EASA

Comment Response Tool

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Title	Requirements for ATM/ANS providers and the safety oversight thereof (Implementing Rule)
NPA Number	NPA 2013-08 (B)

UK CAA (European.Affairs@caa.co.uk) has placed **57** unique comments on this NPA:

Cmt	Segment description	Pag	Comment	Attachm
1024	(General Comments)	0	**Page No:** N/A **Paragraph No:** Throughout – general comment **Comment:** UK CAA suggests the amount of new regulatory material should be reduced. **Justification:** The amount of content of the IR/AMC/GM dealing with MET, Human Factors and especially ATSEP appears out of proportion and now seems to dominate the material. 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.	
1037	COVER REGULATION - Article 1	9	**Page No:** 9 **Paragraph No:** Article 1, sub-paragraph 2 **Comment:** UK CAA suggests sub-paragraph 2 should be deleted. **Justification:** The paragraph seems unnecessary. If it is to remain, a number of typos should be corrected: **Proposed Text:**	

			1(b) '… the field **of** ATM/ANS' 2 '…make provision ~~for~~ **to** the contrary…' 2(a) '… the provision of ATM/ANS ~~by a provider'~~ (tautology)	
1040	COVER REGULATION - Article 2	9 - 13	**Page No:** 9 **Paragraph No:** Article 2, sub-paragraphs 1 and 24 **Comment:** The terms 'aerial work' and 'general aviation' do not align with the EASA Basic Regulation or the Air Operations Regulation. In terms of aircraft operations, aerial work is replaced by the concept of specialised operations (SPO). These can be either commercial or non-commercial flights. Additionally, non-commercial operations with complex motor-powered aircraft are subject to additional rules more closely aligned to those for commercial air transport. Further consideration should be given to the terminology used to describe those sectors of air operations **Justification:** Clarity. **Proposed Text:** Use same definitions as in the Basic Regulation.	
1047	COVER REGULATION - Article 2	9 - 13	**Page No:** 10 **Paragraph No:** 11. **Comment:** Communications, navigation and surveillance could be provided individually or bundled and should be separated as such. **Proposed Text:** '… communications **service**s , navigation **services,** ~~and~~ surveillance services, …'	
1048	COVER REGULATION - Article 2	9 - 13	**Page No:** 12 **Paragraph No:** 50 (Definitions) **Comment:** System and Equipment Training is defined but no other training is. **Justification:** UK CAA suggests this is an unnecessary definition and inconsistent as no other ATSEP related training is defined. **Proposed Text:** Remove definition as Annex XII is fully explanatory.	
1049	COVER REGULATION - Article 3	13 - 14	**Page No:** 13 **Paragraph No:** 2 **Comment:** UK CAA suggests this paragraph should be deleted.	

			Justification: The rationale for the addition of this new sentence to the competent authority Article is not understood. There is no requirement for a CA to be nominated as 'responsible for the operation in a given airspace'. The text appears to be: a. Superfluous b. Outside the scope of this ATM/ANS Regulation c. Risks contradicting the principle of separation between operating organisation and regulator. d. Would require some Member States to pass new national legislation nominating a CA for this additional purpose (so would therefore require an additional transition period for implementation) **Proposed Text:** Delete paragraph.	
1055	COVER REGULATION - Article 7	15 - 16	**Page No:** 16 **Paragraph No:** Article 7 paragraph 3 **Comment:** UK CAA suggests the text could be amended to improve the grammar and clarity of intent. **Justification:** The text includes a split infinitive and the article should require more than just an evaluation. **Proposed Text:** '...shall establish a system to ~~consistently~~ ~~evaluate~~ **assure** that all alternative means of compliance...''	
1060	COVER REGULATION - Article 7	15 - 16	**Page No:** 16 **Paragraph No:** Article 7 paragraph 4 **Comment:** Generation/Use of Alternative Means of Compliance is limited here to certified ATM/ANS providers. UK CAA suggests this should also include those who 'declare'. **Justification:** A provider of FIS who declared (rather than is certified) should be able to propose Alternate Means of Compliance as is provided for at paragraph (c) of ORO.GEN.120. **Proposed Text:** Insert an additional paragraph: 'An operator required to declare its activity shall notify to the competent authority a list of any alternative means of compliance it uses to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules.'	
1062	COVER REGULATION - Article 8	16 - 17	**Page No:** 16-17 **Paragraph No:** Article 8 **Comment:** UK CAA suggests this Article should be deleted. A similar article was deleted from the proposed aircrew regulation by the EASA Committee on the grounds	

			that it was not an appropriate provision for the regulation which became Commission Regulation (EU) No 1178/2011, as amended by Commission Regulation (EU) No. 290/2012. It was not included in either Commission Regulation (EU) No 965/2012 on Operations nor the regulation on aerodromes as voted positively on by the EASA Committee. **Justification:** Legal consistency. **Proposed Text:** Delete Article 8 in its entirety.	
1068	COVER REGULATION - Article 9	17	**Page No:** 17 **Paragraph No:** Transitional provisions **Comment:** There are no details provided for ATSEPs arrangements, in particular provisions for existing ATSEPs. Proposals in Explanatory Note lack detail. **Justification:** Existing ATSEPs and Providers need to know the requirements for training/competence of existing ATSEPs as soon as possible. **Proposed Text:** Provide ATSEP transitional details.	
1072	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART A — GENERAL REQUIREMENT - ATM/ANS.AR.A Oversight function	19	**Page No:** 19 **Paragraph No:** ATM/ANS.AR.A.005 (a) **Comment:** UK CAA suggests 'other network functions' should be deleted or defined more fully. **Justification:** This term is undefined in scope and its use is no longer necessary given the new definition used for ATM/ANS provider.	
1074	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART A — GENERAL REQUIREMENT - ATM/ANS.AR.A Oversight function	19	**Page No:** 19 **Paragraph No:** ATM/ANS.AR.A.005 (b) **Comment:** UK CAA suggests this paragraph is amended as agreement on supervision of ATM/ANS providers needs to be made by Member States not Competent Authorities. **Justification:** This is a sovereign, Member State responsibility and not the responsibility of Competent Authorities. Consistency with higher regulations (Article 2 of the Service Provision Regulation). **Proposed Text:** '...of this regulation, ~~competent authorities~~ **Member States** shall conclude an agreement...'	
1077	ANNEX I -	20	**Page No:** 20	

	REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART A — GENERAL REQUIREMENT - ATM/ANS.AR.A Safety directives		**Paragraph No:** ATM/ANS.AR.A.20 (a) **Comment:** The term '*unsafe condition'* is not defined. **Justification:** To assist in standardisation between competent authorities such terms need to be defined as clearly as possible.	
1079	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART B — MANAGEMENT (ATM/ANS.AR.I - ATM/ANS.AR.B Management system	21	**Page No:** 21 **Paragraph No:** ATM/ANS.AR.B.005 (d) **Comment:** UK CAA suggests this paragraph needs to be modified to ensure that this is a requirement to facilitate Standardisation audits on demand and not a continual flow of documents to EASA. **Justification:** Copying management procedures and amendments to the Agency would be burdensome and bureaucratic. **Proposed Text:** 'shall be made available **on demand** to the agency ...'	
1083	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART B — MANAGEMENT (ATM/ANS.AR.I - ATM/ANS.AR.B Allocation of tasks to qualified entities	21 - 22	**Page No:** 21 **Paragraph No:** ATM/ANS.AR.B.010 (a) **Comment:** UK CAA suggests this paragraph should be amended to provide clarity. **Justification:** The text as written could be misinterpreted as meaning that such tasks must be allocated elsewhere by an NSA. **Proposed Text** '...and its implementing rules, shall, **if allocated by the competent authority**, only be allocated ~~by the competent authority~~ to qualified entities.'	
1087	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART C — OVERSIGHT, CERTIFICATIO AND ENFORCEMENT (ATM/ANS.AR.(	24 - 25	**Page No:** 24 **Paragraph No:** ATM/ANS.AR.C.015 (b) (1) **Comment:** The term '*applicable requirements'* is not defined. **Justification:** The previous legislation (1034/2011) refers to Applicable Safety Regulatory Requirements which are defined as including National Regulations. Without a clear definition it is ambiguous as to whether National Regulations or even EU regulations can or cannot apply. **Proposed Text:** '**Applicable Requirements means the**	

	- ATM/ANS.AR.C Oversight		**requirements established by the Union or National regulations for the provision of ATM/ANS.'**	
1089	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART C — OVERSIGHT, CERTIFICATIOI AND ENFORCEMENT (ATM/ANS.AR.(- ATM/ANS.AR.C Oversight	24 - 25	**Page No:** 24 **Paragraph No:** ATM/ANS.AR.C.015 (b) (1) **Comment:** The term '*Implementing Arrangements'* is not defined within the legislation. **Justification:** The term '*Implementing Arrangements '* is defined in the Guidance Material GM1 ATM/ANS.AR.C.015 Oversight, however the guidance material has no legal status therefore a definition is required within the legislation. **Proposed Text:** '**Implementing Arrangements means the ATM/ANS provider's management system documentation, policies, procedures and operating instructions.'**	
1092	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART C — OVERSIGHT, CERTIFICATIOI AND ENFORCEMENT (ATM/ANS.AR.(- ATM/ANS.AR.C Changes — ATM/ANS providers	26	**Page No:** 26 **Paragraph No:** ATM/ANS.AR.C.020 **Comment:** The title needs to make clear that this applies only to 'Organisational' changes and not to changes in functional ATM systems. **Justification:** This article seems to make sense only in the context of changes to the organisation, however, it is not clear that this process may not also apply to changes to functional systems. There is nothing here that seems to reflect the needs of an SMS to address Safety Related changes that are not of an organisational nature. **Proposed Text** Amend the title to read: '**Organisational** Changes – ATM/ANS providers'**.** In addition, the word 'organisational' needs to be added to the text in front of the word 'change' on each occasion.	
1093	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART C — OVERSIGHT, CERTIFICATIOI AND ENFORCEMENT (ATM/ANS.AR.(- ATM/ANS.AR.C Changes —	26	**Page No:** 26 **Paragraph No:** ATM/ANS.AR.C.020 (a) **Comment:** The term '*Application for a Change'* is used here. This should be *'Notification of a proposed Change'.* **Justification:** The use of the term 'Application' implies that an application form would be required. 'Application' is not used anywhere else in the legislation or guidance note text. The words 'Notification' and 'Notify' are used. **Proposed Text:** 'Upon receiving ~~an application~~ a **notification** ~~for a~~ **of a proposed** change that requires prior approval...'	

	ATM/ANS providers			
1096	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART C — OVERSIGHT, CERTIFICATIO AND ENFORCEMENT (ATM/ANS.AR. - ATM/ANS.AR.C Changes — ATM/ANS providers	26	**Page No:** 26 **Paragraph No:** ATM/ANS.AR.C.020 (a) **Comment** UK CAA suggests the final sub-paragraph under (a) should be amended. **Justification:** The paragraph should be related to how the change would affect the ATM/ANS provider's compliance with the applicable requirements and needs to be done before the change is put into effect. **Proposed Text** 'When satisfied that the ATM/ANS provider ~~is~~ **would remain** in compliance with the applicable requirements the competent authority shall **give approval for** the change **to take place**.'	
1097	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART C — OVERSIGHT, CERTIFICATIO AND ENFORCEMENT (ATM/ANS.AR. - ATM/ANS.AR.C Changes — ATM/ANS providers	26	**Page No:** 26 **Paragraph No:** ATM/ANS.AR.C.020 (b) **Comment:** UK CAA suggests the wording should be amended as this paragraph asks for the competent authority to take 'immediate action' when a change is implemented without prior approval. It is difficult to see how the authority can take immediate action if they have not been notified of the change. **Justification:** The authority would not be able to take immediate action if they were unaware that the change had taken place. **Proposed Text:** 'Without prejudice to any additional enforcement measures, when the **competent authority has been made aware that an** ATM/ANS provider has implemented changes requiring prior approval without having received competent authority approval as defined in (a), the competent authority shall take immediate appropriate action.'	
1101	ANNEX I - REQUIREMENT FOR COMPETENT AUTHORITIES IN ATM/ANS (Part-ATM/ANS.AR) - SUBPART C — OVERSIGHT, CERTIFICATIO AND ENFORCEMENT (ATM/ANS.AR. -	26 - 27	**Page No:** 26 **Paragraph No:** ATM/ANS.AR.C.025 (c) (4) **Comment:** The term 'Accountable Manager' is not defined. 'Accountable Manager' needs to be defined within the legislation. **Justification:** This paragraph recognises that the Accountable Manager holds the most important post in an ATM/ANS provider's safety management system by the fact that the lack of one would result in a Level 1 finding. Therefore it is of upmost importance that the post of the Accountable Manager is defined	

