/23/EC. These powers cannot be maintained under the Basic Regulation as they contradict the governing principles of that Regulation. As a compromise solution some of these arrangements have been maintained in Regulation (EU) No 805/2011 via transitional arrangements instead of general provisions allowing Member States to continue to define national 'variants'. With the repeal of Regulation (EU) No 805/2011 such transitional measures cease to exist and during the general transitional period Member States should be able to adapt to the changed requirements. The application of the new common requirements instead of the national variants will allow for further harmonisation within the European Union.

Examples:

- (1) The possibility to establish national rating endorsements is not maintained based on the fact that in most cases national rating endorsements were not created in line with the requirements applicable to them under the Directive 2006/23/EC, which leads to the conclusion that situations covered by them could and should be covered by other means, thus maintaining the possibility to establish national rating endorsements is not justified. Changes are however proposed to the rating and

rating endorsement system to cover those national rating endorsements that have been established due to the technical shortcomings of the existing system.

The detailed analysis of the exiting national rating endorsements is to be found in [paragraph 52](#) of this document.

- (2) The possibility given to the Member States to introduce an age limit for exercising the privileges of a unit endorsement is not maintained either (see [paragraph 55](#) of this document), since such restrictions affect the career possibilities of air traffic controllers and are in most cases linked to the national retirement schemes applicable to them. The Agency is of the opinion that when a deviation from the common requirements is necessary for safety reasons Member States can always rely on the flexibility provisions provided by Article 14 of the Basic Regulation.

- 24. Other **deviation possibilities**, which qualify for the flexibility provisions offered by Article 14(6) and 14(7) of the Basic Regulation, had to be abandoned as well. In those cases the said flexibility provisions provide transparent and legally sound means to deviate from the requirements. The application of the provisions of Article 14 allows Member States to deviate from the standards set out in the Implementing Rules, while ensuring that an equivalent level of protection is attained, allowing mutual recognition and even the application by other Member States of the same measure to similar cases. This applies to the deviation possibility regarding the minimum age.

The Agency is of the opinion that the possibility to deviate concerning the entry age is automatically available to the Member States through Article 14 of the Basic Regulation, if the conditions for the use of these flexibility provisions are met. However, as explained above, the Basic Regulation's flexibility provisions explicitly imply mutual recognition of all licences issued in accordance with the applicable common rules, a principle which also applies to the licences issued under the flexibility provisions. Therefore, it is not possible to maintain the possibility to refuse mutual recognition of licences issued under the flexibility provisions for a lower entry age. Furthermore, it has to be highlighted that the age of 21 for the issue of an air traffic controller licence is an ICAO standard, against which only the UK seems to have filed a difference. (See also [paragraph 48](#) for further explanation.)

Structural changes

- 25. Regarding its structure the proposed draft Regulation builds on the structure established by Regulation (EU) No 805/2011 when dedicating separate parts to the licensing requirements, the requirements applicable to training organisations, competent authorities, the medical certification of air traffic controllers, and the certification of aero-medical examiners and aero-medical centres. The training and medical requirements are now integrated into this Implementing Rule, therefore its content has largely expanded, which leads to the establishment of a so-called cover Regulation containing the basic principles, scope, and applicability of the rule and of annexes attached to this cover Regulation in the subjects listed above. Within the annexes, which are called parts according to the terminology used in the EASA Implementing Rules, the requirements are split into subparts, as necessary, in order to group subjects within the different domains. The numbering of the provisions follows the EASA numbering convention. A harmonised structure of aviation rules aims also at improving clarity and to facilitate their safe and uniform implementation. For these reasons the Agency is proposing to repeal Regulation (EU) No 805/2011 and replace it entirely with this new Regulation.
- 26. The Agency believes that the structure of the draft proposals enables stakeholders to better identify the requirements applicable to them as well as their interaction with the rest aspects of the licensing and medical certification of air traffic controllers. Following the cover Regulation, the draft rule contains four chapters, each of them dedicated to a given subject. Annex I, Part-ATCO, defines now not only the licensing but also the qualification and training requirements for air traffic controllers. Annex II, Part ATCO-AR,

contains the relevant administrative requirements from the perspective of the competent authorities. Annex III, Part ATCO-OR, defines the requirements applicable to air traffic controller training organisations from the perspective of their organisational set-up. Annex IV, Part ATCO-MED, establishes the necessary requirements for the medical certification of air traffic controllers.

Questions to stakeholders

27. Throughout Chapter V of this Explanatory Note there are issues where the Agency explicitly invites stakeholders to express their opinion or to answer to questions which are compiled and summarised in Chapter VI of this document. The Agency is addressing stakeholders in order to receive further guidance during the consultation of this NPA with a view to gaining additional information and the opinion of a wider audience.

V. Detailed explanation of the proposed provisions

Cover Regulation

28. Articles 1 and 2 of the cover Regulation define the **objectives** as well as the **subject matter** and **scope** of the proposed Regulation. Apart from defining the exact scope in terms of personnel and organisations it applies to, paragraphs 3 and 4 lay down the basic requirements via which the qualification, licensing, and medical certification of personnel shall comply with the relevant provisions contained in this Regulation. Regarding organisations, paragraph 5 determines the obligation to comply with the applicable technical requirements and administrative procedures.
29. Article 3 contains an extensive list of **definitions**, amongst them several new ones related to the newly proposed provisions on instructor and assessor qualifications and certification, as well as on the terms related to air traffic controller training. Definitions overlapping with those of the Basic Regulation have been deleted.

One issue to be highlighted is the use and abuse (or problematic use) of psychoactive substances by ATM/ANS personnel, and in particular by air traffic controllers, which was recurrent in the development of the draft implementing measures under the responsibility of ATM.003 and ATM.001 rulemaking tasks.

ICAO Annex 1¹² defines psychoactive substances as follows:

'Psychoactive substances shall mean alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

This definition has been adopted so far in all EASA Opinions and Decisions dealing with this subject and is subsequently included in the resulting EU aviation safety-related regulations; amongst these, it is worth to mention the recently adopted Commission Implementing Regulation (EU) No 923/2012 on Standardised European Rules of the Air¹³.

Caffeine is a psychostimulant which is contained in coffee as well as in other drinks and beverages, like for instance tea, largely assumed by people and available on the market and the use of which is not subject to any prescription or limitation. EASA and various experts of the ATM.001 and ATM.003 Rulemaking Groups are of the opinion that if in the context of this NPA the said definition remains unchanged, individuals absorbing caffeine

¹² See Chapter 1.1 'Definitions' of ICAO Annex 1 — Personnel Licensing.

¹³ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

via these drinks would be considered as being under the effect of psychoactive substances and therefore subject to related provisions.

Therefore, in order to mitigate this issue, the Agency proposes with this NPA to modify the aforementioned ICAO definition to exclude not only coffee, but caffeine from the list of psychoactive substances, as follows:

'Psychoactive substances shall mean alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded.'

Should this proposal be accepted following the public consultation of this NPA, and therefore be included in the resulting Agency's Opinion to be submitted to the European Commission, this would require the said Opinion to amend and align the definition of psychoactive substances included in Commission Implementing Regulation (EU) No 923/2012 on Standardised European Rules of the Air accordingly. Additionally, Member States would be required to file a difference between ICAO Annex 2 and the amended Regulation on Standardised European Rules of the Air, the latter being less prescriptive.

Stakeholders are invited to comment on the Agency's proposal to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.

30. Article 4 defines the method for establishing or nominating the **competent authority** and stipulates the required action in cases where more than one competent authority would be established or nominated by the State. In such cases clear allocation of the responsibilities for the execution of the tasks, of the geographical scope, and the necessary coordination required to ensure proper oversight of the regulated personnel and organisations. Paragraph 4 guarantees their independence from the air navigation service providers and training organisations. The principle of separation of safety regulation from operational functions¹⁴ is reinforced by the European legislator when adopting the SES II package, especially the extension of the Agency's remit to ATM/ANS and ATCO licensing. Furthermore, paragraph 6 proposes a requirement on the oversight capability of the competent authorities fully consistent with the relevant critical elements of a safety oversight system as defined by ICAO¹⁵.
31. Article 5 repeats the requirements already existing in Articles 28(5) and 29 of Regulation (EU) No 805/2011 on the **recognition of licences and certificates**. No substantial changes are introduced in these provisions other than providing a more detailed description of the procedure to be applied when the holders of air traffic controller licences intend to exercise the privileges of their licence in a Member State other than that where the licence has been issued.
32. Article 6 defines the requirements for processing **means of compliance** alternative to the Acceptable Means of Compliance issued by the Agency. The Acceptable Means of Compliance as referred to in Articles 18 and 19 of the Basic Regulation serve as a means by which the requirements contained in the rule can be met, hereby offering the benefit of presumption of compliance. However, flexibility is provided and applicants may decide to show compliance with the requirements using other means and may propose an alternative means of compliance to their competent authority based, or not, on those issued by the Agency. These alternative means of compliance must only be used when affected parties are able to demonstrate that the safety objective set out in the Implementing Rules is met. The competent authority must notify the Agency when it uses alternative means of compliance.

¹⁴ http://ec.europa.eu/transport/air/doc/hlg_2007_07_03_report.pdf

¹⁵ <http://legacy.icao.int/fsix/criticalelements.pdf>

33. Without creating additional burden and aiming at uniform application of the relevant provisions, as well as enhancing efficiency in the process of granting exemptions and derogations, Article 7 regulates the information to be provided with the notification sent by a Member State when making use of the **flexibility provisions** established in Articles 14(1), 14(4), and 14(6) respectively.
34. Article 8 repeals Regulation (EU) No 805/2011¹⁶ and proposes **transitional arrangements** to ensure a smooth transition for complying with the requirements of this Regulation.

Even though it has been adopted and implemented quite recently, the Agency in this NPA is proposing to repeal Regulation (EU) No 805/2011. Taking into account the extensive length of the transposed requirements especially in the field of air traffic controller training and medical certification, as well as the newly introduced and structured requirements in several other fields (e.g. instructor and assessor certification, requirements applicable to training organisations), it is considered to be more simple from the implementation point of view if only 'one book' needs to be considered, instead of working with amending provisions, which are in general difficult to read. One should also consider that at this stage the Agency is only proposing a draft for consultation, which will be followed by the formulation of an Opinion and the formal adoption process of the European Commission, which will take a considerable amount of time.

As a general rule licences, ratings and endorsements, as well as certificates to personnel and organisations issued in accordance with the national requirements transposing Directive 2006/23/EC and with Regulation (EU) No 805/2011, are deemed to be issued in accordance with this Regulation, in other words these privileges are grandfathered. Existing licences and certificates should be replaced by licences and certificates according to the templates proposed by this Regulation by a given deadline, for which the Agency is proposing additional six months following the application date set out in Article 9. It is not regarded feasible to require all licences and other relevant documents exchanged at the same time and on the first day of the application; therefore, this proposed additional time should allow stakeholders to implement the necessary changes and exchange the necessary documents.

No grandfathering is however possible for possible national predecessors of the newly established synthetic training device instructor (STDI) endorsement, as for this privilege there were no EU-wide harmonised criteria available under the previous rules. Regarding assessors and examiners, the previously existing common criteria were very limited, which makes it impossible to propose common conversion criteria valid throughout the EU; therefore, Member States are required to establish eventual conversion requirements for existing examiners and assessors in order to be issued with an assessor endorsement according to this Regulation.

Although it does not affect a large number of Member States, Article 8(3) proposes to grandfather the privileges stemming from an Area Control Procedural (ACP) rating associated with the Oceanic Control (OCN) rating endorsement at national level. As explained in [paragraph 51](#) below, it is proposed to explicitly allow this pairing for the future; therefore, these rating endorsements issued at national level based on the same criteria should be recognised as equivalent.

Due to the change in the rating and rating endorsement system explained in detail in [paragraph 51](#) below, one should also consider the future dual existence of integrated ratings for Area Control Surveillance (ACS) and Approach Control Surveillance (APS) with the old rating accompanied by rating endorsement structure (ACS-RAD, ACS-ADS, APS-RAD and APS-ADS). Since obligatory retraining of already licensed personnel has not

¹⁶ Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and Council (OJ L 206, 11.8.2011, p. 21).

been found appropriate and necessary (see Chapter 4 of the attached Regulatory Impact Assessment), it has to be ensured that the ratings on the licences mirror at all times the training that has been accomplished in reality. Therefore, the Agency is proposing to keep the old rating/rating endorsement marked on the licence even after changing the licences in order to follow the new template as a limitation on the privileges. Such limitation may certainly be removed once appropriate conversion training following the new requirements takes place.

Unit competence schemes and training plans need also to be adapted to the new requirements by a given deadline, which is to be decided at a later stage as proposed in paragraphs 10 and 11 of Article 8.

Another deadline needs to be set as foreseen in Article 8(12) for the completion of training courses, including the assessments for those courses that started prior to the application of this new Regulation based on Regulation (EU) No 805/2011 for the purpose of accepting their course completion certificates.

35. Article 9 sets out the target dates for the **entry into force** of this Regulation as well as the date of its **applicability**. The Agency is proposing 18 months of adaptation time which should allow for the regulated persons and organisations to ensure compliance with and adapt themselves to the new requirements. As explained above for the exchange of the licences, the deadlines for the purpose of paragraphs 4, 6, and 8–12 propose six months in addition for the purpose of completing the necessary implementation.

Annex I — Part ATCO — Requirements for the licensing of air traffic controllers

Subpart A — General requirements

36. The first two provisions of Part-ATCO, Subpart A (ATCO.A.001 and ATCO.A.005), establish the **scope** and the **competent authority** for this part. The placing and formulation of these provisions follow general rulemaking principles; they do not introduce new requirements.
37. ATCO.A.010 regulates the subject of the **application for and the issue of licences, ratings and endorsements**. The basic requirement about the application remains unchanged; however, further details are introduced in order to reinforce the link between the licence and the issuing authority. To this end ATCO.A.010(b) requires the application for the issue of further ratings or endorsements, for the revalidation or renewal of endorsements, and for the reissue of the licence to be submitted to the competent authority which originally issued the licence.
38. Furthermore, in the light of facilitating the increasing air traffic controller mobility, ATCO.A.010(c) introduces rules to follow when the licence holder intends to exercise the privileges of his/her licence in another Member State. In this regard it is important to emphasise the principle of 'one licence', which has been followed by the proposal in all relevant instances. Exchanging the licence in such cases cannot remain a privilege to be decided upon solely by the air traffic controller (see for reference Article 29(1), third subparagraph of Regulation (EU) No 805/2011), as this may cause administrative problems and difficulties, which may lead to the issue of another licence and thus indirectly making fraud possible. Process-wise, in the case of moving to another Member State the air traffic controller has to request the change of the competent authority, together with the transfer of his/her records and submit an application to this new competent authority.

Due to globalisation national responsibilities change or are exchanged. In the case of functional airspace blocks (FABs) and also for the purpose of cross-border service provision the applicant air traffic controller has certainly to follow the agreement of the Member States involved when applying for a licence.

39. To facilitate the mutual recognition of air traffic controller licences the Agency is proposing an air traffic controller licence format that will replace many air traffic controller licence formats already in use within the European Union. Based on the specifications for licences in Annex I to Regulation (EU) No 805/2011 the rulemaking group with ad hoc expertise involved elaborated the format proposed in Appendix 1 to the draft Regulation to align with the specifications for personnel licences as required by Annex 1 'Personnel licensing' to the Convention on International Civil Aviation¹⁷. The proposed licence format also ensures easy determination of the privileges and validity of ratings and/or endorsements. Furthermore, the licence format is reflecting the RAD and ADS rating endorsements, which might still be in use, as a limitation on the privileges of the integrated ACS or APS ratings.
40. Last but not least, the provision about the licence being the property of the person to whom it is issued remains unchanged in ATCO.A.010(f).
41. The provisions in ATCO.A.015 establish the concept of **provisional inability**, meaning cases where licence holders may be prevented from exercising the privileges of their licence even though their ratings and endorsements are valid. Such cases may be linked to the influence of psychoactive substances, to injury, fatigue, sickness, stress (including critical incident stress following an event or an incident) or other similar circumstances or may be based on the personal doubt of being able to safely exercise the privileges of the licence. It is important to note in addition that the provisions of ATCO.MED.020 on decrease in medical fitness are equally relevant in this regard.

In order to trigger the state of provisional inability, licence holders have to immediately notify their employer when they are becoming aware of the circumstances described above.

A similar provision is included to empower the air navigation service provider to declare provisional inability of the air traffic controller in cases when competence is in doubt.

On the other hand, air navigation service providers are obliged to establish and implement procedures to enable such notifications and also to manage the operational impact of such provisional inability cases. These procedures shall form part of the unit competence scheme, which shall guarantee their objectivity, transparency and non-discriminative nature. Finally, should the state of provisional inability not be terminated according to these procedures, the competent authority needs to be informed to take action on the licence, if necessary.

It should also be mentioned that certain experts of the rulemaking group have proposed further elements to this concept, for example the maximum duration of the provisional inability to be set to 90 days, examples for the procedures to be established and followed as Guidance Material including the setting up of the so-called provisional inability bodies within the units or service providers, and clauses about not allowing the application of the employment contractual provisions. These proposals have been discussed within the rulemaking group, where consensus has been reached in acknowledging that labour and employment conditions and social issues are not in the scope of this Regulation while agreeing that provisional inability is closely linked to suspension and revocation which are clearly licensing areas that have a social impact. With regard to providing the content of the procedures to be established and followed by the air navigation service providers as Guidance Material, the Agency considers that with respect to the principle of subsidiarity the establishment and implementation of such procedures should be left in the competence of the air navigation service providers and ultimately their overseeing competent authority. Therefore, the Agency finally did not include these elements in this NPA.

¹⁷ 11th Edition, July 2011, Chapter 5.

42. ATCO.A.020 marks the possibility of the **revocation and suspension** of a licence, rating or endorsement. Further details on the procedural side are to be found in ATCO.AR.D.010 explained in **paragraph 153** of this NPA.

Subpart B – Licences, ratings and endorsements

43. Part ATCO, Subpart B, establishes the requirements concerning licences, ratings and endorsements, including their nature and the privileges they are submitting and the conditions for obtaining and maintaining them.
44. The provision in ATCO.B.001(a) on the privileges submitted by the **student air traffic controller licence** are slightly reformulated in order to clarify that the student air traffic controller licence apart from providing services under supervision in accordance with the already acquired ratings and rating endorsement also entitles the holder to undertake training for an additional rating endorsement.
45. ATCO.B.001(b) sets out the prerequisites for obtaining a student air traffic controller licence. In this regard no consensus has been reached in the rulemaking group, and as the question is not of legal but rather of a technical nature the Agency is proposing two options and wishes to hear from interested stakeholders which option they would find more appropriate and for what reasons.

The difference between the two options is maintaining or not the educational requirement as a licensing requirement amongst the prerequisites of the issue of a student air traffic controller licence.

