

# CAA response to consultation on ATCSMAC outsourcing

CAP 1406



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# Contents

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Contents.....	3
Introduction .....	4
CAA responses .....	5
1. Data.....	5
a. Source.....	5
b. Exchange .....	5
c. ADQ IR .....	6
d. Quality .....	6
2. Charging.....	7
a. Charging – principles.....	7
b. Charging – practical application .....	8
c. Cross charging .....	9
3. Promulgation .....	9
4. Alternatives .....	10
5. Policy.....	10
6. Responsibilities .....	10
7. Legacy agreements.....	11

# Introduction

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The responses in this document refer to the [Consultation on ATCSMAC Outsourcing](#) published on 3 Feb 2016. All relevant issues raised following the consultation have been addressed.

## CAA responses

Area	Issue raised	CAA response
<b>1. Data</b>		
<b>a. Source</b>	Airports could undertake this task but the CAA would have to guarantee that the APDs would have continued access to the DVOF. If access to the DVOF was removed from an APD, airports would expect the CAA to resume the task or provide an alternative source of data that would be acceptable to the CAA.	An agreement is in place with MOD to supply all UK Approved Procedure Designers with their Digital Vertical Obstructions File (DVOF). This agreement is not time bound and we do not foresee any change to this arrangement.
<b>b. Exchange</b>	For those airports who have recently had their ATCSMAC updated by the CAA, all of the data should be provided to those airports in order that their appointed APD has a starting point to conduct a review from rather than having to charge the airport to develop a new ATCSMAC.	As stated in the consultation document, all current data held at the CAA will be available to the Aerodrome/ANSP/APD as required. We will do everything we can to assist the aerodrome licence holder when taking full responsibility for the review. It should be noted however that all obstacle data would only be current at the time the review was carried out.

<p><b>c. ADQ IR</b></p>	<p>It is understood that the ADQ IR may be repealed and eventually replaced by a new EASA requirement related to AIM, which may be similar to ADQ IR. How would any delay in implementation or change to the requirements impact on this paragraph within this consultation? As CAP232 would not be applicable following an aerodrome's EASA Certification, such aerodromes are waiting for information on how they should conduct an EASA survey to meet and be compliant with ADR, that EASA Certified airports need to be compliant with, and the relevant EC Regulation (our understanding is that EASA Certified airports are continuing with the CAP232 process until the requirement is known to at least have visibility of any changes to survey data). Under ADR requirements, a service level agreement will have to be put in place that will clearly state what is included within an EASA compliant survey. Hopefully any decision on this consultation will be cognisant of these issues.</p> <p>If the process continued as is, why couldn't CAA meet future ADQ IR requirements.</p>	<p>The recent message from the European Commission is to continue implementation of <a href="#">ADQ IR</a> and to consider the Notice of Proposed Amendment (NPA) in March as irrelevant. The implementation deadlines set in <a href="#">CAA IN 052/2015</a> remain extant.</p> <p>After comprehensive liaison with the CAA Aeronautical Information Management (AIM), surveyors are aware that CAP 232 is to be revised. It has also been highlighted to them that they should now be using the Acceptable Means of Compliance (AMC) to the ADQ IR to ensure surveys remain ADQ compliant.</p>
<p><b>d. Quality</b></p>	<p>The CAA already carries out reviews to a high standard; additionally, the CAA would be expected to meet future ADQ and/or ADR requirements if the CAA continued to carry out</p>	<p>It is not the responsibility of the CAA to perform the ATCSMAC reviews and this default position was adopted during the transition to outsourcing as a failsafe.</p>

	<p>this task.</p> <p>If the process continued as is, why couldn't CAA meet future ADQ IR requirements.</p>	<p>Continuation of the task is not deemed practicably sustainable for the reasons stated in the consultation. Data quality will be enhanced by eliminating any potential conflict of interest through having the CAA maintain a pure regulatory function.</p> <p>ADQ IR applies to all stakeholders originating, managing, processing or transmitting aeronautical data and information, from the point of collection or origination up to the point of publication by the National Aeronautical Information Service provider (AIS). As the regulator, the UK CAA is outside this data chain and has a remit to provide regulatory oversight of the process.</p>
<h2>2. Charging</h2>		
<p><b>a. Charging – principles</b></p>	<p>Whilst we understand that the CAA is both trying to reduce its costs and separate service provision and regulation, it is airports that will have to pick up the additional costs (a greater imposition on small regional airports), costs that will have to be recovered from airlines (the same airlines that are paying the en-route charges that are, according to this consultation, being used to fund this service). Naturally as far as the airports are concerned, although not readily identifiable, such costs</p>	<p>The CAA's preferred option is for the costs of the ATCSMAC reviews to be carried by aerodromes.</p> <p>Where NERL provides an approach function under its Air Traffic Services licence at the London airports - Heathrow, Gatwick, London City, Luton and Stansted - it holds information at Swanwick to which airports would need access in order to conduct the ATCSMAC reviews. Within its licence, NERL can conduct business which is</p>

