



European Aviation Safety Agency – Rulemaking Directorate
Comment-Response Document 2013-08

Requirements for service providers and the oversight thereof

CRD TO NPA 2013-08 — ANNEX E

RMT.0148 (ATM.001 (A)) & RMT.0149 (ATM.001(B)) AND RMT.0157 (ATM.004(A)) & RMT.0158 (ATM.004(B)) — 6.6.2014

EXECUTIVE SUMMARY

This Comment-Response Document (CRD) contains the comments received on Notice of Proposed Amendment (NPA) 2013-08 on 'Requirements for ATM/ANS providers and the oversight thereof' (published on 10 May 2013), and the responses provided thereto by the Agency.

Given the importance of the subject and the requests received, the Agency decided to extend the initially proposed standard 3-month consultation period by 12 weeks with the aim to provide stakeholders with the necessary time to ensure a constructive, coherent and consistent commenting. On 2 July 2013, the Agency organised a workshop in Cologne to present the NPA to the stakeholders and to facilitate the consultation process in general. Both the participants and the Agency itself evaluated the workshop as being very beneficial.

As a result of the public consultation, the Agency received 2 357 comments. The Agency expresses its appreciation to the stakeholders who have not only provided their individual comments on the draft proposals, but also expressed their coordinated views through the relevant European stakeholder groups. The Agency considers that the comments received contribute essentially to the improvement of the proposed rules.

The Agency reviewed the comments and provided responses thereto. In order to be able to take an informed decision, the Agency also carried out focussed consultation comprising a series of thematic meetings with the aim to commonly identify and analyse the issues and to establish guidance for the review of the proposals towards drafting the final Opinion. These meetings involved not only experts from the rulemaking groups of the subject RMTs (ATM.001 and ATM.004), but also new experts who contributed actively to the NPA consultation.

The Agency trusts that the responses in this CRD satisfy the commentators insofar as they provide further clarification on the subjects addressed. Without prejudice to the final text to be proposed in the Agency's Opinion to be issued as the final step of the subject rulemaking activity, the resulting text (draft Regulation/AMC/GM) is also provided in the CRD in order to facilitate the understanding and the evaluation of the changes proposed in the responses to the comments.

Applicability		Process map	
Affected regulations and decisions:	Regulations (EU) Nos 1034/2011 and 1035/2011	Terms of Reference (ATM.004):	30.8.2010
Affected stakeholders:	Member States, competent authorities/National Supervisory Authorities, service providers, Network Manager, and the Agency	Terms of Reference (ATM.001):	29.9.2010
Driver/origin:	Legal obligation (Basic Regulation, EASp and ICAO SARPs)	Concept Paper:	No
Reference:	N/A	Rulemaking group:	Yes
		RIA type:	Full
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	10.5.2013
		Duration of NPA consultation:	5 months and 3 weeks
		Review group:	No
		Focussed consultation:	Yes
		Publication date of the Opinion:	2014/Q4
		RMT.0148 (ATM.001 (A)) and RMT.0157 (ATM.004(A))	
		Publication date of the Decision:	2015/Q2
		RMT.0149 (ATM.001 (B)) and RMT.0158 (ATM.004(B))	

I. CRD to NPA 2013-08 (C) – Acceptable Means of Compliance (AMC) & Guidance Material (GM) – Table of comments and responses

(General Comments)

-

comment

1

comment by: AIRBUS

This RIA is a mix between the benefits that the EASA System can bring to the stakeholders and a questionnaire concerning the way in which the open issues (e.g. conflict between EASA System and SES System) might be addressed. From an aircraft manufacturer standpoint (e.g. Airworthiness domain), the harmonization with ICAO framework and with the regulations applicable to others fields of aviation should be a paramount goal for the next regulatory activities.

response

Noted

The Agency takes note of the comment.

It is important to be pointed out that the proposed rule implements the objectives of Regulation (EC) No 216/2008. As part of the Council compromise when approving the SES II package in 2009, some old SES provisions were left in place and, indeed, these may be contradictory to the new ones contained in Regulation (EC) No 216/2008. After consulting with the Commission, it appears that this problem will be one of the issues rectified in the SES2+ proposal and the work on Implementing Rules should continue to implement the new EASA framework.

Furthermore, after due consideration of the stakeholders' responses to the questions asked by the Agency in the Explanatory Note (in paragraphs 46 and 139) regarding the ICAO Annex 19 SMS framework, the Agency acknowledges the overwhelming desire to align the SMS framework with the one as required by ICAO Annex 19. Moreover, during the various NPAs consultations, the Agency was requested to align as much as possible the provisions related to the competent authorities with the existing ones relevant to other aviation domains (e.g. aircrew and air operations, aerodromes and the proposed ones with Opinion No 11/2013 on ATCO licensing) unless there is a sector-specific reason. The Agency believes that these objectives are fully met with the amendments introduced to the draft rule.

comment

3

comment by: Irish Aviation Authority

Document: D – Regulatory Impact Assessment

Page No: General

Paragraph No: General

Comment: In the RIA there are references to cost-efficiency but for the ATSEP proposals no detailed costings are provided in respect of training costs, establishing training and competence checking arrangements etc, especially for smaller Providers in Ireland. There is no consideration of competitive market availability or otherwise for training courses that would be necessitated by the

	<p>ATSEP proposals. Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Provision of more detailed costings.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges the fact that no details on costs in relation to current ATSEP training were provided in this NPA. This is due to the fact that during the drafting of the rules, no cost details were provided to the Agency despite the following call in the Explanatory Note (page 71): 'stakeholders are kindly invited to provide data on administrative cost impacts introduced by these draft rules and any other quantitative information they may find necessary to bring to the attention of the Agency.'</p> <p>This NPA on ATSEP issues was developed with the assumption that ATSEP have always received training following the introduction of new technology and the Agency considers that the harmonisation of ATSEP will provide medium-/long-term benefits after the transition phase, which entails additional costs due to the adaptation of the current training. The medium-term benefit will be a training cost reduction thanks to the harmonisation (assuming that the majority of AMCs will not be applied differently by the service providers). The long-term benefit will be the support of the ATSEP mobility from one service provider to another thanks to harmonised training requirements.</p>

comment	<p>7 comment by: <i>Kerry Airport</i></p> <p>Document: D – Regulatory Impact Assessment Page No: General Paragraph No: General Comment: In the RIA there are references to cost-efficiency but for the ATSEP proposals no detailed costings are provided in respect of training costs, establishing training plans and competence checking arrangements etc, especially for smaller Providers in Ireland. There is no consideration of competitive market availability or otherwise for training courses that would be necessitated by the ATSEP proposals. Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Provision of more detailed costings.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges the fact that no details on costs in relation to current ATSEP training were provided in this NPA. This is due to the fact that during the drafting of the rules, no cost details were provided to the Agency despite the following call in the Explanatory Note (page 71): 'stakeholders are kindly invited to provide data on administrative cost impacts introduced by these draft rules and any other quantitative information they may find necessary to bring to the attention of the Agency.'</p> <p>This NPA on ATSEP issues was developed with the assumption that ATSEP have always received training following the introduction of new technology and the Agency considers that the harmonisation of ATSEP will provide medium-/long-term benefits after the transition phase, which entails additional costs due to the adaptation of the current training. The medium-term benefit will be a</p>

training cost reduction thanks to the harmonisation (assuming that the majority of AMCs will not be applied differently by the service providers). The long-term benefit will be the support of the ATSEP mobility from one service provider to another thanks to harmonised training requirements.

comment

11

comment by: UK CAA

Page No: General**Paragraph No:** General

Comment: The introductory statement in the RIA, recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes, nor evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.

These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These new requirements are not necessary for ANSPs and will be particularly disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency

In the RIA there are references to cost-efficiency but for the ATSEP proposals no illustrative costings are provided in respect of training costs, establishing training and competence checking arrangements etc, especially for smaller Providers in the UK. There is no consideration of a competitive market availability or otherwise for training courses that would be necessitated by the ATSEP proposals.

Proposed Text: Provision of illustrative costings should be included.

response

Noted

The Agency acknowledges the fact that no details on costs in relation to current ATSEP training were provided in this NPA. This is due to the fact that during the drafting of the rules, no cost details were provided to the Agency despite the following call in the Explanatory Note (page 71): 'stakeholders are kindly invited to provide data on administrative cost impacts introduced by these draft rules and any other quantitative information they may find necessary to bring to the attention of the Agency.'

This NPA on ATSEP issues was developed with the assumption that ATSEP have always received training following the introduction of new technology and the Agency considers that the harmonisation of ATSEP will provide medium-/long-term benefits after the transition phase, which entails additional costs due to the adaptation of the current training. The medium-term benefit will be a training cost reduction thanks to the harmonisation (assuming that the majority of AMCs will not be applied differently by the service providers). The long-term benefit will be the support of the ATSEP mobility from one service provider to another thanks to harmonised training requirements.

REGULATORY IMPACT ASSESSMENT EXECUTIVE SUMMARY

p. 4-9

comment 4

comment by: *Irish Aviation Authority***Document:** D – Regulatory Impact Assessment**Page No:** 7**Paragraph No:** ATSEP

The introductory statement recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes or evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, it can only be construed that these over-proscriptive and dis-proportionate regulations are being enacted for purposes other than safety.

Justification: The RIA is not detailed as regards analysis of future situations, cost and practicality of the proposals.

Proposed Text: No text proposed.

response

Not accepted

The Agency is acting in accordance with the provisions of the Basic Regulation in order to propose implementing measures for the training and competence assessment of service providers' personnel. ATSEP is one category of personnel. Whereas safety is the primary objective of the Agency, harmonisation of rules in Europe is also beneficial to affected parties.

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach.

comment 5

comment by: *Irish Aviation Authority***Document:** D – Regulatory Impact Assessment**Page No:** 9**Paragraph No:** Chapter 9 Air Traffic Safety Electronics Personnel

Comment: The Option 3 choice reduces the flexibility and proportionality of the ATSEP proposals by incorporating training material detail in the IR. The ATSEP provisions are focussed on requirements for large, often state-run, en-route ANSP's and do not have sufficient flexibility provisions to accommodate states,

	<p>like Ireland, where there is a market of contestability, with many smaller ANSPs in competition with each other. The measures proposed will endanger the financial health of many of these smaller entities, to the benefit of larger providers, as these smaller businesses would have over-proscriptive and disproportionate requirements, which will not improve safety, imposed upon them</p> <p>Justification: Provision of cost efficient ATM/ANS services.</p> <p>Proposed Text: Annex XII Appendices 1,2, 3 and 4 moved to GM.</p>
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance to their needs. The NPA reproduces the Eurocontrol ATSEP CCC but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kind of service providers according to the types of services their provide and the number of ATSEP they have. ATSEP initial training can therefore be tailored to the activities of the service provider and to the task ATSEP will perform.</p> <p>The RIA for ATSEP reflects this approach.</p>
comment	<p>8 comment by: <i>Kerry Airport</i></p> <p>Document: D – Regulatory Impact Assessment Page No: 7 Paragraph No: ATSEP</p> <p>The introductory statement recognises that '<i>the level of competence of ATSEP in Europe is currently acceptable</i>'. There is no associated argument as to why this level of competence will not be maintained under current regimes or evidence to suggest that there will be any additional safety benefit from implementing additional requirements. Without detailed analysis and argument, it can only be construed that these over-proscriptive and dis-proportionate regulations are being enacted for purposes other than safety.</p> <p>Justification: The RIA is not detailed as regards analysis of future situations, cost and practicality of the proposals.</p> <p>Proposed Text: No text proposed.</p>
response	<p><i>Not accepted</i></p> <p>The Agency is acting in accordance with the provisions of the Basic Regulation in order to propose implementing measures for the training and competence assessment of service providers' personnel. ATSEP is one category of personnel. Whereas safety is the primary objective of the Agency, harmonisation of rules in Europe is also beneficial to affected parties.</p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to</p>

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The RIA for ATSEP reflects this approach.

comment

9

comment by: Kerry Airport

Document: D – Regulatory Impact Assessment

Page No: 9

Paragraph No: Chapter 9 Air Traffic Safety Electronics Personnel

Comment: The Option 3 choice reduces the flexibility and proportionality of the ATSEP proposals by incorporating training material detail in the IR, this training material does not take into account the potential for different levels of ATSEP competence as provided for in ESARR5 guidance material. The ATSEP provisions are focussed on requirements for large, often state-run, en-route ANSP's and do not have sufficient flexibility provisions to accommodate states, like Ireland, where there is a market of contestability, with many smaller ANSPs in competition with each other. The measures proposed will endanger the financial health of many of these smaller entities, to the benefit of larger providers, as these smaller businesses would have over-proscriptive and disproportionate requirements, which will not improve safety, imposed upon them

Justification: Provision of cost efficient ATM/ANS services.

Proposed Text: Annex XII Appendices 1,2, 3 and 4 moved to GM.

response

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

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The RIA for ATSEP reflects this approach.

comment

12

comment by: UK CAA

Page No: 7

Paragraph No: ATSEP

The introductory statement in the RIA, recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes,

	<p>nor evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.</p> <p>These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These new requirements are not necessary for ANSPs and will be particularly disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency</p> <p>Justification: The RIA is not detailed as regards analysis of future situations, cost and practicality of the proposals.</p>
response	<p><i>Not accepted</i></p> <p>The Agency is acting in accordance with the provisions of the Basic Regulation in order to propose implementing measures for the training and competence assessment of service providers' personnel. ATSEP is one category of personnel. Whereas safety is the primary objective of the Agency, harmonisation of rules in Europe is also beneficial to affected parties.</p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance to their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.</p> <p>The RIA for ATSEP reflects this approach.</p>

comment	<p>13 comment by: UK CAA</p> <p>Page No: 9 Paragraph No: Chapter 9 Air Traffic Safety Electronic Personnel Comment: The Option 3 choice reduces the flexibility and proportionality of the ATSEP proposals by incorporating training material detail in the IR. The introductory statement in the RIA, recognises that <i>'the level of competence of ATSEP in Europe is currently acceptable'</i>. There is no associated argument as to why this level of competence will not be maintained under current regimes, nor evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.</p> <p>These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These new requirements are not necessary for ANSPs and will be particularly</p>
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response

disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency

Proposed Text: Annex XII Appendices 1, 2, 3 and 4 should be moved to GM.

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach.

9 ATSEP – 9.1 What is the issue and the current regulatory framework?

p. 53-54

comment

14

comment by: UK CAA

Page No: 53 and following

Paragraph No: 9 ATSEP

Comment: The general comments already made about the ATSEP proposals apply, i.e. that the RIA is not strong in respect of detailed costings and safety needs for such proposals. The proportionality and flexibility are limited by the inclusion of detailed training requirements in the IR and AMC/GM material.

Justification: The introductory statement in the RIA, recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes, nor evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.

These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These new requirements are not necessary for ANSPs and will be particularly disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency.

Proposed Text: Strengthening of ATSEP RIA analysis or amendment of IR and AMC/GM material to introduce more flexibility, proportionality and focusing on actual task objectives for ATSEPs rather than defining detailed

	academic/theoretical training requirements (implied or otherwise).
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.</p> <p>The RIA for ATSEP reflects this approach and, therefore, the Agency considers that it should not be revised as flexibility and proportionality are properly ensured.</p>

comment	<p>18</p> <p>comment by: <i>Vantage Air Traffic Services</i></p> <p>The regulatory frame work is a very good idea at this level to ensure a standardised level of competency within the industry. Once the ATSEP has completed CCC and qualification training it should be down to the ANSP to prove competency.</p>
response	<p><i>Noted</i></p>

9 ATSEP – 9.2 Who is affected?

p. 54-55

comment	<p>10</p> <p>comment by: <i>Kerry Airport</i></p> <p>Document: D – Regulatory Impact Assessment Page No: 55 and following Paragraph No: 9 ATSEP Comment: The general comments already made about the ATSEP proposals RIA are not strong in respect of detailed costings and safety needs or benefits from for such proposals. The proportionality and flexibility are limited by the inclusion of detailed training requirements in the IR and AMC/GM material and do not take account of the strain these proposals will place on smaller ANSP's. Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Strengthening of ATSEP RIA analysis or amendment of IR and AMC/GM material to introduce more flexibility, proportionality and focusing on actual task objectives for ATSEPs rather than defining detailed academic/theoretical training requirements (implied or otherwise).</p>
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response

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kind of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can therefore be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach and the Agency considers therefore that it should not be revised as the flexibility, proportionality are properly ensured.

9 ATSEP – 9.5 Identification of options

p. 55

comment

6

comment by: *Irish Aviation Authority***Document:** D – Regulatory Impact Assessment**Page No:** 55 and following**Paragraph No:** 9 ATSEP

Comment: The general comments already made about the ATSEP proposals RIA are not strong in respect of detailed costings and safety needs for such proposals. The proportionality and flexibility are limited by the inclusion of detailed training requirements in the IR and AMC/GM material.

Justification: Provision of cost efficient ATM/ANS services.

Proposed Text: Strengthening of ATSEP RIA analysis or amendment of IR and AMC/GM material to introduce more flexibility, proportionality and focusing on actual task objectives for ATSEPs rather than defining detailed academic/theoretical training requirements (implied or otherwise).

response

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach and, therefore, the Agency considers that it should not be revised as flexibility and proportionality are properly ensured.

9 ATSEP – 9.6 Analysis of impacts – 9.6.3 Economic impact

p. 62-65

comment 15

comment by: *Entry Point North*

Option 1: This is an assumption that the ANSPs are performing the training themselves, not taking into account that it can be performed by an external training provider. However, if each ANSP has to develop its own training syllabus and training material for the number of different possibilities that option 3 is opening for, the overall economical impact will be much higher for option 3 than for option 1.

response *Noted*

Option 3 does not entail additional costs automatically, but only if the service provider sees a benefit from not applying the AMC adopted by the Agency. In such a case, this process is less burdensome than applying for a derogation with Option 1. The Agency does not expect that service providers will develop for all the adopted AMCs the corresponding alternative means of compliance.

comment 16

comment by: *Entry Point North*

Option 3: This is an assumption that the ANSPs are performing the training themselves, not taking into account that it can be performed by an external training provider. However, if each ANSP has to develop its own training syllabus and training material for the number of different possibilities that option 3 is opening for, the overall economical impact will be much higher for option 3 than for option 1.

response *Noted*

Option 3 does not entail additional costs automatically, but only if the service provider sees a benefit from not applying the AMC adopted by the Agency. In such a case, this process is less burdensome than applying for a derogation with option 1. The Agency does not expect that service providers will develop for all the adopted AMCs the corresponding alternative means of compliance.

9 ATSEP – 9.6 Analysis of impacts – 9.6.5 Impact on regulatory coordination and harmonisation

p. 66-68

comment	2	comment by: <i>Etel Networks Infranet AB</i>
	We agree with option 3. ATSEP only need to be trained on relevant systems relevant to kind of duties	
response	<i>Noted</i>	

10 Summary conclusions	p. 69-71
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comment	19	comment by: <i>Vantage Air Traffic Services</i>
	ATSEP may take more than 24 months to impliment, the regulation may be in place in that time however getting engineers training and assessed to the required level in such a short time will cause problems with resouce and cost.	
response	<i>Noted</i>	
	Transitional measures are foreseen (but not yet decided on) in order to allow service providers to adapt themselves and be compliant with the Regulation at the appropriate time.	

–table of comments and responses

(General Comments)	-
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comment	17	comment by: <i>NAVIAIR</i>
	<p>1. NPA 2013-08 (C) (Acceptable Means of Compliance & Guidance Material) is a break down of requirements that regulate the ANSP procedures in details preventing safer and more efficient procdures to be developed. It increases the documentation, the cost and decreases focus from Flight Safety. EASA requirements should be on the level of Flight Safety goals instead. We recommend NPA 2013-08 (C) deleted from NPA 2013-08.</p> <p>2. NPA 2013-08 (C) requirements are so detailed that it interfears with management of the ANSP.</p> <p>3. It is uncertain to introduce the new regulation NPA 2013-08 due to the fact that essential requirements are left to be determined. For ATS.OR.210 Risk Assessment we are worried that "safety requirements for risk assessment and mitigation with regard to changes" are not determined. For the quality and continuity we recommend that the requirements for Risk Assessment described in 1035/2011 Common Requirements should be incorporated in NPA 2013-08.</p>	

response

Not accepted

The Agency takes the comments into consideration.

1. It should be noted that EASA rulemaking is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Certification Specifications (CSs).

IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation.

AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. However, applicants may decide to show compliance with the requirements using other means and may propose an alternative means of compliance, based, or not, on those issued by the Agency. These alternative means of compliance (AltMoC) must only be used when it is demonstrated that the safety objective set out in the Implementing Rules is met. When the competent authority uses an AltMoC, it must notify the Agency.

Considering the above-mentioned approach, the proposal is not accepted.

2. In addition to the AMCs proposed with the subject NPA, Guidance material (GM) are introduced as well which are also non-binding material developed by the Agency that helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and AMCs. As such, the mentioned by the commentator provisions are not binding requirements.

3. In reference to the 'safety assessment of changes to the functional system', there will be another NPA relevant to this subject (planned to be published for consultation in the 2nd quarter of 2014). Based on the outcome of the current NPA and the forthcoming one, the Agency will issue a single Opinion addressed to the Commission as described into the Explanatory Note to the CRD.

comment

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comment by: *Administration de la Navigation Aérienne Luxembourg*

ANA thinks that more precision is required about safety significant information transmission, and that this point should be treated under an AMC and Directives.

response

Not accepted

With the presumption that the comment relates to GM1 ATM/ANS.AR.A.010, the Agency takes the comment into consideration. However, the Agency considers that a development of an AMC would require more efforts on this horizontal subject and, therefore, at this stage it would be more appropriate to provide non-binding material to help and illustrate the meaning of the requirements and to support the interpretation.

Considering the comment, the Agency further developed the commented provision and is proposing additional GMs on this subject.

comment	<p>25 comment by: <i>Administration de la Navigation Aérienne Luxembourg</i></p> <p><u>Flexibility of performance - based Oversight</u> ANA prefers the 2nd option for the following reasons : 1. This option seems to be the more suitable for a high level of safety, because its application is linked to level 1 findings absence, to the evidence provided by ANSP and to hazard identification and associated risk management, and that remedial actions have been implemented within the time frame defined by the competent authority. 2. From a Human Resources point of view, given ANA size, ANA advises its preference for a 36 month cycle for surveillance process by the competent authority.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, Option 2 is adopted to the draft Regulation.</p>
comment	<p>28 comment by: <i>Administration de la Navigation Aérienne Luxembourg</i></p> <p><u>Quality of the MET data and information</u> ANA think that "level of attainable accuracy" should be replaced by "accuracy", for more clarity.</p>
response	<p><i>Noted</i></p> <p>The Agency will follow the term used in ICAO Annex 3 (attachment A and B), which is 'operationally desirable accuracy'.</p>
comment	<p>102 comment by: <i>EUROCONTROL</i></p> <p>General comment Separate AMC were developed by Eurocontrol and the 4 States NSA for EU 2096. Certification was granted based on those AMC. Are those AMC still applicable? We propose that the already developed AMC, as accepted by the 4 States, is considered as additional AMC for the new regulation.</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>It should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. However, the regulated organisations may decide to show compliance with the requirements using other means and may propose an alternative means of compliance, based, or not, on those issued by the Agency. These alternative means of compliance (AltMoC) must only be used when it is demonstrated that the safety objective</p>

set out in the Implementing Rules is met.

AltMOC are defined as ‘those that propose an alternative to an existing AMC or those that propose new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency;’.

Under ATM/ANS.AR.015, the competent authority must establish a system to assess the AltMOC used by itself or by the service provider under its oversight. In addition, when the competent authority develops AltMoC itself, it shall make them available to all organisations and persons under its oversight. The intention of the rule is not to prevent AltMOC from being developed by the competent authority for use by the organisation under its oversight. However, it should be noted that these, like the ones proposed by the organisation, remain alternatives, which must be assessed in accordance with ATM/ANS.AR.A.015 and which the organisation may decide to use or not. These AltMOC issued by the competent authority are not to be seen as ‘mandatory’ in any way and should be clearly identified as being alternatives ways to comply with the rules.

For further details on AMCs and AltMOCs, please refer to <http://easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs>.

comment 222

comment by: EUROCONTROL

We think that the general guidance provided in GM1 ATM/ANS.OR.B015 could be seen in contradiction with EC 73/2010, for which the scope is AIS only. However, from the perspective of MET service provision, the principle explained in GM1 ATM/ANS.OR.B015 is completely acceptable (as was applied in earlier work in the context of Conformity Assessment).

response *Noted*

comment 265

comment by: EUROCONTROL

In general, AMCs should describe how to implement a given requirement (one means of implementing it). A number of proposed AMCs are too vague to achieve this aim, and therefore should not be considered as AMC if not significantly enhanced.

Examples of weak or “false” AMCs include: AMC1 ATM/ANS.OR.A.050(b), AMC1 ATM/ANS.OR.B.020, AMC1 ATS.OR.205(c)(1)(iv), AMC1 ATS.OR.325, AMC1 ATSEP.OR.120

In the description of some proposed AMCs, both “should” and “shall” are used: in AMC1 Article 5(4), AMC1 ATS.OR.205(c)(1)(i), AMC1 ATSEP.OR.110(a) Qualification training – Stream COM-VOICE, AMC2 ATSEP.OR.110(a) Qualification training – Stream COM-DATA.

“Shall” is also used in some guidance material: GM ATS.TR.105(b), GM2 MET.OR.225. What is the meaning of “shall” and “should” statements in an AMC or in a GM?

Is there not a risk of confusion to mix them up in an AMC? Is there not a risk of confusion to include “shall” statements in GM?

response *Partially accepted*

The Agency takes the comment into consideration .

Based on the NPA 2013-08 consultation, the commented AMCs are either redrafted or removed.

comment 281 comment by: EUROCONTROL

Table of Contents
GM1 ATM/ANS.OR.A.015 (page 18) missing in Table of Contents (page 2)

response *Accepted*

Considering the comment, the Table of Contents is updated.

comment 351 comment by: Irish Aviation Authority

Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM)

Page No: General

Paragraph No: General

Comment: The AMC/GM material only covers Basic/Qualification Training. This leaves out the most important aspects of training and competence aimed at actual tasks in an operational environment. The Provider should be left to determine training/competence requirements. The material only covers 'academic/theoretical' aspects which should not be the main thrust of the requirements.

Justification: Included above.

Proposed Text:. Provide GM material only. Strengthen concepts of task oriented definition of training and competence requirements derived by Provider rather than academic/theoretical training requirements.

response *Not accepted*

The NPA proposes to leave the S/E training and competence assessment requirement at a very general level for now. With regard to the initial training, the rules reflect the specific approach taken by the expert group. The Agency believes that this way of transposition of the Eurocontrol ATSEP CCC provides actual tasks in an operational environment and gives enough flexibility to the services providers to ensure that their ATSEP are adequately trained and assessed competent.

comment 352 comment by: Irish Aviation Authority

Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM)

	<p>Page No: AMC/GM to ANNEX II (pages 59 to 197) Paragraph No: General Comment: It is difficult to determine why some material is AMC and some GM. The whole thrust of this material seems to be aimed at subjects/theoretical topics. It should be aimed at tasks and objectives for the particular ATSEP post and what training/competence is needed to achieve these. The Provider should define these tasks and objectives, starting with the particular job description. The GM material could then be used by the Provider as guidance to define training/competence arrangements etc. Justification: No clear definition of what constitutes AMC or GM status. Proposed Text: Move AMC/GM to Annex XII to GM status to provide maximum flexibility to each ATM/ANS Provider to determine training/competence requirements.</p>
response	<p><i>Not accepted</i></p> <p>With regard to the initial training, the draft rules reflect the approach taken by the rulemaking group experts to transpose the Eurocontrol ATSEP CCC in a way that would give enough flexibility to the service providers to ensure that their ATSEP are adequately trained and assessed competent, and, at the same time, would ensure that the training can be modulated in the most appropriate way for service providers. The ATSEP CCC has been split in IR and AMCs only, not in GM. The experts of the rulemaking group as well as other experts consulted after the publication of this NPA agreed with this approach.</p>

comment	<p>360 comment by: IFATCA</p> <p>Attachment #1</p> <p>Overall comments of IFATCA attached</p>
response	<p><i>Noted</i></p>

comment	<p>397 comment by: Kerry Airport</p> <p>Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM) Page No: General Paragraph No: General Comment: The AMC/GM material only covers Basic/Qualification Training. This leaves out the most important aspects of training and competence aimed at actual tasks in an operational environment. The Provider should be left to determine training/competence requirements. The material only covers 'academic/theoretical' aspects which should not be the main thrust of the requirements. Justification: Included above. .</p> <p>Proposed Text: Provide GM material only. Strengthen concepts of task oriented definition of training and competence requirements derived by Provider</p>
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	rather than academic/theoretical training requirements.
response	<i>Not accepted</i>
	<p>The NPA proposes to leave the S/E training and competence assessment requirement at a very general level for now. With regard to the initial training, the rules reflect the specific approach taken by the expert group. The Agency believes that this way of transposition of the Eurocontrol ATSEP CCC provides actual tasks in an operational environment and gives enough flexibility to the services providers to ensure that their ATSEP are adequately trained and assessed competent.</p>

comment	403	comment by: UK CAA
	<p>Page No: N/A Paragraph No: General Comment: The AMC/GM material only covers Basic/Qualification Training. UK CAA believes this leaves out the most important aspects of training and competence aimed at actual tasks in an operational environment. The Provider should be left to determine training/competence requirements. The material only covers 'academic/theoretical' aspects which should not be the main thrust of the requirements. Proposed Text: Provide GM material only. Strengthen concepts of task oriented definition of training and competence requirements derived by Provider rather than academic/theoretical training requirements.</p>	
response	<i>Not accepted</i>	
	<p>The NPA proposes to leave the S/E training and competence assessment requirement at a very general level for now. With regard to the initial training, the rules reflect the specific approach taken by the expert group. The Agency believes that this way of transposition of the Eurocontrol ATSEP CCC provides actual tasks in an operational environment and gives enough flexibility to the services providers to ensure that their ATSEP are adequately trained and assessed competent.</p>	

comment	404	comment by: UK CAA
	<p>Page No: N/A Paragraph No: AMC/GM to ATSEP ANNEX II - General Comment: It is difficult to determine why some material is AMC and some GM. The whole thrust of this material seems to be aimed at subjects/theoretical topics. It should be aimed at tasks and objectives for the particular ATSEP post and what training/competence is needed to achieve these. The Provider should define these tasks and objectives, starting with the particular job description. The GM material could then be used by the Provider as guidance to define training/competence arrangements etc. Justification: There is no clear definition of what constitutes AMC or GM status. Proposed Text: Move AMC/GM to Annex XII to GM status to provide maximum</p>	

	flexibility to each ATM/ANS Provider to determine training/competence requirements.
response	<p><i>Not accepted</i></p> <p>With regard to the initial training, the draft rules reflect the approach taken by the rulemaking group experts to transpose the Eurocontrol ATSEP CCC in a way that would give enough flexibility to the service providers to ensure that their ATSEP are adequately trained and assessed competent, and, at the same time, would ensure that the training can be modulated in the most appropriate way for service providers. The ATSEP CCC has been split in IR and AMCs only, not in GM. The experts of the rulemaking group as well as other experts consulted after the publication of this NPA agreed with this approach.</p>

comment	<p>413 comment by: EUROCONTROL Safety Team</p> <p>General Comment The publication of official AMC/GM is an aid for the better understanding of the requirements.</p>
response	<i>Noted</i>

comment	<p>415 comment by: EUROCONTROL Safety Team</p> <p>General Comment AMCs should describe how to implement a given requirement (one means of implementing it). A number of proposed AMCs are too vague to achieve this aim, and therefore should not be considered as AMC if not significantly enhanced. Examples of weak or “false” AMCs include:</p> <ul style="list-style-type: none"> • AMC1 ATM/ANS.OR.A.050(b), • AMC1 ATM/ANS.OR.B.020, • AMC1 ATS.OR.205(c)(1)(iv), • AMC1 ATS.OR.325, • AMC1 ATSEP.OR.120
response	<p><i>Partially accepted</i></p> <p>The Agency takes the comment into consideration .</p> <p>Based on the NPA 2013-08 consultation, the commented AMCs are either redrafted or removed.</p>

comment	466	comment by: <i>French Civil Aviation Authority (DGAC)</i>
	<p>French CAA comment</p> <p>AMC1 - Article 5(4) Oversight capabilities – (c) (p8) :</p> <p>This AMC contains a “shall”.</p> <p>Since an AMC is not mandatory, the sentence should be modified: “(c) ensure that personnel designated to conduct safety regulatory audits, including auditing personnel from qualified entities, meet specific qualification criteria defined by the competent authority. The criteria shall should address:”</p>	
response	<i>Noted</i>	
	<p>The subject paragraph in the IR is already covered in ATM/ANS.AR.B.005(a)(2). Therefore, based on a proposal, the provision and, subsequently, the associated AMC are removed.</p>	

<p>AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART A – GENERAL REQUIREMENTS (ATM/ANS.AR.A) – GM1 ATM/ANS.AR.A.010 Information to the Agency</p>	p. 9
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comment	115	comment by: <i>AENA-NPA2013-08</i>
	<p>Page 9, GM1 ATM/ANS.AR.A.010 Information to the Agency. To establish clear and common principles across Europe, GM1 ATM/ANS.AR.A.010 should be elevated as AMC.</p>	
response	<i>Not accepted</i>	
	<p>The Agency takes the comment into consideration .</p> <p>However, the Agency considers that a development of an AMC would require more efforts on this horizontal subject and, therefore, at this stage it would be more appropriate to provide non-binding material to help and illustrate the meaning of the requirements and to support the interpretation.</p>	

comment	189	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR)</p> <p>There appears to be a typo. This should say (Part ATM/ANS.AR)</p>	
response	<i>Accepted</i>	

comment	271	comment by: EUROCONTROL
	Page 9 - GM1 ATM/ANS.AR.A.010 (b) Unclear what this case actually covers.	
response	<i>Accepted</i>	
	Considering the comment, the Agency further developed the commented provision and is proposing additional GMs on this subject.	

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART B – MANAGEMENT (ATM/ANS.AR.B) – AMC1 ATM/ANS.AR.B.005(a)(2) Management system	p. 9
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comment	177	comment by: Federal Office of Civil Aviation FOCA
	Need for harmonisation with ADR.AR.B.005 "The training programme should include ../.. at least modules on following elements:"	
response	<i>Partially accepted</i>	
	Considering ED Decision 2014/012/R on 'AMC and GM to Authority, Organisation and Operations requirements for Aerodromes', the subject provision is aligned with the similar requirement applicable for Aerodromes authorities.	

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART B – MANAGEMENT (ATM/ANS.AR.B) – GM1 ATM/ANS.AR.B.005(a)(2) Management system	p. 10-11
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comment	178	comment by: Federal Office of Civil Aviation FOCA
	GM1 ATM/ANS.AR.B.005(a)(2); sufficient personnel: The expression "complexity of activities" [under (b)(2)(i)] needs to be further detailed, by mentioning the relevant factors determining the complexity (e.g. crossing runways, terrain, steep approaches etc.) The term "declared" is not clear to us. Does "declared" means the same as "designated"?	
response	<i>Accepted</i>	
	With regard to point (b)(2)(i), considering the comment a cross-reference, is	

amended to read '(cf. AMC1 ATM/ANS.OR.B.005(e))'.

'Flight information services providers having declared their activity' is used in application of Article 7 of the draft Regulation.

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART B –MANAGEMENT (ATM/ANS.AR.B) – AMC1 ATM/ANS.AR.B.010 Allocation of tasks to qualified entities	p. 11
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comment	179	comment by: <i>Federal Office of Civil Aviation FOCA</i>
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Need for harmonization with NPA-2011-20

response	<i>Noted</i>
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The Agency takes the comment into consideration and tried to harmonise the requirements unless there is a sector-specific reason.

comment	191	comment by: <i>NATS National Air Traffic Services Limited</i>
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AMC1 ATM/ANS.AR.B.010

Article 5(4) does not appear to have any qualification criteria other than a requirement to be competent.

response	<i>Accepted</i>
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Considering the comment, the subject provision is amended to address the issue.

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART B –MANAGEMENT (ATM/ANS.AR.B) – GM1 ATM/ANS.AR.B.010 Allocation of tasks to qualified entities	p. 11
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comment	180	comment by: <i>Federal Office of Civil Aviation FOCA</i>
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Need for harmonization with NPA-2011-20.

The GM does not seem to address the two points contained in the corresponding AMC. In addition, FOCA suggests to add a sentence on whether a qualified entity may issue licences on behalf of the competent authority.

response	<i>Partially accepted</i>
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Considering the comment, the provisions are revised and aligned unless there is a sector-specific reason.

It should be noted that, in accordance with Article 13 of Regulation (EC) No 216/2008, qualified entities shall not issue certificates, something which is duly illustrated into the commented GM.

comment 192 comment by: NATS National Air Traffic Services Limited

GM1 ATM/ANS.AR.B.010
Typo, should be "...with the exclusion of the issuance of a certificate."

response Accepted

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART C – OVERSIGHT, CERTIFICATION, AND ENFORCEMENT (ATM/ANS.AR.C) – GM1 ATM/ANS.AR.C.015 Oversight p. 11

comment 123 comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
GM1 ATM/ANS.AR.C.015 Oversight	There is a spelling error in the following sentence: "Oversight IMPLEMENTING ARRANGEMENTS. Implementing <u>arrangemnets</u> should be considered ATM/ANS provider's manuals, terms of conditions or certificate or the content of the declaration."	Typographical error.

response Accepted

comment 174 comment by: CAA-NL

EXTRA COMMENT
AMC to ATM/ANS.AR.C.010(a)(1) and AMC to ATM/ANS.OR.B.010(b)(1)?

We are wondering why the requirements related to the qualification of nominated post holders, the obligation to submit these to the Competent Authority and the obligation for the Competent Authority to evaluate and accept

	<p>these post holders, as is incorporated in the AMC's in all the other domains is only slightly touched in a GM for this domain. (For relevant AMC material please see attached file.) Is it because the introduction of SMS in this domain started a number of years ago and this domain is more mature in this aspect? If so, is it to be expected that in the future with the maturity of the SMS in other domains growing these requirements will be deleted or downgraded to GM? Or are there other reasons why the horizontal application of this is not included?</p> <p>Further, while collecting the relevant regulatory material we noticed that there are differences in the various domains in relation to the objective criteria included for the post holders to comply with. If EASA chooses to include these requirements for horizontal reasons, please include dedicated objective criteria for the CA to assess these post holders in the ATM domain.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the subject AMC related to changes (see AMC1 ATM/ANS.AR.C.025(b) and AMC1 ATM/ANS.AR.C.025(c)) is amended to address the issue raised by the commentator. It should be pointed out that, in this respect, AMC1 ATS.OR.200(a)(1)(ii);(iii) is amended as well with the criteria related to the safety manager's post holder. With regard to the criteria for other post holders defined in ATM/ANS.OR.B.025, the issue is left to the discretion of the competent authority.</p>
comment	<p>181 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Typo in the 2nd word -> "arrangements" instead of "arrangemnets" The sentence is incorrect, there must be a word missing.</p>
response	<p><i>Accepted</i></p>
comment	<p>467 comment by: <i>French Civil Aviation Authority (DGAC)</i></p> <p>French CAA comment</p> <p>GM1 & GM2 – ATM/ANS.AR.C.015 (p11) :</p> <p>In order to provide a better understanding, these GM should clearly refer to the requirements they are dealing with.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, GM1 is amended and is associated to ATM/ANS.AR.C.010(b)(1) (formerly ATM/ANS.AR.C.015).</p> <p>With regard to the commented GM2, the numbering is corrected and now it is associated to ATM/ANS.AR.C.050 'Findings, corrective actions and enforcement measures'.</p>

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART C – OVERSIGHT, CERTIFICATION, AND ENFORCEMENT (ATM/ANS.AR.C) – GM2 ATM/ANS.AR.C.015 Oversight	p. 11
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comment	6	<p style="text-align: right;">comment by: <i>ATC the Netherlands</i></p> <p>Risk based auditing and periodical auditing and inspection in accordance with a schedule do not go well together. We propose to allow to choose risk based or periodical auditing</p>
response		<p><i>Accepted</i></p> <p>Should the comment relate to AMC1 ATM/ANS.AR.C.015 Oversight programme (formerly AMC1 ATM/ANS.AR.C.015(c)), the subject provision is amended by removing the periodical auditing and inspections, considering the performance of service providers.</p>

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART C – OVERSIGHT, CERTIFICATION, AND ENFORCEMENT (ATM/ANS.AR.C) – AMC1 ATM/ANS.AR.C.015(c) Oversight	p. 11-12
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comment	183	<p style="text-align: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>FOCA supports "OPTION 2", towards a performance-based oversight. Within the requirements and AMC terms like schedule, programme and plan are used. FOCA suggests to use always the same term, in order to avoid confusion (e.g. use "programme").</p>
response		<p><i>Accepted</i></p> <p>Considering the comment, the subject provisions are amended accordingly and 'oversight programme' is adopted.</p>
comment	197	<p style="text-align: right;">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">AMC1 ATM/ANS.AR.C.015(c) The related IR has no requirement for inspections, rather an oversight programme including audits.</p>
response		<p><i>Accepted</i></p> <p>Considering the comment, the subject provisions are amended accordingly and 'oversight programme' is adopted.</p>

comment	274	comment by: EUROCONTROL
	<p>Page 11 - AMC1 ATM/ANS.AR.C.015(c) I would have been useful to list the "oversight means" mentioned in the last paragraph.</p>	
response	<p><i>Accepted</i></p> <p>Considering the comment, the term 'oversight means' is replaced by 'audits and inspections'.</p>	

<p>AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART C – OVERSIGHT, CERTIFICATION, AND ENFORCEMENT (ATM/ANS.AR.C) – GM1 ATM/ANS.AR.C.020 Changes to ATM/ANS providers</p>	p. 12
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comment	7	comment by: ATC the Netherlands
	<p>Efficiency can only be reached by reducing unnecessary administrative burdens.</p> <p>b) It is of no use informing the CA of every small change in the management documentation and creates an enormous administrative burden for both parties. Furthermore when using an electronic system to host the management system it is not desirable to give access to the system from outside.</p> <p>b) Give the CA authority the opportunity to access the management system whenever they want in the premises of the organisation owing the management system</p> <p>c)The CA may carry out a document review prior to approval. After implementation the effectiveness and compliance with regulations can be checked by an audit</p>	
response	<p><i>Accepted</i></p> <p>The Agency takes the comment into consideration. Based on the NPA 2013-08 consultation outcome and the discussion held at the focussed review meetings organised, which provided the Agency with further valuable advice on how to proceed with the subject, the commented provision is redrafted to clarify the different types of changes and the procedures required to be applied. Thus, the provisions are significantly modified and it should be noted that the procedure affords the opportunity for not all changes to require the competent authority's approval, respecting the requirements laid down in ATM/ANS.OR.A.050 'Facilitation of inspections, audits, and access'.</p>	

comment	26	comment by: Administration de la Navigation Aérienne Luxembourg
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	ANA thinks that article GM1 ATM/ANS.AR.C.020 should be more precise before being considered as an acceptable mean of compliance.
response	<i>Accepted</i>
	The Agency takes the comment into consideration, and the subject provisions are amended and elevated as an AMC based on the NPA 2013-08 consultation .

comment	128 comment by: <i>HungaroControl</i>
	<p>Stakeholders are invited to comment on GM1 ATM/ANS.AR.C.020 to consider whether this GM could be elevated as AMC and to provide justification elements on the possible safety, social, and economic impact associated to their proposal.</p> <p>It should be elevated to AMC level.</p> <p>It would be appreciated if the title could be changed to organisation Structure Changes to ATM/ANS providers. It reflects better to the content and avoids confusion with functional changes to the system.</p>
response	<i>Accepted</i>
	The Agency takes the comment into consideration, and the subject provisions are amended and elevated as an AMC based on the NPA 2013-08 consultation .

comment	185 comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Subpart (b) (2)</p> <p>The specification of 10 days is not necessary, since this is already a part of the procedure to be established. The timeframe necessary to confirm the non-approval may differ from state to state. Moreover, it shall be reserved to the authority if an acknowledgement is necessary or not.</p> <p>Subpart (c):</p> <p>The meaning is unclear. The NSA may perform audits on providers compliance at all times and on all subjects regardless if this is subject to a change. It is assumed that the audit needs to be conducted after the change implementation. In this regard, it shall be verified whether the provider is compliant with the approved change baseline rather than the regulatory requirements. Therefore, provide improved guidelines in GM or clarify in EXP notes.</p>
response	<i>Partially accepted</i>
	<p>The Agency takes the comment into consideration . Based on the NPA 2013-08 consultation outcome and the discussion held at the focused review meetings organised, which provided the Agency with further valuable advice on how to proceed with the subject, the commented provision (now AMC1 ATM/ANS.AR.C.025(c)) is redrafted.</p> <p>To address and clarify the issues raised by the commentator AMC2 ATM/ANS.AR.C.025(b) 'Changes' is introduced.</p>

comment	<p>226 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM1 ATM/ANS.AR.C.020 (a) appears to be a requirement on the ATM/ANS provider rather than the Competent Authority and would be better suited in OR. The method of being informed is not prescribed.</p>
response	<p><i>Accepted</i></p> <p>The Agency takes the comment into consideration. Based on the NPA 2013-08 consultation outcome and the discussion held at the focused review meetings organised, which provided the Agency with further valuable advice on how to proceed with the subject, the commented provision (now AMC1 ATM/ANS.AR.C.025(c)) is redrafted, and the one related to service provider is amended (AMC2 ATM/ANS.OR.A.040(b)).</p>
comment	<p>227 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM1 ATM/ANS.AR.C.020 (b) appears to be a requirement on the ATM/ANS provider rather than the Competent Authority and would be better suited in OR. There does not appear to be an existing explicit obligation on the ATM/ANS provider to send each management system documentation amendment to the Competent Authority. AMC1 ATM/ANS.OR.A.035 (b) means that changes to the ATM/ANS provider's management system require prior approval but does not explicitly require that the amendment is sent to the Competent Authority.</p>
response	<p><i>Accepted</i></p> <p>The Agency takes the comment into consideration. Based on the NPA 2013-08 consultation outcome and the discussion held at the focused review meetings organised, which provided the Agency with further valuable advice on how to proceed with the subject, a new AMC (please refer to AMC1 ATM/ANS.OR.A.040(b) 'Changes') is introduced to address the issue.</p>
comment	<p>230 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM1 ATM/ANS.AR.C.020 (b)(1) and (2) should be elevated to AMC in order to give the process a degree of certainty and to have clear unambiguous requirements on the Competent Authority to respond in a timely manner to the ATM/ANS provider.</p> <p>Note that, as stated in a previous comment, this proposal requires that the related OR is developed.</p> <p>Note that in (b) (1) NATS has proposed a 30 day response time rather than an undetermined period that could have safety implications depending upon the nature of the proposed amendment.</p> <p>Suggested Resolution</p> <p>There needs to be supporting text added to (1) and (2) such as: “(b) Upon receipt of a management system documentation amendment from an</p>

	<p>ATM/ANS provider, which may include amendments that do not require prior approval, the competent authority should:</p> <p>(1) where the amendment requires the competent authority's approval, the competent authority, when satisfied, should approve it in writing within 30 calendar days.</p> <p>(2) where the amendment does not require prior approval, the competent authority should acknowledge receipt of the notification in writing within 10 working days."</p>
response	<p><i>Partially accepted</i></p> <p>The Agency takes the comment into consideration. Based on the NPA 2013-08 consultation outcome and the discussion held at the focused review meetings organised, which provided the Agency with further valuable advice on how to proceed with the subject, the commented provision is redrafted to clarify the different types of changes and the procedures required to be applied (now AMC1 ATM/ANS.AR.C.025(b) and AMC1 ATM/ANS.AR.C.025(c)).</p>
comment	<p>249 comment by: PANSA</p> <p>GM1 ATM/ANS.AR.C.020 Organisation Structure Changes to ATM/ANS providers <u>Justification:</u> <i>Modified title better reflects the content and avoids confusion with functional changes to the system.</i></p>
response	<p><i>Not accepted</i></p> <p>The AMC title replicates the title of the provision it is associated with.</p>
comment	<p>346 comment by: ROMATSA</p> <p>Comment: The proposal to elevate the GM1 ATM/ANS.AR.C.020 as AMC is supported.</p> <p>Justification: This AMC will allow a relaxation to the changes approval process and will make use of the ATM/ANS provider ' internal formal procedure for identifying changes within organisation and its functional system which may affect the provision of ATM/ANS.</p>
response	<p><i>Noted</i></p> <p>The Agency takes the comment into consideration, and the subject provision is elevated as an AMC based on the NPA 2013-08 consultation .</p>
comment	<p>401 comment by: ESSP</p>

response

Regarding the Request for comment, we believe GM1 ATM/ANS.AR.C.020 should be elevated at the level of an AMC.
 This AMC should detail which changes, in addition to Post-Holders roles and responsibilities changes (ATM/ANS.OR.B.010(b)(1)) and functional system changes (that will be covered by ATM/ANS.AR.C.030 to come), will be subject to prior approval and which changes will only necessitate information to the authority.
 In addition, does the prior approval of changes of the Post-Holders implies a proper validation of the Post-Holder himself through a Easa Form 4?

