

CAP 1649 Consultation Response – Comments Response Document

CAP 1649 (Edition March 2019) was issued for consultation on 4 April 2019 and closed on 31 May 2019. The CAA received 68 comments from 18 stakeholders. We accepted 14 of these comments (20.5%), partially accepted a further 2 comments (3%) and have not accepted 8 comments (11.5%). The overwhelming majority of responses (65%) were generic comments and questions with the responders asking for clarity on specific areas. This document provides a response to the comments provided.

Individual comments and responses

In responding to comments, a standard set of terminology has been applied to describe the CAA position with respect to the comments. This is:

- (a) **Accepted** — CAA agrees with the comment and any proposed amendment is wholly transferred to the revised text.
- (b) **Partially accepted** — CAA either partially agrees with the comment or agrees with it but the proposed amendment is only partially transferred to the revised text.
- (c) **Noted** — CAA acknowledges the comment but no change to the existing text is considered necessary.
- (d) **Not accepted** — The comment or proposed amendment is not shared by CAA.

Organisation	Reference	Comments	Response
Air Navigation Solutions Ltd	Pages 6 and 8, State regulatory body	Will CAP1649 become valid separately or will its implementation be combined with that of EU373?	Noted: CAP1649 is being produced to assist with the understanding of 2017/373, provide any additional national requirements (as necessary) and provide an alternative means of compliance for limited certificate holder service providers, as allowed by the regulation. Many of the UKs service providers will be obliged to comply with EU373 Annex XIII in its entirety, therefore implementation will be combined with EU2017/373.
Air Navigation Solutions Ltd	Page 9, Definitions	Does this mean anyone transferring over from PTC is automatically an ab-initio?	Noted: Only a new or candidate ATSEP, with no previous ATSEP experience, will be considered ab-initio. PTC holders will be granted similar ratings to those held on their PTC prior to transferring. A Skywise notification will be issued to cover this issue.
Air Navigation Solutions Ltd	Page 15, Effective date	What is the scope for implementation	Noted: Service providers are required to comply with EU2017/373 on 2 nd January 2020, including Annex XIII. However, it is acknowledged that it will be challenging for Service Providers to be fully compliant with all areas of EU2017/373 Annex XIII and CAP 1649 by this date. Therefore, it is expected that Service Providers will have in place, as a minimum, a draft process working towards full compliance by 2 nd January 2021.

Air Navigation Solutions Ltd	Page 17, Responsibility	Is this part of the anticipated TCAP objectives?	Noted: Yes, it is expected that the Service Provider's TCAP detail the responsibilities of all roles related to ATSEP.
Air Navigation Solutions Ltd	Page 17, Responsibility	ANSL intend to include this in management training, is there any objectives that sit outside ATSEP but would assist the management of the requirement?	Noted: No, there are no further objectives that sit outside EU2017/373 Annex XIII. However, the ANSP is always expected to comply with their SMS/QMS processes in the discharge of individual responsibilities.
Air Navigation Solutions Ltd	Generic	Upon completion of the consultation and assuming there are few changes needed what is the likely publication schedule for CAP1649?	Noted: The CAA is hopeful that CAP 1649 will be published by September/October 2019.

Organisation	Reference	Comments	Response
Air Traffic Control Solutions Ltd	Generic	<p>I have found it quite useful to be honest, I had done quite a bit of pre-works looking through the regulation, so it was well received by me.</p> <p>The only real question I wanted clarification on was the point below:</p>	Noted.
Air Traffic Control Solutions Ltd	Page 28, para 5.10 System/Equipment Rating	Are we expected to put colleagues through equipment courses every 3 years? Or can it be Re-issued like a PTC by proving ongoing competence as part of your training and competency assessment programme through recency / competency checks?	<p>Noted:</p> <p>The CAA makes a recommendation of 3 years for the maximum interval for competence checks; however, some equipment may be 3 years, others e.g. ILS might be less. As EU2017/373 makes no requirements as to the periodicity of competence checks it must therefore fall to the ANSP to assure themselves that their published periodicity is appropriate. If an ANSP wishes to extend their competence periodicity beyond 3 years it must submit a robust safety argument to the CAA for approval prior to implementing the change to periodicity.</p> <p>Your comment is quite correct for competence. Training in terms of refresher / continuation is to be decided by yourselves according to the needs of each ATSEP.</p>

Organisation	Reference	Comments	Response
Carlisle	Generic	I did not see any provisions made for grandfather rights. Are there any provisions planned for existing PTC holders?	Noted: Existing PTC holders will be transitioned to the new ATSEP scheme and continue to hold their ratings as per end of December 2019. This will be set out in a Skywise notification.
Carlisle	Generic	What are the time scales for implementation?	Noted: The CAA will allow a phased transition to full compliance which must be completed by the 1st January 2021. This will be set out in a Skywise notification.

Organisation	Reference	Comments	Response
Cranfield	Generic	Having read the CAP 1649 it appears to be a reasonable translation of ICAO Doc 10057 and Doc 9868, therefore I have no comments to make.	Noted.

Organisation	Reference	Comments	Response
Elstree	Generic	Elstree Aerodrome appreciates the CAA's proportionate approach to ATSEP and that regulations applied are appropriate to the level of ATS provided.	Noted.