According to certain experts views checking this requirement by the competent authority when it comes to the issue of the student air traffic controller licence does not bring any added value, as the applicant has to demonstrate at the same time the successful completion of initial training. Knowing that: a) applicants in most cases also participate in very strict selection procedures before being admitted to initial training, and b) 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. Option A, therefore, does not contain this prerequisite as a licensing requirement.

Other experts of the rulemaking group were of the opinion that deleting this prerequisite could lead to the downgrading of the profession, which should be avoided. Option B, therefore, maintains this requirement as in Regulation (EU) No 805/2011.

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.

46. A new paragraph (d) is added to ATCO.B.001 which is posing a requirement for the holders of a student air traffic controller licence in relation to until when and under what conditions they may commence or continue unit training. The reason for this proposed provision is to ensure at all times that student air traffic controllers start their unit training with the necessary current and up-to-date knowledge and skills and avoid losing these just by time.
47. The provisions of ATCO.B.005 are governing the privileges and prerequisites of the **air traffic controller licence**, which compared to Regulation (EU) No 805/2011 introduce two changes.
48. First, the deviation possibility concerning the minimum age is abolished. To substantiate this change the Agency has collected data by consulting Member States via a questionnaire survey launched in 2010¹⁸ on their national practices concerning the age

¹⁸ 19 States responded to the questionnaire. Out of the 19 responses only 6 States reported positively about using the possibility for a lower age limit. In the United Kingdom the competent authority may accept applications from individuals who have not yet reached the age of 21 but

requirement and the use of this deviation possibility. The analysis of the answers showed that even though a number of Member States transposed this requirement into their national legislation as it originates from Directive 2006/23/EC, in practice it is not used apart from a few individual cases. The Agency is of the opinion that the possibility to deviate concerning the entry age is automatically available to the Member States by the flexibility provisions provided for in Article 14 of the Basic Regulation, if necessary for individual cases in the future, as explained in detail in paragraph 24 of this document.

One should also consider, however, that the age of 21 for the issue of an air traffic controller licence is an ICAO standard¹⁹, against which — according to the information of the Agency — only one Member State has filed a difference.

The Agency, therefore, concludes that there is no substantive reason for maintaining such deviation possibility in a commonly applicable EU regulation, which is not only against the legal principles established by the Basic Regulation, but also not in line with the obligations of Member States under the Chicago Convention.

49. Second, a procedural addition is proposed. Namely to return the student air traffic controller licence to the competent authority when the air traffic controller licence is issued. This obligation is reinforcing the 'one licence' principle explained in paragraph 38.
50. ATCO.B.005(f) provides for a derogation from Article 2(3), which states that air traffic controllers shall be qualified and licensed in accordance with the provisions of this Regulation. The derogation affects persons employed by third-country air navigation service providers providing air traffic services in the EU airspace. It should be noted that according to Article 22a of the Basic Regulation these organisations are to be certified by the Agency. To obtain the certificate the organisation located outside the EU, responsible for providing services in the EU airspace, shall comply with the applicable requirements of Regulation (EU) No 1035/2011²⁰ and ensure that personnel are adequately trained and competent for the job they are required to perform, in addition to being properly licensed if so required.

Since these personnel cannot be issued with a common European licence, but to ensure an equal level of safety to all services provided in the European airspace irrespective of the employer of the air traffic controllers, they have to meet certain requirements. They are required to hold an ICAO compliant licence issued by a third country and to have demonstrate that they have received training and successfully passed examinations and assessments equivalent to those required by this Regulation. The Agency considers that these requirements provide for adequate proportionality as well as ensure an equivalent level of safety.

51. The provisions in ATCO.B.010 and ATCO.B.015 are setting out the **system of ratings and rating endorsements**, where considerable changes are proposed compared to Regulation (EU) No 805/2011.

have reached the age of 20. In such cases, the competent authority will require that the applicant's employer confirm in writing to the competent authority that they consider the applicant has demonstrated the necessary level of competence and maturity to justify the granting of an air traffic controller licence. Switzerland and Latvia also apply the 20 years of age for the derogation possibility; however, the applied procedure has not been shared in detail with the Agency. Furthermore this possibility has also been transposed into national legislation in Germany, Estonia and Bulgaria as an exception. No further data on its use in these Member States is available to the Agency.

¹⁹ See 4.4.1.1 of Annex 1 to the Convention on International Civil Aviation — Personnel Licensing, 11th Edition, July 2011.

²⁰ Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 23).

The first change affects the surveillance ratings (Approach Control Surveillance (APS) rating and Area Control Surveillance (ACS) rating) and their relationship to the rating endorsements. It is proposed to integrate the privilege currently covered by two of their currently possible rating endorsements (Aerodrome Radar Control (RAD) endorsement and Automatic Dependent Surveillance (ADS) endorsement) into the rating itself and make all of their further rating endorsements available as further possibilities, therefore the obligation to pair these ratings with at least one rating endorsement is lifted. The initial training requirements relevant to these ratings, to take into account the integration of the requirements for the relevant rating endorsements, have been modified accordingly as explained in paragraph 115 of this document. To facilitate the implementation of the proposed change appropriate transition measures are proposed as described in paragraph 34 of this document. The detailed explanation on the reasons leading to this proposed change, the studied options, as well as the analysis of the impacts are provided in Chapter 4 of the attached Regulatory Impact Assessment.

The second, less significant change affects the Area Control Procedural (ACP) rating, in which case the pairing with the Oceanic Control (OCN) endorsement is now explicitly permitted. This change is to ensure that air traffic control services can be provided to aircraft in an Oceanic Control Area without the use of surveillance equipment. The detailed explanation on the reasons leading to this proposed change, the studied options, as well as the analysis of the impacts are provided in Chapter 5 of the attached Regulatory Impact Assessment.

Thirdly, for both ratings and rating endorsements a clarification is proposed, namely that for the purpose of deciding on the need to assess the previous competence of the holder the four immediately preceding consecutive years have to be taken into account.

In addition, AMC material is established to clarify that the assessment to establish previous competence of the holder of a rating should be based on the detailed training requirements set out in Subpart D, Section 2, namely on the initial training requirements.

52. In the context of the proposed changes the issue of **national rating endorsements** should be mentioned.

Regulation (EU) No 805/2011 maintains the national rating endorsements established under Directive 2006/23/EC on a transitional basis, which as a standstill clause allows Member States to continue using the national rating endorsements they have established via their national legislation but no further national rating endorsements may be introduced. The reason for such open-ended transition was to allow sufficient time for the experts to analyse the existing national rating endorsements and to propose the necessary changes in a transparent and objective manner with the aim to eliminate the unnecessary differences between Member States and thus to enhance the level of harmonisation.

The Agency has collected information about the practice of the Member States regarding national rating endorsements via a questionnaire in 2011. Following the analysis of the responses received a meeting has been organised with the representatives of the Member States who have reported positively about the existence of national rating endorsements.

The analysis of the existing national rating endorsements showed that in some cases this tool has been used to cover cases which did not match the prerequisites applicable to the creation of national rating endorsements according to Article 7(4) of Directive 2006/23/EC, namely to be established in exceptional cases only arising due to the particular characteristics of the air traffic in the airspace under their responsibility. As a result of this analysis the Agency wishes to highlight that national rating endorsement cannot be used as a tool to differentiate between EU licences. Moreover, the acquisition of a rating and, if applicable, of at least one accompanying rating endorsement is necessary to be issued with an air traffic controller licence according to the applicable regulation. In other words, it is not appropriate to issue an 'intermediate' ATCO licence

with a rating which would necessitate a rating endorsement, without having completed the training for this rating endorsement as well. Differentiating between the privileges attributed to certain categories of personnel could eventually be done at national level and based on the services provided (ATS or ATC), but in no case this should affect the principles of the European licence and of the mutual recognition of European air traffic controller licences.

Other examples for the use of national rating endorsements were cases where the existing rating and rating endorsement system was proven to be too rigid by not allowing certain pairing and by not following technological developments. This has been for example the case for several Member States due to the fact that they have airspace which is an Oceanic Control Area where no surveillance equipment is available. To overcome this difficulty, they have been using OCN rating endorsement as a national rating endorsement to pair with the ACP rating, since such pairing has not been expressly provided for under Regulation (EU) No 805/2011.

Considering the above and taking into account the changes proposed in the system of ratings and rating endorsement the Agency is proposing to abolish the possibility to establish national rating endorsements. The Agency considers that other specific needs or national characteristics of the airspace could be handled via the respective unit endorsements.

53. ATCO.B.020 contains the provisions governing **unit endorsements**. Paragraph (c) is dealing with the validity of the unit endorsements, where the changes proposed compared to Article 12 of Regulation (EU) No 805/2011 are led by the discrepancy between the 12-month validity of the unit endorsement and the 3-year (maximum) period applicable to the competence assessment of the air traffic controller by Annex II, Part C, to revalidate (extend its validity according to the previous terminology) the said endorsement. The experts considered that this discrepancy is causing practical implementation problems and has led to considerable differences in the implementation amongst Member States. Moreover, the possible decoupling of the validity of the unit endorsement from the means to check the competence of the air traffic controller is considered inappropriate to ensure the same level of safety in a continuous manner.

The rulemaking group experts also considered the diversity of the air traffic control units, their different needs and different activities, which lead to the conclusion that certain flexibility needs to remain with the air navigation service provider when establishing the validity times applicable to the particular unit endorsements. This flexibility is proposed to be implemented by attaching the validity of the unit endorsements to the unit competence scheme, which is also the tool to assess the competence of air traffic controllers. It is proposed that the validity of the unit endorsement be defined in the unit competence scheme and it should correlate to the frequency of the assessments. In no case, however, should the validity of a given unit endorsement exceed the 3-year period, which has been the time limit in Regulation (EU) No 805/2011 for the frequency of the assessments and is proposed to be maintained as a maximum period of validity. It should be noted as well that the flexibility granted to the air navigation service provider cannot be exercised at their full discretion but only with the agreement of the competent authority, as the unit competence schemes have to be approved by the competent authority.

The options studied and the analysis of the impacts is further detailed in Chapter 6 of the attached Regulatory Impact Assessment. Based on the input received from the rulemaking group and on the said analysis, the Agency believes that in this regard it is appropriate to only provide for the cornerstone in the Regulation and to leave the implementation to the units and ANSPs with an ultimate control exercised by the competent authorities. This way units and ANSPs have the necessary flexibility to adapt the validity of their unit endorsement to their size and complexity and they have to ensure that the competence assessment of the air traffic controllers takes place with the

same frequency. AMC is giving guidance on the elements to be taken into account when establishing the validity of the unit endorsements.

Certain members of the rulemaking group still consider that the 3-year upper limit proposed as the maximum validity period for a unit endorsement is too long and such a long period may pose more safety risks. In order to mitigate that, further AMC has been established to require additional means to monitor and ensure the continuous competence of air traffic controllers in cases where the validity time of the unit endorsement would exceed 12 months. In addition, a safety assessment should be conducted if an ATC unit is proposing to increase the validity time of the unit endorsement.

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.

54. Paragraphs (d) to (h) of ATCO.B.020 contain new provisions, like the determination of the starting date of the validity period, the revalidation and renewal criteria and the procedure for revalidation that are all linked to the validity of the unit endorsement.
55. As explained already in **paragraph 23** of this document, the derogation provided for in Article 31(2) of Regulation (EU) No 805/2011 concerning the limitation of exercising of the privileges of a unit endorsement only to licence holders below a given age is not maintained. The Agency is of the opinion that for a safety reason Member States can always rely on the flexibility provisions provided by Article 14 of the Basic Regulation. Otherwise, and without a clear safety reason, such additional deviation possibility is easily misinterpreted as it seems to be often the case when it is linked to the nationally defined retirement age of air traffic controllers.
56. In relation to age requirements it should be noted that some professional organisations have requested the Agency to consider introducing a maximum age limit for exercising the privileges of the air traffic controller licence and/or set a European-wide age limit for retirement. These proposals have been considered by the Agency; however, they are evaluated as not appropriate (as regards introducing an overall maximum age limit) or not covered by the scope of the subject regulatory activity (as regards setting a European-wide age limit for retirement).

Regarding the introduction of a maximum age limit for exercising the privileges of the air traffic controller licence there is broad consensus that there is always a certain point in time when an air traffic controller does not anymore meet the requirements for exercising the privileges of the licence. This point in time is however very individual and most likely different for every person. Therefore it would not be appropriate to introduce a general age limit to exercise the privileges of the licence. Reference is however made to the medical requirements which foresee more frequent checks above the age of 40 (see ATCO.MED.A.045).

As regards setting a European-wide age limit for retirement, the Agency considers that it has no competence to regulate such an issue when establishing the conditions for the access of this safety-relevant profession. Retirement issues are related to the social and employment conditions which remain within the competence of the Member States.

57. Closely linked to the unit endorsements, ATCO.B.025 regulates the mandatory elements of the **unit competence schemes** that need to be established by the air navigation service providers. The non-exhaustive list contained in paragraph (a) is grouping together the requirements linked to the minimum number of working hours, competence assessment, continuation training, exercising the privileges in the cases of absences, and procedures necessary for the implementation of provisional inability. These subjects are to be covered by every unit competence scheme and should be available and known by the air traffic controllers working in that particular unit. To facilitate the implementation AMC and GM are proposed related to the assessment of practical skills, to the

examinations and assessment during continuation training and indication is given on the minimum number of on-the-job training instructor working hours and on the number of assessments in order to maintain their specific competence related to the particular licence endorsement.

Paragraphs (b) and (c) maintain elements from Regulation (EU) No 805/2011 linked to requirements and procedures defined in the unit competence scheme.

58. The provisions in ATCO.B.030 to ATCO.B.040 regulate the issues related to the **language proficiency endorsement**. The textual changes in paragraph (a) of ATCO.B.030 emphasise that language requirements are equally applicable to English and to the local or national language imposed by the Member State for the reasons of safety at a given ATC unit. Based on ICAO, the languages used for communication at the unit should be published in the Aeronautical Information Publication. To assess the proficiency level, the previously known rating scale remains applicable and is to be found in Appendix 2 to the draft Implementing Rule. The holistic descriptors remain unchanged and are kept at Implementing Rule level.
59. Some members of the rulemaking group argued for the deletion of paragraph (d) of ATCO.B.030 claiming 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. Some experts of the group consider, therefore, that it is very difficult — if not impossible — to justify requiring a higher language proficiency level in relation to imperative reasons of safety. Taking into account also the currently existing diversity of language proficiency testing and its very diverse outcomes, according to these views it could be considered to leave this subject to the air navigation service providers to be handled via their selection/admission criteria or employment conditions.

There are, however, others views within the rulemaking group according to which leaving this subject to the air navigation service providers as an employment issue only would be seriously impeding the free movement of persons within the EU and allows air navigation service providers to require even level 6 proficiency without any justification on the grounds of safety.

The provision is maintained with the wording originating from Article 13(5) of Regulation (EU) No 805/2011 together with the mention of this subject as a task of the competent authority in ATCO.AR.A.010.

Due to diverging views, and to better understand the regulatory needs, the Agency wishes to invite stakeholders to express their views on this issue during the consultation.

Stakeholders are invited to comment on the current proposal in ATCO.B.030(d) and/or provide eventual alternative proposals accompanied by justification elements on the possible safety, social, and economic impact of such proposals.

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

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

Although this change would result in a difference compared to the applicable ICAO SARPs, since the reassessment intervals are defined at recommendation level, the Agency considers that proposing a stricter requirement does not pose a problem for the Member States when fulfilling their obligations under the Chicago Convention. Moreover, the Agency has been informed that the same amendment has recently been proposed and considered in several ICAO fora to be followed at global level.

61. Paragraphs (b) to (d) of ATCO.B.035 deal with further **procedural requirements for the revalidation and renewal** of the language proficiency endorsement. Similarly to other endorsements, provisions are proposed on the revalidation process on how to count the validity period and on the obligations to follow in case of expiry.
62. ATCO.B.040 introduces new requirements at IR and AMC level concerning the **assessment of language proficiency**.

The assessment of language proficiency is the responsibility of the so-called language assessment bodies. Although at ICAO level guidance exists on the criteria applicable to language assessment bodies²¹, at European level no detailed expectations have been voiced so far in relation to these organisations.

While language testing is a specialised domain, there is no globally recognised single language testing authority, nor is there a single, universally accepted best approach to language testing. As a result, there is some variability in the development and administration of language testing programmes²². However, there are well-established principles and practices at ICAO level on which there is widespread professional agreement; they did not appear though so far in the European legislation governing the licensing of air traffic controllers.

Since inappropriate assessments and inadequate aviation language testing are posing serious safety risks and have highly negative social and economic consequences²³, this proposal aims at limiting the safety risks originating from the lack of requirements applicable to the assessment of language proficiency. These consequences and the impacts of the proposal are further detailed in Chapter 7 of the attached Regulatory Impact Assessment.

Taking Article 13(7) of Regulation (EU) No 805/2011 as a starting point, according to which the assessment procedure shall be approved by the competent authority without any further requirement, this proposal incorporates the basic elements of the method of assessment to be established by the competent authority into the Implementing Rule, which are then accompanied by AMC level material containing further detailed requirements relevant to the assessment.

Subpart C — Instructor and assessor certification

63. Instructor and assessor qualification and certification is one of the subjects where Regulation (EU) No 805/2011 did not fulfil the requirements set out by the Basic Regulation for the reasons of the limited mandate explained in paragraphs 4 and 5 of this document. In the second phase of rulemaking, therefore, the relevant essential requirements have been taken as a starting point in order to establish a system for the qualification and certification of instructors and assessors that is meeting those requirements and is offering the necessary flexibility for a successful implementation.
64. As being one of the novelties proposed to be introduced by this Regulation, the options studied and the analysis of the impacts regarding the instructor and assessor qualification and certification is analysed in detail in Chapter 8 of the attached Regulatory Impact Assessment.
65. As a general requirement Article 8c(8) of the Basic Regulation requires persons responsible for providing practical training or for assessing air traffic controllers' skills to hold a certificate. Such certificate shall be issued when the person has demonstrated

²¹ Manual on the Implementation of ICAO Language Proficiency Requirements (ICAO Doc 9835) and the Language Testing Criteria for Global Harmonization (ICAO Cir 318 AN/180).

²² ICAO Doc 9835 — Manual on the Implementation of ICAO Language Proficiency Requirements, Chapter 2., General Introduction to Language Proficiency and Language Acquisition.

²³ ICAO Doc 9835 — Manual on the Implementation of ICAO Language Proficiency Requirements, Chapter 6. Language Testing Criteria for Global Harmonization.

compliance with the rules established to ensure compliance with the relevant essential requirements set out in Annex Vb. Furthermore, it is required that the privileges granted by that certificate are specified therein.

66. This draft Regulation introduces the terms 'assessment' and 'examination', for which clear definitions are included into Article 3. It is important to emphasise that the draft Regulation consistently uses the term 'assessment' when it comes to the verification of practical skills, and the term 'examination' when theoretical knowledge is verified. This delimitation is important for the identification of the type of instructor necessary for a given task (theoretical or practical) or if a person holding an assessor endorsement is required. The delimitation between theoretical knowledge and practical skills can indirectly be understood from the two definitions. While theoretical knowledge is limited to the knowledge itself and its understanding by the person, practical skills include behaviour and the practical application of the acquired knowledge and understanding.

