


Irish Aviation Authority The Times Building 11–12 D’Olier Street Dublin 2, Ireland www.iaa.ie Safety Regulation Division	Údarás Eitlíochta na hÉireann Foirgneamh na hAmanna 11–12 Sráid D’Olier Baile Átha Cliath 2, Éire Rannán na Rialachán Sábháilteachta	AERONAUTICAL NOTICE No. S.28 ISSUE 2 DATE 26.01.22	
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Safety rules for Air Traffic Safety Electronics Personnel (ATSEP) undertaking operational safety related tasks

1. Definition and Background

The term Air Traffic Safety Electronics Personnel (ATSEP) is included within Annex I of Commission Implementing Regulation (EU) 2017/373 where it is defined as, and is considered by IAA-SRD to mean any or all of the following –

“any authorised personnel who are competent to operate, maintain, release from, and return into operations equipment of the functional system”.

This notice provides information regarding safety rules applicable to ATSEP when engaged in operational safety-related tasks associated with the provision of Air Traffic Management / Air Navigation Services (ATM/ANS).

It is essential to note that the European Aviation Safety Agency (EASA) remains the Competent Authority for rulemaking within the ATM/ANS domain. Regulatory requirements relevant and applicable to ATSEP who undertake operational safety related tasks, have been established via European Union legislation that is directly applicable and legally binding in Ireland. This regulatory framework continues to evolve and future rules relating to ATSEP in the ATM/ANS domain will be developed by EASA.


Ireland is a contracting state to the ICAO (International Civil Aviation Organisation) convention and compliance with the standards defined in the Annexes to the Convention is also required.

2. Scope

The scope of this Aeronautical Notice is the applicable safety rules for ATSEP who undertake operational safety-related tasks associated with the provision of Air Traffic Management / Air Navigation Services (ATM/ANS), which are subject to the oversight of the Competent Authority in Ireland (IAA Safety Regulation Division).

3. References

ICAO Annex 10 to the Convention on International Civil Aviation

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Commission Implementing Regulation (EU) 2017/373 as amended – laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011

Statutory Instrument S.I. 855 of 2004 Irish Aviation Authority (Air Traffic Service Systems) Order

4. Legislative Framework

This notice is intended to highlight to appropriate personnel, the key safety rules currently applicable in relation to ATSEP who undertake operational safety-related tasks. The sources of such rules include;


- International obligations under ICAO
- European regulatory requirements applicable to;
 - Air Traffic Management / Air Navigation Service Providers
 - ATSEP undertaking operational safety related tasks
- National regulatory requirements

5. International Obligations under ICAO

There is currently no requirement under ICAO Annex 1 (Personnel Licensing) for ATSEP to be issued with, or to hold, individual documents such as licences.

The equipment and systems installed and operated by ANSPs under the supervision of the Irish competent authority must comply with the applicable standards detailed in the Annexes to the Convention on Civil Aviation. In terms of technical requirements, ICAO Annex 10 on Aeronautical Telecommunications is of particular relevance to ATSEP. Annex 10 comprises the following Volumes;

- Volume I: Radio Navigation Aids
- Volume II: Communications Procedures
- Volume III: Communications Systems
- Volume IV: Surveillance and Collision Avoidance Systems
- Volume V: Aeronautical Radio Frequency Spectrum Utilization

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6. European Regulatory Requirements for ATSEP

6.1 The European Commission Implementing Regulation (EU) 2017/373 lays down common requirements for the provision of ATM/ANS services. Annex III of this Regulation lays down requirements for all ATM/ANS service providers, including the following which is applicable to ATSEP –

“ATM/ANS.OR.B.005 Management system – A service provider shall implement and maintain a management system that includes: [...] (6) a process to ensure that the personnel of the service provider are trained and competent to perform their duties in a safe, efficient, continuous and sustainable manner. In this context, the service provider shall establish policies for the recruitments and training of its personnel;”

6.2 Annex III of this Regulation is also applicable in a scenario where an ATM/ANS service provider may have ATSEP in place as part of a contracted activity and it places requirements on the ATM/ANS service provider to independently verify that such ATSEP have received the required training and necessary competences.


The ATM/ANS service provider must ensure that where the contracted organisation providing the ATSEP is not certified in accordance with the Regulation, that it works under the service provider’s oversight and is captured as part of their oversight process. The ATM/ANS service provider must also ensure that provision is in place to facilitate competent authority access to the contracted organisation to determine ongoing compliance with applicable requirements of the Regulation –

“ATM/ANS.OR.B.015 Contracted activities

(a) Contracted activities include all the activities within the scope of the service provider's operations, in accordance with the terms of the certificate, that are performed by other organisations either themselves certified to carry out such activity or if not certified, working under the service provider's oversight. A service provider shall ensure that when contracting or purchasing any part of its activities to external organisations, the contracted or purchased activity, system or constituent conforms to the applicable requirements.

(b) When a service provider contracts any part of its activities to an organisation that is not itself certified in accordance with this Regulation to carry out such activity, it shall ensure that the contracted organisation works under its oversight. The service provider shall ensure that the competent authority is given access to the contracted organisation to determine continued compliance with the applicable requirements under this Regulation.”

6.3 Note that Annex XIII of this Regulation contains requirements for service providers regarding ATSEP training and competence assessment which are further addressed in IAA Aeronautical Notice S.38.

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6.4 **EASA have published Acceptable Means of Compliance and Guidance Material in relation to the above.**

7. **National Regulatory Requirements**

Statutory Instrument S.I. 855 of 2004 (Air Traffic Services Systems Order) includes National requirements for the approval of Air Traffic Services Systems and for the maintenance of records for such systems. S.I. 855/2004 also enshrines in Irish Law the right of access to conduct inspections for authorised officers of the IAA.

Directions

Irish legislation also provides for the IAA to issue legally binding directions when considered necessary. In the context of safety rules for ATSEP, one direction currently in force is detailed in Aeronautical Notice S.03 “*Measures to Prevent the Transmission of Corrupted Guidance Information from Instrument Landing Systems (ILS)*”

8. **Further Information**

Requests for further information on the contents of this notice should be addressed to: ansdinfo@iaa.ie

This Aeronautical Notice replaces Aeronautical Notice S.28 at issue1 which should be discarded.

**Aviation Regulator/CEO Designate
Irish Aviation Authority**