

**CAA Decision to amend AMC and GM for UK Reg (EU) 2017/373
pursuant to Article 76(3) UK Reg (EU) 2018/1139**

DECISION No. 6

Publication date: 2 September 2021

Decision amending Acceptable Means of Compliance (AMC) and Guidance Material (GM) for UK Reg (EU) 2017/373 Annex I Part-Definitions and Annex IV Part-ATS regarding air traffic controllers' rostering system(s)

Background

1. CAA UK-EU Transition Decision No. 1 adopted a form of acceptable means of compliance ("**AMC**") as the means by which the requirements in Regulation (EU) 2017/373 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 ("**UK Reg (EU) 2017/373**") could be met. That decision also adopted guidance material ("**GM**") as non-binding explanatory and interpretation material on how to achieve the requirements in UK Reg (EU) 2017/373. The CAA has decided to adopt revised AMC and GM in respect of UK Reg (EU) 2017/373.
2. With one exception, these AMC and GM do not amend the AMC or GM already adopted; they expand upon those already adopted to provide industry with additional detailed AMC and GM to assist their implementation of the Regulation.
3. The exception relates to AMC1 ATS.OR.320(a)(6);(7) published by EASA and adopted by CAA Decision 1 on 1 January 2021 which defines 'night time'. This definition of 'night time' differs from that historically in use in the UK and its application would have significant deleterious effects to the operations of UK ATC service providers with no conceivable benefit. These AMC re-instate the definition of 'night time' that has been in used in the UK since 1992 as defined and published by the CAA within CAP 670 'ATS Safety Requirements'.

Decision

1. The CAA, under Article 76(3) of Regulation (EU) No 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018, has decided to adopt the AMC and GM attached at Schedule 1.
2. This AMC and GM supplements and/or replaces that which was adopted for UK Reg (EU) 2017/373 Annex I 'Part-Definitions' and Annex IV 'Part-ATS' ATS.OR.320 by CAA UK-EU Transition Decision No. 1 dated 22 December 2020.

This Decision will remain in force unless revoked or amended by the CAA.

The AMC and GM attached at Schedule 1 to this Decision come into force on 7 March 2022.

Definitions

All references to UK Reg (EU) 2017/373 are to the UK law bearing that title or number, being EU retained law as retained (and amended in UK domestic law) pursuant to the European Union (Withdrawal) Act 2018.



Rob Bishton
For the Civil Aviation Authority and the United Kingdom

Date of Decision: 2 September 2021

Date of Decision Coming into force: 7 March 2022

Schedule 1

Includes the Acceptable Means of Compliance (AMC) and Guidance Material (GM) documents referenced below.

The text of the amendment is arranged to show deleted text, new or amended text as shown below:

- (a) ~~Text to be deleted is shown struck through~~;
- (b) New text is highlighted in grey;
- (c) ~~Text to be deleted is shown struck through~~ followed by the replacement text which is highlighted in grey.

AMC and GM to ATM/ANS IR Annex I Part-Definitions**AMC1 44. Duty****SYNTHETIC TRAINING DEVICE ACTIVITY**

- (a) Operational and emergency continuation training on synthetic training devices (STD), and other STD activity required to evidence competence of an individual controller, should be counted as operational duty.
- (b) Simulations which are part of air traffic controller training at ATC training colleges are not considered to be duty.

GM1 44. Duty**GENERAL**

- (a) Task that constitute duty are those which can only be performed by an air traffic controller whose licence contains a rating valid at the unit and who exercises, or could be called upon to exercise, the privileges of the licence at that unit, and includes prescribed breaks.
- (b) Duty includes ancillary tasks. An ancillary task is any task in an operational control room which is not directly associated with the provision of an ATC service. Air traffic controllers should not normally be required to carry out ancillary tasks while they are providing air traffic services (ATS).
- (c) It may be necessary, by mutual consent, for an air traffic controller to attend their place of work without being called upon to exercise the privileges of their licence. Although these situations in and of themselves need not be considered as duty for the purposes of calculation of a duty period, the cumulative effects should be considered and where possible the duty hours adjusted to compensate. For example, should an individual, holding a valid unit endorsement, attend a meeting prior to the start of their rostered shift or on a rostered day off, the meeting does not form part of the "operational duty" but the rostering system should be sympathetic to the effects of that additional attendance.

GM2 44. Duty**OPERATIONAL DUTY**

In developing an air traffic controller rostering system, ATC service providers may find it useful to define the term 'operational duty' as being "the period during which an air traffic controller is actually exercising the privileges of their licence at an operational position".

AMC1 45. Duty period**DEFINITION OF DUTY PERIODS**

A rostering system should give consideration to the impacts, sequencing and frequency of 'early start', 'morning' and 'night duty periods'.

- (a) An 'early start duty' is considered to be a duty period that commences between 0530 and 0629.
- (b) A 'morning duty' is considered to be a duty period that commences between 0630 and 0759.
- (c) A duty period encroaching the night time (i.e. 'night duty') is considered to be a duty period wholly or partly within the period of 0130 and 0529 hours.

AMC2 45. Duty period**SHIFT HANDOVER**

The time taken for orderly handover/takeover before a shift start, or to enable opening/closing checks to be completed, up to a maximum of 15 minutes, should not be considered to form part of the oncoming air traffic controller's duty period.

GM1 45. Duty period**'ON CALL' DUTIES**

The definition of duty period includes those periods when an air traffic controller is 'on call'; i.e. they are required to be available for duty. Where necessary, in defining duty periods within the rostering system, ATC service providers should make clear the distinction between air traffic controllers being 'on duty' (described in GM1 44. Duty) and being 'available for duty'; i.e. being 'on call'.

ATC service providers may find it useful to define the term 'on call duty' as being "a period during which, by prior arrangement, an air traffic controller is required to be available to report at their place of work with the intention of providing an air traffic control service".