Determining the form of the certificate

67. As a starting point, and being valid for both categories of personnel, the form of the document authorising the subject activities and specifying the privileges of the holder must be defined. In order to identify the suitable tool for the purpose of certifying instructors and assessors and to assess the differences between a separate certificate and a licence endorsement the relevant definitions of the Basic Regulation have been analysed.
68. According to the Basic Regulation 'certification' means 'any form of recognition that a product, part or appliance, organisation or person complies with the applicable requirements including the provisions of this Regulation and its Implementing Rules, as well as the issuance of the relevant certificate attesting such compliance', whereas a 'certificate' means 'any approval, licence or other document issued as the result of certification'.
69. The Basic Regulation does not contain a definition for the term 'endorsement'; Article 2 of Regulation (EU) No 805/2011, however, defines the term instructor endorsement, as assessors are not certified under the regime set up by that Regulation. According to the definitions of the directive, instructor 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'.
70. In order to fully implement the Basic Regulation a certification system for instructors and assessors has to be established. As the result of the certification, a certificate has to be issued to the applicant. Regarding its form this certificate can appear as an approval, a licence or any other document. Regarding the content it is essential that the privileges granted by the certificate be specified therein. Regarding the administrative procedures the future system has to establish the conditions for the issuing, maintaining, suspending or revoking the future instructor/assessor certificate, approval or other document.
71. Unlike Regulation (EU) No 805/2011, where only instructor endorsement existed being limited to certifying on-the-job training instructors, it has been acknowledged that the amended system shall accommodate significantly more options to also ensure the needed flexibility. Under the new regime, to establish full compliance with the Basic Regulation, a differentiated approach shall be created for certifying instructors' theoretical and practical skills. Moreover, even within the practical instructor category a differentiation is foreseen to accommodate the possibility not to be an active air traffic controller, which is given by the essential requirements.
72. The new system has also to ensure simple and easy administration from the competent authorities' point of view. It has also to ensure transparency regarding the privileges, as well as for oversight purposes.

73. The above conditions can be fulfilled by several means. In this case the options to be analysed are limited to two systems. On one hand a separate certificate (that could be named 'licence' as well), which is issued and maintained separately with privileges that are dependent on the privileges of the underlying air traffic controller licence. On the other hand a licence endorsement that is forming part of the air traffic controller licence.
74. The characteristics of the two options are summarised in the table below.

	Separate instructor/ assessor certificate/ licence	Licence endorsements
Form	OK	OK
Content	Linked to the ATCO licence.	Linked to the ATCO licence.
Administrative procedures (issuance, maintaining validity, suspension, revocation)	No difficulties as the issuance of the separate certificates does not necessitate changes to the ATCO licence and the validity of the document can be administered independently.	Possible, but suspension and revocation is more difficult than in the case of a separate certificate.
Flexibility regarding options	OK, as separate document can be issued for each type of privilege.	Possible, but makes the format of the ATCO licence more complex and filled.
Simple and easy administration	OK, but necessitates several documents.	All potential privileges are contained in the same document.
Transparency/oversight	Fully ensured.	Fully ensured.

75. The above evaluation concluded that both systems are able and suitable to ensure compliance with the requirements of the Basic Regulation. The comparison of the options shows slightly more advantages for the system of the separate certificates; however, another major advantage has been counted for the licence endorsement, namely that already today on-the-job training instructors hold a licence endorsement to which by analogy the other elements can be built up as possible licence endorsements.
76. Based on the outcome of the above analysis the experts of the rulemaking group, supported by a strategic level advice by certain stakeholders, expressed their clear preference for continuing with the already existing system and establishing licence endorsements for all types of instructors and assessors. The substance requirements for these personnel are explained in the paragraphs below.

Instructors

77. For instructors the relevant essential requirements are to be found in Annex Vb, point 4(g), and they require the following:

(g) Instructors

(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.*

(ii) Instruction on practical skills shall be given by appropriately qualified instructors, who have the following qualifications:

- i. meet the theoretical knowledge and the experience requirements appropriate to the instruction being given;*
- ii. have demonstrated the ability to instruct and to use appropriate instructional techniques;*
- iii. have practised instructional techniques in those procedures in which it is intended to provide instruction; and*
- iv. receive regular refresher training to ensure that the instructional competences are maintained.*

(iii) Instructors on practical skills shall also be or have been entitled to act as an air traffic controller.

78. As a novelty compared to Regulation (EU) No 805/2011 the cited essential requirements distinguish between theoretical instructors and instructors on practical skills, from which only instructors on practical skills are required to hold a certificate.
79. Moreover, as another novelty, the essential requirements offer the possibility to act as an instructor with an invalid air traffic controller licence ('have been entitled to act as an air traffic controller'). In order to translate and implement these requirements qualification criteria for theoretical instructors as well as qualification and certification criteria for practical instructors have been created. In order to differentiate further and cater for the possibility provided by the essential requirement in (iii) two subcategories have been created for practical instructors, the traditional on-the-job training instructor, for which function holding a valid air traffic licence is indispensable and the synthetic training device instructor, which is offering a career possibility for air traffic controllers who are not having a valid licence, for example due to medical reasons or retirement.

Theoretical instructors

80. Theoretical instructors only need to meet certain qualification requirements set out in ATCO.C.001. Based on Article 8c(8) of the Basic Regulation they are not required to undergo a certification process and to hold a certificate. It is however the obligation of the training organisation to ensure that their theoretical instructors have the necessary qualifications and to maintain the records thereof (see ATCO.OR.C.010). The qualification requirements theoretical instructors have to meet are stemming from the relevant essential requirements. The aim of the provisions is to allow for different ways of proving the qualification appropriate to the subject being taught, for example by holding an air traffic controller licence with a unit endorsement in the relevant rating or another professional qualification. In addition, they have to demonstrate to the training organisation employing them that they possess the necessary instructional skills. AMC and GM are added to this provision to facilitate its implementation.

Practical instructors

81. Practical instructors, as explained in **paragraph 78** of this document, are divided into two subcategories as listed in ATCO.C.005. ATCO.C.010(a) sets out the privileges granted by the **on-the-job training instructor (OJTI) endorsement**, which apart from providing practical training and supervision on operation working position includes also the privileges of the synthetic training device instructor endorsement and under certain conditions certain assessor privileges.

On-the-job training instructor endorsement is defined as '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'.

Paragraph (b) of the same provision puts, however, conditions on the use of the endorsement based on certain experience criteria, namely two years' experience in the

rating, an immediately preceding period of six months' experience in the unit endorsement and practical instruction practice in the relevant procedures.

82. While experience criteria are considered very important for ensuring safety, paragraph (c) of the same provision is offering the possibility to shorten the required experience in the rating from two years to not less than one year by the competent authority if requested and justified by the training organisation to acknowledge the varied needs and circumstances of on-the-job training. AMC and GM are adding further details to this provision in order to facilitate the implementation of this exception.
83. ATCO.C.015 sets out the requirements for the application for an OJTI endorsement, which are in principle unchanged compared to those required under Regulation (EU) No 805/2011. The applicants for an OJTI endorsement shall hold a valid air traffic controller licence, shall have exercised the privileges of that licence for an immediately preceding period of at least two years, which can be shorted to one year, and shall have completed an approved instructional techniques course within one year preceding the application. The time limit for the completion of the instructional techniques course is a new requirement, it is considered to be important to link all requirements time-wise and not to allow considerable time gaps between the single elements since they are supposed to build on each other ensuring that the applicant is fit for the job. AMC and GM is adding further details to this provision in order to facilitate its implementation.

As explained above, possessing the OJTI endorsement is, however, not sufficient for exercising its privileges. ATCO.C.010(b) sets out the required experience criteria in order to exercise the privileges of the endorsement, namely two years' experience in the rating, an immediately preceding period of six months' experience in the unit endorsement, and practical instruction practice in the relevant procedures, from which the required rating experience can be shortened (see [paragraph 82](#) above).

84. ATCO.C.020 elaborates the validity of the OJTI endorsement in more detail than it has been the case in Regulation (EU) No 805/2011. The validity period remains unchanged and is set for three years. Further criteria are however established governing the revalidation and renewal of the endorsement. Revalidation (paragraph (b)) of the endorsement is linked to refresher training in practical instructional skills and either current experience requirements (minimum number of instruction hours as defined in the unit competence scheme) or passing a practical instructor competence assessment. The reason for such requirements is to ensure that on-the-job training instructors continuously meet the standards required for such task.

In the case of expiry current experience requirements cannot play a role; therefore, for renewal (paragraph (c)) both other conditions have to be met.

For the purpose of clarity and implementation facilitation paragraph (d) is giving guidance on the starting date of the validity, as previous experience shows that this has not been uniform in the Member States.

85. ATCO.C.025 contains a new provision on temporary OJTI authorisation to deal with cases where for certain reasons it is not possible to comply with the requirements set out in ATCO.C.010(b) about exercising the privileges of an OJTI endorsement. Examples for such cases are given in the attached Guidance Material, which may be typically the establishment of a new ATC unit, starting the operation of a new rating or rating endorsement at an existing ATC unit or seasonal and temporary units. It is evident that in such cases it is not possible to meet the experience requirements, therefore alternative solutions need to be applied. It is important, however, to emphasise that even in cases where a temporary OJTI authorisation would be the solution, safety cannot be compromised, and therefore a safety risk assessment is requested from the air navigation service provider. Based on such assessment the competent authority may issue the temporary OJTI authorisation when the applicant is meeting the requirements set out in paragraph (b). Such temporary OJTI authorisations can only be limited to the

instruction necessary for the introduction of the service, but in no case can their validity exceed one year or the validity of the underlying OJTI endorsement.

86. In a structure similar to the above, the provisions from ATCO.C.030 to ATCO.C.040 regulate the newly established **synthetic training device instructor (STDI) endorsement**. Synthetic training device instructor endorsement is defined as 'the authorisation entered on and forming part of a licence, indicating the competence of the holder to give instruction on synthetic training devices'. The legal basis and the reasons for proposing this new category are explained in **paragraph 79** of this document.

ATCO.C.030 governs the privileges as well as the conditions to exercise these privileges based on experience criteria. ATCO.C.035 sets out the conditions for the application for an STDI endorsement, while ATCO.C.040 details its validity, revalidation, and renewal criteria.

Assessors

87. Regarding assessors the relevant essential requirements are to be found in Annex Vb, point 4(g), and they require the following:

(h) Assessors

(i) Persons responsible for assessing the skill of air traffic controllers shall:

i. have demonstrated the ability to assess the performance of, and conduct tests and checks on air traffic controllers; and

ii. receive regular refresher training to ensure that the assessment standards are maintained up to date.

(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.

88. Assessors are the category of personnel that is responsible for assessing the practical skills of air traffic controllers, whose capacity is acknowledged by the assessor endorsement. The term 'assessor endorsement' is defined as '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'. The qualification and certification requirements associated with this category of personnel are new and are based on the above-mentioned essential requirements, as Regulation (EU) No 805/2011 does not regulate this category of personnel to the necessary extent.
89. It is, however, important to note that there is no need to hold an assessor endorsement for the assessment of practical skills during initial training; this exception is explicit in ATCO.C.045(a) and is based on the empowerment of OJTIs and STDIs to assess practical skills during initial training provided that they have successfully completed approved assessor training (see ATCO.C.010(a) and ATCO.C.030(a) respectively).
90. The privileges of assessors are defined in ATCO.C.045(b) and include the assessment of practical skills of student air traffic controllers for the issue of a unit endorsement and of air traffic controllers for the issue, revalidation and renewal of a unit endorsement. In addition, both in the case of student air traffic controllers and air traffic controllers, assessors shall be involved in the assessment of practical skills for rating endorsements that are only achieved concurrently upon successful completion of the unit training. Holders of an assessor endorsement may also be carrying out the assessment of practical instructors or of other assessors, provided that further requirements, specified in ATCO.C.065 and ATCO.C.070, are met (see ATCO.C.045(c)).
91. Similarly to the structure used for the OJTI and STDI endorsement, paragraph (d) of ATCO.C.045 describes the knowledge and experience-based conditions for the purpose of exercising the privileges of the acquired assessor endorsement.

Another important and safety-related condition is called upon in paragraph (e), namely to ensure that when it comes to the assessment of practical skills during unit endorsement courses or for the renewal of a unit endorsement, the assessor shall also have an OJTI endorsement, or alternatively an OJTI with a current unit endorsement has to be present in order to ensure safety.

ATCO.C.045(f) intends to avoid cases where a conflict of interest would occur for the assessor when he/she has been involved in the training of the candidate to be assessed. The competent authority may, on request of the training organisation, authorise another assessor for this particular assessment, provided that this other assessor is holding the same rating and rating endorsement from a different unit together with a valid unit endorsement. Further guidance on the use of this possibility is provided in the relevant GM.

ATCO.C.045(g) provides for an exemption from the requirements set out in paragraph (d) in the case of ATC unit having less than three assessors. To ensure impartiality in such cases, the competent authority may authorise assessors not fulfilling the knowledge and experience conditions necessary for exercising the privileges of the assessor endorsement. They shall, however, in any case hold a rating and a rating endorsement relevant to the assessment.

92. ATCO.C.050 provides for certain limitations in the case of vested interests and orders the assessors not to conduct competence assessments of applicants to whom they have provided more than 50 % of the on-the-job training and whenever their objectivity may be affected.
93. The conditions for the applications for an assessor endorsement are set out in ATCO.C.055. Applicants have to have an air traffic controller licence with a valid unit endorsement and at least two years of immediately preceding experience. In addition they have to successfully complete an approved assessor course within the last two years preceding the application and have been assessed within the year preceding the application. These requirements are proposed to ensure that the applicants possess current knowledge and skills.
94. ATCO.C.060 governs the validity of the assessor endorsement. Similarly to the approval provided for in Article 24 of Regulation (EU) No 805/2011, the validity of the assessor endorsement is set for a period of three years. For its revalidation approved refresher training needs to be undertaken during the validity period with either passing an assessor competence assessment or proving the accomplishment of a given number of assessments, as defined in the relevant unit competence scheme.

Whenever the validity of the endorsement expires and it comes to renewal the current experience cannot play a role anymore; therefore, the conditions to be met are the approved refresher training and the successful assessor competence assessment.

95. In the case of first issue and renewal, the validity period shall be counted from the date of issue. In the case of revalidation, however, if the assessor competence assessment takes place within the first two years of the validity, the validity of the endorsement is extended for another three years starting from the assessment date. This requirement is again to ensure that the applicants possess current knowledge and skills.
96. Section 3 of Subpart C (ATCO.C.065 and ATCO.C.070) sets out the requirements for the assessment of practical instructors and other assessors. The reason for separating these requirements from the other assessor-related requirements is the different subject matter the assessment concerns. Although assessment skills and air traffic controller skills are certainly closely related, contrary to the case where an assessor is assessing an air traffic controller and is assessing his/her air traffic controller skills, a person assessing a practical instructor or an assessor is not checking the same skills, but another, different set of skills, namely the ability to instruct or to assess correctly. Moreover, the fact that STDIs or OJTIs are active only in training organisations providing initial training could not

fulfil or maintain the requirements for the assessor endorsement lead experts to the conclusion that it is sufficient to require the completion of the assessor training when it comes to the assessment of the instructional competence of other STDIs and OJTIs.

Based on the above consideration it is not an absolute prerequisite that these persons hold an assessor endorsement.

If the assessment concerns an OJTI or an applicant OJTI, the assessing person shall hold or shall have held an OJTI endorsement and shall have at least three years' active assessor experience. When an STDI or an applicant STDI is assessed, the assessing person shall hold either an OJTI or an STDI endorsement and shall also have at least three years' active assessor experience. In both cases it is required, however, to complete approved assessor training.

For the assessment of other assessors, the assessing person shall hold or shall have held an assessor endorsement and at least three years' experience in exercising the privileges of that endorsement.

In order to complement these requirements and for the purpose of their implementation training organisations are required to maintain records of persons qualified for assessing the competence of practical instructors and of assessors according to ATCO.OR.C.010.

97. Section 4 of Subpart C (ATCO.C.075) derogates from the general rule of Article 2(3) requiring instructors and assessors to be certified according to this Regulation. The derogation concerns foreign instructors and assessors, employed by third-country air traffic controller training organisations, for which the certification and oversight is ensured by the Agency according to Article 22b of the Basic Regulation.

To ensure adequate proportionality as well as an equivalent level of safety, the Agency is of the opinion that third-country instructors and assessors need to obtain instructor and assessor privileges by means of a certificate issued by a competent authority established or nominated by each Member State for this purpose. The conditions for obtaining such certificate are that they hold at least a licence, rating, and endorsement equivalent to the instruction given, comply with the requirements of Part-ATCO, Subpart C, and demonstrate to the competent authority to which they apply for the instructor or assessor privileges that they have an adequate level of knowledge of the European aviation safety rules to be able to exercise the instructor or assessor privileges. Moreover, foreign instructors and assessors are restricted to provide instruction and assessment only outside the territory of the Member States and to students that can adequately understand the language in which the training is provided.

Subpart D – Air traffic controller training

98. Air traffic controllers are responsible for expediting and maintaining a safe and orderly flow of air traffic in the global air traffic control system. The position of the air traffic controller requires highly specialised skills. Air traffic controllers apply separation rules to keep aircraft apart from each other in their area of responsibility and move all aircraft safely and efficiently through their assigned sector of airspace; therefore, they have an incredibly great responsibility while on duty. In order to be able to safely and efficiently fulfil their tasks, air traffic controllers need to be appropriately trained.
99. Training shall be established and delivered to ensure that air traffic controllers acquire and maintain their competence to exercise a responsible task in a safe manner in all phases of their professional career.
100. Common and uniform training is also a key element for ensuring EU-wide recognition of the air traffic controller licence and thus a key factor in facilitating the mobility of air traffic controllers. The identification of the options and the analysis of the impacts of the proposed way forward are further detailed in Chapter 9 of the attached Regulatory Impact Assessment.

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

Subpart D, Section 1 — General requirements

102. This section establishes any training planned and delivered to student air traffic controllers and air traffic controllers, together with related objectives. Compared to Regulation (EU) No 805/2011 the overall objectives of ATCO training remain unchanged.
103. Annex II to Regulation (EU) No 805/2011 structured the ATCO training into initial, unit, and continuation training as well as training for on-the-job instructors and assessors. This structure of the ATCO training is maintained in ATCO.D.005 breaking down further each of the identified training types into specific components. The training to be undertaken by any air traffic controller is defined in paragraph (a), while paragraph (b) lists the optional training elements an air traffic controller may undertake for the purpose of further career development.
104. While many training organisations have already been providing pre-OJT voluntarily, this component is now introduced as a requirement for unit training for units where air traffic controllers handle complex and dense traffic situations. It follows transitional training and precedes on-the-job training. An AMC to ATCO.D.005(a)(2) is proposed to specify cases where an applicant for a unit endorsement should undertake unit training, as well as GM on how to organise on-the-job training.

