

ESARR ADVISORY MATERIAL/GUIDANCE DOCUMENT
(EAM/GUI)

EAM 5 / GUI 2

**ESARR 5 AND RELATED SAFETY
OVERSIGHT FOR AIR TRAFFIC
CONTROL OFFICERS**

PART A – LICENSING OVERSIGHT

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Abstract		
<p>The previous versions of EAM 5 / GUI 2 (Part A) were produced before the approval of ESARR 1 and the entry into force of the SES Regulations. As such, their enactment has necessitated a full review of the document in order to ensure its consistency with this new regulatory material. As a first step in this review process, the SRC has produced this version of EAM 5 / GUI 2 (Part A) to include a new table with guidance on the criteria for the assessment of compliance with ESARR 5 for ATCOs. This table replaces the former highlevel checklists included in previous versions of the document.</p> <p>Apart from the new table, no other contents have currently been modified. However, it is intended to produce a fully revised version of EAM 5 / GUI 2 (Part A) to provide NSAs with guidance on the safety oversight of ESARR 5-related requirements for ATCOs.</p>		
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F.3 DOCUMENT APPROVAL

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F.4 DOCUMENT CHANGE RECORD

The following table records the complete history of this document.

EDITION NUMBER	EDITION DATE	REASON FOR CHANGE	PAGES AFFECTED
0.01	26-Aug-03	Creation.	All
0.1	16-Dec-03	Document sent to SRC for comment following incorporation of comments received from consultation with the ATM Services personnel Working Group (RFC 0356).	All
0.2	11-Feb-04	Final SRU quality check. Document status amended to 'Proposed Issue' and sent to SRC Commissioners for approval by correspondence.	All
1.0	05-Mar-04	Document formally issued.	All
1.1	06-Feb-06	Review to check consistency with Single European Sky and ESARR 1 requirements.	New Appendix B
1.2	03-Mar-06	New version produced after SRC consultation (RFC No. 602).	2, 7
2.0	21-Mar-06	Document formally released.	-

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F.6 EXECUTIVE SUMMARY

The previous versions of EAM 5 / GUI 2 (Part A) were produced before the approval of ESARR 1 and the entry into force of the Single European Sky (SES) Regulations.

As such, their enactment has necessitated a full review of the document in order to ensure its consistency with this new regulatory material.

As a first step in this review process, the Safety Regulation Commission (SRC) has produced this version of EAM 5 / GUI 2 (Part A) to include a new table (Appendix B) with guidance on the criteria for the assessment of compliance with ESARR 5 for ATCOs. This table replaces the former highlevel checklists included in previous versions of the document.

The new table is primarily intended to provide National Supervisory Authorities (NSAs) with guidance to support the development of their strategy to verify the implementation of ESARR 5-related requirements in the context of the certification and on-going oversight of Air Navigation Service Providers (ANSPs) against the Common Requirements established in Commission Regulation (EC) 2096/2005. As such, the table is also referred to in EAM 1 / GUI 5 'ESARR 1 in the Certification and Designation of Service Providers'.

Apart from the new table, no other contents have currently been modified. However, it is intended to produce a fully revised version of EAM 5 / GUI 2 (Part A) to provide NSAs with guidance on the safety oversight of ESARR 5-related requirements for ATCOs.

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1. GENERAL INTRODUCTION

1.1 Introduction

1.1.1 Purpose

The purpose of this document is to provide guidance to Designated Authorities, ATM service providers and individual ATM services personnel on the regulation of ATM Services' Personnel in accordance with ESARR 5.

ESARR 3 sets out general and specific requirements for safety oversight and safety management, the principles of which may be applied to all aspects of ATM including the regulation of ATM personnel. ESARR 5 takes the general principles of ESARR 3 and applies them specifically to the regulation of ATM personnel whose tasks, within ATM, are identified as being safety related.

This guidance does not set out to offer only one solution to the implementation of ESARR 5. The responsibilities allocated to the Designated Authority, identified in ESARR 3 as the 'safety regulator', and the service provider, within the limitation of complying with ESARR 5, may be different in different States depending on the regulatory culture. This document provides general guidance and, where appropriate, specific definitions and indications of what is required for compliance.

1.1.2 Scope

The scope of this document is confined to the safety regulatory aspects of one element of the ATM system, that is people and the way the competence of ATM personnel is maintained. It excludes the subjects of security, regularity and efficiency when those are not directly safety related.

It also excludes the regulatory aspects of procedures and equipment elements from the ATM system.

This document does not contain all necessary guidance on the provision of a safety oversight function. In particular, ESARR 1 and SRC Policy Document 3 should also be used as well as the other ESARR and guidance materials.

ESARR 5 sets general requirements relating to all ATM personnel who have safety related tasks. This may involve operational support staff who are not licensed or certificated and whose function is not yet defined, for example air traffic control assistants. ATM personnel may also include persons who are involved in the provision of flight information services from Flight Information Centres or aerodromes and the associated engineering services.

ESARR 5 sets out requirements for the regulation of Student Air Traffic Controllers, Air Traffic Controllers, Engineering and Technical personnel. It defines the responsibilities of civil Designated Authorities, the civil ATM Service Providers and Operating Organisations they regulate, and specific individual responsibilities of Student Air Traffic Controllers and Air Traffic Controllers.

Military authorities must also comply with ESARR 5 or have equivalent schemes for regulating their ATM personnel. In this context, 'equivalent' is interpreted to mean a scheme that provides the same safety assurance and is subject to the same safety oversight as the ESARR 5 requirements.

In a safety regulatory regime, there are two major elements of regulations which need to be operated: 'Rule-making' and 'Safety Oversight'. This document only deals with the Safety Oversight¹ functions of the designated authority, even if some necessary statements refer to rule making.

1.1.3 Safety Oversight Functions

The safety oversight of ATM personnel is the responsibility of the Designated Authority. ESARR 5 sets out in some detail the safety regulatory procedures that it must require the ATM service providers to implement in respect of their student air traffic controllers and air traffic controllers. It is less prescriptive in its requirements for Engineering and Technical Personnel, which offers more opportunity for Operating Organisations and the Designated Authority to develop means of compliance.

As with all safety regulatory oversight there should be:

- a) an initial safety oversight during the implementation stage, where the providers demonstrate their compliance with requirements or have their own means of compliance assessed by the Designated Authority. As a formal notification of compliance, it may be appropriate for the Designated Authority to issue approvals.
- b) on-going safety oversight, where continuing compliance is assessed. Ongoing safety oversight may include assessing changes associated with the ongoing development of training and competence processes and procedures.

1.2 Context

ESARR 5 places requirements on the Designated Authority which, in the case of the regulation of student air traffic controllers or air traffic controllers, are specific about what is required in respect of their regulation. For example, in the section 5.2 Requirements for Air Traffic Controllers, paragraph 5.2.1.4 requires the Designated Authority to "approve" personnel to conduct examinations or assessments. In the same section, paragraph 5.2.1.10 requires the "approval" of unit training plans and paragraph 5.2.1.12 requires the procedures for assessing controller competence to be "audited". This sets a regulatory style where the Designated Authority issues approvals and audits against compliance with approved procedures.

In the case of the regulation of air traffic controllers, the Designated Authority is also required, in paragraph 5.2.1.1, to issue air traffic controller licences and, in paragraph 5.2.1.2, to issue student air traffic controller licences. Paragraph 5.2.1.5 gives the ratings, at least one of which must be included for the issue of a licence. This will require the Designated Authority to have administrative support for the issue and maintenance of licences either from within its own organisation or from an outside organisation.

¹ Safety Oversight is "The function undertaken by a designated authority to verify that safety regulatory objectives and requirements are effectively met" (Refer to SRC POLICY DOC 3- Ed. 0.03)

1.2.1 International Obligations

States that are signatories to the EUROCONTROL Convention have an obligation to comply with EUROCONTROL ESARRs. It is in the interests of member States to comply with ESARR 5, as it forms the basis for the safety management of ATM personnel and for the harmonisation of training and competence standards. States that are also signatories to the Chicago Convention are also obliged to comply with the International Civil Aviation Organisation's Standards and Recommended Practices (SARPs).

Annex 1 to the Convention on International Civil Aviation requires air traffic controllers to be licensed, or to be government employees having the same qualifications as licensed air traffic controllers. In the context of ICAO the term 'licence' means the same as 'certificate of competence'. The Annex 1 Standards for air traffic controllers are procedures for licensing and do not contain any safety regulatory requirements. ESARR 5 requires air traffic controllers to have a licence and also contains safety regulatory requirements.

1.2.2 National ATM Framework for the Regulation of ATM Personnel

To satisfy their international commitments to implement ICAO SARPs and EUROCONTROL ESARRs, States will require a framework of supporting national legislation. This may include provision for the establishment of an entity known as the 'ATM safety regulator' whose functions would include the safety regulatory oversight of ESARRs, including ESARR 5, and rule making activities to support safety regulatory activities. Legislation may also be required to support the issue of licences to ATM personnel who do not already hold a licence. Legal provision for issuing approvals should be considered where States will use this as a method of indicating compliance with ESARR 5 and with their own State specific requirements. The Designated Authority's staff may also require specific legal authority to gain access to ATS units, en-route navigation aid sites etc. and to carry out audits or inspections.

There may be situations where services that are not provided by an ATM service provider fall under the ESARR 5 requirements. For example, air traffic controller initial training courses may be conducted by independent training organisations and equipment manufacturers may also provide training courses on specific equipment. The provider or air traffic service or the operating organisation may also use outside contractors' personnel to complete tasks which fall within the scope of ESARR 5 requirements. It is important that any legislation supporting ESARR 5 gives the Designated Authority sufficient scope to regulate all of the ESARR 5 requirements, regardless of which organisations are involved.