	ATM/ANS.AR.C Findings, corrective actions, and enforcement measures		**Proposed Text:** 'The organization must identify the Accountable Manager, who must be a single, identifiable person having final responsibility for the effective and efficient performance of the organization's SMS.'	
1105	APPENDIX 1 TO ANNEX I - CERTIFICATE FOR AIR TRAFFIC MANAGEMENT/ NAVIGATION SERVICE PROVIDER (ATM/ANSP) - EUROPEAN UNION COMPETENT AUTHORITY - AIR TRAFFIC MANAGEMENT/ NAVIGATION SERVICE PROVIDER - CERTIFICATE	28	**Page No:** 28 to 33 **Paragraph No:** The Certificate page 28 **Comment:** The certificate refers to '*the attached conditions approval'* and *'the attached approval'.* No such approval document is provided. It is assumed that this is referring to the Service Provision Conditions on pages 29 to 33, therefore the certificate text needs to be changed to refer to '*Service Provision Conditions'* not approvals. **Justification:** The document is entitled 'Service Provision Conditions' and is not an Approval. **Proposed Text:** 'as a certified Air Traffic Management/Air Navigation Service Provider with the privilege to provide ATM/ANS, as listed in the attached **Service Provision Conditions.** Privileges: This certificate is limited to the conditions and the scope of providing services as listed in the attached **Service Provision Conditions**.'	
1106	AIR TRAFFIC MANAGEMENT/ NAVIGATION SERVICE PROVIDER - CERTIFICATE - SERVICE PROVISIONS CONDITIONS	29 - 33	**Page No:** 29 to 33 **Paragraph No:** The Service Provision Conditions **Comment:** This document simply details the type of service provision that the ATM/ANS may provide. It does not allow any space for other conditions to be attached to the certificate. **Justification:** ANNEX II (b) of the Service provision regulation 550/2004 allows additional conditions to be attached to the certificate. **Proposed Text:** 'has obtained the privileges to provide (*and conduct**) the following services (*and training**) **subject to the following additional conditions**:'	
1108	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON	34	**Page No:** 34 **Paragraph No:** ATM/ANS.OR.A.010 (c) **Comment:** The statement that '*An ATM/ANS provider shall comply with the applicable requirements no later than the time at which the certificate is issued'* means that the same situation exists as it did under the previous legislation in that you cannot be an ATM/ANS provider unless you are a ATM/ANS provider.	

	REQUIREMENT (ATM/ANS.OR.A - ATM/ANS.OR.A Application for an ATM/ANS provider certificate		It is impossible for a potential ATM/ANS provider to provide sufficient evidence of compliance with the regulations unless actually providing a service. This needs to change to a process that allows certificates to be issued with non-safety related non-compliances outstanding. The certificate should contain additional conditions that require that the non-compliances are rectified on or before operations commence or being granted designation. For example finding a non-compliance during a routine oversight audit does not result in the removal of certification so why is full compliance required at certification? **Justification:** It is almost impossible for a company or organisation that is not certified, to achieve certification status without the assistance of a certified ATM/ANS provider. Not being able to achieve certified status without already being an ATM/ANS provider very much limits entry into the market and makes the market less than contestable . **Proposed Text:** 'An ATM/ANS provider shall comply with the applicable requirements **and any additional conditions attached to their certificate** no later **than the proposed operation date**.'	
1111	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON REQUIREMENT (ATM/ANS.OR.A - ATM/ANS.OR.A Application for a limited certificate	34 - 35	**Page No:** 34 **Paragraph No:** ATM/ANS.OR.A.015 **Comment:** This paragraph states: '(a) ….. (1) aerial work; (2) general aviation; (3) commercial air transport limited to aircraft with less than 10 tonnes of maximum take-off mass or less than 20 passenger seats; and/or (4) commercial air transport with less than 10 000 movements per year, regardless of the maximum take-off mass and the number of passenger seats;' The terms 'aerial work' and 'general aviation' do not align with the EASA Basic Regulation or the Air Operations Regulation. In terms of aircraft operations, aerial work is replaced by the concept of specialised operations (SPO). These can be either commercial or non-commercial flights. Additionally, non-commercial operations with complex motor-powered aircraft are subject to additional rules more closely aligned to those for commercial air transport. Further consideration should be given to the terminology used to describe those sectors of air operations to which ANSPs may provide a service under a limited certificate.	