Accepted

The Agency takes the comment into consideration, and the subject provision is further developed and elevated as an AMC based on the NPA 2013-08 consultation.

It is important to note that an 'acceptance' by the competent authority of the management personnel would not apply as such, as the practice is in other domains (e.g. airworthiness) due to the fact that, in this instance, the 'person' would not be exercising certification privileges. Furthermore, it should be noted that EASA Form 4 is required for each person nominated to hold a position in accordance with M.A.606 (b) of Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, while the subject NPA proposes implementing requirements for service providers and the oversight thereof.

comment

405 comment by: UK CAA

Page No: 12
Paragraph No: GM1 ATM/ANS.AR.C.020 (b) (2)
Comment: This paragraph requires the competent authority to acknowledge the receipt of the notification of an amendment to the ATM/ANS provider's management system within 10 working days for those amendments that do not require approval.
 This has the potential for confusion as it would be normal to acknowledge receipt of all communications from the ATM/ANS provider.
 Where no approval is required the Competent Authority should make a 'positive' and clear statement to the ATM/ANS provider that they have 'No Objection' to the amendment being implemented in accordance with their approved procedures.
Justification: Simply acknowledging the receipt of the amendment could lead to amendments that require approval being implemented before approval is received.
Proposed Text: 'Where the amendment does not require prior approval the Competent Authority ~~should acknowledge receipt of the notification in writing within 10 working~~ **will inform the ATM/ANS provider, within 10 working days that they have 'No Objection' to the amendment being implemented in accordance with the ATM/ANS providers approved management system process.'**

response *Not accepted*

After due consideration of the comment and the focussed consultation organised after the NPA consultation closure, the Agency disagrees with the proposal provided by the commentator as it would contradict the principle of 'changes not requiring prior approval'.

comment

448

comment by: ENAV

Timescale for reacting to a change
When an ANSP notifies a CA of a change, there is no timescale set within which the CA has to respond to this notification or request. The converse regarding ANSP reaction time is not true.
Requirement for both types of organisation has to be set.

response

Accepted

The Agency takes the comment into consideration, and the subject provisions are amended and elevated as an AMC based on the NPA 2013-08 consultation .

comment

537

comment by: Romanian Civil Aviation Authority

Comment:

The proposal to elevate the GM1 ATM/ANS.AR.C.020 as AMC is supported.

Justification:

This AMC will allow a relaxation to the changes approval process and will make use of the ATM/ANS provider's internal formal procedure for identifying changes within organisation and its functional system which may affect the provision of ATM/ANS.

response

Accepted

The Agency takes the comment into consideration, and the subject provisions are amended and elevated as an AMC based on the NPA 2013-08 consultation .

AMC/GM to ANNEX I – Requirements for competent authorities in ATM/ANS (Part-TM/ANS.AR) – SUBPART C – OVERSIGHT, CERTIFICATION, AND ENFORCEMENT (ATM/ANS.AR.C) – GM1 ATM/ANS.AR.C.025 Findings, corrective actions, and enforcement measures p. 12-13

comment

186

comment by: Federal Office of Civil Aviation FOCA

Documentary evidence may include:

	<p>Replace “inspection records and internal audit results” with “internal quality control results (inspection, audit and tests) Justification: Quality Control consists of three different methods (inspections, audits and tests). All three methods are considered to be internal quality control activities. FOCA suggests to add to (c) the following: staff recruitment (pre-employment check or background check)</p>
response	<p><i>Not accepted</i></p> <p>The Agency takes the comment into consideration.</p> <p>As explained in the Explanatory Note to NPA 2013-08, the intention of the Agency has been to build the regulation so that it allows integration of all the management systems being required, if the regulated organisation so wishes. In applying this approach, the Agency considers that the proposal by the commentator is not appropriate.</p> <p>Furthermore, it is considered that the proposal on ‘staff recruitment’ to be amended is already covered by paragraphs (c) and (e).</p>

<p>AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART A – GENERAL COMMON REQUIREMENTS (ATM/ANS.OR.A) – GM1 ATM/ANS.OR.A.005 Scope</p>	p. 14-17
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comment	19	comment by: LfV
	The fact that ATM/ANS is defined differently from ATM + ANS makes things very confusing.	
response	<i>Accepted</i>	
	The Agency takes the comment into consideration and the term ‘ATM/ANS provider’ is no longer used. The term ‘service provider’ or the specific service (e.g. air traffic services provider) is used, and a definition of ‘service provider’ is provided in Article 2 of the Regulation.	

comment	89	comment by: AENA-NPA2013-08
	<p>Page 14, GM1 ATM/ANS.OR.A.005 Scope. e). It is unclear whether the (EC) N° 216/2008 definition prevail with or without including ASD (as stated in point d), ASD is not included in the definition but it is in annex Vb (2)). (Definition 11 & GM1 ATM/ANS.OR.A.005 Scope. c)). The term ATM/ANS is misleading as may be interpreted as ATM + ANS (strictly) or as ATM+ANS+DAT+ASD+Network functions. The term is more than the addition of its parts. This may induce misinterpretations with regards to scope</p>	

	and applicability of certain requirements.
response	<p><i>Accepted</i></p> <p>Considering the comment, the term ATM/ANS is no longer used. The term 'service provider' or the specific service (e.g. air traffic services provider) is used, and a definition of 'service provider' is provided in Article 2 of the Regulation. The text of GM1 ATM/ANS.OR.A.001 is amended to reflect this change of terminology.</p>
comment	<p>111 comment by: AIRBUS</p> <p>GM1 ATM/ANS.OR.A.005 (p), (q), (r) Airbus wishes to emphasize the following issues: A lot of Flight tests, as well as most aircraft manufacturer ancillary flights such as demonstrations, display and check flights, require specific profiles, weather and environmental conditions that are not compatible with totally predictable planning schemes addressed by area reservations at neither dedicated slots nor scheduled flights with predictable tracks which apply to airliners. Therefore, it is essential to provision, in regulation such enablers for both aircraft and ATC crew to properly plan and execute these flights. Airbus believes in : - ATC services for flight tests having a specific profile or operating in specific conditions performed by adequately briefed and trained staff. - ATC services enabling to focus on a single test in progress for trajectory constrained tests (several aircraft part of a multi aircraft test should be considered of course together as a single test); however, sometimes, profiles permitting, several tests could be envisaged for a single controller. - Controllers engaged in flight tests operations having all the required brief and training and being entitled to coordinate with the flight test crew and manufacturer operations to define or adapt the flight profile, and to coordinate with any ATC entities in charge of civil and military traffic in order to enable the test aircraft, either to manoeuvre, or to be protected during critical phases. Services that have been implemented for decades in France, and more recently in Germany and Spain for flight testing could be taken as example as they have been instrumental to the success of flight tests and thus of European aeronautics despite the highly constrained airspace in Europe and especially in France. Moreover, as the definition of flight tests provided in the regulation is very large and so should apply to very different types of flights, Airbus is recommending to have the following modification of the regulation in order to adapt the services to be delivered to each encountered situation: (a) When Flight tests have one of the following characteristics: (1) Frequent changes in levels and headings, depending upon the tests which are carried out with certain unpredictability; (2) Specific aircraft configurations resulting in reduced ability to manoeuvre; (3) Technical constraints, including airborne and ground testing facilities; (4) Airborne equipment is not proven to be up to the required certification level; (b) Then the ATS providers providing services to this type of flight testing need a specific privilege within the certificate issued by the competent authority because of the specificities of the ATS services to be provided to this type of operations and because of the need to ensure safe operations in the airspace in</p>

	<p>which flight tests are being conducted. Given the characteristics in (a), flight tests can be made in cohabitation with other airspace users in controlled or non-controlled airspace, and sometimes in temporarily reserved areas when necessary. They will have to be performed by ATCOs adequately briefed or trained, depending on the difficulty of the flight profile. It is also recommended that the planning for conducting flight tests being of a very ad hoc nature giving little timing for carrying out strategy or pre-tactical air traffic flow management. (e.g. the need to test under specific weather conditions which would require flexibility for allocation of slots for these flight tests) flight tests could benefit from a specific treatment regarding air traffic flow management.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comments, the commented provisions are amended.</p> <p>With regard to the proposal on training of the air traffic controllers providing air traffic control services to aircraft carrying out flight tests and on the air traffic flow management to flight tests, it should be noted that these subjects are already addressed in GM1 ATS.TR.100(b) (formerly GM1 ATS.TR.105(b), especially (b), (c) and (d)(1)) and further improved based on the NPA 2013-08 consultation .</p>

comment	<p>258 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">AMC/GM to ANNEX II</p> <p>The term "ATM/ANS" is misleading as the scope is ATM/ANS providers. Use of ATM/ANS invokes the definition in 216/2008, however the scope is ATM/ANS providers (as defined in Art 2 of the NPA) which is greater than that of ATM/ANS. Please note that the title of the related IR Annex II is different to the title of AMC/GM Annex II and needs to be aligned.</p> <p style="text-align: center;">Suggested Resolution</p> <p>Amend text to "General organisation common requirements for ATM/ANS providers (Part-ATM/ANS.OR)"</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the term 'ATM/ANS provider' is no longer used. The term 'service provider' or the specific service (e.g. air traffic services provider) is used and a definition of 'service provider' is provided in Article 2 of the Regulation. The titles of the IR and AMC/GM are aligned to 'COMMON REQUIREMENTS FOR SERVICE PROVIDERS'.</p>

comment	<p>259 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATM/ANS.OR.A.005 Scope</p> <p>Rather than "ATM/ANS" it should be "ATM/ANS providers".</p>
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	<p style="text-align: center;">Suggested Resolution</p> <p>Amend to "DEFINITIONS AND SCOPE IN RELATION TO ATM/ANS PROVIDERS"</p>
response	<p><i>Partially accepted</i></p> <p>The term 'ATM/ANS provider' is no longer used. The term 'service provider' or the specific service (e.g. air traffic services provider) is used, and a definition of 'service provider' is provided in Article 2 of the Regulation.</p> <p>The title of the provision is amended to 'DEFINITIONS AND SCOPE IN RELATION TO SERVICE PROVIDERS'.</p>
comment	<p>260 comment by: NATS National Air Traffic Services Limited</p>
	<p style="text-align: center;">GM1 ATM/ANS.OR.A.005 (f)</p> <p>Rather than "ATM/ANS providers" it should be "ATM/ANS provider" (singular not plural). See (g) where singular is used.</p> <p style="text-align: center;">Suggested Resolution</p> <p style="text-align: center;">Amend to "The definition of ATM/ANS provider includes...."</p>
response	<p><i>Accepted</i></p> <p>The commented provision is removed to reflect the improvements and changes made. The comment is considered, and 'service provider' is used in singular rather plural unless specific cases exist.</p>
comment	<p>261 comment by: NATS National Air Traffic Services Limited</p>
	<p style="text-align: center;">GM1 ATM/ANS.OR.A.005 (h) Figure 1</p> <p>Figure 1 content, title and description does not address ATM/ANS providers and so does not align with the term and its definition as used in the regulation. If the Figure is to be retained as is then ASD needs to be removed as it is not covered by the definition of ATM/ANS from the BR.</p> <p style="text-align: center;">Suggested Resolution</p> <p>Amend Figure 1 and supporting text to describe scope of ATM/ANS provider (as per the definition). Amend title of Figure 1 to read "The scope of ATM/ANS provider as specified in Article 2.11"</p>
response	<p><i>Partially accepted</i></p> <p>The term 'ATM/ANS provider' is no longer used. The term 'service provider' or the specific service (e.g. air traffic services provider) is used, and a definition of 'service provider' is provided in Article 2 of the Regulation. Figure 1 and its title are amended accordingly to reflect that it presents the services.</p>

comment	<p>262 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATM/ANS.OR.A.005 (h) Figure 1</p> <p>Figure 1 content, title and description does not address ATM/ANS providers and so does not align with the term and its definition as used in the regulation. If the Figure is to be retained as is then ASD needs to be removed as it is not covered by the definition of ATM/ANS from the BR.</p> <p style="text-align: center;">Suggested Resolution</p> <p>Amend Figure 1 and supporting text to describe scope of ATM/ANS provider (as per the definition). Amend title of Figure 1 to read "The scope of ATM/ANS provider as specified in Article 2.11"</p>
response	<p><i>Partially accepted</i></p> <p>The term 'ATM/ANS provider' is no longer used. The term 'service provider' or the specific service (e.g. air traffic services provider) is used, and a definition of 'service provider' is provided in Article 2 of the Regulation. Figure 1 and its title are amended accordingly and to reflect that it presents the services.</p>
comment	<p>263 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM1 ATM/ANS.OR.A.005 (i)</p> <p>Given comment on Figure 1 (to depict ATM/ANS providers), ATM Network Functions needs to be added.</p> <p>Suggested Resolution</p> <p>Amend (i) to read: (i) Figure 1 indicates both a further breakdown of ATS into air traffic control service (ATC), alerting service, air traffic advisory service, and flight information services and groupings of: (1) air traffic management (ATM): comprising ATS, ASM, and ATFM; (2) air navigation services (ANS): comprising ATS, CNS, MET, and AIS; and (3) airspace design (ASD), navigation data provider (DAT) and ATM Network Functions (NM)."</p>
response	<p><i>Accepted</i></p>
comment	<p>264 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM1 ATM/ANS.OR.A.005 (k)</p> <p>It is unclear what distinction is being made here (given previous comments on Figure 1). ATM network functions are a part of the definition of ATM/ANS provider. Additionally Figure 1, as depicted, is not ATM/ANS as per the</p>

	definition in the BR as it includes ASD (which is included in Annex Vb of the BR and not the definition).
response	<p><i>Accepted</i></p> <p>Considering the comment, the corresponding provisions are amended accordingly.</p>

comment	<p>266 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATM/ANS.OR.A.005 (I)</p> <p>There is no Part-ATM/ANS rather it is Part-ATM/ANS.OR. The term "ATM/ANS" is misleading as the scope is ATM/ANS providers. Use of ATM/ANS invokes the definition in 216/2008, however the scope is ATM/ANS providers (as defined in Art 2 of the NPA) which is greater than that of ATM/ANS.</p> <p style="text-align: center;">Suggested Resolution</p> <p>Amend text to read "(I) Annex II (Part-ATM/ANS.OR) applies to all ATM/ANS providers and contains the general common requirements."</p>
response	<i>Partially accepted</i>

comment	<p>267 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATM/ANS.OR.A.005 (m)</p> <p>Given that the definition of ATM/ANS provider includes ATM network functions as being distinct from ATFM then should ATM network functions be identified as not being required to comply with Subpart C? It is noted that Table 1 identifies that "Network manager" has to comply with Subpart C. Presumably "Network manager" and "ATM network functions" are referring to the same thing; thus if Table 1 is correct then (m) needs to be amended (as does title of Subpart C) to include network manager and/or ATM network functions.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the corresponding provisions and the subject title are amended accordingly.</p>

comment	<p>268 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATM/ANS.OR.A.005 (n)</p> <p>With regard to Table 1 the column headed "Annex II" should read as "Annex II (Part-ATM/ANS.OR)". The column headed "Annex XII" should read as "Annex</p>
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	<p>XII (Part-PERS)” to be consistent. Note that “Part PERS” will need to be added to Annex XII. The title of Table 1 needs to be amended as it addresses more than Annex Vb and Art 3 of 216/208 as it includes “network manager”.</p> <p style="text-align: center;">Suggested Resolution</p> <p style="text-align: center;">Amend title of Table 1 title to read “Applicability of annexes to an ATM/ANS provider of service(s) as specified in Article 2.11”</p>
response	<i>Partially accepted</i>

comment	<p>269 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATM/ANS.OR.A.005 (o)</p> <p>Rather than “ATM/ANS” it should be “ATM/ANS providers”.</p> <p style="text-align: center;">Suggested Resolution</p> <p>Either add “provider” or simplify the sentences to “(o) Annex XII contains requirements for ATM/ANS providers regarding personnel training and competence assessment.”</p>
response	<i>Accepted</i>

comment	<p>275 comment by: <i>EUROCONTROL</i></p> <p>Page 14 - GM1 ATM/ANS.OR.A.005</p> <p>Should Figure 1 on page 15 not include ATM network functions as well? Not really satisfied with the rationale provided in bullet (k): if ATM network functions are not included in the concept of ATM/ANS (services), is it not a bit confusing to state that ATM/ANS providers also include the network manager?</p>
response	<p><i>Accepted</i></p> <p>Considering the comment and the rationale provided, the commented figure is amended accordingly.</p>

comment	<p>276 comment by: <i>EUROCONTROL</i></p> <p>Page 16 - GM1 ATM/ANS.OR.A.005 (r)</p> <p>Should “given the characteristics in (b)” not be replaced by “given the characteristics in (q)”?</p>
response	<p><i>Noted</i></p> <p>The subject provision is redrafted and renumbered. The Agency takes note of the comment.</p>

comment	<p>361 comment by: IFATCA</p> <p>Attachment #2</p> <p>IFATCA fears that there might be a fragmentation with the ICAO approach to the defining the Air Navigation Services. Examples of Navigation Data Services would be helpful to understand why EASA includes it into the proposed scope. Below the graphical description of ANS by ICAO (see Van Antwerpen)</p>
response	<p><i>Noted</i></p> <p>The Agency fully agrees with the commentator that definitions are an elementary part of any Regulation and that they are in that sense crucial to the correct implementation of law. Here it is important to realise that one of the main objectives of the proposed rule is to implement the EASA Basic Regulation and its Essential Requirements; considering that, it should be noted that data service provision is part of the definition laid down in Article 3(q) of the Basic Regulation that further encompasses the services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation.</p>

comment	<p>406 comment by: UK CAA</p> <p>Page No: 15 Paragraph No: Figure 1 Comment: This figure illustrates the scope of ATM/ANS. The ATSEP Annex XII indicates an ATSEP scope related to ATM/ANS and also implies a scope related to ATM and CNS. The scope of ATSEP is aligned to safety related systems, the term 'safety related' itself is not defined in the NPA material. It may be difficult for ATSEP scope to be clearly determined in practice therefore, it is not understood how Providers other than ATS can determine the safety related status of systems. Justification: To determine scope of ATSEP clearly. Proposed Text: Clarification of ATSEP scope.</p>
response	<p><i>Accepted</i></p> <p>The Agency takes the comment into consideration.</p> <p>Following the introduction of the definition on ATSEP provided in Annex I to the draft Regulation, the provisions in the commented GM are amended accordingly.</p>

comment	<p>468 comment by: French Civil Aviation Authority (DGAC)</p> <p>French CAA comment</p>
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General comment:

The order of the different AMC and GM should be reviewed.
Some GM are defined before AMC (e.g. GM1 & AMC1 ATM/ANS.OR.B.015), and they do not always reflect the order of the IR (e.g. AMC1 ATM/ANS.OR.B.010(b) after AMC1 ATM/ANS.OR.B.015).
This display really does not help to ease the reading of these difficult requirements.

response

Accepted

Considering the comment, the order of the AMC and GM is reviewed and improved.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART A – GENERAL COMMON REQUIREMENTS (ATM/ANS.OR.A) – GM1 ATM/ANS.OR.A.015 Application for a limited certificate

p. 18

comment

270

comment by: *NATS National Air Traffic Services Limited*

GM1 ATM/ANS.OR.A.015

Table 1, row 4, column 3; the criteria should be "ATM/ANS.OR.A.015(b)(2)" rather than "ATM/ANS.OR.C.015(b)(2)".
Table 1, row 4, column 4; should not these service providers also be exempted from ATS.OR.215 (SSAS) given that SSAS is a part of safety requirements for risk assessment and mitigation with regard to changes in 1035/2011?
Table 1 has already been used. Should this be Table 2?

response

Partially accepted

The Agency proposes the adoption of the ICAO Annex 19 SMS framework and because of that no exceptions for Annex IV (formerly Annex III) are made at the level of the IR. ATS.OR.215 is deleted and the consequences will be addressed in a separate NPA resulting from RMT.0469.

comment

282

comment by: *EUROCONTROL*

GM1 ATM/ANS.OR.A.015

The 3rd line of the table, first column, may be misleading, as the 1 million euros criterion only applies to ANSPs other than ATSPs (i.e. MET, CNS and AIS providers only).

response *Accepted*

The term 'other than air traffic services providers' is added in parenthesis.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART A – GENERAL COMMON REQUIREMENTS (ATM/ANS.OR.A) – AMC1 ATM/ANS.OR.A.035(b) Changes p. 18-19

comment

8

comment by: *ATC the Netherlands*

This article will delay implementation because of the processing time of the NSA.
Suggest to delete b)

response

Partially accepted

The subject Implementing Rule provisions are amended as a result of the comments received. As such, the types of changes and the way in which they are handled are clearly stated. The associated AMCs on the procedures now address:

- the changes requiring prior approval; and
- the changes that do not require prior approval.

It should be noted that the commented AMC is redrafted and resulted in AMC1 ATM/ANS.OR.A.040(b) and AMC2 ATM/ANS.OR.A.040(b) to reflect the improvements and enhance clarity.

comment

30

comment by: *EUROCONTROL*

Page 19 - AMC1 ATM/ANS.OR.A.035(b)

Explanatory Note (Doc A) on Page 40 Para 115 says:

Stakeholders are invited to comment whether the proposed 'AMC1 ATM/ANS.OR.A.035(b) Changes' should be elevated to IR level and align it with the requirements being proposed for other fields of aviation such as aerodromes or air traffic controller training organisations and being today applicable in the field of aircraft operations and flight crew license training organisations.

However the requirement from the proposed IR (Doc B) is:

ATM/ANS.OR.A.035 Changes

(a) A certified ATM/ANS provider shall notify the competent authority of planned changes to its provision of services and functions which may affect its compliance with the applicable requirements or with the conditions attached to the certificate. These changes shall require prior approval by the competent authority.

(b) Any other change shall be notified and managed following a procedure

previously agreed between the ATM/ANS provider and its competent authority. This procedure shall define the changes that do not require prior approval by the competent authority before the change is implemented.

We think that there is an inconsistency here because on one hand one method is prescribed (elevating AMC1 ATM/ANS.OR.A.035(b) to IR) while the proposed IR states *Any other change shall be notified and managed following a procedure previously agreed between the ATM/ANS provider and its competent authority.*

We therefore do not support the proposal to elevate AMC1 ATM/ANS.OR.A.035 to IR level. As stated in the title of the AMC, it is a procedure on how to address planned changes and, consequently, it should not form part of 'hard law'. There could be alternative procedures how the planned changes are addressed, such as the one(s) as agreed between provider and CA.

response

Accepted

The Agency takes the comment into consideration, and the commented AMC is not elevated to Implementing Rule provision.

comment

101

comment by: EUROCONTROL

Page 18 - AMC1 ATM/ANS.OR.A.035 (b) - Changes

Our comment below is linked to the comment we made on IR page 36 - ATM/ANS.OR.A.35 - Changes.

The proposed AMC1 ATM/ANS.OR.A.035 (b) Changes (a) (1) which is referring to ATM/ANS.OR.B.015(a) as changes that require prior approval is a very stringent requirement which requires quite a lot of work both for the ANSP and the CA and additional burden without benefit.

We therefore propose to delete "(a) (1) any of the key elements of the ATM/ANS provider's management system as required in ATM/ANS.OR.B.015(a), or" of AMC1 ATM/ANS.OR.A.035 (b).

response

Partially accepted

The relevant provision on changes is amended, based on the comments received during the consultation, such that there is a procedure approved by the competent authority that defines those changes which need prior approval and those which do not need prior approval. Furthermore, considering the comment, an associated subject GM on key elements is proposed to improve clarity.

comment

187

comment by: Federal Office of Civil Aviation FOCA

The subpart (b) refers to "any other change" which inherently includes also "changes to functional systems". It is highly recommended to combine the section ATM/ANS.AR.C.020 and ATM/ANS.OR.A.035. The current separation is artificial and readability and comprehensiveness is strongly compromised.

response

Partially accepted

The subject Implementing Rule provisions are amended as a result of

comments received. As such, the types of changes and the way in which they are handled are clearly stated. The associated AMCs on the procedures now address:

- the changes requiring prior approval; and
- the changes that do not require prior approval.

It should be noted that the commented AMC is redrafted and resulted in AMC1 ATM/ANS.OR.A.040(b) and AMC2 ATM/ANS.OR.A.040(b) to reflect the improvements and enhance clarity.

Furthermore, the IR makes a distinction between a change to the functional system and a change to the service provider's management system or safety management system.

The Agency does not consider the combination of the provisions on changes as helpful, as that would mean that organisation requirements and authority requirements are combined and there is no appropriate position in the Rule to facilitate this combination. The intent is that for the reader (be it service provider or competent authority) it is absolutely clear about which rules apply to it.

comment 272

comment by: NATS National Air Traffic Services Limited

AMC1 ATM/ANS.OR.A.035(b), (a)

AMC1 ATM/ANS.OR.A.035 (b) (a) should be elevated to IR and rewritten. The text is not appropriate as AMC to ATM/ANS.OR.A.035 (b) as it states those changes which require prior approval whereas ATM/ANS.OR.A.035 (b) addresses all other changes (that do not require prior approval).

"Key elements" would benefit some Guidance Material to help explain the scope as it is not clear what is key.

It is noted that this provision only applies to the ATM/ANS providers Management System. Changes to the ATS (and CNS) providers SMS do not need prior agreement. Is this intentional?

Suggested Resolution

Propose the following amendment to ATM/ANS.OR.A.035 (a):

"ATM/ANS.OR.A.035 Changes

(a) A certified ATM/ANS provider shall notify the competent authority of:

(1) planned changes to its provision of services and functions which may affect its compliance with the applicable requirements or with the conditions attached to the certificate;

(2) any changes to the key elements of the ATM/ANS provider's management system as required in ATM/ANS.OR.B.015(a); and

(3) any additional changes to elements as found necessary by the ATM/ANS provider in agreement with the competent authority and approved by that competent authority.

These changes shall require prior approval by the competent authority."

response *Partially accepted*

The subject Implementing Rule provisions are amended as a result of the comments received. As such, the types of changes and the way in which they

are handled are clearly stated. The associated AMCs on the procedures now address:

- the changes requiring prior approval; and
- the changes that do not require prior approval.

It should be noted that the commented AMC is redrafted and resulted in AMC1 ATM/ANS.OR.A.040(b) and AMC2 ATM/ANS.OR.A.040(b) to reflect the improvements and enhance clarity.

Furthermore, considering the comment, a GM on key elements is proposed.

comment

273

comment by: *NATS National Air Traffic Services Limited*

AMC1 ATM/ANS.OR.A.035(b) (b)

AMC1 ATM/ANS.OR.A.035 (b) (b) is not appropriate text as AMC to ATM/ANS.OR.A.035 (b) as it relates to those changes which require prior approval whereas ATM/ANS.OR.A.035 (b) addresses all other changes (that do not require prior approval). The “procedure” referred to in this AMC appears to be at odds with the “procedure” in the related IR. It is proposed that (b) is rewritten and appended to the revised ATM/ANS.OR.A.035 (a) proposed in comment 272.

response

Partially accepted

The subject Implementing Rule provisions are amended as a result of the comments received. As such, the types of changes and the way in which they are handled are clearly stated. The associated AMCs on the procedures now address:

- the changes requiring prior approval; and
- the changes that do not require prior approval.

It should be noted that the commented AMC is redrafted and resulted in AMC1 ATM/ANS.OR.A.040(b) and AMC2 ATM/ANS.OR.A.040(b) to reflect the improvements and enhance clarity.

Furthermore, considering the comments received, an additional GM is proposed to clarify what would be considered as key elements.

comment

296

comment by: *EUROCONTROL*

- Page 18 - AMC1 ATM/ANS.OR.A.035(b)

-
(a)(1) does not really add value. In general, this AMC looks weak since it does not propose how to implement the requirement in the IR. Wouldn't it be better to define a generic template for this procedure, with the key points to be addressed for each section? And to propose a list of examples of changes requiring prior approval or not?

response

Noted

The subject Implementing Rule provisions are amended as a result of comments received. As such, the types of changes and the way in which they are handled are clearly stated. The associated AMCs on the procedures now address:

- the changes requiring prior approval; and
- the changes that do not require prior approval.

It should be noted that the commented AMC is redrafted and resulted in AMC1 ATM/ANS.OR.A.040(b) and AMC2 ATM/ANS.OR.A.040(b) to reflect the improvements and enhance clarity.

Furthermore, considering the comments received, an additional GM is proposed to clarify what would be considered as key elements.

comment

407

comment by: UK CAA

Page No: 19

Paragraph No: AMC1 ATM/ANS.OR.A.035 (b), sub-paragraph (b) (1)

Comment: The term '*application*' is used here in relation to the notification of changes. The ATM/ANS provider is not 'applying' to make a change. They are 'notifying' a pending change that the Competent Authority may or may not review and approve.

Justification: Application implies that an 'Application form' would be required as in other cases where the term 'application' is used.

Proposed Text: '(1) **ATM/ANS providers are to 'notify' the Competent Authority** before any such change is made in order to enable the competent authority to determine continued compliance with Regulation (EC) No 216/2008 and its Implementing Rules and also to amend, if necessary, the certificate and related conditions attached to it.'

response

Accepted

Considering the comment, the relevant provisions are amended.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART A – GENERAL COMMON REQUIREMENTS (ATM/ANS.OR.A) – GM1 ATM/ANS.OR.A.035(b) Changes

p. 19

comment

188

comment by: Federal Office of Civil Aviation FOCA

The subpart (b) refers to "any other change" which inherently includes also "changes to functional systems". It is highly recommended to combine the section ATM/ANS.AR.C.020 and ATM/ANS.OR.A.035. The current separation is artificial and readability and comprehensiveness is strongly compromised.

response

Partially accepted

The subject Implementing Rule provisions are amended as a result of the comments received. As such, the types of changes and the way in which they are handled are clearly stated and the IR makes a distinction between a change to the functional system and a change to the provision of services, to the service provider's management system or safety management system.

The Agency does not consider the combination of the provisions on changes as helpful as that would mean that organisation requirements and authority requirements are combined, and there is no appropriate position in the Rule to facilitate this combination. The intent is that for the reader (be it service provider or competent authority) it is absolutely clear about which rules apply to it.

comment 277

comment by: NATS National Air Traffic Services Limited

GM1 ATM/ANS.OR.A.035(b)

With regard to "This is the case in which the ATM/ANS provider responds immediately to a safety problem as required in ATM/ANS.OR.A.055", the CA must already know of the safety problem (albeit not necessarily by notification from the ATM/ANS provider) as it is the CA that requires the ATM/ANS provider to act. This GM should foresee the need to act expeditiously when urgent action is needed and there is no time to seek prior approval, e.g. volcanic ash.

Suggested Resolution

Amend text to read "This is the case in which the ATM/ANS provider responds immediately to a safety problem as required in ATM/ANS.OR.A.055 or when an emergency situation arises whereby the ATM/ANS provider has to take immediate action to ensure the safety of the services."

response *Accepted*

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART A – GENERAL COMMON REQUIREMENTS (ATM/ANS.OR.A) – AMC1 ATM/ANS.OR.A.060(a) Occurrence reporting

p. 19

comment 104

comment by: Icelandic Transport Authority

There is an error in (a) should probably read: "...for providers of ATM/ANS service for which the...."

response *Accepted*

The text is amended to reflect the changes made in the Implementing Rule.

comment	278	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>AMC1 ATM/ANS.OR.A.060(a) The related IR (ATM/ANS.OR.A.060(a)) is titled "Safety reporting" as opposed to "occurrence reporting".</p> <p>Suggested Resolution Amend IR to be "ATM/ANS.OR.A.060(a) Occurrence reporting"</p>	
response	<i>Accepted</i>	
	The title of the Implementing Rule is aligned with that of the AMC/GM.	

comment	297	comment by: <i>EUROCONTROL</i>
	<p>Page 19 - AMC1 ATM/ANS.OR.A.060(a) Not all occurrences defined in AMC 20-8 are relevant for ATM/ANS providers. Wouldn't it be better to refer specifically to the section(s) considered relevant for ATM/ANS – as has been done for the directive 2003/42? Is it not a bit strange to mix up a list of occurrences from an AMC dedicated to the airworthiness of products, parts and appliances, with a list from a directive (or its transposition in national law)? Wouldn't it be more useful to list in this AMC, all the occurrences which are expected to be reported by all ATM/ANS providers?</p>	
response	<i>Partially accepted</i>	
	The text is amended, so that it does not refer to AMC 20-8. However, the Agency would like to point out that all types of reportable events that one is aware of should be reported, irrespectively of the domain that the service provider is operating in.	

comment	469	comment by: <i>French Civil Aviation Authority (DGAC)</i>
	<p>French CAA comment</p> <p>AMC1 – ATM/ANS.OR.A.060(a) – Occurrence reporting (p19):</p> <p>A reference is made in this AMC to "AMC 20-8". However this AMC is not known, and can not be found without further indication.</p>	
response	<i>Accepted</i>	
	The text is amended and the reference to AMC 20-8 is removed.	

comment	538	comment by: <i>Romanian Civil Aviation Authority</i>
	<p>Comment:</p> <p>According to the provisions of the proposed package SES 2+, indications regarding Declaration of verification of the systems or declaration of conformity or suitability for use of constituents of systems is totally missing. The articles of the Reg 552/2004 have been deleted (not included in the proposed package SES 2+). We will not have any reference in this respect.</p>	
response	<i>Noted</i>	
	<p>The provisions of Regulation (EC) No 552/2004 are not relevant to the commented AMC.</p>	

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART A – GENERAL COMMON REQUIREMENTS (ATM/ANS.OR.A) – GM1 ATM/ANS.OR.A.060(b) p. 19-20
Occurrence reporting

comment	298	comment by: <i>EUROCONTROL</i>
	<p>Page 20 - GM1 ATM/ANS.OR.A.060(b) There are very few constituents identified according to Reg. 552/2004 and the Conformity Assessment Guidelines. How could/ should ATM/ANSPs address all the other cases where no DoC nor DSU has been issued? Bullet (d) will not be of any help in these cases.</p>	
response	<i>Accepted</i>	
	<p>The Agency takes the comment into consideration, and the commented GM is amended to address such cases.</p>	

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT p. 20-21
(ATM/ANS.OR.B) – GM1 ATM/ANS.OR.B.015 Management system

comment	27	comment by: <i>Administration de la Navigation Aérienne Luxembourg</i>
	<p>ANA considers that article AMC1 ATM/ANS.OR.B.015 is sufficiently explicit and complete to be considered as an acceptable means of compliance.</p>	

response	<p><i>Accepted</i></p> <p>The commented AMC is retained as AMC, it is renumbered, however, to AMC1 ATM/ANS.OR.B.005.</p>
comment	<p><i>106</i> <i>comment by: Icelandic Transport Authority</i></p> <p>(a) The first statement is a rather strange statement; the safe flight of aircraft often occurs without any involvement of ATM or ANS. A change is suggested: All services under ATM/ANS are important for the safe operation of aircraft.</p> <p>(d) This statement is unclear. Can it be assumed that this is basically saying that if an aircraft uses information, eg. met info, provided by ATS, than the safe use of this service is NOT the responsibility of the user of the service? And if an aircraft uses navigation aids (CNS), the use of that service is the responsibility of someone else than the user himself?</p> <p>(e) is that option, to have an integrated management system, only available to ATS and CNS providers?</p>
response	<p><i>Partially accepted</i></p> <p>With regard to (a), the first sentence is removed.</p> <p>With regard to (d), the intent is that where a third party (i.e. users) is using a non-ATS provider's services, it is the responsibility of said third party to ensure the safety of the service that they use.</p> <p>With regard to (e), the intent of the Agency is to harmonise the elements of the management systems so as to promote the implementation of an integrated management system for those providers that would need to implement more than one system (e.g. QMS and SMS) based on the discretion of the provider itself, considering the different business models and service providers of differing size and complexity.</p>
comment	<p><i>190</i> <i>comment by: Federal Office of Civil Aviation FOCA</i></p> <p>Replace should with may "An EN ISO 9001 certificate, issued by an appropriately accredited organisation, addressing all the elements required in this Subpart [should] may be considered as a sufficient..." to give States the empowerment to review and audit ANSP's QMS. The current requirement in EU1035/2011 is interpreted in different ways.</p>
response	<p><i>Not accepted</i></p> <p>The commented AMC is based upon point 3.2 of Annex I to Regulation (EU) No 1035/2011, which contains the term 'shall' as opposed to 'should'. The term 'should' is appropriate in AMC whereas the term 'may' would be more appropriate in GM. In responding to the question in paragraph 124 of the Explanatory Note, the majority of stakeholders indicated a desire to retain the AMC as proposed. Being an AMC, it provides the presumption of compliance with the related IR, if used.</p>

comment	<p data-bbox="352 277 411 313">279</p> <p data-bbox="687 277 1445 313">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p data-bbox="687 365 1107 400">GM1 ATM/ANS.OR.B.015(a)</p> <p data-bbox="352 400 1445 524">ATS and CNS providers are also required to have a software safety assurance system (ATS.OR.215). There are other provisions in Annex III that only apply to ATS and CNS however in the context of this GM only SSAS needs to be added.</p> <p data-bbox="732 560 1062 595">Suggested Resolution</p> <p data-bbox="352 595 1445 819">Amend text to read “Therefore, only ATS and CNS providers (those providing air traffic control, alerting service, air traffic advisory service or flight information service, communication, navigation and surveillance services) are required to have a safety management system, undertake risk assessment and mitigation with regard to changes, software safety assurance system and comply with safety requirements for engineering and technical personnel undertaking operational safety related tasks.</p>
response	<p data-bbox="352 842 596 878"><i>Partially accepted</i></p> <p data-bbox="352 927 1445 1021">Based on the comments and the alignment of SMS requirements with those laid down in ICAO Annex 19, only the air traffic services provider is required to have an SMS.</p> <p data-bbox="352 1039 1445 1102">As a consequence, the commented GM is amended to reflect the changes in the IR, however, the intent raised in the comment is retained.</p>
comment	<p data-bbox="352 1196 411 1232">301</p> <p data-bbox="1043 1196 1445 1232">comment by: <i>EUROCONTROL</i></p> <p data-bbox="352 1281 880 1317">Page 20 - GM1 ATM/ANS.OR.B.015</p> <p data-bbox="352 1317 1445 1442">Bullet (a) states that only ATS and CNS providers are required to have a safety management system. It is not correct, as the Network Manager has to as well (through Reg. 677/2011). It would be useful to explain why an SMS was also required for NM in order to complement the rationale provided in this bullet.</p>
response	<p data-bbox="352 1464 437 1500"><i>Noted</i></p> <p data-bbox="352 1550 1445 1809">It should be noted that by repealing Annex VI to Regulation (EU) No 677/2011, the draft rule proposes the Network Manager as all service providers other than air traffic services providers to have a management system which manages the performance of service (rather than safe use of their services for flight navigation and control, which is beyond the managerial control of the service provider). This performance of the service refers to such properties of the service provided such as accuracy, reliability/integrity, availability, timeliness, etc.</p> <p data-bbox="352 1827 1445 1989">Based on the comments and the alignment of SMS requirements with those laid down in ICAO Annex 19, only the air traffic services provider is required to have an SMS. The provision of AIS, CNS, MET services, which are provided by the air traffic services providers, could be included in the scope of the air traffic services provider’s SMS.</p>

The commented GM is amended to reflect the proposed provisions.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015 Management system p. 21

comment 9 comment by: *ATC the Netherlands*

(I) the goal is not to improve towards the highest performance standard or the highest level of safety.
Suggest to remove i as it is captured by iii

response *Not accepted*

Assuming that the commentator is referring to points (a)(3)(i) and (iii) of AMC1 ATM/ANS.OR.B.015(a)(2) (now ATM1 ATM/ANS.OR.B.005(a)(2), it should be noted that the intent in (i) and (iii) are different, therefore, the Agency retains the text as written.

comment 18 comment by: *LFV*

Keep AMC1 ATM/ANS.OR.B.015 stating that ISO 9001 compliance (certificate) is an AMC

response *Accepted*

The commented AMC is retained, it is renumbered, however, to AMC1 ATM/ANS.OR.B.005.

comment 29 comment by: *EUROCONTROL*

Page 21 - GM1 ATM/ANS.OR.B.015: Management System

There is no guidance on what constitutes an *appropriately credited organisation*.

Perhaps it would be good to state in GM that such an organisation is one accredited against EA Code 21 (Aerospace) and EA Code 31 Transport, Storage and Communications.

EAC codes are used to capture the broad industry sector(s) the organisation works in. These codes are used so the certification organisation can build a team with necessary competence to assess the service provider.

response *Noted*

The commented AMC is based on point 3.2 of Annex I to Regulation (EU)

No 1035/2011 for which the air navigation services providers would have existing means of compliance. The Agency does not want to undermine these means of compliance by developing a GM which could introduce confusions.

comment 90 comment by: AENA-NPA2013-08

Page 21, AMC1 ATM/ANS.OR.B.015 a) 2) ii).

The policy should include a commitment to meet all applicable standards. This is to elevate the standards to the category of regulation. Standards are not compulsory by definition.

response *Not accepted*

Presuming that the text referred to by the commentator is point (a)(3)(ii) of AMC1 ATM/ANS.OR.B.015(a)(2), it should be noted that it is at the level of AMC and refers to a commitment to meet applicable standards. The Agency considers reasonable that when a service provider decides to use a standard, then it needs to comply with that standard.

comment 107 comment by: Icelandic Transport Authority

The AMC1 ATM/ANS.OR.B.015 Management system ISO 9001 CERTIFICATE FOR AIR NAVIGATION SERVICE PROVIDERS should be kept. The AMC text, "...An EN ISO 9001 certificate, issued by an appropriately accredited organisation, addressing **all the elements required in this Subpart**" ensures that all elements of ATM/ANS.OR.B.015 are addressed within the QMS that is EN ISO 9001 certified.

response *Accepted*

The commented AMC is retained, it is renumbered, however, to AMC1 ATM/ANS.OR.B.005.

comment 116 comment by: AENA-NPA2013-08

Page 21, AMC1 ATM/ANS.OR.B.015 Management system

ISO 9001 CERTIFICATE FOR AIR NAVIGATION SERVICE PROVIDERS

The proposed AMC1 ATM/ANS.OR.B.015 'Management system' should be kept in order to maintain a robust means of compliance recognized across Europe.

response *Accepted*

The commented AMC is retained, it is renumbered, however, to AMC1 ATM/ANS.OR.B.005.

comment	129	comment by: HungaroControl
	<p>Stakeholders are invited to comment whether the proposed AMC1 ATM/ANS.OR.B.015 'Management system' should be kept or removed and to provide justifications for it.</p> <p>AMC should be kept. ANSPs are often certified according to ISO standards, thus changing this provision would cause unnecessary cost.</p>	
response	<p><i>Accepted</i></p> <p>The commented AMC is retained, it is renumbered, however, to AMC1 ATM/ANS.OR.B.005.</p>	

comment	409	comment by: UK CAA
	<p>Page No: 21 Paragraph No: AMC1 ATM/ANS.OR.B.015 Management System Comment: The term 'should' is used twice in this paragraph which is an indefinite term and could lead to confusion as to the duty of the competent authority to oversee the operation and scope of an EN ISO 9001 certified management system, which includes the safety management system and security management system. Justification: In effect ATM/ANS providers are being required to maintain and operate an integrated management system combining quality management, safety management and security management. The ISO 9001 standard 4.1 general requirements require the following: <i>The organization shall establish, document, implement and maintain a quality management system and continually improve its effectiveness in accordance with the requirements of this International Standard.</i> <i>The organization shall</i> a) <i>identify the processes needed for the quality management system and their application throughout the organization (see 1.2),</i> b) <i>determine the sequence and interaction of these processes,</i> c) <i>determine criteria and methods needed to ensure that both the operation and control of these processes are effective,</i> d) <i>ensure the availability of resources and information necessary to support the operation and monitoring of these processes,</i> e) <i>monitor, measure and analyse these processes, and</i> f) <i>implement actions necessary to achieve planned results and continual improvement of these processes.</i> <i>These processes shall be managed by the organization in accordance with the requirements of this International Standard.</i> As there is no specific EN ISO standard for safety/security management systems, items a) to f) above must include the processes for safety/security management, their sequence and interaction, the criteria and methods for operation and control of safety/security, the resources and information necessary to support the operation, monitoring and measuring of these safety/security processes, the audit, review and continual improvement of the safety/security management system. It is therefore essential that the Competent Authority has complete access to the ATM/ATS provider's quality management system regardless of whether or not they are in possession of an ISO 9001 certificate.</p>	

The ISO certificate is merely stating that the organisation is correctly applying its processes and procedures in accordance with the standard; it is not guaranteeing that the content of the process and procedures are compliant with requirements for ATM/ATS provision, especially in relation to safety/security management, operational control and technical support.