Subpart D, Section 2 — Initial training requirements

105. Initial training is the training that the applicant for a student air traffic controller licence shall undertake and successfully complete before an application for the student air traffic controller licence can be submitted. It is composed of:
- basic training, intended to impart the fundamental knowledge and practical skills related to the basic operational procedures in the ATS provision; and
 - rating training, intended to impart knowledge and practical skills related to a specific rating and, in the case of ADI rating, the TWR endorsement.
106. Regulation (EU) No 805/2011 established provisions for ATCO initial training in Annex II, Part A. This Regulation references EUROCONTROL Specification for the ATCO Common Core Content Initial Training dated 21 October 2008 to establish training objectives for basic and rating training, and provides a list of the subjects to be taught.
107. To implement the essential requirements concerning the ATCO initial training included in Chapter 4 of Annex Vb to the Basic Regulation, it is necessary to develop provisions addressing the establishment of initial training courses. Section 2 proposes provisions concerning the composition of initial training into basic and rating training, the mandatory contents to be taught, examinations and assessments, performance objectives, as well as for the establishment of the initial training plan and the implementation of initial training courses.
108. As far as the contents of initial training are concerned, the Agency has worked together with EUROCONTROL to transpose the contents of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training Edition 1.0 of 21 October 2008 into EU legislation and complement them with provisions related to examinations and assessments and the implementation of ATCO initial training courses.
109. The reasoning for the transposition and its evaluation against other options is provided in Chapter 9 of the attached Regulatory Impact Assessment.

110. The development of draft initial training requirements based on the EUROCONTROL Specification for the ATCO Common Core Content Initial Training applied the following principles:
- subjects, subject objectives, topics and subtopics form part of the draft Implementing Rule and are resulting in Appendices 3 to 9;
 - corpus, taxonomy, and mandatory content form part of AMC, and specifically AMCs to Appendices 3 to 9 to the draft Implementing Rule.
111. A limited review of the content of the transposed material was performed by EUROCONTROL on the basis of the following criteria:
- All references to ESARRs were removed in the proposed Implementing Rule. Where possible, an alternative reference to EU legislation was introduced. Wherever this was not possible the mandatory content remains empty.
 - References to ICAO documents were reviewed for each objective. Where no alternative EU legislation reference existed, the ICAO reference remained, using the following principles: annexes and Doc 4444 to IR and other ICAO publications (e.g. SUPPS, Technical Manuals, Air Navigation Plans) to either AMC or GM.
 - Non-mandatory content (the 'e.g. content' of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training) was assigned either to AMC or Guidance Material, or was not included.
 - AMC and GM contain references to any document when it was considered appropriate.
112. For readers not familiar with the structure of the syllabi of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training, explanatory material on the interpretation of the structure and a list of relevant acronyms can be found in the supplements attached to each of the 7 AMC to Appendices 3 to 9 to the proposed Regulation.
113. It is acknowledged that some content of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training, published in 2008, may be improved by a detailed review. EUROCONTROL has initiated a working arrangement with the stakeholders, the ATC Common Core Content Training Task Force (ACCCT TF), to perform a review and update of the initial training material. This review and update is performed on request of and in close cooperation with the Agency. The outcome of the review will be taken into account in the Agency's Opinion following this NPA.
114. On 26 September 2012 Commission Regulation (EU) No 923/2012 — the so-called SERA (Standardised European Rules of the Air) Regulation — was adopted and shall apply as from 4 December 2012. This new Regulation implements provisions of ICAO Annex 2 and partially Annex 3 and 11 into the EU legislative framework; many of such ICAO provisions are referred to in the content of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training which are proposed to be transposed in the AMC to Appendices 3 to 9, as explained in [paragraph 110](#). Due to the timeframes established for the production and publication of this NPA, it has not been possible to amend the content of the aforementioned AMC to replace references to ICAO Annexes with the relevant SERA Regulation. This alignment will be performed under the review and update process described in [paragraph 113](#) above.
115. The initial training content proposed in the appendices already takes into account the new rating and rating endorsements structure proposed in ATCO.B.010 and in ATCO.B.015. The necessary updates to the relevant appendices, to match the training requirements with the integrated ratings proposed in this NPA, were introduced upon request of the Agency by EUROCONTROL with the support of the ACCCT TF.

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

1. Appendices to the draft Implementing Rule relevant to training

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

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

Appendices 4 to 9 match the rating structure as proposed in ATCO.B.010.

The appendices contain subjects, subject objectives, topics and subtopics of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training.

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

The draft Decision contains 7 AMCs, one to each of the appendices of the draft Implementing Rule.

The AMC to each appendix include the corpus, taxonomy, and content of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training.

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

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

117. ATCO.D.015 introduces the requirement to implement a system for both examination and assessment of knowledge, understanding, and skills during the basic training course.

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

The performance objectives, to be assessed with the use of a part-task trainer or a simulator, are commensurate with the level of knowledge, understanding, and skills expected from applicants for the basic training. The list of proposed performance objectives is based on EUROCONTROL 'Guidance for Developing ATCO Basic Training Plans' Edition 2.0 of 13.12.2010.

A common pass mark for practical skills cannot be established; the assessment of the established performance objectives shall be successful and a pass mark awarded upon consistent demonstration of the performance requirements and adequate behaviour for safe operations. The list of performance objectives is contained in ATCO.D.015(c).

118. ATCO.D.020 introduces the requirement to implement a system for both examination and assessment of knowledge, understanding and skills during the rating training course(s).

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

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

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

119. The performance objectives are contained in ATCO.D.025. The training organisation shall define performance objectives for each of the rating training courses. ATCO.D.025(b) contains the generic objectives applicable to all rating training courses and takes account of the advance of the applicant in training.

Specific performance objectives for each rating are detailed in ATCO.D.025(c) to (g).

The list of proposed performance objectives is based on EUROCONTROL 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14.12.2010, where further guidance on the subject can be found.

120. ATCO.D.030 contains provisions for the implementation of initial training courses. It details how a training organisation can arrange and sequence the training, its obligations with regard to the approval of initial training courses, as well as the required documentation to be provided with reference to progress and completion of training.

To respond specifically to point 4(f) of Annex Vb to the Basic Regulation, the provision in ATCO.D.030(a) establishes that, like the components of initial training, basic and rating training shall be organised and provided as training course. The training organisation has the choice to deliver the training as two separate courses or to integrate them into one course. ATCO.D.030(b) requires the training organisation to develop and submit the basic and the rating courses, or the integrated initial training course, to the competent authority for approval.

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

ATCO.D.030(d) addresses the obligation for the training organisation to deliver a certificate of successful completion of the initial training undertaken by an applicant.

As required in ATCO.D.030(e), particular attention has to be paid to the complete satisfaction of the subjects, subject objectives, topics and subtopics in Appendix 3 and the associated examinations and assessments, before a certificate of completion of the basic training is issued.

ATCO.D.030(f) establishes requirements for the qualification of staff competent to conduct assessments during basic and rating training.

121. Based on ATCO.D.035 applicants have the right to be informed by the training organisation about the results of their performance in assessments and examinations, and, upon request, to obtain a certificate.

122. ATCO.D.040 requires the training organisation to establish an initial training plan and describes a list of its essential elements. The initial training plan is built around the initial training course and how it is implemented in the training organisation.

If during the life of the initial training plan none of the reasons for reviewing and/or amending the initial training plan happens, the provision in ATCO.D.040(l) requires a

review of the unit training plan at least every three years. The initial training plan shall be submitted to the competent authority for approval.

Subpart D, Section 3 — Unit training requirements

123. Unit training is the training leading to the acquisition of the practical skills and site-specific knowledge appropriate to exercise the function of an air traffic controller. It consists of theoretical and practical training. It ends with the issuance of an air traffic controller licence with at least one rating and a unit endorsement, and the appropriate rating endorsements.

Unit training builds on the achieved student air traffic controller licence which contains at least one rating and, if applicable, an appropriate rating endorsement. Unit training is also applicable in the case of conversion training where new ratings, rating endorsements or unit endorsements are required.

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

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

A definition of abnormal situation and emergency situation is provided in Article 3 'Definitions' of the cover Regulation, in paragraphs 1 and 8 respectively.

125. According to ATCO.D.050 commencing unit training depends on a completed initial training on a student air traffic controller licence or air traffic controller licence respectively which has been issued according to this proposed European licensing scheme.
126. ATCO.D.055 establishes the mandatory elements of the unit training plan in more detail than Part B of Annex II to Regulation (EU) No 805/2011. The definition of unit training plan, which originally existed in the above Regulation, has been deleted since its mandatory content is explained in more detail in these enacting provisions.

The unit training plan is built around the unit endorsement course and how it is implemented in the unit training organisation. As there is more than one path to the achievement of a unit endorsement, the unit training plan also has to identify how to adapt the unit endorsement course for applicants with different experience and qualifications.

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

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

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

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

The training organisation has the choice to deliver the training as separate courses or to integrate them into one course. Criteria for the choice could be the operational concept and the duration of the unit training concerned.

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

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

128. The provisions in ATCO.D.065 and ATCO.D.070 establish requirements to test knowledge, understanding, and skills of applicants. Compared to Part B of Annex II to Regulation (EU) No 805/2011, these provisions introduce requirements to also test theoretical knowledge and understanding.

Knowledge and understanding can be tested by continuous assessment or examinations. The selection of method is left to the training organisation and has to be included in the unit training plan.

The provision prescribes only a demonstration of skills at the end of the on-the-job training phase; however, assessments may be done more frequently, provided they are detailed in the unit training plan. Skills of the applicant may be tested with continuous assessment or dedicated practical checks in real operational environment, complemented by oral examination. The selection of method is left to the training organisation and has to be included in the unit training plan.

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

Subpart D, Section 4 — Continuation training requirements

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

Continuation training is training given to licensed air traffic controllers and is designed to improve or maintain existing knowledge and skills. It includes refresher, conversion, and language proficiency training.

130. ATCO.D.075 determines in refresher, conversion, and language training the composition of continuation training; the change compared to Part C of Annex II to Regulation (EU) No 805/2011 is the separation of conversion training from refresher training, which shall both be organised and provided by means of approved training courses.

Continuation training shall be provided according to the processes that are defined in the unit competence scheme in accordance with ATCO.B.025.

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

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

Language proficiency training is part of continuation training with respect to requirements detailed in ATCO.D.090.

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

- i. operational procedures;
- ii. task specific aspects;
- iii. abnormal and emergency situations; and
- iv. human factors.

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

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

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

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

132. In order to respond specifically to point 4(f) of Annex Vb to the Basic Regulation, the provision in ATCO.D.085(a) requires that conversion training is imparted by training organisations by means of an approved training course. The provisions in ATCO.D.085(b) and (c) offer further details on conversion training, during which the air traffic controllers acquire new knowledge and skills if this becomes necessary following a change in the

operational environment. The need for such training shall be substantiated by the safety assessment of the underlying changes. As air traffic controllers will have to integrate the knowledge and apply the skills in the operational environment after the training, an examination or assessment is necessary to confirm the acquisition of knowledge or skills. It is left to the training organisation to decide if such confirmation has to be undertaken by an assessment or an examination, as it will depend on the objective of the conversion training.

133. ATCO.D.090 defines the requirements applicable to language training. Research shows that language proficiency erosion (language attrition) occurs rapidly over time; the lower the initial level the faster the rate of erosion, unless systematic strategies and a high degree of motivation counter this trend. For instance, licence holders who were just level 4 when tested might well no longer be level 4 two and half years later, or might maintain level 4 only in the core areas and functions which they have practised regularly.

It is for this reason that a provision is introduced for training organisations to make available language proficiency training with the intention of addressing specifically air traffic controllers with level 4 language proficiency endorsement. The language proficiency training could be made available also to other licence holders as deemed necessary.

Subpart D, Section 5 – Training of instructors and assessors

134. As explained in **paragraph 103** above, according to ATCO.D.005(b) air traffic controllers may undertake further training for the purpose of their career development.
135. Based on ATCO.D.095, and to train practical instructors (either OJTI or STDI), training organisations shall develop and provide a practical instructional techniques course with a corresponding refresher course on practical instructional skills for the purpose of revalidation or renewal of the OJTI or STDI endorsement. In addition, the methods for assessing the competence of practical instructors shall be defined. Both training courses as well as the assessment method shall be approved by the competent authority.

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

136. For the purpose of training assessors, and based on ATCO.D.100, training organisations shall develop and provide an assessor training course with a corresponding refresher course on assessment skills for the purpose of revalidation or renewal of the assessor endorsement. In addition, the methods for assessing the competence of assessors shall be defined. Both training courses as well as the assessment method shall be approved by the competent authority.

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

Annex II – Part ATCO-AR – Requirements for competent authorities

137. This NPA proposes changes compared to the content of Regulation (EU) No 805/2011 with regard to the requirements applicable to the competent authorities. However, the date of applicability set for 18 months after the publication of this new Regulation will ensure a smooth transition for the competent authorities to amend their national systems to comply with the new elements proposed.

Subpart A – General requirements

138. Part-ATCO.AR presents the requirements to be fulfilled by the competent authorities. This Part contains six subparts, covering general requirements, management, oversight and enforcement, the administrative procedures for air traffic controller licensing, the

certification procedure of air traffic controller training organisations, and the specific requirements relating to aero-medical certification.

139. ATCO.AR.A.005 facilitates the duly empowerment of the competent authority's personnel to carry out certification and oversight tasks.
140. Article 22 of Regulation (EU) No 805/2011 was further evaluated in order to reflect in more detail the tasks of the competent authorities to properly oversee the personnel and organisations regulated by this Implementing Rule and results in ATCO.AR.A.010.
141. ATCO.AR.A.015 bearing the title 'Information to the Agency' requires competent authorities to notify any significant problems associated with the implementation of Regulation (EC) No 216/2008 and this Regulation, and also to provide safety-significant information to the Agency. This provision has been developed based on the already existing requirements to the competent authorities in the Aircrew Regulation²⁴ and the proposal on the same subject related to the competent authorities for aerodromes. However, it should be highlighted that although Directive 2003/42/EC²⁵ established the concept of mandatory safety reports in case of serious incidents, the Agency is of the opinion that the related implementing measures do not provide for explicit requirements on the need to report to the Agency all safety information available. The Agency should be informed of issues related to aviation safety as identified in the European Aviation Safety Programme (EASP) or of areas specifically identified by the Agency as constituting a safety concern.

Subpart B – Management

142. ATCO.AR.B.001 establishes that the competent authorities need to have a management system in place. This management system includes the following fields of activity: policies and procedures, personnel, facilities, compliance monitoring function, responsibility for management, and the participation in the exchange of information with other competent authorities which is already performed today. With a view towards the total system approach the requirements for the management of the competent authority have been developed to ensure consistency and compatibility not only with current and under development rules in air traffic management/air navigation services, but also as far as practicable with the relevant rules in the field of aerodromes, aviation aircrew, air operations as well as airworthiness. Such harmonised approach should also facilitate the activities of the competent authorities. The proposed provisions take due account of the critical elements of a safety oversight system defined by ICAO, in particular as regards CE-3 (State civil aviation system and safety oversight functions), CE-4 (Technical personnel qualification and training), CE-5 (Technical guidance, tools and the provision of safety-critical information), CE-6 (Licensing, certification, authorisation and/or approval obligations), CE-7 (Surveillance obligations), and CE-8 (Resolution of safety concerns). The proposed requirements will ensure compliance with the relevant ICAO Standards on implementation of SSP for all EU Member States. One of the main objectives for introducing a management system is to ensure that risks are identified, assessed, and satisfactorily mitigated. The importance of this for civil aviation has been widely recognised within the European Union. Furthermore, most elements of the management system are already common practice for competent authorities in other aviation domains, including ATM/ANS. This provision provides further details to facilitate the implementation of ICAO requirements which are of horizontal nature across aviation.

²⁴ Commission Regulation (EU) No 290/2012 of 30 March 2012 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 100, 5.4.2012, p. 1).

²⁵ Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 4.7.2003, p. 23).

Within this context, the Agency supports a holistic approach towards management systems, as being a fundamental element of the set-up of an authority. Moreover, for the purpose of standardisation, the provision requires that the competent authority provides a copy of the procedures related to management system and its amendments. In order to facilitate the implementation of these requirements related AMC material is proposed.

143. Regulation (EU) No 1034/2011²⁶ respects ICAO CE-4 requirements to a certain extent. However, to facilitate the acquisition of minimum knowledge and experience for the technical personnel performing safety oversight functions and to provide the means to ensure continuing competence with the aim to maintain and enhance their competence at the desired level, the ATM.004 Rulemaking Group considered it essential to develop associated AMC on initial and recurrent (periodic) training for competent authorities' personnel, which is an important element of their management system.
144. ATCO.AR.B.005 addresses the allocation of certification and oversight tasks by the competent authority to qualified entities and focuses on the criteria to be met. Such practice exists today in the oversight in ATM/ANS pursuant to Regulation (EC) No 550/2004²⁷ and in accordance with Article 11 of Commission Implementing Regulation (EU) No 1034/2011. However, it should be highlighted that this provision is now tailored to fully implement Article 13 of the Basic Regulation and aims to warrant that any certification or oversight task performed on behalf of the competent authority conforms to the applicable requirements, similar to what is required from organisations when contracting activities within their scope of certification. GM1 ATCO.AR.B.005 clarifies that the tasks to be performed on behalf of the competent authority excludes the issuance of certificates. This responsibility remains at all times within the remit of the competent authority.
145. ATCO.AR.B.010 further elaborates ATCO.AR.B.001 with regard to the changes in the management system of the competent authorities.
146. Regulation (EU) No 805/2011 established a provision on record-keeping which is implemented and further detailed in order to guarantee proper storage, accessibility, and traceability of the whole scope of competent authority's activities, as well as the licences and certificates it issues. GM1 ATCO.AR.B.015 gives guidance on the possible electronic storage of the records, if preferred so.

Subpart C – Oversight and enforcement

147. This subpart defines the necessary elements of the competent authority's interaction with regulated persons and organisations. It regulates the process of handling oversight and enforcement measures. Such requirement is based on established procedures in existing regulations, even in the field of ATM/ANS.
148. ATCO.AR.C.001 describes general oversight principles. These measures are already in force with the requirement of Article 28 of Regulation (EU) No 805/2011. The proposed requirements develop further the elements of the oversight based on the current legislation, e.g. Article 6 of Regulation (EU) No 1034/2011 and ARA.GEN.300 of the Aircrew Regulation. The new element of the oversight is the implementation towards a risk-based and performance-based oversight. This provision on oversight takes into account the high-level requirements contained in the Basic Regulation to ensure that the oversight is not limited to persons and organisations certified by the competent authority.

²⁶ Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 15).

²⁷ Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10).