			Justification: Clarity.	
1114	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON REQUIREMENT (ATM/ANS.OR.A - ATM/ANS.OR.A Application for a limited certificate	34 - 35	**Page No:** 34 **Paragraph No:** ATM/ANS.OR.A.015 (a) (4) **Comment:** The paragraph refers to 10,000 movements and 'movements' are not defined as they were in Commission Regulation (EU) 1035/2011 Article 5.2 (d). **Justification:** If 'movements' are not defined it is unclear at what level this limit operates, for example, is a movement a landing, a takeoff or both? **Proposed Text:** 'Movements in the context of ATM/ANS means … The sum of take-offs and landings and calculated as an average over the previous three years.'	
1128	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON REQUIREMENT (ATM/ANS.OR.A - ATM/ANS.OR.A Application for a limited certificate	34 - 35	**Page No:** 34 **Paragraph No:** ATM/ANS.OR.A.015 (b) (2) **Comment:** This paragraph refers to 'operating regularly not more than one working position at any aerodrome'. '*Operating Regularly'* and '*Working Position'* are not defined and the reference to 'any *aerodrome'* could imply 'any aerodrome' not just the ANSP's aerodrome. **Justification:** The concept of 'Operating Regularly' needs to be defined i.e. is this one day a week or one day a year?. The 'Working Position' must be defined and 'any aerodrome' must be 'any of the ANSPs aerodromes'. **Proposed Text:** Amend paragraph (b)(2) to read: 'Air navigation service providers providing aerodrome flight information services by operating regularly not more than one working position **at any of the ANSP's** aerodrome.' Include in Article 2 Definitions:- 'Working Position – The HMI used by a FISO to provide aircraft with Flight Information Services. Operating Regularly means……' (How many times a Day/Week/Month/Year as a minimum is considered to be regularly).	
1130	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON REQUIREMENT (ATM/ANS.OR.A -	34 - 35	**Page No:** 35 **Paragraph No:** ATM/ANS.OR.A.015 (d) **Comment:** This requirement is the same as in the previous legislation Commission Regulation (EU) 1035/2011, in that Limited (derogated) FIS units are not required to comply with Annex III ATS.OR.205(a)(2) which is the requirement to have a safety management function to develop and maintain the SMS. This exception should be removed and Limited FIS should comply with the requirements of Annex III ATS.OR.205(a)(2).	

	ATM/ANS.OR.A Application for a limited certificate		**Justification:** Limited FIS units are required to comply with Annex III and develop a SMS in accordance with ATS.OR.205 therefore it is necessary to have a safety management function to develop and maintain the required SMS. **Proposed Text:** 'Air navigation service providers applying for a limited certificate under (b)(2) shall comply at least with the requirements in (c)(1) to (4) and with the requirements in Annex III, except ~~ATS.OR.205(a)(2),~~ ATS.OR.205(c)(1)(ii) and ATS.OR.210.'	
1132	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON REQUIREMENT (ATM/ANS.OR.A - ATM/ANS.OR.A Declaration by flight information services providers	35 - 36	**Page No:** 35 **Paragraph No:** ATM/ANS.OR.A.025 **Comment:** It is unclear what type of service provision this paragraph relates to i.e. is this only the provision of temporary services as described in Article 6, as appears to be the intention as described in the explanatory notes, or is this for FIS units providing continuous operations? **Justification:** It needs to be clearly stated as to what type of service this paragraph relates to and if this is for temporary service provision only, a reference should be made to the requirements in Article 6. **Proposed Text:** '(a) Flight Information service providers, **who wish to provide a service in accordance with Article 6, when** declaring their activities shall:'	
1135	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON REQUIREMENT (ATM/ANS.OR.A - ATM/ANS.OR.A Declaration by flight information services providers	35 - 36	**Page No:** 36 **Paragraph No:** ATM/ANS.OR.A.025 (d) **Comment:** This sub-paragraph states that the 'Flight Information Service provider shall only start service provision after receiving acknowledgement of receipt of the declaration from the competent authority'. Annex I of the document does not define on what basis the competent authority will acknowledge receipt. Considerable clarification is required here as this is implying that the competent authority has to take the receipt of the self declaration form (Appendix 1) as sufficient evidence to allow operations to commence. The following sub-paragraph (e) defines the criteria for the declaration to remain valid however it appears that there is no requirement placed on the competent authority to ensure that these criteria are met before allowing service provision to commence. **Justification** There is no clear requirement being placed on the competent authority to ensure that the self declaring service provider is compliant with the applicable legislation before the commencement of operations.	

			Proposed Text: Amend sub-paragraph (d) to read: '(d) Flight Information service providers shall only **commence operations when they have received acknowledgement from the competent authority that the statements made in the self declaration form (appendix 1) are acceptable and verified.'** In addition, Annex I should also define the actions required of the competent authority when in receipt of a self declaration.	
1137	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART A — GENERAL COMMON REQUIREMENT (ATM/ANS.OR.A - ATM/ANS.OR.A Safety reporting	37 - 38	**Page No:** 37 **Paragraph No:** ATM/ANS.OR.A.060 **Comment:** There is no requirement for this paragraph to be included other than perhaps to make reference to the Directive 2003/42/EC or the forthcoming regulations on this subject. **Justification:** These requirements exist elsewhere. There is no need for duplication. **Proposed Text:** Replace entire paragraph with: '**ATM/ANS providers are to ensure that the requirements of Commission Implementing Regulation XXXXXXX on safety reporting are complied with.'**	
1140	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART B — MANAGEMENT (ATM/ANS.OR.B - ATM/ANS.OR.B Contracted activities	39	**Page No:** 39 **Paragraph No:** ATM/ANS.OR.B.020(a) **Comment:** This paragraph is referring to contracting out of some of the ATM/ANS provider's activities. It is not clear what these activities are. For example when an ATM/ANS avails itself of the services of another ATM/ANS provider for CNS provision, is this a contracted activity? Is the provider a contracted organisation? **Justification:** The scope of the contracted out activities needs to be defined, i.e. the contracted activities that the competent authority would be interested in are those activities defined within the provider's certification and no other, and what is a contracted organisation? **Proposed Text:** Amend paragraph (a) to read: 'When contracting or purchasing any part of **the activities defined in the ATM/ANS providers certificate, the provider** shall ensure that the contracted or purchased activity, system or constituent conforms to the applicable requirements.' In addition, the terms 'Contracted Activities' and 'Contracted Organisation' need to be defined in Article 2.	