Organisation	Reference	Comments	Response
Fairoaks	Generic	<p>If an ANSP does not have a resident/full-time ATSEP is there any mechanism for the ANSP to use the services of an (approved) maintenance organisation which assumes responsibility for:</p> <p>a) ensuring that the ATSEP is both fully trained and competent.</p> <p>b) arranging periodic refresher training for ATSEPs to maintain their knowledge and technical skills.</p> <p>c) ensuring that Emergency Training is delivered every 3 years on each relevant qualification stream.</p> <p>d) producing a Training Plan for Basic and Qualification training.</p> <p>e) issuing a SARG Form ATSEP01 granting the Equipment Award at the appropriate Level(s) in the event of a successful competence assessment, and also being satisfied of the ATSEPs behavioural skills.</p> <p>Subject to the ANSP remaining responsible for ensuring that only authorised ATSEPs operate,</p>	<p>Noted: It is possible to contract out services to organisations who will cover the areas as per your question.</p> <p>Where the organisation is certified in accordance with this regulation (EU 2017/373), all the aforementioned activities can be provided. This should be stipulated in the contract and the service provider's safety management system.</p> <p>Where the organisation is not certified in accordance with this regulation (EU2017/373), the service provider should ensure that those ATSEP have received the applicable training and competencies required for each equipment/ task.</p> <p>This is covered by Annex III ATM/ANS.OR.B.015 of EU2017/373.</p> <p>For Limited Certificated ANSPs which fall within Section 5 of CAP 1649, and who do not directly employ ATSEP, then a TCAP will still be required in accordance with CAP 1649 Section 5.3.</p>

		maintain, release from, and return into operations equipment of the functional system.	
Fairoaks	Page 19, para 1.10 Training & Competence Assessment Programme	<p>Paragraph 1.10 provides a mechanism (my underlining) for “individual persons (<u>typically with an electrical engineering background</u>) to carry out specific Level 1 tasks on ATS equipment at Units operated where there is no resident ATSEP (for example <u>powering off/on</u>, meter readings or visual inspections)”.</p> <p>This is impractical at many units where it is the norm to power on equipment when opening watch and to power off equipment when closing watch since it implies that all staff would require an electrical engineering background.</p>	<p>Noted: This provision is aimed primarily at site visits where an equipment maybe in a fault condition and the resident ATSEP is not on site. It may involve a visit to the equipment site and talking through a sequence of actions with an ATSEP on the telephone.</p> <p>Accepted: Normal switching on/off at start and end of daily operations by ATS staff is permitted. Para 1.10 will be rewritten for clarity.</p>
Fairoaks	Page 23, para 2.12 Maintenance Task levels	<p>Paragraph 2.12 states (my underlining) that “Level 1 equipment ratings are primarily associated with <u>service restoration</u> or reconfiguration (“front-panel level”). <u>This includes switching</u> and system reconfiguration <u>using front panel controls</u> or HMI”.</p> <p>Many pieces of equipment are designed such that in the event of a transient failure the equipment can be restored to service by pressing a Reset button or similar. This</p>	<p>Noted: Normal switching on/ off, main/ standby and reset controls do not require the user to be an ATSEP. This is a normal operational task.</p> <p>Switching in this context is taken to mean e.g. switching between transmitters/ receivers/ monitors and other equipment which together will affect the configuration of the system in question. A technical knowledge of the implications of such actions would be required here, hence Level 1 ATSEP task.</p>

		paragraph implies that it would be a requirement to hold a Level 1 equipment rating to undertake this task.	Accepted: Normal switching on/off at start and end of daily operations by ATS staff is permitted. Para 2.12 will be rewritten for clarity
Fairoaks	Generic	What mechanism exists for current holders of a PTC to transfer to this new system?	Noted: Existing PTC holders will be transitioned to the new ATSEP scheme and continue to hold their ratings as per end of December 2019. This will be set out in a Skywise notification.
Fairoaks	Page 19, para 1.10; Page 19, para 1.9 & Page 23, para 2.12	<p>The problems identified above could be overcome by modifying the first sentence of paragraph 1.9 to read “The UK CAA may authorise ANSPs to allow ATCOs, FISOs or ATSAs to undertake specific tasks on ATS equipment at Units operated where there is no resident ATSEP. Typical examples of the tasks which may be authorised are: -</p> <ul style="list-style-type: none"> a) Powering equipment on and off b) Switching between Main and Standby equipment using front panel controls or HMI c) Restoring equipment to service following a transient failure using front panel controls or HMI d) Daily or weekly checks on Voice Recorders” <p>and by adding the following note to paragraph 1.9</p>	Partially accepted: Sections 1.9 & 1.10 will be rewritten for clarity.

		NOTE: The unit MATS Part 2 or FISO Manual must include procedures which enable ATCOs, FISOs or ATSAs to confirm that the task has been completed satisfactorily.	
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Organisation	Reference	Comments	Response
HIAL	Generic	HIAL accept and support the requirement of ATSEP Training & Competence Requirements pursuant to Commission Implementing Regulation (EU) 2017/373 and will not be contributing further to formal consultation.	Noted.