Proposed Text:

An EN ISO 9001 certificate, issued by an appropriately accredited organisation, addressing all the elements required in this Subpart **may** be considered as a sufficient means of compliance for air navigation service providers. ~~In this case,~~ The air navigation service provider **shall** accept the disclosure of the documentation related to the certification to the competent authority upon the latter's request.

response

Not accepted

As the commented provision (renumbered in AMC1 ATM/ANS.OR.B.005) is AMC purposed to illustrate means to establish compliance with the applicable rule, the term 'should' is used twice (once in each sentence of the paragraph). The text of the subject AMC is sourced from point 3.2 of Annex I to Regulation (EU) No 1035/2011, where 'shall' is used. The Agency foresees that the ANSPs that are compliant with this requirement today will be able to demonstrate compliance in the same way with ATM/ANS.OR.B.005.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.010(b)(1) Organisational structure

p. 21

comment

31

comment by: *EUROCONTROL*

Page 21 - AMC1 ATM/ANS.OR.B.010 (b)(1)

This material does not follow the logical progression of AMC/GM structure. Perhaps it is out of place and should be before AMC 1 ATM/ANS.OR.B.015.

response

Accepted

Considering the amendments to the Implementing rule introduced, the associated AMC is rearranged and renumbered.

comment

280

comment by: *NATS National Air Traffic Services Limited*

AMC1 ATM/ANS.OR.B.010(b)(1)

AMC1 ATM/ANS.OR.B.010(b)(1) should be before GM1 ATM/ANS.OR.B.015 not after it.

Suggested Resolution

response	Move AMC to correct location.
	<p><i>Accepted</i></p> <p>Considering the amendments to the Implementing rule introduced, the associated AMC is rearranged and renumbered.</p>

comment	<p>299 comment by: EUROCONTROL</p> <p>Page 21 - AMC1 GM1 ATM/ANS.OR.B.010(b)(1) Wouldn't it be better to follow the chronological order of the requirements? And therefore to have this item at the beginning of subpart B?</p>
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response	<p><i>Accepted</i></p> <p>Considering the amendments to the Implementing rule introduced, the associated AMC is rearranged and renumbered.</p>
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comment	<p>545 comment by: <i>comments provided on behalf of FIT/CISL Italian trade union</i></p> <p>FIT CISL is concerned with the definition of complex and non-complex providers as previously said and the GM is not reassuring...</p>
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response	<p><i>Noted</i></p> <p>The Agency takes the comment into consideration, and further AMC/GM are introduced to ensure proportionality and flexibility.</p>
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<p>AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – GM1 ATM/ANS.OR.B.015(a)(1) Management system</p>	p. 21
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comment	<p>194 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>This GM belongs to "Organisation structure" as far as the definition of resp. / account. is concerned</p>
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response	<p><i>Noted</i></p> <p>Taking into consideration the comments and proposals received with regard to the rule provision on Organisation structure, it is removed.</p>
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comment	302	comment by: EUROCONTROL
	<p>Page 21 - GM1 ATM/ANS.OR.B.015(a)(1) Wouldn't it be useful to define "responsibilities" and "accountabilities"? In many languages, there is no distinction between the two.</p>	
response	<p><i>Accepted</i></p> <p>The Agency takes the proposal into consideration.</p> <p>The commented GM is amended to explain the difference between accountabilities and responsibilities.</p>	

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT p. 21-22 (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015(a)(2) Management system

comment	110	comment by: EUROCONTROL
	<p>Page 21 - AMC1 ATM/ANS.OR.B.015 (a) (2) We refer to (a) (3) (i) 'to improve towards the highest performance standards so as to support the achievement of the highest level of safety' In fact, it is not the intention to achieve the highest levels of safety but to strive for a continuous improvement towards safety. The ANSP gives safety the highest priority up to the agreed level. After the agreed level safety will be taken into account, but is balanced between other criteria like environment and/or capacity. We recommend that the initial text be reworded to clarify.</p>	
response	<p><i>Not accepted</i></p> <p>The Agency does not agree with 'to strive for a continuous improvement towards safety'; rather safety should be already established (up to a level) and the management system is to facilitate how the performance of all service providers contributes to the highest levels of safety.</p>	
comment	196	comment by: Federal Office of Civil Aviation FOCA
	<p>(iv) "...which would not have been otherwise detected" This is a very stringent formulation. Is the employee to be punished if the circumstance may have been detected otherwise? Suggestion: ".....which supports the ANSP to improve the safety levels of its provision"</p>	
response	<p><i>Partially accepted</i></p>	

The Agency takes the comment into consideration, and the provision is amended.

comment

303

comment by: EUROCONTROL

Page 21 - AMC1 ATM/ANS.OR.B.015(a)(2)

The requirement from the IR is that the policy shall be signed by the accountable manager. The AMC talks about endorsement. For ensuring common understanding wouldn't it be useful to define clearly the following terms: "endorse", "approve", "accept"?

response

Accepted

Considering the comment, the provision is amended and 'endorsed' is replaced by 'signed'.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015(a)(3) Management system

p. 22

comment

198

comment by: Federal Office of Civil Aviation FOCA

(3) the terminology in this subparagraph should be in line with the terminology to be used in ATM/ANS.OR.A.040. "(Safety) Reviews" have been used until today as the means to judge whether a change to a functional system is safe for operation.

response

Noted

The Agency takes note of the comment. It should be noted that AMC1 ATM/ANS.OR.B.015(a)(3) (now AMC1 ATM/ANS.OR.B.005(a)(3)) and its related Implementing Rule provision are about the service provider's performance and not about a change to a functional system. The AMC serves as a means by which the requirements contained in the rule can be met, offering, thus, the benefit of presumption of compliance (e.g. the means by which the service provider can measure its performance (safety reviews being one means).

comment

283

comment by: NATS National Air Traffic Services Limited

AMC ATM/ANS.OR.015(3) Management System
MANAGEMENT OF METEOROLOGICAL SERVICES PERFORMANCE

This section has the same numbering as the next section titled "SAFETY

response	<p>PERFORMANCE MONITORING AND MEASUREMENT - ATS PROVIDERS"</p> <p><i>Accepted</i></p> <p>Considering the comment, the numbering is corrected.</p>
comment	<p>305 comment by: EUROCONTROL</p> <p>Page 22 - AMC1 ATM/ANS.OR.B.015(a)(3): Management of MET services performance It looks a bit inconsistent to propose an AMC for the management of MET services performance, and not for AIS services performance.</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>It is important to be noted that a separate Rulemaking task dealing with the technical requirements for AIS/AIM (RMT.0477) is in progress, and its work will result in an NPA to be published by the 4th quarter of 2014. A development of a possible AMC on the subject could be considered under these rulemaking activities, and the commentator is kindly invited to propose a more detailed rulemaking proposal on this subject.</p>

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT p. 22-23
(ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015(a)(3) Management system

comment	<p>164 comment by: CAA-NL</p> <p>AMC1 ATM/ANS.OR.B.015(a)(3), point (b)(2) Please delete all words after 'safety studies' <i>Rationale:</i> The deleted text seems to be somewhat arbitrary.</p>
response	<p><i>Partially accepted</i></p> <p>The text identified by the commentator has been amended rather than deleted.</p>
comment	<p>284 comment by: NATS National Air Traffic Services Limited</p> <p>AMC ATM/ANS.OR.015(3) Management System SAFETY PERFORMANCE MONITORING AND MEASUREMENT - ATS PROVIDERS</p> <p>This section has the same numbering as the previous section titled</p>

response	<p>"MANAGEMENT OF METEOROLOGICAL SERVICES PERFORMANCE"</p> <p><i>Accepted</i></p> <p>Considering the comment, the number is corrected.</p>
comment	<p>306 comment by: EUROCONTROL</p> <p>Page 22 - AMC1 & GM1 ATM/ANS.OR.B.015(a)(3): Safety performance monitoring & measurement</p> <p>Is it not a bit inconsistent to restrict this AMC to ATS providers (and therefore exclude CNS providers), while GM1 ATM/ANS.OR.B.015 explains the reasons why both ATS and CNS providers shall have a safety management system in place?</p>
response	<p><i>Noted</i></p> <p>With the adoption of the ICAO Annex 19 SMS framework, GM1 ATM/ANS.OR.B.005 (formerly GM1 ATM/ANS.OR.B.015) is modified to explain the difference between air traffic services providers and all other service providers. With the SMS adoption, the rule is amended and the CNS providers are not required to have an SMS.</p>

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT p. 24-25 (ATM/ANS.OR.B) – GM1 ATM/ANS.OR.B.015(a)(3) Management system

comment	<p>199 comment by: Federal Office of Civil Aviation FOCA</p> <p>FOCA is of the opinion that this GM does not sufficiently support the competent authorities. FOCA would like to see more specific guidance material on the procedure and on the implementation requirements for an ANSP in order for the authorities to be able to monitor their performance. Furthermore, it may be considered to define a certain set of minimum performance indicators which shall be applicable throughout the EU system.</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>However, it should be noted that the commented provision is a GM and as such it is intended to be informative, but not exhaustive. Furthermore, the competent authority should not use guidance material for organisation as a basis of regulating a service provider.</p> <p>In reference to a set of minimum performance indicators, the Agency considers that the subject would require a more thorough analysis, therefore, the commentator is kindly invited to consider a more detailed rulemaking proposal</p>

on the issue.

comment	285	comment by: <i>NATS National Air Traffic Services Limited</i>
		GM1 ATM/ANS.OR.B.015(a)(3)(b)
		Typo "ATs provider" should be "ATS provider"
response	<i>Accepted</i>	

comment	307	comment by: <i>EUROCONTROL</i>
	Page 24 - GM1 ATM/ANS.OR.B.015(a)(3) – Safety performance monitoring & measurement	
	We are not convinced that a performance indicator should necessarily be easy to measure to be effective. Examples of indicators which is not that easy to measure (but still relevant to help improving performance) are those relating to just culture and effectiveness of safety management.	
response	<i>Noted</i>	
	The Agency takes note of the comment.	
	The text referred to by the commentator is a GM and, as such, is meant to be informative and not definitive, while the indicators referred to are measures that are mandatory on the ANS providers.	

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT p. 25-26
(ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015(a)(6) Management system

comment	137	comment by: <i>HungaroControl</i>
	TRAINING AND COMPETENCY Sub-sections b) to e) Clarification is needed if these requirements are applicable only to "personnel performing activities supporting ATM/ANS provisions" (as in sub-section a)), or to all personnel covered by the Management system.	
response	<i>Noted</i>	
	As the commented AMC is associated to ATM/ANS.OR.005(a)(8) (the rule provision is renumbered, it was ATM/ANS.OR.B.015(a)(6)), it applies to the personnel identified in the subject provision.	

comment 138 comment by: HungaroControl

determine the necessary competence for personnel performing activities supporting ATM/ANS provisions;
 Clarification is needed in connection with the content of “personnel performing activities supporting ATM/ANS service provisions”. Does this relate to the Commission’s “support services”?

response *Noted*

As the commented AMC is associated to ATM/ANS.OR.005(a)(8) (the rule provision is renumbered, it was ATM/ANS.OR.B.015(a)(6)), it applies to the personnel identified in the subject provision.

comment 213 comment by: CANSO Civil Air Navigation Services Organization

AMC1 ATM/ANS.OR.B.015(a)(6) Management system	determine the necessary competence for personnel performing activities supporting ATM/ANS provisions;	It is unclear who “personnel performing activities supporting ATM/ANS service provisions” is intended to cover. A proposal of the requested clarification would be welcome
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response *Noted*

As the commented AMC is associated to ATM/ANS.OR.005(a)(8) (the rule provision is renumbered, it was ATM/ANS.OR.B.015(a)(6)), it applies to the personnel identified in the subject provision.

comment 356 comment by: AvinorANSP

..determine the necessary competence for personnel performing activities supporting ATM/ANS provisions;
 It is unclear who “personnel performing activities supporting ATM/ANS service provisions” is intended to cover.
 A proposal of the requested clarification would be welcome

response *Noted*

As the commented AMC is associated to ATM/ANS.OR.005(a)(8) (the rule provision is renumbered, it was ATM/ANS.OR.B.015(a)(6)), it applies to the personnel identified in the subject provision.

comment *510*

comment by: *ENAV*

refer to

a) determine the necessary competence for personnel performing activities supporting ATM/ANS provisions;
It is unclear who "personnel performing activities supporting ATM/ANS service provisions" is intended to cover.

response *Noted*

As the commented AMC is associated to ATM/ANS.OR.005(a)(8) (the rule provision is renumbered, it was ATM/ANS.OR.B.015(a)(6)), it applies to the personnel identified in the subject provision.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015(a)(7) Management system

p. 26

comment *200*

comment by: *Federal Office of Civil Aviation FOCA*

The NPA cover regulation (ATM/ANS.OR.B.015) (a)(7) is more detailed than the AMC.
Suggestion: Take existing AMC text as cover regulation text and vice-versa.
Senior management should ensure that appropriate communication processes are established within the ATM/ANS provider and that communication takes place regarding the effectiveness of the management system. Maintain appropriate records regarding the effectiveness of the communication incl. feedback from the personnel.

response *Not accepted*

Considering the comment, the title of the commented AMC is amended to better reflect the scope of the subject AMC.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – GM1 ATM/ANS.OR.B.015(b) Management system	p. 26
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comment	286	comment by: <i>NATS National Air Traffic Services Limited</i>
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AMC1 ATM/ANS.OR.B.015(b)

Throughout this text the term "ATM/ANS providers" is used indicating the use of the plural. Elsewhere ATM/ANS provider is used in the singular; hence the term should be "ATM/ANS provider's". The apostrophe indicates "of the".

response	<i>Partially accepted</i>
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Singular is now used. Furthermore the term 'service provider' replaces 'ATM/ANS provider'.

comment	287	comment by: <i>NATS National Air Traffic Services Limited</i>
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GM1 ATM/ANS.OR.B.015(b)

Throughout this text the term "ATM/ANS providers" is used indicating the use of the plural. Elsewhere ATM/ANS provider is used in the singular; hence the term should be "ATM/ANS provider's". The apostrophe indicates "of the".

response	<i>Accepted</i>
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AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015(c) Management system	p. 26-28
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comment	165	comment by: <i>CAA-NL</i>
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AMC1 ATM/ANS.OR.B.015(c), point c

Please refrain from introducing the 'compliance monitoring manager' here or move this paragraph to the Guidance Material (GM).

Rationale:

As an AMC, it is not in line the Rule itself and with paragraph (a) of this AMC, which states that 'ATM/ANS providers should specify the basic structure of the compliance monitoring function' applicable to the activities conducted, and furthermore that the compliance monitoring function should be structured according to the size of providers and the complexity of the activities to be monitored.

	<p>Paragraph (a) gives providers the responsibility to fill in the compliance monitoring <u>function</u> and the freedom to do it in a manner that fits them (and safety) in the best possible manner, whereas this paragraph (c) takes away this freedom by introducing a compulsory compliance monitoring <u>manager</u>. Paragraph c could be retained as GM, as it is one of the manners in which the function could be filled in.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the commented AMC is amended. Furthermore, an associated GM is introduced.</p>

comment	<p>166 comment by: CAA-NL</p> <p>AMC1 ATM/ANS.OR.B.015(c), point (e) Please relocate this paragraph to AMC1 ATM/ANS. OR.B.015(a)(6). <i>Rationale:</i> There is no 'hook' for this paragraph in this article in the rule, the other paragraph is a proper legal basis for this AMC.</p>
response	<p><i>Not accepted</i></p> <p>Every personnel should be trained and competent to perform his/her tasks. It should be noted that the subject provision addresses the training in reference to compliance monitoring.</p>

comment	<p>201 comment by: Federal Office of Civil Aviation FOCA</p> <p>Replace "compliance monitoring should" with "compliance monitoring shall" (otherwise the competent authorities do not have the necessary empowerment).</p>
response	<p><i>Not accepted</i></p> <p>AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. Therefore, due to its 'non-binding' nature, the provision contains 'should' rather than 'shall'.</p>

comment	<p>288 comment by: NATS National Air Traffic Services Limited</p> <p>AMC1 ATM/ANS.OR.B.015(c) Whilst it does vary in the NPA it appears that "ATM/ANS provider" is used in the singular and not plural when stating a specific requirement (the use of singular appears to be the norm in other EASA rules). Throughout the text the term "ATM/ANS providers" is used indicating the use of the plural. Elsewhere ATM/ANS provider is used in the singular; hence the</p>
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term should be “ATM/ANS provider’s”. The apostrophe indicates “of the”.

Impact

Consistency and understanding.

Suggested Resolution

Replace “ATM/ANS providers” to read “The ATM/ANS provider...” in each case where it occurs.

response *Partially accepted*

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT p. 28-29 (ATM/ANS.OR.B) – GM1 ATM/ANS.OR.B.015(c) Management system

comment 202 comment by: *Federal Office of Civil Aviation FOCA*

Replace "compliance monitoring should" with "compliance monitoring shall" (otherwise the competent authorities do not have the necessary powers).

response *Not accepted*

AMCs are non-essential and non-binding measures. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. Therefore, due to its ‘non-binding’ nature the provision contains ‘should’ rather than ‘shall’.

comment 289 comment by: *NATS National Air Traffic Services Limited*

GM1 ATM/ANS.OR.B.015(c)

Whilst it does vary in the NPA it appears that “ATM/ANS provider” is used in the singular and not plural when stating a specific requirement (the use of singular appears to be the norm in other EASA rules).

Impact

Consistency and understanding.

Suggested Resolution

Replace “ATM/ANS providers” to read “The ATM/ANS provider...” in each case where it occurs.

response *Accepted*

Considering the comment, singular is used except for specific cases.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.015(d) Management system

p. 29

comment 203 comment by: *Federal Office of Civil Aviation FOCA*

The AMC introduces the word "complex" which is not addressed in the cover regulation in this ATM/ANS.OR.B.015(d). It is not clear what impact the definition of complex ANS/ATS, etc. has on the size and nature of the management system.
Furthermore, the terminology complex ANSP is only provided in this section but referred to in earlier section (page 27). In general, the proportionality of the management system versus the size and complexity of the ANSP shall not be regulated since this shall be driven by the requirement the ANSP has towards its own management system.

response *Noted*

The Agency takes note of the comment. However, it should be noted that the Basic Regulation, especially Article 8b(7)(b), requires the implementing measures to be developed to be proportionate to the type and complexity of the services provided. This clear proportionality in the rules is facilitated by using the different AMC for the different types of organisations and by using the flexibility provisions of the Basic Regulation. Furthermore, considering the comment, additional AMC and GM are developed and introduced for the non-complex service providers' management system.

comment 290 comment by: *NATS National Air Traffic Services Limited*

AMC1 ATM/ANS.OR.B.015(d)(c)

There is no ATM/ANS.OR.010(b)(2) in the regulation.

Suggested Resolution

Amend text to read "ATM/ANS.OR.A.015(b)(2)"

response *Accepted*

Considering the comment, the correct reference is provided.

comment 308 comment by: *EUROCONTROL*

Page 29 - AMC1 ATM/ANS.OR.B.015(d)

In bullet (d), the phrase "other than ATS providers and other than ANS providers", is confusing. Shouldn't it be replaced by "other than ANS providers" (as it would also exclude ATS providers)?

response *Accepted*

comment 436 comment by: *European Transport Workers Federation - ETF*

ETF is concerned with the definition of complex and non-complex providers as previously said and the GM is not reassuring...

response *Noted*

The Agency takes note of the comment. However, it should be noted that the Basic Regulation, especially Article 8b(7)(b), requires the implementing measures to be developed to be proportionate to the type and complexity of the services provided. This clear proportionality in the rules is facilitated by using the different AMC for the different types of organisations and by using the flexibility provisions of the Basic Regulation. Furthermore, considering the comment, additional AMC and GM are developed and introduced for the non-complex service providers' management system.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – GM1 ATM/ANS.OR.B.015(d) Management system p. 29

comment 204 comment by: *Federal Office of Civil Aviation FOCA*

Table 1 ASM/ATFM/ASD/DAT Criteria to be complied with (to be considered as not complex) - Workforce of 20 or less FTE's for each service or in total?

response *Noted*

The Agency takes note of the comment. Considering it, the text in the table is amended to state that the 20 FTEs are per service.

comment 291 comment by: *NATS National Air Traffic Services Limited*

GM1 ATM/ANS.OR.B.015(d)(c)

Table 1 column 3 is not required as the text in (c) makes it clear that the Table only considers not complex.
The title of Table 1 uses the term "Non-complex" whereas the main body text of (c) uses "not complex".
It is assumed that the Network Manager will never be non-complex and does not therefore need criteria to determine if non-complex (insofar as it is not included in the Table).

	<p>Table 1 has already been used in GM1 ATM/ANS.OR.A.015. Should this be Table 2?</p> <p>Suggested Resolution Delete Table 1 column 3. Amend “not complex” to “non-complex” in the text before the table</p>
response	<i>Accepted</i>

comment	<p>348</p> <p style="text-align: right;">comment by: ROMATSA</p> <p>Comment: GM1 ATM/ANS.OR.B.015(d) Management System item (c) Table 1 1st column ‘type of service’ refers to specific services not to providers. Proposal to delete the word “providers” from the next three rows (e.g: Air traffic service providers). Row 2, col. 1 and col. 2 inconsistency. Second reference in column 2 (or ATM/ANS.OR.A.015(b)(2)) shall be deleted. CNS/MET/AIS may be eligible for limited certificate if they meet criteria in ATM/ANS.OR.A.015(b)(1) Row 1, col. 2 introduce text „or ATM/ANS.OR.A.015(b)(2)”</p> <p>Justification: In Table 1 there are illustrated the circumstances under which ATM/ANS providers can be considered as not complex. According to the information listed in row 2, providers of CNS/MET/AIS are eligible for limited certificate if they meet criteria in ATM/ANS.OR.A.015(b)(1) or ATM/ANS.OR.A.015(b)(2), but ATM/ANS.OR.A.015(b)(2) refers to FIS (part of ATS) providers, not to CNS, MET or AIS providers. ATM/ANS.OR.A.015(b)(2) states that “Air navigation service providers providing aerodrome flight information services by operating regularly not more than one working position at any aerodrome”.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, ‘aerodrome flight information services’ is given its own row/line in the table.</p>

comment	<p>437</p> <p style="text-align: right;">comment by: <i>European Transport Workers Federation - ETF</i></p> <p>ETF is concerned with the definition of complex and non-complex providers as previously said and the GM is not reassuring...</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment. However, it should be noted that the Basic Regulation, especially Article 8b(7)(b), requires the implementing measures to be developed to be proportionate to the type and complexity of</p>

the services provided. This clear proportionality in the rules is facilitated by using the different AMC for the different types of organisations and by using the flexibility provisions of the Basic Regulation. Furthermore, considering the comment, additional AMC and GM are developed and introduced for non-complex service providers' management system.

comment

539

comment by: *Romanian Civil Aviation Authority*

Comment:

1st column 'type of service' refers to specific services not to providers. Proposal to delete the word "providers" from the next three rows (e.g: Air traffic service providers).

Row 2, col. 1 and col. 2 inconsistency. Second reference in column 2 (~~or ATM/ANS.OR.A.015(b)(2)~~) shall be deleted. CNS/MET/AIS may be eligible for limited certificate if they meet criteria in ATM/ANS.OR.A.015(b)(1)

Row 1, col. 2 introduce text „or ATM/ANS.OR.A.015(b)(2)“

Justification:

In Table 1 there are illustrated the circumstances under which ATM/ANS providers can be considered as not complex. According to the information listed in row 2, providers of CNS/MET/AIS are eligible for limited certificate if they meet criteria in ATM/ANS.OR.A.015(b)(1) or ATM/ANS.OR.A.015(b)(2), but ATM/ANS.OR.A.015(b)(2) refers to FIS (part of ATS) providers, not to CNS, MET or AIS providers.

ATM/ANS.OR.A.015(b)(2) states that "Air navigation service providers providing aerodrome **flight information services** by operating regularly not more than one working position at any aerodrome".

response

Accepted

Considering the comment, 'aerodrome flight information services is given its own row/line in the table.

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.020 Contracted activities

p. 30

comment

293

comment by: *NATS National Air Traffic Services Limited***AMC1 ATM/ANS.OR.B.020**

Whilst it does vary in the NPA it appears that "ATM/ANS provider" is used in the singular and not plural when stating a specific requirement (the use of singular appears to be the norm in other EASA rules).

Throughout the text the term "ATM/ANS providers" is used indicating the use

	<p>of the plural. Elsewhere ATM/ANS provider is used in the singular; hence the term should be "ATM/ANS provider's". The apostrophe indicates "of the".</p> <p>Suggested Resolution Replace "ATM/ANS providers" to read "The ATM/ANS provider..." in each case where it occurs.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, singular is used except for specific cases.</p>

comment	<p>312 comment by: EUROCONTROL</p> <p>Page 30 - AMC1 ATM/ANS.OR.B.020 We find that this is not really adding a lot of value as compared to the requirement itself. Would not it be more useful to propose a generic template for a contract, with key points to be taken into consideration?</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>It should be noted that the AMCs are non-essential and non-binding measures. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.</p> <p>Furthermore, the Agency considers that such a proposal (e.g. GM) would require a more thorough analysis in order to suit for the types of activities the service providers contracted, therefore, the commentator is kindly invited to consider a more detailed rulemaking proposal on the issue.</p>

comment	<p>470 comment by: French Civil Aviation Authority (DGAC)</p> <p>French CAA comment</p> <p>AMC1 – ATM/ANS.OR.B.020 – Contracted activities (p30):</p> <p>This AMC refers to the "assurance process" of the provider. However, this wording has not been defined, neither introduce in the implementing rules.</p> <p>It is then suggested to clarify this wording, or replace by "management system".</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment and the amendments introduced resulting from the NPA 2013-08 consultation, the term 'assurance' is replaced by 'oversight'.</p>

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – GM1 ATM/ANS.OR.B.020 Contracted activities

p. 30

comment 16 comment by: ATC the Netherlands

c) changes the contracted organisation approval into supervision

response *Partially accepted*

Considering the comment and the amendments introduced into the Implementing Rule provisions resulting from the NPA 2013-08 consultation, paragraph (c) is reworked.

comment 117 comment by: AENA-NPA2013-08

Page 30, GM1 ATM/ANS.OR.B.020 Contracted activities.

It is considered more appropriate the term "certificate" than "approval", so it is proposed the following modification highlighted in red in GM1 ATM/ANS.OR.B.020 (b) and (c):

(b) When the contracted organisation is itself certified to carry out the contracted activities, the ATM/ANS providers' compliance monitoring should at least check that the ~~certificate approval~~ effectively covers the contracted activities and that it is still valid.

(c) If an ATM/ANS provider requires a contracted organisation to conduct an activity which exceeds the privileges of the contracted organisation's ~~certificate approval~~, this will be considered as the contracted organisation working under the ~~certificate approval~~ of the contracting ATM/ANS provider.

response *Partially accepted*

Considering the comment and the amendments introduced into the Implementing Rule provisions resulting from the NPA 2013-08 consultation, paragraph (b) is removed, a new GM (GM4 ATM/ANS.OR.B.015) is introduced, and paragraph (c) is reworked.

comment 205 comment by: Federal Office of Civil Aviation FOCA

(a - c) shall instead of should. Justification: It is essential that action (a) - (c) are in the activity plan of the ATM / ANS provider

response *Not accepted*

GM is non-binding material developed by the Agency that helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and

AMC. Therefore, due to its nature, 'should' is used instead of 'shall'.

comment	206	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	(a) please specify "ensure complinace montioring". How often should that take place?	
response	<i>Partially accepted</i>	
	<p>The compliance monitoring function and the frequency of any such activity is to be defined as a part of the service provider's management system considering the size of organisation and the complexity of the activities to be monitored, including those which have been subcontracted.</p> <p>The Agency takes the comment into consideration, and the subject AMC, namely AMC1 ATM/ANS.OR.B.005(c), is amended.</p>	

comment	292	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>GM1 ATM/ANS.OR.B.020</p> <p>Whilst it does vary in the NPA it appears that "ATM/ANS provider" is used in the singular and not plural when stating a specific requirement (the use of singular appears to be the norm in other EASA rules). Throughout the text the term "ATM/ANS providers" is used indicating the use of the plural. Elsewhere ATM/ANS provider is used in the singular; hence the term should be "ATM/ANS provider's". The apostrophe indicates "of the".</p> <p>Suggested Resolution</p> <p>Replace "ATM/ANS providers" to read "The ATM/ANS provider..." in each case where it occurs.</p>	
response	<i>Accepted</i>	
	Considering the comment, singular is used except for specific cases.	

comment	294	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>GM1 ATM/ANS.OR.B.020(a)</p> <p>The intent behind (a) is unclear. The need for compliance monitoring by the ATM/ANS provider of the contracted activities is evident. What is not so clear is the need for the ATM/ANS provider to ensure (by whom?) that hazard identification and risk management is also undertaken (especially as ATS.OR.205(b)(1) refers to the need for risk assessment and mitigation and not hazard identification and risk management).</p> <p>Suggested Resolution</p> <p>On the assumption that the GM is directed at the ATM/ANS provider then amend text to read "(a) Regardless of the approval status of the contracted</p>	

response	<p>organisation, ATM/ANS providers are responsible for ensuring that all contracted activities are subject to compliance monitoring as required by ATM/ANS.OR.B.015(c) additionally, in the case of ATS and CNS providers, ATM/ANS providers are responsible for risk assessment and mitigation as required by ATS.OR.205(b)(1)."</p> <p><i>Partially accepted</i></p> <p>Considering the comment, the commented provision is amended.</p>
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comment	<p>295 comment by: NATS National Air Traffic Services Limited</p> <p>GM1 ATM/ANS.OR.B.020(c) The text of the related IR (ATM/ANS.OR.B.020) uses the term "under the certificate of the ATM/ANS provider" as opposed to "working under the approval of the contracting ATM/ANS provider". Notwithstanding the previous comment, what are the practicalities and consequences of "working under the certificate" of the ATM/ANS provider? Further GM would be appreciated.</p> <p>Suggested Resolution Amend text to read, "...working under the certificate of ..."</p>
response	<p><i>Partially accepted</i></p> <p>The commented GM is modified to better reflect the revised Implementing Rule. As a consequence, the text now reads 'working under the approval and oversight of the contracting service provider'. Considering the comment, further GMs are introduced to illustrate the meaning of a requirement.</p>

AMC/GM to ANNEX II – General organisation common requirements for the provision of ATM/ANS (Part-ATM/ANS.OR) – SUBPART B – MANAGEMENT (ATM/ANS.OR.B) – AMC1 ATM/ANS.OR.B.035 Record keeping	p. 30
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comment	<p>11 comment by: ATC the Netherlands</p> <p>The ATM/ANS provider shall establish a system of record keeping that allows adequate storage and reliable traceability of all its activities, covering in particular all the elements indicated in the ATM/ANS.OR.B.015 and other records as agreed upon with the CA. Need to define what "all its activities" covers. Operational data is covered in other provisions. Lends clarity with the new wording.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency takes the proposal into consideration.</p>

A new GM is developed clarifying that the record keeping provision is intended to address the management system records rather than operational data which is covered by other record keeping applicable requirements.

comment

167

comment by: CAA-NL

AMC1 ATM/ANS.OR.B.035, paragraphs (b)-(e)

Please refrain from introducing these paragraphs.

Rationale:

The paragraphs are stating the obvious and should not be included in regulatory material.

response

Not accepted

The Agency takes the comment into consideration .

However, it should be noted that the purpose of the commented AMC is to illustrate means to establish compliance with the subject requirement by the regulated organisations considering the different size and complexity.

comment

252

comment by: AENA-NPA2013-08

Page 30, AMC1 ATM/ANS.OR.B.035 Record keeping.

This AMC is too restrictive, depending on the TWR it could be too difficult to implement. We propose to rename as GM.

response

Partially accepted

The Agency takes the comment into consideration.

A new GM is developed clarifying that the record keeping provision is intended to address the management system records rather than operational data which is covered by other record keeping applicable requirements.

Furthermore, it should be noted that the commented AMC is consistent with the AMC on record keeping in other aviation domains (e.g. Aerodromes, AMC1 ADR.OR.D.035 Record keeping), and, where a service provider provides more than one service, it is desirable to have consistency between similar rules which the service provider has to comply with, reducing, thus, the resources necessary to comply with such rules.

comment

313

comment by: EUROCONTROL

Page 30 - AMC1 ATM/ANS.OR.B.035

We regard bullet (e) of this AMC as very constraining, especially for non-complex organisations.

response

Noted

	<p>The Agency takes note of the comment.</p> <p>It should be noted that the commented AMC is consistent with the AMC on record keeping applicable in other aviation domains (e.g. Aerodromes, AMC1 ADR.OR.D.035 Record keeping), and, where a service provider provides more than one service, it is desirable to have consistency between similar rules which the service provider has to comply with, reducing, thus, the resources necessary to comply with such rules.</p> <p>Furthermore, the Agency has the view that such requirements should be retained, since they illustrate means to establish compliance with the subject requirement by the regulated organisations considering the different size and complexity. Moreover, given that the oversight cycle may be extended to a 48-month period, it is necessary to ensure that records are maintained in a proper manner for the required retention period.</p>
comment	<p>446 comment by: <i>USAC-CGT</i></p> <p>This comment refers to paragraph (e) : It's important to know the word's scope of "location" in this paragraph. It could be a different room, a different building or simply a different desk. What is the intent of EASA using this word ?</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>The location should be different from that containing the working data, and in an environment that ensures that the records remain in good condition.</p> <p>Furthermore, the Agency has the view that such requirements should be retained, since they illustrate means to establish compliance with subject requirement by the regulated organisations considering the different size and complexity. Moreover, given that the oversight cycle may be extended to a 48-month period, it is necessary ensure that records are maintained in a proper manner for the required retention period.</p>
comment	<p>471 comment by: <i>French Civil Aviation Authority (DGAC)</i></p> <p>French CAA comment</p> <p>AMC1 – ATM/ANS.OR.B.035 – Record keeping (p30):</p> <p>The requirements (d) and (e) [protected backup system, and located in another place] seem really difficult to achieve for non-complex providers or AFIS providers.</p> <p>It is then suggested to limit these specific requirements for complex providers.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has the view that such requirements should be retained, since they</p>

illustrate means to establish compliance with subject requirement by the regulated organisations considering the different size and complexity. Moreover, given that the oversight cycle may be extended to a 48-month period, it is necessary ensure that records are maintained in a proper manner for the required retention period.

However, it should be noted that for flight information services providers making a declaration as per ATM/ANS.OR.A.015, there is no requirement for them to comply with the record keeping provision.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – AMC1 ATS.OR.205 Safety management system

p. 31

comment 23 comment by: *Administration de la Navigation Aérienne Luxembourg*

In order to ensure document consistency, ANA recommends that all SMS related items to be grouped under ATM / ANS. AR requirements. For the time being, SMS related items are under ATR.OR.205, while the SMS of an ANSP covers all services provided.

response *Not accepted*

The Agency has the view that the SMS requirements should be retained in Part-ATS, since ATM/ANS.AR relates to authority requirement.

It should be noted that the purpose of the management system related to the competent authorities is to facilitate the implementation of the SSP as required by ICAO. As part of the SSP, it is required that certain service providers under its supervision implement an SMS.

ATM/ANS.OR.B.005 addresses the management system requirements for providers, while ATM/ANS.AR.B.001 defines the requirements for authorities to ensure effective monitoring of the eight critical elements of the safety oversight function. The different set-up of the management system requirements related to competent authorities and providers are due to the different nature of activities of the regulated organisations.

Moreover, in practice, the management systems are means to be commensurate with/proportionate to the complexity/size/activities of the organisation, which in practice allows the tailoring of the management system to the needs of the individual service provider, provided the objectives of the Regulation are met.

comment 124

comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
AMC1 ATS.OR.205 Safety management system - Emergency response plan	AESA would be interested in knowing whether, within the framework of ICAO SMS, an emergency response plan (ERP) is different from a contingency plan. If this is so, all requirements related to emergency procedures, training... should be clarified.	This would set a level playing field and would harmonise/standardise the way to deal with emergency response plans and put them in relation with contingency plans, if any.

response *Partially accepted*

The emergency response planning should address the actions to be undertaken when emergency arises, while the contingency plan addresses the actions necessary to restore some or all of the service. The Agency proposes an additional GM on this matter.

comment 125

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
AMC1 ATS.OR.205 Safety management system	Letter (d) of this section (page 31) has a wrong paragraph format.	Formatting error.

response *Accepted*

comment 211

comment by: Federal Office of Civil Aviation FOCA

response	<p>The distinction between complex and non complex ANSP is introduced in the AMC only. The intentions of the cover regulation and the AMC seems to be inconsistent. ATM/ANS.OR.B.015 lit.(d) describes perfectly the intention of EASA, which FOCA fully supports, i.e. the SMS should be set up proportionate to any provider's essential organisational parameters (whereof complexity might be one of them). Defining only two categories in the AMC and focussing on complexity would only be equal to a "digital" solution not complying with the basic idea. FOCA suggests not to divide ANSP's into two categories (complex/ non-complex) with regard to the definition of the SMS.</p>
	<p><i>Not accepted</i></p> <p>It is important to be noted that the Basic Regulation, especially Article 8b(7)(b), requires the implementing measures to be proportionate to the type and complexity of the services provided. This clear proportionality in the rules is facilitated by using the different AMC for the different types of organisations.</p>
comment	<p>366 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>AMC1 ATS.OR.205</p> <p>Whilst the use of non-complex ATS providers is understood does this AMC imply that non-complex ATS providers are not explicitly compliant with the ICAO Annex 19 SMS framework?</p>
response	<p><i>Noted</i></p> <p>The use of 'non-complex' in the commented AMC associated to ATS.OR.200 (formerly ATS.OR.205) is in accordance with ICAO Annex 19 Chapter 4 paragraph 4.1.1 b) which reads 'be commensurate with the size of the service provider and the complexity of its aviation products or services'.</p>
comment	<p>438 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>ETF asks EASA to please provide a definition of complex and non-complex provider and of small provider and to explain what the hook for these AMCs in the IR are.</p>
response	<p><i>Noted</i></p> <p>Considering the comments received, it should be pointed out that the term 'small provider' is removed.</p> <p>Furthermore, to address the proportionality at AMC level, the concept of complex/non-complex service providers is introduced, and the criteria for them are established.</p> <p>Moreover, it should be noted that the use of 'non-complex' in the commented AMC associated to ATS.OR.200 is in accordance with ICAO Annex 19 Chapter 4</p>

paragraph 4.1.1 b) which reads 'be commensurate with the size of the service provider and the complexity of its aviation products or services'.

comment

546

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

FIT CISL asks EASA to please provide a definition of complex and non-complex provider and of small provider and to explain what the hook for these AMCs in the IR are.

response

Noted

Considering the comments received, it should be pointed out that the term 'small provider' is removed.

Furthermore, to address the proportionality at AMC level, the concept of complex/non-complex service providers is introduced, and the criteria for them are established.

Moreover, it should be noted that the use of 'non-complex' in the commented AMC associated to ATS.OR.200 is in accordance with ICAO Annex 19 Chapter 4 paragraph 4.1.1 b) which reads 'be commensurate with the size of the service provider and the complexity of its aviation products or services'.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 31-32
Section 2 – Safety of services – AMC1 ATS.OR.205(a)(1)(i) Safety management system

comment

214

comment by: *Federal Office of Civil Aviation FOCA*

lit. b (5): In FOCA's opinion, this statement is misleading. Here it means that no one is to blame for reporting something which is not known to the company. Consequently, this means that someone might be blamed when reporting anything known to the company, which does not make sense. The primary intention behind this concept was probably not to blame someone for her/his possible error/violation reported by herself/himself (except acts based on gross negligence).

NB: On the other hand, the contrary argument is missing. As an employee I would also appreciate a statement of my company that it will not tolerate any acts or behaviour which are based on gross negligence according to their definition.

Rephrase sentence as follows:

(5) not to blame someone for a possible error or violation reported by the person concerned (except acts based on gross negligence).
 ...or likewise.

response *Partially accepted*

Considering the comment, the subject provision is amended and a GM is introduced for better clarity.

comment 314 comment by: EUROCONTROL

Page 31 - AMC1 ATS.OR.205 Safety policy – complex ATS providers
See suggestion relating to comment on AMC1 ATM/ANS.OR.B.015(a)(2).

response *Accepted*

Considering the comment, the subject AMC is amended and 'endorse' is replaced by 'sign'.

comment 367 comment by: NATS National Air Traffic Services Limited

**AMC1 ATS.OR.205(a)(1)(i)
(a)(1)**

There is no explicit requirement in the rule for an ATM/ANS provider to have an accountable manager (or who it should be). There are requirements in the ATM/ANS.OR for the accountable manager (or accountable managers in one instance) but not specifically to have one.

response *Accepted*

Considering the comment, the requirement for a service provider to have an accountable manager is added in ATM/ANS.OR.B.020.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – GM1 ATS.OR.205(a)(1)(i) Safety management system p. 32

comment 218 comment by: Federal Office of Civil Aviation FOCA

FOCA supports especially the idea of lit. (b).

response *Noted*

The Agency has taken the opportunity to encourage safety culture (of which just culture is an aspect) by introducing a new GM on the subject so that all

service providers are encouraged to consider safety culture.

comment

363

comment by: IFATCA

Per se not a bad description IFATCA would like to see a reference to the various Eurocontrol documents and publications – as well as some of the material which was made available for performance targets under the 391/390/2013 Regulation in order to be consistent throughout the aviation community. Advance arrangements and Just Culture Task force could be used for Just Culture description.

response

Not accepted

The following should be noted:

- AMCs are non-essential and non-binding; they serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.
- The GM is non-binding material developed by the Agency that helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and AMC.

Considering the above-mentioned, providing references to documents and publications which were not properly consulted with the subject NPA is considered inappropriate.

Furthermore, it should be pointed out that the subject NPA proposes a draft rule with regard to the certification of a service provider and the oversight thereof, and has no link with the performance scheme other than the fact that this rule requires an SMS and the performance rule has a KPI for the EoSM.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – GM1 ATS.OR.205(a)(1)(ii);(iii);(iv)

p. 32

comment

215

comment by: Federal Office of Civil Aviation FOCA

FOCA does not agree with the statements referring "to be considered as safety objectives". Those provisions explain how the ANSP is planning to meet their safety objectives (to ensure). Only lit.(iv) implicitly defines one major safety objective, e.g. to minimise its contribution to the risk of an aircraft accident as far as reasonably practicable.

response

Noted

The text identified in quotation marks by the commentator is not in the

commented GM1 ATS.OR.205(a)(1)(ii);(iii);(iv).
 With the adoption of the ICAO SMS framework, the subject GM is removed.

comment

368

comment by: *NATS National Air Traffic Services Limited*

GM1 ATS.OR.205(a)(1)(ii);(iii);(iv)

“Safety management system” needs to be added to the title of this GM. The term “ATS providers” is used indicating the use of the plural. Elsewhere ATS provider is used in the singular; hence the term should be “ATS provider’s”. The apostrophe indicates “of the”.

Suggested Resolution

Change title to be “GM1 ATS.OR.205(a)(1)(ii);(iii);(iv) Safety management system”

response

Noted

With the adoption of the ICAO SMS framework, the commented GM is removed.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 32-33
Section 2 – Safety of services – AMC1 ATS.OR.205(a)(2) Safety management system

comment

12

comment by: *ATC the Netherlands*

2) The functions of the safety manager should be:
 In this case it is not clear if the list is limitative. It would be clearer to say that the Safety Manager is responsible for the correct description of the SMS.
 2)ii) as listed in the safety action plan. The term safety action plan is new and not introduced in the proposed regulation.
 2)iii) this is not a task solely for the safety manager anymore but is supported by e.g. the performance department, operations
 b) a safety review board is too detailed and prescriptive.
 b)i) The safety board should: is this limitative?
 b)ii) Not clear how the Safety Review board can ensure this
 b)iii) Not clear what this means
 4) reword "to achieve the established safety performance" into "planned safety performance". The current resources have obviously produced the established performance
 5) This is already true for all participants

response

Partially accepted

(a)(2) Considering the comment, 'as a minimum' is added;

(a)(2)(ii) Considering the comment, 'safety action plan' is removed;

(a)(2)(iii) It is not intended to imply that the safety manager is solely accountable (rather other will be responsible for this activity), but act as the focal point for the subject reports;

(b) The Agency considers that some form of governance is necessary and that the safety review board is the appropriate means of doing this;

(b)(3) Considering the comment, 'as a minimum' is added;

(b)(3)(ii) The safety review board would underwrite any safety action and would assign and monitor the timescales for completion;

(b)(3)(iii) The AMC is amended to clarify and indicate that it is the safety management system's effectiveness that is being monitored;

(b)(4) Accepted;

(b)(5) Noted.

comment 91 comment by: AENA-NPA2013-08

Page 32/33, AMC1 ATS.OR.205 a)2).

"Monitor the implementation of actions taken to mitigate risks, as listed in the safety action plan" Where has this safety action plan been defined for the first time in the NPA?

response *Accepted*

Considering the comment, the specific requirement for a safety action plan has been removed allowing the air traffic services provider to track risks as it sees fit.

comment 108 comment by: EUROCONTROL

Page 33 - AMC1 ATS.OR.205 (a) (2)

The functions defined for the Safety Manager are incorrect.
 e.g The Safety Manager will not facilitate hazard identification, risk assessment and management. Instead the safety manager will ensure that the safety processes are followed when performing risk assessments.
 e.g. the Safety Manager will not initiate internal occurrence investigation. Instead he will ensure that there is an initiation phase in the safety process and the initiation is done by for example the ATCO reporting an incident.
 e.g. there is no requirement to develop a safety action plan, however the safety manager has to monitor the implementation of actions taken as listed in the safety action plan.
 The functions of the Safety Manager should be defined at a much higher level.
 We propose that this AMC is deleted. Maybe some functions can be moved to GM.

response *Partially accepted*

Considering the comment for clarification of the safety manager's role, the subject provision is amended.