149. ATCO.AR.C.005 addresses the elements of the oversight programme which has been evaluated based on Article 7 of Regulation (EU) No 1034/2011 and Article 8 of Regulation (EU) No 1035/2011 and ARA.GEN.305 of the Aircrew Regulation. Associated AMC is proposed to facilitate the implementation of this provision.
150. ATCO.AR.C.010 defines the specific actions, roles, and responsibilities of the competent authorities with regard to the enforcement measures applicable to regulated persons.

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

151. ATCO.AR.D.001 further elaborates the requirements already applicable to the competent authorities as per Article 23 of Regulation (EU) No 805/2011 to establish procedures for application, issue, revalidation and renewal of licences, ratings and endorsements. The new element of this procedure is the possible authorisation of assessors to revalidate and renew unit endorsements and their obligation to submit the required information thereafter, if the competent authority decides to use this possibility. To facilitate this procedure, following the approach of the certifying staff in airworthiness domain (Part-66), Guidance Material has been developed taking due account of the possible authorisation of assessors to revalidate and renew unit endorsements.

The introduction of a uniform European air traffic controller licence format, provided for in Appendix 1 to the draft Implementing Rule, further details the specifications for licences of Annex 1 to Regulation (EU) No 805/2011 to align with the specifications for personnel licences as required by ICAO Annex 1 and purposed to facilitate the mutual recognition as described in **paragraph 39** of this document.

152. ATCO.AR.D.005 further regulates the procedure from the previous provision on the issuance of the licence to reflect in which circumstances the competent authority is required to reissue a licence.
153. The criteria applicable to the suspension and revocation of licences, ratings and endorsements in case of non-compliance with the applicable requirements of Part-ATCO are defined in ATCO.AR.D.010. It also provides the necessary elements to the competent authority on how to interact with the regulated persons, i.e. the air traffic controllers. AMC and GM add more details to this provision to facilitate its correct implementation.

Subpart E — Certification procedure for air traffic controller training organisations

154. The proposed provision in ATCO.AR.E.001 defines the activities of the competent authorities with regard to the application and certification procedure of the training organisations whose framework is already established in Article 27 of Regulation (EU) No 805/2011. The new provision takes due account of the introduction of the competent authority's management system and defines the application process for the training organisation certificate. Paragraph (a) is considered to be essential to complement the requirements relevant for compliance verification of the training organisation with the applicable requirements. Aiming at proper and uniform implementation of this element of the certification process the associated AMC complement with possible means of compliance. Paragraph (c) repeats Article 27(3) of Regulation (EU) No 805/2011 on the possibility for the certificate to be issued for each type of training or in combination with other air navigation services. To facilitate the mutual recognition of the training organisations' certificates a uniform format for such certificates is introduced, which is to be found in Appendix 10 to the draft Implementing Rule.
155. ATCO.AR.E.005 defines the interaction of the competent authority when a training organisation decides to implement changes to its organisation. If the competent authority receives an application for an organisational change requiring prior approval based on ATCO.OR.B.020, it shall verify the training organisation's compliance with the applicable requirements before issuing the approval. If the training organisation implements such changes without obtaining the required approval, the competent authority will have to

take appropriate action. For these 'changes to be approved', straightforward requirements for the competent authority on the 'what to do' need to be developed. For this reason, ATCO.AR.E.005(a) and (b) establish that the competent authority needs to verify the training organisation's compliance with the applicable requirements before issuing the approval, as well as that it needs to act appropriately if the training organisation implements the 'change to be approved' without receiving such an approval.

156. Regarding the changes not requiring prior approval, 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. The information as provided by the training organisation in the notification of such a change does not have to be assessed immediately, but within the continuous oversight process. The authority requirements in other aviation domains already in force or shortly foreseen to be in force contain the same requirements turning the processing and notification of 'changes not requiring prior approval' into a controlled process. This provision aligns the authority requirements for air traffic controller training organisations with those already existing in other aviation domains. The controlled process regarding competent authorities for air traffic controller training organisations is twofold. First, a general process needs to be in place at the training organisation defining the scope of the changes not requiring prior approval', and their management and notification mechanism. This process is to be approved in general by the competent authority as part of the certification process. Then the information provided by the ANSP when notifying a change is to be assessed by the competent authority during the continuous oversight process. This process strikes a balance between a reasonable amount of oversight by the competent authority on the one hand, and a reasonable amount of 'freedom to act' by the training organisation on the other hand. Associated AMC and GM are proposed to facilitate the implementation of this new requirement.
157. Dedicated provision on how the competent authority should handle findings raised and corrective actions for the air traffic controller training organisation are proposed in ATCO.AR.E.010. This provision has been developed based on ARA.GEN.350 of the Aircrew Regulation. Article 8c(10)(b) of Regulation (EC) No 216/2008 requires the Implementing Rule to specify the conditions for, among others, suspending or revoking a certificate of an air traffic controller training organisation. Therefore, new requirements containing concrete rules for possible suspension and revocation of certificates needed to be developed. Such requirements are already part of the current oversight legislation (e.g. ARA.GEN.350 of the Aircrew Regulation) or proposed for the future ones (e.g. ADR.AR.C.055 of EASA NPA 2011-20²⁸). This provision actually provides for a convenient 'flowing' system between findings and corrective actions on the one hand and possible suspension and revocation actions on the other hand. Therefore, ARA.GEN.350 serves as the basis for the development of a provision on 'findings, corrective actions, and enforcement measures' for air traffic controller training organisations. However, this provision has been tailored to the oversight of training organisations and air navigation service providers when providing air traffic controller training as well.
158. Furthermore, it should be stressed that ATCO.AR.E.010 also introduces a requirement for the competent authorities to establish a system for categorising findings and deciding on enforcement measures, based on the safety risk posed by non-compliances. It is important to emphasise that, in line with the broader promotion and introduction of risk-based oversight, the safety risk posed by an air traffic controller training organisation's non-compliance is taken into account. To perform the safety oversight in ATM/ANS the competent authorities shall comply with the requirements stemming from Commission Implementing Regulation (EU) No 1034/2011, especially Articles 6, 7, and 8. In most cases the air navigation service providers are also certified air traffic controller training

²⁸ [http://www.easa.europa.eu/rulemaking/docs/npa/2011/NPA%202011-20/NPA%202011-20%20\(combined%20%20NPA%202011-20%20A,%20B.I,%20B.II,%20B.III,%20C,%20D\).pdf](http://www.easa.europa.eu/rulemaking/docs/npa/2011/NPA%202011-20/NPA%202011-20%20(combined%20%20NPA%202011-20%20A,%20B.I,%20B.II,%20B.III,%20C,%20D).pdf)

organisations. Therefore, there is no reason for the competent authorities to apply other requirements for their oversight. The requirements for the system for categorising the findings will harmonise the classification of non-compliances among the Members States. Furthermore, this will ensure uniform approach across the domains.

159. A so-called level 1 finding is to be issued by the competent authority in case of a serious non-compliance that poses a significant risk to flight safety or otherwise questions the organisation's fitness to continue operations. In case of a level 1 finding, the competent authority shall require corrective action from the training organisation. Apart from that, the competent authority shall take immediate appropriate action, which may include revocation, limitation or suspension (in whole or in part) of the certificate. Level 1 findings are not 'regular' findings for which a certain time period can be allowed to repair the non-compliance. These are very serious cases with a direct impact on safety or on the training organisation's fitness to continue operations. For this reason, in case of level 1 findings, the competent authority need to act directly to minimise the identified impact until the training organisation has taken successful corrective action. This provision gives the competent authority both the obligation *and* the power to do this. Furthermore, it empowers the competent authority, as an ultimatum remedium, to limit, suspend or revoke the air traffic controller training organisation's certificate. The provision's set-up, however, is such that this is not an obligation for the competent authority, but a possibility. Also other manners of taking action are possible. This creates a balance between providing the competent authorities with sufficient powers to be taken seriously on the one hand, and not forcing them into actions that are not in line with the strategic functions of many air traffic controller training organisations on the other hand. The competent authorities are therefore always empowered and obliged to take 'tailored' action ('the measure taken shall depend on the extent of the finding').
160. A level 2 finding is to be issued by the competent authority when any non-compliance is detected with the applicable requirements, with the ATCO training organisation's procedures and manuals, or with the terms of conditions or the training organisation's certificate. In case of a level 2 finding, the competent authority shall require a corrective action and implementation plan, including a proposed implementation period, from the training organisation. If the assessment of the training organisation's plan concludes that this is sufficient to address the non-compliance, the competent authority shall accept it. If the training organisation does not submit an acceptable corrective action plan, or it is not carried out, the finding shall be elevated to level 1 (since the impact of level 2 findings is less direct and grave as that of a level 1 finding). For this reason, and for the reason of proportionality in case of a level 2 finding, the training organisation shall be allowed a reasonable amount of time to repair the non-conformity. This shall be processed through a corrective action and implementation plan, to be proposed by the training organisation and to be accepted by the competent authority. Only if the training organisation fails to submit an acceptable corrective action plan, or fails to implement it properly, the competent authority shall elevate the finding to level 1. This system provides for a balanced and proportional approach to 'regular' findings. These should always be repaired, but the training organisation can be allowed to do this in a manner that is the most suitable within its operational environment. However, this manner shall always be acceptable to the competent authority, and if no genuine action is taken by the ATCO training organisation the competent authority eventually has the power to act accordingly. Associated GM for the purpose of facilitating the implementation of this provision is also proposed.

Subpart F — Specific requirements relating to aero-medical certification

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

AMEs and AeMCs with the privilege to issue medical certificates for pilots or air traffic controllers.

162. Presently AMEs issue medical certificates for air traffic controllers only, or for pilots only, or for both groups of professionals. In addition, some competent authorities approve and oversee AMEs and AeMCs with the privilege to issue medical certificates for air traffic controllers and for pilots. This will continue after the implementation of common European rules for air traffic controllers.
163. Subparts 'A — General', 'B — Management', and 'C — Oversight', as well as the enforcement of Annex II could apply for aero-medical certification and aero-medical centres in addition to this specific Subpart F. However, it has to be noted that the Aircrew Regulation also regulates the oversight of AMEs and AeMCs with the privilege to issue medical certificates for pilots. These rules do not differ substantially from the ones in this draft Regulation for the licensing and medical certification of air traffic controllers, but they are worded and structured differently.
164. It was considered to be difficult for competent authorities as well as for AMEs and AeMCs to follow Implementing Rules for an identical task (e.g. oversight with regard to medical certification) which are worded and structured differently. Therefore, this NPA is proposing to reference the Aircrew Regulation where medical certification is concerned (ATCO.AR.F.005) and include in this Regulation only provisions relating to aero-medical certificates and forms that are needed for the medical certification of air traffic controllers which are explained below.
165. The provision ATCO.AR.F.010 on the medical certificate outlines the content of the medical certificate and the roman numbers that relate to each element. It also requires the use of specific paper and specifies the language(s) used on the certificate and format of dates.
166. AMC1 ATCO.AR.F.010 shows a layout of a medical certificate. This layout has not been included in the Implementing Rules because some Member States prefer to have more information on the medical certificate than the absolute minimum, e.g. a copy of the provision ATCO.MED.A.020 ('Decrease of medical fitness') for information of the air traffic controller, dates of last and of next tests such as electrocardiogram (ECG), and more. It was therefore considered that the format of the medical certificate should better be placed in an AMC, provided that the essential items are in an Implementing Rule.
167. The AME certificate, detailed in ATCO.AR.F.015, contains the scope of the privileges of an AME, the format is laid down in Appendix 11 to the draft Implementing Rule. The format of the AME certificate is the same as the one provided for in the Aircrew Regulation and the privilege to issue Class 3 medical certificates has been added. The same addition will be made in the Aircrew Regulation when amended. An AME will therefore hold only one certificate that indicates all privileges.
168. The same approach as for the AME certificate has been followed for the AeMC certificate in ATCO.AR.F.020.
169. ATCO.AR.F.025 deals with aero-medical forms. AMEs and AeMCs who issue Class 3 medical certificates may also have the privilege to issue medical certificates for pilots. The application form for a medical certificate and the examination report form for pilots, as provided for in the Aircrew Regulation, have therefore been amended to include air traffic controllers. The same change will be made in the Decision supporting the Aircrew Regulation.
170. The format of the application form and the examination report form are provided in AMC1 ATCO.AR.F.025.
171. The reason for amending the existing forms is that the information needed from the applicant and the way a medical examination is conducted are the same for both aviation professionals. The forms are already in the IT systems of AMEs, AeMCs, and competent

authorities and it would therefore be impractical to require a different format that would not provide more or better information or reports.

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

Subpart A — General requirements

172. The content of this Part has been built upon the requirements contained in Chapter IV of Regulation (EU) No 805/2011. As already mentioned in the Agency's Opinion No 03/2010, the Agency's first phase work was limited to minor changes and technical updates that were considered absolutely necessary. As explained in the said Opinion, the intention has always been to expand the requirements contained first in Directive 2006/23/EC, then in Regulation (EU) No 805/2011 for approved training organisations to cover all the aspects foreseen in and required by the Basic Regulation, in particular, the essential requirements set out in point 5(c) of Annex Vb, and to align with the requirements applicable to such organisations contained in ICAO Annex 1, in particular with point 1.2.8 and Appendix 2 and Appendix 4, and also in the draft of the future ICAO Annex 19 to the Convention on International Civil Aviation²⁹. The proposed changes are considered to complete and complement the existing requirements.
173. The main objective of the proposed changes is to provide a common regulatory framework for the training organisations in order to apply for and to maintain a training organisation certificate to provide air traffic controller training.
174. It is important to highlight that there are different types of training organisations: (i) training organisations (that are not necessarily part of the air navigation service providers) providing initial training for air traffic controllers to allow the issuance of the student air traffic controller licence, and (ii) training organisations providing unit or continuation training, which are mainly part of the air navigation service providers or air traffic service unit. 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, because the person undertaking training to become an air traffic controller provides air traffic control service under the supervision of properly qualified instructor. Taking into account this aspect, the proposed training organisation requirements are general so that they can be applied to all training organisations. However, in some provisions the term 'where relevant or applicable' has been used. It has been further clarified in non-binding material to be understood as applicable to those training organisations which provide unit training and in particular on-the-job training.
175. The major difference in the requirements applicable to them is that training organisations providing on-the-job training may have a direct impact on aircraft operations. While both types of training organisations have to implement a management system, only those having a direct impact on aircraft operations can perform a risk assessment and mitigation in relation to their services or activities. This is the concept foreseen in ICAO Annex 1 and also in the draft ICAO Annex 19. The management system of other training organisations is oriented to ensure the quality of the training provided so as to ensure that the air traffic controller is able to perform the duties safely.
176. The only provision in Subpart A, ATCO.OR.A.001, defines the scope with the intention to state the content of the Part and also to indicate whom this Part applies to. The definition of the scope of this Part intends also to clarify that air navigation service providers providing training to air traffic controllers according to the training requirements specified in Subpart D of Part-ATCO shall, for this activity, comply with the requirements relevant

²⁹ The draft ICAO Annex 19 does not foresee major changes to the requirements on SMS or SSP but mainly a repetition of the content of Appendix 4. The new annex has not yet been adopted.

to air traffic controller training organisations and obtain and maintain a certificate to this end.

Subpart B — General requirements for air traffic controller training organisations

177. ATCO.OR.B.005 defines the competent authority for the purpose of this part, which is directly copied from Article 4 of Regulation (EU) No 805/2011 without change. The change of location has been found necessary to clarify to which competent authority the applicants for a training organisation to provide ATCO training need to apply and is therefore responsible for the oversight³⁰.
178. ATCO.OR.B.010 describes the application for a training organisations certificate. This requirement originates from Article 18 of Regulation (EU) No 805/2011 and has been amended to indicate that an application shall be submitted not only for the initial certification but also for an amendment to the certificate. Paragraph 3 of Article 18 of Regulation (EU) No 805/2011 has been moved to a separate article dealing with the granting of access to the facilities as this requirement is not only valid for the certification but also for the oversight of the training organisation. The provisions have also been complemented by adding the obligation to demonstrate compliance with the Basic Regulation as well as with the subject regulation. Furthermore, this provision defines the elements that need to be submitted together with the application for training organisation certificate. Paragraph (d)(2) requires specifying the address(es) of the ATC units in which unit training is provided. Obviously that requirement does not apply to training organisations not providing unit training.
179. The provision in ATCO.OR.B.015 concerning the terms of approval and privileges of a training organisation certificate is a general requirement. Even if the existing Regulation does not clearly contain this requirement, it is assumed to be applied today by common sense. However, for legal reasons it is necessary to explicitly require this requirement. The associated AMC is proposing a possible way to comply with this requirement by addressing the terms of approval and the conditions attached to the certificate through the management systems, including also the cases where the training organisation contracts activities to contractors.
180. ATCO.OR.B.020 defines the requirements applicable to changes to the training organisation. Once the training organisation has obtained a certificate, the conditions under which the certificate is issued, the documents and procedures approved as part of the certification process do not usually remain unchanged. This new requirement is needed to ensure that training organisations may change a process, a procedure, a training course, a training manual, or a training method, etc., without the need to be re-certified. For such cases it is important to establish requirements that will clearly define what is required from the training organisation to carry out the change, as well as the relationship between the training organisation and its competent authority with regard to the change. This new provision requires the training organisation to agree with the competent authority on a procedure for dealing with changes. Such procedure needs to define: (i) changes that need to be notified to the competent authority, and the assessment of the change needs to be approved by the competent authority before the change is implemented; (ii) changes that only need to be notified to the competent authority; and (iii) changes that do not need to be neither notified nor prior approved by the competent authority before the change is implemented. AMC and GM are provided to support the training organisation on how to comply with these requirements and to assist the training organisations to develop and propose such procedure as well as to the competent authority on what it is considered acceptable.

³⁰ Unless otherwise specified or agreed between Member States and competent authorities in case a training organisation provides training in different Member States, the competent authority responsible for the oversight of the training organisation remains the same for certifications.