Organisation	Reference	Comments	Response
Humberside	Page 26, para 4.1 - 2 ATSEP Training Instructors	As the effective date of this CAP is 2nd January 2020 and in small units that do not currently have OJTI are not likely to comply with this requirement, will some alleviation be given allowing time for such units to budget, source, book and attend courses, so long as a plan is developed?	Noted: The CAA acknowledges that it may not be practical for some Service Providers to have transitioned from their previous Air Traffic Engineer competence schemes to the requirements of the ATSEP regulation on this date. The CAA will allow a phased transition to full compliance which must be completed by the 1st January 2021. This will be set out in a Skywise notification.
Humberside	Page 30 Emergency Training	Suggest that 'Emergency Training' is termed ABES to keep commonality with ATC documentation.	Not Accepted: Changing "Emergency Training" to "ABES" would appear sensible, however, the term 'Emergency

			Training' is specifically used within the regulation and therefore cannot be altered. An ANSP changing "Emergency Training" to "ABES" within their own documentation would, unfortunately, be non-compliant with EU2017/373 Annex XIII.
Humberside	Page 30, para 5.21 Emergency Training	<p>The use of the word 'Training' would suggest that if it is delivered in house that an OJTI is utilised for the delivery. Can it be clarified if this is the intent?</p> <p>If it is the intent would it be acceptable for the person delivering the training to also claim the training as meeting this requirement to save duplication in units where the OJTI is not dedicated to the role but is also an ATSEP.</p>	<p>Noted: Yes, an OJTI could be used to deliver the training as detailed in section 5.21. In order to deliver training, the OJTI must be conversant with the subject at hand, therefore this would be acceptable.</p> <p>Dependant on how the Emergency Training is structured and delivered, then yes, the person delivering the training could also claim the training as meeting their own training needs.</p>

Organisation	Reference	Comments	Response
Merope	Generic	<p>The requirements seem to be based on the idea that at least 2 ATSEPs are based at each airport/airfield and that all the ATSEPs are employed by the company operating the airport/airfield. A great deal of the burden of checking that this process is working properly and that the ATSEPs are properly rated is put on the ANSPs (i.e the company employing the ATSEPs).</p> <p>This may be OK at larger locations, but is unfair at small locations, especially where they do not employ ANY ATSEP's directly, instead relying on outsourcing to ATSEPs that are contracted to provide Air Traffic Engineering services where required. The ANSPs of smaller locations may not have the knowledge or skills required to determine whether the training and competency of an ATSEP is sufficient for their needs.</p>	<p>Noted: The requirements are set out in EU regulation 373/2017 and are Europe wide to which the CAA and EU service providers must comply.</p> <p>The CAA has some latitude where limited certificate holders are concerned and have worked to minimise the impact of the regulation on smaller units, whilst maintaining safe operations.</p> <p>Section 5 of CAP 1649 is designed to address small units with limited certificates. Full certificate holders must comply with the regulation in full.</p> <p>Contracted ATSEP services are allowed in the regulation and are covered by Annex III ATM/ANS.OR.B.015 of EU373/2017.</p> <p>For Limited Certificated ANSPs which fall within Section 5 of CAP 1649, and who do not directly employ ATSEP, then a TCAP will still be required in accordance with CAP 1649 Section 5.3.</p>
Merope	Generic	<p>Another problem area is for external checking of ATSEPs. I note that CAA Engineering Inspectors may well be able to provide this at a cost to the ATSEP (or ANSP). It's not clear if an ATSEP will need to be checked out for EACH site at which they provide services.</p>	<p>Noted: Any ANSP, certified in accordance with this regulation and employing ATSEP Technical Skills Assessors (TSA), can be used to discharge the requirement for competence assessments. How this is achieved will be a matter for the ANSP at each unit. The</p>

		<p>So far in the UK, are there any other providers of this service? I can't find any on the Internet, but I can find quite a number of adverts for ATSEP's!!</p> <p>If not, then there is an obvious conflict of interest here in the regulator charging for a service that only they can provide.</p>	<p>competency assessment must however demonstrate compliance with each ANSP's competency assessment scheme.</p> <p>CAA Engineering Inspectors will be available as an option, but it is up to the service provider to decide who to use. Any contracted TSA work may be chargeable regardless of the organisation chosen.</p>
Merope	Generic	<p>Finally, the old PTC system worked well, it was simple to administer and once the paperwork was completed, this covered me working at various sites.</p> <p>The new system appears to be very bureaucratic with a heavy burden on making sure things are up to date. I can see many days of work will be required to get this set-up, days where I will be working but not able to earn.</p> <p>What assistance will the CAA be providing to individuals like myself who will need to do much of the paperwork not just for myself but also for the ANSPs that I serve??</p>	<p>Noted:</p> <p>The PTC system did not demonstrate ongoing competence, this was assured on the date of issue only. All service providers must ensure technical competence and capability under the existing 1035/2011 regulation (Annex 2 CR 3.3). This validates the holding of a PTC and is currently inspected during routine audit activity.</p> <p>This is an EU regulation to which the CAA must comply with and is not set by the CAA other than adjustments for limited certificate holders.</p> <p>Where possible the CAA will provide Assistance on a case by case basis.</p> <p>The requirements of EU2017/373 only apply to certified ANSPs, and not individuals, unless they themselves get certified as an ANSP.</p> <p>For Limited Certificated ANSPs, the CAA has carried out the vast majority of the administrative</p>