The Designated Authority may approve examiners and/or assessors from amongst the service providers' ATM personnel. Where existing national legislation does not already cover this situation, supporting legislation should clearly indicate the Designated Authority's liability in the event of their actions or decisions being challenged, or from their negligence.

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1.2.3 Regulatory and Service Provision Context

1.2.3.1 Regulatory Culture

The ESARR 5 requirements provide considerable scope to enable individual States to implement them in a way sympathetic to their own historical and cultural requirements. Use of existing regulations as a basis for compliance with ESARR 5 may result in the style of regulation whereby the Designated Authorities impose their own prescriptive procedures on ATM service providers and inspect for compliance with these procedures. A more satisfactory separation of safety regulation from service provision may be achieved by the Designated Authority requiring the ATM Service Provider to develop its own procedures and submit them for approval against compliance with ESARR 5. These styles of regulation are at opposite extremes of regulation and the actual style chosen could be expected to be a compromise between the two.

Designated Authorities should take into account the existing arrangements for the provision and regulation of ATM services in determining how they will implement ESARR 5. These should include the:

- a) existing arrangements for training and assessment of competence including the issue, where appropriate, of licences;
- b) number and size of the providers of ATM services;
- c) the capacity and expertise of the providers of ATM services to develop and regulate internally, through their safety management system and internal audits, their own means of compliance;
- d) need to develop prescriptive requirements where it is assessed that ATM service providers cannot comply with c) above;
- e) areas of ATM service provision and regulation where the expertise to audit or inspect for compliance lies, that is, with the ATM service provider, operational organisation or the Designated Authority;
- f) requirement to meet obligations under the EUROCONTROL Convention to implement and enforce the ESARR 5 requirements.

1.2.3.2 Separation of Safety Regulatory Function from Service Provision Function

The requirement to split safety regulation from service provision will require the ATM safety regulator and the service provider to agree, within the limitation of complying with ESARR 5, who will be responsible for the various processes involved in the regulation of ATM services personnel. The service provider is clearly responsible for ensuring the competence of his personnel, but it may be that the part of the ATM organisation that historically conducted examinations will become the safety regulator. Issues such as whom will be responsible for examinations or assessments at the training centres and operational units need to be resolved at an early stage.

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Although tasks associated with the regulation of ATM personnel may already be identified within the existing regulatory system as job titles, it may be necessary to define these tasks more clearly. This could be in the form of a task analysis or job description, but whichever system is chosen the regulatory responsibilities within that role must be clearly defined. The specification of the personnel who will undertake the tasks, in respect of their knowledge, skills and experience, should also be defined.

It is recognised that it may be necessary to phase in over a period of time the separation of safety regulation from service provision in respect of ESARR 5. Historical roles may have to be retained for a time to allow for the transfer of knowledge and skills and the gaining of experience. Such a phased implementation should be the subject of an implementation plan clearly indicating where the responsibilities for regulation lie at each stage.

1.2.3.3 Interface Arrangements

The interface between the safety regulator and the service provider, in respect of the regulation of ATM personnel, should also be defined. Interface arrangements should include the formal working arrangements that facilitate initial and ongoing safety oversights, such as the arrangements for auditing or inspecting. These arrangements should be documented but should not restrict in any way the Designated Authority's right to conduct regulatory activities associated with ESARR 5. There should also be national arrangements for routine administrative actions associated with licensing and for other routine documentation required from the service provider.

Separating safety regulation from service provision, while having positive safety implications, will almost inevitably lead to the closing of the previous formal and informal information channels. Interface arrangements should be put in place that take account of the problems associated with this separation, such as formally established regular meetings at management level. These meetings should address all items that will impact upon the regulation of ATM services personnel. For example, there should be briefings by the providers on long term strategies and planned changes to equipment or procedures and briefings by the safety regulator on proposed changes to international or national requirements. There should also be arrangements for the mutual review of regulated activities such as training and assessment of competence.

Agreements on the division of responsibilities for the regulation of ATM services personnel, the implementation of ESARR 5 and the interface arrangements will form the basis for the initial safety oversight and the assessment of the compliance with ESARR 5 by the ATM safety regulator. Prior to the implementation of ESARR 5 and the separation of safety regulation and service provision, the procedures for the ongoing safety oversight must also be agreed. The number and scope of these procedures will depend on the regulatory style to be adopted by the safety regulator.

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1.2.3.4 Regulatory Styles

Where the safety regulator sets prescriptive requirements, for example setting and conducting examinations and assessments of competence and inspecting for compliance, the regulatory processes will have to be carefully integrated into the day to day activities of service provision. This regulatory style requires considerable resources in terms of skilled staff and administration. Where the safety regulator permits the service providers to develop their own procedures, there will be an initial safety oversight audit to determine if they satisfy the requirements. Following this the ongoing safety audits will determine if the provider is complying with its procedures and if the procedures are being reviewed and updated to ensure that they continue to meet the requirements. In general this latter method of regulation does not require such careful integration with the provider's activities and is more efficient in what is achieved for the resources available.

1.2.3.5 Safety Oversight

The safety oversight associated with ESARR 5 implies that the Safety regulator will have to make provisions to:

- a) issue licences;
- b) approve personnel to conduct examinations or assessments;
- c) depending on the regulatory style, develop prescriptive requirements, or assess service providers' procedures for compliance with ESARR 5;
- d) audit or inspect ATS units, training centres and other sites for compliance with prescriptive requirements or means of compliance;
- e) assess the management structures of ATM service providers and training centres to determine if they can support compliance with prescriptive requirements or with their own proposed means of compliance.

1.2.3.6 Institutional Arrangements for the Regulation of ATM Personnel within the ATM Service Provision

The service provider should put in place a management structure that it can demonstrate will support compliance with ESARR 5 and any additional requirements of the Designated Authority. Tasks within this structure should be defined, including responsibilities and accountabilities. A flow chart of the management structure should demonstrate how accountability flows from the ATM personnel conducting operational tasks to higher management and ultimately to a single entity within the ATM service provider's organisation.

ESARR 5 requires the ATM service providers to have procedures to ensure that their ATM staff meets certain requirements. It is the role of the ATM service provider to develop procedures to meet these requirements and to demonstrate compliance to the Designated Authority. These procedures should be fully documented, including a flow chart of the processes involved.

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Under a safety oversight process the State may be accepting the assurance of the ATM service provider that applicants for licences have the required knowledge, skills and experience. This requires a degree of trust and confidence in the day to day application of the approved procedures and of the integrity of the ATM service provider's staff. Such arrangements are only satisfactory if the service provider rigorously monitors the application of its internal processes. The provider should not rely on audits by the Designated Authority to determine if its procedures are satisfactory and are being appropriately applied, but should conduct regular in depth internal audits of all its activities. Designated Authorities should consider requiring service providers to apply quality control processes to their documentation and administration processes, particularly those that support the ATC licence and any associated medical certificates.

ESARR 5 already refers to some of the tasks associated with the regulation of student air traffic controllers and air traffic controllers; in particular the ratings the latter hold indicate the tasks within the air traffic control system that they may undertake. Details of the tasks associated with each rating are published in the rating requirements. On the Job Training Instructor is another task within the regulation of the training of air traffic controllers that is defined and subject to requirements for experience and competence. The job titles and tasks of other ATM personnel within the service provider's organisation who have tasks associated with complying with ESARR 5 requirements should also be defined.

It is not the role of ESARR 5 to transfer entire responsibility for the regulation of ATM personnel from the State to the ATM service provider. It is up to individual States to determine within the ESARR 5 requirements where the responsibilities will lie.

1.2.3.7 Capability of the ATM Service Provider

When considering separating safety regulation and service provision the State will need to decide the extent to which the ATM service provider and the Designated Authority will be directly involved in the day to day regulation of ATM personnel. It is this division that will largely determine what capabilities the ATM service provider will require in terms of the ability of its staff to develop procedures and their competence to implement them. The Designated Authority and the ATM service provider should co-operate in defining the knowledge, skills and experience required by these personnel.

The ATM service providers, in States where ATM personnel regulation will be by prescriptive requirement, may not require the same capabilities as service providers in States where the regulation is solely by safety oversight. Prescriptive regulation may not be sustainable in the long run, as separation of safety regulation from service provision will almost inevitably lead to a polarisation of skills within the separated disciplines. It is the service providers who recruit, train and assess the competence of their ATM personnel and inevitably it will be their staff who are the most proficient in the day to day skills required for service provision. The Designated Authority's staff will become more distant from operational expertise and familiarity with equipment and procedures. Prescriptive regulation can lead to problems associated with the credibility of the Designated Authority's staff and to a duplication of resources and effort.

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Where the State decides to implement safety oversight to regulate ATM personnel the service provider will become responsible for some, if not all, of the regulatory tasks that were previously undertaken by the State. In this case it may be necessary for there to be a transition period during which the Designated Authority's staff transfer their knowledge and skills to the ATM service provider through training and shared responsibilities until the ATM service provider can take over full responsibility.

ESARR 5 provides for the Designated Authority to approve persons to conduct examinations or assessments. It is not recommended that ATM service providers' personnel are appointed to conduct any examinations or assessments on behalf of the regulator except as a transition arrangement. Because the examiner or assessor is not a member of the Designated Authority's staff, difficulties may arise concerning liability should a decision taken by the examiner or assessor be subject to a legal challenge and subsequently be proven to be incorrect. It is more appropriate for the service provider to take responsibility for examinations or assessments of competence, with the Designated Authority auditing the process for compliance. Whatever the arrangements it should be the responsibility of the Designated Authority to ensure that all personnel involved in the process are aware of their functions, responsibilities and accountabilities.