The AMC is further amended by removing 'safety action plan' taking the third comment into account.

It is not intended to imply that the safety manager is solely accountable (rather other will be responsible for this activity), but act as the focal point for the monitoring the initiation and follow-up of initial occurrence/accident investigation in accordance with ATS.OR.200(a)(1)(iii).

The Agency does not find appropriate to define the functions of a safety manager at a higher level as the purpose of the commented provisions is to provide means to meet the objectives laid down in ATS.OR.200(a)(1)(iii) considering the differing size and complexity of the providers.

comment 109

comment by: EUROCONTROL

Page 32 - AMC1 ATS.OR.205 (a) (2) - Organisation and accountabilities

There are several other means to incorporate safety in the organisation and it should not be limited to a safety review board.

We therefore propose that the AMC reference to the safety review board is deleted.

response Not accepted

The Agency considers that some form of governance is necessary and that the safety review board is the appropriate means of doing this.

However, it should be noted that the commented provision is an AMC.

AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. However, the regulated organisations may decide to show compliance with the requirements using other means and may propose an alternative means of compliance, based, or not, on those issued by the Agency. These alternative means of compliance (AltMoC) must only be used when it is demonstrated that the safety objective set out in the Implementing Rules is met.

Under ATM/ANS.AR.015, the competent authority must establish a system to assess the AltMOC used by itself or by the service provider under its oversight. In addition, when the competent authority develops AltMoC itself, it shall make them available to all organisations and persons under its oversight. The intention of the rule is not to prevent AltMOC from being developed by the competent authority for use by the organisation under its oversight. However, it should be noted that these, like the ones proposed by the organisation, remain alternatives, which must be assessed in accordance with ATM/ANS.AR.A.015 and which the organisation may decide to use or not. These AltMOC, issued by the competent authority, are not to be seen as 'mandatory' in any way and should be clearly identified as being alternative ways to comply with the rules. For further details on AMCs and AltMOCs, please refer to <http://easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs>.

comment 168

comment by: CAA-NL

AMC 1 ATS.OR.205(a)(2)

Please replace the current text by the following text:

(a) A safety management function should either be an individual or an organizational entity within the ANSP, either centralised or decentralised. In the case of an entity, responsibilities and accountabilities should be clearly attributed to individuals of that entity.

(b) The highest organisational level should be synonymous to the terms 'top management' or 'the most senior level of management of the provider organisation' that takes the legal responsibility and accountability for all acts of the organization.

(c) An 'actively involved' top management should be attained by making safety management an integral part of the top management decision making process.

Rationale:

The AMC as proposed in the NPA may, due to its somewhat extensive nature, in fact freeze the factual status quo that existed when the original Common requirements were introduced.

This might be somewhat counterproductive, as the current thinking on safety management systems is shifting more and more towards the control of safety culture and risk based management, rather than on a more deterministic approach.

The alternative proposed here, has been taken from the 4 States' (Belgium, Germany, Luxembourg, The Netherlands) AMCs. Although also written for the original Common Requirements for ANSPs, it provides ATS Providers with some more flexibility, as it is written with a higher level of abstraction than the AMC in the NPA. The alternative proposed AMC is still safeguarding the basics for a proper safety management function.

response *Not accepted*

After due consideration of the stakeholders' responses to the questions asked by the Agency in the Explanatory Note (paragraphs 46 and 139) regarding ICAO Annex 19 SMS framework, the Agency acknowledges the overwhelming desire to align the framework with the one required by ICAO. As a consequence, the subject provisions are amended.

Considering the requirement laid down in ATS.OR.200 'The air traffic services provider shall have in place a safety management system (SMS), (...), that includes the following components:

(1) SAFETY POLICY AND OBJECTIVES

(...)

(iii) Appointment of a safety manager who is responsible for the implementation and maintenance of an effective SMS; (...)',

the Agency believes that the proposed AMC1 ATS.OR.200(a)(1)(ii)(iii) (formerly AMC1 ATS.OR.205 (a)(2)) and its associated GMs would illustrate the necessary means for the establishment of compliance with the rule.

comment 369

comment by: NATS National Air Traffic Services Limited

AMC1 ATS.OR.205(a)(2) (b)(2)

	There is no explicit requirement in the rule for an ATM/ANS provider to have an accountable manager (or who it should be). There are requirements in the ATM/ANS.OR for the accountable manger (or accountable managers in one instance) but not specifically to have one.
response	<p><i>Accepted</i></p> <p>Considering the comment the requirement for a service provider to have an accountable manager is introduced in ATM/ANS.OR.B.020 'Personnel requirements'.</p>

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – GM2 ATS.OR.205(a)(2) Safety management system

p. 34

comment	<p>370 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM2 ATS.OR.205(a)(2)</p> <p style="text-align: center;">It needs to be noted that this GM applies to complex ATS providers.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the title is amended.</p>

comment	<p>371 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p>GM2 ATS.OR.205(a)(2) Point (a)</p> <p>The use of the term "safety managers" implies more than one.</p> <p>Suggested Resolution Amend text to read "...the safety manager may..."</p>
response	<p><i>Accepted</i></p>

comment	<p>372 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM2 ATS.OR.205(a)(2) Point (b)</p> <p style="text-align: center;">The use of the term "safety managers" implies more than one.</p>
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	<p>Suggested Resolution Amend text to read "...the safety manager may..."</p>
response	<i>Accepted</i>

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – GM3 ATS.OR.205(a)(2) Safety management system p. 34

comment	<p>224 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Why is "should" used instead of "shall"? Furthermore we were not able to find the specific description of the meaning of complexity with regard to ANSP. FOCA would like to add that "small" doesn't always have to correspond with "not complex".</p>
response	<p><i>Accepted</i></p> <p>The Agency takes the comment into consideration . Notwithstanding that GM3 ATS.OR.205(a)(2) does not contain the word 'should', the commented provision is removed.</p>

comment	<p>316 comment by: <i>EUROCONTROL</i></p> <p>Page 34 - GM3 ATS.OR.205(a)(2) Replace "AMC1 TM/ANS.OR.015(d)" by "AMC1 ATM/ANS.OR.015(d)"</p>
response	<p><i>Noted</i></p> <p>Considering the NPA 2013-08 consultation and the comments received on the subject provision, the commented GM is removed.</p>

comment	<p>373 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM3 ATS.OR.205(a)(2) It needs to be noted that this GM applies to complex ATS providers.</p>
response	<p><i>Noted</i></p> <p>Considering the NPA 2013-08 consultation and the comments received on the</p>

subject provision, the commented GM is removed.

comment	<p>374 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM3 ATS.OR.205(a)(2)</p> <p>Incomplete Reference</p> <p>Suggested Resolution "AMC1 ATM/ANS.OR.B.015(d)"</p>
response	<p><i>Noted</i></p> <p>Considering the NPA 2013-08 consultation and the comments received on the subject provision, the commented GM is removed.</p>

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – AMC1 ATS.OR.205(a)(3) Safety management system

p. 34

comment	<p>221 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>What is the reason for the use of "should" (instead of "shall")?</p>
response	<p><i>Noted</i></p> <p>AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. Therefore, due to its 'non-binding' nature, the provision contains 'should' rather than 'shall'. IRs provisions, which are binding, use 'shall'.</p>
comment	<p>228 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Is there a specific reason why "should" is used (instead of "shall")?</p>
response	<p><i>Noted</i></p> <p>AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. Therefore, due to its "non-binding" nature the provision contains 'should' rather than 'shall'. IRs provisions, which are binding,</p>

use 'shall'.

comment 243 comment by: AENA-NPA2013-08

Page 34, AMC1 ATS.OR.205 (a)(3).

ATS.OR.205 (a)(3)/ ACM1 ATS.OR.205 (a)(3): explanation is needed about the relationship between ERP and contingency plans.

response *Accepted*

Considering the comment, an additional GM on the subject is proposed by the Agency. Please refer to GM1 ATM/ANS.OR.A.070 'Contingency plans'. Moreover, one GM on 'Emergency response planning' is introduced.

comment 251 comment by: AENA-NPA2013-08

Page 34,AMC1 ATS.OR.205 (a)(3) Safety Management System.

Complex and non-complex organizations should be addressed.

response *Accepted*

Considering the comment, the subject provision is amended and two additional GMs are introduced. Furthermore, it is important to be noted that the non-complex air traffic services provider could demonstrate compliance using AMC1 ATS.OR.200(b) on this subject.

comment 318 comment by: EUROCONTROL

Page 34 - AMC1 ATS.OR.205(a)(3)

Is there not a requirement to establish an ERP at national level, at least in case of accident (Reg. 996/2010 Art. 21)?

When reading this AMC, it looks like there is no national ERP as such. In addition, would it not be more useful to propose a generic template for an ERP, with key points to address?

response *Noted*

The requirement for an ERP is based on the provision laid down in ICAO Annex 19 Chapter 4 paragraph 4.1.7 on the establishment of SMS by the ATS providers. One of the elements is about coordination of emergency response planning (Appendix2, point 1.4).

With regard to additional AMC/GM containing a template, the Agency considers that it would require more efforts given the variation in the size and complexity of ATS providers. Furthermore, the Agency would not wish at this stage to undermine those compliance measures that the ATS providers have already put in place in order to meet the Annex 19 requirements (formerly Annex 11). However, the commentator is kindly invited to propose a more detailed

rulemaking proposal on this subject to be considered during the finalisation of the ED Decision.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 34-35
Section 2 – Safety of services – AMC1 ATS.OR.205(a)(4) Safety management system

comment 13 comment by: ATC the Netherlands

a) and b) are articles with the same scope.
 7) safety action planning should be part of business planning and not part of the SMM

response *Accepted*

Considering the comment, the commented provision is amended.

comment 231 comment by: Federal Office of Civil Aviation FOCA

lit.(b) refers to risk management, which FOCA supports. But we assume that the scope is meant as safety risk management only, which is quite a different thing.

response *Accepted*

Considering the comment, the commented provision is amended.

comment 375 comment by: NATS National Air Traffic Services Limited

AMC1 ATS.OR.205(a)(4) (c)

This text reads more like GM than AMC, especially by the use of "may".

response *Accepted*

Considering the comment, the commented provision is proposed as GM.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 35

Section 2 – Safety of services – AMC1 ATS.OR.205(b) Safety management system

comment 112 comment by: AIRBUS

AMC1 ATS.OR.205 (b)

The formal risk management process should ensure for new or modified functional system (hardware, software, human) that:

- An analysis is conducted in term of severity of consequence for hardware failure and human error, in terms of likelihood for equipment (hardware) only.
- A qualitative assessment is conducted for the human contribution aimed at stating on the tolerability of human errors

response Noted

As a result of the NPA 2013-08 consultation, the commented AMC is removed and the comment will be considered when similar AMCs/GMs are reintroduced with the NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

comment 169 comment by: CAA-NL

AMC1 ATS.OR.205(b), paragraph (c)

Please refrain from introducing this paragraph now.

Rationale:

This paragraph is about changes to the functional system and should therefore only be introduced together with the 'to be developed' ATS.OR.210.

response Accepted

Considering the comment, the commented provision is removed and similar AMCs/GMs will be reintroduced with the NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 35-36
Section 2 – Safety of services – GM1 ATS.OR.205(c) Safety management system

comment	<p data-bbox="352 215 411 246">139</p> <p data-bbox="1043 215 1445 246" style="text-align: right;">comment by: EUROCONTROL</p> <p data-bbox="352 300 1294 331">Page 35 - GM1 ATS.OR.205(c) Safety management system (a)</p> <p data-bbox="352 331 1445 459">The current definition of Leading indicators is confusing and misleading. The proposed definitions of Leading and Lagging indicators as per EUROCONTROL 3rd SAFREP TF Report to Provisional Council, European ATM Safety Performance Indicators, are as follows:</p> <p data-bbox="352 459 1445 586">Leading indicators – identified principally through the comprehensive analysis of the organizations (providers, regulators, States). They are designed to help identify whether the providers and regulators are taking actions or have processes that are effective in lowering the risk.</p> <p data-bbox="352 586 1445 748">Lagging indicators – to measure events (e.g. safety occurrences, such as accidents, incidents, system outages, etc.) that have happened. They also measure whether safety improvement activities have been effective in mitigating identified risks. Lagging indicators measure the outcome of the service delivery.</p> <p data-bbox="352 748 1445 846">We therefore recommend that the definition currently given is replaced by the proposed definition of Leading indicators as per EUROCONTROL 3rd SAFREP TF Report to Provisional Council, European ATM Safety Performance Indicators:</p> <p data-bbox="352 846 1445 974">“Leading indicators – identified principally through the comprehensive analysis of the organizations (providers, regulators, States). They are designed to help identify whether the providers and regulators are taking actions or have processes that are effective in lowering the risk.”for leading indicators is</p>
response	<p data-bbox="352 999 596 1030"><i>Partially accepted</i></p> <p data-bbox="352 1084 1212 1115">Considering the comment, the commented provision is revised.</p>
comment	<p data-bbox="352 1211 411 1243">236</p> <p data-bbox="762 1211 1445 1243" style="text-align: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p data-bbox="352 1296 1445 1424">FOCA wonders about focussing only on the (obviously) popular leading and lagging indicators scheme. Although this might be right, we would expect, that especially in the GM, safety assurance should be explained a little more "hands on".</p> <p data-bbox="352 1424 1445 1456">This can be explained with the following examples:</p> <ol data-bbox="352 1456 1445 1713" style="list-style-type: none"> <li data-bbox="352 1456 1445 1583">1. After setting up a SMS with all components, safety assurance means to ensure, that people will work accordingly to the SMS. This might look like a simple quality management task. Actually, internal audit und QMS are possible tools for this step of safety assurance. <li data-bbox="352 1583 1445 1713">2. If risk management is properly defined, risk controls (performance indicators) are defined and monitored; that means leading and lagging indicators are in place; not due to safety assurance but based on proper risk management. <p data-bbox="352 1713 1445 1778">To assure application of the whole SMS is one major safety assurance task, this however this is not mentioned.</p>
response	<p data-bbox="352 1805 437 1836"><i>Noted</i></p> <p data-bbox="352 1890 1445 2018">The GM on performance indicators is proposed by the Agency to encourage their adoption and a common understanding amongst air traffic services providers. The Agency acknowledges that their existing use varies amongst the air traffic services providers, and, hence, the use of GM (to encourage their</p>

adoption) rather than AMC. Furthermore, the Agency understands that further material and explanation on 'safety assurance' may well be necessary, but wonders whether GM, as an element of the regulatory measures, would be the right instrument to be further extended.

comment

320

comment by: EUROCONTROL

Page 35 - GM1 ATS.OR.205(c)

More examples of relevant and useful indicators (both leading and lagging, addressing the services delivered as well the processes) would be advisable. The benefits of using automatic tools to populate some relevant safety indicators (like ASMT) could be stressed, to encourage organisations to implement some of these tools for better awareness of where the risks are. As well as the importance of defining the related roles & responsibilities (definition and review of safety indicators, population of these indicators, monitoring of the trends, analysis, etc.).

response

Noted

The GM on performance indicators is proposed by the Agency to encourage their adoption and a common understanding amongst air traffic services providers. The Agency acknowledges that their existing use varies amongst the air traffic services providers, and, hence, the use of GM (to encourage their adoption) rather than AMC. Furthermore, the Agency understands that further material and explanation on 'safety assurance' may well be necessary, but wonders whether GM, as an element of the regulatory measures, would be the right instrument to be further extended.

comment

376

comment by: NATS National Air Traffic Services Limited

GM1 ATS.OR.205(c) (e)(1)

The term "ATM/ANS" is misleading as the scope is ATM/ANS providers.

Suggested Resolution

Amend "ATM/ANS" to "functional".

response

Accepted

comment

450

comment by: DFS Deutsche Flugsicherung GmbH

Para (e) (2)

Is the term „safety system“ used by intend? We assume that SMS was meant and propose to add:

"...It is important to ensure that good safety performance is attributable to good performance of the safety **management** system, not simply to lack of incidents or accidents..."

response *Accepted*

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – AMC1 ATS.OR.205(c)(1)(i) Safety management system

p. 37

comment 237 comment by: *Federal Office of Civil Aviation FOCA*

Although the expression "safety survey" has also been used in the EU/1035, EU/1034 it not clear to us what the ultimate objective of the survey is. Which minimum deliverables do fall in the scope of a survey? The survey description in (c) only states content requirements which are necessary to obtain a document with a proper structure. No indication is given on the survey content or on procedures.

response *Noted*

The Agency takes note of the comment.

Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as GM to AMC1 ATM/ANS.OR.B.005(a)(3) on 'Management system'.

comment 324 comment by: *EUROCONTROL*

Page 37 - AMC1 ATS.OR.205(c)(1)(i)

Bullet (a)(4) looks very constraining, even for complex ATS providers ("ANY shortcomings", not even the safety significant or safety critical ones). In addition, there is no mention of the necessary approval/ endorsement of implementation of (some of the) proposed recommendations at appropriate management level, after the recommendations have been made by the survey leader.

response *Partially accepted*

Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as GM to AMC2 ATM/ANS.OR.B.005(a)(3) on 'Management system'. This GM is amended to read '(...)as soon as any safety related shortcomings(...)'. Furthermore, (b)(4) requires 'to agree actions with the relevant operational management'. These actions could then be monitored via the safety review board.

comment	377	comment by: <i>NATS National Air Traffic Services Limited</i>
	AMC1 ATS.OR.205(c)(1)(i) (b)	
	As this is AMC "should" is appropriate rather than "shall".	
response	<i>Accepted</i>	
	Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as GM to AMC2 ATM/ANS.OR.B.005(a)(3) on 'Management system'. This GM is amended accordingly.	

comment	378	comment by: <i>NATS National Air Traffic Services Limited</i>
	AMC1 ATS.OR.205(c)(1)(i) (c)	
	As this is AMC "should" is appropriate rather than "shall".	
response	<i>Accepted</i>	
	Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as GM to AMC2 ATM/ANS.OR.B.005(a)(3) on 'Management system'. This GM is amended accordingly.	

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – GM1 ATS.OR.205(c)(1)(i) Safety management system	p. 38
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comment	238	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Although the expression "safety survey" has also been used in the EU/1035/2011, EU/1034/2011 it not clear tous what the ultimate objective of the survey is. Which minimum deliverables do fall in the scope of a survey? The survey description in (c) only states content requirements which are necessary to obtain a document with a proper structure. No indication is given on the survey content or on procedures.	
response	<i>Noted</i>	
	Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as GM to AMC2 ATM/ANS.OR.B.005(a)(3) on 'Management system'.	

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 38-39
Section 2 – Safety of services – GM1 ATS.OR.205(c)(1)(ii) Safety Management system

comment 132 comment by: HungaroControl

(3) Typical indicators are integrity, reliability and availability requirements which will have been specified for the **functioning technical system**, and monitoring reliability and availability provide good indication (leading indicators) of any future potential adverse changes to the performance of the functional system which may have an impact upon safety.

Wording should be changed to functioning technical system instead of functional system; this should be applied for the whole chapter (a) As to our knowledge the functional system consists of Human Procedural & Equipment element see this NPA Article 2 definitions 23.

response Noted

The commented GM is removed as the subject will be addressed with a separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

comment 140 comment by: EUROCONTROL

Page 39 - GM1 ATS.OR.205(c) (1) (ii) (b) (2) - Operations

The original text is not clear and the example given is not adequate for the purpose of illustrating the leading indicators.

We therefore recommend to replace current text in (2) by:

"As an example, usage of STCA alerts to better calibrate the parameterization of the STCA would be a leading indicator".

response Noted

The commented GM is removed as the subject will be addressed with a separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

comment 219 comment by: CANSO Civil Air Navigation Services Organization

**GM1
ATS.OR.205(c)(1)(ii)**

(3) Typical indicators are integrity, reliability and

These indicators appear to be

<p>Safety Management system (a) Functional systems</p>	<p>availability requirements which will have been specified for the functional system, and monitoring reliability and availability provide good indication (leading indicators) of any future potential adverse changes to the performance of the functional system which may have an impact upon safety.</p>	<p>indicators for technical systems, but not really for functional systems. It would be useful to have some examples for functional systems.</p>
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response *Noted*

The commented GM is removed as the subject will be addressed with a separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

comment 239

comment by: *Federal Office of Civil Aviation FOCA*

This is not wrong but it belongs more to risk management than to safety assurance; depending on how those are defined. The description in this section is not very helpful. The terminology "functional system" stems from the EU/1035 and EU/1035 and causes confusion. It is not entirely clear what a "functional system" consists of in practice or what the philosophy behind the term is. Moreover the Guidance needs also to be included in the section ATM/ANS.OR.A.040 (changes to functional systems) which is still to be developed.

response *Noted*

The commented GM is removed as the subject will be addressed with a separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

comment 325

comment by: *EUROCONTROL*

Page 38 - GM1 ATS.OR.205(c)(1)(ii)

Would it not be useful to recommend organisations to breakdown their functional systems into categories (like, for example, A/G COM, G/G COM, NAV, Air SURV, Ground SURV, Recording, ASM, ATFM, MET, etc.), and to recommend

	to define relevant indicators for each of those (including integrity, reliability, availability, etc.)? And to stress the importance of defining the related roles and responsibilities?
response	<p><i>Noted</i></p> <p>The commented GM is removed as the subject will be addressed with a separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.</p>

comment	<p>379 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATS.OR.205(c)(1)(ii)</p> <p>To be consistent add "CORRECTIVE ACTION – COMPLEX ATS PROVIDERS"</p>
response	<p><i>Noted</i></p> <p>The commented GM is removed as the subject will be addressed with a separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.</p>

comment	<p>380 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATS.OR.205(c)(1)(ii) (b)(2)</p> <p>The text "ATCO" is not an abbreviation for "Air Traffic Controllers"; it stands for Air Traffic Control Officer.</p>
response	<p><i>Noted</i></p> <p>The commented GM is removed..</p>

comment	<p>451 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>GM1 ATS.OR.205 (c) (1) (ii) SMS (a) (3) Indicators like integrity, reliability and availability are related to technical systems. Their applicability to the "functional system" as defined in Article 2 is hardly feasible. It would be useful to have some examples for functional systems.</p>
response	<p><i>Noted</i></p> <p>The commented GM is removed as the subject will be addressed with a</p>

separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

comment 472 comment by: ENAV

These indicators appear to be indicators for technical systems, but not really for functional systems. It would be useful to have some examples for functional systems.

response *Noted*

The commented GM is removed as the subject will be addressed with a separate NPA resulting from the work of RMT.0469 on 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – AMC1 ATS.OR.205(c)(1)(iii) Safety management system

p. 39

comment 92 comment by: AENA-NPA2013-08

Page 39, AMC1 ATS.OR.205(c)(1)iii.
Safety surveys is repeated in (i) and (n).

response *Partially accepted*

The Agency takes note of the comment.

Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as AMC2 ATS.OR.200(a)(1)(v).

Furthermore, as 'Safety surveys' is rearranged as GMs to AMC2 ATM/ANS.OR.B.005(a)(3) 'Management system', paragraphs (i) and (n) are removed throughout the whole commented provision.

comment 240 comment by: Federal Office of Civil Aviation FOCA

It's obvious at this place that the SMS framework does not consider risk management as a primary function of an SMS. Otherwise a hazard or risk library containing information about all functions provided by the ANSP would

	<p>be listed at first position. As already stated previously, safety objectives are in our opinion not a record, but a target level.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency takes the comment into consideration .</p> <p>Based on the NPA 2013-08 consultation resulting in alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as AMC2 ATS.OR.200(a)(1)(v) and amended accordingly.</p> <p>With regard to safety records which are an output of the application of the air traffic services provider’s safety management system, paragraph (e) is removed.</p>
comment	<p>244 comment by: AENA-NPA2013-08</p>
	<p>Page 39, AMC1 ATS.OR.205(c)(1)(iii). AMC1 ATS.OR.205(c)(1)(iii): to eliminate (n)' safety surveys', because it is the same than AMC1 ATS.OR.205(c)(1)(i).</p>
response	<p><i>Partially accepted</i></p> <p>The Agency takes note of the comment.</p> <p>Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as AMC2 ATS.OR.200(a)(1)(v).</p> <p>Furthermore, as 'Safety surveys' is rearranged as GMs to AMC2 ATM/ANS.OR.B.005(a)(3) Management system, paragraphs (i) and (n) are removed throughout the whole commented provision.</p>
comment	<p>326 comment by: EUROCONTROL</p>
	<p>Page 39 - AMC1 ATS.OR.205(c)(1)(iii) Would it not be better to talk about "safety assessment of changes" in bullet (m)?</p>
response	<p><i>Accepted</i></p> <p>The Agency takes the comment into consideration .</p> <p>Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is reorganised as AMC2 ATS.OR.200(a)(1)(v) and amended accordingly.</p>
comment	<p>416 comment by: EUROCONTROL Safety Team</p>

	<p>Page 39 AMC1 ATS.OR.205(c)(1)(iv) This AMC consists of only one line and the information provided is has the nature of guidance rather than illustrating a means of compliance.</p>
response	<p><i>Partially accepted</i></p> <p>Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is removed as the subject is already addressed in the AMC/GM associated to the occurrence reporting requirements.</p>

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – AMC1 ATS.OR.205(c)(1)(iv) Safety management system

p. 39

comment	<p>241 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>This statement is misleading, because the contrary argument would suggest that all occurrences reported to the authority must be internally investigated. An ANSP must investigate any occurrence which is related to the function of its SMS or its safety performance. Especially ANSP's have to report many occurrences to the authority, which have little or nothing to do with their performance, i.e. Airspace Infringements, Level busts, Prolonged loss of communications (PLOC), etc.). Those occurrences shall be reported by the ANSP but the further investigation lies with other parties (i.e. authority). Proposal: "The scope of internal safety investigations does not necessarily correspond with the scope of occurrences required to be reported to the competent authority."</p>
response	<p><i>Partially accepted</i></p> <p>Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is removed as the subject is already addressed in the AMC/GM associated to the occurrence reporting requirements.</p>

comment	<p>327 comment by: <i>EUROCONTROL</i></p> <p>Page 39 - AMC1 ATS.OR.205(c)(1)(iv) Can one sentence be considered as an AMC with such a topic (investigation of ATS operational and technical occurrences considered to have significant safety implications)? We would have expected a definition of ATS operational and technical occurrences, and/or a link to ATM/ANS.OR.A.060 referring to some pieces of legislation, a definition/ explanation of what should be meant by significant</p>
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	<p>safety implications, some criteria to select relevant investigators, the need for management to review the recommendations after the investigation, and decide which ones will be implemented, etc. In addition, the only sentence available for the AMC, at the moment, looks confusing.</p>
response	<p><i>Partially accepted</i></p> <p>Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is removed as the subject is already addressed in the AMC/GM associated to the occurrence reporting requirements.</p>

comment	<p>349 comment by: <i>AvinorANSP</i></p> <p>This AMC consists of only one line and the information provided is has the nature of guidance rather than illustrating a means of compliance.</p>
response	<p><i>Noted</i></p> <p>Based on the NPA 2013-08 consultation resulting in the alignment of SMS requirements with those laid down in ICAO Annex 19, the commented AMC is removed as the subject is already addressed in the AMC/GM associated to the occurrence reporting requirements.</p>

<p>AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 2 – Safety of services – AMC1 ATS.OR.205(c)(2) Safety management system</p>	p. 40
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comment	<p>396 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>The measurement of SMS effectiveness is very challenging. Without giving any details regarding "substandard performance" it leaves an extensive room for interpretation on what and how to measure effectiveness. This leaves the ANSP's and competent authorities without a standardized pan-european approach (a)-(c) and every Member State might have a different understanding on the performance parameters. Where is the link with the European performance scheme?</p>
response	<p><i>Noted</i></p> <p>'Substandard performance' is explained in GM1 ATS.OR.200(a)(3)(iii) (formerly GM1 ATS.OR.205(c)(2)). This proposed Regulation is about the certification of a service provider and the oversight thereof. The only link with the performance</p>

scheme is that this rule requires an SMS and the performance rule has a KPI for the EoSM.

comment

453

comment by: DFS Deutsche Flugsicherung GmbH

AMC1 (e) **and** GM1 ATS.OR.205 (c) (2) SMS

"(e) *developing and maintaining a process for the proactive evaluation of the individual's performance, to verify the fulfilment of their safety responsibilities.*"

This chapter neither reflects the spirit of ICAO Doc 9859 "SMS Element 3.3 Continuous improvement of the SMS", nor reflects the positive aspects of the individuals performance.

The evaluation of the individual's performance is in contradiction to the objectives of a "just culture". Anyway, due to other legal restrictions of privacy protection and staff association participation it is rather sensitive issue and **should be deleted**.

response

Accepted

Considering the comment, the subject provision is removed.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 40-41
Section 2 – Safety of services – GM1 ATS.OR.205(c)(2) Safety management system

comment

32

comment by: EUROCONTROL

Page 41 - GM1 ATS.OR.205(c)(2) (e)

Include in (e) the requirement for safety performance monitoring to look at what is being done right and to ensure that good practices are widely disseminated in the organisation. After all, safety results from things done right.

response

Accepted

Considering the comment, the subject provision is amended.

comment

93

comment by: AENA-NPA2013-08

Page 40, AMC1 ATS.OR.205 c)2).

Point b should be kept as GM, because relationship between substandard performance of SMS and operations is not directly measurable.

Point e) should clarify which individuals are mentioned there.

response *Partially accepted*

The Agency takes the comment into consideration, and the subject provision is amended by removing 'in operations' in paragraph (b) and deleting paragraph (e) taking into account the NPA 2013-08 consultation on the issue.

comment 455

comment by: *DFS Deutsche Flugsicherung GmbH*

GM1 ATS.OR.205 (c) (2) SMS **and** AMC1 (e)

"(c) (2) proactive evaluation of the individual's performance, to verify the fulfilment of their safety responsibilities."

This chapter neither reflects the spirit of ICAO Doc 9859 "SMS Element 3.3 Continuous improvement of the SMS", nor reflects the positive aspects of the individuals performance.

The evaluation of the individual's performance is in contradiction to the objectives of a "just culture". Anyway, due to other legal restrictions of privacy protection and staff association participation it is rather sensitive issue and **should be deleted**.

response *Accepted*

Considering the comment, the subject provisions are removed.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 41-42
Section 2 – Safety of services – GM1 ATS.OR.205(d)(2)(3)(4) Safety management system

comment 254

comment by: *Federal Office of Civil Aviation FOCA*

b.1.ii provides the term "safety critical". There is no definition of this term in the cover regulation of this NPA. Please provide definition.

Justification: Different interpretations of the term could provoke misunderstandings between ANSPs and/or competent authorities which can potentially lead to risk situations.

response *Partially accepted*

Considering the comment, the subject GM is amended to read 'conveys critical information(...)'

comment 410

comment by: *UK CAA*

Page No: 42
Paragraph No: GM1 ATS.OR.205(d)(2)(3)(4)
Comment: Paragraph (c) states:
 '(c) The safety training programme may consist of self-instruction via a media (newsletters, flight safety magazines), class-room training, e-learning or similar training provided by training organisations.'
 This allows the ATS Provider to utilise self instruction via a media as the only means of training as an option. This is unlikely to be sufficient for SMS training.
Justification: Self instruction via a media is a method which should be used as part training within a training programme and not as a 'stand alone' as it is not a comprehensive training method.

response

Noted

The text identified by the commentator is a GM and, as such, is non-binding (note that 'may' is used, thus, not mandatory) that helps to illustrate the meaning of a requirement and is used to support the interpretation of the rule.

The Agency wishes to provide flexibility; however, the ultimate responsibility lies with the air traffic services provider to ensure that its personnel are trained and competent to perform their SMS duties.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – AMC1 ATS.OR.315(a) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs p. 43

comment

15 comment by: ATC the Netherlands

c) delete the word services. The help provided may be outsourced to a third party.

response

Accepted

The text of the provisions is modified accordingly.

GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.

comment

118 comment by: HungaroControl

(c) encourage ATCOs who think that they may have such a problem to seek and accept help from their ATC provider's *services*
 It is a new term? Is it intentional that no ATM/ANS provider is mentioned?

response	<p><i>Accepted</i></p> <p>The text of the provisions is modified accordingly.</p> <p>GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.</p>
comment	<p>130 comment by: HungaroControl</p> <p>Within the content policy, ATC providers should: (a) (b) provide training and/or educational material to ATCOs relating to: (1) the effects of psychoactive substances on individuals and subsequently on ATC service provision; (2) established procedures within their organisations regarding this issue; and (3) their individual responsibilities with regard to legislation and policies on psychoactive substances. (b) (a) provide support for ATCOs who are dependent on psychoactive substances; establish procedures within their organisations regarding this issue the problematic use of psychoactive substances. This provision ensures that procedures are established and then training for them is provided. It is the task of the employer to include the support of ATCOs who are addicted to psychoactive substances in the processes.</p>
response	<p><i>Not accepted</i></p> <p>The Agency does not agree with the proposal to modify the content and the order of (a) and (b), as the proposed text for (a) is repeating the content of ATS.OR.315(a).</p>
comment	<p>250 comment by: PANSA</p> <p>Within the content policy, ATC providers should: (a) provide support for ATCOs who are dependent on psychoactive substances; establish procedures within their organisations regarding this issue the problematic use of psychoactive substances. (b) provide training and/or educational material to ATCOs relating to: (1) the effects of psychoactive substances on individuals and subsequently on ATC service provision; (2) established procedures within their organisations regarding this issue; and (3) their individual responsibilities with regard to legislation and policies on psychoactive substances. <u>Justification:</u> <i>Proposed modification ensures that procedures are established and then training is provided accordingly.</i> <i>The employer shall include in the processes the support to ATCOs who are dependent on psychoactive substances.</i></p>
response	<p><i>Not accepted</i></p>

The Agency does not agree with the proposal to modify the content and the order of (a) and (b), as the proposed text for (a) is repeating the content of ATS.OR.315(a).

comment

253

comment by: PANSA

(c) encourage ATCOs who think that they may have such a problem to seek and accept help from their ATC provider's services

Justification:

Deletion of "services" in the context of "employer's activity" is recommended in order to avoid confusion with "ATC service". Note: Help provided may be direct or outsourced.

response

Accepted

The text of the provisions is modified accordingly.

GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.

comment

357

comment by: AvinorANSP

Within the content policy, ATC providers should: ~~(a) provide support for ATCOs who are dependent on psychoactive substances;~~ establish procedures within their organisations regarding ~~this issue~~ the problematic use of psychoactive substances.

(b) provide training and/or educational material to ATCOs relating to:

(1) the effects of psychoactive substances on individuals and subsequently on ATC service provision;

(2) established procedures within their organisations regarding this issue; and

(3) their individual responsibilities with regard to legislation and policies on psychoactive substances.

This ensures that procedures are established and then training for them is provided.

The support to ATCOs who are dependent on psychoactive substances will be included in the processes. This is an employer's duty.

response

Not accepted

The Agency does not agree with the proposal to modify the content and the order of (a) and (b), as the proposed text for (a) is repeating the content of ATS.OR.315(a).

comment	<p data-bbox="354 215 411 246">358</p> <p data-bbox="1091 215 1445 246">comment by: <i>AvinorANSP</i></p> <p data-bbox="354 300 1445 495">(c) encourage ATCOs who think that they may have such a problem to seek and accept help from their ATC provider's services GM: the help provided may be outsourced to third party, confidential help line, ... ATC providers are a service in their own right and the service referred to here is not an ATC service, but en "employment" service.</p>
response	<p data-bbox="354 517 480 548"><i>Accepted</i></p> <p data-bbox="354 602 1031 633">The text of the provisions is modified accordingly.</p> <p data-bbox="354 651 1445 712">GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.</p>

comment	<p data-bbox="354 804 411 835">364</p> <p data-bbox="1152 804 1445 835">comment by: <i>IFATCA</i></p> <p data-bbox="354 891 1445 1312">Of the description in both the ATS OR and AMC1 ATS OR 315 –the human factor issues seems to have been reduced to 3 elements. In the view of IFATCA this is not enough and misses the point of Human Factors. In the light of SESAR and other future initiative such as Performance scheme it is of outmost importance to establish a solid Human Factor principle in the proposed NPA. IFATCA therefore proposes to include further HF issues. For all these Guidance Material shall be established Human Machine Interface Human Factors and Automation Team and communication Human Factors and new technology (from design, training over to introduction) Human Factor Cases Sufficient trained Human Factor Specialists</p>
response	<p data-bbox="354 1335 437 1366"><i>Noted</i></p> <p data-bbox="354 1420 1445 1547">The Agency acknowledges the importance of the careful consideration of human factors in the safety regulation addressing air traffic control provision and is committed to propose adequate implementation to the Essential Requirement in Chapter 5(b)(iv) of Annex Vb.</p> <p data-bbox="354 1565 1445 1693">Several human factors aspects, such as competence, training of personnel, consideration of human factors in air traffic controllers' training, fatigue, stress, and cognitive abilities, are already part of regulatory proposals produced by the Agency.</p> <p data-bbox="354 1711 1445 1805">The Agency sees the consideration of human factors/human performance as a transversal activity, to be progressed along with the development of specific provisions implementing the Essential Requirements in the Basic Regulation.</p> <p data-bbox="354 1823 1445 1919">The analysis of SESAR outputs and their impact on human factor/human performance, as well as further scientific developments, will be considered when drafting the ATM/ANS safety regulation.</p>

comment 381 comment by: NATS National Air Traffic Services Limited

AMC1 ATS.OR.315(a)

In the related IR the term "ATC" is in full.

The text "Within the content policy, ATC providers should" does not read correctly.

Notwithstanding the above comment, (a) and (b) need to be reworded as (b) implies that it is known that the ATCOs are dependent and training (a) should follow on from a better defined support.

Suggested Resolution

Use "Air Traffic Control" rather than "ATC".

Suggest "Within the context of the policy the ATC provider should"

Propose to amend (a) and (b) and swap order:

"Within the content policy, ATC providers should:

(a) establish procedures within their organisations regarding the problematic use of psychoactive substances.

(b) provide training and/or educational material to ATCOs relating to:

(1) the effects of psychoactive substances on individuals and subsequently on ATC service provision;

(2) established procedures within their organisations regarding this issue; and

(3) their individual responsibilities with regard to legislation and policies on psychoactive substances.

response *Noted*

The acronym ATC is replaced with 'air traffic control'.

The proposed text 'Within the context of the policy, the air traffic control service provider' is adopted and replaces the proposed text.

The Agency does not agree with the proposal to modify the content and the order of (a) and (b), as the proposed text for (a) is repeating the content of ATS.OR.315(a).

comment 382 comment by: NATS National Air Traffic Services Limited

**AMC1 ATS.OR.315(a)
(c)**

The intent of the text "seek and accept help from their ATC provider's services" is not understood as "services" (as used in the regulation) cannot help an individual.

Add GM to explain that the ATC provider may provide third party confidential help lines (e.g. Validium).

Suggested Resolution

Amend (c) to read:

"(c) encourage ATCOs who think that they may have such a problem to seek and accept help from their ATC provider;"

GM1 ATS.OR.315(a) (c)

	The ATC provider may employ the services of a third party confidential help line which is made freely available to ATCOs.”
response	<p><i>Accepted</i></p> <p>The text is modified in accordance with the proposal.</p> <p>GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances</p>

comment	<p>417 comment by: UK CAA</p> <p>Page No: 43 Paragraph No: AMC1 ATS.OR.315(a), sub-paragraph (b) Comment: UK CAA suggests a boundary to the amount of support provided should be included. Justification: As written there is no limit to the level of support provided. Proposed Text: `(b) provide an appropriate level of support for ATCOs who are dependent on psychoactive substances; `</p>
response	<p><i>Accepted</i></p> <p>The text is modified accordingly. The level of support to be made available is dependent on the policy and procedures adopted subject to applicable national legislation.</p>

comment	<p>419 comment by: UK CAA</p> <p>Page No: 43 Paragraph No: AMC1 ATS.OR.315(a), sub-paragraphs (b) and (c) Comment: Many ATM/ANS providers do not have the facilities to provide medical, physiological or psychological `support`. Justification: Providers of ATC Services should enable access to such `services` by their staff but should not be responsible for providing them Proposed Text: `(b) provide support` facilitate access to rehabilitation for ATCOs who are dependent on psychoactive substances (c) encourage ATCOs who think they may have such a problem to seek and accept help from their ATC provider's services. `</p>
response	<p><i>Partially accepted</i></p> <p>The text of the provision in (b) is modified to 'make available appropriate support'.</p> <p>GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.</p>

The text of provision (c) is modified to establish a clear link with (b) that gives the air traffic control service provider more options for the provision of support.

comment

420

comment by: UK CAA

Page No: 43**Paragraph No:** AMC1 ATS.OR.315(a)**Comment:** UK CAA believes that thresholds should be agreed across Europe.**Justification:** To ensure consistency of application.**Proposed Text:****'(e) apply appropriate thresholds for psychoactive substances agreed with the relevant Competent Authority.'**

response

Noted

The Agency acknowledges the intent of the proposal; however, on the basis of the differing national legislations, it is premature to set up common thresholds. The competent authority has the responsibility to set up the thresholds for detection as specified in AMC1 ATS.OR.315(b) and to ensure that they are consistent with other elements in the policy.

comment

439

comment by: European Transport Workers Federation - ETF

ETF fully supports this provision.

It seems appropriate to introduce a requirement for providers to act in favour of prevention against the use of psychoactive substances by their staff.

response

Noted

comment

449

comment by: ENAV

Proposal for rewording

Within the content policy, ATC providers should: ~~(a) provide support for ATCOs who are dependent on psychoactive substances;~~ establish procedures within their organisations regarding ~~this issue~~ the problematic use of psychoactive substances.

(b) provide training and/or educational material to ATCOs relating to:

- (1) the effects of psychoactive substances on individuals and subsequently on ATC service provision;
- (2) established procedures within their organisations regarding this issue; and
- (3) their individual responsibilities with regard to legislation and policies on psychoactive substances.

.....

Rationale

This ensures that procedures are established and then training for them is provided.

The support to ATCOs who are dependent on psychoactive substances will be

response	<p>included in the processes. This is an employer's duty.</p> <p><i>Not accepted</i></p> <p>The Agency does not agree with the proposal to modify the content and the order of (a) and (b), as the proposed text for (a) is repeating the content of ATS.OR.315(a).</p>
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comment	<p>452 comment by: ENAV</p> <p>Proposal for rewording: (c) encourage ATCOs who think that they may have such a problem to seek and accept help from their ATC provider's <i>services</i> Rationale GM: the help provided may be outsourced to third party, confidential help line, ... ATC providers are a service in their own right and the service referred to here is not an ATC service, but an "employment" service.</p>
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response	<p><i>Accepted</i></p> <p>The text of the provisions is modified accordingly.</p> <p>GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.</p>
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comment	<p>547 comment by: <i>comments provided on behalf of FIT/CISL Italian trade union</i></p> <p>FIT CISL appreciates and supports this provision. It seems appropriate to introduce a requirement for providers to act in favour of prevention against the use of psychoactive substances by their staff.</p>
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response	<p><i>Noted</i></p>
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<p>AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM1 ATS.OR.315(a) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs</p>	p. 43
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comment	<p>103</p> <p style="text-align: right;">comment by: EUROCONTROL</p> <p>Page 43 - AMC1 ATS.OR.315(a) Part (c) should allow the ATC provider to contract out such support for staff. We therefore propose: (c) encourage ATCOs who think that they may have such a problem to seek and accept help from their ATC provider;</p>
response	<p><i>Accepted</i></p> <p>The text of AMC1 ATS.OR.315(a) is modified accordingly.</p> <p>GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.</p>

comment 220 comment by: *CANSO Civil Air Navigation Services Organization*

<p>AMC1 ATS.OR.315(a) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs</p>	<p>Within the content policy, ATC providers should: (a) provide support for ATCOs who are dependent on psychoactive substances; establish procedures within their organisations regarding this issue the problematic use of psychoactive substances. (b) provide training and/or educational material to ATCOs relating to: (1) the effects of psychoactive substances on individuals and subsequently on ATC service provision; (2) established procedures within their organisations regarding this issue; and (3) their individual responsibilities with regard to legislation and policies on psychoactive substances.</p>	<p>This ensures that procedures are established and then training for them is provided. The support to ATCOs who are dependent on psychoactive substances will be included in the processes. This is an employer’s duty.</p>
<p>AMC1 ATS.OR.315(a) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs</p>	<p>(c) encourage ATCOs who think that they may have such a problem to seek and accept help from their ATC provider’s services</p>	<p>GM: the help provided may be outsourced to third party, confidential help line, ... ATC providers are a service in their own right and the service referred to here is not an ATC service, but en “employment”</p>

		service.
response	<i>Partially accepted</i>	
	<p>The Agency does not agree with the proposal to modify the content and the order of (a) and (b), as the proposed text for (a) is repeating the content of ATS.OR.315(a).</p> <p>The proposal to modify (c) is accepted.</p> <p>GM2 ATS.OR.315(a) is established to indicate the possibility to outsource support to air traffic controllers who are dependent on psychoactive substances.</p>	

comment	383	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>GM1 ATS.OR.315(a)</p> <p>In the related IR the term "ATC" is in full.</p> <p>Resolution</p> <p>Use "Air Traffic Control" rather than "ATC".</p>	
response	<i>Accepted</i>	
	The text is modified accordingly.	

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – AMC1 ATS.OR.315(b) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs p. 43-44

comment	33	comment by: <i>EUROCONTROL</i>
	<p>Page 44 - AMC1 ATS.OR.315(b)</p> <p>In many states, civil legislation forbids biological testing unless the test is specified and in very restrictive agreement with unions promoting first</p>	

	<p>prevention and the protection of individuals. Additionally, in many cases, such tests can only be administered following instruction from police or judicial authorities.</p>
response	<p><i>Noted</i></p>
	<p>The set of measures proposed with this NPA requires that the testing procedure is established on the basis of the applicable EU and national legislation and does not prescribe in detail how the test has to be conducted. AMC1 ATS.OR.315(b) lists the elements to be defined for the testing procedure.</p> <p>Guidance material referring to ICAO Doc 9654 is provided; it includes information on different methods for testing procedures to be considered on the basis of the local cultural differences and applicable legislation.</p>
comment	<p>98 comment by: AENA-NPA2013-08</p>
	<p>Page 44, AMC1 ATS.OR.315(b). In many States, civil legislation forbids biological testing unless the test is specified and in very restrictive agreement with unions promoting first prevention and the protection of individuals. Additionally, in many cases, such tests can only be administered following instruction from police or judicial authorities. Related to sub – items (c), (d) and (e), this responsibility should be on who is responsible for ensuring the medical fitness of the controllers, who’s not the service provider but the Authority.</p>
response	<p><i>Noted</i></p>
	<p>The set of measures proposed with this NPA requires that the testing procedure is established on the basis of the applicable EU and national legislation and does not prescribe in detail how the test has to be conducted. AMC1 ATS.OR.315(b) lists the elements to be defined for the testing procedure.</p> <p>Guidance material referring to ICAO Doc 9654 is provided; it includes information on different methods for testing procedures to be considered on the basis of the local cultural differences and applicable legislation.</p> <p>Based on the comments received, a requirement for the approval of the testing procedure by the competent authority is introduced in ATS.OR.315. The way the AMC is formulated does not preclude the authority from the responsibility for the testing.</p>
comment	<p>256 comment by: Federal Office of Civil Aviation FOCA</p>
	<p>A process shall be established by the ANSP for the detection of such cases. Possibly the help of medical staff is required to fulfill this task (especially for the testing process). Personnel and/or medical data shall be kept safe.</p>
response	<p><i>Noted</i></p>

EU Directive 95/46/EC referenced in ATS.OR.315(b) deals with the protection of individuals with regard to processing of personal data and on the free movement of such data.

comment 354

comment by: AvinorANSP

- Requirements are typical duties for an Authorised Medical Examiner (AME).
- Due to privacy protection, activities afterwards (testing, thresholds, follow-up) are outside the process and responsibility of the ATC provider.
- In many states, civil legislation forbids biological testing unless the test is specified and in very restrictive agreement with unions.