1148	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR) - SUBPART B — MANAGEMENT (ATM/ANS.OR. - ATM/ANS.OR.B Contracted activities	39	**Page No:** 39 **Paragraph No:** ATM/ANS.OR.B.020(b) **Comment (1):** This paragraph states that when the ATM/ANS provider contracts out some of its activities the contracted organisation shall work under the certificate of the ATM/ANS provider. It is not clear how a non-certified organisation can work under a certificate granted to another organisation. The ATM/ANS provider is responsible for ensuring the contractor carries out its operations in line with the applicable requirements but the contractor does not receive any certificated status. **Justification (1):** The competent authority issues certificates to the ATM/ANS provider and that certificate is limited to that provider and cannot be extended to suppliers or contractors. **Comment (2):** This paragraph states that when the ATN/ANS provider contracts out some of its activities the ATM/ANS provider shall ensure that the competent authority is given access to the contracted organisation to determine compliance with the applicable requirements. This would considerably increase the workload of the competent authority and would no doubt require a change in national law to enable the competent authority inspectors a 'right of access' to organisations not covered under the certification process. **Justification (2):** The competent authority issues certificates to the ATM/ANS provider and it is the ATM/ANS provider's responsibility to ensure that the services they provide are compliant with the applicable requirements regardless of whether or not some of those services are contracted out. It is not the responsibility of the competent authority to audit contractors or suppliers. They can only audit those to whom a certificate has been granted. **Proposed Text:** Replace paragraph (b) with the following: 'When an ATM/ANS provider contracts any part of its activity to an organisation, **the ATM/ANS provider shall ensure that the work carried out by the contracted organisation conforms to the applicable requirements as defined within the ATM/ANS provider's certificate.'**	
1176	ANNEX II - COMMON REQUIREMENT FOR THE PROVISION OF ATM/ANS (Part-ATM/ANS.OR)	41 - 42	**Page No:** 41 **Paragraph No:** ATM/ANS.OR.C.015 **Comment:** The Guidance Material and AMC provided in NPA 2013-08(C) do not provide information relating to security management and the integrating of security	

	- SUBPART C — SPECIFIC ORGANISATIOI REQUIREMENT FOR ANS AND ATFM PROVIDERS AND THE NETWORK MANAGER (ATM/ANS.OR.(- ATM/ANS.OR.C Security management		management into the Management System. UK CAA suggests that this should be included. **Justification:** Clear guidance and methods of compliance are required for security management.	
1177	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) - Section 2 — Safety of services - ATS.OR.225 Safety requirements for engineering and technical personnel undertaking operational safety-related tasks	49	**Page No:** 49 **Paragraph No:** ATS.OR.225 **Comment:** UK CAA suggests this requirement should be moved or deleted. The requirement is located in a Section related to ATS. Other parts of this NPA imply that ATSEPs are encompassed by the ATM/ANS scope and therefore the provisions apply to other Providers, beyond ATS. **Justification:** To avoid confusion in scope of ATSEP provisions. **Proposed Text:** Move text to ATM/ANS Section of NPA or consider removing this article entirely.	
1178	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC	49	**Page No:** 49 **Paragraph No:** ATS.OR.225 **Comment:** Notwithstanding UK CAA's previous comment to move or delete this requirement, we have further comments on the text. The title refers to 'safety-related tasks' whereas elsewhere in the NPA it is stated that the term 'ATSEP' is not related to safety-related tasks, but rather, safety related systems. **Justification:** To provide clarification and consistency throughout document. **Proposed Text:** Ensure references to ATSEP are	

	SERVICES (ATS.OR) - Section 2 — Safety of services - ATS.OR.225 Safety requirements for engineering and technical personnel undertaking operational safety-related tasks		consistent throughout NPA to refer to 'safety-related systems' and not 'tasks'.	
1179	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) - Section 2 — Safety of services - ATS.OR.225 Safety requirements for engineering and technical personnel undertaking operational safety-related tasks	49	**Page No:** 49 **Paragraph No:** ATS.OR.225(a) **Comment:** The last sentence refers to procedures for the welfare of staff, these are covered by wider employment law and are outside the competence of this regulation. **Justification:** 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 **Proposed Text:** Delete last sentence in paragraph (a).	
1180	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR	49	**Page No:** 49 **Paragraph No:** ATS.OR.225(c)(2) and (c) (3) **Comment:** Paragraphs (c)(2) and (c)(3) make references to operational personnel which is outside the scope of this article. **Justification:** This section covers ATSEP not Operators. **Proposed Text:** Remove references to operational personnel.	

	TRAFFIC SERVICES (ATS.OR) - Section 2 — Safety of services - ATS.OR.225 Safety requirements for engineering and technical personnel undertaking operational safety-related tasks			
1181	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) - Section 3 — Human factors principles for the provision of air traffic control service - ATS.OR.305 Scope	49	**Page No:** 49 **Paragraph No:** ATS.OR.305 **Comment:** UK CAA suggests that stress and fatigue should be addressed separately. **Justification:** Stress and Fatigue are two distinct issues and should be addressed as such. The underlying requirements (OR 320 & 325) are written in this manner. **Proposed Text:** Replace paragraph (a) with new paragraphs (a) and (b), renumber existing paragraph (b) into (c), to read as follows: "(a) mitigate and as far as practicable prevent the negative effects of stress on Air Traffic Controllers (ATCOs) to ensure the safety of air traffic; and (b) mitigate and as far as practicable prevent the negative effects of fatigue on Air Traffic Controllers (ATCOs) to ensure the safety of air traffic; and (c) prevent and mitigate the risk that ATC service is provided …."	
1183	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) -	49	**Page No:** 49 **Paragraph No:** ATS.OR.310 **Comment:** UK CAA suggests that psychoactive substances should be included as an item that the risk arising from its problematic use is managed within the SMS. **Justification:** All operational safety risks should be managed by the providers SMS. **Proposed Text:** 'The air traffic control service provider shall ensure that any operational risk arising from ATCOs' stress, **fatigue or problematic use of psychoactive substances** is managed by its safety management system.'	