			burden by writing a TCAP (Section 5 of CAP 1649) for these Units. The Limited Certificated ANSPs just need to work out processes on how to administer the requirements contained within this TCAP.
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NATS HQ	General	This CAP has been designed to complement commission regulation 2017/373 (as stated in the section titled “format of this document”), in some cases reference is made to the source regulatory material and in others reference is made to the IR. For clarity it is stated in the “foreword” section that all rules in the source material (2017/373) need to be complied with irrespective of whether they are repeated in CAP 1649, therefore CAP1649 is not intended to replace 2017/373 but has been created to provide a greater level of guidance and clarity to aid implementation and cannot be read in isolation, but therein lies some concern on its structure and content.	Noted.
NATS HQ	General	The CAP is intended to ‘ <i>assist in interpreting the relevant requirements laid down in Commission Implementing Regulation (EU) 2017/373</i> ’ therefore if following that rationale there cannot be any additional ‘Shall’ statements.	Not accepted. The “Foreword” section of CAP 1649 (endorsed by the CAA Legal Department), states in bullet point 3: “details of any additional national requirements, including CAA administrative procedures”. This statement therefore allows the CAA to include additional “Shall” statements where necessary.
NATS HQ	General	The layout of CAP 1649 sections 1 – 4 is well aligned to regulation 2017/373 and this aids readability. However, in some cases	Accepted. The layout of sections 1 – 4 will be reviewed and amended where necessary.

		content is copied verbatim, in others it is copied with minor changes (e.g. service provider is replaced with ANSP), in some cases GM is added but from other sections and in others the rules are omitted. In some respects, the layout complicates comprehension and makes overall compliance more difficult to demonstrate in a compliance matrix	
NATS HQ	Section 1.11 Record Keeping	The rule isn't repeated but it's referenced. This simply reinforces the fact that the rule needs to be satisfied which is the case for all the rules so there's no added value.	Accepted. Sections 1.11 & 1.12 shall be rewritten to provide consistency.
NATS HQ	Section 1.12 Language Proficiency	In this instance the rule isn't referenced but the words are repeated. A <i>recommendation</i> is added to aid implementation (see comments below regarding recommendations) and reference is made to 2017/373 AMC and GM (there is no GM for this part of the rule). From a compliance standpoint we know we need to comply with 2017/373 ATSEP.OR.115 and by doing so we implicitly comply with CAP 1649 1.12	Accepted. Sections 1.11 & 1.12 shall be rewritten to provide consistency. The reference to AMC & GM (Section 1.14) applies to the entirety of Section 1, of which there is numerous examples of GM. Section 1.14 shall be amended to provide better clarity.
NATS HQ	Section 1.13	This is a pointer to other material and is only a Recommendation so can be noted but it is not a requirement (see section below on recommendations and notes).	Noted: See reply below regarding notes & recommendations.
NATS HQ	Section 1.14	We know we must comply with AMC1 ATSEP.OR.115 unless AltMoC has been agreed and by doing so we implicitly comply with CAP 1649 1.14 which is vague.	Accepted. Section 1.14 shall be amended to provide better clarity.

NATS HQ	Sections 1.3 & 1.6	2017/373 Annex III ATM/ANS.OR.B.015. This rule is referenced twice in section 1.3 and again in section 1.6. The reference in section 1.6 uses words, slightly modified, extracted from ATSEP.OR.105. I think in this instance the reference to ATM/ANS.OR.B.15 is an error but it highlights the potential for confusion.	Not accepted. ATM/ANS.OR.B.015 is referenced twice to reinforce the requirements regarding contracted entities.
NATS HQ	General	Be clearer about the reason for generating CAP1649 and your target audience and where value is added in generating another document.	Noted: CAP1649 is being produced to assist with the understanding of 2017/373, provide any additional national requirements (as necessary) and provide an alternative means of compliance for limited certificate holder service providers, as allowed by the regulation. The target audience is all UK certified (full or limited) ANSPs.
NATS HQ	General	Be clear about the links to 2017/373 and follow the general format in section 2 where each rule from 2017/373 is repeated in CAP1649 with a similar look and feel. Whilst repeating the rules may seem to be of limited value it will serve to reinforce them and provide the hook for CAP 1649 to expand upon them or point to the relevant AMC and GM.	Accepted. The layout of Sections 1 – 4 will be amended to provide better clarity.
NATS HQ	General	Include all rules.	Noted:

			All rules (ATSEP.OR's) are included. If the CAA has missed a rule, then the ANSP is encouraged to explain what rule(s) are missing.
NATS HQ	General	Where material is copied from 2017/373 identify it as such and identify where it has come from. The text in section 1.4 is an example of this.	Accepted.
NATS HQ	General	Identify and explain the differences so it's clear that CAP1649 is asking for something different.	Noted: It is not clear what the ANSP is referring to. The ANSP is encouraged to contact the CAA and explain what differences it is referring to.
NATS HQ	General	It's not clear what status the recommendations and notes hold with regard to compliance. Are they guidance or AMC/rules? In the absence of clarity, we would take them only as guidance.	Noted. "Notes" are intended to provide further information on a given topic and are not AMC/Rules. "Recommendations" are just that – recommendations. Therefore, these are guidance only.
NATS HQ	Competency Awards	The document assumes a competency model where competency awards are system equipment based. This is evident from the general requirements section the responsibility section and section 2.12. Whilst this can be a valid model it can be an extremely inefficient one for organisations where ATSEPs are responsible for multiple equipment types. A more common model is one where competency is awarded at a job,	Not accepted. GM1 ATSEP.OR.215 states the following: <i>A system and equipment rating is the authorisation which allows the ATSEP to perform operational tasks on specific system/equipment and may, optionally, include an association with operational site/s, location/s and/or maintenance task levels. The award of this rating follows the successful assessment of operational competence.</i>