181. ATCO.OR.B.020 is necessary to ensure that the conditions under which the certificate has been issued are managed so that the level of safety or quality of the services (training) provided remains unchanged or improves whenever possible.
182. ATCO.OR.B.020 is also implementing point 3.2 of Appendix 4 of ICAO Annex 1; however, the wording has been amended to make it more general and to better reflect the two types of training organisations.
183. ATCO.OR.B.025 on continued validity is also a new requirement which clarifies that the validity of a training organisation certificate remains unlimited subject to its continued compliance with the applicable requirements. Similar requirements have been introduced in other fields of aviation and are supporting the concept of continuous oversight over training organisations rather than a re-certification following the expiry of a certificate of limited duration. This provision aims at reducing administrative burden for the training organisation and also for the competent authority and it is promoting the risk-based oversight by which the competent authority should concentrate efforts on the identified issues. The idea behind is to avoid that both training organisation and competent authority put unnecessary efforts on the re-certification instead of concentrating on solving the issues identified during the continuous oversight.
184. The provisions in ATCO.OR.B.030 concerning access to training organisations facilities and data are based on the already existing obligation stipulated in Article 18(3) of Regulation (EU) No 805/2011. The provision has been slightly amended based on the comments provided by the experts of the rulemaking group to better clarify the intent. ATCO.OR.B.030 also implements one of the essential requirements in Annex Vb, paragraph 5(c).
185. The provisions in ATCO.OR.AB.035 concerning findings are not new requirements. The aim is to clarify the responsibilities of the training organisations once the competent authority has identified non-compliances with the applicable requirements during the oversight. The requirements follow the process foreseen for the competent authority when carrying out its oversight on the training organisations and are linked to the provisions in ATCO.AR.E.015. Two GM have been developed to explain further details of the corrective action plan and to identify which competent authority can raise findings as part of their audits.
186. The provision in ATCO.OR.B.040 concerning immediate reaction to a safety problem is a new requirement, which is necessary to ensure that training organisations comply with the safety measures issued by the competent authority in case it has identified a safety risk, mainly based on in-service experience, that could have been mitigated by a change in the air traffic controller training content or method (together with other mitigation measures).
187. ATCO.OR.B.045 on occurrence reporting is a new requirement that has been introduced for the training organisations that are providing on-the-job training and are directly involved in the aircraft operations. Some members of the rulemaking group argued that this requirement was duplicating a similar requirement already imposed on air traffic service providers. However, the Agency considers that this reporting requirement is necessary since occurrence may take place in an ATS unit but be related to an incorrect training content or method when the person is undertaking on-the-job training and as such it is related to the training organisation.

Subpart C — Management of air traffic controller training organisations

188. This subpart is developing further the requirements of Article 19 of Regulation (EU) No 805/2011. The provisions in ATCO.OR.C.001 concerning the management system of training organisations are not new but they build on the existing requirements and complement those with a generalisation of the common elements of quality and safety management systems required for training organisations by points 4 and 5 of Appendix 2, and of Appendix 4 to ICAO Annex 1. The content of the proposed provision is not an

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

189. ATCO.OR.C.005 covers the requirements applicable to contracted activities. The training organisation usually performs its activities itself. However, in case it decides to contract certain activities to a separate entity, there is a need to ensure that the activities are carried out in compliance with the applicable requirements and the responsibility for the training provision remains with the training organisation.
190. The provisions in ATCO.OR.C.010, personnel requirements, were already required by Article 19(a) of Regulation (EU) No 805/2011. However, the requirement has been made more explicit to ensure that the training organisation has a minimum of defined functions within the organisation (accountable manager, person responsible for training). These functions could be performed by the same person. In addition, and as part of the functions defined, there are requirements regarding a particular type of personnel such as instructors (e.g. theoretical instructors, STDIs) and assessors. AMC is related to the requirements for the STDI while GM is related to the functions defined by providing examples on the typical functions and experience requirements of the person(s) responsible for training. The reason of having the minimum number of working hours for STDIs to be defined here is that this category of personnel is not necessarily employed by an air navigation service provider, therefore — contrary to the similar requirements applicable to OJTIs — these requirements in many cases cannot be placed into the unit competence scheme. These proposed provisions are also implementing point 7 of Appendix 2 to ICAO Annex 1.
191. The provisions in ATCO.OR.C.015 on facilities are new but necessary in order to further elaborate the requirements of the Basic Regulation, in particular those in the essential requirements of point 5(c) of Annex Vb. It is very important to ensure that the training organisation has adequate facilities to provide the training to ensure that the air traffic controllers' qualification guarantees the safe provision of air traffic control services. The requirements are complemented with AMC and GM on the use of and specifications for synthetic training devices used for training purposes. In the context of this Regulation only two categories of synthetic training devices are used, which are the simulators and the part-task trainers, as these are the synthetic training devices requiring an STDI endorsement from the instructor. They are also a mitigation for the risk identified in cases where the training is provided with real traffic and the instructor would not have means to intervene if the situation so requires it (e.g. a conflict was detected and the person undertaking training does not demonstrate the ability to resolve it). These provisions are also implementing point 6 of Appendix 2 to ICAO Annex 1.

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

Subpart D — Requirements for training courses and training plans

193. This subpart takes the requirements of Article 20 of Regulation (EU) No 805/2011 and amends them into one single provision in ATCO.OR.D.001 on requirements for training courses and training plans. The content of the former Article 20 has been amended to take into account the changes made in the training requirements in Part-ATCO, Annex I (e.g. deleting the references to unit competence schemes). The modifications have been necessary to ensure that the approval of the organisation is linked to the type of training provided and the training requirements of the proposed amendments. This provision is also related to and implements point 3 of Appendix 1 to ICAO Annex 1.

Subpart E — Requirements for aero-medical centres

194. Initial medical certificates for aviation professionals, namely air traffic controllers and pilots, are issued by aero-medical centres (AeMCs). AeMCs are organisations as specified in the Basic Regulation (Articles 7 and 8c, and in the pertaining Annexes III and Vb), and no distinction is made between AeMCs with the privilege to issue initial medical certificates for pilots or air traffic controllers.
195. Presently AeMCs issue initial medical certificates for air traffic controllers only, or for pilots only, or for both.
196. Subpart A — 'General' of Annex III could apply for AeMCs in addition to this specific Subpart E. However, it has to be noted that existing AeMCs follow the general and specific rules of the Aircrew Regulation, e.g. regarding their management system. These rules do not differ substantially from the organisation requirements in this draft Regulation, but the provisions concerned are worded and structured differently.
197. It was considered to be difficult for AeMCs to follow slightly different Implementing Rules, e.g. to implement marginally different management systems, one provided for in the Aircrew Regulation and one in the future Regulation on the licensing and medical certification of air traffic controllers. The proposal in this NPA therefore is to reference the Aircrew Regulation where organisation requirements for AeMCs are concerned and not to provide similar, but not identical, rules in this NPA.
198. Subpart AeMC, therefore, contains only one provision, ATCO.OR.E.001, detailing the reference to ORA.GEN and ORA.AeMC.

Annex IV — Part ATCO-MED — Medical requirements for air traffic controllers

Introduction to Annex IV

199. Annex IV to this NPA provides the Implementing Rules, Acceptable Means of Compliance and Guidance Material for the medical certification of air traffic controllers. They were drafted with the support of a medical expert group consisting of members of competent

authorities and industry. The group reported to the ATM.003 and ATM.004 rulemaking drafting groups. Annex IV is structured as follows:

200. Subpart A contains the general rules for aero-medical examiners (AMEs) and air traffic controllers on medical certification; Subpart B details the specific medical rules; and Subpart C lays down the rules for AME certification. Acceptable means of compliance have been drafted for all subparts to further support the Implementing Rules.

Regulatory framework

201. The present regulatory framework for the medical fitness of air traffic controllers in Europe is the 'EUROCONTROL Guidelines for the Requirements for European Class 3 Medical Certification of Air Traffic Controllers' (the EUROCONTROL Guidelines), deriving from Directive 2006/23/EC on a Community air traffic controller licence and subsequently Commission Regulation (EU) 805/2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council. These rules are based on ICAO Annex 1 and on JAR-FCL 3 (Medical) and were implemented in the majority of Member States.
202. This NPA is based on the EUROCONTROL Guidelines, including its draft amendments that have not been circulated for public consultation due to the almost simultaneous development of the future European rules for medical certification of air traffic controllers presented here.

Main differences compared to the EUROCONTROL Guidelines

203. *Aero-medical Section (AMS)*. EUROCONTROL Guidelines foresee the approval of an AMS that shall be empowered to act on behalf of the national supervising authority. The AMS has the sole responsibility for the technical medical matters. In some countries the AMS forms part of the national supervising authority.

Under the EUROCONTROL Guidelines the AMS issues all initial medical certificates for air traffic controllers, determines the medical fitness of all air traffic controllers who present with a medical condition that does not allow a clear fit assessment according to the medical specifications, and, in some cases, decide which specialist may be consulted. The latter is expressed by '... as acceptable by the AMS'.

The Basic Regulation gives the responsibility to determine medical fitness and to issue medical certificates to AMEs and AeMCs and does not foresee an AMS. However, ICAO Annex 1 specifies that after having completed an examination of an applicant the AME shall submit a report to the licensing authority, detailing the result of the examination and evaluating the result of the findings with regard to medical fitness (paragraph 1.2.4.7). The licensing authority shall also appoint a medical assessor competent in evaluating and assessing medical conditions of flight safety significance (ICAO Annex 1, paragraph 1.1).

This NPA does not foresee an AMS with privileges as provided for in EUROCONTROL Specifications but requires the appointment of a medical assessor to evaluate and assess the reports submitted to the licensing authority by the AMEs and AeMCs. The medical assessor will determine whether a medical certificate may be issued with limitations after due consideration of individual cases where fitness is in doubt. However, the expression '... as acceptable by the AMS ...' has not been transposed because this may lead to different rules in the Member States.

204. *Licensing authority*. The licensing authority is the competent authority that issued the licence (see ATCO.MED.A.010), and the term is used only in the medical rules for air traffic controllers as well as for pilots. The reason is that AMEs and AeMCs shall submit the reports and examination results to the authority that issued the licence of the air traffic controller. This is specifically important in cases where the air traffic controller undergoes the medical assessment in a Member State other than the Member State that

issued his/her licence to ensure that the AME or AeMC does *not* send these highly confidential documents to the competent authority that issued the AME certificate. The envisaged procedure will ensure that the medical file of an air traffic controller is held by the competent authority that issued the licence. The medical assessor will have access to the medical history if, over the years, medical fitness should be in doubt and a decision of the medical assessor is needed. This decision will be based on the actual situation as well as on the medical history.

Synergies with medical certification of pilots

- 205. Article 8c of the Basic Regulation stipulates that medical certificates for air traffic controllers may be issued by AMEs and AeMCs. The same requirement exists in Article 5 for pilots. It is further stated in both articles that AMEs and AeMCs shall be issued with a certificate when they comply with the essential requirements of Annex III (pilots) and Annex Vb (air traffic controllers) respectively. While Annex III provides essential requirements for AMEs and AeMCs, Annex Vb does not.
- 206. ICAO Annex 1 does not differentiate between AMEs with different privileges.
- 207. Presently the privileges of AMEs may be to issue medical certificates only for air traffic controllers, or only for pilots, or for both. The individual privilege(s) of an AME depend(s) on their training and approval granted by the competent authority.
- 208. Similar synergies exist for oversight of AMEs and aero-medical certification by competent authorities. For further details please refer to Annex II, Part ATCO-AR.
- 209. To facilitate the work of AMEs, AeMCs, and competent authorities concerned with regard to aero-medical certification, this Annex IV of air traffic controller licensing has been structured to mirror the corresponding annex to the Aircrew Regulation with respect to subpart identification, within subparts to paragraph numbers, and in Subparts A and C also with regard to wording.

Subpart A — General requirements

- 210. This subpart contains the general requirements for the issue, validity, revalidation, and renewal of medical certificates for air traffic controllers, and also the definition of 'licensing authority' explained above. Provisions of this subpart that are either self-explanatory or unchanged considering their content when compared to EUROCONTROL Specifications are not explained in detail.

ATCO.MED.A.001 Competent authority

- 211. This provision describes the competent authority that issues the certificate for AMEs and AeMCs who work within the Member States as well as for those who have their principle place of business in a third country.

ATCO.MED.A.020 Decrease of medical fitness

- 212. This provision requires air traffic controllers not to exercise the privileges of their licence when they are aware of a decrease in their medical fitness and to contact the AME or AeMC in specific circumstances to confirm, or not, their medical fitness. This provision is more detailed than the corresponding requirement in the EUROCONTROL Specifications, but it does not exceed the standard provided in the latter.

ATCO.MED.A.040 Issue, revalidation and renewal of medical certificates

- 213. Initial certification: The presently valid regulations specify that the initial medical certificate will be issued by the AMS after an examination and assessment of the applicant at an AeMC. In the proposed new rules the privilege to issue initial medical certificates is given to the AeMC because Article 8c gives the privilege to issue all medical

certificates to AMEs and AeMCs. Given the importance of the initial medical certificate, this privilege to issue it is restricted to AeMCs.

- 214. There will be no lower age limit than 17 years for the initial medical certificate; age limits will only be mentioned in the licensing rules.
- 215. Revalidation and renewal of medical certificates: The requirements in the EUROCONTROL Specifications state that it is at the discretion of the AMS whether an AME or an AeMC may perform the examination and assessment for revalidation or renewal of a medical certificate, and that the issue of the corresponding medical certificate may be delegated to an AME or AeMC at the discretion of the AMS.
- 216. In the proposed rules the AMEs and AeMCs have the privilege to issue these medical certificates and the air traffic controller may choose an AME or AeMC for the medical assessment.
- 217. The licensing authority will not issue medical certificates routinely but may do so in cases where an air traffic controller who does not fully meet the requirements has been referred to the licensing authority for the assessment of his/her medical condition, and in cases where the medical certificate has not been completed correctly by the AME or AeMC and needs corrections.

ATCO.MED.A.045 Validity, revalidation and renewal of medical certificates

- 218. The validity period of a medical certificate shall be 24 month for applicants who are younger than 40 years of age. This period shall be reduced to 12 months after the 40th birthday of the applicant. There is no change to the currently valid provisions.

It should be noted that ICAO Annex 1 gives a validity period of 48 months for a medical certificate for air traffic controllers, without a reduction of this period with age.

Subpart B – Requirements for air traffic controller medical certificates

- 219. Subpart B contains the specific medical requirements for the medical fitness of air traffic controllers. It details the necessary examinations and tests to be performed during medical examinations for the issue of a medical certificate, and also in cases where an applicant does not fully meet the medical requirements to assess whether he/she can be issued with a medical certificate with a limitation without jeopardising flight safety.
- 220. This subpart details whether an applicant with a medical condition may be assessed as fit, or has to be referred to the licensing authority for further assessment, and whether or not a limitation is needed in cases of a fit assessment.
- 221. The detailed description of necessary examinations and tests to be undertaken for the assessment of medical fitness, and the conditions under which an applicant may be assessed as fit with or without limitations, are laid down in the AMC. This is to provide a certain level of flexibility taking into account that the impact of a medical condition may vary in individual cases.
- 222. No fundamental medical/technical changes were made to this draft Opinion and Decision as compared to the EUROCONTROL Guidelines. However, some provisions were evaluated with regard to whether they should be Implementing Rules or Acceptable Means of Compliance or Guidance Material. The result was that some details that were laid down in the requirements of the EUROCONTROL Guidelines were moved to AMC material and subsequently some Acceptable Means of Compliance were downgraded to GM. The latter concerns mainly textbook knowledge, such as for example how to measure blood pressure.

Main issues in this subpart

- 223. Differences in the assessment criteria between initial issue and revalidation of a medical certificate: In some cases, the requirements for initial and revalidation examinations

differ, meaning that medical conditions that will not be accepted for initial examination may not necessarily exclude an applicant from being issued with a medical certificate at revalidation or renewal examinations. The reason for this difference is that in some Member States the initial examination is not only to determine the fitness of the applicant for the validity period of the medical certificate, but also to predict, as far as possible, whether the candidate will be able to remain medically fit for the duration of his/her career. Another reason is the assumption that the experience of an air traffic controller may outweigh the risk of an incapacitation of an air traffic controller with a medical condition while on duty. Where different assessment criteria exist, they are pointed out under the specific provisions.

Diabetes mellitus

224. The present situation is that an air traffic controller with diabetes mellitus may be assessed as fit if blood sugar control is achieved with diet alone, or with diet and specific oral medical medication. Treatment with insulin entails unfitness. The reason for not accepting applicants with insulin-dependent diabetes mellitus is that the risk of an incapacitation due to an insulin-induced hypoglycaemia has been judged as not being compatible with safety.

The standard for air traffic controllers in ICAO Annex 1, paragraph 6.5.2.16, is: 'Applicants with insulin-treated diabetes mellitus shall be assessed as unfit'. However, the note following this paragraph states: 'Guidance on assessment of Type 2 insulin-treated diabetic applicants ... is contained in the Manual of Civil Aviation Medicine.'

The EUROCONTROL Guidelines specify in paragraph 5.1(e): 'Applicants with diabetes requiring insulin shall be assessed as unfit.'

Medical knowledge today is that the risk of hypoglycaemia in persons treated with insulin can be reduced to an acceptable level by close monitoring and control of blood sugar levels by that person, and the ability of hypoglycaemia awareness.

The medical experts who supported the Agency in drafting the medical requirements for air traffic controllers could not reach an agreement whether or not an applicant with insulin-treated diabetes could be assessed as fit if mitigation measures to prevent hypoglycaemias would be in place.

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

Taking into account that this draft Opinion was to be based on the EUROCONTROL Guidelines and ICAO Annex 1, the decision was not to change the rules, thus excluding insulin-treated applicants from medical certification for an air traffic controller licence.

A possible protocol to mitigate the risk of incapacitation due to hypoglycaemia as proposed during the drafting phase of this NPA is attached as Appendix I to this Explanatory Note.

Stakeholders are specifically invited to provide their opinion on the medical certification of air traffic controllers who present with insulin-treated diabetes mellitus, including the proposed mitigation measures, and to provide justification elements on the possible safety, social, and economic impact of the proposal, supported by medical evidence.

Subpart B in detail

225. Implementing Rules and Acceptable Means of Compliance are considered together.

226. ATCO.MED.B.001 *Limitations to medical certificates*: This provision is based on ICAO Annex 1, paragraph 1.2.4.9, the so-called flexibility provision. The aim is to thoroughly assess applicants who present with a condition that would normally entail unfitness to perform rated duties to decide whether a medical certificate can be issued with one or more limitations as necessary, while maintaining the safety standards.

In most cases, the decision on medical fitness in these cases will normally be taken by the medical assessor in the competent authority that issued the air traffic controller's licence (licensing authority), or by the AME or AeMC. It is therefore indicated in each of the following provisions in this subpart whether the AME or AeMC has to refer an applicant who does not fully comply with the requirements to the licensing authority for the assessment of his/her medical fitness.

227. ATCO.MED.B.005 *General*: This is a general provision stating that an applicant shall not present with any medical condition or disease that would entail a degree of medical unfitness which is likely to render the air traffic controller suddenly unable to exercise his/her privileges of the licence safely. It is to cover medical conditions that are not specifically mentioned in the following provisions on medical fitness because it is not possible to describe all possible conditions in detail.

228. ATCO.MED.B.010 *Cardiology*: This provision covers the tests to be undertaken during medical examinations (ECG, blood pressure measurements) and the assessment of cardiological conditions such as aneurysm, heart valve surgery, blood pressure, coronary artery disease, rhythm/conduction disturbance, and pace makers.

229. ATCO.MED.B.015 *Respiratory system*: This provision covers the test to be undertaken during the initial medical examination (pulmonary function test) and the assessment of respiratory conditions such as chronic obstructive airways disease, asthma, inflammatory disease, sarcoidosis, pneumothorax, thoracic surgery, and sleep apnoea.