In many cases, such tests can only be administered following instruction from police or judicial authorities.

response *Noted*

It is not possible to display the complete text of the comment, therefore, the Agency responds to the readable content.

The set of measures proposed with this NPA requires that the testing procedure is established on the basis of the applicable EU and national legislation and does not prescribe in detail how the test has to be conducted. AMC1 ATS.OR.315(b) lists the elements to be defined for the testing procedure.

Guidance material referring to ICAO Doc 9654 is provided; it includes information on different methods for testing procedures to be considered on the basis of the local cultural differences and applicable legislation.

Based on the comments received, a requirement for the approval of the testing procedure by the competent authority is introduced in ATS.OR.315. The way the AMC is formulated does not preclude the authority from the responsibility for the testing.

EU Directive 95/46/EC referenced in ATS.OR.315(b) deals with the protection of individuals with regard to processing of personal data and on the free movement of such data.

comment 365

comment by: IFATCA

IFATCA policy is not opposed to mandatory drug testing but within a limited framework. Our global policy is outlined below.

It is important that an ANSP has a preventive education program in place prior to set up any other measures.

From a legal point of view IFATCA is opposed that ANSP get drug testing capabilities. These are police rights and are in complete opposition to just

culture, safety culture and might even endanger safety if it is being abused. Possible mandatory drug testing can only (where the basic human rights, labor law and constitutional rights are respected) be carried out at State. These procedures shall be negotiated with the competent authority and the social partners before coming into effect. Many European do not allow such repressive actions against a profession, or if allowed only under very stringent and clear cut legal framework. The EC is not competent to do this, national prerogative have to remain valid. Delete all
~~AMC1 ATS.OR.315(b) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs~~
~~PROCEDURE FOR THE DETECTION OF CASES OF PROBLEMATIC USE OF PSYCHOACTIVE SUBSTANCES~~
~~The procedure should fit the organisation in an applicable way and be in line with applicable EU and/or national legislation on personal rights. It should specify:~~
~~(a) the mechanisms and responsibilities for its initiation;~~
~~(b) the applicability of the procedure in terms of timing and locations;~~
~~(c) the person(s)/body responsible for testing the individual;~~
~~(d) the testing process;~~
~~(e) thresholds for psychoactive substances; and~~
~~(f) the process to be followed in case of detection of problematic use of psychoactive substances by an ATCO.~~
~~GM1 ATS.OR.315(b) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs~~
~~PROCEDURE FOR THE DETECTION OF CASES OF PROBLEMATIC USE OF PSYCHOACTIVE SUBSTANCES~~
~~Guidance for the development and implementation of the procedure for detection of cases of psychoactive substances is contained in ICAO Doc 9654 'Manual on Prevention of problematic use of Substances in the Aviation Workplace', first edition 1995, particularly chapter 5 (pages 15-23) and attachment E (pages 77-85) as regards biochemical testing programmes, with related supporting material.~~

response *Not accepted*

The set of measures proposed with this NPA requires that the testing procedure is established on the basis of the applicable EU and national legislation and does not prescribe in detail how the test has to be conducted. AMC1 ATS.OR.315(b) lists the elements to be defined for the testing procedure. Guidance material referring to ICAO Doc 9654 is provided; it includes information on different methods for testing procedures to be considered on the basis of the local cultural differences and applicable legislation. Based on the comments received, a requirement for the approval of the testing procedure by the competent authority is introduced in ATS.OR.315. The way the AMC is formulated does not preclude the authority from the responsibility for the testing. EU Directive 95/46/EC referenced in ATS.OR.315(b) deals with the protection of individuals with regard to processing of personal data and on the free movement of such data.

comment	384	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>AMC1 ATS.OR.315(b)</p> <p>In the related IR the term "ATC" is in full.</p> <p>Resolution</p> <p>Use "Air Traffic Control" rather than "ATC".</p>	
response	<i>Accepted</i>	
	The text is modified accordingly.	

comment	433	comment by: <i>European Transport Workers Federation - ETF</i>
	<p>ETF is of the opinion that the detection process should not be discriminatory.</p> <p>Alternative proposal :</p> <p>(d) the testing non-discriminatory detection process; <u>and</u></p> <p>(e) thresholds for psychoactive substances; and</p> <p>(f) the process to be followed [...]</p>	
response	<i>Partially accepted</i>	
	<p>The Agency is of the opinion that 'testing' is more appropriate in this context.</p> <p>The non-discriminatory characteristic of the procedure is established in ATS.OR.315(b) and repeated in the modified text of the related AMC1 ATS.OR.315(b).</p>	

comment	456	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	<p>The requirements from d to f are typical duties for an Authorised Medical Examiner (AME).</p> <p>In Germany the following process applies: If there is evidence to believe that a psychoactive substance is being used, then the person in question shall be sent directly to a medical expert (point c).</p> <p>This authorised examiner can determine if the ATCO is fit or not. And he has the means to check it (point d. the testing process, point e. the thresholds) and then recommend the follow-up, point f..</p> <p>We suggest:</p> <p>The procedure should It should specify:</p> <p>"(d) where applicable, the testing process, including a process to be followed ;</p> <p>(e) thresholds for psychoactive substances; and</p> <p>(f) the process to be followed in case of detection of problematic use of psychoactive substances by an ATCO. "</p> <p>Due to legal restrictions in privacy protection, the activities afterwards (testing, thresholds, follow-up) are outside the process and responsibility of the ANSP.</p> <p>However this is conform with the "Requirements for European Class 3 Medical Certification of ATCO".</p> <p>Furthermore we suggest transforming this AMC into GM.</p>	

response

Not accepted

The set of measures proposed with this NPA requires that the testing procedure is established on the basis of the applicable EU and national legislation and does not prescribe in detail how the test has to be conducted. AMC1 ATS.OR.315(b) lists the elements to be defined for the testing procedure.

Guidance material referring to ICAO Doc 9654 is provided; it includes information on different methods for testing procedures to be considered on the basis of the local cultural differences and applicable legislation.

Based on the comments received, a requirement for the approval of the testing procedure by the competent authority is introduced in ATS.OR.315.

EU Directive 95/46/EC referenced in ATS.OR.315(b) deals with the protection of individuals with regard to processing of personal data and on the free movement of such data.

The Agency is of the opinion that the process described in the comment also fits with the proposed framework.

The Agency is of the view that the provision has to remain as AMC, as it provides a defined framework for establishing the testing procedure, while allowing the necessary adaptation to national legislation.

comment

542

comment by: ATCEUC

AMC1 - ATS.OR.315(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by ATCOs

ATCEUC prefers to use a more accurate wording

*(d) the ~~testing~~ detection process;
(e) thresholds for psychoactive substances; and
(f) the process to be followed [...]*

response

Partially accepted

The Agency is of the opinion that 'testing' is more appropriate in this context.

The non-discriminatory characteristic of the procedure is established in ATS.OR.315(b) and repeated in the modified text of the related AMC1 ATS.OR.315(b).

comment

543

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

*(d) the ~~testing~~ **non-discriminatory detection** process; and
(e) thresholds for psychoactive substances; and
(f) the process to be followed [...]*

JUSTIFICATION:

response

FIT CISL is of the opinion that the detection process should not be discriminatory.

Partially accepted

The Agency is of the opinion that 'testing' is more appropriate in this context.

The non-discriminatory characteristic of the procedure is established in ATS.OR.315(b) and repeated in the modified text of the related AMC1 ATS.OR.315(b).

comment

549

comment by: USCA

AMC1 - ATS.OR.315(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by ATCOs

USCA suggests this change:

- (d) the ~~testing~~ *detection* process;
- (e) thresholds for psychoactive substances; and
- (f) the process to be followed [...]

USCA would also like to introduce GM to explain the concepts of "detection process" and "strongly suspected"

GM ATS.OR.315

"Detection process and tests are already regularly made during medical checks and so, there is no need to take tests, except when the ATCO is strongly suspected"

GM ATS.OR.315

"An ATCO will be strongly suspected when there is physical evidence and/or he/she shows a strong denial despite the evidence"

response

Not accepted

The Agency is of the opinion that 'testing' is more appropriate in this context.

The non-discriminatory criterion of the procedure is established in ATS.OR.315(b) and repeated in the modified text of the related AMC1 ATS.OR.315(b).

The Agency is of the opinion that the proposal to introduce the element of strong suspicion is against the characteristic of non-discrimination, which is one condition for the procedure to be approved, and, therefore, cannot be accepted.

The responsibility for the medical checks for licensing purposes lay with the air traffic controller and the competent authority, and does not fall with the air traffic control service provider. This provision aims at ensuring the safe provision of air traffic control service as a daily business.

services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM1 ATS.OR.315(b) Responsibilities of providers of ATC services with regard to problematic use of psychoactive substances by ATCOs

comment 385 comment by: *NATS National Air Traffic Services Limited*

GM1 ATS.OR.315(b)

In the related IR the term "ATC" is in full.

Resolution

Use "Air Traffic Control" rather than "ATC".

response *Accepted*

The text is modified accordingly.

comment 418 comment by: *EUROCONTROL Safety Team*

Page 44 AMC1 ATS.OR.315(b)

- Requirements are typical duties for an Authorised Medical Examiner (AME).
- Due to privacy protection, activities afterwards (testing, thresholds, follow-up) are outside the process and responsibility of the ATC provider.
- In many states, civil legislation forbids biological testing unless the test is specified and in very restrictive agreement with unions.
- In many cases, such tests can only be administered following instruction from police or judicial authorities.

response *Noted*

The set of measures proposed with this NPA requires that the testing procedure is established on the basis of applicable EU and national legislation and does not prescribe in detail how the test has to be conducted. AMC1 ATS.OR.315(b) lists the elements to be defined for the testing procedure.

Guidance material referring to ICAO Doc 9654 is provided; it includes information on different methods for testing procedures to be considered on the basis of the local cultural differences and applicable legislation.

Based on the comments received, a requirement for the approval of the testing procedure by the competent authority is introduced in ATS.OR.315. The way the AMC is formulated does not preclude the authority from the responsibility for the testing.

EU Directive 95/46/EC referenced in ATS.OR.315(b) deals with the protection of

individuals with regard to processing of personal data and on the free movement of such data.

comment 491 comment by: *Vantage Air Traffic Services*

Should this section just be relative for ATCOs? or should this also include ATSEP?

response *Noted*

The Agency is of the opinion that the phrase 'personnel providing an ATC service' in chapter 5(b) of Annex Vb to the Basic Regulation is to be understood as air traffic controllers licensed in accordance with the applicable EU legislation; this limits the applicability of the provisions proposed with this Section to this category of personnel.

Human factors and human performance issues for ATSEPs have already been covered within this NPA under ATS.OR.225. On the basis of the comments received, this provision is amended in order to avoid duplications, as training and qualification for ATSEPs are addressed within the provisions on 'Management system' in ATM/ANS.OR.B.010. Furthermore, the elements of rostering system and physical and mental conditions in doubt for ATSEPs will remain to be addressed in the amended ATS.OR.220. More detailed requirements on the subject would be considered by the Agency at a later stage, if necessary.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 44-49
Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM1 ATS.OR.320 Stress

comment 34 comment by: *EUROCONTROL*

Page 45 - GM1 ATS.OR.320 Stress

The inclusion of information about stress in the GM is welcomed. On the other hand this is considered to be too technical and academic because not all readers are HF experts.

The GM is supposed to offer guidance on what stress is, the kinds of stress, how to recognise it by identifying stressors, etc. The non-expert reader needs an explanation of all the different stressor categories (sources of stress) followed by examples which the reader could familiar with from daily work routine.

We recommend

- to improve and refine the examples,
- to differentiate between "work-related" and "task-related" stressors, where the latter focus on the individual's perception of his/her capacity to do the job under conditions of complex situations, overloads, system

	<p>degrading, etc.</p> <p>The additional comment below is a repetition of our comment made on NPA 2013-08 (B) Implementing Rule - Page 12 - Paraz 49: Stress is result of the combination of psychological, physiological, and behavioural reactions that people have in response to events that threaten or challenge them. Three definitions for stress (and the source) are listed below:</p> <ul style="list-style-type: none"> • stress is a bodily response to a stimulus that disturbs or interferes with the "normal" physiological equilibrium of a person and, in the context of aviation, refers to a state of physical, mental or emotional strain due to some external or internal stimulus (SKYbrary – Stress) • stress is a condition or feeling experienced when a person perceives that demands exceed the personal and social resources the individual is able to mobilise. (SKYbrary – Stress in ATC) • the total of all assessable influences impinging on a human being from external sources and affecting it mentally. (ISO10075-1-1995) <p>The first definition is considered to be the best of the three above although it still has limitations. Leaving the physiological equilibrium due to a stress reaction is not abnormal. In fact it is just a normal process and should not be seen as an issue. The problem lies in the chronic aspect or in a daily (or acute) stress not allowing proper return to the equilibrium and eventually leading to mental and physical consequences. A good definition should refer to this temporal aspect. The ISO definition is too restrictive referring to "mental stress" and missing physical consequences especially since ATCOs are subject to these physical risks caused by stress.</p>
response	<p><i>Noted</i></p> <p>The Agency is considering performing a more comprehensive review of this GM on the basis of all the comments received.</p> <p>The definition of 'stress' is modified to make it more consistent and to eliminate the term 'stressful event', which in this context would represent a tautology.</p> <p>Guidance Material to ATS.OR.320 to better define sources of occupational stress is provided.</p>
comment	<p>35 comment by: EUROCONTROL</p> <p>Page 45 - GM1 ATS.OR.320 Stress (b) (2)</p> <p>The comment below is a repetition of our comment made on NPA 2013 - 08 (B) Implementing Rule - Page 12 - Para 49. The definition of stress is not of any use as it is circular reasoning i.e. stress is the outcome of a stressful event. Stressful event is however not defined in the regulation. This definition based on the 1984 Model by Lazarus and Folkman cannot be easily tracked back to the demands safety critical personnel experience in their work. Additionally there is no way to extract any scientifically measurable rule from this definition. Moreover the term <i>individual perception</i> seems to push the responsibility of stress management upon the individual instead on the organisation which should be responsible for better work conditions in order to reduce the risks connected to stress and to promote welfare at work. A better definition is needed because this term is very important in view that it</p>

reflects one of the major amendments to the regulation.
 Stress is result of the combination of psychological, physiological, and behavioural reactions that people have in response to events that threaten or challenge them.
 Three better definitions for stress (and the source) are listed below:

- Stress is a bodily response to a stimulus that disturbs or interferes with the "normal" physiological equilibrium of a person and, in the context of aviation, refers to a state of physical, mental or emotional strain due to some external or internal stimulus (SKYbrary – Stress)
- Stress is a condition or feeling experienced when a person perceives that demands exceed the personal and social resources the individual is able to mobilise. (SKYbrary – Stress in ATC)
- The total of all assessable influences impinging on a human being from external sources and affecting it mentally. (ISO10075-1-1995)

The first proposal is considered to be the best of the three above although it still has limitations. Leaving the physiological equilibrium due to a stress reaction is not abnormal. In fact it is just a normal process and should not be seen as an issue. The problem lies in the chronic aspect or in a daily (or acute) stress not allowing proper return to the equilibrium and eventually leading to mental and physical consequences. A good definition should refer to this temporal aspect.

The ISO definition is too restrictive referring to "mental stress" and missing physical consequences especially since ATCOs are subject to these physical risks caused by stress.

response

Not accepted

The definition of 'stress' is modified to make it more consistent and to eliminate the term 'stressful event', which in this context would represent a tautology.
 Guidance Material to ATS.OR.320 to better define sources of occupational stress is provided.

comment

36

comment by: EUROCONTROL

Page 45 - GM1 ATS.OR.320 Stress (b) (4)

A critical event (= the stressor) causing acute stress although very limited in time may have lasting stress effect through reviving the event or negative emotional effects (guilt, shame, lack of control, etc.).

response

Noted

comment

37

comment by: EUROCONTROL

Page 45 - GM1 ATS.OR.320 Stress (b) (7)

We suggest to remove 'prolonged' in 'prolonged chronic stress' since chronic stress may already lead to burnout in the absence of recognition or results obtained.

response	<p><i>Noted</i></p> <p>The text is modified accordingly.</p>			
comment	<p>38 comment by: EUROCONTROL</p> <p>Page 48 (j) Mitigation of stress in the individual and the organisation Format mistake because text detailing the mitigation measures bulleted as (k).</p>			
response	<p><i>Accepted</i></p> <p>The text is modified accordingly.</p>			
comment	<p>39 comment by: EUROCONTROL</p> <p>Page 48 (j) - Mitigation of stress in the individual and the organisation Add following mitigation measures:</p> <ul style="list-style-type: none"> • (8) Adequate rostering allowing time to evacuate stress, • (9) Promoting active breaks via sport or relaxation exercises at work place. 			
response	<p><i>Partially accepted</i></p> <p>The two proposed elements are added with one modification. In addition, the Agency is considering performing a more comprehensive review of this GM on the basis of all the comments received.</p>			
comment	<p>131 comment by: HungaroControl</p> <p>Replace the text with the reference to the ICAO document (as for GM1 ATS:OR.315) This lends consistency.</p>			
response	<p><i>Not accepted</i></p> <p>GM1 ATS.OR.315(a) and GM1 ATS.OR.315(b) both refer to ICAO Doc 9654 which deals with prevention of problematic use of psychoactive substances in the aviation workplace and does not deal with stress. The Agency is not aware of any ICAO document which deals specifically with stress.</p>			
comment	<p>223 comment by: CANSO Civil Air Navigation Services Organization</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">GM1</td> <td style="width: 60%;">Replace the text with the reference to the</td> <td style="width: 25%;">Consistency in</td> </tr> </table>	GM1	Replace the text with the reference to the	Consistency in
GM1	Replace the text with the reference to the	Consistency in		

	ATS.OR.320 Stress	ICAO document (as for GM1 ATS:OR.315)	the NPA
response	<p><i>Not accepted</i></p> <p>GM1 ATS.OR.315(a) and GM1 ATS.OR.315(b) both refer to ICAO Doc 9654 which deals with prevention of problematic use of psychoactive substances in the aviation workplace and does not deal with stress. The Agency is not aware of any ICAO document which deals specifically with stress.</p>		
comment	<p>362 comment by: <i>IFATCA</i></p> <p>Total Chapter IFATCA is reasonably happy with the GM on this matter and believes that most of our policies are covered by the GM. IFATCA encourages EASA to elevate the major points to an AMC – as GM is too weak. IFATCA policy on occupational stress below.</p>		

Occupational stress is now recognised as an increasingly global phenomenon, affecting all categories of workers, all work places and all countries. Several studies have revealed with scientific integrity that considerable levels of occupational stress reactions have been identified among different groups of air traffic controllers.

Occupational stress is the product of complex interaction of the task, the operational environment and the personality characteristics of the individual. Thus it is difficult to generalise to all controllers groups.

Nevertheless, some of the most common stressors have been identified as:

- a) Demand
number of aircraft under control - peak traffic hours - extraneous traffic - unforeseeable events - proficiency checks / examinations;
- b) Operating procedures
time pressure - having to bend the rules - feeling of loss of control - fear of consequences of errors;
- c) Working time
shift and night work - unbroken duty periods;
- d) Working tools
limitations and reliability of equipment - VDT, RTF and telephone quality - equipment layout;
- e) Work environment
lighting / optical reflections – noise / distractors - microclimate - bad posture - rest and canteen facilities;
- f) Working organisation
role ambiguity - relations with supervisors and colleagues - lack of trained staff or staff inadequately trained - lack of control over work process - lack of management support - salary - public opinion;
- g) Critical Incident / Accident A critical incident is any situation faced by Air Traffic Controllers that causes them to experience unusually strong emotional reactions which have the potential interfere with their ability to function either at their positions or later. Critical incident stress (CIS) is the reaction a person or a group has to a critical incident.

response *Accepted*

Guidance Material to ATS.OR.320 to better define sources of occupational stress is provided. It takes due account of the IFATCA policy in the comment.

comment 386

comment by: *NATS National Air Traffic Services Limited*

GM1 ATS.OR.320

Replace the text with the reference to the source documentation (as for GM1 ATS.OR.315 (a) and (b)) to be consistent.

response *Not accepted*

GM1 ATS.OR.320 was drafted by the ad hoc WG06 'Human Factors' of the Rulemaking Group ATM.001.

The Agency is considering performing a more comprehensive review of this GM on the basis of all the comments received.

comment

422

comment by: UK CAA

Page No: 44**Paragraph No:** GM1 ATS.OR.320**Comment:** The large amount of guidance provided is highly technical and falls under the remit of Health and Safety and is not considered Human Factors.UK CAA suggests this guidance should be simplified or removed as responsibility for assessing and managing stress is covered under procedures for the Health and Safety of personnel and are covered in alternative European legislation i.e. Directive 89/391/EEC on measures to improve safety and health at work

response

Noted

The Agency is considering performing a more comprehensive review of this GM on the basis of all the comments received.

The obligation to draft implementing measures for the prevention of stress of air traffic controllers is established by chapter 5.(b)(ii) of Annex Vb to the Basic Regulation.

comment

423

comment by: UK CAA

Page No: 48**Paragraph No:** GM1 ATS.OR.320, sub-paragraphs (k) (1) and (7)**Comment:** UK CAA believes the text should be amended to allow programmes other than CISM to be used / developed.**Justification:** CISM is not the only post incident stress management tool.**Proposed Text:**

`(1) adoption of a stress policy and/or critical incident stress management (CISM) **or similar** policy within the organisation;

...

(7) staff support mechanisms (**e.g.** peer counselling, professional support from health practitioners, CISM).`

response

Accepted

The text is modified accordingly.

comment

454

comment by: ENAV

Replace the text with the reference to the ICAO document (as for GM1 ATS:OR.315)

	Consistency in the NPA
response	<p><i>Not accepted</i></p> <p>GM1 ATS.OR.315(a) and GM1 ATS.OR.315(b) both refer to ICAO Doc 9654 which deals with prevention of problematic use of psychoactive substances in the aviation workplace and does not deal with stress. The Agency is not aware of any ICAO document which deals specifically with stress.</p>
comment	<p>457 comment by: DFS Deutsche Flugsicherung GmbH</p>
	<p>General comment: The content on stress is interesting and important to understand the background but should only make reference to the scientific source where this material is located, as is done in all other related GM as well. Delete text below "Introduction". When definitions are given, the source of these definitions should however be named. (e.g. (b) (7) Definition of burnout)</p>
response	<p><i>Noted</i></p> <p>The Agency is considering performing a more comprehensive review of this GM on the basis of all the comments received.</p>
comment	<p>458 comment by: DFS Deutsche Flugsicherung GmbH</p>
	<p>Para (a) (2): The last sentence on the coincidence of errors with light traffic load should be supported by a clear reference or be deleted. The evidence with regard to this issue is manifold and not as clear as it is laid down here.</p>
response	<p><i>Accepted</i></p> <p>The text is modified accordingly.</p>
comment	<p>459 comment by: DFS Deutsche Flugsicherung GmbH</p>
	<p>Para (b) (2) The terms and concepts of "eustress" and "distress" as related to in this paragraph are (to our knowledge) not part of the Lazarus/ Folkmann Stress model (they stem from Selye). The brackets should be deleted to make a clear reference to the referenced model and to avoid mixing up different stress models and theories.</p>
response	<p><i>Accepted</i></p>

The definition of 'stress' is modified to make it more consistent and to eliminate the term 'stressful event', which in this context would represent a tautology.

The Agency is considering performing a more comprehensive review of this GM on the basis of all the comments received. The reference to the Lazarus/Folkman model is removed from the text as suggested.

comment

460

comment by: DFS Deutsche Flugsicherung GmbH

Para (k)
The numbering of (j) and (k) is misleading. It is supposed that the current (k) is intended to be a sub para of (j). Proposal to indent (k)

response

Accepted

The text is modified accordingly.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM1 ATS.OR.320(a) Stress

p. 49

comment

387

comment by: NATS National Air Traffic Services Limited

GM1 ATS.OR.320 (a)

The GM reads poorly and is confusing.

Suggested Resolution

Amend GM to read:

“CISM is a programme which if implemented prepares an organisation for the potential aftermath of a serious incident or accident. These programmes come in a number of different forms, but have the added benefit of providing education on the effects of stress, how stress affects performance and stress management, even when the incident is relatively minor or personal to the individual.

Guidance for the implementation of the CISM programme can be found in the EUROCONTROL document: ‘Human Factors – Critical Incident Stress Management: User Implementation Guidelines’, edition 2.0 of 24/10/2008.”

response

Accepted

The text is modified accordingly.

comment	424	comment by: UK CAA
	<p>Page No: 49 Paragraph No: GM1 ATS.OR.320(a) Comment: UK CAA believes the text should be amended to allow programmes other than CISM to be used / developed. Justification: CISM is not the only post incident stress management tool. Proposed Text: 'CISM is one of a number of programmes with a view to preparing organisations for the potential aftermath of a serious incident or accident. These come in a number of different forms, but have the added benefit of providing education on the effects of stress, how it affects performance, and its management, even when the incident is relatively minor and perhaps personal to the individual.'</p>	
response	<p><i>Accepted</i></p> <p>The text is modified in a manner reflecting this comment.</p>	

comment	461	comment by: DFS Deutsche Flugsicherung GmbH
	<p>Suggest changes/addition for clarity: CISM is a programme with a view to preparing organisations for the potential aftermath of a serious event (e.g. incident or accident). These come in a number of different forms, but have the added benefit of providing education on the effects of critical incident stress, how it affects performance, and its management, even when the incident is relatively minor and perhaps personal to the individual. EN 174 explains the need to require the service providers to manage stress. For clarity it should be kept in mind that the Programme for the management of critical incident stress requires particular training to the <u>peers</u>.</p>	
response	<p><i>Accepted</i></p> <p>The text is modified accordingly and is aligned with the definition of critical incident stress.</p> <p>Information on training of peers may be found in the referenced EUROCONTROL document.</p>	

comment	548	comment by: USCA
	<p>GM1 ATS.OR.320 (a)(2) Stress</p> <p><i>ATC also requires controllers to constantly adapt to an ever changing traffic picture and work environment within restricted time constraints. This has the potential to lead to considerable work pressure and with this comes the potential for high levels of stress. In contrast there may be times when traffic flows are low and controllers experience relatively low levels of activity. For some controllers this may bring its own kind of stress due to the increased</i></p>	

efforts required to maintain vigilance under light traffic load. Indeed it is during light traffic load and low arousal that an increased frequency of errors can be observed. This may also be the case at units that have consistent light traffic over extended periods of time

We suggest also to modify this GM that defines how and when stress is potentially more dangerous for ATCOs job

response *Not accepted*

The Agency considers this comment to refer to GM1 ATS.OR.320.

The Agency is considering performing a more comprehensive review of GM1 ATS.OR.320 on the basis of all the comments received. The aim of this GM is to provide information on stress and how it may affect the performance of air traffic controllers.

Guidance Material to ATS.OR.320 to better define sources of occupational stress is provided.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – AMC1 ATS.OR.325 Fatigue

p. 49

comment 14

comment by: ATC the Netherlands

Suggest to delete this article as it is covered in the IR

response *Accepted*

The Agency understands that the term 'the article' in the comment refers to AMC1 ATS.OR.325, which is removed.

comment 95

comment by: AENA-NPA2013-08

Page 49, AMC1 ATS.OR.325 Fatigue.

We expected the AMC and GM relating fatigue to be more specific, including a guide for FRMS implementation (or similar) like Canadians do (Fatigue Risk Management System for the Canadian Aviation Industry).

response *Noted*

The provisions proposed with this NPA do not foresee the implementation of an ATCO Fatigue Risk Management System.

The proposed measures covering fatigue were developed as required by and in

accordance with the Terms of Reference for RMT.0148/0149. The Agency is aware of and actively involved in the ICAO ATCO FRMS Task Force, which is developing a comprehensive set of ATCO FRMS provisions. The Agency will take due account of the results of this ICAO Task Force with a reassessment of these provisions at that time, under its RMT.0486.

comment 119 comment by: *skyguide Corporate Regulation Management*

~~Providers of ATC services should provide ATCOs with staff support mechanisms and facilities in order to mitigate effects of fatigue.~~
Suggest to delete as this is already in the IR provisions:
ATS.OR.325 (d) *make available staff support mechanisms and facilities*

response *Accepted*

The referenced AMC is removed.

comment 126 comment by: *HungaroControl*

~~Providers of ATC services should provide ATCOs with staff support mechanisms and facilities in order to mitigate effects of fatigue.~~
To avoid duplication delete this provision as it is already covered in the IR provisions:
ATS.OR.325 (d) *make available staff support mechanisms and facilities*

response *Accepted*

The referenced AMC is removed.

comment 176 comment by: *DSNA*

Suggest to delete as this is already in the IR provisions:
ATS.OR.325 (d) *make available staff support mechanisms and facilities*

~~AMC1-ATS.OR.325-Fatigue~~

~~Providers of ATC services should provide ATCOs with staff support mechanisms and facilities in order to mitigate effects of fatigue.~~

response *Accepted*

The referenced AMC is removed.

comment 329 comment by: *EUROCONTROL*

Page 49 - AMC1 ATS.OR.325

How can one sentence, which is almost a copy and paste of ATS.OR.325(d) only, provide an AMC for a requirement on ATCO fatigue which contains 4 bullets? Would it not be more useful to:

- specify the key points to be addressed in the policy mentioned in bullet (a), and/or how to develop such a policy;
- provide a template for the procedures mentioned in bullet (b), with the key points to be addressed;
- provide at least a list of key points to be considered when developing education and information programmes on prevention of fatigue;
- provide at least examples of what would be considered to be "staff support mechanisms and facilities in order to mitigate effects of fatigue".

response *Accepted*

The AMC is removed. The Agency will consider the elements proposed in the comment to develop additional AMCs and/or GM.

comment 347

comment by: ROMATSA

Comment:

To delete as follows:

~~Providers of ATC services should provide ATCOs with staff support mechanisms and facilities in order to mitigate effects of fatigue.~~

Justification:

Suggest to delete as this is already in the IR provisions:

ATS.OR.325 (d) *make available staff support mechanisms and facilities*

response *Accepted*

The referenced AMC is removed.

comment 355

comment by: AvinorANSP

This AMC for the four fatigue requirements is just one sentence and is almost a copy and paste of ATS.OR.325d.

response *Accepted*

The referenced AMC is removed.

comment 359

comment by: AvinorANSP

~~Providers of ATC services should provide ATCOs with staff support mechanisms and facilities in order to mitigate effects of fatigue.~~

	Suggest to delete as this is already in the IR provisions: ATS.OR.325 (d) <i>make available staff support mechanisms and facilities</i>
response	<p><i>Accepted</i></p> <p>The referenced AMC is removed.</p>

comment	<p>388 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">AMC1 ATS.OR.325</p> <p>Given that compliance with AMC gives a presumption of compliance with the related IR it does not appear that this AMC is sufficient to achieve the related IR (it only refers to staff support mechanisms which is ATS.OR.325 (d) and does not add any more that IR already requires).</p>
response	<p><i>Accepted</i></p> <p>The AMC is removed. The Agency will consider developing additional AMCs and/or GM.</p>

comment	<p>421 comment by: <i>EUROCONTROL Safety Team</i></p> <p>Page 49 AMC1 ATS.OR.325 This AMC for the four fatigue requirements is just one sentence and is almost a copy and paste of ATS.OR.325d.</p>
response	<p><i>Accepted</i></p> <p>The referenced AMC is removed.</p>

comment	<p>425 comment by: <i>UK CAA</i></p> <p>Page No: 49 Paragraph No: AMC1 ATS.OR.325 Comment: UK CAA suggests an amendment to introduce proportionality to the amount of support provided Justification: As written, there is no limit to the level of support to be provided. Proposed Text: 'Providers of ATC services should provide ATCOs with appropriate staff support mechanisms and facilities in order to mitigate effects</p>
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response	of fatigue.'
	<p><i>Not accepted</i></p> <p>The Agency is of the opinion that the introduction of the term 'appropriate' would necessitate the definition of common reference, which is not feasible, given the diversity of the air traffic control units in Europe.</p>

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 49-53
Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM1 ATS.OR.325 Fatigue

comment	40	comment by: EUROCONTROL
	<p>Page 50 - Acute fatigue vs. chronic fatigue Fatigue disorders should not be overlooked as they are widespread and often undiagnosed increasing with age. Sleep apnoea concerns up to 24% of middle-aged men, 9% of women, most of them not aware of the problem but going on working exhausted. This should also be addressed in training and medical checks.</p>	
response	<p><i>Noted</i></p> <p>The Agency will consider the elements proposed in the comment to develop additional GM.</p>	

comment	96	comment by: AENA-NPA2013-08
	<p>Page 50, Acute fatigue vs. chronic fatigue. Fatigue disorders should not be overlooked as they are widespread and often undiagnosed increasing with age. Sleep apnoea concerns up to 24% of middle-aged men, 9% of women, most of them not aware of the problem but going on working exhausted. This should also be addressed in training and medical checks.</p>	
response	<p><i>Noted</i></p> <p>The Agency will consider the elements proposed in the comment to develop additional GM.</p>	

comment	225	comment by: CANSO Civil Air Navigation Services Organization
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AMC1 ATS.OR.325 Fatigue	Providers of ATC services should provide ATCOs with staff support mechanisms and facilities in order to mitigate effects of fatigue.	Suggest to delete as this is already in the IR provisions: ATS.OR.325 (d) <i>make available staff support mechanisms and facilities</i>
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response *Accepted*

The referenced AMC is removed.

comment 389 comment by: *NATS National Air Traffic Services Limited*

GM1 ATS.OR.325

Replace the text with the reference to the source documentation (as for GM1 ATS.OR.315 (a) and (b)) to be consistent.

response *Not accepted*

GM1 ATS.OR.320 was drafted by the ad hoc WG06 'Human Factors' of the Rulemaking Group ATM.001.

The Agency is considering performing a more comprehensive review of this GM on the basis of all the comments received.

comment 426 comment by: *UK CAA*

Page No: 49

Paragraph No. : GM1 ATS.OR.325

Comment: The large amount of guidance provided is highly technical and falls under the remit of Health and Safety and is not considered Human Factors. UK CAA suggests this guidance should be simplified or removed as responsibility for assessing and managing stress is covered under procedures for the Health and Safety of personnel are covered in alternative European legislation i.e. Directive 89/391/EEC on measures to improve safety and health at work

response *Not accepted*

GM1 ATS.OR.320 was drafted by the ad hoc WG06 'Human Factors' of the Rulemaking Group ATM.001.

Based on the feedback received in other comments, the Agency prefers to

maintain the GM which is considered to be an explanatory text on fatigue and its effects on individuals, and more specifically on air traffic controllers.

The Agency is considering performing a comprehensive review of this GM on the basis of all the comments received.

comment

427

comment by: UK CAA

Page No: 50**Paragraph No:** GM1 ATS.OR.325 Diagram**Comment:** UK CAA suggests this diagram is deleted. It is felt that it adds little value and in this case contradicts the definition used previously.**Justification:** Clarity.

response

Accepted

The diagram is removed.

comment

462

comment by: DFS Deutsche Flugsicherung GmbH

Para (a) (1) (ii):

Unclear if sleep pressure is really a function of length of sleep or rather length of sleep deprivation.

response

Accepted

The text is modified to include sleep deprivation.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM1 ATS.OR.325(c) Fatigue

p. 53

comment

42

comment by: EUROCONTROL

Page 53 - GM1 ATS.OR.325(C)

EUROCONTROL has published a Fatigue Toolkit, available via SKYbrary <http://www.skybrary.aero/index.php/Toolkit:Fatigue>

We recommend to include a reference to this online material in GM.

response

Not accepted

The proposed toolkit seems not to be available at the web address indicated in

the comment.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM1 ATS.OR.330(b) ATCOs’ rostering system(s)

p. 53

comment 210

comment by: *CANSO Civil Air Navigation Services Organization*

ATS.OR.330 rostering system(s) (b)
When establishing an ATCOs rostering system, the air traffic control service provider shall ensure that safety issues concerning fatigue, which could be due to the rostering system itself, have been duly mitigated. Representatives of the ATCOs who will be subject to this rostering system will be consulted in the production of this mitigation.

GM1 ATS.OR.330(b) ATCOs’ rostering system(s)

ATCOs’ INVOLVEMENT IN THE DEVELOPMENT OF THE ROSTERING SYSTEM(S)

~~The contribution of the ATCOs, the duty periods of which will be effectively regulated by the proposed rostering system, is required in order to ensure that such rostering system is acceptable and not inducing fatigue and stress to individuals and, consequently, generating risks to the safety of the service provided.~~ Additional guidance concerning the involvement of ATCOs in the definition of rostering systems is available at EUROCONTROL Study on Shiftwork practices – ATM and related Industries, edition 1.0 of 14/4/2006.

CANSO proposes the new wording, both for the Implementing rule and the GM. It is our opinion that we delete most of the GM as it doesn't really say anything of any use, apart from the link to the Eurocontrol study which may be of some benefit to some providers. At the IR level, we remove the uncomfortable word "affected ATCO" and replace it with wording that reflects the intent of the article.

response *Partially accepted*

The text of ATCO.OR.330(b) is modified accordingly adopting the meaning of

the text proposed with the comment.

The text of GM1 ATCO.OR.330(b) is modified according to the proposal.

comment 390

comment by: NATS National Air Traffic Services Limited

GM1 ATS.OR.330 (b)

Typos

Resolution

Add "a" in "...that such a rostering system..."

Replace "at" with "in" before the word "EUROCONTROL" to read "Additional guidance concerning the involvement of ATCOs in the definition of rostering systems is available in EUROCONTROL Study on Shiftwork practices"

response *Noted*

The text is modified accordingly.

comment 434

comment by: European Transport Workers Federation - ETF

The wording "affected ATCOs" isn't appropriate so we propose a rewording. We also advise EASA to be careful about the translation of consulted (ex: concertation en français and concertazione in italian)

Alternative proposal :

GM1 ATS.OR.330(b) ATCOs' rostering system(s)

ATCOs' INVOLVEMENT IN THE DEVELOPMENT OF THE ROSTERING SYSTEM(S)
~~The contribution of the ATCOs, the duty periods of which will be effectively regulated by the proposed rostering system, is required in order to ensure that such rostering system is acceptable and not inducing fatigue and stress to individuals and, consequently, generating risks to the safety of the service provided.~~ Additional guidance concerning the involvement of ATCOs in the definition of rostering systems is available at EUROCONTROL Study on Shiftwork practices – ATM and related Industries, edition 1.0 of 14/4/2006.

response *Accepted*

The text of ATCO.OR.330(b) is modified.

The text of GM1 ATCO.OR.330(b) is modified according to the proposal.

comment 544

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

union

GM1 ATS.OR.330(b) ATCOs' rostering system(s)

ATCOS' INVOLVEMENT IN THE DEVELOPMENT OF THE ROSTERING SYSTEM(S)

~~The contribution of the ATCOs, the duty periods of which will be effectively regulated by the proposed rostering system, is required in order to ensure that such rostering system is acceptable and not inducing fatigue and stress to individuals and, consequently, generating risks to the safety of the service provided. Additional guidance concerning the involvement of ATCOs in the definition of rostering systems is available at EUROCONTROL Study on Shiftwork practices – ATM and related Industries, edition 1.0 of 14/4/2006.~~

response *Accepted*

The text of ATCO.OR.330(b) is modified.

The text of GM1 ATCO.OR.330(b) is modified according to the proposal.

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) p. 53-54
Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – AMC1 ATS.OR.330(c) ATCOs' rostering system(s)

comment 20

comment by: LfV

IT should be added that rostering system may also need to take into account the ATCOs age.

response *Not accepted*

The Agency decided to elevate the elements of the air traffic controllers rostering system previously included in AMC1 ATS.OR.330(c) to Implementing Rules.

The Agency considers that the age of air traffic controllers is not a mandatory element of the rostering system, as there is no age-related limitation to the privileges granted by an air traffic controller licence. However, nothing prevents the air traffic control service provider from considering the age of air traffic controllers concerned when establishing the rosters.

comment 41

comment by: EUROCONTROL

Page 53 - AMC1 ATS.OR.330(c)

We recommend to add that rostering system may also need to take into account the ATCOs age.

response	<p><i>Not accepted</i></p> <p>The Agency decided to elevate the elements of the air traffic controllers rostering system previously included in AMC1 ATS.OR.330(c) to Implementing Rules.</p> <p>The Agency considers that the age of air traffic controllers is not a mandatory element of the rostering system, as there is no age-related limitation to the privileges granted by an air traffic controller license. However, nothing prevents the air traffic control service provider from considering the age of air traffic controllers concerned when establishing the rosters.</p>
comment	<p>97 comment by: AENA-NPA2013-08</p> <p>Page 53, AMC1 ATS.OR.330(c). There is a need for a validated methodology in order to assess ATCOs rostering system before implementation. In other countries biometric tools like FAID are being used.</p>
response	<p><i>Noted</i></p> <p>The Agency decided to elevate the elements of the air traffic controllers rostering system previously included in AMC1 ATS.OR.330(c) to Implementing Rules.</p> <p>The proposed measures covering fatigue were developed as required by and in accordance with the Terms of Reference for RMT.0148/0149. The Agency is aware of and actively involved in the ICAO ATCO FRMS Task Force, which is developing a comprehensive set of ATCO FRMS provisions. The Agency will take due account of the results of this ICAO Task Force with a reassessment of these provisions at that time, under its RMT.0486. The necessity of requirements for biometric tools to validate the rostering system will be assessed under this RMT.</p>
comment	<p>105 comment by: EUROCONTROL</p> <p>Page 53 - AMC1 ATS.OR.330(c) Items (f), (g) and (h) seem to be arbitrary requirements that do not add anything to the proper working of a rostering system. A good safety impact analysis will in any case cover these items. We therefore propose that (f), (g) and (h) are deleted.</p>
response	<p><i>Not accepted</i></p> <p>The Agency decided to elevate the elements of the air traffic controllers rostering system previously included in AMC1 ATS.OR.330(c) to Implementing Rules.</p> <p>The Agency considers the time period from midnight to 05.59 as safety critical with regard to the circadian cycle, and, therefore, it needs a particular consideration in the establishment of the rostering system.</p>

The requirement to establish a minimum number of rest periods within the roster cycle is considered as necessary to prevent cumulative and/or chronic fatigue.

comment

175

comment by: DSNA

Given the various national constraints taken into account for developing rostering system, this fixed list of items is either too restrictive or too large if the items in paragraph 5(b)(i) of Annex Vb to the Basic Regulation are accounted for as specified in ATS.OR.330 (c).

This could hamper the pragmatic development of rostering by adding too many diverging constraints.

In addition the evaluation of the impact of this AMC is not feasible without a lengthy and costly analysis of all possible variations and combinations.

The AMC should allow the combination of elements and criteria that are demonstrated to achieve the same level of safety.

This could be achieved by linking the demonstration of an Alternative AMC under ATS.OR.325, i.e. the alternative AMC should be demonstrated to achieve the same level of safety provided the resulting rostering system is monitored under the principles of a Fatigue Risk Management System as illustrated in ATS.OR.325.

See proposed AMC introduction rewording.

It is our understanding that FRMS have been developed as a replacement (complete or partial) of prescriptive requirements concerning rostering systems (See ref. Annex 6 below for airlines, pending development of annex 11 equivalent). This logic is not clearly expressed in the IR and related AMC or guidance. The proposal aims at answering this issue.

Ref. Annex 6 § 4.10.2 The State of the Operator shall require that the operator, in compliance with 4.10.1 and for the purposes of managing its fatigue-related safety risks, establish either:

a) flight time, flight duty period, duty period and rest period limitations that are within the prescriptive fatigue management regulations established by the State of the Operator; or

b) a Fatigue Risk Management System (FRMS) in compliance with 4.10.6 for all operations; or

c) an FRMS in compliance with 4.10.6 for part of its operations and the requirements of 4.10.2 a) for the remainder of its operations.

Proposal

AMC1 ATS.OR.330(c) ATCOs' rostering system(s)
ELEMENTS AND SAFETY CRITERIA OF THE ROSTERING SYSTEM(S)

When addressing the elements of the rostering system(s), the provider of air traffic control should specify the following safety criteria or propose an equivalent set of criteria specifically monitored using the principles described under ATS.OR.325 :

...

response

Not accepted

The Agency decided to elevate the elements of the air traffic controllers rostering system previously included in AMC1 ATS.OR.330(c) to Implementing

Rules. The requirements only establish the framework (the elements of the rostering system) which has to be quantitatively defined by the air traffic control service provider, in consultation with air traffic controllers or their representatives.

The proposed measures covering fatigue were developed as required by and in accordance with the terms of reference of RMT.0148/0149. The Agency is aware of and actively involved in the ICAO ATCO FRMS Task Force, which is developing a comprehensive set of ATCO FRMS provisions. The Agency will take due account of the results of this ICAO Task Force with a reassessment of these provisions at that time, under its RMT.0486.

comment

391

comment by: *NATS National Air Traffic Services Limited***AMC1 ATS.OR.330 (c)**

(f) and (g) – the absence of “WOCL” is fully supported.

response

Noted

comment

428

comment by: *UK CAA***Page No:** 53**Paragraph No:** AMC1 ATS.OR.330(c)**Comment:** UK CAA are unsure whether these criteria are aimed at individual or group rosters.**Justification:** Clarity.

response

Noted

The Agency decided to elevate the elements of the air traffic controllers rostering system previously included in AMC1 ATS.OR.330(c) to Implementing Rules.