1.2.4 Non-Punitive Approach

Designated Authorities should provide sufficient guidance and, where appropriate, assistance to the ATM service providers including the training of personnel to implement ESARR 5. Where the Designated Authority identifies a non compliance it should work with the ATM service providers to agree a methodology and a time-table with the aim of achieving compliance to the satisfaction of both parties.

Decisions made by the Designated Authority in respect of non compliance by ATM personnel, including individual licence holders, should be made without prejudice and subject to challenge under an appeal process. Any process that the service provider puts in place to withdraw ATM personnel from operational duty should also be non-prejudicial. The Designated Authority and the service provider should co-operate to ensure that the investigation and decision making process are conducted as swiftly as possible.

1.3 Regulatory Capacity

1.3.1 Organisation

The implementation of ESARR 5 will require the Designated Authority to have a management structure and staff to implement and maintain a safety oversight of ESARR 5. The structure, organisation and the qualifications and experience of its staff will depend on the regulatory style adopted by the Designated Authority. It is therefore not possible to give definitive guidance on the way in which the Designated Authority should be structured except that the Designated Authority should not as a rule undertake tasks that can be better addressed by the ATM service providers. The extent to which regulatory tasks can be devolved to the ATM service providers or other organisations will be the decision of individual States.

1.3.2 Regulatory Procedures

The Designated Authority should be viewed as being an integral part of the ATM industry. Although its safety responsibilities are paramount, its regulatory procedures should be developed in conjunction with the rest of industry. For example, it must be recognised that the ATM service providers have to manage their businesses efficiently and economically and to the satisfaction of their customers. Against this consideration the Designated Authority must balance the safety of the air traffic services provided to the aircraft operators and ultimately the safety of their passengers. Requirements for ATM personnel, implemented by the Designated Authority as part of its rule-making responsibilities, may affect organisations that are not directly regulated under ESARR 5. To ensure that the wider implications of rule changes are not overlooked, it may be appropriate to consult with selected organisations within the aviation industry before implementing new requirements.

When regulation and service provision are separated the Designated Authority must ensure that it does not become detached from the realities and problems associated with ATM service provision. It must keep up to date with progress in, for example, the development of new equipment and the use of simulators in advanced training, to ensure that out of date requirements do not hold back progress to the detriment of industry. Equally the service providers may become remote from the development of international requirements that will affect their operations and for which a considerable lead-in time to achieve the change is required. To alleviate such problems the Designated Authority should form co-operative links with the service providers and ATM personnel representatives to ensure that the industry as a whole is able to move forward in an orderly and economic manner.

ESARR 5 requires the Designated Authority to issue student and air traffic controller licences and OJTI licence endorsements. This is interpreted to mean that the Designated Authority is responsible for their issue, that is, it must have processes to ensure that only persons who comply with ESARR 5 and any additional national safety regulatory requirements are issued with student and air traffic controller licences and OJTI licence endorsements. It also implies that mechanisms exist for the physical issue of licences and OJTI licence endorsements.

The style of regulation will determine the process by which the Designated Authority complies with ESARR 5 in respect of the issue of student and air traffic controller licences and OJTI licence endorsements. It may comply by administering the issue and maintenance of licences and endorsements from within its own organisation and assuring itself that it is compliant with ESARR 5 and its national safety regulatory requirements through its quality assurance processes. The Designated Authority may also comply through its rule-making and safety oversight functions by permitting an external organisation to undertake the administration and issue of student and air traffic controller licences and OJTI licence endorsements subject to published safety regulatory requirements.

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Student and air traffic controller licences and OJTI licence endorsements will be granted when the applicant has met all the requirements for their issue. This will include evidence of successful completion of training and demonstration of operational competence. The evidence may be generated by the Designated Authority, where it conducts some or all of the assessments or examinations associated with the licence, or by the ATM service provider and training organisations. Whatever the source of the evidence, the Designated Authority should develop and publish administrative procedures that define the roles of the Designated Authority and the service provider in the licensing process.

Where there is a monopoly provider of air traffic services it may be appropriate to permit the provider to operate the licensing administration and to issue student and air traffic controller licences and OJTI licence endorsement qualifications. In this case, the licensing administration should operate under the provider's quality management and safety management systems and be subject to rigorous internal audits. Where the provider or external organisation administers the licensing system, it should be the subject of regular audits under the ongoing safety oversight process.

Regulatory procedures should be clearly documented and clearly indicate what is required of the service provider and their personnel. It should be clear to those undertaking the safety oversight and to those being regulated what the purpose of the regulation is, what it is supposed to be achieving and the criteria for making decisions. It cannot be expected that ATM personnel will have access to regulatory documentation or necessarily be able to interpret complex requirements. It is therefore important that every effort should be made to present the requirements to be met by individual ATM personnel in a simple format, separate from any complex regulatory documents, that clearly indicates their regulatory responsibilities.

1.3.3 Resources

The resources required by the Designated Authority to maintain a safety oversight of ESARR 5 will depend on the extent to which the Designated Authority maintains a direct role in the day to day regulation of safety and how much of the responsibility is given to the service provider. Where the regulator does not have expertise, for example in the specialist areas of training techniques, human factors and administration, it may be appropriate to use personnel who have the requisite expertise in these areas but not necessarily in air traffic control, or to require organisations to obtain accreditation from other nationally recognised authorities.

1.3.3.1 Staffing

The prescriptive style of regulation may require the Designated Authority to require its staff to maintain their operational competence and satisfy any ongoing experience requirements. It would be inappropriate for the Designated Authority's staff to assess the competence of ATM personnel if they themselves are not current or competent in the task.

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As indicated previously in this guidance, the separation of safety regulation from service provision will lead to the polarisation of skills where it is the service provider who has the expertise in the day to day service provision. In a safety oversight style of regulation the Designated Authority's staff would require expert knowledge and previous experience of the tasks they were responsible for regulating, but not current operational competence. Their task would be to ensure that the service provider's staff was correctly applying the procedures for ensuring competence rather than making a direct assessment themselves. The Designated Authority may also consider approving examiners or assessors from amongst the service provider's ATM personnel to assess competence at smaller ATS units where there are too few ATM personnel to support an internal competence scheme. These personnel should be currently competent at their own unit and have experience of the type of ATS operations or equipment at the smaller unit.

The secondment of ATM service providers' staff to the Designated Authority to carry out regulatory tasks may overcome the problems of competence and credibility associated with a prescriptive style of regulation. However, this raises issues such as who is liable for their actions, to whom they are accountable and where their loyalties lie. ESARR 5 places the responsibility on the service provider for ensuring the competence of their ATM personnel. It would seem more in keeping with the philosophy of separating safety regulation from service provision for the service provider not to rely on the safety regulator to assess the competence of its ATM staff. The Designated Authority's staff could then be employed in assessing the appropriateness of the service provider's processes and procedures for meeting ESARR 5 requirements and auditing for compliance.

1.3.3.2 Training

The Designated Authority's staff who will be regulating ESARR 5 will require training to undertake their regulatory duties. These may involve inspection, examining and/or assessing and auditing. Because of the scope of ESARR 5 and its requirement to ensure that ATM staff are appropriately trained and are competent in their tasks, the Designated Authority's staff will require ongoing training to ensure they remain current with progress in operational ATS procedures and ATM equipment. Where a prescriptive style of regulation is implemented and staff will be conducting examinations/assessments, continuation and refresher training may be required. Some areas that should be considered for more detailed training are:

- a) ESARR 5 and national requirements for the regulation of ATM personnel including the supporting national legal framework;
- b) The responsibilities and accountabilities of those implementing ESARR 5;
- c) Safety management;
- d) Quality management;
- e) Recognised means of compliance with ESARR 5;
- f) Auditing/inspection techniques;
- g) Questioning techniques;
- h) Inter-personal and negotiating skills.

2. SAFETY OVERSIGHT

2.1 Introduction

Regulation by safety oversight gives the service provider considerable flexibility in the way it satisfies ESARR 5 and national requirements.

The regulatory processes considered in this chapter are:

- a) the Initial Safety Oversight of the implementation of ESARR 5. This process will confirm that the providers of ATM services have in place the appropriate processes and procedures and that these satisfy the regulatory requirement;
- b) the on-going Safety Oversight which is intended to verify continuing compliance with ESARR 5.

Both these processes will make use of safety regulatory audits and inspections.

2.2 Key Processes in the Safety Oversight of ESARR 5

As indicated previously in this document there are a number of elements that are critical to meeting the requirements of ESARR 5 in a regulatory culture where safety regulation is separated from service provision. ESARR 5 defines the roles of the Designated Authority, the Service Provider, Operational Organisation and their ATM personnel, but does not indicate the regulatory arrangements by which these requirements are to be met. Before a safety oversight system can be implemented such arrangements must be in place and clearly documented, so that there can be no doubt as to which organisation or ATM personnel are responsible for the tasks within the regulatory system by which the State will comply with ESARR 5.

Some of the organisations' procedures for compliance with ESARR 5 will be addressed under the safety management system, such as the competence of operational ATM staff. Other organisations that are not involved in the provision of operational air traffic services, for example, where training centres are independent from the service providers, may be subject to approval by the Designated Authority, in accordance with national requirements, and be required to operate their own quality management system.