230. ATCO.MED.B.020 *Digestive system*: No specific tests are required; the provision covers the assessment of conditions of the digestive tract such as herniae, dyspeptic disorders, pancreatitis, gallstones, chronic inflammatory bowel disease, and general surgery. Following the EUROCONTROL Guidelines an applicant after surgery 'should be assessed as unfit for 3 months or until recovery is complete'.

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

231. ATCO.MED.B.025 *Metabolic and endocrine systems*: The main issue in this provision is diabetes mellitus which is explained under 'Main issues in this subpart' above. Other conditions covered here are obesity and thyroid dysfunction.

232. ATCO.MED.B.030 *Haematology*: The EUROCONTROL Guidelines specify in the requirements that blood testing shall form part of the examination for initial examination and on revalidation examination at 4-yearly intervals until the age of 40, 2-yearly thereafter and on clinical indication. The parameters to be tested should be determined by the AMS at national level.

Under European regulations aiming at providing a level playing field also the medical requirements should be the same in all Member States. Therefore, the determination of blood tests, if needed, should be in the Implementing Rules.

During discussions on which blood parameters should be tested, several members of the medical expert group expressed the opinion that blood testing may not be needed routinely for the assessment of medical fitness of air traffic controllers.

It should be noted that blood testing is not required for pilots except for haemoglobin to exclude anaemia which may be a risk for their performance due to the reduced cabin pressure in the aircraft.

The proposal in this NPA is to leave the decision to the AME on the blood parameters to be tested who should take into account the medical history and results from the clinical examination. The intervals given in the EUROCONTROL Specifications are maintained but moved to Guidance Material.

The provision on haematology further covers conditions such as coagulation disorders, leukaemia, abnormal haemoglobin, and lymphatic enlargement.

233. ATCO.MED.B.035 *Genito-urinary system*: This provision covers the test to be undertaken during the initial medical examination (urine analysis) and the assessment of conditions such as renal disease, urinary calculi, and renal/urological surgery.

After major surgery of the urinary tract or the urinary apparatus AMC1 MED.ATCO.B.035(d) states that an unfit assessment should be made for a period of 3 months or until full recovery. The same question as in AMC1 MED.ATCO.B.020 arises.

Renal transplantation and total cystectomy are conditions where a fit assessment is only possible for the revalidation of a medical certificate but not for an initial applicant. After renal transplantation a fit assessment can only be considered under certain conditions, but anyway only after 12 months (AMC1 ATCO.MED.B.035(d)(3)).

Stakeholders are invited to comment on the exclusion of initial applicants and the time span to wait and/or provide alternative proposals supported by medical evidence and justification elements on the possible safety, social, and economic impact of such proposals.

234. ATCO.MED.B.040 *Infectious disease*: No specific tests are required under this provision which covers tuberculosis, syphilis, HIV positivity, and infectious hepatitis.

HIV positivity is not necessarily an exclusion criterion and an applicant may be assessed as fit if there are no symptoms of the disease. There are no requirements for routine HIV testing which is confirmed in the Guidance Material.

235. ATCO.MED.B.045 *Obstetrics and gynaecology*: Applicants who have undergone major gynaecological surgery will have to wait for 3 months or until recovery is complete before a fit assessment may be considered (AMC1 MED.ATCO.B.045(a)). The same question as in AMC1 ATCO.MED.B.020 arises.

236. ATCO.MED.B.050 *Musculoskeletal system*: Care has been taken on AMC1 MED.ATCO.050(d) not to exclude disabled persons from being assessed as fit for an air traffic controller's licence. Assessment will be on an individual basis.

Otherwise this provision covers osteoarthritic and muscular tendon progressive conditions in AMC1 MED.B.50.

237. ATCO.MED.B.055 *Psychiatry*: No routine tests are required for psychiatry. This provision covers conditions such as mood, neurotic, personality, mental and behavioural disorders, history of deliberate self-harm, schizophrenia, and mania. AMC1 ATCO.MED.B.55(a) covers disorders due to alcohol or other substance use.

238. ATCO.MED.B.060 *Psychology*: This provision details the reasons for an AME, AeMC or the licensing authority to require a psychological evaluation by a psychologist taking into account the ATC environment and associated risks.

239. ATCO.MED.B.065 *Neurology*: No specific testing is required for neurology. The provision covers conditions such as epilepsy, neurological disease, disturbance of consciousness, and head injury.
240. ATCO.MED.B.070 *Visual system*: Detailed rules for the testing of the visual system are laid down in the Implementing Rules and limits of visual acuity with or without glasses are specified. The content of the routine and comprehensive eye examinations are laid down in AMC1 ATCO.MED.B.070(b) and (c).

Medical systems in Europe differ with regard to who may conduct eye examinations; it is not the same in all countries because training and privileges of specifically trained persons other than ophthalmologists differ among Member States.

Therefore, comprehensive eye examinations as required in AMC1 MED.ATCO.B.070(b) may be performed by specifically trained optometrists in some countries while in others this is done by ophthalmologists.

For this reason the expression 'eye specialist' is used in cases where a test may be done by a professional who is not an ophthalmologist in Member States where this specific training exists. The cases where an ophthalmologist is needed to evaluate eye condition are clearly mentioned.

Also, the system to evaluate near and intermediate vision differs in Member States. For this reason two tables with all reading charts to test at 40 and 80 cm were added as Guidance Material (GM1 ATCO.MED.B.070) for the purpose of comparison.

241. ATCO.MED.B.075 *Colour vision*: Applicants shall be normal trichromates, but again, testing of colour vision differs in Member States. This is why, as in the EUROCONTROL Guidelines, no testing method is provided in the Implementing Rule or AMC as a single possibility.
242. ATCO.MED.B.080 *Otorhinolaryngology*: This provision covers the testing method (pure tone audiometry), the intervals at which audiometry shall be performed, and the limits for hearing loss. No change was made compared to the EUROCONTROL Guidelines.

The Implementing Rule states that initial applicants who need hearing aids to comply with the rules shall be assessed as unfit, while licence holders may be assessed as fit at revalidation if they achieve a normal standard as assessed by fully functional testing in the operational environment.

This provision also covers conditions such as vestibular disturbance, infections, and speech disorders. Guidance Material provides further information on specific testing methods.

243. ATCO.MED.B.085 *Dermatology*: The Implementing Rule determines that any dermatological condition shall not be likely to interfere with the safe exercise of the privileges of the licence held, and the pertaining AMC provides some examples.
244. ATCO.MED.B.090 *Oncology*: Malignancy, with the exception of intracerebral malignant tumours, does not necessarily entail unfitness of an air traffic controller and AMC1 ATCO.MED.B.085 provides the criteria and follow-up measures according to which a fit assessment may be made.

Subpart C — Requirements for aero-medical examiners

245. This subpart provides the Implementing Rules and Acceptable Means of Compliance for AMEs who want to apply, or reapply, for an AME certificate.

The provisions on AME training have been expanded compared to the EUROCONTROL Guidelines; however, no fundamental changes were introduced and the additional provisions should be considered as clarification.

There will be AMEs in Europe who attended a basic and advanced training course for an AME certificate with the privilege to assess pilots. This course will be the same for air traffic controllers (as also suggested in the EUROCONTROL Guidelines) with the replacement of the course module 'cockpit environment' by 'air traffic control environment'.

The discussion on exactly how to extend privileges of an AME from issuing medical certificates for air traffic controllers to do the same for pilots and vice versa remained open and no solution could be found. It should be noted that there are AMEs today who have the privilege to assess both groups of professionals and that there will be applications for the extension of privileges in the future.

- 246. ATCO.MED.C.001 *Privileges*: Paragraph (c) details the obligation of an AME who wants to perform medical examinations of air traffic controllers and issue the corresponding medical certificate in Member States other than the Member State where his/her certificate has been issued. This includes the obligation to be on the medical register of that host Member State, information of and briefing by the competent authority of that Member State. This rule has been added based on the European Regulation of free movement of people and workplace.
- 247. ATCO.MED.C.005 *Application*: This provision contains the information to be provided to the competent authority when applying for an AME certificate.
- 248. ATCO.MED.C.010 *Requirements for the issue of an AME certificate*: This provision contains the preconditions that an applicant has to fulfil to be granted with an AME certificate, including the successful completion of an AME basic and advanced training course. The syllabus of these courses is provided in the AMC pertaining to this requirement.
- 249. ATCO.MED.C.015 *Training courses in aviation medicine*: This provision contains the requirements for these courses, e.g. approval by the competent authority, qualification of instructors, written examination in the case of other than refresher training, and issue of a certificate in the case of successful completion.
- 250. ATCO.MED.C.020 *Changes to AME certificate*: This provision contains rules on the obligation of an AME to inform the competent authority of changes which may affect the AME certificate.
- 251. ATCO.MED.C.025 *Validity of AME certificate*: The AME certificate will have a validity period of 3 years and may be revalidated if the AME continues to fulfil the requirements and attended refresher training. AMC1 ATCO.MED.C.025 expands on the refresher training, and the pertaining Guidance Material provides examples of scientific conferences in aviation medicine that should count towards refresher training.

VI. Questions to stakeholders

- 252. This chapter compiles questions the Agency wishes to address to stakeholders to receive their guidance during the consultation of this NPA with a view to gaining further information and the opinion of a wider audience. Most of the questions listed below are related to already existing provisions where options are proposed or where the Agency is seeking to know the preference of the affected stakeholders. These issues are listed in this chapter as an inventory with the relevant references in order to remind interested stakeholders to provide their opinion.

There is however a further issue concerning remotely operated towers, for which, despite of having been discussed within the rulemaking group, no proposal has been made at this stage due to its uncertain maturity and necessity at European level. This subject and the related questions are further detailed in paragraphs 254 to 265 of this document.

Inventory of questions in Chapter V

253. The list of questions and options addressed to stakeholders in Chapter V of this document is the following:

- paragraph 29 invites stakeholders to comment on the Agency's proposal to amend the definition of psychoactive substances to exclude caffeine from psychostimulants;
- paragraph 45 offers options regarding the educational requirements as a licensing prerequisite to the student air traffic controller licence;
- paragraph 53 invites interested stakeholders to indicate their agreement or eventual disagreement on the 3-year maximum validity period;
- paragraph 59 invites stakeholders to express their opinion on the need to maintain or delete the provision currently in ATCO.B.030(d), which links the possible requirement of level 5 language proficiency by an air navigation service provider to objective, non-discriminatory, proportionate, and transparent imperative safety reasons and competent authority approval.
- paragraphs 224, 230, and 233 invite stakeholders to express their opinion on different issues related to the medical certification of air traffic controllers.

Remotely operated towers

254. This section addresses the possible effects of the SESAR WP 06.09.03 project on remote and virtual tower on future air traffic controller licensing with the aim to identify differences compared to previous operating methods and how these are handled in the concept. The related questions addressed to stakeholders are to be found in paragraph 265 of this document.

Concept scope

255. There are three potential applications for the remotely operated towers:

- single remote tower,
- multiple remote tower,
- contingency tower.

The target airports are small airports (for the two first bullet points above) initially focusing on the northern part of Europe. Airports can either be without service at all but will now receive AFIS service, or existing AFIS and ATC airports that will be operated in single mode from a remote location, or multiple AFIS and ATC airports operated from one remote tower operations room where several airports can be served simultaneously.

Contingency remote tower is a solution for an airport where the local tower for some reason cannot be operated (fire, security threat, etc.). In such cases the concept will not be operated on a permanent basis. Larger airports are however the target of this application.

Differences between new and previous operating methods

256. The basic differences between the remote and virtual tower concept compared with today's operations are:

- removal of ATCO/AFISO from the local aerodrome, and relocated to a remote tower facility or a remote tower centre. The latter will contain several remote tower modules;
- replacement of direct 'out-of-the-window view' by relayed visual reproductions overlaid with information from additional sources if available, for example, surface

movement radar.

The aim of the remote and virtual tower concept is to provide a more efficient and cost-effective deployment of operator resources when ATS/AFIS services are provided in an aerodrome, with the same level of services that are provided from conventional towers.

Visual observation and ICAO Doc 4444

257. An obvious difference between traditional and remote/virtual tower operations is the availability and processing of visual information. According to ICAO Doc 4444 (Edition 15; 7.1.1.2), the aerodrome controllers 'shall keep a continuous watch on all flight operations on and in the vicinity of an aerodrome as well as vehicles and personnel on the manoeuvring area. Watch shall be maintained by visual observation, augmented in low visibility conditions by an ATS surveillance system when available'.

On the one hand the above statement underlines that the foundation of aerodrome control service provision rests on the ability of the controller to see the maneuvering area. On the other hand it also implies that visual observation is a sufficient means of observation during normal visibility conditions, i.e. the limitations of human vision are inherently 'built into' the concept, thus in a sense relieving the air traffic controller of the responsibility for maintaining watch on things that are not visually observable. However, the same ICAO document (Edition 15; 7.12) also defines procedures for low visibility operations that apply 'whenever conditions are such that all or part of the maneuvering area cannot be visually monitored from the control tower'.

The above statements are of fundamental interest in the application of the remote and virtual tower solutions since they show that current regulations imply that a component of visual observation must exist, but also that if visibility is impaired, for whatever reason, mitigation by procedure and/or augmentation by ATS surveillance systems is possible. (ATS surveillance systems, see Chapter 8 of ICAO Doc 4444.)

Additionally, ICAO Doc 4444 (Edition 15; 7.1.1.1e) states that one objective of the aerodrome control service is to 'prevent collision(s) between aircraft on the maneuvering area and obstructions on that area'. Although not explicitly stated, the use of visual observation is an implicit component in the accomplishment of this objective. Another example of the use of visual information can be found in the prerequisites for reduction of separation minima in the vicinity of aerodromes, where ICAO Doc 4444 (Edition 15; 6.1) states that separation minimum 'may be reduced in the vicinity of aerodromes if:

- a) adequate separation can be provided by the aerodrome controller when each aircraft is continuously visible to this controller; or
- b) each aircraft is continuously visible to flight crews of the other aircraft concerned and the pilots thereof report that they can maintain their own separation; or
- c) in the case of one aircraft following another, the flight crew of the succeeding aircraft reports that the other aircraft is in sight and separation can be maintained.'

If aircraft are not visible to the air traffic controller, for whatever reason, then the separation might be delegated to the flight crew; or otherwise the reduction in separation minima cannot be applied. Instead normal separation minima have to be applied and the means of separating aircraft would be based on applicable procedures, or supported by ATS surveillance systems (such as radar). *It is reasonable to assume that the same methods or principles will apply regardless of whether insufficient visibility is caused by meteorological factors or by a visual reproduction that is for some reason degraded.*

Visual reproduction

258. To fulfil the task of keeping watch by visual observation while not being physically present at the aerodrome, a technical solution is needed that takes the sensor data collected from the aerodrome and its vicinity and transmit it to the remote tower facility

where it is presented to the ATCO/AFISO in a way that provides him/her with the situational awareness required for conducting the associated services. This technical solution is termed *visual reproduction*.

For an accurate situational awareness to be achieved, it is important that sensor data of adequate completeness and quality is available. It is equally important that the visual reproduction presents the data in a logical and comprehensible way. This will lead to considerations on continuity, scale, orientation, and positioning of the presented data that will generate requirements and recommendations for the design of the technical system.

By using visual reproduction technology some benefits can be achieved compared to the standard out-of-the-window (OTW) view. For example sensor data from multiple, sometimes non-optical, sensors (ground-based and aircraft-based) may be fused and analysed and presented together on the visual reproduction in a way that further enhances situational awareness and thus the capability of the ATCO/AFISO to perform the service. On the other hand the replacement of the OTW with a visual reproduction might potentially lead to limitations in the way that the service can be performed if the quality of the air traffic controller's perception is changed (typically depth perception and limited possibilities to apply visual separations). However, different types of technical aids such as automatic tracking of objects could support the remote air traffic controller in his/her judgments, thus compensating for such circumstances.

Meteorological observation

259. In today's operations in conventional towers, the ATCO/AFISO within some ANSPs performs meteorological observation and reporting tasks. This is not strictly an ATS task and therefore lies outside the scope of this project. The assumption throughout is that such tasks will instead have to be performed by automatic means (automated weather observing system (AWOS), auto-meteorological aviation report (METAR), or similar systems), or by dedicated accredited personnel. The MET data will still be presented and accordingly updated to the ATCO/AFISO in the remote tower.

However, despite operating remote, it would still be of value for the ATCO/AFISO to be able to observe changing weather conditions that are of operational significance (compare with ICAO Annex 11, Chapter 2.20), and also to be able to judge if an automatically generated meteorological (MET) report seems to be reasonable. It is believed that this can be achieved also in a remote tower by the aid of sensors.

Runway checks

260. Runway checks and related procedures that are not ATS tasks by definition but happen to require a person to be physically present at the aerodrome will be performed by airport ground staff and reported to the remote ATCO/AFISO. Today this is already common practice in many aerodromes.

Capacity and capability

261. Before being approved for operation by any service provider, a system must go through a certification process. In this process the achieved ATCO/AFISO situational awareness provided by the system will be measured in relation to the requirements imposed by the operational environment. Although the OSED developed by the project 06.09.03 outlines typical environments for both ATC and AFIS, the actual implementation environment could potentially differ from this, e.g. in terms of the required airport capacity. It is therefore assumed that a particular implementation will need to be certified for operations with a particular service provider in a particular operational environment including a defined maximum capacity/capability or similar measure.

When different technical implementations are certified and become available the service provider could choose between these to find the solution that is best tailored to match

the actual required capability at their aerodrome of interest and its associated cost benefit case. In this process it will be taken into consideration that the actual traffic capacity threshold for a particular system may differ from airport to airport depending on local conditions.

Safety and reliability

262. For any remote tower implementation there is a requirement to define reliability and availability of technical equipment such as sensors, transmission, and presentation equipment. However, it should be noted that such analysis must not focus on technical systems alone, but rather studying the functional system, including humans, methods, and technology together when determining the criticality of events and thus the requirements on reliability of technical equipment, which is only one of the means that can be used to achieve safe operations. *If technology fails, the standard solution will always be similar to low visibility procedures, i.e. low rate of traffic, and procedural control.*

Additional human factors

263. Local geographical knowledge is believed to be of great importance to a tower controller, it can also be argued that actually knowing by name and face some of the more important operational stakeholders at the airport can improve overall performance. To overcome the risk of not having sufficient local awareness, procedures for training and recurrent familiarisation will be explored.
264. During initial stages of the development of the project 06.09.03 in SESAR, a potential issue identified was related to the need of train ATCO/AFISOs adequately to work in the remote tower environment. A specific training programme for remote tower operations was proposed as mitigation measure. Recent documents conclude that air traffic controllers responsible for remote towers shall hold an ADI rating with an eventual additional rating endorsement; however, no final results and conclusions from validations are yet available to support this requirement.

Questions on the way forward

265. Based on the above considerations, and to evaluate the need for further rulemaking activity in this domain, the Agency wishes to collect stakeholders opinion on the following questions:

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

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

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

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

Stakeholders are invited to respond to the above questions and provide justification elements on the possible safety, social, and economic impact of their preferred option, and/or eventually provide alternative solutions accompanied by justification appropriate to the issue.