In consequence, a definition of rostering system is introduced in Article 2 of the draft Cover Regulation, as follows:

'Rostering system means the structure of duty and rest periods of air traffic controllers in accordance with legal and operational requirements'.

The criteria/elements of the rostering system aim at preventing and mitigating the fatigue of each air traffic controller, regardless if she/he works in an individual or group rostering system.

comment

429

comment by: *UK CAA***Page No:** 53**Paragraph No:** AMC1 ATS.OR.330(c), sub-paragraph (e)**Comment:** UK CAA suggest rest periods should be stated in the plural as there

response	<p>can be more than one. Justification: Clarity. Proposed Text: `(e) minimum rest periods,`</p> <p><i>Accepted</i></p> <p>The text is modified accordingly.</p>
comment	<p>463 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>Para (f) and (g): The provided strict determination of a time period “from midnight to 5.59 a.m.” does not respect regional, local and seasonal differences. We suggest to delete points (f) and (g) as the remaining points sufficiently address the relevant elements as required in Basic Regulation 5(b)(i) of Annex Vb. A provision at GM level would be appropriate to explain the need to respect further fatigue issues and specify related times locally/regionally, which may be subject to agreement by the CA. “When addressing the elements of the rostering system(s), the provider of air traffic control should specify the following safety criteria: (a) maximum consecutive working days with duties, (b) maximum hours per duty period, (c) maximum time providing ATC services without breaks (d) the ratio of duty periods to breaks when providing ATC services (e) minimum rest period, (f) maximum consecutive ATCO duty periods encroaching the time from midnight to 5.59 a.m., if applicable depending upon the operating hours of the ATC unit concerned, (g) minimum rest period after an ATCO duty period encroaching the time from midnight to 5.59 a.m., and (h) minimum number of rest periods within a roster cycle.”</p>
response	<p><i>Not accepted</i></p> <p>The Agency decided to elevate the elements of the air traffic controllers rostering system previously included in AMC1 ATS.OR.330(c) to Implementing Rules.</p> <p>The Agency considers the time period from midnight to 05.59 as safety critical with regard to the circadian cycle, which affects all humans, and, therefore, it needs a particular consideration in the establishment of the rostering system.</p>

AMC/GM to ANNEX III – Specific requirements for the provision of air traffic services (Part-ATS) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) Section 3 – Human factors: principles for the provision of air traffic control (ATC) services – GM ATS.TR.105(b) Working methods and operating procedures

p. 54-55

comment	22	comment by: <i>Turbomeca</i>
	<p>(b)(c) : this is agreed for controllers specialised in flight testing activity. But, as mentioned in comment for NPA 2013-08 (A) – item 185, TURBOMECA (France) usually works with LFBP ATC, which controllers have not followed a dedicated training on flight tests. This specific training should not be mandatory, and a difference should be made between ATS dedicated to flight testing and ATS that could occasionally control test flights. In this case, local arrangements between ATS and industry, and exchange of information on the nature of the flight is enough to ensure flight safety.</p>	
response	<p><i>Accepted</i></p> <p>Considering the comment, the subject provision (now GM1 ATS.TR.100(b)) is amended.</p>	

comment	392	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>GM ATS.TR.105(b) The GM does not have the Subpart heading and introduction.</p> <p>Suggested Resolution Add "SUBPART B – TECHNICAL REQUIREMENTS FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.TR) Section 1 – General requirements"</p>	
response	<p><i>Accepted</i></p>	

comment	464	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	<p>See our comments on ATS.TR.105 (b) and Appendix 1: DFS does not support the introduction of provisions for flight tests in the proposed manner. Test flights are handled by ATC in accordance with the agreed procedures in the frame of the existing rules of the air through particular means of understanding, letters of agreement etc. These are not to be regarded as a separate service. The allocation of such services at the same level in the certificate as the common ATS-Service is not correct. ATS-Service for flight test may be a sub-part of the ATS-Service(s), if required at all. The allocation of such service at the same level as the ATM/ANS does as well not fit with the given definitions for ATM/ANS and ANS The procedures for test flights shall be treated as subject to oversight and evidence to the CA within the frame of the oversight for ATS. If particular treatment shall be required in a harmonised way, then such</p>	

provisions shall be integrated in the full scope of common requirements and not be subject to local agreements with the CA. However this would require more thorough further analysis and common support.
 See our related comments to related Appendix 1 (certificate) and ATS.TR.105 (b).
 Furthermore the link to the duties of the air crew and aircraft designer is not visible. Does a similar requirement for those to file such a FPL exist?
Recommend to delete this paragraph (b) or to draft such provisions commonly agreed by and applicable for designers, manufacturers and ATSPs.

response

Not accepted

The Agency takes the comment into due consideration.

It should be noted that during the rule development, the Agency was made aware of the specific needs required by ATS providers which provide ATS services to flight test, especially in carrying out in cohabitation with other airspace users. Therefore, the Agency acknowledges the need to allow the use of specific and alternative conditions and operating procedures subject to approval by their competent authority, based on the assessment performed by the provider. In addition thereto, the Agency proposes a regulatory approach consisting of a particular privilege within the certificate.

However, as explained in the Explanatory Note to NPA 2013-08 (please refer to paragraph 12), the Agency is to launch a separate rulemaking task (RMT.0464) on 'Requirements for ATS' that in the future would amend the commented Annex. As the subject would require a more thorough analysis to propose a harmonised way as mentioned by the commentator, the commentator is kindly invited to consider a more detailed rulemaking proposal on the issue which could be discussed under the above-mentioned rulemaking task in order for the Agency to identify the real need and the best regulatory solutions to accommodate flight tests.

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – GM1 MET.OR.005(b) Scope and objective of meteorological services

p. 55

comment

1

comment by: *Star Air A/S*

I have been looking for EASA guidelines with regard to identifying "heavy snow" wx conditions. As a pilot or organization you need to be able to identify "heavy snow" before takeoff, as there are no valid HOT for "heavy snow". I am getting different difinitions from the authorities and the antiicing fluid manufactures. FAA opeartors are using a definition based on visibility, but there are no definitions for EASA operators/organizations.

response

Noted

WMO established some criteria primarily based on the intensity range and indicating the visibility values one could expect to express a degree of snow/heavy snow. With the formal linkage between ICAO and WMO, the aviation business applies in general the same criteria as stated by WMO. **EASA, currently, has no definition of heavy snow.** In order to do so, one cannot go only for snow, but also needs to take into account the other variables and their intensity value. A METAR/SPECI includes a visibility value and a present weather code, implying that pilots have knowledge about the visibility on the airport somehow decoupled of the intensity reported. So, for instance, one could have 900 m with still -SN reported if the observer feels like it or 300m with SN instead of +SN as the US practice would indicate. But even then, one has a mixture of visibility information and phenomena information that could be used for operational decisions.

comment

229

comment by: EUROCONTROL

Page 55 - GM1 MET.OR.005(b)

We do not see what additional explanation or clarity GM1 MET.OR.005(b) brings to MET.OR.005.

We therefore propose that the whole article is deleted.

response

Accepted

This GM is deleted as the term 'other entities' is not used anymore.

comment

393

comment by: NATS National Air Traffic Services Limited

GM1 MET.OR.005(b)

The term "ATM/ANS" is misleading as the scope is ATM/ANS providers.

Use of ATM/ANS invokes the definition in 216/2008, however the scope is ATM/ANS providers (as defined in Art 2 of the NPA) which is greater than that of ATM/ANS.

response

Accepted

The term 'ATM/ANS' is not used anymore.

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 1 – General requirements GM1 MET.OR.100 Quality of the data and information

p. 55

comment

141

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

GM1.MET.OR.100

55

The proposed GM1 MET.OR.100 gives no guidance and is not suitable for oversight. Instead ICAO Annex 3 Attachment A and is proposed to be used.
GM1.MET.OR.100 proposed new text
Operational desirable accuracy of measurement or observation

<u>Element to be observed</u>	<u>Operational desirable accuracy of measurement or observation</u>
<u>Mean surface wind</u>	<u>Direction: ± 10°</u> <u>Speed: ± 0.5 m/s (1 kt) up to 5 m/s (10 kt)</u> <u>± 10% above 5 m/s (10 kt)</u>
<u>Variations form the mean surface wind</u>	<u>± 1 m/s (2 kt), in terms of longitudinal and lateral componen</u>
<u>Visibility</u>	<u>± 50 m up to 600 m</u> <u>± 10% between 600 m and 1 500 m</u> <u>± 20% above 1 500 m</u>
<u>Runway visual range</u>	<u>± 10 m up to 400 m</u> <u>± 25 m between 400 m and 800 m</u> <u>± 10% above 800 m</u>
<u>Cloud amount</u>	<u>± 1 okta</u>
<u>Cloud height</u>	<u>± 10 m (33 ft) up to 100 m (330 ft)</u> <u>± 10% above 100 m (330 ft)</u>
<u>Air temperature and dew-point temperature</u>	<u>± 1°C</u>
<u>Pressure value (QNH, QFE)</u>	<u>± 0.5 hPa</u>

response

Accepted

The elements are in MET.OR and the measurements are in MET.TR (to be found in the recently published NPA 2014-07).

comment

142

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

GM1.MET.OR.100

55

The proposed GM1 MET.OR.100 gives no guidance and is not suitable for oversight. Instead ICAO Annex 3 Attachment A and is proposed to be used.
GM1.MET.OR.100 proposed new text
Operational desirable accuracy of measurement or observation

<u>Element to be observed</u>	<u>Operational desirable accuracy of measurement or observation</u>
<u>Mean surface wind</u>	<u>Direction: ± 10°</u> <u>Speed: ± 0.5 m/s (1 kt) up to 5 m/s (10 kt)</u> <u>± 10% above 5 m/s (10 kt)</u>
<u>Variations form the mean surface wind</u>	<u>± 1 m/s (2 kt), in terms of longitudinal and lateral componen</u>
<u>Visibility</u>	<u>± 50 m up to 600 m</u> <u>± 10% between 600 m and 1 500 m</u> <u>± 20% above 1 500 m</u>
<u>Runway visual range</u>	<u>± 10 m up to 400 m</u> <u>± 25 m between 400 m and 800 m</u> <u>± 10% above 800 m</u>
<u>Cloud amount</u>	<u>± 1 okta</u>
<u>Cloud height</u>	<u>± 10 m (33 ft) up to 100 m (330 ft)</u> <u>± 10% above 100 m (330 ft)</u>
<u>Air temperature and dew-point temperature</u>	<u>± 1°C</u>
<u>Pressure value (QNH, QFE)</u>	<u>± 0.5 hPa</u>

response

Accepted

The elements are in MET.OR and the measurements are in MET.TR (to be found in the recently published NPA 2014-07).

comment

143

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

GM1.MET.OR.100	55	The proposed GM1 MET.OR.100 gives no guidance and is not suitable for oversight. Instead ICAO Annex 3 Attachment B and is proposed to be used. GM1.MET.OR.100 proposed new text	
TAF			
Element to be forecasted	Operationally desirable accuracy of forecast	Minimum percentage of cases within range	
Wind direction	± 20°	80% of cases	
Wind speed	± 2.5 m/s (5 kt)	80% of cases	
Visibility	± 200 m up to 800 m ± 30% between 800 m and 10 km	80% of cases	
Precipitation	Occurrence or non-occurrence	80% of cases	
Cloud amount	One category below 450 m (1 500 ft) Occurrence or non-occurrence of BKN or OVC between 450 m (1 500 ft) and 3 000 m (10 000 ft)	70% of cases	
Cloud height	± 30 m (100 ft) up to 300 m (1 000 ft) ± 30% between 300 m (1 000 ft) and 3 000 m (10 000 ft)	70% of cases	
Air temperature	± 1°C	70% of cases	
TREND FORECAST			
Wind direction	± 20°	90% of cases	
Wind speed	± 2.5 m/s (5 kt)	90% of cases	
Visibility	± 200 m up to 800 m ± 30% between 800 m and 10 km	90% of cases	
Precipitation	Occurrence or non-occurrence	90% of cases	
Cloud amount	One category below 450 m (1 500 ft) Occurrence or non-occurrence of BKN or OVC between 450 m (1 500 ft) and 3 000 m (10 000 ft)	90% of cases	
Cloud height	± 30 m (100 ft) up to	90% of cases	

		300 m (1 000 ft) ± 30% between 300 m (1 000 ft) and 3 000 m (10 000 ft)	
FORECAST FOR TAKE-OFF			
Wind direction	± 20°		90% of cases
Wind speed	± 2.5 m/s (5 kt) up to 12.5 m/s (25 kt)		90% of cases
Air temperature	± 1°C		90% of cases
Pressure value (QNH)	± 1 hPa		90% of cases
AREA, FLIGHT AND ROUTE FORECASTS			
Upper-air temperature	± 2°C (Mean for 900 km (500 NM))		90% of cases
Relative humidity	± 20%		90% of cases
Upper wind	± 5 m/s (10 kt) (Modulus of vector difference for 900 km (500 NM))		90% of cases
Significant en-route weather phenomena and cloud	Occurrence or non-occurrence		80% of cases
	Location: ± 100 km (60 NM)		70% of cases
	Vertical extent: ± 300 m (1 000 ft)		70% of cases
	Flight level of tropopause: ± 300 m (1 000 ft)		80% of cases
	Max wind level: ± 300 m (1 000 ft)		80% of cases

response *Noted*

The elements are in MET.OR and the measurements are in MET.TR (to be found in the recently published NPA 2014-07).

SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 1 – Requirements for meteorological watch offices – GM1 MET.OR.200(a) Watch and other meteorological information

comment

144

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

GM1
MET.OR.200(a)

55

Shall be changed to an AMC as there are no other practical ways to ensure the service of SIGMET as they are issued for a flight information region, see ICAO annex 3 appendix 6 1.1.3 "The meteorological watch offices whose area of responsibility encompasses more than one FIR and/or CTA shall issue separate SIGMET messages for each FIR and/or CTA within their area of responsibility". GM.MET.OR.200(a) shall be changed to AMC.MET.OR.200(a).

response

Accepted

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 1 – Requirements for meteorological watch offices – GM1 MET.OR.200(e) Watch and other meteorological information

p. 55-56

comment

430

comment by: *UK CAA***Page No:** 55**Paragraph No:** GM1 MET.OR.200 (e)**Comment:** UK CAA suggest delete the word "Accidental" from the title.**Justification:** Amendment 76 to ICAO Annex 3 has removed the word "accidental" from the provision in Chapter 3 paragraph 3.4.2 (g).**Proposed Text:** Amend to read:**'GM1 MET.OR.200(e) Watch and other meteorological information INFORMATION RECEIVED ON RELEASE OF RADIOACTIVE MATERIALS'**

response

Accepted

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 2 – Requirements for aerodrome meteorological offices – GM1 MET.OR.215(c) Forecasts and other meteorological information – General p. 56

comment	147	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	GM1 MET.OR.215(c)	56 The text is not a guidance it is a statement about automatic cancellation of forecast. Regulation regarding automatic cancellation of forecast proposed to be inserted in MET.OR.005. GM1 MET.OR.215(c) shall be deleted.
response	<p><i>Not accepted</i></p> <p>Guidance material can also contain statements in order to clarify or explain the Implementing Rule.</p>	

comment	394	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>GM1 MET.OR.215(c)</p> <p>There are two GM1 MET.OR.215(c)</p>	
response	<p><i>Noted</i></p> <p>Correct. The second one is now GM2.</p>	

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 2 – Requirements for aerodrome meteorological offices – GM1 MET.OR.215(c) Forecasts and other meteorological information – General p. 56

comment	<p>395</p> <p style="text-align: right;">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 MET.OR.215(c)</p> <p style="text-align: center;">There are two GM1 MET.OR.215(c)</p>
response	<p><i>Noted</i></p> <p>Correct. The second one is now GM2.</p>

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 2 – Requirements for aerodrome meteorological offices – GM1 MET.OR.215(d) Forecasts and other meteorological information – General p. 56

comment	<p>146</p> <p style="text-align: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">GM1 MET.OR.215(d)</td> <td style="width: 5%; padding: 5px;">56</td> <td style="padding: 5px;"> Scope of the pre-flight planning is missing according to proposed NPA text in 2013-08 (E). Proposed new text - GM1 MET.OR.215(d) Forecasts and other meteorological information – General SCOPE OF THE PRE-FLIGHT PLANNING The service for pre-flight planning should be confined to flights originating within the territory of the State concerned. </td> </tr> </table>	GM1 MET.OR.215(d)	56	Scope of the pre-flight planning is missing according to proposed NPA text in 2013-08 (E). Proposed new text - GM1 MET.OR.215(d) Forecasts and other meteorological information – General SCOPE OF THE PRE-FLIGHT PLANNING The service for pre-flight planning should be confined to flights originating within the territory of the State concerned.
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response	<p><i>Accepted</i></p> <p>GM2 MET.OR.220(d) has been created – the reference has changed with the revised text: 215 is now 220.</p>			

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL p. 57

ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 2 – Requirements for aerodrome meteorological offices – GM2 MET.OR.225 Aerodrome forecasts – landing (TREND)

comment

148

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

GM2
MET.OR.225

57

SPECI is not provided in Europe, word proposed to be deleted.

Proposed new text. TREND FORECAST

A trend forecast is understood as being a concise statement of the expected significant changes in the meteorological conditions at that aerodrome to be appended to a local routine or local special report, or a meteorological aerodrome report METAR ~~or~~ SPECI.

response

Accepted

Reference to SPECI is deleted.

comment

300

comment by: *Federal Office of Civil Aviation FOCA*

ICAO Annex 3 Chapter 6.3.3 is transposed in the GM. FOCA suggests to include it in MET.OR.225

response

Not accepted

Although Chapter 6.3.3 is contained in a standard in ICAO Annex 3, the way this paragraph is written and the intent of the paragraph suggest that this text is moved to GM. It reflects more an explanation than a requirement itself. In the second sentence, a typo error existed and 'shall' is replaced by 'is'.

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 2 – Requirements for aerodrome meteorological offices – AMC1 MET.OR.235(b)

p. 57

Warnings and alerts

comment	<p>304</p> <p style="text-align: right;">comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>The calculation is correct. 7.5 m/s equal 27 km/h. However, the calculation does not correspond with ICAO Annex 3 chapter 7.4.3 (30 km/h). Calculation in ICAO Annex 3 is apparently incorrect. Please check with ICAO.</p>
response	<p><i>Noted</i></p> <p>This comment is not understood. The Agency has transposed the figures in Chapter 7.4.3, but no equivalent measurement is converted in km/h by ICAO. The draft rules only contain the units of measurement in 'kt' and not in 'm/s' anymore.</p>

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 3 – Requirements for meteorological stations – AMC1 MET.OR.250(a)(1) Reports and other information

p. 57

comment	<p>149</p> <p style="text-align: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30%; vertical-align: top;"> <p>AMC1 MET.OR.250(a)(1)</p> </td> <td style="width: 5%; vertical-align: top;"> <p>57</p> </td> <td style="vertical-align: top;"> <p>Text proposed to be added as not all services makes report 24 hours and also change meteorological station shall to meteorological observation service providers. This is also to be consistent with wording used in Annex III Part-ATS. Proposed new text: <u>Meteorological observation service providers shall make routine observations throughout the 24 hours each day or as determined by the competent authority.</u></p> </td> </tr> </table>	<p>AMC1 MET.OR.250(a)(1)</p>	<p>57</p>	<p>Text proposed to be added as not all services makes report 24 hours and also change meteorological station shall to meteorological observation service providers. This is also to be consistent with wording used in Annex III Part-ATS. Proposed new text: <u>Meteorological observation service providers shall make routine observations throughout the 24 hours each day or as determined by the competent authority.</u></p>
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response	<p><i>Partially accepted</i></p>			

On the first proposal, the functions related to 'meteorological stations' are clear, so the Agency sees no reason to enlarge the scope of the functions that could make observations. Additionally, it is up to the Member States to ensure that this is organisationally structured and assigned to a provider. The draft rules provide the potential flexibility.

On the second proposal, the requested sentence can be included as the Agency would like to offer maximum flexibility wherever this is possible.

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 3 – Requirements for meteorological stations – AMC1 MET.OR.250(a)(2) Reports and other information

p. 57

comment

150

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

AMC1
MET.OR.250(a)(2)

57

According to ICAO EUR/NAT B 13/12 MET since June 2013 the issuance of METAR should commence at least three hours prior to the aerodrome resuming operations.
Proposed new text- ... the issuance of a METAR should commence at least three hours prior to the aerodrome resuming operations...

response

Accepted

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 3 – Requirements for meteorological stations – AMC1 MET.OR.250(b) Reports and other information

p. 58

comment

151

comment by: *Swedish Transport Agency, Civil Aviation Department
(Transportstyrelsen, Luftfartsavdelningen)*AMC1
MET.OR.250(b)

58

Text to give consistency between criteria for different aerodromes.

Proposed new text

AMC MET.OR.250 (b) (4)

The list of criteria for the issuance of local special reports shall include the following:

- a) those values which most closely correspond with the operating minima of the operators using the aerodrome;
- b) those values which satisfy other local requirements of the air traffic services units and of the operators;
- c) an increase in air temperature of 2°C or more from that given in the latest report, or an alternative threshold value;
- d) the available supplementary information concerning the occurrence of significant meteorological conditions in the approach and climb-out areas; and
- e) when the mean surface wind direction has changed by 60° or more from that given in the latest report, the mean speed before and/or after the change being 5 m/s (10 kt) or more;
- f) when the mean surface wind speed has changed by 5 m/s (10 kt) or more from that given in the latest report;
- g) when the variation from the mean surface wind speed (gusts) has increased by 5 m/s (10 kt) or more from that at the
- time of the latest report, the mean speed before and/or after the change being 7.5 m/s (15 kt) or more;
- h) when the onset, cessation or change in intensity of any of the following weather phenomena occurs:
 - freezing precipitation
 - moderate or heavy precipitation (including showers thereof)
 - thunderstorm (with precipitation);

response

Not accepted

The proposed text contains technical requirements that are now transposed in NPA 2014-07 (technical requirements for meteorological services)

AMC/GM to ANNEX IV – Specific requirements for the provision of meteorological services (Part-MET) – SUBPART A – ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL

p. 58

SERVICES (MET.OR) – Section 2 – Specific requirements – Chapter 3 – Requirements for meteorological stations – AMC1 MET.OR.250(b)(3) Reports and other information

comment

152

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

AMC1
MET.OR.250
(b) (3)

58

Contents of Volcanic Activity Report is specified in AMC MET.OR.250 (b) (3) whereas the contents of local routine and special reports and METAR and TAF is proposed to be covered in Part-TR.
All contents of different reports, forecasts and warnings shall be treated in a coherent way either as a AMC or TR.
Proposed to move the AMC concerning contents of Volcanic Activity Report to TR.

response

Accepted

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 1 – General – GM1 ATSEP.OR.005(b) Scope

p. 59

comment

170

comment by: *HungaroControl*

Why is the competence independent from the permission of performing any task?

response

Noted

Being competent is not sufficient for a person to be authorised to work on a system. This person needs to demonstrate (to the relevant entity) that he/she has been through all the necessary training and competence assessment before being authorised to perform a task. This is the reason why the definition contains these two elements.

comment

245

comment by: *AENA-NPA2013-08*

response	<p>Page 59, AMC/GM to ANNEX XII. To provide GM or AMC about 'Power supply and air conditioning people'. Are they included in the scope? if so, what are the streams that they have to follow?</p> <p><i>Noted</i></p> <p>It is acknowledged that the electrical power supply for ATM/ANS backup or uninterruptible power supply are critical elements of the safety chain. Currently, the objective of the Agency was to transpose with no content-wise changes the EUROCONTROL ATSEP CCC. The Agency will, at a later stage, consider objectives for power supply, in consultation with the stakeholders. If deemed necessary, power supply systems and equipment shall be subject to objectives training as a minimum requirement in the ATSEP training.</p>
comment	<p>246 comment by: AENA-NPA2013-08</p> <p>Page 59, Annex XII. Regarding to the rostering arrangements, to provide GM or AMC on how to fulfill with this requirement.</p>
response	<p><i>Not accepted</i></p> <p>There is no reference to 'rostering arrangements' in the AMC/GM to Annex XII. The only reference is made on page 49 of the IR in ATS.OR.225 which also applies to ATSEP. However, rostering arrangement was not in the scope of the rulemaking task on ATSEP. Appropriate rules in this field for ATSEP will be developed at a later stage, if necessary.</p>
comment	<p>247 comment by: AENA-NPA2013-08</p> <p>Page 59, Annex XII. Where are included the requirements related to 'technical and operational competence and capability' of ATM systems? There is no reference to them in the Annex III, related to specific requirements for the provision of ATS, neither in the Annex VII, related to specific requirements for the provision of CNS services, nor in the Annex VI, related to specific requirements for the provision of Data providers. From Aena point of view, it should be included like a new service, and have the same specific requirements as CNS providers.</p>
response	<p><i>Not accepted</i></p> <p>The requirements on 'technical and operational competence and capability' are, indeed, included in the NPA in the different annexes IV (MET), V (AIS) and VII (CNS). It is not included in Annex VI (DAT), as this Annex does not yet contain any rules and is subject to a specific rulemaking task. Also, in Annex III (ATS), no reference is made to this requirement as it is not included in Annex II to Regulation (EU) No 1035/2011. The objective of the Agency is to stick as close as possible to the current Regulation in force, where feasible. The Agency is not</p>

sure if it understands AENA's last comment: what should be included as a new service?

comment

248

comment by: AENA-NPA2013-08

Page 59, GM1.ATSEP.OR.005 (b) 'OPERATE, MAINTAIN, RELEASE FROM, AND RETURN INTO OPERATIONS'. Paragraph (a)(3).

To provide an example with the IRVR that not seems to be appropriated when it has not been described syllabus for this kind of systems in the AMC or GM.

response

Accepted

The Agency agrees to remove this example as the situation with regard to the relationship between the calibration of IRVR and ATSEP tasks is not clear.

comment

309

comment by: Federal Office of Civil Aviation FOCA

The entity issuing the authorisation should be defined.

response

Not accepted

As explained in the related GM, it is intentionally not specified who is the authority responsible for issuing the authorisation as this could be done in various different ways according to the Member States where the service provider is located.

comment

330

comment by: EUROCONTROL

Page 59 - GM1 ATSEP.OR.005(b), first bullet (a)

The statement "Achievement of competence is independent of the permission to perform any task" is questionable.

Is the meaning of this paragraph not something like: "ATSEP should be authorised to work on safety-related ATM/ANS systems only after they have achieved an acceptable level of competence"?

response

Noted

This GM only clarifies the term 'authorised' which is included in the definition and explains that a competent ATSEP can only be authorised to work if he/she has, for instance, followed the continuation training to demonstrate that he/she has maintained his/her competence. If not, he/she is not considered to be ATSEP (and, therefore, not entitled to perform duties as ATSEP).

comment

333

comment by: NATS National Air Traffic Services Limited

response	<p style="text-align: center;">AMC/GM to ANNEX XII</p> <p>Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment</p> <p>“Part-PERS” needs to be added after “assessment” to identify the Annex.</p> <p><i>Accepted</i></p>
comment	<p>334 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATSEP.OR.005(b) First (a)</p> <p>ATSEP only applies to safety related air traffic management and CNS systems and not ATM/ANS systems.</p>
response	<p><i>Not accepted</i></p> <p>Please see the Agency's answer to the related comments in the Explanatory Note on the scope of the definition.</p>
comment	<p>335 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p style="text-align: center;">GM1 ATSEP.OR.005(b) Second (a)</p> <p>The text “ATCO” is not an abbreviation for “Air Traffic Controllers”; it stands for Air Traffic Control Officer. One instance of the text “safety related” is in italics.</p>
response	<p><i>Accepted</i></p> <p>The acronym is deleted.</p>
comment	<p>350 comment by: <i>Irish Aviation Authority</i></p> <p>Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM) Page No: 59 Paragraph No: GM1 ATSEP.OR.005(b) OPERATE, MAINTAIN, RELEASE FROM, AND RETURN INTO OPERATIONS Comment: The term OPERATE should be deleted. The operation in a ‘technical sense’ rather than ‘operational sense’ (by e.g. ATCOs) of systems should be covered by the maintenance, release from and return to operations tasks. Justification: Included above. Proposed Text: Delete term ‘Operate’</p>

response

Not accepted

The term 'operate' in a technical sense is not only covered by maintenance, release from and return into operations tasks. The ability to control a system is underlined in the GM as being the 'operation' task that ATSEP need to ensure. ATSEP operate a system, but that does not mean that they ensure ATC tasks.

comment

398

comment by: *Kerry Airport*

Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM)

Page No: AMC/GM to ANNEX II (pages 59 to 197)

Paragraph No: General

Comment: It is difficult to determine why some material is AMC and some GM. The whole thrust of this material seems to be aimed at subjects/theoretical topics. It should be aimed at tasks and objectives for the particular ATSEP post and what training/competence is needed to achieve these.

The Provider should define these tasks and objectives, starting with the particular job description again ESARR5 guidance material provides for different levels of ATSEP competence; e.g. Level 1, 2 and 3 tasks; therefore three levels of training.. The GM material could then be used by the Provider as guidance to define training/competence arrangements etc.

Justification: No clear definition of what constitutes AMC or GM status.

Proposed Text: Move AMC/GM to Annex XII to GM status to provide maximum flexibility to each ATM/ANS Provider to determine training/competence requirements.

response

Not accepted

With regard to the initial training, the draft rules reflect the approach taken by the rulemaking group experts to transpose the Eurocontrol ATSEP CCC in a way that would give enough flexibility to the service providers to ensure that their ATSEP are adequately trained and assessed competent, and at the same time, would ensure that the training can be modulated in the most appropriate way for service providers. The ATSEP CCC has been split in IR and AMCs only, not in GM. The experts of the rulemaking group as well as other experts consulted after the publication of this NPA agreed with this approach.

comment

399

comment by: *Kerry Airport*

Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM)

Page No: 59

Paragraph No: GM1 ATSEP.OR.005(b) OPERATE, MAINTAIN, RELEASE FROM, AND RETURN INTO OPERATIONS

Comment: The term OPERATE should be deleted. The operation in a 'technical sense' rather than 'operational sense' (by e.g. ATCOs who release and restore equipment) of systems should be covered by the maintenance, release from and return to operations tasks.

Justification: Included above.

response	<p>Proposed Text: Delete term 'Operate'</p>
response	<p><i>Not accepted</i></p> <p>The term 'operate' in a technical sense is not only covered by maintenance, release from and return into operations tasks. The ability to control a system is underlined in the GM as being the 'operation' task that ATSEP need to ensure. ATSEP operate a system but it does not mean that they ensure ATC tasks.</p>
comment	<p>431 comment by: UK CAA</p>
	<p>Page No: 59 Paragraph No: GM1 ATSEP.OR.005(b) – OPERATE, MAINTAIN, RELEASE FROM, AND RETURN INTO OPERATIONS Comment: UK CAA believes the term 'OPERATE' should be deleted from the title. The operation in a 'technical sense' rather than 'operational sense' (e.g. by ATCOs) of systems should be covered by the maintenance, release from and return to operations tasks. Justification: Clarity. Proposed Text: 'OPERATE, MAINTAIN, RELEASE FROM, AND RETURN INTO OPERATIONS'</p>
response	<p><i>Not accepted</i></p> <p>The term 'operate' in a technical sense is not only covered by maintenance, release from and return into operations tasks. The ability to control a system is underlined in the GM as being the 'operation' task that ATSEP need to ensure. ATSEP operate a system but it does not mean that they ensure ATC tasks.</p>
comment	<p>443 comment by: USAC-CGT</p>
	<p>OPERATE, MAINTAIN, RELEASE FROM, AND RETURN INTO OPERATIONS (b) The term 'maintain' refers to planned, preventative, and corrective maintenance, including fault-finding. The "," is not at the good place. With it, we can think that corrective maintenance is always planned, which is not true. Preventative maintenance is always planned. So it's not necessary to write it.</p> <p>Alternative proposal : The term 'maintain' refers to preventative maintenance and corrective maintenance, including fault-finding.</p>
response	<p><i>Partially accepted</i></p> <p>The terms 'planned', 'preventive', 'corrective' must be understood as being independent of each other. Therefore, 'maintain' refers to planned maintenance, to preventive maintenance and to corrective maintenance. There could be normal 'planned maintenance', and it is not always linked to the preventive one. 'Planned maintenance' is not always preventive. It is agreed</p>

that the comma should be deleted.

comment 465 comment by: *DFS Deutsche Flugsicherung GmbH*

In all indicated parts of the document, the term “ATM/ANS system(s)” is used. This is in contrast to ATSEP.OR.005(b) (“ATM/CNS”).
DFS proposes to follow the EASA proposal in (A) Explanatory Note 220-224 (pp. 56-57) and to reword all indicated parts of the document in line with ATSEP.OR.005 (b).

response *Noted*

Please see the Agency's answer to the related comments in the Explanatory Note on the scope of the definition. The Agency apologised for the confusion as the scope should be read as ATM/ANS and not ATM/CNS. Therefore, this GM is consistent with the rest of the rule text.

comment 509 comment by: *NATS National Air Traffic Services Limited*

Aligned with Comment 1255 of the IR

Whilst the need for ATSEP to operate, release from, and return into operations safety-related air traffic management and communication, navigation, and surveillance systems is well understood and supported, understanding of the circumstances and scenarios of when maintenance must be carried out by an ATSEP is not fully clear.

A system released from operation for routine maintenance is still considered to be within the Operational Environment due, for example, to system interaction/connectivity. As such any maintenance activity on systems, in a reduced redundancy state, should be carried out/supervised by a competently qualified ATSEP who then provides assurance through SOCs ([Standard Operating Conditions](#)), that the system/service is fit for purpose before being offered back for operational use.

Where a system could be worked on by non ATSEP is when a system has been taken out of the Operational Environment for a set period of time and has been completely isolated from the operational ATM (i.e. air gap). The isolation would be carried out and confirmed by an ATSEP, and on return, those non ATSEPs that have been working on the system, would run through a set of agreed acceptance checks before the system is accepted back, at which point an ATSEP would then run through a set of maintenance checks/SOCs to ensure that the system/service is fit for purpose before being offered back for operational use.

Suggested Resolution

Additional guidance to ATSEP.OR.005 (b) regarding maintenance should be considered in

GM1 ATSEP.OR.005(b)

“MAINTAIN

(1) An operational system that has been released from operational service but remains connected to the operational environment and so remains safety related, must be maintained by ATSEP.

(2) An operational system that has been removed and fully isolated by air gap

from the operational environment by ATSEP, and cannot be returned without ATSEP intervention, may be maintained by a non ATSEP but will be subject to ATSEP SOC checks before return to the Operational Environment.

(3) A non ATSEP is not authorised to remove a safety-related air traffic management and communication, navigation, and surveillance system from the operational environment.

(4) A non ATSEP is not authorised to return into the operational environment a safety-related air traffic management and communication, navigation, and surveillance system.

(5) An ATSEP is responsible for determining operational system status / serviceability before offering it back to the Operational Environment.

(6) Non safety related systems are out of scope.

response

Accepted

The Agency has included the NATS' text proposal.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 1 – General – GM1 ATSEP.OR.015(a) Training and competence assessment programme

p. 60

comment

43

comment by: EUROCONTROL

Page 60 - GM1 ATSEP.OR.015 (a)

Introduces a new term 'learner' and in the same GM there is also reference to 'trainee'. Both terms are undefined and seem to be used as synonyms.

Recommend :

- Harmonise text and use only the term 'learner'
- Define 'learner' so that everyone has the same understanding of the term.

Proposed definition:

'Learner' is the generic term for a person performing a learning activity without any reference to his/her status (ab-initio/student/trainee).

response

Accepted

The proposed text is included in GM.

comment

310

comment by: Federal Office of Civil Aviation FOCA

Has the follow-up training been considered? Maintain the knowledge or ensure competency when new technology is introduced in the safety related system.

response *Accepted*

The continuation training is required in ATSEP.OR.120 and guidance is provided in the related GMs on the different types of continuation training.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 1 – General – AMC1 ATSEP.OR.020 Language proficiency

p. 60

comment

153

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

AMC1.ATSEP.OR.020 60

This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.

response

Not accepted

The Agency believes that, due to the very general Implementing Rule on language proficiency, the competent authority must be able to verify on which basis the level of proficiency is considered to be adequate to perform duties.

comment

311

comment by: *Federal Office of Civil Aviation FOCA*

Unclear level or proficiency requirements. The level of language proficiency could also correlate with the safety criticality of the system the ATSEP will need to work with.

response

Accepted

Although the Agency believes that the Swiss view is already catered for in the AMC (under 'on the particular ATSEP duties'), the criterion proposed is included in the rule text.

comment	435	comment by: <i>European Transport Workers Federation - ETF</i>
	We encourage EASA to take one step further and set objectives of language proficiency. As the current situation is very diverse from one provider to another, we encourage EASA to make this objective non-binding for the personnel in place and binding for newcomers.	
response	<i>Not accepted</i>	
	The Agency's objective with regard to the language is to ensure that all ATSEP are able to work without compromising the safety of operations and without putting too much burden on them and the service providers. As explained in the Explanatory Note in 248, setting language objectives is not feasible as the current situation is very diverse, not only from one provider to another, but also from one country to another. In the future, with regard to the evolution of the ATSEP job and the increasing international context, the Agency might be in a position to propose more detailed requirements in this regard.	

comment	474	comment by: <i>AENA-NPA2013-08</i>
	ATM/ANS Providers should determine if it is necessary for ATSEP to have a certain level of language proficiency , taking into account aspects related to operating instructions, manuals, and the need to communicate across operational boundaries that require a common language.	
response	<i>Not accepted</i>	
	The AENA proposal precludes that the language requirement only applies to ATSEP who need to communicate in another language than their mother-tongue. This is not the case. The level of language proficiency should apply to all ATSEP in order to ensure that they are familiar with the very broad technical terms used in their specific system environment.	

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air p. 60-61 traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – GM1 ATSEP.OR.100 Training requirements – General

comment	171	comment by: <i>HungaroControl</i>
	DEVELOPMENT training is missing.	
response	<i>Noted</i>	
	This is correct. The experts of the rulemaking group considered that the	

development training is considered to be included in the continuation training.

comment 540

comment by: NATS National Air Traffic Services Limited

GM1 - ATSEP.OR.100
Aligned with comment 1303 of the IR

Whilst NATS is happy with this rule we would not like to see it imposed retrospectively to ATSEPS currently in post. The impact of such retrospective action would potentially be to require us to retrain engineers currently in post

Proposed new G.M:

Existing ATSEP's will be exempt from completing the basic and qualification training applicable to their role. However the SP must be satisfied, through competency assessment, that the ATSEP has the required competencies for the role.

response *Accepted*

Grandfathering's right for ATSEP will be included in the Cover Regulation, once the rules are mature (meaning at the stage of the Opinion).

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – GM1 ATSEP.OR.100(a) Training requirements – General

p. 62

comment 172

comment by: HungaroControl

SYSTEM/EQUIPMENT Training and DEVELOPMENT training are missing.

response *Noted*

S/E training is included at a very general level. Development training is considered to be included in the continuation training.

comment 481

comment by: DFS Deutsche Flugsicherung GmbH

In GM1 ATSEP.OR.100(a) details are given for basic training, qualification training and continuation training.

In ATSEP.OR.100(a) basic training, qualification training, system/equipment rating training and continuation training are required.

In Eurocontrol Spec-132, system/equipment rating training is defined as follows: "Training designed to impart system/equipment-related knowledge and

	skills leading towards operational competence.” DFS proposes to add this wording to GM1 ATSEP.OR.100(a).
response	<i>Accepted</i> The DFS proposal text is now included in this GM.

<p>AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – AMC1 ATSEP.OR.105(a)(1) Basic training</p>	p. 62
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comment	120	comment by: <i>skyguide Corporate Regulation Management</i>
	Subject and topic - needs sub-topic reference number as well as title. It would be easier to read if the sub-topic were also referenced / named in the AMC.	
response	<i>Accepted</i> The term 'sub-topic' is now inserted for each objective.	

comment	154	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">AMC1.ATSEP.OR.105 (a) (1)</td> <td style="width: 10%;">62</td> <td>This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.</td> </tr> </table>		AMC1.ATSEP.OR.105 (a) (1)	62	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.
AMC1.ATSEP.OR.105 (a) (1)	62	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.			
response	<i>Noted</i> This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.				

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

comment 173 comment by: HungaroControl

5. SUBJECT in the content of 1.5.3 EUROCONTROL and IFATSEA should be compulsory as like ICAO.

response Not accepted

Reference to EUROCONTROL already exists in the content. Although acknowledging the work done by IFATSEA in this domain, the Agency is not in favour of referencing IFATSEA as no binding obligations stem from this organisation at international level.

comment 232 comment by: CANSO Civil Air Navigation Services Organization

**AMC to
ATSEP.OR.105(a)(1)
And (a) (2)**

Subject and topic - needs sub-topic reference number as well as title.

It would be easier to read if the sub-topic were also referenced / named in the AMC.

response Accepted

The term 'sub-topic' is now inserted for each objective.

comment 235 comment by: DSNA

AMC to ATSEP.OR.105(a)(1)

It would be easier to read if the sub-topic were also referenced in the AMC

Subject and topic - needs sub-topic reference number as well as title.

response Accepted

The term 'sub-topic' is now inserted for each objective.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – AMC1 ATSEP.OR.105(a)(2) Basic training

p. 62

comment 121 comment by: skyguide Corporate Regulation Management

Subject and topic - needs sub-topic reference number as well as title. It would be easier to read if the sub-topic were also referenced / named in the AMC.

response Accepted

The term 'sub-topic' is now inserted for each objective.

comment 155 comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)

AMC1.ATSEP.OR.105 (a) (2)	62	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.
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response Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – GM1 ATSEP.OR.105 Basic training and GM1 ATSEP.OR.110 Qualification training p. 62

comment	<p>255 comment by: AENA-NPA2013-08</p> <p>Page 62, GM1. ATSEP.OR.105 (b). Complete the paragraph with 'in this cases the organization should perform a gap analisys to be able to identify what has to be taught.'</p>
response	<p><i>Not accepted</i></p> <p>This GM only intends to explain what is a stream. AENA proposes a methodology for identifying the relevant streams in relation to the ATSEP tasks. The proposal is not necessary to be included in the rule as every ATM/ANS provider will, in practice, ensure this identification as they will tailor their syllabus in accordance with the training required.</p>

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – AMC1 ATSEP.OR.110 Qualification training p. 63

comment	<p>156 comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">AMC1. ATSEP.OR.110</td> <td style="width: 5%;">63</td> <td>This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly. The reference in the paragraph is wrong it should be appendix 3a to Annex XII (not Annex XI).</td> </tr> </table>	AMC1. ATSEP.OR.110	63	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly. The reference in the paragraph is wrong it should be appendix 3a to Annex XII (not Annex XI).
AMC1. ATSEP.OR.110	63	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly. The reference in the paragraph is wrong it should be appendix 3a to Annex XII (not Annex XI).		
response	<p><i>Noted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP</p>			

tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

comment 193

comment by: *CANSO Civil Air Navigation Services Organization*

AMC14 ATSEP.OR.110(a) And a number of others	e.g. 16. SUBJECT 11: SMC — TOOLS, PROCESSES AND PROCEDURES — TOPIC 1: REQUIREMENTS		2	Commission Implementing Regulation (EU) No <u>1035/2011</u> , <u>ICAO Annex</u> 10 <i>Optional content: national regulations</i>	The reference to 1035/2011 makes no sense as it is the regulation that this NPA will repeal. ICAO Annex 19 should be the reference for SMS purposes.
	A. The following objective should be included in the SMS course: 1.1.1	Describe the ICAO and European requirements and the national and ANSP SMS plans			

response *Accepted*

comment 315

comment by: *Federal Office of Civil Aviation FOCA*

Reference to Appendix 3a to Annex XI is incorrect → Typo

response *Accepted*

Annex XI is changed to Annex XII.

comment	336	comment by: <i>NATS National Air Traffic Services Limited</i>
	AMC1 ATSEP.OR.110 Annex XII should be referred to rather than Annex XI.	
response	<i>Accepted</i>	
	Annex XI is changed to Annex XII.	

comment	482	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	"... be found in Appendix 3a to Annex XI" DFS proposes to correct these editorial typos	
response	<i>Accepted</i>	
	Annex XI is changed to Annex XII.	

comment	541	comment by: <i>NATS National Air Traffic Services Limited</i>
	ATSEP.OR.110 Linked to comment 1304 in the IR	
	It would be beneficial to have a GM that offers flexibility to add content to qualification streams if required. Whilst the rules may lay out core content, these may not be all that is required for all roles within an organisation. <u>Proposed text change - Add G.M Qualification Training – Additional content</u>	
	"GM1 ATSEP.OR.110 Qualification training Organisations may choose to add content to a qualification stream to tailor the training to meet the needs of the individual or organisation. "	
response	<i>Accepted</i>	
	The text proposal from NATS is now inserted in the GM.	

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – AMC1 ATSEP.OR.110(a) Qualification training

p. 63

comment 157 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

AMC1. ATSEP.OR.110 (a)	63	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly. The reference in the paragraph is wrong it should be appendix 4a to Annex XII (not Annex XI).
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response *Noted*

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

comment 317 comment by: *Federal Office of Civil Aviation FOCA*

Reference to Appendix 4a to Annex XI is wrong → Typo

response *Accepted*

Annex XI is changed to Annex XII.

comment 338 comment by: *NATS National Air Traffic Services Limited*

AMC1 ATSEP.OR.110(a)
Annex XII should be referred to rather than Annex XI.

response *Accepted*

Annex XI is changed to Annex XII.

comment	483	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	<p>"... be found in Appendix 4a to Annex XI" DFS proposes to correct these editorial typos</p>	
response	<i>Accepted</i>	
	Annex XI is changed to Annex XIII.	

<p>AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – GM1 ATSEP.OR.110(a) Qualification training</p>	p. 63
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comment	319	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>It is unclear if the ANSP can configure the streams itself. Depending on the size and the service provided, etc the ANSP could combine or add additional streams.</p>	
response	<i>Accepted</i>	
	<p>The service provider can configure the streams itself if it does not opt for the EASA AMC proposed in the rules. When proposing an alternative to an EASA AMC, the safety objectives of the IR must be met.</p>	

comment	339	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>GM1 ATSEP.OR.110(a) STREAMS</p> <p>This section has the same numbering as the next section titled "System Monitoring and Control (SMC)"</p>	
response	<i>Noted</i>	
	The GM on SMC is now GM2 ATSEP.OR.110(a) (and not GM1).	

<p>AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training</p>	p. 63-65
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requirements – AMC1 ATSEP.OR.110(a) Qualification training

comment

257

comment by: AENA-NPA2013-08

Page 63, GM1. ATSEP.OR.110 (a) Qualification Training. 'SYSTEM MONITORING AND CONTROL' (c).

