

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.

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Air Traffic Control Solutions Ltd	Generic	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. The only real question I wanted clarification on was the point below:	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?	Noted: 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. 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.

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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.

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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.

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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.

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Fairoaks	Generic	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: a) ensuring that the ATSEP is both fully trained and competent. b) arranging periodic refresher training for ATSEPs to maintain their knowledge and technical skills. c) ensuring that Emergency Training is delivered every 3 years on each relevant qualification stream. d) producing a Training Plan for Basic and Qualification training. 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. Subject to the ANSP remaining responsible for ensuring that only authorised ATSEPs operate,	Noted: It is possible to contract out services to organisations who will cover the areas as per your question. 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. 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. This is covered by Annex III ATM/ANS.OR.B.015 of EU2017/373. 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.

		maintain, release from, and return into operations equipment of the functional system.	
Fairoaks	Page 19, para 1.10 Training & Competence Assessment Programme	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)”. 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.	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. 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.
Fairoaks	Page 23, para 2.12 Maintenance Task levels	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”. 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	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. 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.

		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	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: - 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" and by adding the following note to paragraph 1.9	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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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.

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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	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? 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.	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. 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.