The safety oversight of service providers' and operational organisations' compliance with ESARR 5 should consider:

- a) the structure for managing the processes and procedures by which they will satisfy the ESARR 5 requirements;
- b) the processes and procedures submitted by them, to determine if they will generate the outcome for which they are designed;
- c) the organisation's internal systems, such as internal audits of the safety management system (SMS) and the quality control of documentation;
- d) the processes by which the organisation determines that a change is required, including those associated with identified problems and routine updating and amendment, and how it manages those changes.

Under a safety management system (SMS) the identification of failure modes and mitigation of risk associated with procedures and equipment is a relatively straightforward task. Assessment of human failure modes involving the interaction between individuals and between individuals and their environment is not. The mitigation of risk associated with the tasks undertaken by ATM personnel relies, at present, on appropriate training and assessment of competence. Although still an immature science within the human factors discipline, consideration should be given to requiring providers and other organisations that fall within the scope of ESARR 5 to consider human failure modes within their ATS systems. Operational ATM staff who take individual responsibility for training and competence assessment should be aware of the human factors associated with their roles in regulation.

2.3 Key Elements of SMS Compliance

The key elements to be considered during the safety oversight of that part of a safety management system that relates to compliance with ESARR 5 will be:

- a) the organisational structure that indicates the mechanisms for complying with ESARR 5, including the roles and responsibilities of the personnel involved;
- b) internal verification mechanisms including: monitoring the frequency and causes of incidents, assessing feedback from operational ATM personnel and statistical analysis of the results of training or competence assessment;
- c) internal risk assessment and mitigation processes that demonstrate that changes to, for example, training courses will not have an adverse effect on safety.

2.4 Categories of Safety Oversight Activity

There are two basic categories of safety oversight activity associated with the safety oversight of ESARR 5:

- a) The first category includes assessing the organisational structure and the procedures by which the service provider or operational organisation will comply with ESARR 5;
- b) The second category is the ongoing operation of the processes and procedures in a) above. This will include the outputs from the internal verification and risk assessment and mitigation processes.

ESARR 5 has a number of regulatory requirements associated with the regulation of student and air traffic controllers, which require specific actions. For example paragraph 5.2.1.6 requires the Designated Authority to ensure that applicants satisfy a number of criteria before a licence is issued. Clearly any Safety Oversight should ensure that the evidence for the issue of the licence is generated by the service provider's procedures.

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3. INITIAL SAFETY OVERSIGHT

3.1 Introduction

3.1.1 General Considerations

The 'initial safety oversight' of ATM service providers involves activities far beyond the assessment and acceptance of documentation.

Although the importance of the latter elements should not be overlooked, 'initial safety oversight' also includes safety regulatory audits and inspections of processes, examination of evidence and final products.

3.1.2 Rationale

The outcome of the ATM safety regulator's initial safety oversight will be a decision as to whether or not the provider's organisational structure and process will ensure compliance with ESARR 5. That part of ESARR 5 that refers directly to student air traffic controllers and air traffic controllers requires approval of unit training plans, the approval of persons and audits. Separate approvals for unit training and personnel may not be required where these are contained within the service provider's or operational organisation's safety management system and the regulator issues a safety regulatory approval of the SMS. For example, approval of ATM personnel in paragraph 5.2.1.4 to conduct examinations or assessments may be dealt with under the licence scheme or under the provider's SMS.

States should consider regulating organisations that do not operate under a safety management system, but fall within the scope of ESARR 5, in the same manner as they regulate service providers and operational organisations. Where there are a number of service providers and more than one independent training centre that offer controller training, it may be appropriate for them to be subject to approval by the Designated Authority under national requirements. Where the training is conducted by a monopoly provider, the training may be regulated under the provider's safety management or quality management system, provided the SMS or QMS has been written to include the training centre's organisational arrangements and processes. External contractors that provide services which fall within the scope of ESARR 5 may be subject to direct regulation by the safety regulator or they may be regulated through their interface arrangements with the service provider, provided these are included in the SMS.

The provider's documentation should clearly demonstrate how the organisational arrangements and processes contribute to compliance with ESARR 5. The regulator must also be assured that there is a viable management process that will ensure internal verification.

In an initial safety oversight of ESARR 5, the safety regulator needs to determine if the processes being proposed will satisfy the requirements that the service providers developed them to meet. Even though this is an initial safety oversight the regulator should ensure that the processes produce the necessary evidence in the form of reports, results and statistical data etc. to enable continued compliance to be determined at ongoing audits. The purpose of an initial safety oversight is to ensure that the service provider has the necessary organisational arrangements and processes in place and has established the administration and interface arrangements to accommodate the regulator's ongoing auditing and inspection activities

3.2 Scope and Objective

The Safety Oversight should encompass all providers and other organisations whose activities require compliance with ESARR 5.

The objective is to determine if the proposed organisational arrangements and processes will ensure compliance with ESARR 5 and provide the necessary evidence of continued compliance required by the safety regulator.

3.3 Process Principles

The initial safety oversight of ESARR 5 compliance should:

- a) Accept the documented organisation arrangements and processes proposed by the provider after he demonstrates compliance;
- b) Verify, through safety regulatory audits and inspections, the effective implementation of these arrangements and processes. This should include ensuring that evidence provided to the regulator for the issue of licences or certificates of competence is reliable;
- c) Identify, propose and demand corrective actions where deficiencies are identified;
- d) Be part of the overall approval of the safety management system or, in the case of organisations that are not required to have an SMS, an approval under national requirements;
- e) Indicate, as a minimum, the precise scope, applicability and durations of the approval and any conditions which restrict operations that will apply while the approval is in force;
- f) Be conducted in successive steps to ease the phased implementation and provide useful feedback for the provider.

3.4 Practical Aspects

Before the initial safety oversight the interface arrangements between the Safety Regulator and the service provider and any other organisations that fall within the scope of ESARR 5 must have been agreed.

It is the service provider who is responsible for the development of organisational arrangements and processes and for proposing these as means of compliance with ESARR 5. This activity should not be conducted in isolation from the Safety Regulator, who should be involved in the early stages of process development to provide advice and guidance on whether or not the proposals are likely to meet its requirements for compliance. If this co-operation is effective it simplifies the initial safety oversight, as means of compliance will already have been agreed and only the detailed processes and their effective implementation need to be audited.

Some key aspects should be considered in any initial safety oversight process intended to determine compliance with ESARR 5.

- a) There is a clear identification of requirements to be met, particularly those associated with compliance with ESARR 5;
- b) Regulatory activities such as audits and inspections should be planned to take place in step with the provider's implementation programme;

- c) It is advisable to follow a top-down approach, starting at the policy level;
- d) Providers should provide sufficient documentary evidence of their arrangements and processes to enable the Regulator to confirm compliance with ESARR 5;
- e) Audits and inspections should concentrate on whether or not the organisation is effectively implementing its arrangements and processes and if these are achieving the outcomes necessary for compliance with ESARR 5.

3.5 Changes to the Provider's Means of Compliance with ESARR 5

Progress within the ATM industry associated with new equipment and the development of new ATC procedures requires continual development of training and assessment schemes. Changes to, for example, an approved unit training plan effectively invalidate the approval unless there is a procedure to manage change within the approval process.

Assessment of the service provider's or operational organisation's process for managing change should be part of the initial safety oversight. It must be properly documented and provide evidence of what the changes are, why they were made and any safety assessment that was conducted.

It may be appropriate for the service provider or other organisation to inform the regulator of any changes it intends to make to any process that is accepted for compliance with ESARR 5. If the regulator considers the proposed change to be significant, the process will be reviewed as part of the safety oversight process. If it is not considered to be significant no action is required and the provider will implement the change in accordance with its change management process.

3.6 ESARR 5 Already in Operation

Where the provider already has processes that comply with ESARR 5, or is able to comply with only minor modifications, the safety regulator will not be involved in the implementation process and an initial safety oversight will only be appropriate for any modifications to the existing system.

Although already compliant with ESARR 5, the separation of service provision and safety regulation may generate major changes to the provider's processes. This may occur when the service provider relies on the ATM safety regulator to achieve its compliance. For example, the ATM safety regulator's staff may assess the competence of the service provider's air traffic controllers. With the separation of service provision from safety regulation, it is the service provider who should take responsibility for the competence of its air traffic controllers. To achieve this, the provider will have to implement a process, which will be subject to approval by the ATM safety regulator. Processes such as these that are generated by the separation of service provision from safety regulation, but are not required for compliance with ESARR 5, should be subject to an initial safety oversight process.

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4. ON-GOING SAFETY OVERSIGHT

4.1 Introduction

4.1.1 General Considerations

A State's obligation and responsibility for a safe ATM System does not end with the issuance of a safety regulatory approval.

A State shall ensure that all privileges granted by such an approval are not exercised unless the holder maintains compliance with ESARR 5 compliant national regulations.

Maintenance of continued compliance with ESARR 5 demands that a State therefore establishes a system of continued control and supervision, in order to ensure continuing validity of safety regulatory approvals.

This system is called in this document “on-going safety oversight”

The continued validity of a safety regulatory approval is dependent on the ATM service provider maintaining compliance with the safety requirements established for its issuance. The designated authority should therefore be given the authority to conduct safety regulatory audits and inspections, and to grant, modify, renew, suspend, revoke, or terminate a safety regulatory approval.

Additionally, the designated authority should have the responsibility for exercising continuing surveillance over the ATM provider's operations, to ensure that acceptable risk assessment and mitigation practices are maintained and to verify that tolerable safety levels are met.

4.1.2 Rationale

Whatever method is used to recognise that the service provider or other organisation is complying with ESARR 5 there will be a requirement to ensure ongoing compliance. Accordingly the regulator should establish an ongoing safety oversight process to verify ongoing compliance.