		<p>role or unit level. An ANSP wishing to follow this alternative approach would be required to propose an AltMoC to comply with CAP1649 even though they would be compliant with 2017/373.</p>	<p>Competence awards are therefore system equipment based and, if an ANSP wishes to implement a different model, an UK AltMOC will be required.</p>
NATS HQ	General	<p>If the CAP is being generated to assist in the understanding of 2017/373 then recommendation would be to only include those elements which CAA feel actually require it.</p> <p>If it is to adapt 2017/373 to be more easily applied in the UK then why is there no AltMoC included.</p> <p>Also need to ensure that this CAP aligns with the Compliance Matrices that have been generated by CAA for 2017/373 Annex XIII</p>	<p>Noted: CAP1649 is being produced to assist with the understanding of 2017/373, provide any additional national requirements (as necessary) and provide an alternative means of compliance for limited certificate holder service providers, as allowed by the Regulation.</p> <p>AltMOCs will be included where necessary.</p> <p>Work will be undertaken to ensure that the CAP and the forthcoming compliance matrices align.</p>
NATS HQ	Definitions - Authorisations	<p>It is not a good term to use in this context. Competency award or rated ATSEP would be far clearer.</p>	<p>Partially accepted. The guidance material for the system equipment training clearly states that the ATSEP is authorised at this stage (<i>GM1 ATSEP.OR.215</i>). Also, the word 'authorised' is used in the definition of ATSEP in Annex 1 Part Definitions of the regulation therefore it must be used in the context of ATSEP. If an ANSP wishes to deviate from the use of the word "authorised" or "authorisation" – used in the context of "ratings"</p>

			or “awards”, then this change must first be accepted by the CAA (i.e. UK AltMOC).
NATS HQ	Page 18, para 1.4 Scope	This statement seems to undermine the safety barrier that ATSEP provide by allowing non ATSEPS to work on live systems. Testing on operational systems should either be conducted offline or if on-line by rated ATSEPs.	Noted: Para 1.4 is intended to mean where a system is under test online by a manufacturer or where offline testing could interfere with another operational system e.g. new Comms interfering with existing systems! Most non NATS service providers rely on external manufacturers etc. to carry out some online testing due to lack of expert resource. In this case a rated ATSEP who has local knowledge is required to be available to supervise the operation.
NATS HQ	Page 25, para 3.2 General	NATS implement a process where reassessment periods are 36 Months but some latitude is offered to maintain the anniversary date and this can lead to reassessment periods in excess of 36 Months. This is in line with the ATC regulation 340 and medical reassessment. It’s a useful feature that brings efficiency but it needs a framework. It would be useful to add some guidance on how this can be achieved if the CAA endorse the approach.	Accepted. The CAA makes a recommendation of 3 years for the maximum interval for competence checks; however, some equipment may be 3 years, others e.g. ILS might be less. As EU2017/373 makes no requirements as to the periodicity of competence checks it must therefore fall to the ANSP to assure themselves that their published periodicity is appropriate and include any tolerances if required. If an ANSP wishes to extend their competence periodicity beyond 3 years it must submit a robust safety argument to the CAA for approval prior to implementing the change to periodicity.

NATS HQ	Page 26, para 4.2 Technical Skills Assessors	<p>It should not be the responsibility of the TSA to assess behaviour. This is the responsibility of the awarding manager. The TSA is responsible for assessing technical skills as the title implies. This is a very important principle to maintain especially if using TSA from other organisations.</p> <p>Some guidance around behavioural assessment could also be useful as typically behavioural assessments can only be conducted over a period of time whereas technical assessments lend themselves better to spot checks.</p>	<p>Not accepted.</p> <p>The Regulation clearly states in ATSEP.OR.405 “Technical Skills Assessors” that “A service provider employing ATSEP shall ensure that technical skills assessors have successfully completed an assessor course and are suitably experienced to assess the criteria defined in point ATSEP.OR.305(b).”</p> <p>ATSEP.OR.305(b) clearly defines the assessed criteria as technical skills, behavioural skills and knowledge.</p> <p>The Regulation states that it is the responsibility of the TSA to assess behaviour.</p> <p>However, it is agreed that the process of behavioural assessment could include interaction between the TSA and the awarding manager.</p>
NATS HQ	Section 5	It’s not really clear that 5.26 – 5.32 only apply to those falling within what’s defined in Note 1. This should be enhanced to avoid misinterpretation.	<p>Noted.</p> <p>Sections 5.26 – 5.32 do not apply to those falling within Note 1. Section 5.5 applies to those persons falling within Note 1. Section 5 will be reviewed, and clarity provided where necessary.</p>
NATS Prestwick Centre	Page 23, Para 2.12 & Page 29 Para 5.12 Maintenance Task Levels	As there is no mention that a Level 1(A) can return to service an asset that has had Level 2(B) maintenance performed this would indicate that Level 1(A) ATSEP’s, ie System Control staff, cannot return systems to service following Level 2(B) rated maintenance tasks as described in the Level 2(B) description? This would present a significant issue to us.	<p>Not accepted:</p> <p>A System Control ATSEP, rated to Level 1/A cannot return the asset to operational service until the Level 2/B engineer (may not necessarily be an ATSEP) declares that the asset meets the Standard Operating Conditions. The Level 2/B engineer is therefore the individual returning the system/equipment to service and holds responsibility that the system/equipment is serviceable. All the Systems Control ATSEP</p>

