

EASA

Comment Response Tool

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Title	Requirements for ATM/ANS providers and the safety oversight thereof (Regulatory Impact Assessment)
NPA Number	NPA 2013-08 (D)

UK CAA (European.Affairs@caa.co.uk) has placed 4 unique comments on this NPA:

Cmt	Segment description	Page	Comment	Attachment
11	(General Comments)	0	<p>Page No: General</p> <p>Paragraph No: General</p> <p>Comment: 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 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>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.</p> <p>Proposed Text: Provision of illustrative costings should be included.</p>	
12	REGULATORY IMPACT ASSESSMENT EXECUTIVE SUMMARY	4 - 9	<p>Page No: 7</p> <p>Paragraph No: ATSEP</p> <p>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</p>	

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13	REGULATORY IMPACT ASSESSMENT EXECUTIVE SUMMARY	4 - 9	<p>Page No: 9</p> <p>Paragraph No: Chapter 9 Air Traffic Safety Electronic Personnel</p> <p>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 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: Annex XII Appendices 1, 2, 3 and 4 should be moved to GM.</p>	
14	9 ATSEP - 9.1 What is the issue and the current regulatory framework?	53 - 54	<p>Page No: 53 and following</p> <p>Paragraph No: 9 ATSEP</p> <p>Comment: The general comments already made about the ATSEP proposals apply, i.e. that the RIA is not strong</p>	

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).