	<p>should already be included in either (or both) the CAA costs for regulating the Aerodrome and the ANSP.</p>	<p>“connected” with its core activity (of which the London Approach service is a part) within a revenue cap of x% of its aggregate En route turnover. ATCSMACs/IFPs are a connected activity so the modest levels of charge in prospect are considered to be consistent with NERL’s licence.</p>
<p><b>b. Charging – practical application</b></p>	<p>The CAA has APD organisations that it has approved. The CAA should be able to trust these organisations to carry out both a 5-Yearly Maintenance Review of an airport’s IFPs and ATCSMAC without any requirement to instigate the review, approve review/recover costs in line with IFP scheme of charges and approve final versions of charts before publication. The CAA would be able to audit an APD, through its oversight programme of APDs, and any findings regarding an airport’s IFPs and/or ATCSMAC would be identified and where necessary, an APD could lose its approval pending retraining and/or a subsequent inspection. In this way CAA resource would be reduced further and airports would only be required to be invoiced by their APD with no approval change due to the CAA.</p> <p>The CAA, as the Competent Authority on behalf of EASA, would audit the output of the APDs, including ‘5-Yearly Maintenance Reviews’ of IFPs and ATCSMAC Charts.</p>	<p>The CAA currently audits APDs as an organisation, issuing (if successful) an initial approval certificate, which proves that the APD has the necessary infrastructure to design IFPs in the UK.</p> <p>The CAA subsequently undertakes continuation audits based on the experience and past performance of the APD.</p> <p>At this relatively early stage of outsourcing the IFP design activity to the APDs, there remains a requirement to approve both the APDs <b>AND</b> the individual outputs from them, as this delivers tangible evidence that the APD can meet the required standards. This would be particularly pertinent to the outsourcing of the ATCSMAC reviews for an initial time period. This course of action has proved to have been necessary to date, however the CAA is moving towards Performance Based Regulation which will be</p>

	Where discrepancies were found, the APD could have its approval removed pending reassessment. With such a separation of Service Provision from Regulation, there should be no requirement for such procedures to be 'approved' in the current or proposed method.	driven by the quality and consistency of APD submissions. Any subsequent reduction in CAA resource requirement will be monitored.  Over time and with continued oversight it is envisaged that each APD will progress to a level of performance where it is no longer considered that CAA approval is needed for each and every submission. At this stage the scheme of <a href="#">charges relating to CAA IFP approval</a> will be reviewed.
<b>c. Cross charging</b>	Where NATS NERL provides the approach function, does the CAA believe there would be any issues with cross-charging, if Swanwick continued to provide resource support to an element of the ATCSMAC review process?	This implies a transfer of monies between NERL and another part of the NATS business (e.g. NSL) for a service provided. At this stage the CAA cannot see where the issue of cross-charging might arise.
<b>3. Promulgation</b>		
	Airports should be regularly reviewing their ATCSMACs, Instrument Approach Charts, Standard Departure Charts, and Standard Arrival Charts for consistency, especially following a survey report. The fact that they are not necessarily carried out at the same time is unimportant, the fact that any changes in data is fed into an update of all affected procedures and their related charts is.	Aerodromes should indeed be reviewing ATCSMACs and all other charts in a timely manner, ideally after a new Aerodrome Survey is received or when they are made aware of significant new data. This is however not always the case. When reviews are submitted, the information contained is often lacking in both content and quality. A coordinated and periodic review followed by subsequent

		updates (if required) of all the IFP charts at the same time, by a specialist APD at a minimum interval of 5 years would eliminate the ambiguity between charts and provide maximum cost effectiveness in terms of APD and CAA resource.
<b>4. Alternatives</b>		
	Could CAAi be utilised to conduct the work?	CAAi does not employ approved procedure designers and the CAA IFP regulatory resource is not available for use by CAAi.
<b>5. Policy</b>		
	We assume that as consequence of this review, there will be a requirement to update CAP777.	CAP 777 will be further amended to reflect any new processes resulting from this consultation.
<b>6. Responsibilities</b>		
	The consultation material has been written with a presumption that the approach task is directly managed by the airport licence holder and there is no recognition of this task being carried out by contracted ATS providers e.g. NATS NERL License function for the London Area at Swanwick Terminal Control.	We acknowledge there is inconsistency between CAP 777 and the Consultation documentation. This will be addressed when CAP 777 is re-written and in any subsequent documentation.  For clarification: The aerodrome licence holder has ultimate responsibility for the ATCSMAC.

	<p>This lack of a clear delineation of stakeholder tasks and responsibilities is illustrated by some inconsistencies between the Consultation document and CAP777. Where the Consultation assumes that the Airport licence holder has ultimate responsibility for the ATCSMAC, CAP 777 1.10 states: The Air Navigation Service Provider (ANSP) is responsible for the design, accuracy and currency of their respective ATCSMAC and, for the purpose of this document, is referred to as being the ‘sponsor’ of the ATCSMAC; this seems to contradict the statement of airport ownership.</p>	<p>The ANSP (if contracted) should be involved in any liaison with an APD regarding the ATCSMAC – this in their role as ATC service provider.</p> <p>The split for responsibility requires mutual agreement between the aerodrome licence holder and the ANSP depending on the circumstances regarding service provision.</p>
<p><b>7. Legacy agreements</b></p>		
	<p>We would welcome the CAA’s position on any legacy agreements on ATCSMAC level definition (e.g. Crystal Palace). Does the CAA agree that these agreements will still apply post review? The impacts of these agreements being revoked are significant.</p>	<p>Any legacy agreements currently in situ will remain.</p>