During the initial safety oversight the regulator should ensure that the provider's processes will generate the required evidence, such as training reports and assessment records, that will be required to confirm compliance.

The scope of ESARR 5 is such that an ongoing safety oversight could not be expected to review all the provider's processes associated with its compliance. The ATM safety regulator will therefore have to prioritise the areas that will be subject to review. Obvious candidates are those areas that are the most critical to the safety of service provision, for example, the ongoing experience and competence of operational air traffic controllers. In particular, the review should consider the processes within these areas by which the provider identifies problems through its own internal verification processes and manages any changes that are required.

Ongoing safety oversights that immediately follow an initial safety oversight should review any weaknesses that were identified at the initial safety oversight. The review should consider any remedial or corrective action taken and determine if the provider is now compliant. As the process of conducting ongoing safety oversights matures and the ATM safety regulator becomes more confident that the provider's processes are appropriate and are being applied correctly, particular areas may be selected, for example unit training, for more in-depth review.

The ATM safety regulator should use all available sources of information when determining which procedures to review during an ongoing safety oversight. These may include: audit reports that are the outcome of the provider's internal audit processes, monitoring the frequency and causes of incidents, observations by the ATM safety regulator's personnel who are involved in the regulation of ESARR 5 and reviewing reports generated by confidential reporting schemes.

In general the ongoing safety oversight should concentrate on the processes rather than the product. It is important to recognise that the regulation of ATM personnel is not as straightforward as that associated with equipment or ATC procedures. The product of, for example, training, will be individuals who have at least the minimum required skills and knowledge, but a range of abilities. Personnel will achieve different levels of competence and this will determine the tasks they will be permitted to perform in terms of the complexity of the ATM task they undertake, or the traffic levels and complexity of the ATC environment in which they provide an ATC service.

It is the responsibility of the providers to have a process to ensure the competence of ATM personnel. This process will involve other members of the service provider's ATM personnel who may be considered to be measuring the product. The regulator may not have ATM personnel who are qualified to assess competence on all equipment or at all ATS units, so determining if these assessments are correct may not be an option. In this safety critical area it may therefore be appropriate for the regulator to have ongoing formal contact with those ATM personnel who assess competence beyond that afforded by initial or ongoing safety oversight.

4.2 Scope and Objective

The ongoing safety oversight will be applied to any service provider or other organisation that has had its compliance with ESARR 5 recognised by the safety regulator.

The objective is to verify ongoing compliance with the arrangements and processes by which the service provider or other organisation complies with ESARR 5 and to identify any areas of non-compliance where prompt corrective action is needed.

4.3 Process Principles

The ongoing safety oversight of ESARR 5 may include:

- a) Conducting a continuous evaluation of the organisational arrangements and processes by which the service providers comply with ESARR 5. through appropriate monitoring and a systematic programme of safety regulatory audits and inspections;
- b) Monitoring the organisational arrangements and processes to prioritise audits on those areas where verification of continuous compliance is needed;

- c) Using safety regulatory audits and inspections as part of a systematic process to provide verification of compliance. Depending on specific situations, verification may include verifying that:
 - i. written procedures and other established arrangements are in place and are satisfying compliance with required procedures and other required arrangements;
 - ii. processes and other arrangements are being conducted in accordance with written procedures and other arrangements;
 - iii. there is compliance with prescriptive specifications required and previously published by the regulator, particularly those ESARR 5 prescriptive requirements relating to student air traffic controllers and air traffic controllers;
- d) Demand corrective actions where deficiencies are identified;
- e) Consider all of the organisational arrangements and processes by which the service providers comply with ESARR 5, but focus special attention on those that are involved with the provider's processes for detecting and correcting deficiencies, especially those safety critical areas such as the competence of operational ATM personnel;
- f) Follow up the provider's compliance with any required corrective action and verify that its implementation restores compliance within the required timescale;
- g) Propose further safety oversight actions and programmes to the appropriate point of responsibility of the ATM Safety Regulatory Body in those situations where they are needed.

4.4 Practical Aspects

The ongoing safety oversight of a service provider's or operational organisation's compliance with ESARR 5 may contain elements of both auditing and inspecting.

Auditing will normally concentrate on whether or not the service provider or operational organisation is applying the processes reviewed by the safety regulator during an initial safety oversight. This will normally be achieved by auditing the documentation, for example training and assessment reports, produced by these processes. If the ongoing safety oversight reveals that the processes do not provide sufficient evidence of compliance they will need to be reviewed.

Audits should concentrate on those areas which are particularly safety critical, for example unit training and assessment of competence, and those where the safety regulator, through its monitoring process, has identified potential or actual problems. Other important areas will be those associated with internal auditing processes, particularly where changes have been made in accordance with an autonomous change process to satisfy identified deficiencies.

The audits should be conducted in depth, which may involve interviewing the service provider's or operational organisation's ATM personnel who have a role in training or assessment of competence. This can be a sensitive issue and the personnel involved and their managers should be made fully aware of the purpose of any interviews prior to the audit.

Audits should be conducted in accordance with an audit plan produced in advance and agreed with the service provider or operational organisation. The results of the audit should be published by the safety regulator in an audit report. Any issues that are identified during the audit as having immediate safety implications should be reported to the service provider, who should be required to deal with them immediately. All deficiencies should be notified in the audit report, including those for which immediate corrective action by the provider was required, and the time-scale for achieving compliance.

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5. AREAS FOR CONSIDERATION IN SAFETY REGULATORY AUDIT PROTOCOLS

5.1 Purpose

The material included in this section provides guidance for the preparation of audit protocols related to verification of compliance with ESARR 5.

This material indicates areas for consideration in ESARR 5 safety oversight processes (see Appendix B). Although its content can not be considered as a final checklist for evaluation of ESARR 5 compliance, States should work within its general framework and add any additional areas where consideration is required under its adopted style of regulation and by national requirements.

5.2 Use of ‘Areas of Consideration’

Some of the areas indicated for the safety oversight of ESARR 5 are very specific, for example the requirement for initial courses of ATC training to satisfy as a minimum the common core content requirements. The Institute of Air Navigation Services in Luxembourg has developed a checklist to enable States to determine if a training organisation is complying with this part of ESARR 5.

States that will be approving training organisations under the general principles of safety oversight established by ESARR 3 should also consider auditing additional areas, such as the management structure and processes for obtaining feedback from the operational units. It may be appropriate for States to take account of the general principles established by ESARR 3 when considering all the ESARR 5 requirements.

Safety regulators should produce an audit plan or other documentation indicating their intended areas of inspection or audit. Following the audit or inspection a report should be compiled indicating any areas of non-compliance.

Prior to the audit or inspection, those involved in the process should develop checklists to ensure that they will consider all processes within the selected areas. Checklists or audit plans should not restrict the auditors or inspectors to the extent that they cannot exercise discretion to consider areas that are outside the notified audit or inspection areas. This is important because areas not notified in the audit plan or other documentation may be adversely impacted upon by non-compliance in those areas notified for audit or inspection.

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APPENDIX A – TERMS AND DEFINITIONS

Term	Definition
Accident	As per ICAO Annex 13
ATM	The aggregation of ground based (comprising variously ATS, ASM, ATFM) and airborne functions required to ensure the safe and efficient movement of aircraft during all appropriate phases of operations.
ATM Service-Provider	An organisation responsible and authorised to provide ATM service(s)
AMC	Acceptable Means Of Compliance
ESARR	EUROCONTROL Safety Regulatory Requirement (see Safety Regulatory Requirement)
Incident	An occurrence, other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operation.
Level of Safety	A level of how far safety is to be pursued in a given context, assessed with reference to an acceptable or tolerable risk.
Regulation	The adoption, enactment and implementation of rules for the achievement of stated objectives by those to whom the regulatory process applies.
Safety Management System (SMS)	A systematic and explicit approach defining the activities by which safety management is undertaken by an organisation in order to achieve acceptable or tolerable safety
Safety Oversight	The function undertaken by a designated authority to verify that safety regulatory objectives and requirements are effectively met.
Safety Performance	The measurement of achieved safety within the overall ATM system performance measurement.
Safety Regulatory Requirement	The formal stipulation by the regulator of a safety related specification which, if complied with, will lead to acknowledgement of safety competence in that respect.
Safety Regulatory Audit	Verify Written procedures and arrangements against required procedures and arrangements; And/or actual processes and their results against written procedures and arrangements ² .

² This also includes verification of compliance with allocated objectives, mitigation measures and any other arrangement identified as a result of the procedures carried out by the ATM service-provider.

<i>Term</i>	<i>Definition</i>
Safety Regulatory Inspection	Verify products, services or specified parts of the ATM System against specifications required and previously published by the Safety Regulator.
SRC	Safety Regulation Commission
System	A combination of physical components, procedures and human resources organised to perform a function.

Note: Not all definitions included in ESARR 5 are listed in this Appendix.

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APPENDIX B – GUIDANCE ON THE CRITERIA FOR THE ASSESSMENT OF COMPLIANCE WITH ESARR 5 FOR ATCOs

This table has been produced to provide NSAs with guidance to support the development of criteria for the assessment of compliance with ESARR 5 for ATCOs.

This material is of particular interest when developing a strategy to verify the implementation of ESARR 5-related requirements in the context of the certification and on-going oversight of ANSPs against the Common Requirements established in Commission Regulation (EC) 2096/2005. As such, the table is referenced to in EAM 1 / GUI 5 'ESARR 1 in the Certification and Designation of Service Providers'.