			(Level 1/A) is doing, is acting as an interface between the maintenance engineer and ATC. Otherwise, the ANSP is stating that a Level 1/A could return an asset to operational service whilst maintenance is still being conducted by the Level 2/B engineer. However, section 2.12 “Maintenance Task Levels” will be amended to state that the ANSP must define their own Maintenance Task Levels, and get them accepted by the CAA, or they can use those listed in Section 2.12.
NATS Prestwick Centre	Page 26, Para 4.2 Note	Suggest the words ‘in order to perform the check’ are added at the end of the note text as I first read it as having to remove the service because the TSA didn’t hold a Competency rating.	Accepted.

Organisation	Reference	Comments	Response
Newquay	Page 26, Section 4: Instructor and Assessor Requirements	<p>I just need some clarification, if possible, on parts. ATSEP.OR.400 and ATSEP.OR.405</p> <p>Both state that training is required to be an OJTI or TSA (if you don’t use the CAA). I have read the AMC and GM where there are notes on experience, but I can’t find where it says about the training. Is this going to be a specific course or do ANSP’s just find their own provider who trains in these areas?</p>	<p>Noted: Training instructor and skills assessor courses are generic to many industries and can be tailored for ATSEP.</p> <p>The regulation requires an OJTI to be trained in how to be a training instructor, and to be experienced in the field where instruction is to be given e.g. System/Equipment rated for instruction on a particular item of equipment.</p> <p>TSA’s must have completed an assessor course and have domain knowledge e.g. ILS but do not</p>

			<p>require System/Equipment ratings for a particular item of equipment.</p> <p>ANSPs can therefore find their own training providers or develop their own OJTI and TSA training.</p>
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Northampton /Sywell	Page 27, para 5.5 General requirements	As an ANSP with a Limited Certificate who utilises an ATE from a different ANSP, I presume para 5.5 of CAP1649 will apply to us therefore negating the need for an ATSEP TCAP and reliability on a CAA ATS Engineering Inspector to agree to use this ATE?	Not accepted: No. Section 5.5 of CAP 1649 only applies to Licenced Avionics Engineers. If you use an ATSEP (ATE) from another ANSP then you will still have to comply with Section 1.6 of CAP1649. This will be re-enforced when we update the CAP to state that Limited Certificated ANSPs will carry out Sections 1 & 5; not just Section 5 which the CAP states at the moment.
Northampton /Sywell	Page 27, para 5.5 General requirements	Competence and training assessments will not be required for AFIS & AGCS Providers holding a Limited ANSP Certificate if a UK CAA/EASA Licenced Avionics Engineer is used to maintain communications equipment?	Noted: Correct, but only with regards to ongoing competence assessments. An avionics engineer will still have to carry out a one-off, initial competence assessment to assure the ANSP (and the CAA) that they are competent and familiar with the specific equipment used by the ANSP. CAP 1649 will be updated to provide further clarity.

Northampton /Sywell	Page 18, para 1.3 & 1.6	Similarly, our Met equipment is maintained by Skyview Systems Ltd. How would this be incorporated into this new procedure?	<p>Noted: Where ATS equipment, including Met, is maintained by a manufacturer under contract, this is considered to be a contracted activity.</p> <p>Where the contracted activity is carried out by a manufacturer, or non-certified organisation under this regulation, the responsibility for oversight of this activity remains with the service provider and is therefore subject to the service provider's SMS processes.</p> <p>This is covered by Annex III ATM/ANS.OR.B.015 of EU373/2017.</p>
Northampton /Sywell	Generic	Finally, as we are hoping to have an Instrument approach soon, an RNAV (GNSS), as there is no ground-based equipment to maintain, I presume we will not require a TCAP?	<p>Noted: Correct. Unless an aerodrome introduces ground-based augmentation equipment to the GNSS approach, there will be no ATSEP competence requirements</p>

Organisation	Reference	Comments	Response
Prestwick Airport	Definitions: "Training & Competence Assessment Programme (TCAP)	Will this title be the replacement to our current title of "Air Traffic Engineering Training Plan (ATETP)?"	<p>Noted: No. ATSEP.OR.105 states that a Service Provider "shall establish a training and competence assessment programme" – all lower-case words. Therefore, the Service Provider employing ATSEP can call their training and competence assessment whatever they</p>

