



Explanatory Note to Decision 2015/015/R

Requirements on air traffic controller licensing regarding remote tower operations

RELATED NPA/CRD 2015-04 — RMT.0624 — 3.7.2015

EXECUTIVE SUMMARY

In order to support the implementation of the remote tower concept, EASA issued the Notice of Proposed Amendment (NPA) 2015-04 'Technical and operational requirements for remote tower operations' on 23 March 2015. This NPA proposed Acceptable Means of Compliance (AMC) and Guidance Material (GM) on the implementation of the remote tower concept for single mode of operation. This is within the scope of the current regulatory framework (Commission Implementing Regulation (EU) No 1035/2011, Commission Implementing Regulation (EU) No 923/2012, and Commission Regulation (EU) No 139/2014) based on the principle that the implementation of the remote tower concept is considered a change in the ATM functional system, subject to appropriate change management measures. More specifically, the NPA contained a specific proposal in the form of AMC and GM to Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008.

The NPA was structured in such a way that the two subjects — that is, implementation of the remote tower concept from an operational point of view, and air traffic controller licensing aspects — were presented in two different sections (Section 3 and Section 4 respectively).

Considering the existing AMC and GM to Regulation (EU) 2015/340, which were issued with Decision 2015/010/R, EASA decided to issue additionally this Decision based on the content of Section 4 of NPA 2015-04, focussing on the establishment of high-level guidance as regards training and qualification of Air Traffic Controllers (ATCOs) that can be imparted locally through conversion or unit training without putting additional administrative burden on competent authorities.

Applicability		Process map	
Affected regulations and decisions:	ED Decision 2015/010/R of 13 March 2015	Concept Paper:	No
Affected stakeholders:	Air Navigation Service Providers (ANSPs); aerodrome operators; competent authorities; Air Traffic Management (ATM) system developers; airspace users.	Rulemaking group:	Yes
Driver/origin:	SESAR; safety; proportionality and cost-effectiveness; technological developments.	Terms of Reference:	9.12.2014
Reference:	Not applicable	RIA type:	Full
		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	23.3.2015
		Duration of NPA consultation:	6 weeks
		Focussed consultation:	Yes
		Publication date of the Opinion:	n/a



Table of contents

1.	Procedural information	3
1.1.	The rule development procedure.....	3
1.2.	Structure of the related documents.....	3
2.	Explanatory Note	4
2.1.	Overview of the issues to be addressed.....	4
2.1.1	Introducing AMC and GM to assist the implementation of remote tower operations	4
2.2.	Objectives	4
2.3.	Outcome of the consultation.....	4
2.4.	Summary of the Regulatory Impact Assessment (RIA).....	5
2.5.	Overview of the proposal	5
2.5.1	New AMC and GM to Annex I to ED Decision 2015/10/R, AMC and GM on the requirements for the licensing of air traffic controllers	5
2.5.2	Amendment to Annex I to ED Decision 2015/10/R, AMC and GM on the requirements for the licensing of air traffic controllers	5
	Validity of language proficiency endorsement (AMC1 ATCO.B.035(a)(3)(i)).....	5
2.5.3	Amendment to Annex II to ED Decision 2015/10/R, AMC and GM on the requirements for competent authorities	6
2.5.4	Annex III to ED Decision 2015/10/R, AMC and GM on the requirements for air traffic controller training organisations and aero-medical centres	6
3.	References	7
3.1.	Affected regulations	7
3.2.	Affected decisions.....	7
3.3.	Reference documents.....	7



1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed Decision 2015/015/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [Revised 2014–2017 Rulemaking Programme](#) under RMT.0624. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft AMC/GM have been developed by the Agency based on the input of the Rulemaking Group RMT.0624 and on focussed consultation. All interested parties were consulted through NPA 2015-04³, which was published on 23 March 2015. 446 comments were received from interested parties including industry, national aviation authorities and social partners. The outcome of the consultation is described in Section 2.3.

The process map on the title page contains the major milestones of this rulemaking activity.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. The AMC/GM are provided in three annexes which are annexed to this Decision.

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 The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision 01-2012 of 13 March 2012 concerning the procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications and Guidance Material (Rulemaking Procedure).

³ <http://www.easa.europa.eu/document-library/notices-of-proposed-amendment/npa-2015-04>



2. Explanatory Note

2.1. Overview of the issues to be addressed

2.1.1 *Introducing AMC and GM to facilitate the implementation of the remote tower concept for single mode of operation*

Through this Decision the Agency is providing the necessary set of AMC/GM for the domains covered by Commission Regulation (EU) 2015/340 with the aim to facilitate the uniform implementation of the Implementing Rule (IR) requirements in the case of provision of ATS from a remote tower.

AMC and GM provide suitable tools to the regulated persons and organisations to help them with the implementation of the existing IRs and thus contribute to their uniform introduction. In this particular, new domain of remote tower operations, the introduction of such AMC and GM will provide the means to facilitate the safe implementation of the concept and the necessary guidance to national authorities for the approval of such operations of organisations under their oversight. Said AMC and GM will also promote the technological developments associated to the remote tower concept, allowing for a more efficient provision of Air Traffic Services (ATS).

2.1.2 *Incorporating early implementation feedback*

In order to provide more clarity and to avoid misinterpretation of certain elements, this Decision introduces minor amendments to existing AMC and GM on ATCO licensing and ATCO training. These amendments do not interfere with the objectives and purposes of the already established AMC and GM, but provide clarifications from the perspective of practical implementation.

