



Brussels, 6th July 2012

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RE: ATCO LICENSING:

"Provisional inability" is designed to increase safety in the working environment.

"Competence in doubt" is against the just culture concept, supporting a "blame culture" that will risk to jeopardize the reporting system and the safety of the sector.

Dear Mr. Patrick Goudou,

Expert members of ATM 003 have brought to our attention a session where a member of the EASA Legal Department delivered an assessment about the current draft on ATCO licensing.

During this session, the EASA Legal Department focused only on one point:

the "provisional inability".

Far from being a legal basis, the critics that were formulated on this occasion were founded on an interpretation close to the caricature of what this specific proposal actually is:

- a means for ATCOs to take 90 days of holidays at any time without any justification;
- a diverted way to present a measure that could be solved simply by a "sick leave";
- a small problem that could be sorted out by internal processes within ANSPs.

The legal references to ESARR 5 and 805 "competence in doubt" have been ignored.

During the discussion, our experts clarified these points and brought references to the draft, which clearly shows that this proposal is far from being as futile as presented. EASA representatives

concluded that an internal working group will redraft this point during the next few days. ATM 003 members will then have time to react to this new proposal.

We would like to highlight that this particular point has been thoroughly discussed and carefully drafted during a joint 2 year working program within the ATM 003 group. It received broad support within the group, only one expert objected to this. .

We are very concerned that this item will now be redrafted by people who are not experts and do not have a full understanding of this issue. We also have serious concerns that the content could be completely erased and or substantial relevant parts removed.

During the 20-year period since the concept of "competence in doubt" was created, the reflection on human factors, human performance, safety performance, and just culture has made considerable progress. The 805 so called "fast track" regulation on ATCO licensing could not take into consideration this reflection.

We are now establishing a new European ATCO license, which is designed to last for a considerable amount of time, be state of the art and fit for purpose.

There is clearly a need to regulate the possibility of individual failures, which may be related to whatever form of human decreased performance that an ATCO (who is human) may face in her/his career. Most of these "failures" are temporary and may be treated within the unit or ANSP, on the basis of a human approach but with the objective of avoiding any safety gap. The proposal on **"provisional inability" is clearly designed to increase safety in the day to day working environment. It minimizes the administrative burden and the automatic resort to suspension / revocation.**

On the contrary the use of "competence in doubt" will go against the just culture concept, supporting a "blame culture" that will risk to jeopardize the voluntary reporting system and, as a direct consequence, the safety of the sector. Because it is closely linked to suspension and revocation of the license, the question of "provisional inability" is obviously quite relevant to the current drafting of a new ATCO license.

This Provisional Inability concept is also a cornerstone of the Performance Scheme as the Commission is working on Safety Key Performance Indicators where the implementation of Just Culture is measured.

This is a serious item and your current approach gives us concern, we believe it deserves more than a quick judgment based on partial analysis followed by an expedited resolution. We ask that you take onboard the issues raised in our letter and give them due consideration.

Regards,

Riccardo Rubini
ETF-ATM Committee President



Volker Dick
ATCEUC President