VII. Summary of the Regulatory Impact Assessment

Background

266. The subject NPA addresses issues regarding the licensing and medical certification of air traffic controllers and proposes detailed requirements, accompanied by AMC and GM where necessary for all aspects governing the access to this safety-related aviation profession, as well as for exercising the privileges granted by the air traffic controller licence. The proposed rule in this NPA aims at filling the gaps between the high level requirements set out as safety objectives in the relevant essential requirements of Regulation (EC) No 216/2008 and the currently applicable Regulation (EU) No 805/2011, which although already started the implementation of the said essential requirements, it did not accomplish this task fully.
267. As regards regulatory harmonisation, the proposed rule takes into account the relevant European Union legislation and the ICAO Standards and Recommended Practices.
268. The complete Regulatory Impact Assessment can be found in Section C.

Scope of the draft rule

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

Issues

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

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

- the 'total system' approach cannot be fully implemented as long as the remaining gaps between Regulation (EU) No 805/2011 and the Basic Regulation are not filled with the necessary rules;
- there are potential concerns on the mutual recognition of licences in practical terms;
- the update of certain requirements within the scope of Regulation (EU) No 805/2011 is outside of the remit of the EU legislative system and remains therefore uncertain and too time-consuming (e.g. initial training, medical requirements);
- some rating and rating endorsement pairings are only based on national requirements, which might prevent the mobility of air traffic controllers;

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

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

While draft rules shall be developed³¹, their content might follow different options which may have different types of impacts on safety, social, economic, proportionality, and regulatory coordination and harmonisation when they are compared to the development of the current situation. In such cases, they are subject to an analysis called regulatory impact assessment (RIA). Based on the identified general issues, this analysis has to assess the relevant objectives to be achieved and which options could propose the best answer.

The draft rules consist of a cover Regulation (four different annexes³²), which addresses the issues with regard to the licensing and medical certification of air traffic controllers and propose detailed requirements, accompanied by Acceptable Means of Compliance and Guidance Material where necessary for all aspects governing the access to this safety-related aviation profession, as well as for exercising the privileges granted by the air traffic controller licence.

Based on the general issues identified above, the following specific issues are presented in the RIA report:

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

Stakeholders

271. The affected stakeholders are the following:

Air traffic controllers

There are approximately 17 500 air traffic controllers in the EASA Member States³³ 75 % thereof are air traffic controllers in operations, the rest percentage is split between air traffic controllers on other duties, air traffic controllers on-the-job trainees, air traffic controllers ab initio trainees.

³¹ Regulation (EU) No 805/2011, recital (13): 'In order to enhance the confidence of Member States in each other's air traffic controller' licensing systems, common rules for obtaining and maintaining licences are indispensable.'

³² Annex I — Part-ATCO — Requirements for the licensing of air traffic controllers;
Annex II — Part-ATCO.AR — Requirements for competent authorities;
Annex III — Part-ATCO.OR — Requirements for air traffic controller training organisations and aero-medical centres;
Annex IV — Part-ATCO.MED — Medical requirements for air traffic controllers.

³³ EUROCONTROL: ATM cost-effectiveness (ACE) 2010 Benchmarking Report with 2011–2015 Outlook (Final report: May 2012)

Training organisations

There are approximately 120 existing certified training organisations. The majority of them (75 % approximately) is also air traffic service (ATS) providers or part of an ATS unit³⁴.

Air navigation service providers

There are approximately 290 air navigation service providers. 30 % of these ANSPs provide ATS and fall within the scope of these changes³⁵.

Competent authorities

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

Objectives

272. The objectives of the draft proposal are summarised as follows:

General objectives

Although the current situation in the EU Member States does not show significant safety risk, the overall analysis is that the continuous growth of aviation transport requests the establishment of the necessary measures to meet the Basic Regulation's general objectives³⁶, i.e.:

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

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

Specific objectives for air traffic control licensing

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

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

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

³⁴ EUROCONTROL Report on the SES Legislation Implementation, year 2011.

³⁵ EUROCONTROL Report on the SES Legislation Implementation, year 2011.

³⁶ Article 2 of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

Options

273. The options analysed in the regulatory impact assessment are summarised as follows:

Option 0 'Do nothing' is assessed for all the issues to indicate the development of the baseline scenario if the regulatory framework would remain as it is today. For each issue, the other options are:

(The preferred options are displayed in bold)

Change of the surveillance rating system

Option 1: Technology specific rating endorsements

- Is based on the current structure with APS and ACS rating accompanied by RAD and/or ADS rating endorsement.
- Requires a new MLAT rating endorsement used in parallel with RAD and ADS rating endorsement (to be repeated for each new surveillance technology).
- Results in the multiplication of rating endorsements (APS/RAD + ADS + MLAT or ACS/RAD + ADS + MLAT).

Option 2: Integrated surveillance ratings

- Integrates all technology specific aspects of the surveillance infrastructure into the rating training.
- No additional technology specific rating endorsements required.
- No further separate surveillance-related rating endorsements issued.

Oceanic control rating endorsement

Option 1: Establish the possibility of ACP–OCN pairing recognised at EU level

- Explicit provision allowing such pairing, which is then included in the European air traffic controller licence accordingly.
- Holders of this rating endorsement will also benefit from the EU-wide recognition of their privileges.

Validity of the unit endorsement

Option 1: Reduce the frequency of the assessment to the 12-month validity of the unit endorsement

Option 2: Establish a flexible system that can be adapted to the diversity of the air traffic control units

Assessment of the language proficiency

Option 1:

- Establish a validity period for expert level language proficiency (level 6) and require revalidation at intervals higher in proportion compared to lower proficiency levels.
- Incorporate relevant ICAO requirements into EU legislation with regard to the language assessment bodies.

Instructors and assessors

Option 1: Elaborate a new system for instructors and assessors

Approach to initial training — transposition of the Common Core Content**Option 1: Transposition**

Transposition of the EUROCONTROL Specification into the EU legislation.

*Option 2: Referencing**2a) Static referencing*

The implementing measures refer to a specific edition of the EUROCONTROL Specification. Each new version requests to amend the existing implementing measures following the EASA rulemaking procedure and comitology (time-consuming).

2b) Dynamic referencing

The implementing measures will refer only to EUROCONTROL Specification, meaning its latest published edition. Such solution raises concerns related to legal certainty and reliability.

Requirements for training organisations*Option 1: Provide only AMC and GM related to Regulation (EU) No 805/2011*

The Agency is only able to develop AMC/GM for the existing requirements and cannot add additional ones in the AMC or GM. Gaps therefore remain within the Basic Regulation.

Option 2: Comprehensive set of AMC and GM

Following the completion of the requirements of Chapter IV of Regulation (EU) No 805/2011 the Agency is able to develop AMC and GM to the necessary extent.

Medical requirements**Option 1: Transpose the current system of medical certification of air traffic controllers**

Transpose the current system of medical certification of air traffic controllers into a common system to be included in the European legislative framework.

Option 2: New set of rules taking into account that they are not working in the aircraft environment

Create a new set of rules for medical certification of air traffic controllers taking into account that they are not working in the aircraft environment.

Conclusions

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

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

Novelties proposed in the technical requirements compared to Regulation (EU) No 805/2011 are to be found in the requirements for instructor and assessor qualification and certification, in the training requirements, and the requirements applicable to language assessment bodies.

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

275. The main impacts of the proposal are summarised as follows:

The draft rules will have a positive impact on safety, social, and regulatory harmonisation aspects. They will require adaptation from stakeholders, which will create additional activities during a certain period of time. To allow for sufficient time to prepare for the necessary changes and to keep the potential burden induced by these changes to a minimum, an 18-month adaptation and transition period is proposed followed by additional timeframes available to implement the necessary changes (e.g. exchange of the grandfathered licences according to the new template, or issue assessor endorsements according to the new requirements). Further details on the adaptation period can be found in Articles 8 and 9 of the cover Regulation. Once implemented, the new rules will support a cost-efficient air traffic controller licensing scheme, and will contribute to the overall efficiency of the air traffic control system in Europe as well.

By meeting the objectives set in Chapter 3 and in the detailed Chapters 4 to 11, the overall impact is considered to be beneficial for the air traffic controller licensing activities.

Note: See Annex B, Table 10: Overview of the issues, objectives, options and impacts.

- Air traffic controllers will benefit from:
 - more adequate ratings and endorsements (e.g. technology innovation followed by the surveillance rating system, oceanic control rating endorsement);
 - common training requirements, with clarifications on the level of the binding rules regarding initial training, and a first set of common requirements for unit and continuation training;
 - EU level playing field in language proficiency assessment;
 - EU level playing field in medical assessment;
 - potential extension of professional life when their licences cannot be maintained anymore (e.g. for medical reasons): the requirements on instructors and assessors will allow them to continue to provide their experience for specific types of training;
 - common licence format: facilitating the mutual recognition of the privileges.
- ➔ Overall, the above will ensure the mutual recognition of their licences at EU level, support their mobility and the acquisition of common competence across the EU Member States.
- Aero-medical examiners and centres will benefit from:
 - one clear set of requirements with the necessary flexibility via AMC and GM;

- simple and straightforward implementation due to synergies with regard to the aviation professions and by providing the same framework for persons and organisations assessing both air traffic controllers and pilots.
- ➔ Overall, the above will enhance safety, level playing field, and cost-efficiency.
- Training organisation will benefit from:
 - common requirements at EU level on instructors and assessors;
 - level playing field thanks to common requirements at EU level on the management system of organisations;
 - flexible and proportionate requirements, e.g. for training organisations providing initial training only versus requirements for training organisations providing OJT, unit, and continuation training;
 - proportionate SMS requirements clarifying when interfaces shall be foreseen with other aviation domains;
 - potential new employment resources: the NPA allows air traffic controllers facing licence withdrawal (e.g. due to medical reasons) to provide their experience for specific types of air traffic controller trainings.
- ➔ Overall, the above will ensure safety, level playing field, and cost-efficiency.
- Air navigation service providers will benefit from:
 - potential employment shortage handled more easily thanks to higher mobility of air traffic controllers facilitated by the new rules;
 - quicker conversion when moving to another Member State due to uniform initial training and more harmonised unit training requirements;
 - the overall benefits of common requirements on training content and training organisation will ensure air traffic controllers with a common level of knowledge and skills supporting the management of the air traffic controllers daily activities.
- ➔ Overall, the above will enhance safety and cost-efficiency over time.
- Competent authorities will benefit from:
 - easier implementation and administration of the validity of the air traffic controller privileges (validity, revalidation, and renewal criteria established for all privileges; in addition correlation of the validity of the unit endorsement to the assessment of competence);
 - harmonised oversight requirements for air traffic controllers and training organisations, including harmonised oversight activities with FABs;
 - common approach for findings classification;
 - reducing the administrative effort and time currently attributed to regulatory coordination and harmonisation with ICAO (EASA ensuring mainly this role);
 - synergies of these rules with other aviation domains according to the 'total system approach'

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

- EASA will benefit from:
 - a single set of common rules facilitating oversight and standardisation, and diminishing differences in interpretation;
 - requirements for non-European air traffic controllers, training organisation providing services within the EU, and ensuring an equivalent level of safety.
- Across stakeholders:
 - ➔ the implementation of the total system approach with proportionate requirements will enable synergies;
 - ➔ the 18-month period for transitional arrangements and the additional months for the necessary actions on the certificates, etc., are deemed to be sufficient to ensure a smooth transitional period.

276. The remaining open issues from the Explanatory Note will be dealt with following the receipt of the stakeholders input during the public consultation period. A relevant RIA might be performed on a case-by-case basis.

VIII. How to comment on this NPA

277. To achieve optimal consultation, the Agency is publishing this NPA on its website. Comments should be submitted by **1 April 2013** using the **automated Comment-Response Tool (CRT)** available at <http://hub.easa.europa.eu/crt/>.³⁷

³⁷ In case the use of the Comment-Response Tool is prevented by technical problems, please report them to the CRT webmaster (crt@easa.europa.eu).

B. Proposed rules

I. Draft regulation(s) (Draft EASA Opinion)

Please refer to the following files:

- 2012-18 (B.I) Draft cover Regulation + IR Part-ATCO, Part-ATCO.AR and Part-ATCO.OR
- 2012-18 (B.II) Part-ATCO.MED
- 2012-18 (B.III) Appendices to draft Commission Regulation (EU) No .../... (Part-ATCO, Part-ATCO.AR and Part-ATCO.OR)
 - APPENDIX 1 'FORMAT FOR LICENCES AIR TRAFFIC CONTROLLER LICENCE'
 - APPENDIX 2 'LANGUAGE PROFICIENCY RATING SCALE'
 - APPENDIX 3 'BASIC TRAINING'
 - APPENDIX 4 'AERODROME CONTROL VISUAL RATING (ADV)'
 - APPENDIX 5 'AERODROME CONTROL INSTRUMENT RATING FOR TOWER — ADI (TWR)'
 - APPENDIX 6 'APPROACH CONTROL PROCEDURAL RATING (APP)'
 - APPENDIX 7 'AREA CONTROL PROCEDURAL RATING (ACP)'
 - APPENDIX 8 'APPROACH CONTROL SURVEILLANCE RATING (APS)'
 - APPENDIX 9 'AREA CONTROL SURVEILLANCE RATING (ACS)'
 - APPENDIX 10 'CERTIFICATE FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS (ATCO TOs)'
 - APPENDIX 11 'CERTIFICATE FOR AERO-MEDICAL EXAMINERS (AMEs)'
 - APPENDIX 12 'CERTIFICATE FOR AERO-MEDICAL CENTRES (AeMCs)'

II. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision(s))

Please refer to the following files:

- 2012-18 (B.IV) AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR
- 2012-18 (B.V) AMC to Part-ATCO, SUBPART D, Section 2 (Initial training)
- 2012-18 (B.VI) AMC/GM to Part-ATCO.MED

C. Regulatory Impact Assessment

Please refer to file **2012-18 (C) Regulatory Impact Assessment**

D. Appendices

I. Diabetes protocol

Referred to in paragraph 224 of this document.

ATCO.MED.B.025 Metabolic and endocrine systems

(a) ...

(b) *Diabetes mellitus*

- (1) Applicants with diabetes mellitus requiring medication for blood sugar control shall be referred to the licensing authority. A fit assessment may be considered in individual asymptomatic cases depending on the medication used and if it can be demonstrated that blood sugar control has been achieved and is stable.
- (2) Limitation(s), including safe blood sugar testing whilst exercising licence privileges, should be considered by the licensing authority.

AMC1 ATCO.MED.B.025 Metabolic and endocrine systems

(b) *Diabetes mellitus*

Subject to at least annual specialist assessment, absence of complications likely to interfere with licence privileges, evidence of good control of blood sugar with no significant hypoglycaemic episodes, applicants with diabetes mellitus;

- (1) not requiring medication may be assessed as fit by the AME or AeMC;
- (2) requiring the use of antidiabetic medications other than insulin that are not likely to cause hypoglycaemia may be assessed as fit by the licensing authority;
- (3) requiring the use of potentially hypoglycaemic medication(s), may be assessed as fit by the licensing authority with limitation(s), including documented testing whilst exercising licence privileges.

GM1 ATCO.MED.B.025 Diabetes mellitus

- (a) Applicants with diabetes mellitus should have their condition under regular specialist follow-up that should include screening for complications of the disease. A fit assessment following diagnosis, or after any treatment change, may be considered once good blood sugar control is demonstrated. Applicants should use blood glucose testing devices that have memory and download capability. Overall stability of control is evidenced by the HBA1c level remaining in the appropriate therapeutic range.
- (b) Screening for complications should occur at every specialist review or at least 6-monthly. In addition, where operational testing is required, evidence of compliance with the relevant protocol should be demonstrated to the AME or AeMC.
- (c) Certification of applicants with diabetes

Type of diabetes & treatment	Limitations	Operational blood test requirement
Type 1/2, Insulin	SSL ILA MON APC	Schedule ATCO A
Type 2, Sulphonylureas (and any combination therapy that includes sulphonylureas)	SSL MON APC	Schedule ATCO B
Type 2, all non-sulphonylurea and non-insulin treatment	—	Schedule ATCO C
Type 2, diet only	—	None

SSL Special restrictions as specified

ILA Issued by the licensing authority in accordance with ATCO.MED.B.001

MON Monitoring of blood sugar required whilst exercising licence privileges

APC Another qualified ATCO in close proximity to certificate holder able to take over duties without delay

(d) Testing protocol

Testing protocol	Minimum frequency of testing Operational period	Actions
ATCO A	120 minutes before shift. <30 minutes before shift. Every 60 minutes during shift. (30 minutes if <4.mmol/l)	If >15mmol/l then should not commence duty. If measured level is 4mmol/l or less, then 10–15g of carbohydrate should be ingested and a retest performed within 30 minutes. If a measurement is missed for operational reasons , 10–15g of carbohydrate should be ingested and a retest performed within 30 minutes.
ATCO B	120 minutes before shift/departure. <30 minutes before shift. 120 minutes during shift (30 minutes if <4mmol/l)	If >15mmol/l then should not commence duty. If measured level is 4mmol/l or less, then 10–15g of carbohydrate should be ingested and a retest performed within 30 minutes. If a measurement is missed for operational reasons , 10–15g of carbohydrate should be ingested and a retest performed within 30 minutes.
ATCO C	120 minutes before shift	If >15mmol/l then should not commence shift. If measured level is 4mmol/l or less, then 10–15g of carbohydrate should be ingested and a retest performed within 30 minutes.

(e) Medical assessment and surveillance requirements

	Diet only or non-hypoglycaemic medication	Potentially hypoglycaemic medication
Review of clinical reports, data logging of operational blood sugars, and review of duty log.	6-monthly AME	6-monthly AeMC
Reporting of symptoms	Mandatory	Mandatory
HbA1c Renal and liver profiles Lipids	6/12	3/12
Specialist diabetology review including: symptom review cardiovascular status/risk nephropathy status neuropathy status Ophthalmic screening (clinical exam) <ul style="list-style-type: none"> Fields/retinas/cataract 	12/12	6/12
Exercise test	On diagnosis Annual over 40	On diagnosis Annual over 40

(f) Target ranges for clinical variables

Variable	Target	Unfit
HbA1c	7.5–8.5 %	10.0 %
Systolic BP	<140 mmHg	>160 mmHg
Diastolic BP	<90 mmHg	>95 mmHg
Cholesterol	4.0–4.5 mmol/l	n/a

(g) Fitness/unfitness status

- Medication type or regime change (where change necessitates a change to the testing regime — unfit 2 months).
- Episodes of severe hypoglycaemia entail unfitness. Specialist review required. Further operational restriction likely to be appropriate.
- Development of retinopathy requires full ophthalmological assessment and is likely to result in further restriction or unfitness especially if there is any field loss.
- Presence of significant nephropathy significantly increases cardiovascular risk and is likely to entail unfitness.