This table also contains indications about the possible use of its contents by NSAs. In particular, it should be noted that this material only provides guidance on possible evidences and possible ways to evaluate them. The range of contents from this table that may support the NSA in a specific situation will normally depend upon the case. In particular, different approaches will be needed for initial and on-going safety oversight. NSAs are expected to define their strategy regarding the necessary actions and level of verification consistently with the recommendations of EAM 1 / GUI 3 and EAM 1 / GUI 5. The evidences and ways to assess them will also depend on the implementing arrangements put in place by the ANSP to meet the requirement.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
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NOTES ABOUT THE USE OF THIS TABLE

- a) The table provides indications about evidences that can be expected to be found to show compliance with the requirement. These evidences illustrate a means, but not necessarily the only possible means, by which a requirement can be met.
- b) Guidance is also included about some possible ways to assess these evidences. Depending upon the case only a limited set of the actions proposed, or other alternative or additional actions, may be needed to assess the evidences under consideration. NSAs are expected to define their strategy regarding the necessary actions and level of verification in a manner consistent with the recommendations of EAM 1 / GUI 3 and EAM 1 / GUI 5. In particular, different approaches will be needed for initial and ongoing safety oversight.
- c) Indications of possible evidences are given not only regarding the existence of written arrangements/procedures but also in relation to their effective implementation. This latter aspect is normally demonstrated by means of evidences which exist after allowing a period for the effective operation of the written arrangements/procedures.
- d) Sampling is proposed to assess the effective implementation of various arrangements. As a general rule, it is recommended that samples include at least 10% of the units relevant to the case under consideration over a specific period of time. Wherever sampling is proposed, the comments/notes normally include an indication of the sampling unit.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.1	<p>The provider of air traffic services at its ATC unit(s) shall ensure that an air traffic controller providing an air traffic control service:</p> <p>a) holds valid rating(s), rating endorsement(s) and unit endorsement(s) appropriate to the ATC service being provided;</p> <p>b) holds a valid medical certificate of the appropriate class;</p> <p>c) is competent to provide the ATC services notified in his/her air traffic controller licence or certificate of competence;</p>	<p><i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 4, Licensing principles, para. 1 & 2, - Article 5, Conditions for obtaining a licence, para. 2, - Article 6, Air traffic controller ratings, - Article 7, Rating endorsements, - Article 8, Language endorsements, - Article 10, Unit endorsements, - Article 12, Medical certificates. 	<p>Procedures / arrangements for verification:</p> <ul style="list-style-type: none"> • Use of safety surveys / audits, • Checks/reviews of processes and records for ATCO and student ATCO. 	<p>Check the existence of formal procedures / arrangements to systematically and regularly verify the points included in the requirement. More specifically:</p> <ul style="list-style-type: none"> • Check whether the safety surveys/audits conducted by the ANSP in accordance with ESARR 3, 5.3.1 cover sufficiently these aspects, in addition to any specific and simpler check/review that could be in place to address these aspects. • Assess whether the regularity of verification is sufficient (irrespective of the means used, surveys/audits or checks/reviews). • If appropriate, proceed to verify the implementation of ESARR 3, Section 5.3.1 (safety surveys), totally or partially, using the tables included in EAM 3 / GUI 3. <p>Review the procedures and arrangements to check whether they include:</p> <ul style="list-style-type: none"> • An automatic system that can flag when, <ul style="list-style-type: none"> ○ Rating(s), rating(s) endorsement(s) and unit endorsements, or ○ medical certificates, or ○ competence checks. expiry to indicate the need for corrective action • Regular verification of the records to check validity of: <ul style="list-style-type: none"> ○ Rating(s), rating(s) endorsement(s) and unit endorsements, ○ medical certificate, ○ competence checks. • Actions to address both student ATCO and ATCOs, • Review of the processes put in place in order to ensure that a student ATCO or and ATCO complies with the requirements. 	<p>The first option is to use the safety surveys/audits conducted in accordance with ESARR 3, Section 5.3.1. Indeed the processes and results related to this ESARR 5 requirement should be sufficiently covered by the ESARR 3 safety surveys/audits in any case.</p> <p>The second common option is to establish a specific and simpler procedure for regular checks of these aspects.</p> <p>Comparison with EC provisions:</p> <ul style="list-style-type: none"> - Language endorsement was added to the current requirements.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			<p>Records documenting the results from the verification procedures / arrangements:</p> <ul style="list-style-type: none"> • Ratings and associated information, • Other relevant records. 	<p>In a sample selected by the NSA amongst controllers from different units, check for each controller:</p> <ul style="list-style-type: none"> • Validity of the ratings, • Validity of associated rating endorsements, • Validity of associated unit endorsements, • Validity of the medical certificate, • Plan to follow medical checks, • Validity of the competence checks, • Plan for competence checks, • Methods used to assess the competence, etc, • Records of the training followed: initial, UTP, refresher, emergency, other training. <p>In a sample selected by the NSA amongst student controllers from different units, check:</p> <ul style="list-style-type: none"> • Validity of the student licence or certificate of competence, • Outcome of the initial training and the results of the assessment/examination to be granted the licence, • Records of both are available with the ATS unit, • Plan to follow the medical check, • Validity of the medical certificate. 	<p>(1st sampling unit = controller).</p> <p>(2nd sampling unit = student controller).</p>

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.2	<p>The provider of air traffic services at its ATC unit(s) shall ensure that a student air traffic controller:</p> <p>a) holds a current student air traffic controller licence or certificate of competence which authorises him/her to provide the ATC service for which he/she is undertaking OJT;</p> <p>b) holds a valid medical certificate of the appropriate class.</p>	<p><i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 4, Licensing principles, para. 1, 2 & 5, - Article 5, Conditions for obtaining a licence, para. 1, - Article 12, Medical certificates. 	Evidences regarding 5.2.2.1.	Requirement checked when reviewing 5.2.2.1.	See 5.2.2.1 above.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.3	The provider of air traffic services at its ATC unit(s) shall ensure that unit(s) have approved unit training plans by the Designated Authority, which detail the processes by which a student and/or a trainee air traffic controller is trained to meet the required standards to meet the objective of providing a safe air traffic control service.	<p><i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 5, Conditions for obtaining a licence, para. 2b), - Annex II Training Requirements, Part B Unit Training Requirements for air traffic controllers, - Article 14 Guarantee of compliance with competence standards, para 1d). 	Unit Training Plan document and related records.	<p>In a sample of units selected by the NSA amongst the units operated by the ANSP, check that for each unit:</p> <ul style="list-style-type: none"> • There is a Unit Training Plan (UTP) document, • The UTP has been approved by the ATS unit management and by the Designated Authority. <p>Review the UTP document to assess if includes:</p> <ul style="list-style-type: none"> • Responsible person for each training phase, • Addresses separately the case of a student ATCO and of the trainee, • Training objectives for each phase: transitional, pre-OJT and OJT, • Establishes the means by which objectives are met during transitional and pre-OJT phase, • Transitional phase includes an assessment, • Pre-OJT includes an assessment, • A report/recommendation to go for OJT is issued, • Details the objectives and standards a trainee or student ATCO have to meet during OJT, • Establishes continuous assessments during OJT, • Each assessment is concluded by a report, • A final examination shall be carried out to establish that the ATCO is well prepared to go for the a full licence verification process, • Each examination and assessment follows certain objectives to be met by the trainee. 	<p>(1st sampling unit = ATC unit operated by the ANSP).</p> <p>(2nd sampling unit = trainee and student ATCO in an ATC unit operated by the ANSP).</p> <p>Comparison with EC provisions:</p> <ul style="list-style-type: none"> - The EC Directive does not mention specifically the trainee situation. The trainee situation is included in the EC Directive only in the case of mutual recognition of licenses issued by the authorities of other EU Member States.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
				<p>In a sample of persons (student ATCOs and trainees) selected by the NSA amongst the those working in the units operated by the ANSP, check that for each person:</p> <ul style="list-style-type: none"> • A responsible person existed for each training phase, • Training objectives for each phase including the OJT, • The assessments were carried out, • Reports for each assessment were issued (transitional, pre-OJT and OJT), • The final examination report, • How the assessment/examination objectives have been met. <p>In addition check:</p> <ul style="list-style-type: none"> • That transitional training was carried in accordance with the training objectives set in the UTP document, • If any assessment was issued at the end of the transitional training, • If the Pre-OJT training (use a sample of controllers from different units) has been carried in accordance with the training objectives set in the UTP document, • If any assessment was issued at the end of the Pre-OJT training. <p>The recommendation in the final assessment: adequately prepares to commence OJT.</p>	