			<p>wish, as long as it contains all the required details to ensure compliance.</p> <p>In actuality, most Service Providers appear to be formally calling their ATSEP process “TCAP”.</p>
Prestwick Airport	Definitions	It was noted that there is no definition for OJTI/OJT.	Accepted: The definitions table will be updated to include OJTI & OJT.
Prestwick Airport	Section 1 General Requirements – Record Keeping 1.11	ATSEP.OR.110 is not referenced in this document – starts with ATSEP.OR.200.	Accepted: Section 1 of CAP 1649 will be amended to include the relevant regulation numbers.
Prestwick Airport	Section 2 Training Requirements 2.2 & 2.4	Do ANSP’s have grandfather rights for “shared” topics not covered by original ATSEP training?	Noted: Yes. Existing PTC holders will be transitioned to the new ATSEP scheme and continue to hold their ratings as per end of December 2019. This will be set out in a Skywise notification.
Prestwick Airport	Section 3 Competence Assessment Requirements General – ATSEP.OR.300 & 3.2	<p>What is the periodicity frequency?</p> <p>Who determines this periodicity?</p> <p>What would be a “safe” minimum periodicity?</p>	<p>Noted:</p> <p>The CAA makes a recommendation of 3 years for the maximum interval for competence checks; however, some equipment may be 3 years, others e.g. ILS might be less. As EU2017/373 makes no requirements as to the periodicity of competence checks it must therefore fall to the ANSP to assure themselves that their published periodicity is appropriate and include any tolerances if required. If an ANSP wishes to extend their competence periodicity</p>

			beyond 3 years it must submit a robust safety argument to the CAA for approval prior to implementing the change to periodicity.
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Organisation	Reference	Comments	Response
Regional & City Airports Ltd		Having read through it I can say that it all makes perfect sense and is totally reasonable to me and furthermore is in line with the current scheme in use for the support of 4 units and will be soon adopted fully (or supported by it) at 4 more.	Noted.
Regional & City Airports Ltd	2.12 Maintenance Task Levels	Regarding the level rating definitions and the scope of work the rated engineer can execute. Level 2 mentions working to component level on some systems where it is appropriate and a radar component or similar, I think is quoted. Can I assume that the decision on whether a task relating to fault rectification to component level which would normally be outside the ASTEPS level 2 rating is within the competency assessor and/or ATEMS discretion? I can think of many circumstances whereby the fault has been known and conditions and implications of repair understood and well within the capabilities of an engineer but technically outside of the level 2 rating of his PTC. It would be conducive to effective ATE support of ATC if this work can be approved at local level, as long as the competency exists for the engineer on that particular task.	Accepted. The Maintenance Task Levels in CAP 1649 Section 2.12 can be altered by each Service Provider with CAA approval. Section 2.12 will also be amended to state that the Service Provider must define their own Maintenance Task Levels but, if the Service Provider chooses, they can use the Levels already defined by the CAA in Section 2.12. If the Service Provider chooses to use the CAA's Maintenance Task Levels, then no CAA approval would be required.

<p>Regional & City Airports Ltd</p>	<p>Para 5.5 - Competence and training assessments will not be required for AFIS & AGCS Providers holding a Limited ANSP Certificate if a UK CAA/EASA Licenced Avionics Engineer is used to maintain communications equipment</p>	<p>If I have understood this correctly, and I have some experience in the matter of training Avionics Engineers to be competent in an ATE environment, I think this is non-consistent and not in the interests of safety or conducive to competency under the competency scheme or TCAP for the following reasons. A competency assessment by a TSA is required in all circumstances for a specialised ATSEP engineer no matter what his experience. For example, after level 2 training on returning to a unit that he may already be familiar with or working on a system he may already be intimate with at a new unit. This is for the reasons that competency must be demonstrated that is specific to the unit or the system/s at that unit that provide a service, as well as knowledge and understanding of operational requirements, contingency systems, facilities and familiarity required for the correct actions in emergency and unusual circumstances.</p> <p>I would suggest therefore that a Licensed Avionics Engineer should similarly be subject to an initial training and competency assessment, being a licensed avionics engineer should not mean an automatic competency (or exemption form the requirements) at units that may have a diverse and different collection of</p>	<p>Accepted.</p> <p>CAP 1649 will be amended to state that, while Licenced Avionics Engineers will be exempt from ongoing competence assessments and training, (they are, after all, subject to ongoing assessments by the CAA's Airworthiness Division as Avionic Licence holders) they will be required to carry out an initial, one-off, competence assessment to assure the ANSP (and the CAA) that they are competent and familiar with the specific equipment used by the ANSP. This would also capture any unique equipment configurations at the Aerodrome which the Avionics Engineer may not be familiar with.</p> <p>CAP 1949 will be updated to provide further clarity.</p>
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		equipment, including nav aids that the New Licensed Avionics Engineer would not be familiar or competent on in the ATC environment.	
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Organisation	Reference	Comments	Response
Serco		<p>I have reviewed the document and I don't have any challenges. The document does not provide any significant deviations from Part Pers.</p> <p>Some of the terminology definitions that have changed will impact on our SAPTCAS document which I am reviewing at the moment and will require aligning to the 1649.</p>	Noted.