	Section 3 — Human factors principles for the provision of air traffic control service - ATS.OR.310 Safety management system			
1187	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) - Section 3 — Human factors principles for the provision of air traffic control service - ATS.OR.320 Stress	50	**Page No:** 50 **Paragraph No:** ATS.OR.320 **Comment:** Paragraph ATS.OR.325 Fatigue, contains sub-paragraph (d) which provides for 'staff support mechanisms and facilities'. UK CAA suggests this should also be included under paragraph ATS.OR.320 **Justification:** It is reasonable to require the same support for those staff who suffer from stress. **Proposed Text:** Add paragraph '**(d) make available staff support mechanisms and facilities**.'	
1188	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) - Section 3 — Human factors principles for the provision	50	**Page No:** 50 **Paragraph No:** ATS.OR.320 **Comment:** UK CAA believes 'occupational' stress should be emphasised more. Also, the CISM is only one method of addressing stress resulting from an incident whereas the text needs to be focussed around prevention and mitigation of stress. **Justification:** To focus on occupational stress and prevention rather than cure.	

	of air traffic control service - ATS.OR.320 Stress			
1190	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) - Section 3 — Human factors principles for the provision of air traffic control service - ATS.OR.325 Fatigue	50	**Page No:** 50 **Paragraph No:** ATS.OR.325 **Comment:** UK CAA suggests the paragraph should include a proportionate limit to the amount of support mechanisms/facilities available **Justification:** As written there is no limit to the level of support to be offered. **Proposed Text:** '(d) make available **appropriate levels** of staff support mechanisms and facilities.'	
1191	ANNEX III - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (Part-ATS) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF AIR TRAFFIC SERVICES (ATS.OR) - Section 3 — Human factors principles for the provision of air traffic control service - ATS.OR.330 ATCOs' rostering system(s)	50	**Page No:** 50 **Paragraph No:** ATS.OR.330 **Comment:** Paragraph (b) includes the term 'an ATCO's rostering system' – this implies an individual roster. **Justification:** To provide clarification and align with terminology in paragraph (c). **Proposed Text:** '(b) When establishing ~~an ATCOs'~~ **the** rostering system, the air traffic control service provider shall involve affected ATCOs in relation to safety issues concerning fatigue in ATCOs' rostering system(s).'	

1192	ANNEX IV - SPECIFIC REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (Part-MET) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (MET.OR) - Section 2 — Specific requirements - Chapter 1 — Requirements for meteorological watch offices - MET.OR.200 Watch and other meteorological information	52 - 53	**Page No:** 53 **Paragraph No:** MET.OR.200 (e) **Comment:** UK CAA suggests that the word “accidental” is deleted. **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:** ‘provide its associated ACC/FIC with information received on the release of radioactive materials into the atmosphere in the area for which it maintains watch or adjacent areas and for which a SIGMET has not already been issued.’	
1194	ANNEX IV - SPECIFIC REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (Part-MET) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (MET.OR) - Section 2 — Specific requirements - Chapter 2 — Requirements for aerodrome meteorological offices - MET.OR.215 Forecasts and other meteorological information — General	54	**Page No:** 54 **Paragraph No:** MET.OR.215 (e) **Comment:** Insert the words “users with” after the word “provide” at the start of the sub-paragraph. **Justification:** The text is not clear who is being referred to in respect of “their” respective functions **Proposed Text:** ‘provide **users with** other meteorological information necessary for the performance of their respective functions;’	

1196	ANNEX IV - SPECIFIC REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (Part-MET) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (MET.OR) - Section 2 — Specific requirements - Chapter 2 — Requirements for aerodrome meteorological offices - MET.OR.215 Forecasts and other meteorological information — General	54	**Page No:** 54 **Paragraph No:** MET.OR.215 (f) **Comment:** UK CAA suggests the word “volcanic” from between “pre-eruption” and “activity” is deleted. **Justification:** Pre-eruption activity is usually non-volcanic e.g. seismic, GPS deformation, strain meter derived, steam and gas ejections etc. **Proposed Text:** ‘provide its associated air traffic services unit, aeronautical information service unit and meteorological watch office with information received on pre-eruption ~~volcanic~~ activity, a volcanic eruption, or volcanic ash cloud’	
1197	ANNEX IV - SPECIFIC REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (Part-MET) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (MET.OR) - Section 2 — Specific requirements - Chapter 2 — Requirements for aerodrome meteorological offices - MET.OR.230 Area forecasts for low-level	55	**Page No:** 55 **Paragraph No:** MET.OR.230 (b) **Comment:** In sub-paragraph (b) suggest replace the words “are based on the agreement in (a)” by “shall be determined by the competent authority” **Justification:** Sub-paragraph (a) places a requirement on the competent authority to consider the requirement to provide a forecast for low-level flights. Therefore it is inconsistent in sub-paragraph (b) to refer to an agreement. **Proposed Text:** The aerodrome meteorological office shall: ... ‘ensure that the frequency of issue, the form, and the fixed time or period of validity of area forecast for low-level flights and the criteria for amendments thereto, **shall be determined by the competent authority**; and’	

	flights			
1199	ANNEX IV - SPECIFIC REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (Part-MET) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (MET.OR) - Section 2 — Specific requirements - Chapter 2 — Requirements for aerodrome meteorological offices - MET.OR.245 Notification of discrepancies to the World Area Forecast Centres	56	**Page No:** 56 **Paragraph No:** MET.OR.245 (b) **Comment:** Delete the words “an accidental” **Justification:** Amendment 76 to ICAO Annex 3 has removed the word “accidental” from the provision in Chapter 2 paragraph 2.2 (b) **Proposed Text:** ‘volcanic eruptions or a ~~accidental~~ release of radioactive materials into the atmosphere, of significance to aircraft operations.’	
1200	ANNEX IV - SPECIFIC REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (Part-MET) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (MET.OR) - Section 2 — Specific requirements - Chapter 3 — Requirements for meteorological stations - MET.OR.255 Observation of	56 - 57	**Page No:** 56 **Paragraph No:** MET.OR.255 (a) **Comment:** Delete the commas from the text of sub-paragraph (a). **Justification:** The requirement is to measure the wind direction and speed at the surface. **Proposed Text:** ‘surface wind direction and speed ‘	