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.4	The provider of air traffic services at its ATC unit(s) shall ensure that a student and/or trainee air traffic controller is adequately prepared for OJT by Transitional Training and Pre-OJT.	<i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i> <ul style="list-style-type: none"> - Article 5, Conditions for obtaining a licence, para. 2b), - Annex II Training Requirements, Part B Unit Training Requirements for air traffic controllers, - Article 15 Mutual recognition of air traffic controllers licence, para 3. 	Unit Training Plan document and related records.	Requirement checked when reviewing 5.2.2.3 above.	<p>See 5.2.2.3 above.</p> <p>Comparison with EC provisions:</p> <ul style="list-style-type: none"> - The EC Directive does not mention specifically the trainee situation. The trainee situation is included in the EC Directive only in the case of mutual recognition of licenses issued by the authorities of other EU Member States. - No direct link with transitional and pre-OJT training.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.5	<p>The provider of air traffic services at its ATC unit(s) shall ensure that an air traffic controller, before being permitted to provide operational training as an OJT Instructor, shall:</p> <p>a) hold the appropriate valid rating(s), rating endorsement(s) and unit endorsement(s) appropriate to the ATC service being instructed/trained;</p> <p>b) hold a valid OJT instructor licence/certificate of competence endorsement issued by the Designated Authority pursuant to the provisions and conditions set forth in paragraph 5.2.1.8 above;</p> <p>c) prove his/her competency to provide the ATC services notified in his/her air traffic controller licence or certificate of competence;</p> <p>d) hold a valid medical certificate of the appropriate class.</p>	<p><i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 4, Licensing principles, para. 1 & 2, - Article 5, Conditions for obtaining a licence, para. 3, - Article 6, Air traffic controller ratings, - Article 7, Rating endorsements, - Article 8, Language endorsements, - Article 9, Instructor endorsements, - Article 10, Unit endorsement, - Article 12, Medical certificates. 	<p>Procedures/arrangements to authorise air traffic controllers to provide operational training:</p> <ul style="list-style-type: none"> • Verification process, • Other relevant aspects. 	<p>Check that formal procedures/arrangements exist to authorise air traffic controllers to provide operational training.</p> <p>Review the procedure/arrangements to assess whether they include:</p> <ul style="list-style-type: none"> • Verification of records, • Verification of the processes that have determined the records, • Verification of experience requirements. 	<p>Comparison with EC provisions:</p> <ul style="list-style-type: none"> - More flexibility regarding the experience requirements. <p>Procedures/arrangements can be established, totally or partially, at unit or ANSP level although will be essentially implemented at unit level.</p>

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			<p>Records documenting the authorisation of air traffic controllers to provide operational training:</p> <ul style="list-style-type: none"> OJTI ratings and associated information. 	<p>Check on a sample of OJTI from different units:</p> <ul style="list-style-type: none"> Validity of the ratings, Validity of associated rating endorsements, Validity of associated unit endorsements, Validity of OJTI licence endorsement, Validity of medical certificate, Validity of competence checks. <p>In the case of the new ATCOs to be authorised as OJTI:</p> <ul style="list-style-type: none"> Check what is their current experience in the rating discipline they will instruct, Check the experience in the rating on the sector or operational position on which the instruction will be given. 	

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.6	<p>The provider of air traffic services at its ATC unit(s) shall ensure that unit(s) have approved competence schemes to satisfy the requirement that controllers must maintain operational competence and experience. These procedures shall include requirements for controllers to:</p> <p>a) complete a specified minimum number of controlling hours within a specified period on the sectors or operational positions for which they hold valid ratings;</p> <p>b) be subject to an assessment of their continuing competence;</p> <p>c) undertake periodical refresher and emergency training;</p> <p>d) ensure operational competence after returning from extended periods of absence;</p>	<p><i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 11 Conditions for maintaining ratings and keeping endorsements valid, - Article 14 Guarantee of compliance with competence standards, para 1d), - Annex II Training requirements, Part C Continuation training requirements for air traffic controllers. 	<p>Competence scheme related contents / arrangements:</p> <ul style="list-style-type: none"> • Minimum number of controlling hours, • Assessment of their continuing competence, • Periodical refresher and emergency training, • Means to ensure operational competence after returning from extended periods of absence, • Other relevant aspects. 	<p>In a sample of units, check if a competence scheme exists and includes provisions:</p> <ul style="list-style-type: none"> • Defining the minimum number of controlling hours within a specified period on the sectors or operational positions for each rating, • Establishing medical requirements for a controllers to maintain operational competence, • Establishing the periodical refresher and emergency training and sets the periodicity – training plans, • Defining the training objectives for refresher training, • Defining the training objectives for emergency training, • Defining how the assessment for each training (refresher and emergency) is conducted (continuous assessment, final examination or combination of both), • Establishing that assessments reports shall be stored and identifying the person responsible, • Defining the process by which controllers regain operational competence after extended periods of leave (training reinforcement depending on absented period, simulation in the case of long and very long periods of absence, controlling hours under supervision), • Defining the meaning of “extended periods of leave”, • Identifying the medical requirements when a controller is after an extended period of absence, • Defining how the assessment of his/her competence is conducted after extended periods of absence, 	<p>Comparison with EC provisions:</p> <ul style="list-style-type: none"> - The EC Directive does not include specific provisions to ensure operational competence after extended periods of absence. <p>Procedures/arrangements can be established, totally or partially, at unit or ANSP level although will be essentially implemented at unit level.</p> <p>(sampling unit = ATC unit operated by the ANSP).</p>

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
				<ul style="list-style-type: none"> Establishing that assessments reports are stored and sets the responsible person, Describing the process to be put in place within a unit in case a controller fails to satisfy the on-going experience conditions, Establishing processes in case of: competence in doubt, controller no longer competent to provide ATC service associated with a valid rating OJT instructor no longer competent to provide operational training including a notification process to the DA, Establishing an assessment by which competence is assessed including the method allocated (continuous assessment, final examination or a combination of both) and the objectives to be met by the process. 	
			Competence scheme related records. Roster records. Other relevant records.	In a sample of units check if the competence scheme was: <ul style="list-style-type: none"> Approved by the management of the unit, Reviewed and approved by the Designated Authority. In addition check in a sample of controllers working in different units, whether they are complying with the minimum number of controlling hours within a specified period on the sectors or operational positions.	

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.7	The provider of air traffic services at its ATC unit(s) shall ensure that unit(s) have procedures for monitoring controllers for psychoactive substance abuse and to provide advice to controllers taking medicines.	<i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i> - Article 12, Medical certificates, para 5.	Procedures/arrangements in relation to psychoactive substances: <ul style="list-style-type: none">• Monitoring process,• Medical-related arrangements,• Provision of advice,• Other relevant aspects.	In a sample of ATC units, check the existence of procedures/arrangements to monitor: <ul style="list-style-type: none">• The use of psychoactive substances abuse,• Controllers taking medicines that affect their medical fitness. to prevent ATCOs from undertaking operational services when there is a decrease in their medical fitness. Review the procedures/arrangements to assess whether it includes features: <ul style="list-style-type: none">• Defining the term abuse of psychoactive substances,• Identifies substances considered psychoactive,• Identifies medicines to be included on the list for which ATCOs have to be under monitoring or receiving competent advice,• Describing the process by which during the periodical medical check an ATCO can be identified as abusing psychoactive substances or under medical treatment with medicines that can affect his medical fitness, and the communication/notification of the ATS unit management (follow up action from the management of the unit defined as well),• Establishing a voluntary process (or mandatory within the ATS unit employment policy) by which all ATCOs are monitored against the use and/or abuse of psychoactive substances,• Establishing the actions the ATS unit management will follow in case an ATCO is identified as abusing psychoactive substances,• Establishing the actions the ATS unit management will follow in case of ATCOs taking medicines and identifying the medical staff accepted to provide advice in this case,	(sampling unit = ATC unit operated by the ANSP). Procedures/arrangements can be established, totally or partially, at unit or ANSP level although will be essentially implemented at unit level. Comparison with EC provisions: <ul style="list-style-type: none">- Within the EC Directive the monitoring has been replaced by a notification of the holders of licenses.- The EC Directive does not address advice to controllers.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
				<ul style="list-style-type: none"> Establishing a confidential notification process by which ATCOs can inform the management of a unit that they are under medication affecting their fitness or may wish to declare the use of certain psychoactive substances, Establishing a set of actions to be followed, or the advice that can be provided, together with acceptance of more often checks for such persons, Setting the confidentiality under which all actions have to be carried out, Setting the decisions the management of the ATS unit can take against such persons in the case they are regularly identified as abusing psychoactive substances without improvement in their condition (temporary withdraw from the operational position, allocation to different positions within the unit which do not have a direct impact on safety of operations, continuous monitoring, etc.). 	

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			<p>Records documenting the implementation of procedures/arrangements in relation to psychoactive substances:</p> <ul style="list-style-type: none"> • Medical reports, • Decisions made by management, • Monitoring records. <p>Other relevant records.</p>	<p>In a sample selected by the NSA amongst the ATC units operated by the ANSP, check for each unit:</p> <ul style="list-style-type: none"> • Whether the ATC unit has received medical reports from the medical centre (after periodical checks) regarding ATCOs that have been identified as abusing psychoactive substances, • The actions the ATS unit management followed after this, • What are the records kept, • Whether the ATS unit received medical reports from the medical centre (after the periodical checks) regarding ATCOs that are under medication, • The actions the ATC unit management took in this case, • What are the records kept, • Whether the periodicity of the monitoring process for each controller was in conformance with the procedure, • The confidentiality of the records resulting from the monitoring process, • How is confidentiality ensured, • The actions taken by the unit in case of persons identified as abusing of psychoactive substances or taking medicines that could affect their fitness, • The decisions made by management in case of persons identified as abusing psychoactive substances, • Whether the checks for psychoactive substances performed during the monitoring process have been increased in relation to the persons identified to be in these situations. 	<p>(sampling unit = ATC unit operated by the ANSP).</p>

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.8	The provider of air traffic services at its ATC unit(s) shall ensure that unit(s) have procedures to prevent the holder exercising the privileges of his/her licence or certificate of competence when there is any decrease in his/her medical fitness, or when the holder is under the influence of any psychoactive substance which might render the holder unable to safely and properly exercise these privileges.	<i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i> - Article 12, Medical certificates, para 5.	Procedures/arrangements in relation to psychoactive substances: <ul style="list-style-type: none">• Process after reception of medical report,• Other relevant aspects.	When reviewing the procedures/arrangement in the sample proposed in 5.2.2.7, check also that they include features: <ul style="list-style-type: none">• Establishing a process to address the case of controllers for which medical report are received indicating a decrease in their medical fitness.	Comparison with EC provisions: <ul style="list-style-type: none">- Within the EC Directive the monitoring has been replaced by a notification of the holders of licenses.- The EC Directive does not address advice to controllers.- In the EC Directive, there are no effective means for preventing the holder exercising his privileges.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			<p>Records documenting the implementation of procedures/arrangements in relation to psychoactive substances:</p> <ul style="list-style-type: none"> • Medical reports, • Decisions made by management, • Other relevant records. 	<p>When reviewing the records in the sample proposed in 5.2.2.7, check also that:</p> <ul style="list-style-type: none"> • The receipt of medical reports indicating a decrease in medical fitness in the last five years (i.e. notification from the medical centre), • The conformance of the actions taken with the process described in the procedures/arrangements, • The roster in order to verify if the controller has been withdrawn from any operational position (according to his/her qualifications), • How the controller resumes the operational work when medical fitness is regained. 	