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. As regards the specific objectives, the set of AMC and GM provided with this Decision facilitates the uniform implementation of the remote tower concept regarding training of and licensing requirements for air traffic controllers by providing a flexible approach to the means of compliance and by assisting with the provision of the necessary level of guidance.

2.3. Outcome of the consultation

On the proposal included in Section 3 of the NPA to introduce new AMC and GM concerning the implementation of the remote tower concept, stakeholders and interested parties provided valuable comments and alternative proposals. The majority of these comments pointed out editorial issues, whereas some of them were of technical/regulatory nature. Some commentators expressed their wish for more strictness to be rendered to some of the proposed GM (especially the one related to training) by converting it into AMC. The summary of the comments received and the responses thereto is provided in the Explanatory Note to Decision 2015/014/R 'Guidance Material on the implementation of the remote tower concept for single mode of operation'.

The details and rationale of the proposed AMC and GM have been already described in the Explanatory Note of NPA 2015-04. Therefore, this Explanatory Note focusses only on the changes made since the publication of the NPA.



The main conclusions about the previous subjects are included in Section 2.5 'Overview of the proposal' of this document. Regarding the responses provided to the comments which were submitted during the NPA consultation period, please refer to the Comment-Response Document (CRD) 2015-04⁴.

2.4. Summary of the Regulatory Impact Assessment (RIA)

Please refer to Section 2.4 'Summary of the Regulatory Impact Assessment (RIA) of the options' of NPA 2015-04 'Technical and operational requirements for remote tower operations'⁵.

2.5. Overview of the proposal

2.5.1 New AMC and GM to Annex I to ED Decision 2015/010/R 'AMC and GM on the requirements for the licensing of air traffic controllers'

As already stated in Section 2.3, the majority of the comments received during the consultation period of NPA 2015-04 on Section 4 were of editorial nature, whereas those of technical/regulatory nature were referring to the possibility to 'upgrade' certain GM to AMC level.

To this regard, and taking into consideration recent implementation feedback and the early stages of the concept, the Agency believes that this content should remain at GM level. Nevertheless, and based on the phased approach proposed, the Agency considers that future rulemaking activities and their associated deliverables may go beyond, as the concept evolves and experience is gained as a result of the implementations.

2.5.2 Amendment to Annex I to ED Decision 2015/010/R 'AMC and GM on the requirements for the licensing of air traffic controllers'

Validity of language proficiency endorsement (AMC1 ATCO.B.035(a)(3)(i))

The current formulation of AMC1 ATCO.B.035(a)(3)(i) gives grounds for legal uncertainty on how to handle language proficiency endorsements acquired after 30 June 2015, but have been applied individually by each Member State during the transition period, which especially affects the expert level (level 6) language proficiency endorsement. For this reason, the Agency proposes the deletion of the reference to the date and proposes instead to treat all licence holders with level six English language proficiency endorsements acquired before the date of applicability of Commission Regulation (EU) 340/2015 in a given Member State in the same manner.

The proposed correction also aims to enhance flexibility at local level by clarifying that it is up to the competent authorities of the Member States to decide whether to count the 9-year validity period for the previously acquired level six proficiency in English from the date of the issue of the new licence or from the date of the assessment. In this context, the sentence 'whichever occurs first' is now deleted for the reason of practical implementation, since it is logical that the language proficiency assessment always precedes the replacement of an existing licence.

At the same time, the Agency encourages Member States to count the validity dates from the date of the actual assessments, when available, for the sake of proportionality and to avoid peaks of revalidations due at the same time, which could potentially cause administrative difficulties.

⁴ <http://www.easa.europa.eu/document-library/comment-response-documents>

⁵ <http://www.easa.europa.eu/system/files/dfu/NPA%202015-04.pdf>



2.5.3 Amendment to Annex II to ED Decision 2015/010/R ‘AMC and GM on the requirements for competent authorities’***Application and certification procedure for training organisations***

The current requirements of ATCO.AR.D.001(b) are considered ambiguous as to whether the competent authority may issue an air traffic controller training organisation’s certificate with open non-compliances. The introduction of findings classification in ATCO.AR.E.015 of Commission Regulation (EU) 2015/340 allows competent authorities to be entrusted with certain flexibility and discretion in a controlled manner. Therefore, the Agency proposes to introduce new AMC to ATCO.AR.E.001(b) aiming at adding further clarity on the issue of a certificate with ‘open finding’.

2.5.4 Amendment to Annex III to ED Decision 2015/010/R ‘AMC and GM on the requirements for air traffic controller training organisations and aero-medical centres’***Management system of training organisations***

The correction is proposed in order to reflect the fact that an organisation can be certified both for training and ATS provision and that these services require separate certificates, but the organisation’s management system could cover both activities, if the organisation so wishes.



3. References

3.1. *Affected regulations*

Not applicable.

3.2. *Affected decisions*

Executive Director Decision 2015/010/R of 13 March 2015 adopting Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) 2015/340

3.3. *Reference documents*

- Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 206, 11.8.2011, p. 21)
- Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p. 1)
- Annex 1 to the Convention on International Civil Aviation (Chicago Convention)
- EUROCONTROL Specification for the ATCO Common Core Content Initial Training, Edition 1.0, Edition date: 21.10.2008
- EUROCONTROL Guidelines for the Requirements for European Class 3 Medical Certification of Air Traffic Controllers