To eliminate this paragraph. From Aena point of view, this paragraph it isn't necessary because if we are talking about minimum training, as defined in ATSEP.OR.110, it does not make sense to talk about the development route, since this one always contains the objectives of the SMC direct route. This objectives of the direct route are the minimum. The development route also contains objectives from other qualification streams not related with SMC.

response

Not accepted

The objectives contained in the direct route for SMC are not automatically part of the development route — this GM is explaining that the SMC direct route objectives may be used, but the service provider may also define its own development training for 'qualified' CNS, DP ATSEP,- i.e. after the achievement of their initial qualification and part of their subsequent professional development. The direct route is in the scope of initial training, the development route is not. The GM paragraphs (a) to (d) explain this.

comment

340

comment by: NATS National Air Traffic Services Limited

GM1 ATSEP.OR.110(a)
System Monitoring and Control (SMC)

This section has the same numbering as the previous section titled "STREAMS"

response

Noted

The reference number is corrected.

comment

478

comment by: DFS Deutsche Flugsicherung GmbH

In all indicated parts of the document, the term "ATM/ANS system(s)" is used. This is in contrast to ATSEP.OR.005(b) ("ATM/CNS").

DFS proposes to follow the EASA proposal in (A) Explanatory Note 220-224 (pp. 56-57) and to reword all indicated parts of the document in line with ATSEP.OR.005 (b).

response

Noted

Please see the Agency's answer to the related comments in the Explanatory Note on the scope of the definition.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – GM1 ATSEP.OR.115 System and equipment rating training p. 66

comment	321	comment by: <i>Federal Office of Civil Aviation FOCA</i>
		Please add a definition for rating in this context (at the beginnig of the regulation).
response		<p><i>Not accepted</i></p> <p>The term 'rating' is already defined in the EASA Basic Regulation. It is, therefore, not possible to give another definition of the same term. A specific GM underlines that the term 'rating' in the context of ATSEP is not understood the same way as it is defined in the Basic Regulation. In the ATSEP world, 'rating' is a term that is well understood by all ATSEP experts. Therefore, the Agency does not want to create confusion.</p>

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – AMC1 ATSEP.OR.120 Continuation training p. 66

comment	158	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>			
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">AMC1.ATSEP.OR.120</td> <td style="width: 5%;">66</td> <td style="width: 65%;">This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.</td> </tr> </table>	AMC1.ATSEP.OR.120	66	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.
AMC1.ATSEP.OR.120	66	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.			
response		<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP</p>			

tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

comment 331 comment by: EUROCONTROL

Page 66 - AMC1 ATSEP.OR.120

Can one sentence be considered as an AMC with continuation training? We find it very weak.

response *Noted*

The objective is to give maximum flexibility to service providers to determine the frequency and duration of continuation training. The end goal is that ATSEP performances are always kept at the required level to complete the tasks in an efficient way. If/when more detailed provisions are needed or requested, the Agency will take the necessary rulemaking action.

comment 447 comment by: NATS National Air Traffic Services Limited

AMC1 ATSEP.OR.120

There is a concern that the current wording suggests that continuation training will always be required. Whilst it's accepted that the word appropriate in the rule offers some flexibility, the AMC1 ATSEP.OR.120 implies that there is only flexibility in the frequency and duration of the training. A slight update to AMC1 will address this concern.

Suggested Resolution

Request that the following update
 "The frequency, duration **and necessity** of continuation training should be determined by taking into account the ATSEP task exposure (recency) as well as the complexity of the operation and of the maintenance of ATM/ANS systems."

response *Not accepted*

The continuation training is not only meant to augment the ATSEP skills knowledge. It is true that in that case, continuation training would not be seen as necessary for all ATSEP as they are working on known equipment/system on a daily basis. But continuation training is also meant to prepare ATSEP to face

unusual situations and events which their daily work does not prepare them to face. Therefore, continuation training should be required. The AMC provides for the flexibility proposed by NATS as it leaves it to the service provider, since the latter can decide the frequency of this training that could be done on a 'necessity' basis.

comment 479 comment by: *DFS Deutsche Flugsicherung GmbH*

In all indicated parts of the document, the term "ATM/ANS system(s)" is used. This is in contrast to ATSEP.OR.005(b) ("ATM/CNS").
DFS proposes to follow the EASA proposal in (A) Explanatory Note 220-224 (pp. 56-57) and to reword all indicated parts of the document in line with ATSEP.OR.005 (b).

response *Not accepted*

Please see the Agency's answer to the related comments in the Explanatory Note on the scope of the definition.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 2 – Training requirements – GM1 ATSEP.OR.120 Continuation training

p. 66

comment 212 comment by: *DSNA*

See comment on ATSEP.OR.120
 Emergency training can be delivered through various means, from a dedicated training session to debriefings operational instructions, information papers, ...**generally consecutively to unusual situations.**

response *Noted*

comment 322 comment by: *Federal Office of Civil Aviation FOCA*

It might be of added value to clearly state in the requirement that the knowledge should be upgraded and reinforced.

response *Noted*

The Agency considers that it is sufficient to have these elements specified in the GM. By nature, these elements are in the requirement.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 3 – Competence assessment requirements – GM1 ATSEP.OR.125(a) Competence assessment – General

p. 67

comment

44

comment by: EUROCONTROL

Page 67

There is no AMC or GM to ATSEP OR.135 e.g. qualifications and also instructional skills.

We recommend adding the following text adapted from UK CAA CAP 624:

AMC - Qualification of instructors

Appropriate professional qualification is ensured with a sufficient level of current knowledge, which is relevant to the subject and its application in ATM/CNS.

AMC - Instructional skills for theoretical instructors

A successful demonstration of instructional skills for theoretical instructors should establish competence in the following areas:

- (a) lesson objectives are defined and communicated;
- (b) subject questions are fully answered;
- (c) visual aids are used appropriately;
- (d) language is unambiguous;
- (e) the lesson is correctly summarised;
- (f) lesson objectives are fulfilled.

response

Not accepted

This Annex XII covers the training and competence assessment of ATSEP, not of instructors. The Agency acknowledges the possible need to strengthen the rules for this category of staff. However, this should be done in the appropriate context, in consultation with the stakeholders and within a dedicated rulemaking task.

comment

323

comment by: Federal Office of Civil Aviation FOCA

The ATSEP role does not permit the safe and efficient provision of the service. ATSEP role is to ensure that the safety related systems work properly in order to provide safe and efficient ATM/ANS. Please change wording.

response

Accepted

The wording has been changed.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 3 – Competence assessment requirements – GM1 ATSEP.OR.130(a)(1) Assessment of initial and ongoing competence

p. 67

comment	402	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	unclear provision	
response	<i>Noted</i>	
	This GM clarifies the need to cater for situations where the same person is ensuring both the training and the assessment of the same ATSEP. In order to ensure full objectivity of the level of competence of this ATSEP, procedures should exist to ensure that they are properly (neutral-wise) assessed.	

comment	484	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	“..., the SP ATM/ANS provider should have in place ...” DFS proposes to align this phrase.	
response	<i>Accepted</i>	
	Change proposal in the text inserted.	

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 3 – Competence assessment requirements – GM1 ATSEP.OR.130(a)(3) Assessment of initial and ongoing competence

p. 67

comment	441	comment by: <i>EUROCONTROL Safety Team</i>
	Page 67 No AMC or GM to ATSEP OR.135 e.g. qualifications and also instructional skills. Recommend adding the following text adapted from UK CAA CAP 624 AMC Qualification of instructors Appropriate professional qualification is ensured with a sufficient level of current knowledge, which is relevant to the subject and its application in	

	<p>ATM/CNS.</p> <p>AMC Instructional skills for theoretical instructors</p> <p>A successful demonstration of instructional skills for theoretical instructors should establish competence in the following areas:</p> <p>(a) lesson objectives are defined and communicated;</p> <p>(b) subject questions are fully answered;</p>
response	<p><i>Not accepted</i></p> <p>This Annex XII covers the training and competence assessment of ATSEP, not of instructors. The Agency acknowledges the possible need to strengthen the rules for this category of staff. However, this should be done in the appropriate context, in consultation with the stakeholders and within a dedicated rulemaking task.</p>

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 3 – Competence assessment requirements – GM1 ATSEP.OR.130(b)(2) Assessment of initial and ongoing competence

p. 67

comment	<p>113</p> <p>comment by: EUROCONTROL</p> <p>Page 67 - GM1 ATSEP.OR.130 (b)(2) - Assessment of initial and ongoing competence</p> <p>Since 'intercultural competence' is a vague and un-defined term we propose to remove (c).</p>
response	<p><i>Accepted</i></p>

comment	<p>216</p> <p>comment by: DSNA</p> <p>ATSEP.OR.130(b)(2) Assessment of initial and ongoing competence</p> <p>There is no guidance material for using or developing a formal method of assessment of behavioural skills.</p> <p>Behavioural skills are more observed than really assessed. In case of important behavioural issues, our current processes already allow to remove an ATSEP authorisation.</p>
response	<p><i>Noted</i></p> <p>The rules are made such as to leave the maximum flexibility to the service provider. This approach was adopted for this requirement, and it was,</p>

therefore, proposed to only provide GM.

comment

217

comment by: *DSNA*

Behavioural skills are the so called 'soft skills' and attitudes

"soft skills" is not a scientific definition of behavioural skills.

Behavioural skills can be understood as non-technical skills. They refer to human factors knowledge (theory) and trained in particular in Team Resource Management sessions (practice) and other such courses.

response

Noted

The Agency proposes to change the term 'soft skills' with 'non-technical skills'.

comment

444

comment by: *USAC-CGT*

Behavioural skills are very difficult to assess. It's better to give to ATSEPs a continuous behavioural skills training then to try to assess this item.

response

Noted

The rule does not impose to the service provider to provide behavioural skills training. It is up to the service provider to decide (internally) if it wants to impose this. This GM only provides guidance for the service provider to appropriately conduct the competence assessment.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 4 – Instructors and assessors – AMC1 ATSEP.OR.140 Technical skills assessors p. 67-68

comment

45

comment by: *EUROCONTROL*

Page 67 - AMC1 ATSEP OR.140

How are assessors trained and considered competent as assessor?

What are the requirements for ongoing competence as assessor?

WRe rcommend adding the following text adapted from UK CAA CAP 624:

AMC - Training of assessors

Assessor Training

A successful assessment for the purpose of the assessor training should establish competence in assessment techniques as follows:

(a) regulatory environment and legal obligations;

	<p>(b) types of assessment and their application; (c) performance objectives constituting ATSEP competence; (d) conditions of assessments to create reliable results; (e) process of assessments and administrative procedures; (f) giving verbal feedback and writing assessment reports; (g) vested interests and code of conduct; (h) competence is accurately assessed against the performance objectives. AMC - Competence of assessors Assessment of Assessor Competence The assessment of assessor competence should focus on the application of the skills of an assessor. The skills should represent at least a subset of the competences taught during the assessor training course.</p>
response	<p><i>Not accepted</i></p> <p>This Annex XII covers the training and competence assessment of ATSEP, not of instructors or assessors. The Agency acknowledges the possible need to strengthen the rules for these categories of staff. However, this should be done in the appropriate context, in consultation with the stakeholders and within a dedicated rulemaking task.</p>
comment	<p>46 comment by: EUROCONTROL</p>
	<p>Page 67 - AMC1 ATSEP OR.140 What are the requirements for ongoing competence as assessor? We recommend adding the following text adapted from UK CAA CAP 624: AMC - Training of assessors Refresher Training on Assessment Skills Refresher training on assessment skills should prevent knowledge and skills erosion and it should be designed to maintain skills in assessment techniques and awareness of the regulatory environment.</p>
response	<p><i>Not accepted</i></p> <p>This Annex XII covers the training and competence assessment of ATSEP, not of instructors or assessors. The Agency acknowledges the possible need to strengthen the rules for these categories of staff. However, this should be done in the appropriate context, in consultation with the stakeholders and within a dedicated rulemaking task.</p>
comment	<p>233 comment by: DSNA</p>
	<p>To be consistent with our comment on ATSEP OR 140 (b), we suggest to replace "technical skills assessors" by "technical skills assessment procedures", and we propose the following wording :</p> <p>AMC1 ATSEP.OR.140 Technical skills assessors assessment SUITABLE To be considered suitable, technical skills assessors should: The technical skills assessment procedures should:</p>

~~(a) have clear understanding of the SP's assessment process and procedures applicable;~~
 (a) describe clearly the SP's assessment process and procedures applicable;

~~(b) have clear understanding of~~
 (b) describe clearly the performance required of the ATSEP during the assessment and/or ongoing assessment;

~~(c) have the ability~~
 (c) allow to to evaluate, in an objective and independent manner, whether the ATSEP has achieved or is maintaining the level of performance required;

~~(d) have the ability to assess and,~~
 (d) guarantee that an authorized ATSEP is able, if required, to act when intervention is necessary to ensure that safety is not compromised;

~~(e) have the ability~~
 (e) allow to to analyse and accurately describe and/or record strengths and weaknesses of an ATSEP performance; and

~~(f) use appropriate interpersonal and communication skills to brief and debrief an _____ ATSEP, _____ if required.~~
 (f) include appropriate brief and debrief to ATSEP, if required.
 If the SP's technical skills assessment procedures rely on technical skills assessors, ATM/ANS provider shall ensure that technical skills assessors are compliant with requirements (a) to (f) defined above.

response

Not accepted

Please see the response related to ATSEP.OR.140(b). The Agency is of the opinion that these procedures are performed by personnel who then would be considered as 'technical skills assessors'.

The Agency acknowledges the situation in DSNA and the different procedures established, but, at the end, someone ensures that the 'technical skills assessment procedures' are fulfilled. This personnel is then considered as being assessors in the sense of these draft rules.

comment

353

comment by: *Irish Aviation Authority*

Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM)
Page No: 67
Paragraph No: Chapter 4 Instructors and Assessors
Comment: A previous comment on the IR, ANNEX XII suggested that “Chapter 4 – Instructors and assessors” be deleted.
Justification: The reference to such posts existing is prescriptive and unlikely to be applicable to smaller Providers in Ireland.
Proposed Text: Delete or suggest adding 'if appropriate' to organisation.

response

Not accepted

The EASA Basic Regulation requires that all personnel are adequately trained and competent to perform their duties. This requirement is implemented in this NPA through ATM/ANS.OR.B.010 (Management system) where it is stipulated that the service provider (in this case the one that employs ATSEP) needs to ensure that personnel are trained and competent to provide the services in a safe, efficient, continuous and sustainable manner and, therefore, needs to establish policies for the training of personnel.

Instructors and assessors are, therefore, subject to the same obligations. If a service provider employs ATSEP, necessary training and competence assessment need to be foreseen in one way or another, and this needs to be performed by a person. The requirements do not impose having instructors and assessors, but if a service provider has such personnel, it needs to comply with the rules related to Chapter 4 of this NPA.

comment

400

comment by: Kerry Airport

Document: C – Acceptable Means of Compliance (AMC) & Guidance Material (GM)

Page No: 67

Paragraph No: Chapter 4 Instructors and Assessors

Comment: A previous comment on the IR, ANNEX XII suggested that “Chapter 4 – Instructors and assessors” be deleted.

Justification: The reference to such posts existing is prescriptive and unlikely to be applicable to smaller Providers in Ireland.

Proposed Text: Delete or suggest adding ‘if appropriate’ to organisation.

response

Not accepted

The EASA Basic Regulation requires that all personnel are adequately trained and competent to perform their duties. This requirement is implemented in this NPA through ATM/ANS.OR.B.010 (Management system) where it is stipulated that the service provider (in this case the one that employs ATSEP) needs to ensure that personnel are trained and competent to provide the services in a safe, efficient, continuous and sustainable manner and, therefore, needs to establish policies for the training of personnel.

Instructors and assessors are, therefore, subject to the same obligations. If a service provider employs ATSEP, necessary training and competence assessment need to be foreseen in one way or another and this needs to be performed by a person. The requirements do not impose having instructors and assessors, but if a service provider has such personnel, it needs to comply with the rules related to Chapter 4 of this NPA.

comment

432

comment by: UK CAA

Page No: 67

Paragraph No: Chapter 4 Instructors and Assessors

Comment: The UK CAA’s previous suggestions in relation to IR ANNEX XII

	<p>ATSEPs to delete these terms refer. Justification: The reference to such posts existing is prescriptive and unlikely to be applicable to smaller Providers in the UK. Proposed Text: Delete or suggest adding 'if appropriate to the organisation.'</p>
response	<p><i>Not accepted</i></p> <p>The EASA Basic Regulation requires that all personnel are adequately trained and competent to perform their duties. This requirement is implemented in this NPA through ATM/ANS.OR.B.010 (Management system) where it is stipulated that the service provider (in this case the one that employs ATSEP) needs to ensure that personnel are trained and competent to provide the services in a safe, efficient, continuous and sustainable manner and, therefore, needs to establish policies for the training of personnel.</p> <p>Instructors and assessors are, therefore, subject to the same obligations. If a service provider employs ATSEP, necessary training and competence assessment need to be foreseen in one way or another and this needs to be performed by a person. The requirements do not impose having instructors and assessors, but if a service provider has such personnel, it needs to comply with the rules related to chapter 4 of this NPA.</p>
comment	<p>442 comment by: EUROCONTROL Safety Team</p> <p>Page 67 AMC1 ATSEP OR.140 Recommend adding the following text adapted from UK CAA CAP 624 to address:</p> <ul style="list-style-type: none"> • How are assessors trained and considered competent as assessor? • What are the requirements for ongoing competence as assessor? <p>AMC Training of assessors Assessor Training A successful assessment for the purpose of the assessor training should establish competence in assessment techniques as follows:</p> <ol style="list-style-type: none"> (a) regulatory environment and legal obligations; (b) types of assessment and their application; (c) performance objectives constituting ATSEP competence; (d) conditions of assessments to create reliable results; (e) process of assessments and administrative procedures; (f) giving verbal feedback and writing assessment reports; (g) vested interests and code of conduct; (h) competence is accurately assessed against the performance objectives. <p>AMC Competence of assessors Assessment Of Assessor Competence The assessment of assessor competence should focus on the application of the skills of an assessor. The skills should represent at least a subset of the competences taught during the assessor training course. Refresher Training On Assessment Skills Refresher training on assessment skills should prevent knowledge and skills erosion and it should be designed to maintain skills in assessment techniques and awareness of the regulatory environment.</p>
response	<p><i>Not accepted</i></p>

This Annex XII covers the training and competence assessment of ATSEP, not of instructors or assessors. The Agency acknowledges the possible need to strengthen the rules for these categories of staff. However, this should be done in the appropriate context, in consultation with the stakeholders and within a dedicated rulemaking task.

comment 485 comment by: DFS Deutsche Flugsicherung GmbH

"... (a) have clear understanding of the SP's **ATM/ANS provider's** assessment process"
DFS proposes to align this phrase.

response *Accepted*

The term 'service provider's' is now inserted in the text and the term 'SP' is deleted.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 4 – Instructors and assessors – GM1 ATSEP.OR.140 Technical skills assessors

p. 68

comment 47 comment by: EUROCONTROL

Page 68 - GM1 ATSEP.OR.140

We recommend adding the following text:

The personnel who make the assessment must be equal to, or better than those being assessed.

response *Not accepted*

The proposal does not fit in a GM. In addition, it is also difficult to check if this person is really equal or better than the one he/she assesses.

comment 114 comment by: EUROCONTROL

Page 68 - GM1 ATSEP.OR.140 - Technical skills assessors

In GM1 ATSEP.OR.130(b)(2) the concept of 'soft skills' is introduced. Describing only the technical skills assessors poses the question as to whom should assess the soft skills or whether these need to be assessed at all.

We therefore recommend to confirm whether the 'soft skills' should be assessed and, if it were the case, by whom.

response *Noted*

The Agency proposes to change the term 'soft skills' with 'non-technical skills'. As they are considered to be an element of the 'behavioural skills' listed under ATSEP.OR.130(b)(2), they need to be assessed by any person who is undertaking or plans to undertake the assessment of ATSEP competence.

comment 480

comment by: *DFS Deutsche Flugsicherung GmbH*

In all indicated parts of the document, the term "ATM/ANS system(s)" is used. This is in contrast to ATSEP.OR.005(b) ("ATM/CNS").
DFS proposes to follow the EASA proposal in (A) Explanatory Note 220-224 (pp. 56-57) and to reword all indicated parts of the document in line with ATSEP.OR.005 (b).

response *Noted*

Please see the Agency's answer to the related comments in the Explanatory Note on the scope of the definition.

comment 486

comment by: *DFS Deutsche Flugsicherung GmbH*

"... and return into operations safety-related ATM/ANS **CNS** systems."
DFS proposes to follow the EASA proposal in (A) Explanatory Note 220-224 (pp. 56-57) and to reword GM1 ATSEP.OR.140 in line with ATSEP.OR.005 (b).

response *Not accepted*

Please see the Agency's answer to the related comments in the Explanatory Note on the scope of the definition.

The amended definition of ATSEP does not specify the scope of the systems anymore, but introduces the concept of 'systems that are necessary for the provision of services'.

AMC/GM to ANNEX XII – Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment – SUBPART A – TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL – Section 1 – Air traffic safety electronics personnel (ATSEP) – Chapter 4 – Instructors and assessors – GM2 ATSEP.OR.140 Technical skills assessors

p. 68

comment 2

comment by: *Swedavia CNS Safety*

Within a small organisation the line manager and the accountable person for safety might be the same. Swedavia suggest the paragraph to be changed to "The service provider should have a process for reduction of biases".

response *Not accepted*

The proposal by Swedavia is already covered by GM1 ATSEP.OR.130(a)(1). It applies both to the initial and ongoing assessment of competence and, therefore, covers technical skills assessors in GM2 ATSEP.OR.140.

comment 234

comment by: *DSNA*

DSNA fully support the proposal in paragraph (a). Continuous assessment is appropriate and is a current practice in lots of ANSP. In our ANSP, the observations are not conducted by dedicated technical skill assessors, but by peers. After several observations by different peers, a local commission, can give an authorization to an ATSEP.

This process is balanced and fair, it allow to reduce biases, because responsibility is shared between different experienced ATSEP.

response *Noted*

comment 445

comment by: *USAC-CGT*

In our ANSP (DSNA), continuous assessment is not conducted by a technical skill assessor, but by peers. After several observations by different peers in different parts of the job, a local commission is allowed to give an authorisation to the ATSEP.

In case of inaptitude reported by peers, this commission is able to withdraw the authorisation.

This process allows reducing biases, because responsibility is shared between different experienced ATSEP.

response *Noted*

comment 487

comment by: *DFS Deutsche Flugsicherung GmbH*

	Para (b) “... the SP ATM/ANS provider should have in place ...” DFS proposes to align this phrase.
response	<i>Accepted</i>

comment	534 comment by: <i>Vantage Air Traffic Services</i>
	I would like to see reference to external assessors and verifiers who are not employed by the ATSEPs organisation. I believe that external assessors and verifiers should be allowed to assess ATSEPs as long as they are training assessors/verifiers and are experienced ATSEPs.
response	<i>Noted</i> The interpretation is correct: the training assessors do not necessarily need to originate from the service provider employing ATSEP. The proposed rules only lay down general requirements to ensure that those persons are able to correctly assess ATSEP and do not impose that they are internal to the said service provider.

APPENDIX 1a to ANNEX XII

p. 69-73

comment	48 comment by: <i>EUROCONTROL</i>
	Page 71 - 9. Subject 1: Induction - Topic 1: BASIND - 1.9.1 Update references to remove reference to EU 1035/2011.
response	<i>Accepted</i> The reference to Regulation (EU) No 1035/2011 is deleted as service providers will have to comply with the new Regulation which contains this Appendix 1a.

comment	50 comment by: <i>EUROCONTROL</i>
	Page 72 - Define airspace organisation - Para 1.2.1 Include Part SERA (EU 923/2012).
response	<i>Accepted</i>

comment	51 comment by: <i>EUROCONTROL</i>
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Page 73 - Subject 2: Air traffic familiarisation - Para 1.5.2

We recommend adding teamwork and basic HF awareness as mandatory material as they form the basis of good communication, coordination and cooperation between operational and engineering staff.

response *Not accepted*

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

134

comment by: *HungaroControl*

~~Explain how ICAO notifies and implements legislation~~
ICAO does not notify or implement "legislation".

response

Accepted

1.6.1 (in 6. Subject 1 INDUCTION) is reworded.

comment

135

comment by: *HungaroControl*

Define Air Traffic Management
ATM should be defined not against ICAO but the current European legislative, or both.

response

Accepted

EU Regulations have been added.

comment

136

comment by: *HungaroControl*

The whole chart should refer to the European legislative framework and not to the ICAO or at least both.

response

Accepted

comment

159

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

Appendix 1a to 69 This should be a GM it is not qualified to be an AMC. All

Annex XII	AMC regarding ATSEP needs to be updated accordingly.
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can therefore be tailored to the activities of the service provider and to the task ATSEP will perform.</p>

comment	207	comment by: <i>CANSO Civil Air Navigation Services Organization</i>			
6. SUBJECT 1: INDUCTION – TOPIC 1: BASIND p.70	The following objectives should be included in the International Standards and Recommended Practices course: 1.6.1	Explain how ICAO notifies and implements legislation	2 Annexes, SARPS	ICAO does not produce, notify or implement "legislation".	

response	<p><i>Accepted</i></p> <p>1.6.1 (in 6. Subject 1 INDUCTION) is reworded.</p>
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comment	208	comment by: <i>CANSO Civil Air Navigation Services Organization</i>		
10. SUBJECT 1:	1. SUBJECT 2: AIR TRAFFIC FAMILIARISATION – TOPIC 1: BASATF	Why is ATM being defined		

INDUCTION – TOPIC 1: Basic training p.71	The following objectives should be included in the Air Traffic Familiarisation course: 1.1.1	Define Air Traffic Management	1 ICAO	against ICAO and not against the current European legislative framework (or at least both)?
response	<p><i>Accepted</i></p> <p>EU regulations have been added.</p>			

comment	209	comment by: <i>CANSO Civil Air Navigation Services Organization</i>		
10. SUBJECT 1: INDUCTION – TOPIC 1: Basic training 2. SUBJECT 2: AIR TRAFFIC FAMILIARISATION – TOPIC 1: BASATF The following objectives should be included in the Air Traffic Control course p.72	The whole table should refer to EU legislative framework and not to ICAO (or at least both)			
response	<p><i>Partially accepted</i></p> <p>A reference to the SERA Regulation is added. However, the ICAO Doc is the document in which the purpose and the organisation of ATC services are defined. They are not defined in EU regulations.</p>			

comment	328	comment by: <i>Federal Office of Civil Aviation FOCA</i>		
AMC1 ATSEP.OR.105(a)(1)	2. SUBJECT 1: INDUCTION – TOPIC 1: BASIND Page 69, in AMC /	What if it is not a national organisation?	It might be more appropriate to leave this open to any ATM/ANS organisation	

	GM		
AMC1 ATSEP.OR.105(a)(1)	3. SUBJECT 1: INDUCTION — TOPIC 1: BASIND Page 69 - 70, in AMC / GM	Unions should not be mentioned in an AMC.	
AMC1 ATSEP.OR.105(a)(1)	4. SUBJECT 1: INDUCTION — TOPIC 1: BASIND Page 70, in AMC / GM	The example for the key roles are not the qualification or training.	A clear description of the role of the ATSEP within the ATM/ANS should be given with emphasis on the safety aspect.
AMC1 ATSEP.OR.105(a)(1)	5. SUBJECT 1: INDUCTION — TOPIC 1: BASIND Page 70, in AMC / GM	1.5.3: What is the purpose to have multiple bodies?	
AMC1 ATSEP.OR.105(a)(1)	8. SUBJECT 1: INDUCTION — TOPIC 1: BASIND Page 71, in AMC / GM	This section should include the explanation on what is quality management	
AMC1 ATSEP.OR.105(a)(1)	10. SUBJECT 1: INDUCTION — TOPIC 1: BASIND Page 71, in AMC / GM	Is this means as the title?	There is no related AMC below
	<u>Subject 2: AIR TRAFFIC FAMILIARISATION</u>		
AMC1 ATSEP.OR.105(a)(1)			
AMC1 ATSEP.OR.105(a)(1)	2. SUBJECT 2: AIR TRAFFIC FAMILIARISATION —	This section is appropriate but the reason to perform	

	TOPIC 1: BASATF Page 72, in AMC / GM	ATC should be given as well	

response *Partially accepted*

Comment 1: accepted, wording has been changed.
 Comment 2: not accepted, ATSEP should know about any organisation related to their job.
 Comment 3: accepted, it is an editorial mistake (the CCC does not give any description of the role of ATSEP)
 Comment 4: ATSEP should have basic knowledge of international organisations that can affect their environment in a regulatory perspective.
 Comment 5: accepted and reworded.
 Comment 6: accepted, missing Sub-Topic on 'Health and Safety' is now added.
 Comment 7: Noted, it is not clear what the comment suggests. The sub-topic on ATC should not contain objectives for ATSEP to perform ATC tasks.

comment 476

comment by: ENAV

Proposal

The following objectives should be included in the International Standards and Recommended Practices course: 1.6.1	Explain how ICAO notifies and implements legislation	2	Annexes, SARPS
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ICAO does not produce, notify or implement "legislation".

response *Accepted*

1.6.1 (in 6. Subject 1 INDUCTION) is reworded.

comment	<p data-bbox="355 215 411 244">477</p> <p data-bbox="1177 215 1445 244">comment by: ENAV</p> <p data-bbox="355 300 660 329">Proposal for rewording</p> <p data-bbox="355 365 1445 521">The contribution of the ATCOs, the duty periods of which will be effectively regulated by the proposed rostering system, is required in order to ensure that such rostering system is acceptable and not inducing fatigue and stress to individuals and, consequently, generating risks to the safety of the service provided.</p> <p data-bbox="355 526 1445 683">When establishing an ATCOs rostering system, the air traffic control service provider shall ensure that safety issues concerning fatigue, which could be due to the rostering system itself, have been duly mitigated. Representatives of the ATCOs who will be subject to this rostering system will be consulted in the production of this mitigation.</p> <p data-bbox="355 687 1445 781">Additional guidance concerning the involvement of ATCOs in the definition of rostering systems is available at EUROCONTROL Study on Shiftwork practices – ATM and related Industries, edition 1.0 of 14/4/2006.</p> <p data-bbox="355 815 480 844">Rationale</p> <p data-bbox="355 880 1445 1008">The new wording is proposed both for the Implementing rule and the GM. It is our opinion that we delete most of the GM as it doesn't really say anything of any use, apart from the link to the Eurocontrol study which may be of some benefit to some providers.</p> <p data-bbox="355 1012 1445 1072">At the IR level, we remove the uncomfortable word "affected ATCO" and replace it with wording that reflects the intent of the article.</p>
response	<p data-bbox="355 1099 592 1128"><i>Partially accepted</i></p> <p data-bbox="355 1184 1445 1245">The Agency is of the opinion that this comment has been misplaced, as it refers to provision ATS.OR.330 (b) in ANNEX III – SUBPART A – Section 3.</p> <p data-bbox="355 1263 1445 1323">The text of the provision is modified accordingly, adopting the meaning of the text proposed with the comment.</p>
comment	<p data-bbox="355 1426 411 1456">488</p> <p data-bbox="775 1426 1445 1456">comment by: DFS Deutsche Flugsicherung GmbH</p> <p data-bbox="355 1512 1445 1606">3. subject 1, objective 1.3.2, optional content: A reference is given on IR (EU) 1035/2011. This reference is invalid as soon as the NPA documents is adopted.</p> <p data-bbox="355 1610 1445 1671">This issue is valid for a number of objectives. It is commented on only once in this instance!!!</p> <p data-bbox="355 1675 1445 1736">DFS proposes to find a general way to deal with this issue and to implement it for any instance of this issue.</p>
response	<p data-bbox="355 1756 480 1785"><i>Accepted</i></p> <p data-bbox="355 1841 1445 1901">References to Regulation (EU) No 1035/2011 are either removed or replaced in the entire document.</p>

comment	489	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	<p>4. subject 1, objective 1.4.1, mandatory content: The mandatory content is in contrast to Eurocontrol Spec-132 and does not match the objective (looks like copy-paste-error from objective 1.1.1). DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>	
response	<i>Accepted</i>	
	<p>It is an editorial mistake (the CCC does not give any description of the role of ATSEP). The mandatory content is now removed.</p>	

comment	490	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	<p>10. subject 1: The body of this part (objectives, content) is missing. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>	
response	<i>Accepted</i>	
	<p>The missing sub-topic on health and safety is now added.</p>	

comment	492	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	<p>5. subject 2, objectives 1.5.2 and 1.5.3, content: "Site visit(s) to ATC units" needs to be associated with 1.5.3 instead of 1.5.2. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>	
response	<i>Accepted</i>	
	<p>It is now corrected.</p>	

comment	535	comment by: <i>Vantage Air Traffic Services</i>
	<p>Section 1.3.1 should be removed as this is not applicable within the UK.</p>	
response	<i>Not accepted</i>	
	<p>The Agency assumes that the comment is on 1.3.1 of Subject 2. The objectives are contained in AMC material. If this is not applicable in the UK, the service provider may propose a different approach that needs to be accepted by the competent authority.</p>	

APPENDIX 2a to ANNEX XII	p. 74-90
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comment	<p>127 comment by: <i>HungaroControl</i></p> <p>Subject and topic - needs sub-topic reference number as well as title. It would lend clarity and easier readability if the sub-topics were also entitled in the AMC.</p>
response	<p><i>Accepted</i></p> <p>The word 'Sub-Topic' is now added for all the objectives.</p>

comment	<p>160 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 25%; padding: 2px;">Appendix 2a to Annex XII</td> <td style="width: 5%; padding: 2px;">74</td> <td style="padding: 2px;">This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.</td> </tr> </table>	Appendix 2a to Annex XII	74	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.
Appendix 2a to Annex XII	74	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.		
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.</p>			

comment	<p>332 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 25%; padding: 2px;">AMC6 ATSEP.OR.105(a)(2)</td> <td style="width: 25%; padding: 2px;">11. SUBJECT 6: NAVIGATION — TOPIC 1: BASNAV</td> <td style="width: 25%; padding: 2px;">Incorrect terminology</td> <td style="width: 25%; padding: 2px;">B-RNAV should be RNAV-5 and P-RNAV should be RNAV-1</td> </tr> </table>	AMC6 ATSEP.OR.105(a)(2)	11. SUBJECT 6: NAVIGATION — TOPIC 1: BASNAV	Incorrect terminology	B-RNAV should be RNAV-5 and P-RNAV should be RNAV-1
AMC6 ATSEP.OR.105(a)(2)	11. SUBJECT 6: NAVIGATION — TOPIC 1: BASNAV	Incorrect terminology	B-RNAV should be RNAV-5 and P-RNAV should be RNAV-1		

	Page 81 - 82, in AMC / GM		
AMC6 ATSEP.OR.105(a)(2)	12. SUBJECT 6: NAVIGATION — TOPIC 1: BASNAV Page 82, in AMC / GM	Wrong numbering of AMC	
	Subject 7: SURVEILLANCE		
AMC7 ATSEP.OR.105(a)(2)	1. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 82, in AMC / GM	What about the precision of the entire system?	It is important to be aware of the precision of the system. The nominal separation can differ reality.
AMC7 ATSEP.OR.105(a)(2)	2. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 82, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	3. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 82 - 83, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	4. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 83, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	5. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 83, in AMC / GM	NIL	
AMC7	6. SUBJECT 7: SURVEILLANCE —	NIL	

ATSEP.OR.105(a)(2)	TOPIC 1: BASSUR Page 83 - 84, in AMC / GM		
AMC7 ATSEP.OR.105(a)(2)	7. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 84, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	8. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 84, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	9. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 84, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	10. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 84, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	11. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 85, in AMC / GM	NIL	
AMC7 ATSEP.OR.105(a)(2)	12. SUBJECT 7: SURVEILLANCE — TOPIC 1: BASSUR Page 85, in AMC / GM	NIL	
	<u>Subject 8: DATA PROCESSING</u>		

AMC8 ATSEP.OR.105(a)(2)	1. SUBJECT 8: DATA PROCESSING — TOPIC 1: BASDAT Page 85, in AMC / GM	NIL	
AMC8 ATSEP.OR.105(a)(2)	2. SUBJECT 8: DATA PROCESSING — TOPIC 1: BASDAT Page 85, in AMC / GM	NIL	
AMC8 ATSEP.OR.105(a)(2)	3. SUBJECT 8: DATA PROCESSING — TOPIC 1: BASDAT Page 86, in AMC / GM	Is 1.3.5 really about data processing?	
AMC8 ATSEP.OR.105(a)(2)	4. SUBJECT 8: DATA PROCESSING — TOPIC 1: BASDAT Page 86, in AMC / GM	NIL	
AMC8 ATSEP.OR.105(a)(2)	5. SUBJECT 8: DATA PROCESSING — TOPIC 1: BASDAT Page 87, in AMC / GM	NIL	
AMC8 ATSEP.OR.105(a)(2)	6. SUBJECT 8: DATA PROCESSING — TOPIC 1: BASDAT Page 87, in AMC / GM	Flow managment tool if any should be added (traffic prediction tool)	Requirement for sectorisation etc...

response *Noted*

Comment 1: Accepted and changed.

Comment 2: Accepted and changed.

Comment 3: Noted.

Comments 4 to 16: Noted.

Comment 17: It is maybe not directly SDP-related, but it can help describing the surveillance data-based monitoring function in order to explain the data processing. This may be subject to revision at a later stage.

Comments 18 & 19: Noted.

Comment 20: In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment 493

comment by: *DFS Deutsche Flugsicherung GmbH*

2. subject 4, objective 1.2.4, taxonomy, content:

The taxonomy level is missing.

The optional content is missing.

DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The missing taxonomy and optional content is added in 1.2.4

comment 494

comment by: *DFS Deutsche Flugsicherung GmbH*

7. subject 5, objectives 3.3.1 and 3.3.2, taxonomy:

The taxonomy level does not correspond to the action verb. TL=1! See also Eurocontrol Spec-132.

DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The taxonomy is corrected in 3.3.1 and 3.3.2.

comment	495	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	2. subject 6, objective 1.1.1, content: Optional content is missing. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.	
response	<i>Accepted</i>	
	Optional content is added in 2.1.1 (not 1.1.1).	

comment	496	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	5: SUBJECT 6, objective 3.1.2: Objective is missing. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.	
response	<i>Accepted</i>	
	Objective 3.1.2 is now added.	

comment	497	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	8. subject 6, headline: Check numbering scheme. DFS proposes to align the numbering scheme.	
response	<i>Accepted</i>	
	The numbering scheme is now aligned.	

comment	498	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	8. subject 6, objective 5.2.1, taxonomy: The taxonomy level does not correspond to the action verb. TL=1! See also Eurocontrol Spec-132. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.	
response	<i>Accepted</i>	
	The taxonomy has been corrected in 12. subject 6 (not 8. subject 6).	

comment	499	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
	2. subject 7, objectives 1.2.1 and 1.2.2, optional content:	

response	<p>The optional content "FMS" needs to be associated with objective 1.2.1. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p> <p><i>Accepted</i></p> <p>Corrected</p>
comment	<p>500 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>9. subject 7, objective 1.9.2, taxonomy: The taxonomy level does not correspond to the action verb. TL=2! See also Eurocontrol Spec-132. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>Taxonomy corrected in 1.9.2</p>
comment	<p>501 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>1. subject 8, objectives 1.1.5 and 1.1.6: EASA objective 1.1.5 is listed in Eurocontrol Spec-132 in a different location (BAS subject 8, topic 1, subtopic 1.6) DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>Initial objective 1.1.5 is now deleted, and 1.1.6 is now 1.1.5.</p>
comment	<p>502 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>6. subject 8, objective 1.6.1, content: Content should be optional. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Not accepted</i></p> <p>There is no optional content, but only one example (e.g. MET, airlines).</p>
comment	<p>503 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>2. subject 9, objectives 1.2.2 and 1.2.3, taxonomy: The taxonomy level does not correspond to the action verb. See also Eurocontrol Spec-132. Content should be optional.</p>

response	DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.
	<p><i>Noted</i></p> <p>The taxonomy has been corrected in 1.2.2 and 1.2.3 and also for 1.2.1.</p> <p>There is no optional content, only examples.</p>

APPENDIX 3a to Annex XII

p. 91-98

comment	<p>21</p> <p style="text-align: right;">comment by: <i>LFV</i></p> <p>Many parts of the appendices regarding ATSEP training objectives are too detailed to be AMCs, and should instead be Guidance Material. Otherwise, the appendices may soon be out of date and prevent further improvement of the training (improvements and updates being costly to administrate and apply for approval etc). The regulation may then be counterproductive.</p>
response	<p><i>Not accepted</i></p> <p>The Agency is acting in accordance with the provisions of the Basic Regulation in order to propose implementing measures for the training and competence assessment of service provider's personnel.</p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.</p> <p>An appropriate maintenance mechanism to update the draft rules, in line with the Eurocontrol ATSEP CCC, will be ensured by the Agency through a dedicated (continuous) rulemaking task.</p>

comment	<p>49</p> <p style="text-align: right;">comment by: <i>EUROCONTROL</i></p> <p>Page 92 - Subject 1: Safety - Topic 1: Safety Management - 1.4.1 Update references to remove reference to EU 1035/2011.</p>
response	<i>Accepted</i>

The reference is deleted.

comment

52

comment by: EUROCONTROL

Page 91 - AMC1 ATSEP.OR.110 Qualification training - Para 1.1.8

Add to optional content new Just Culture material such as:

- Just Culture Guidance Material for Interfacing with the Judicial System,
- Just Culture Guidance Material for Interfacing with the Media.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

53

comment by: EUROCONTROL

Page 91 - Subject 1: Safety - Topic 1: Safety Management - Para 1.2.1

We think that environment, both operational and physical, should be added.

For example the Tower/Approach/Enroute operational environment despite some similarities can give rise to different risks. The physical environment, particularly, the location can also be a source of risk (flooding, seismic activity, light/noise/electromagnetic pollution).

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

54

comment by: EUROCONTROL

Page 92 - 3. Subject 1: Safety - Topic 1: Safety management - Para 1.3.3

In the optional content list we recommend adding *The Human Factors Case: Guidance for Human Factors Integration*

(<https://www.eurocontrol.int/sites/default/files/content/documents/nm/safety/hf-case-guidance-v2.pdf>).

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment 55 comment by: EUROCONTROL

Page 92 - 5. Subject 1: Safety - Topic 1: Safety Management - Para 1.5.1

We recommend updating to include reference to ICAO and EASA.

response *Accepted*

'International and European' as well as 'EUROCONTROL' are added before the SRC.

comment 56 comment by: EUROCONTROL

Page 92 - 5. Subject 1: Safety - Topic 1: Safety Management - Para 1.5.2

We recommend updating to include EU/EASA safety regulation documents.

response *Accepted*

They are now included.

comment 57 comment by: EUROCONTROL

Page 93 - 5. Subject 1: Safety - Topic 1: Safety Management - Para 1.5.3

We recommend updating to include EU/EASA safety regulation documents.

response *Accepted*

They are now included.

comment 58 comment by: EUROCONTROL

Page 94 - AMC3 ATSEP.OR.110 Qualification training - Para 1.1.4

The SHELL model is old and newer HF models available. The new model used needs to refer to modern HF theories relating to:

- Performance variability and efficiency-thoroughness trade-off,
- Multitasking,

	<ul style="list-style-type: none"> • Goal conflicts and pressure, • Decision making, • Mental skills.
response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is an update change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>
comment	<p>59 comment by: EUROCONTROL</p> <p>Page 95 - 7. Subject 3: Human Factors - Topic 5: Organisational and Social Factors - Para 5.1.2 In optional content we recommend including motivation as a factor influencing work satisfaction.</p>
response	<p><i>Accepted</i></p> <p>'Motivation' is now included.</p>
comment	<p>60 comment by: EUROCONTROL</p> <p>Page 95 - 8. Subject 3: Human Factors - Topics 5: Organisational and social factors - Para 5.2 It makes more sense to have the TRM module following the Teamwork and Team Roles modules.</p>
response	<p><i>Noted</i></p> <p>The Agency agrees. However, it is as such in the current ATSEP CCC and the Agency does not want to change, now, a structure that is well-known by the stakeholders. It can be modified at a later stage.</p>
comment	<p>61 comment by: EUROCONTROL</p> <p>Page 96 - 9. Subject 3: Human Factors - Topic 5: Organisational and Social Factors -Para 5.3 It makes more sense to have the TRM module following the Teamwork and Team Roles modules.</p>
response	<p><i>Noted</i></p> <p>The Agency agrees. However, it is as such in the current ATSEP CCC and the</p>

Agency does not want to change, now, a structure that is well-known by the stakeholders. It can be modified at a later stage.

comment

62

comment by: EUROCONTROL

Page 96 - 9. Subject 3: Human Factors - Topic 5: Organisational and Social Factors

Safety Culture and Just Culture and their relation to Organisational and Social Factors are missing. We recommend including Safety Culture Just Culture as a new sub-topic in Topic 5: Organisational and Social Factors.

response

Not accepted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

63

comment by: EUROCONTROL

Page 98 - Subject 3: Human Factors - Topic 8: Human Error - Para 8.1.4

We recommend including Just Culture to distinguish between errors and violations.

response

Not accepted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency favours the inclusion of such elements after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

161

comment by: Swedish Transport Agency, Civil Aviation Department
(Transportstyrelsen, Luftfartsavdelningen)Appendix 3a to
Annex XII

91

This should be a GM it is not qualified to be an AMC. All
AMC regarding ATSEP needs to be updated accordingly.

response

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

comment

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

Appendix 3a AMC1.ATSEP.OR.110 point 4 table 1.4.1	92	In the fourth column there is a reference to Regulation (EU) No 1035/2011, this reference has to be changed.
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response

Accepted

The reference to Regulation (EU) No 1035/2011 is deleted.

comment

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

AMC1 ATSEP.OR.110	1. SUBJECT 1: SAFETY — TOPIC 1: SAFETY MANAGEMENT Page 91, in AMC / GM	Missing link to information / requirements based on new ICAO Annex 19
AMC1 ATSEP.OR.110	2. SUBJECT 1: SAFETY — TOPIC 1: SAFETY MANAGEMENT Page 91 - 92, in AMC / GM	Missing link to information / requirements based on new ICAO Annex 19
AMC1	3. SUBJECT 1:	Missing link to information /

ATSEP.OR.110	SAFETY — TOPIC 1: SAFETY MANAGEMENT Page 92, in AMC / GM	requirements based on new ICAO Annex 19
AMC1 ATSEP.OR.110	4. SUBJECT 1: SAFETY — TOPIC 1: SAFETY MANAGEMENT Page 92, in AMC / GM	Missing link to information / requirements based on new ICAO Annex 19

response

Accepted

ICAO Annex 19 is now referenced as mandatory content.