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.9	<p>The provider of air traffic services at its ATC unit(s) shall ensure that the designated authority is notified when:</p> <ul style="list-style-type: none"> a) an air traffic controller's competence is in doubt³, or b) an air traffic controller is no longer judged competent to provide the ATC service associated with a valid rating, or; c) an air traffic controller or student air traffic controller has been assessed as medically unfit to provide an ATC service; d) an OJT instructor is no longer judged competent to provide operational training; 	<p><i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 14 Guarantee of compliance with competence standards, para 1 g). 	<p>Procedures/arrangements for ATC units to notify the designated Authority:</p> <ul style="list-style-type: none"> • Scope of situations to be notified, • Minimum contents of a notifications, • Other relevant aspects. 	<p>In a sample selected by the NSA amongst the ATC units operated by the ANSP, check that in each unit procedures/arrangements exist to notify the designated authority.</p> <p>Review the procedures/arrangements to check whether the scope of the notification includes situations in which:</p> <ul style="list-style-type: none"> • Controllers competence in doubt, • Air traffic controller is no longer judged competent, • provide the ATC service associated with a valid rating, • Air traffic controllers or student ATCO has been assessed medically unfit to provide ATC service, • An OJT instructor is no longer judged competent to provide operational training, • An air traffic controller fails to satisfy the unit's procedure for on-going competence. <p>Check whether there are provisions establishing that notifications include:</p> <ul style="list-style-type: none"> • The reasons for which a controller falls under one of the previous situations, • Detailed remedial actions & deadlines to solve his/her situation, • Provides for notification when he/she resumes normal situation (different from those listed above). <p>Check whether the procedures/arrangements provide:</p> <ul style="list-style-type: none"> • Means for compliance with any supplementary conditions imposed by the Designated Authority after receiving the notification & defines in which situation the DA may impose supplementary conditions (competence in doubt, etc.), • Means to address situations in which DA notifies the ATS unit about the suspension, revocation or variation of an ATC licence or certificate of competence and/or associated ratings and/or endorsements the air traffic controller will not be assigned to any operational position without appropriate supervision. 	<p>Comparison with EC provisions:</p> <ul style="list-style-type: none"> - Not for all elements of ESARR 5, 5.2.2.9, the EC Directive has an equivalent. It is considered that all elements are taken into consideration within appropriate requirements without specifying the notification process. <p>(sampling unit = ATC unit operated by the ANSP).</p>

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			<p>Records related to notifications to the designated authority:</p> <ul style="list-style-type: none"> • Notifications, • Communications between unit and DA, <p>Roster records.</p> <p>Other relevant records.</p>	<p>In a sample of units selected by the NSA amongst the ATC units operated by the ANPS, check that in each unit of the sample, whether in those situations at which 5.2.2.9 applied:</p> <ul style="list-style-type: none"> • Notification took place, • The level of detail included in the notification included the reasons, remedial actions and set deadlines, • Whether DA imposed supplementary conditions, and if that was the case, how the ATC incorporated them in the remedial action plan or how the ATC unit complied with them, • Whether DA was notified of resumption of normal situation, • Whether, in cases when DA has notified an unit of suspension, revocation or variation of a licence/certificate of competence and/or associated ratings and/or endorsements, the controllers concerned were assigned to operational positions under supervision (verify the roster records). 	(sampling unit = ATC unit operated by the ANSP).
5.2.2.10	The provider of air traffic services at its ATC unit(s) shall ensure that an air traffic controller at his/her unit(s) whose competence is in doubt, complies with any conditions imposed upon him/her by the designated authority.	<p><i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 4 Licensing principles, para 4a), - Annex II Training requirements, Part C Continuation training requirements for air traffic controllers. 	Evidences regarding 5.2.2.9.	Requirement checked when reviewing 5.2.2.9.	See 5.2.2.9 above.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.11	The provider of air traffic services at its ATC unit(s) shall ensure that when a controller fails to satisfy a unit's procedure for ongoing experience, the unit shall deal internally with this matter and shall notify the Designated Authority without delay.	<i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i> - Annex II Training requirements, Part C Continuation training requirements for air traffic controllers.	Evidences regarding 5.2.2.9.	Requirement checked when reviewing 5.2.2.9.	See 5.2.2.9 above.
			Evidences regarding 5.2.2.6.	Requirement checked when reviewing 5.2.2.6.	See 5.2.2.6 above.
5.2.2.12	The provider of air traffic services at its ATC unit(s) shall ensure that the process by which competence is to be assessed is fully documented, indicating the method by which the competence will be judged, this being by continuous assessment or by examination or by a combination of both means.	<i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i> - Article 14 Guarantee of compliance with competence standards, para 3, - Annex II Training requirements, Part C Continuation training requirements for air traffic controllers.	Evidences regarding 5.2.2.6.	Requirement checked when reviewing 5.2.2.6.	See 5.2.2.6 above.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.2.13	The provider of air traffic services at its ATC unit(s) shall ensure that in cases where the Designated Authority has considered, or can be expected to consider, suspension, revocation or variation of an ATC licence or certificate of competence and/or associated rating(s) and/or endorsement(s), air traffic controllers are not assigned by the unit to operational positions without appropriate supervision.	<i>Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i> <ul style="list-style-type: none"> - Article 4 Licensing principles, para 4, - Article 14 Guarantee of compliance standards 	Evidences regarding 5.2.2.9.	Requirement checked when reviewing 5.2.2.9.	See 5.2.2.9 above.

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.3.1	<p>A licensed/certificated air traffic controller shall ensure that he/she :</p> <p>a) holds valid rating(s), rating endorsement(s) and unit endorsements appropriate to the ATC service(s) he/she is providing;</p> <p>b) complies with the unit competency scheme and is competent to provide the ATC services notified in his/her air traffic controllers' licence or certificate of competence;</p> <p>c) complies with any conditions that may be required by the designated authority when his/her competence is in doubt;</p> <p>d) holds a valid medical certificate of the appropriate class;</p> <p>e) informs⁴ the management of the unit if he/she is no longer medically fit to provide an air traffic control service;</p>	<p><i>No direct reference in EU legislation.</i></p> <p><i>A mapping can be considered indirectly through the following provisions of the Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 4, Licensing principles, - Article 5, Conditions for obtaining a licence, para. 2, - Article 6, Air traffic controller ratings, - Article 7, Rating endorsements, - Article 8, Language endorsements, - Article 10, Unit endorsements, - Article 12, Medical certificates, - Annex II Training requirements, Part C Continuation training requirements for air traffic controllers. 	<p>The evidences showing compliance with provisions applicable to ANSP will reflect these requirements.</p>	<p>The evidences showing compliance with provisions applicable to ANSP will reflect these requirements.</p>	<p>As general observation EU legislation do not address the individual level. In the EC Directive States are the ones that have to take action and divide the responsibilities to different entities concerned (Designated Authority, Service Provider or individuals).</p>

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
	<p>f) does not provide an ATC service while under the influence of psychoactive substances;</p> <p>g) does not exercise the privileges of his/her license or certificate of competence, when there is any decrease in his/her medical fitness which might render the holder unable to safely and properly exercise these privileges.</p>				

ESARR 5 Reference	ESARR 5 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.2.3.2	<p>A student air traffic controller shall ensure that he/she:</p> <ul style="list-style-type: none"> a) holds a current student air traffic controller's licence or certificate of competence; b) complies with the unit competency scheme and is competent to undertake on the job training; c) holds a valid medical certificate of the appropriate class; d) informs the management of the unit if he/she is no longer medically fit to provide an air traffic control service(s); e) does not undertake on the job training while under the influence of psychoactive substances; f) does not undertake on-the-job training, when there is any decrease in his/her medical fitness or is under the influence of any psychoactive substance, which might render the holder unable to safely and properly exercise these privileges. 	<p><i>No direct reference in EU legislation.</i></p> <p><i>A mapping can be considered indirectly through the following provisions of the Directive of the European Parliament and of the Council on a Community air Traffic Controller Licence:</i></p> <ul style="list-style-type: none"> - Article 4, Licensing principles, para. 1, 2 & 5, - Article 5, Conditions for obtaining a licence, para. 1, - Article 12, Medical certificates, - Annex II Training requirements, Part C Continuation training requirements for air traffic controllers. 	<p>The evidences showing compliance with provisions applicable to ANSP will reflect these requirements.</p>	<p>The evidences showing compliance with provisions applicable to ANSP will reflect these requirements.</p>	<p>As general observation EU legislation does not address the individual level. In the EC Directive the States are the ones that take action and allocate the responsibilities to the different entities concerned (Designated Authority, Service Provider or individuals).</p>