	meteorological elements			
1201	ANNEX IV - SPECIFIC REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (Part-MET) - SUBPART A — ADDITIONAL ORGANISATIOI REQUIREMENT FOR THE PROVISION OF METEOROLOGI SERVICES (MET.OR) - Section 2 — Specific requirements - Chapter 5 — Requirements for World Area Forecast Centre (WAFC) - MET.OR.265 World Area Forecast Centre (WAFC) responsibilities	57 - 58	**Page No:** 58 **Paragraph No:** MET.OR.265 (a) (2) **Comment:** Delete the word “accidental”. **Justification:** Amendment 76 to ICAO Annex 3 has removed the word “accidental” from the provision in Chapter 3 paragraph 3.2.1 (d). **Proposed Text:** ‘global forecasts of significant weather (SIGWX) phenomena, including volcanic activity and ~~accidental~~ release of radioactive materials.’	
1203	ANNEX X - SPECIFIC REQUIREMENT FOR THE PROVISION OF AIRSPACE DESIGN	67	**Page No:** 67 **Paragraph No:** ANNEX X and Cover Regulation Article 2 **Comment:** This Annex refers to a term ‘Airspace Design’ which is not defined in scope and which has not, in European regulatory terms been regarded as a ‘service’ **Justification:** As the inclusion of an Annex of this kind would also introduce a requirement for such organisations to be Certified – a suitable definition for this term should be added to Article 2 in order to bring clarity concerning which organisations would be within scope.	
1205	ANNEX XII - SPECIFIC REQUIREMENT FOR ATM/ANS PROVIDERS REGARDING PERSONNEL TRAINING AND COMPETENCE ASSESSMENT REQUIREMENT (Part-PERS) - SUBPART A —	69	**Page No:** 69 **Paragraph No:** ATSEP.OR.005 Scope (b) **Comment:** It is not clear where the term ‘ATSEP’ originates from and why there is a requirement to categorise personnel as such. **Justification:** To provide clarity and understanding.	

	TECHNICAL AND ENGINEERING PERSONNEL - Section 1 — Air Traffic Safety Electronics Personnel - Chapter 1 — General - ATSEP.OR.005 Scope			
1206	ANNEX XII - SPECIFIC REQUIREMENT FOR ATM/ANS PROVIDERS REGARDING PERSONNEL TRAINING AND COMPETENCE ASSESSMENT REQUIREMENT (Part-PERS) - SUBPART A — TECHNICAL AND ENGINEERING PERSONNEL - Section 1 — Air Traffic Safety Electronics Personnel - Chapter 1 — General - ATSEP.OR.005 Scope	69	**Page No:** 69 **Paragraph No:** ATSEP.OR.005 Scope (b) **Comment:** This paragraph attempts to define who shall be considered an ATSEP and includes the 'release from and return into operations safety related air traffic management and communication, navigation and surveillance systems'. UK CAA believes this must be incorrect as an engineer cannot 'release equipment/systems' or return equipment/systems into operations'. Such decisions can only be made by Operations Personnel. **Justification:** An Engineer is not qualified, or likely to have sufficient knowledge or understanding of the current operational environment to be able to release equipment from operations. This can only be allowed by the user i.e. normally the Air Traffic Controller. The same applies to returning systems to operations. The engineer can only offer system as being suitable and available for return to operation. Only the user can determine if the equipment or system can actually be returned to operation. **Proposed Text:** '(b) Any authorised personnel who is competent to ~~operate~~, maintain, **request** release from, and **make available for** return into operations safety-related air traffic management and communication, navigation, and surveillance systems shall be considered to be ATSEP; and'	
1207	ANNEX XII - SPECIFIC REQUIREMENT FOR ATM/ANS PROVIDERS REGARDING PERSONNEL TRAINING AND COMPETENCE ASSESSMENT REQUIREMENT (Part-PERS) - SUBPART A — TECHNICAL AND	69	**Page No:** 69 and following pages **Paragraph No:** Whole of ANNEX XII SPECIFIC REQUIREMENTS FOR ATM/ANS PROVIDERS REGARDING PERSONNEL TRAINING AND COMPETENCE ASSESSMENT REQUIREMENTS (Part-PERS) SUB PART A-TECHNICAL AND ENGINEERING PERSONNEL Section 1-Air Traffic Safety Electronics Personnel **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	

ENGINEERING PERSONNEL - Section 1 — Air Traffic Safety Electronics Personnel - Chapter 1 — General - ATSEP.OR.005 Scope

that any incidents have had ATSEP competency as a causal influence. Without detailed analysis and argument, it appears that these regulations are over-proscriptive and disproportionate and are not designed to address a safety need.

Justification: 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. We suggest 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.

The use of such training and assessing staff, especially in smaller Providers may not be feasible, practical or economically justified.

Instead of focusing on the training and competence objectives of a particular set of tasks in a particular operational environment, the addition of the Appendix 2 and 3 text drives the requirements into a concept of training subjects instead. Furthermore, although the related AMC and GM material is detailed, the really important topics of System and Equipment rating training and competence requirements are not dealt with in any detail. There appears to be lots of detail for theoretical/academic training and competence but not the actual work oriented aspects. This strengthens the argument that the ATM/ANS Provider should have the responsibility of determining training/competence requirements for actual tasks and not be driven by academic/theoretical training requirements. The legally mandated requirements in Annex XII should therefore be simplified, with Appendix 2 and 3 material moved to GM. The related AMC/GM material should also be defined as GM so that ATM/ANS Providers can reference guidance on how to derive training and competence arrangements for their staff.

Proposed Text:

The following text is a suggestion for a more flexible and simplified Annex XII Subpart A:

"ANNEX XII
SPECIFIC REQUIREMENTS FOR ATM/ANS PROVIDERS REGARDING PERSONNEL TRAINING AND COMPETENCE ASSESSMENT REQUIREMENTS (Part-PERS)
SUBPART A — TECHNICAL AND ENGINEERING PERSONNEL
Section 1 — Air Traffic Safety Electronics Personnel

Chapter 1 — General

ATSEP.OR.005 Scope
(a) This section establishes the requirements to be met by an ATM/ANS provider with respect to the training and competence assessment of Air Traffic Safety Electronics Personnel (ATSEP);
(b) Any authorised personnel who is competent to ~~operate~~, maintain, *request* release from, and *make available for* return into operations safety-related air traffic management and communication, navigation, and surveillance systems shall be considered to be ATSEP; and
(c) The design, testing, installation, and commissioning of operational systems and equipment are excluded from the scope of this section.