APPENDIX 4a to Annex XII	p. 99-184
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comment	<p data-bbox="357 1182 395 1211">64</p> <p data-bbox="1043 1182 1442 1211">comment by: <i>EUROCONTROL</i></p> <p data-bbox="357 1267 1378 1296">Page 102 - 6. Subject 4: Functional Safety - Topic 1: Safety Attitude</p> <p data-bbox="357 1301 1442 1424">Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety. We recommend to include competency and safety responsibility as elements of safety attitude.</p>
response	<p data-bbox="357 1451 437 1480"><i>Noted</i></p> <p data-bbox="357 1536 1442 1760">In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>

comment	<p data-bbox="357 1854 395 1883">65</p> <p data-bbox="1043 1854 1442 1883">comment by: <i>EUROCONTROL</i></p> <p data-bbox="357 1939 1442 1995">Page 110 - 7. Subject 5: Functional safety - Topic 1: Safety Attitude - Para 1.1.1</p>
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response	<p>Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety. We recommend to include competency and safety responsibility as elements of safety attitude.</p> <p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>
comment	<p>66 comment by: EUROCONTROL</p> <p>Page 106 - 9. Subject 4: Functional Safety - Topic 1: Safety Attitude - Para A 1.1.1</p> <p>Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety. We recommend to include competency and safety responsibility as elements of safety attitude.</p>
response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>
comment	<p>67 comment by: EUROCONTROL</p> <p>Page 114 - 7. Subject 5 - Topic 1: Safety Attitude - A 1.1.1</p> <p>Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety. We recommend to include competency and safety responsibility as elements of safety attitude.</p>
response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated</p>

rulemaking task.

comment

68

comment by: EUROCONTROL

Page 119 - 7. Subject 5 - Topic 1: Safety Attitude - A 1.1.1

Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety.

We recommend to include competency and safety responsibility as elements of safety attitude.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

69

comment by: EUROCONTROL

Page 123 - 7. Subject 5 - Topic 1: Safety Attitude - A 1.1.1

Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety.

We recommend to include competency and safety responsibility as elements of safety attitude.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

70

comment by: EUROCONTROL

Page 129 - 7. Subject 5 - Topic 1: Safety Attitude - A 1.1.1

Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety.

We recommend to include competency and safety responsibility as elements of safety attitude.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

71

comment by: EUROCONTROL

Page 134 - 7. Subject 5 - Topic 1: Safety Attitude - A 1.1.1

Competence has a clear and direct impact on safety. Additionally the roles and responsibilities of the individual have an impact on safety.

We recommend to include competency and safety responsibility as elements of safety attitude.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include the competency and safety responsibility as elements of the safety attitude after consultation with the stakeholders only. This proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

72

comment by: EUROCONTROL

Page 102 - 2. Subject 4: Functional Safety - Topic 2: Functional Safety - A. 2.1.1

The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR.

We recommend to include:

- Failures and system degradation could also be due to lack of human resources and required expertise and competence,
- the need to give examples of systems that degraded over time leading to incidents and accidents.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment	<p data-bbox="355 215 395 244">73</p> <p data-bbox="1043 215 1445 244">comment by: EUROCONTROL</p> <p data-bbox="355 300 1445 360">Page 106 - 10. Subject 4: Functional Safety - Topic 2: Functional Safety - A. 2.1.1</p> <p data-bbox="355 365 1445 459">The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR.</p> <p data-bbox="355 463 719 492">We recommend to include:</p> <ul data-bbox="405 497 1445 618" style="list-style-type: none"> <li data-bbox="405 497 1445 557">• Failures and system degradation could also be due to lack of human resources and required expertise and competence, <li data-bbox="405 562 1445 618">• the need to give examples of systems that degraded over time leading to incidents and accidents.
response	<p data-bbox="355 645 437 674"><i>Noted</i></p> <p data-bbox="355 730 1445 925">In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>
comment	<p data-bbox="355 1019 395 1048">74</p> <p data-bbox="1043 1019 1445 1048">comment by: EUROCONTROL</p> <p data-bbox="355 1104 1445 1164">Page 114 - 8. Subject 5: Functional Safety - Topic 2: Functional Safety - A. 2.1.1</p> <p data-bbox="355 1169 1445 1263">The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR.</p> <p data-bbox="355 1267 719 1296">We recommend to include:</p> <ul data-bbox="405 1301 1445 1422" style="list-style-type: none"> <li data-bbox="405 1301 1445 1361">• Failures and system degradation could also be due to lack of human resources and required expertise and competence, <li data-bbox="405 1366 1445 1422">• the need to give examples of systems that degraded over time leading to incidents and accidents.
response	<p data-bbox="355 1440 437 1469"><i>Noted</i></p> <p data-bbox="355 1525 1445 1720">In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>
comment	<p data-bbox="355 1814 395 1843">75</p> <p data-bbox="1043 1814 1445 1843">comment by: EUROCONTROL</p> <p data-bbox="355 1899 1445 1960">Page 119 - 8. Subject 5: Functional Safety - Topic 2: Functional Safety - A. 2.1.1</p> <p data-bbox="355 1964 1445 2024">The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional</p>

	<p>system' in the proposed IR. We recommend to include:</p> <ul style="list-style-type: none"> • Failures and system degradation could also be due to lack of human resources and required expertise and competence, • the need to give examples of systems that degraded over time leading to incidents and accidents.
response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>

comment	<p>76 comment by: EUROCONTROL</p>
	<p>Page 124 - 8. Subject 5: Functional Safety - Topic 2: Functional Safety - A. 2.1.1</p> <p>The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR. We recommend to include:</p> <ul style="list-style-type: none"> • Failures and system degradation could also be due to lack of human resources and required expertise and competence, • the need to give examples of systems that degraded over time leading to incidents and accidents.
response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>

comment	<p>77 comment by: EUROCONTROL</p>
	<p>Page 129 - 8. Subject 5: Functional Safety - Topic 2: Functional Safety - A. 2.1.1</p> <p>The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR. We recommend to include:</p> <ul style="list-style-type: none"> • Failures and system degradation could also be due to lack of human resources and required expertise and competence, • the need to give examples of systems that degraded over time leading to incidents and accidents.

response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>
comment	<p>78 comment by: EUROCONTROL</p> <p>Page 134 - 8. Subject 5: Functional Safety - Topic 2: Functional Safety - A. 2.1.1</p> <p>The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR.</p> <p>We recommend to include:</p> <ul style="list-style-type: none"> • Failures and system degradation could also be due to lack of human resources and required expertise and competence, • the need to give examples of systems that degraded over time leading to incidents and accidents.
response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.</p>
comment	<p>79 comment by: EUROCONTROL</p> <p>Page 138 - 5. Subject 4: Functional Safety - Topic 1: Functional Safety - A. 2.1.1</p> <p>The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR.</p> <p>We recommend to include:</p> <ul style="list-style-type: none"> • Failures and system degradation could also be due to lack of human resources and required expertise and competence, • the need to give examples of systems that degraded over time leading to incidents and accidents.
response	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a</p>

later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

80

comment by: EUROCONTROL

Page 143 - 7. Subject 4: Functional Safety - Topic 1: Functional Safety - A. 2.1.1

The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR.

We recommend to include:

- Failures and system degradation could also be due to lack of human resources and required expertise and competence,
- the need to give examples of systems that degraded over time leading to incidents and accidents.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment

81

comment by: EUROCONTROL

Page 110 - 8. Subject 5: Functional Safety - Topic 2: Functional Safety - A. 2.1.1

The text gives the impression that functional failures happen only due to equipment failures. This is contrary to the spirit of the definition of 'functional system' in the proposed IR.

We recommend to include:

- Failures and system degradation could also be due to lack of human resources and required expertise and competence,
- the need to give examples of systems that degraded over time leading to incidents and accidents.

response

Noted

In principle, the Agency agrees with the proposal. However, the first regulatory step with regard to the ATSEP CCC is to transpose it as it is. Such a proposal is a content change to the CCC. The Agency will include such elements after consultation with the stakeholders only. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task.

comment	<p data-bbox="352 215 392 246">82</p> <p data-bbox="1043 215 1445 246" style="text-align: right;">comment by: <i>EUROCONTROL</i></p> <p data-bbox="352 300 1433 331">Page 106 - 8. Subject 3: Recorders - Topic 1: Legal Recorders - A. 1.1.3</p> <p data-bbox="352 331 847 362">Recommend to include the need for:</p> <ul data-bbox="403 365 1054 495" style="list-style-type: none"> <li data-bbox="403 365 1054 396">• confidentiality when handling recordings and <li data-bbox="403 398 1054 430">• the access procedures to such recordings. <li data-bbox="403 465 419 495">•
response	<p data-bbox="352 560 480 591"><i>Accepted</i></p> <p data-bbox="352 642 778 674">These two elements are added.</p>
comment	<p data-bbox="352 770 392 801">83</p> <p data-bbox="1043 770 1445 801" style="text-align: right;">comment by: <i>EUROCONTROL</i></p> <p data-bbox="352 855 644 887">Page 107 - D. 1.4.1</p> <p data-bbox="352 887 1445 949">We recommend to explain how NOTAMs are generated and that the NOTAM distribution has a system delay.</p> <p data-bbox="352 949 1445 1012">This delay could mean that aircraft already in flight might not receive information essential to the safety of flight via NOTAM distribution.</p>
response	<p data-bbox="352 1037 437 1068"><i>Noted</i></p> <p data-bbox="352 1122 1445 1252">In principle, the Agency agrees with the proposal, although it is not obvious that ATSEP need to know how NOTAMs are generated. The Agency will include such elements after consultation with the stakeholders only, if considered necessary.</p>
comment	<p data-bbox="352 1346 392 1377">84</p> <p data-bbox="1043 1346 1445 1377" style="text-align: right;">comment by: <i>EUROCONTROL</i></p> <p data-bbox="352 1431 644 1462">Page 111 - D. 1.4.1</p> <p data-bbox="352 1462 1445 1525">We recommend to explain how NOTAMs are generated and that the NOTAM distribution has a system delay.</p> <p data-bbox="352 1525 1445 1588">This delay could mean that aircraft already in flight might not receive information essential to the safety of flight via NOTAM distribution.</p>
response	<p data-bbox="352 1612 437 1644"><i>Noted</i></p> <p data-bbox="352 1697 1445 1796">In principle, the Agency agrees with the proposal although it is not obvious that ATSEP need to know how NOTAMs are generated. The Agency will include such elements after consultation with the stakeholders only, if considered necessary.</p>
comment	<p data-bbox="352 1890 392 1921">85</p> <p data-bbox="1043 1890 1445 1921" style="text-align: right;">comment by: <i>EUROCONTROL</i></p> <p data-bbox="352 1975 644 2007">Page 115 - D. 1.4.1</p>

response	<p>We recommend to explain how NOTAMs are generated and that the NOTAM distribution has a system delay. This delay could mean that aircraft already in flight might not receive information essential to the safety of flight via NOTAM distribution.</p>
	<p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal although it is not obvious that ATSEP need to know how NOTAMs are generated. The Agency will include such elements after consultation with the stakeholders only, if considered necessary.</p>

comment	<p>86 comment by: EUROCONTROL</p>
response	<p>Page 130 - D. 1.4.1 We recommend to explain how NOTAMs are generated and that the NOTAM distribution has a system delay. This delay could mean that aircraft already in flight might not receive information essential to the safety of flight via NOTAM distribution.</p> <p><i>Noted</i></p> <p>In principle, the Agency agrees with the proposal although it is not obvious that ATSEP need to know how NOTAMs are generated. The Agency will include such elements after consultation with the stakeholders only, if considered necessary.</p>

comment	<p>87 comment by: EUROCONTROL</p>
response	<p>Page 138 - 5. Subject 4: Functional Safety Subject title does not make sense. Safety Attitude is missing. Non-sequential subject numbering as next subject is numbered 7 instead of 6. Revise title format and numbering. Include Safety Attitude Topic.</p> <p><i>Accepted</i></p> <p>The missing 'safety attitude' is now inserted.</p>

comment	<p>88 comment by: EUROCONTROL</p>
	<p>Page 143 - 7. Subject 4: Functional Safety Subject title does not make sense. Safety Attitude is missing. Non-sequential subject numbering as next subject is numbered 9 instead of 8. Revise title format and numbering. Include Safety Attitude Topic.</p>

response

Accepted

The missing 'safety attitude' is now inserted.

comment

122

comment by: *skyguide Corporate Regulation Management*

e.g.

16. SUBJECT 11: SMC – TOOLS, PROCESSES AND PROCEDURES – TOPIC 1: REQUIREMENTS

A. The following objective should be included in the SMS course: 1.1.1	Describe the ICAO and European requirements and the national and ANSP SMS plans	2 Commission Implementing Regulation (EU) No <u>1035/2011</u> , <u>ICAO Annex 10</u> <i>Optional content: national regulations</i>
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The reference to 1035/2011 makes no sense as it is the regulation that this NPA will repeal.

ICAO Annex 19 should be the reference for SMS purposes

response

Accepted

The reference to Regulation (EU) No 1035/2011 is replaced by Annex II to Regulation (EU) No .../... (to enter into force). ICAO Annex 19 is added.

comment

133

comment by: *HungaroControl*

e.g.

16. SUBJECT 11: SMC – TOOLS, PROCESSES AND PROCEDURES – TOPIC 1: REQUIREMENTS

A. The following objective should be included in the SMS course: 1.1.1 Do not refer to 1035/2011 as it is the regulation that this NPA will repeal. ICAO Annex 19 should be the reference for SMS purposes.	Describe the ICAO and European requirements and the national and ANSP SMS plans	2 Commission Implementing Regulation (EU) No <u>1035/2011</u> , <u>ICAO Annex 10</u> <i>Optional content: national regulations</i>
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response *Accepted*

The reference to Regulation (EU) No 1035/2011 is replaced by Annex II to Regulation (EU) No .../... (to enter into force). ICAO Annex 19 is added.

comment

163

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

Appendix 4a to Annex XII	99	This should be a GM it is not qualified to be an AMC. All AMC regarding ATSEP needs to be updated accordingly.
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response

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way which they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

comment

195

comment by: *CANSO Civil Air Navigation Services Organization*

5. SUBJECT 3: COMMUNICATION RECORDERS — TOPIC 1: LEGAL RECORDERS	A. The following objectives should be included in the Regulations course: 1.1.1	Explain international regulations	2 ICAO regulations (recording and reproducing)	There is no such thing as an ICAO regulation. They are SARPs
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response *Accepted*

The term 'regulations' is deleted.

comment *341*

comment by: *Federal Office of Civil Aviation FOCA*

**3. NAVIGATION –
NON-DIRECTIONAL
BEACON (NDB)**

The navigation streams of the qualification training (Appendix 4 to Annex XII) need to be restructured.

GBAS Stations should become an independent stream (like ILS and MLS)

response *Noted*

The Agency will assess the proposal after consultation with the stakeholders. The proposal could be included at a later stage during the revision of the rules (when the CCC is also revised) through a dedicated rulemaking task. For now, it is suggested not to change the structure of the CCC too much.

comment *342*

comment by: *Federal Office of Civil Aviation FOCA*

**Subject 1:
SECONDARY
SURVEILLANCE
RADAR (SSR)**

Multilateration should become an independant stream.

The following is missing in the NPA:
Part of Service: Provision of data from Multilateration (MLAT)
Subpart of Service: Wide Area Multilateration (WAM) & Local Area Multilateration (LAM)

Multilateration is not necessarily based on SSR (it can also be solely based on ADS-B Out).

	<p>Multilateration (MLAT) is a mature technologie wich is already in use and some implementation projects have been started.</p>	
<p>response</p>	<p><i>Noted</i></p> <p>The Agency will assess the proposal after consultation with the stakeholders. The proposal is not in the current ATSEP CCC developed by EUROCONTROL. It could be included at a later stage during the revision of the rules through a dedicated rulemaking task. For now, it is suggested not to change the structure of the CCC too much.</p>	

<p>comment</p>	<p>343</p>	<p>comment by: <i>Federal Office of Civil Aviation FOCA</i></p>	
<p>AMC10 ATSEP.OR.110(a)</p>	<p>3. SUBJECT 1: SECONDARY SURVEILLANCE RADAR (SSR) — TOPIC 3: MULTILATERATION</p>	<p>Multilateration should become an independent stream.</p>	<p>Multilateration is not necessarily based on SSR (it can also be solely based based on ADS-B Out).</p>
<p>response</p>	<p><i>Noted</i></p> <p>The Agency will assess the proposal after consultation with the stakeholders. The proposal is not in the current ATSEP CCC developed by EUROCONTROL. It could be included at a later stage during the revision of the rules through a dedicated rulemaking task. For now, it is suggested not to change the structure of the CCC too much.</p>		

<p>comment</p>	<p>344</p>	<p>comment by: <i>Federal Office of Civil Aviation FOCA</i></p>	
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AMC12 ATSEP.OR.110(a)	7. SUBJECT 4: DATA PROCESS — TOPIC 1: SOFTWARE PROCESS	1.4.2 Not clear what is meant by the 2nd software development process
AMC12 ATSEP.OR.110(a)	8. SUBJECT 4: DATA PROCESS — TOPIC 2: HARDWARE PLATFORM	Should the interoperability requirements be included in this subject?

response *Noted*

Comment 1: The Agency shares the comment of FOCA on the 2nd software development process and will highlight this during the rulemaking task for the revision of the AMCs.

Comment 2: The Agency will consider including interoperability requirements at the appropriate time. If it included them now without proper expertise and identification, it would not be possible to ensure appropriate AMC material.

comment 345

comment by: *Federal Office of Civil Aviation FOCA*

AMC13 ATSEP.OR.110(a)	9. SUBJECT 5: SMC — ANS STRUCTURE — TOPIC 3: ATM CONTEXT	AFTCM can be confused with ATFCM
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response *Accepted*

Changed into ATFCM.

comment 473

comment by: *ENAV*

The reference to 1035/2011 makes no sense as it is the regulation that this NPA will repeal.
ICAO Annex 19 should be the reference for SMS purposes.

response *Accepted*

The reference to Regulation (EU) No 1035/2011 is replaced by Annex II to Regulation (EU) No .../... (to enter into force). ICAO Annex 19 is added.

comment 475 comment by: ENAV

Proposal for rewording

2. ICAO ~~regulations~~ **provisions** (recording and reproducing)

Rationale

There is no such thing as an ICAO regulation. They are SARPs

response *Accepted*

The term 'regulations' is deleted.

comment 504 comment by: DFS Deutsche Flugsicherung GmbH

2. subject 1, sub-topic E, objective 2.5.1:

Typo: the objective should read "Describe the most common features of a controller working position and the HMI" (delete "2").

DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

'2' is deleted.

comment 505 comment by: DFS Deutsche Flugsicherung GmbH

3. subject 1, Topic Lines:

According to Eurocontrol Spec-132, the complete topic 1 shall be included in this stream (see granulation table).

DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Noted*

The Agency could not identify on which topic lines (which AMC-stream) the

comment is made on.

comment 506 comment by: DFS Deutsche Flugsicherung GmbH

1. subject 1, sub-topic D, objective 1.4.2:
The taxonomy level does not correspond to the action verb. TL=3! See also Eurocontrol Spec-132.
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The taxonomy level has been corrected (to 3).

comment 507 comment by: DFS Deutsche Flugsicherung GmbH

1. subject 1, sub-topic E, objective 1.5.1:
The taxonomy level is missing. TL=3! See also Eurocontrol Spec-132.
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The taxonomy level 3 is now added.

comment 508 comment by: DFS Deutsche Flugsicherung GmbH

5. subject 1, sub-topic A, objective 5.1.1:
Typo: the optional content should read "ICAO for AFTN/...".
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

'A' is now added to FTN to make it AFTN.

comment 511 comment by: DFS Deutsche Flugsicherung GmbH

8. subject 5, topic 2, sub-topic A, objective 2.1.1:
Missing text: "Describe in terms of exposure time, environment, effect on controller and effect on pilot **the types of functional failures**"
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The missing text 'the types of functional failures' is now added.

comment	512	comment by: DFS Deutsche Flugsicherung GmbH
	<p>8. subject 5, topic 2, sub-topic A, objective 2.1.1: Missing text: "Describe in terms of exposure time, environment, effect on controller and effect on pilot the types of functional failures" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>	
response	Accepted	
	The missing text 'the types of functional failures' is now added.	
comment	513	comment by: DFS Deutsche Flugsicherung GmbH
	<p>8. subject 5, topic 2, sub-topic A, objective 2.1.1: Missing text: "Describe in terms of exposure time, environment, effect on controller and effect on pilot the types of functional failures" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>	
response	Accepted	
	The missing text 'the types of functional failures' is now added.	
comment	514	comment by: DFS Deutsche Flugsicherung GmbH
	<p>2. subject 2, topic 1, sub-topic F, objective 1.6.1: Surplus text: "Characterise the main signal 2 parameters from the ground station" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>	
response	Accepted	
	The surplus number '2' is deleted.	
comment	515	comment by: DFS Deutsche Flugsicherung GmbH
	<p>8. subject 5, topic 2, sub-topic A, objective 2.1.1: Missing text: "Describe in terms of exposure time, environment, effect on controller and effect on pilot the types of functional failures" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>	
response	Accepted	
	The missing text 'the types of functional failures' is now added.	

comment 516 comment by: DFS Deutsche Flugsicherung GmbH

2. subject 2, topic 1, sub-topic A, objective 1.1.2:
Wrong text: "Explain the technical limitations of **DME ILS**"
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

It has been changed into 'ILS' in AMC 7 (not AMC 6 which is DME).

comment 517 comment by: DFS Deutsche Flugsicherung GmbH

2. subject 2, topic 1, sub-topic I, objective 1.9.3:
The taxonomy level does not correspond to the action verb. TL=2! See also Eurocontrol Spec-132.
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The taxonomy level has been corrected to '2'.

comment 518 comment by: DFS Deutsche Flugsicherung GmbH

8. subject 5, topic 2, sub-topic A, objective 2.1.1:
Missing text: "Describe in terms of exposure time, environment, effect on controller and effect on pilot **the types of functional failures**"
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The missing text 'the types of functional failures' is now added.

comment 519 comment by: DFS Deutsche Flugsicherung GmbH

2. subject 2, topic 1, sub-topic A, objective 1.1.5:
Surplus text: "Interpret MLS Facility Performance **5** Categories"
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

Surplus number '5' has been deleted.

comment 520 comment by: DFS Deutsche Flugsicherung GmbH

2. subject 2, topic 1, sub-topic A, objective 1.8.4:
The taxonomy level does not correspond to the action verb. TL=2! See also Eurocontrol Spec-132.
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The taxonomy level has been corrected to '2'.

comment 521 comment by: *DFS Deutsche Flugsicherung GmbH*

Subject On Board Equipment, topic Autonomous Navigation, sub-topic Inertial Navigation:
Objective 2.1.1 is missing.
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Not accepted*

The Agency could not identify the missing objective in 2.1.1 where all appear to be included.

comment 522 comment by: *DFS Deutsche Flugsicherung GmbH*

8. subject 5, topic 2, sub-topic A, objective 2.1.1:
Missing text: "Describe in terms of exposure time, environment, effect on controller and effect on pilot **the types of functional failures**"
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

The missing text 'the types of functional failures' is now added.

comment 523 comment by: *DFS Deutsche Flugsicherung GmbH*

1. subject 1, topic 1, sub-topic C, objective 1.3.1:
Content does not match Eurocontrol SPEC-132 (copy-paste-error with 1.3.2)
DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.

response *Accepted*

It has been corrected.

comment 524 comment by: *DFS Deutsche Flugsicherung GmbH*

1. subject 1, topic 1, sub-topic G, objective 1.7.2:

response	<p>Content is identical to objective text. This is an error also in Eurocontrol SPEC-132. DFS proposes to leave content open (no mandatory content).</p> <p><i>Accepted</i></p> <p>The duplicate text in the content box is now deleted. No mandatory content is added, for the moment.</p>
comment	<p>525 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>5. subject 2, topic 1, sub-topic B-D: Objectives of sub-topics B-D (1.2.1, 1.2.2, 1.3.1, 1.3.2, 1.3.3, 1.4.1) are missing (see also page 137). DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>Objectives of sub-topics B to D are now inserted.</p>
comment	<p>526 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>7. subject 4, topic 1: Objective of topic 1 Safety Attitude (1.1.1) is missing. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>Topic 1 'Safety Attitude' has been now added.</p>
comment	<p>527 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>6. subject 4, topic 1, sub-topic A, objective 1.1.1, content: Wrong text: "Safety assessment documentation related to the navigation surveillance systems, safety reports and occurrences, safety monitoring" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>It has been changed into 'surveillance'.</p>
comment	<p>528 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>1. subject 1, topic 1, sub-topic D, objective 1.4.2: The taxonomy level does not correspond to the action verb. TL=3! See also</p>

response	<p>Eurocontrol Spec-132. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p> <p><i>Accepted</i></p> <p>The taxonomy level has been changed to '3'.</p>
comment	<p>529 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>2. subject 1, topic 2, sub-topic B-C: Objectives of sub-topics B-C (2.2.1, 2.2.2, 2.3.1) are missing. DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>Objectives of sub-topics 'General Protocols', 'Specific Protocols' and 'national Networks' are added.</p>
comment	<p>530 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>5. subject 3, topic 1, sub-topic C, objective 1.3.1: Surplus text: "Describe the function of safety nets 2 and their legal status" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>Surplus number '2' has been deleted.</p>
comment	<p>531 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>12. subject 7, topic 1, sub-topic A, objective 1.1.2: This objective is not contained in QUAL DAT stream (see Eurocontrol Spec-132, p. 23). DFS proposes to correct this discrepancy to the Eurocontrol Spec-132, specifically to delete objective 1.1.2 in this course.</p>
response	<p><i>Noted</i></p> <p>The Agency could not identify the mentioned objective in 12. Subject 7. Appropriate coordination will be ensured with the commentator to identify the gap.</p>
comment	<p>532 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>11. subject 7, topic 1, sub-topic C, objective 1.3.1:</p>

response	<p>Surplus text: "Describe the function of safety nets 2 and their legal status" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p> <p><i>Accepted</i></p> <p>Surplus number '2' is deleted.</p>
comment	<p>533 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>13. subject 9, topic 1, sub-topic C, objective 1.3.3, 1.3.4: Content of these objectives is mixed up. Correct content for 1.3.3 is: "Optional content: ACT, PAC". Correct content for 1.3.4 is: "Data volatility (e.g. radar), system integrity; consequence of failure" DFS proposes to correct this discrepancy to the Eurocontrol Spec-132.</p>
response	<p><i>Accepted</i></p> <p>The content material in 1.3.2, 1.3.3 and 1.3.4 is now corrected.</p>
comment	<p>536 comment by: <i>Vantage Air Traffic Services</i></p> <p>With all technical Q training I would like to see technical safeguarding included as a subject.</p>
response	<p><i>Not accepted</i></p> <p>The Agency will assess the proposal after consultation with the stakeholders. The proposal is not in the current ATSEP CCC. It could be included at a later stage during the revision of the rules through a dedicated rulemaking task. For now, it is suggested not to change the structure of the CCC too much.</p>

Appendix A - Attachments

 [IFATCA Comments on NPA2013-08 131030.pdf](#)
Attachment #1 to comment [#360](#)

 [ICAO framework 2013 NPA 2013 08.pdf](#)

Attachment #2 to comment [#361](#)

Reactions to this CRD should be submitted via the CRT by clicking the 'add a general reaction' button. Please indicate clearly the applicable page and paragraph.

II. CRD to NPA 2013-08 (D) – Regulatory Impact Assessment – Table of comments and responses

(General Comments)

comment

1

comment by: AIRBUS

This RIA is a mix between the benefits that the EASA System can bring to the stakeholders and a questionnaire concerning the way in which the open issues (e.g. conflict between EASA System and SES System) might be addressed. From an aircraft manufacturer standpoint (e.g. Airworthiness domain), the harmonization with ICAO framework and with the regulations applicable to others fields of aviation should be a paramount goal for the next regulatory activities.

response

Noted

The Agency takes note of the comment.

It is important to be pointed out that the proposed rule implements the objectives of Regulation (EC) No 216/2008. As part of the Council compromise when approving the SES II package in 2009, some old SES provisions were left in place and, indeed, these may be contradictory to the new ones contained in Regulation (EC) No 216/2008. After consulting with the Commission, it appears that this problem will be one of the issues rectified in the SES2+ proposal and the work on Implementing Rules should continue to implement the new EASA framework.

Furthermore, after due consideration of the stakeholders' responses to the questions asked by the Agency in the Explanatory Note (in paragraphs 46 and 139) regarding the ICAO Annex 19 SMS framework, the Agency acknowledges the overwhelming desire to align the SMS framework with the one as required by ICAO Annex 19. Moreover, during the various NPAs consultations, the Agency was requested to align as much as possible the provisions related to the competent authorities with the existing ones relevant to other aviation domains (e.g. aircrew and air operations, aerodromes and the proposed ones with Opinion No 11/2013 on ATCO licensing) unless there is a sector-specific reason. The Agency believes that these objectives are fully met with the amendments introduced to the draft rule.

comment

3

comment by: Irish Aviation Authority

	<p>Document: D – Regulatory Impact Assessment Page No: General Paragraph No: General Comment: In the RIA there are references to cost-efficiency but for the ATSEP proposals no detailed costings are provided in respect of training costs, establishing training and competence checking arrangements etc, especially for smaller Providers in Ireland. There is no consideration of competitive market availability or otherwise for training courses that would be necessitated by the ATSEP proposals. Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Provision of more detailed costings.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges the fact that no details on costs in relation to current ATSEP training were provided in this NPA. This is due to the fact that during the drafting of the rules, no cost details were provided to the Agency despite the following call in the Explanatory Note (page 71): 'stakeholders are kindly invited to provide data on administrative cost impacts introduced by these draft rules and any other quantitative information they may find necessary to bring to the attention of the Agency.'</p> <p>This NPA on ATSEP issues was developed with the assumption that ATSEP have always received training following the introduction of new technology and the Agency considers that the harmonisation of ATSEP will provide medium-/long-term benefits after the transition phase, which entails additional costs due to the adaptation of the current training. The medium-term benefit will be a training cost reduction thanks to the harmonisation (assuming that the majority of AMCs will not be applied differently by the service providers). The long-term benefit will be the support of the ATSEP mobility from one service provider to another thanks to harmonised training requirements.</p>
comment	<p>7 comment by: <i>Kerry Airport</i></p> <p>Document: D – Regulatory Impact Assessment Page No: General Paragraph No: General Comment: In the RIA there are references to cost-efficiency but for the ATSEP proposals no detailed costings are provided in respect of training costs, establishing training plans and competence checking arrangements etc, especially for smaller Providers in Ireland. There is no consideration of competitive market availability or otherwise for training courses that would be necessitated by the ATSEP proposals. Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Provision of more detailed costings.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges the fact that no details on costs in relation to current ATSEP training were provided in this NPA. This is due to the fact that during the drafting of the rules, no cost details were provided to the Agency despite the following call in the Explanatory Note (page 71): 'stakeholders are kindly invited to provide data on administrative cost impacts introduced by these draft</p>

rules and any other quantitative information they may find necessary to bring to the attention of the Agency.'

This NPA on ATSEP issues was developed with the assumption that ATSEP have always received training following the introduction of new technology and the Agency considers that the harmonisation of ATSEP will provide medium-/long-term benefits after the transition phase, which entails additional costs due to the adaptation of the current training. The medium-term benefit will be a training cost reduction thanks to the harmonisation (assuming that the majority of AMCs will not be applied differently by the service providers). The long-term benefit will be the support of the ATSEP mobility from one service provider to another thanks to harmonised training requirements.

comment

11

comment by: UK CAA

Page No: General**Paragraph No:** General

Comment: The introductory statement in the RIA, recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes, nor evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.

These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These new requirements are not necessary for ANSPs and will be particularly disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency

In the RIA there are references to cost-efficiency but for the ATSEP proposals no illustrative costings are provided in respect of training costs, establishing training and competence checking arrangements etc, especially for smaller Providers in the UK. There is no consideration of a competitive market availability or otherwise for training courses that would be necessitated by the ATSEP proposals.

Proposed Text: Provision of illustrative costings should be included.

response

Noted

The Agency acknowledges the fact that no details on costs in relation to current ATSEP training were provided in this NPA. This is due to the fact that during the drafting of the rules, no cost details were provided to the Agency despite the following call in the Explanatory Note (page 71): 'stakeholders are kindly invited to provide data on administrative cost impacts introduced by these draft rules and any other quantitative information they may find necessary to bring to the attention of the Agency.'

This NPA on ATSEP issues was developed with the assumption that ATSEP have always received training following the introduction of new technology and the Agency considers that the harmonisation of ATSEP will provide medium-/long-term benefits after the transition phase, which entails additional costs due to

the adaptation of the current training. The medium-term benefit will be a training cost reduction thanks to the harmonisation (assuming that the majority of AMCs will not be applied differently by the service providers). The long-term benefit will be the support of the ATSEP mobility from one service provider to another thanks to harmonised training requirements.

REGULATORY IMPACT ASSESSMENT EXECUTIVE SUMMARY

p. 4-9

comment

4

comment by: *Irish Aviation Authority*

Document: D – Regulatory Impact Assessment

Page No: 7

Paragraph No: ATSEP

The introductory statement recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes or evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, it can only be construed that these over-proscriptive and dis-proportionate regulations are being enacted for purposes other than safety.

Justification: The RIA is not detailed as regards analysis of future situations, cost and practicality of the proposals.

Proposed Text: No text proposed.

response

Not accepted

The Agency is acting in accordance with the provisions of the Basic Regulation in order to propose implementing measures for the training and competence assessment of service providers' personnel. ATSEP is one category of personnel. Whereas safety is the primary objective of the Agency, harmonisation of rules in Europe is also beneficial to affected parties.

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach.

comment

5

comment by: *Irish Aviation Authority*

	<p>Document: D – Regulatory Impact Assessment Page No: 9 Paragraph No: Chapter 9 Air Traffic Safety Electronics Personnel Comment: The Option 3 choice reduces the flexibility and proportionality of the ATSEP proposals by incorporating training material detail in the IR. The ATSEP provisions are focussed on requirements for large, often state-run, en-route ANSP's and do not have sufficient flexibility provisions to accommodate states, like Ireland, where there is a market of contestability, with many smaller ANSPs in competition with each other. The measures proposed will endanger the financial health of many of these smaller entities, to the benefit of larger providers, as these smaller businesses would have over-proscriptive and disproportionate requirements, which will not improve safety, imposed upon them Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Annex XII Appendices 1,2, 3 and 4 moved to GM.</p>
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance to their needs. The NPA reproduces the Eurocontrol ATSEP CCC but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kind of service providers according to the types of services their provide and the number of ATSEP they have. ATSEP initial training can therefore be tailored to the activities of the service provider and to the task ATSEP will perform.</p> <p>The RIA for ATSEP reflects this approach.</p>
comment	<p>8 comment by: Kerry Airport</p> <p>Document: D – Regulatory Impact Assessment Page No: 7 Paragraph No: ATSEP The introductory statement recognises that '<i>the level of competence of ATSEP in Europe is currently acceptable</i>'. There is no associated argument as to why this level of competence will not be maintained under current regimes or evidence to suggest that there will be any additional safety benefit from implementing additional requirements. Without detailed analysis and argument, it can only be construed that these over-proscriptive and dis-proportionate regulations are being enacted for purposes other than safety. Justification: The RIA is not detailed as regards analysis of future situations, cost and practicality of the proposals. Proposed Text: No text proposed.</p>
response	<p><i>Not accepted</i></p> <p>The Agency is acting in accordance with the provisions of the Basic Regulation in order to propose implementing measures for the training and competence assessment of service providers' personnel. ATSEP is one category of personnel. Whereas safety is the primary objective of the Agency,</p>

harmonisation of rules in Europe is also beneficial to affected parties.

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach.

comment

9

comment by: *Kerry Airport*

Document: D – Regulatory Impact Assessment

Page No: 9

Paragraph No: Chapter 9 Air Traffic Safety Electronics Personnel

Comment: The Option 3 choice reduces the flexibility and proportionality of the ATSEP proposals by incorporating training material detail in the IR, this training material does not take into account the potential for different levels of ATSEP competence as provided for in ESARR5 guidance material. The ATSEP provisions are focussed on requirements for large, often state-run, en-route ANSP's and do not have sufficient flexibility provisions to accommodate states, like Ireland, where there is a market of contestability, with many smaller ANSPs in competition with each other. The measures proposed will endanger the financial health of many of these smaller entities, to the benefit of larger providers, as these smaller businesses would have over-proscriptive and disproportionate requirements, which will not improve safety, imposed upon them

Justification: Provision of cost efficient ATM/ANS services.

Proposed Text: Annex XII Appendices 1,2, 3 and 4 moved to GM.

response

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach.

comment 12

comment by: UK CAA

Page No: 7**Paragraph No:** ATSEP

The introductory statement in the RIA, recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes, nor evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.

These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These new requirements are not necessary for ANSPs and will be particularly disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency

Justification: The RIA is not detailed as regards analysis of future situations, cost and practicality of the proposals.

response *Not accepted*

The Agency is acting in accordance with the provisions of the Basic Regulation in order to propose implementing measures for the training and competence assessment of service providers' personnel. ATSEP is one category of personnel. Whereas safety is the primary objective of the Agency, harmonisation of rules in Europe is also beneficial to affected parties.

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance to their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach.

comment 13

comment by: UK CAA

Page No: 9**Paragraph No:** Chapter 9 Air Traffic Safety Electronic Personnel

Comment: The Option 3 choice reduces the flexibility and proportionality of the ATSEP proposals by incorporating training material detail in the IR. The introductory statement in the RIA, recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes, nor

evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.

These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These new requirements are not necessary for ANSPs and will be particularly disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency

Proposed Text: Annex XII Appendices 1, 2, 3 and 4 should be moved to GM.

response

Not accepted

This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach.

9 ATSEP – 9.1 What is the issue and the current regulatory framework?

p. 53-54

comment

14

comment by: UK CAA

Page No: 53 and following

Paragraph No: 9 ATSEP

Comment: The general comments already made about the ATSEP proposals apply, i.e. that the RIA is not strong in respect of detailed costings and safety needs for such proposals. The proportionality and flexibility are limited by the inclusion of detailed training requirements in the IR and AMC/GM material.

Justification: The introductory statement in the RIA, recognises that '*the level of competence of ATSEP in Europe is currently acceptable*'. There is no associated argument as to why this level of competence will not be maintained under current regimes, nor evidence to suggest that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, these regulations appear over-prescriptive and disproportionate and are not designed to address any safety need.

These proposals add unnecessary requirements to the current regulatory framework for engineering and technical personnel and the arguments put forward are based on social and political initiatives rather than safety. These

	<p>new requirements are not necessary for ANSPs and will be particularly disproportionate and damaging to smaller entities, especially as the market becomes more contestable. These requirements will not improve safety, but overall will have a negative effect on performance KPIs, particularly cost efficiency.</p> <p>Proposed Text: Strengthening of ATSEP RIA analysis or amendment of IR and AMC/GM material to introduce more flexibility, proportionality and focusing on actual task objectives for ATSEPs rather than defining detailed academic/theoretical training requirements (implied or otherwise).</p>
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.</p> <p>The RIA for ATSEP reflects this approach and, therefore, the Agency considers that it should not be revised as flexibility and proportionality are properly ensured.</p>

comment	<p>18 comment by: <i>Vantage Air Traffic Services</i></p> <p>The regulatory frame work is a very good idea at this level to ensure a standardised level of competency within the industry. Once the ATSEP has completed CCC and qualification training it should be down to the ANSP to prove competency.</p>
response	<p><i>Noted</i></p>

9 ATSEP – 9.2 Who is affected?	p. 54-55
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comment	<p>10 comment by: <i>Kerry Airport</i></p> <p>Document: D – Regulatory Impact Assessment Page No: 55 and following Paragraph No: 9 ATSEP Comment: The general comments already made about the ATSEP proposals RIA are not strong in respect of detailed costings and safety needs or benefits from for such proposals. The proportionality and flexibility are limited by the</p>
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	<p>inclusion of detailed training requirements in the IR and AMC/GM material and do not take account of the strain these proposals will place on smaller ANSP's. Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Strengthening of ATSEP RIA analysis or amendment of IR and AMC/GM material to introduce more flexibility, proportionality and focusing on actual task objectives for ATSEPs rather than defining detailed academic/theoretical training requirements (implied or otherwise).</p>
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.</p> <p>This approach offers the necessary flexibility and proportionality to all kind of service providers according to the types of services their provide and the number of ATSEP they have. ATSEP initial training can therefore be tailored to the activities of the service provider and to the task ATSEP will perform.</p> <p>The RIA for ATSEP reflects this approach and the Agency considers therefore that it should not be revised as the flexibility, proportionality are properly ensured.</p>

9 ATSEP – 9.5 Identification of options	p. 55
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comment	<p>6 comment by: <i>Irish Aviation Authority</i></p> <p>Document: D – Regulatory Impact Assessment Page No: 55 and following Paragraph No: 9 ATSEP Comment: The general comments already made about the ATSEP proposals RIA are not strong in respect of detailed costings and safety needs for such proposals. The proportionality and flexibility are limited by the inclusion of detailed training requirements in the IR and AMC/GM material. Justification: Provision of cost efficient ATM/ANS services. Proposed Text: Strengthening of ATSEP RIA analysis or amendment of IR and AMC/GM material to introduce more flexibility, proportionality and focusing on actual task objectives for ATSEPs rather than defining detailed academic/theoretical training requirements (implied or otherwise).</p>
response	<p><i>Not accepted</i></p> <p>This NPA proposes initial training and competence rules for the actual ATSEP tasks and offers flexibility and proportionality to service providers to develop their basic training syllabi in accordance with their needs. The NPA reproduces the Eurocontrol ATSEP CCC, but allows for flexibility, offering optional training</p>

and leaving all the content of the initial training to AMC level. Service providers may comply with the objectives in the way they consider most appropriate to them.

This approach offers the necessary flexibility and proportionality to all kinds of service providers according to the types of services they provide and the number of ATSEP they have. ATSEP initial training can, therefore, be tailored to the activities of the service provider and to the task ATSEP will perform.

The RIA for ATSEP reflects this approach and, therefore, the Agency considers that it should not be revised as flexibility and proportionality are properly ensured.

9 ATSEP – 9.6 Analysis of impacts – 9.6.3 Economic impact

p. 62-65

comment 15

comment by: *Entry Point North*

Option 1: This is an assumption that the ANSPs are performing the training themselves, not taking into account that it can be performed by an external training provider. However, if each ANSP has to develop its own training syllabus and training material for the number of different possibilities that option 3 is opening for, the overall economical impact will be much higher for option 3 than for option 1.

response *Noted*

Option 3 does not entail additional costs automatically, but only if the service provider sees a benefit from not applying the AMC adopted by the Agency. In such a case, this process is less burdensome than applying for a derogation with Option 1. The Agency does not expect that service providers will develop for all the adopted AMCs the corresponding alternative means of compliance.

comment 16

comment by: *Entry Point North*

Option 3: This is an assumption that the ANSPs are performing the training themselves, not taking into account that it can be performed by an external training provider. However, if each ANSP has to develop its own training syllabus and training material for the number of different possibilities that option 3 is opening for, the overall economical impact will be much higher for option 3 than for option 1.

response *Noted*

Option 3 does not entail additional costs automatically, but only if the service provider sees a benefit from not applying the AMC adopted by the Agency. In such a case, this process is less burdensome than applying for a derogation with option 1. The Agency does not expect that service providers will develop for all

the adopted AMCs the corresponding alternative means of compliance.

9 ATSEP – 9.6 Analysis of impacts – 9.6.5 Impact on regulatory coordination and harmonisation p. 66-68

comment	2	comment by: <i>Etel Networks Infranet AB</i>
	We agree with option 3. ATSEP only need to be trained on relevant systems relevant to kind of duties	
response	<i>Noted</i>	

10 Summary conclusions p. 69-71

comment	19	comment by: <i>Vantage Air Traffic Services</i>
	ATSEP may take more than 24 months to impliment, the regulation may be inplace in that time however getting engineers training and assessed to the required level in such a short time will cause problems with resouce and cost.	
response	<i>Noted</i>	
	Transitional measures are foreseen (but not yet decided on) in order to allow service providers to adapt themselves and be compliant with the Regulation at the appropriate time.	

III. CRD to NPA 2013-08 (E) – Appendix VII to the Explanatory Note– Table of comments and responses

(General Comments)

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comment 2 comment by: *IFATCA*

The selection criteria are not clear. What is the relation with SERA A and B process?

response *Noted*

The comment addresses a different rulemaking deliverable. It should be noted that NPA 2013-08 (E) is a document cross-referencing the ICAO Annex 3 provisions against the Agency's draft rules proposed with this NPA.

comment 3 comment by: *comments provided on behalf of FIT/CISL Italian trade union*

FIT CISL appreciates the work done so far and we ask EASA to continue this work on staff competence requirements for other personnel such as FIS officers, MET officers (as listed in the **World Meteorological Organisation (WMO) Documents No.49 and No.258**), AIS/AIM officers, other safety-related maintenance staff outside the scope of the definition of ATSEPs and ATM tool designers...

response *Noted*

As mentioned in the Explanatory Note (NPA 2013-08 (A)), ATSEP is the first category of ATM/ANS personnel to be proposed for EU regulation. The Agency intends to propose other categories of personnel (e.g. MET, AIS-AIM, ATFM, NM technical staff) as far as it is considered necessary to regulate them. The rules for such other personnel shall be included in the same Annex XII Specific Requirements for ATM/ANS providers regarding personnel training and competence assessment (Part-PERS).

comment 4 comment by: *comments provided on behalf of FIT/CISL Italian trade union*

FIT CISL encourages EASA to work more on the 5th pillar of SES by introducing human factor training including just culture presentation and description of related process (initial and continuous) for all safety related jobs in aviation and especially in ATM.

response *Noted*

The Agency intends to propose other categories of ATM/ANS personnel for EU regulation and, together with the members of the rulemaking groups, will

consider the human factor aspects accordingly.

DRAFTING DOCUMENT TABLE

p. 2-42

comment

1

comment by: AIRBUS

This cross reference table gives good visibility of the compliance with the ICAO standard. This table is a useful tool to provide an overview on the transposition process of the ICAO standard into the EASA system while applying the horizontal and vertical rule principles. This is a good example of what can be done to get close to the international framework / standard (ICAO).

response

Noted