Organisation	Reference	Comments	Response
Southend		London Southend Airport: Air Traffic Engineering Department have reviewed CAP1649 Air Traffic Safety Electronics Personnel Training & Competence Requirements and confirm we are happy with the content and have no comments.	Noted.

Organisation	Reference	Comments	Response
Warton		<p>I don't have any issues with this document. It seems to be a good overview of the requirements in 2017/373 Annex XIII. Table 1 provides a good summary of what each ANSP is required to comply with. The document is laid out in a straightforward fashion and each section clearly references the specific 2017/373 OR it refers to.</p> <p>The definition of the Maintenance Task Levels is useful.</p>	Noted.

Organisation	Reference	Comments	Response
Wellesbourne	Page 27, para 5.5 General Requirements	<p>It is noted that where a licensed avionics engineer is used to maintain air-ground communications equipment for an AFIS provider holding a limited ANSP certificate with no published IAP's, the training and competence assessment requirements are exempt provided approval has been granted by a CAA ATS Engineering Inspector. This is felt to be a positive and common-sense approach for general aviation ANSP units.</p> <p>From reading section 5, there is however some ambiguity with appendix 1 which requires in para 1 that an ANSP must produce a training plan. If the exemption exists for training and competence</p>	<p>Noted:</p> <p>Where a service provider holding a limited certificate utilises a licensed avionics engineer for maintenance of communications equipment only, there is no requirement for training and ongoing competence assessments (Note 1 to Table 1) and therefore no requirement to produce a training plan. This requirement to produce a training plan pertains to service providers who use ATSEPs (rather than licenced avionics engineers) to maintain a range of ATS equipment as detailed in para 5.7.</p> <p>An amendment will, however, be made to CAP 1649 stating that while avionics engineers will be exempt from ongoing competence and training requirements, they will be subject to an initial</p>

		<p>assessments where a licensed avionics engineer is used, it seems burdensome and excessive that a training plan must be developed.</p> <p>It is thought that perhaps the way the document reads may be misleading, but further clarity would be helpful in determining whether ANSP's with an exemption has to do this. It would make sense as an alternative means of compliance to annotate within the SMS policy document that an approval has been sought to use licensed avionics engineer by a CAA ATS Engineering Inspector and that the unit holds relevant licence details of the engineer available to the inspector on request removing the need for this excessive and burdensome paperwork.</p>	<p>one-off competence check to assure the ANSP (and the CAA) that they are competent and familiar with the specific equipment used by the ANSP. CAP 1949 will be updated to provide further clarity.</p> <p>The method by which a service provider assures themselves that an avionics engineer is suitably licensed and holds such details for inspection can be a matter for each service provider.</p> <p>The means suggested here are a suitable means of compliance.</p> <p>Note: It is expected that an avionics engineer will maintain competence as a condition of their license.</p>
Wellesbourne		<p>The document provides no detail about the use of manufacturers and third- party suppliers of met equipment who potentially are equally appropriately qualified to conduct maintenance and servicing of this equipment and that only a licensed avionics engineer can maintain and service these. It is assumed that a licenced avionics engineer would be involved in the servicing and maintenance of an ANSP that has full Air Traffic Services. The use of a licenced engineer may be more costly to</p>	<p>Noted: Where ATS equipment, including Met, is maintained by a manufacturer under contract, this is considered to be a contracted activity.</p> <p>Where the contracted activity is carried out by a manufacturer or non-certified organisation under this regulation, the responsibility for oversight of this activity remains with the service provider and is therefore subject to the service provider's SMS processes. This includes gathering evidence as to the training and competence of individuals</p>

		<p>a small AFISO unit that another third-party supplier or manufacturer and it is felt consideration should be given to allowing small AFISO units to be able to use these.</p>	<p>allowed to work on ATS equipment to the satisfaction of the service provider.</p> <p>This is covered by Annex III ATM/ANS.OR.B.015 of EU373/2017.</p> <p>Use of a licensed avionics engineer is restricted to communications equipment e.g. transmitters/ receivers/ transceivers at limited certificate holder service providers (AFIS & AGCS as per table 1). This is expected to be used at a very small number of units.</p> <p>A full certificate holder with 'full Air traffic Services' or limited certificate holder with published IAPs must comply with the full provisions of EU2017/373 Annex XIII Part Pers.</p>
Wellesbourne		<p>Equally it would be helpful and a common sense approach to allow third-party suppliers and manufacturers who were authorised to carry out this work to be awarded a similar exemption to that of licensed avionics engineer regarding training and competency assessment. What could be helpful is the setting up of a database of organisations approved by the CAA that AFISO units could access for maintenance and servicing of this equipment?</p>	<p>Not Accepted:</p> <p>Third party suppliers and manufacturers can only be authorised to carry out work on ATS equipment by the service provider at their own site. This must be in accordance with the provisions of Annex III ATM/ANS.OR.B.015 of EU373/2017 as stated above for contracted activities.</p> <p>Manufacturers and third-party suppliers may know the systems technically, but do not have particular knowledge pertaining to each site and how they integrate into air traffic systems at that site. In this case full training and competence</p>

			<p>assessments are essential in maintaining safe operations.</p> <p>The CAA (AAA ATM) do not authorise or approve manufacturers or third-party suppliers to carry out work (other than flight inspection providers) and therefore no such database exists.</p>
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