ATSEP.OR.010 Identification of safety-related systems
An ATM/ANS provider shall identify safety-related air traffic management and communication, navigation, and surveillance systems through their management systems in relation to their service.

ATSEP.OR.015 Training and competence assessment programme
An ATM/ANS provider that employs ATSEP shall:
(a) establish a training and competence assessment programme to cover the duties and responsibilities to be performed by ATSEP; and
(b) maintain records of all training completed by and competence assessment of ATSEP and make such records available:
(1) on request, to the ATSEP concerned; and
(2) on request, and with the agreement of the ATSEP, to the new ATM/ANS provider when the ATSEP changes ATM/ANS provider.

ATSEP.OR.020 Language proficiency
An ATM/ANS provider shall ensure that ATSEPs are proficient in the language(s) required to perform their duties.

Chapter 2 — Training requirements

ATSEP.OR.100 Training requirements — General
An ATM/ANS provider shall ensure that ATSEPs:

(a) have successfully completed:
(1) ~~the~~ basic training ~~as set out in ATSEP.OR.105;~~
(2) ~~the~~ qualification training ~~as set out in ATSEP.OR.110; and~~
(3) ~~the~~ system/equipment rating training ~~as set out in ATSEP.OR.115; and~~
(b) complete continuation training ~~in accordance with ATSEP.OR.120.~~
-
Such training being defined by the ATM/ANS provider as applicable to the system/equipment and operational environment. GM material is provided at XXXXXXXXXXX. This GM material includes guidance

on what is basic, qualification, system/equipment rating and continuation training. The ATM/ANS Provider may define such phases of training that are applicable to their operations.

ATSEP.OR.105 Basic training
~~(a) An ATM/ANS provider that employs ATSEPs shall ensure that basic training comprises:~~
~~(1) the subjects, topics, and sub-topics contained in Appendix 1 to this Annex; and~~
~~(2) where relevant to its activities, the subjects, topics, and sub-topics contained in Appendix 2 to this Annex.~~
~~(b)~~ An ATM/ANS provider may determine the most suitable entry level for their candidate ATSEP and, consequently, adapt the number and/or level of subjects, topics or sub-topics in ~~(a)~~ **Basic Training** where relevant.

ATSEP.OR.110 Qualification training
~~An ATM/ANS provider that employs ATSEP shall ensure that qualification training comprises the subjects, topics, and sub-topics contained in Appendix 3 to this Annex.~~
~~(a) In addition, the qualification training shall contain, as a minimum, one of the qualification streams, contained in Appendix 4 to this Annex.~~
~~(b)~~ The qualification stream shall be determined **by the ATM/ANS Provider** by associating the safety-related air traffic management and communication, navigation, and surveillance system(s) the candidate ATSEP will ultimately be working with, to the applicable stream(s).

ATSEP.OR.115 System and equipment rating training
(a) The system/equipment rating training shall be applicable to the duties to be performed ~~and include:~~
~~(1) theoretical courses; and/or~~
~~(2) practical courses; and/or~~
~~(3) on-the-job training~~.
(b) An ATM/ANS provider shall ensure that candidate ATSEP acquire knowledge and skills pertaining to:
(1) the functionality of the system/equipment;
(2) the actual and potential impact of ATSEP actions on the system/equipment; and
(3) the impact of the system/equipment on the operational environment

ATSEP.OR.120 Continuation training
An ATM/ANS provider shall ensure that ATSEP undertake appropriate continuation training, including refresher, equipment/systems upgrades and modifications, and/or emergency training.

Chapter 3 — Competence assessment requirements

ATSEP.OR.125 Competence assessment — General
An ATM/ANS provider shall ensure that ATSEPs:
(a) have been assessed as competent before performing their duties; and
(b) are subject to ongoing competence assessment ~~in accordance with ATSEP.OR.130.~~

			ATSEP.OR.130 Assessment of initial and ongoing competence An ATM/ANS provider that employs ATSEP shall: (a) establish, implement, and document processes for: (1) assessing the initial and ongoing competence of ATSEP; (2) addressing a failure or degradation of ATSEP competence; and (3) ensuring the supervision of personnel who have not been assessed as competent; and (b) define the following criteria against which initial and ongoing competence shall be assessed: (1) technical skills; (2) behavioural skills; (3) knowledge; (4) experience; and (5) language proficiency. - ~~**Chapter 4 — Instructors and assessors**~~ - ~~**ATSEP.OR.135 ATSEP training instructors**~~ ~~(a) An ATM/ANS provider shall ensure that ATSEP training instructors are suitably experienced and have appropriate knowledge in the field where instruction is to be given.~~ ~~(b) In addition, an ATM/ANS provider shall ensure that on-the-job training instructors have the skills to intervene in instances where safety may be compromised during the training.~~ - ~~**ATSEP.OR.140 Technical skills assessors**~~ ~~An ATM/ANS provider that employs ATSEP shall ensure that technical skills assessors are suitably experienced to assess the criteria defined in ATSEP.OR.130(b).”~~ - In addition to the above changes, we suggest that the Appendices 2, 3 and 4 should be deleted from Annex XII Sub Part A and included in the Guidance Material.	
1209	APPENDIX 1 TO ANNEX XII - SUBPART A — TECHNICAL AND ENGINEERING ELECTRONIC PERSONNEL - Section 1 — Air Traffic Safety Electronics Personnel - ATSEP.OR.105 Basic training	72	**Page No:** 72 and following pages **Paragraph No:** Appendices 1, 2, 3 and 4 to Annex XII Sub Part A material **Comment:** Notwithstanding our previous comment to relocate Appendices 2, 3 and 4 to Guidance Material, UK CAA suggests that the current wording of the Appendices 1, 2, 3 and 4 do not provide maximum flexibility to a Provider to decide appropriate training requirements aimed at the specific job tasks. **Justification:** Our previous comments on the whole of Annex XII refer.	

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