

Consultation on the transposition of Council Directive 2006/23/EC into UK legislation

Consultation letter

Dear Sir/Madam,

Consultation on the transposition of Council Directive 2006/23/EC on a Community Air Traffic Controller Licence into UK legislation

On 5 April 2006 Council Directive 2006/23/EC was formally published, setting out the requirements for establishing a common Community air traffic controller licence across the European Union. The Directive must now be transposed into UK legislation - the majority of the provisions by 17 May 2008, but the language proficiency requirements by May 2010.

It is proposed to transpose the provisions of the Directive by way of an amendment to Part 10 and Schedule 11 of the Air Navigation Order 2005 (ANO). However, before finalising the necessary amending Statutory Instrument the Department would welcome your views, and those of fellow stakeholders, on the proposed changes to the minimum educational standard, minimum age, language proficiency and new medical requirements for Air Traffic Control Officers. Accordingly the Department has prepared the attached Consultation paper (**Annex A**) which seeks comments on a number of key questions. I also attach copies of Council Directive 2006/23 (**Annex B**) and a draft amending Statutory Instrument (**Annex C**) for information.

What is the consultation about?

The rise in air traffic-related delays in the late 1990's prompted the European Commission to examine what should be done to overcome the growing problem. The result was the Single European Sky initiative. To assist the Commission in defining the actions required to take this work further, a high-level group of experts from Member States was convened and one of the issues it considered was the effect of a lack of a common air traffic controller licence in Europe. In its report, the group concluded there was a need to harmonise air traffic controller licences in order to ensure common safety and training standards, and to boost the low mobility level of controllers. The result was Council Directive 2006/23/EC.

As mentioned above, the UK is required to transpose the majority of the provisions of the Directive into UK domestic legislation by 17 May 2008. It is our intention to achieve this with the least possible change to existing UK ATC licensing processes, procedures and costs. The Civil Aviation Authority will separately be updating its Civil Aviation Publications, CAP 584 (Requirements for Initial Air Traffic Control Training) and CAP 744 (United Kingdom Manual of Personnel Licensing - Air Traffic Controllers).

Impact Assessment

In addition to the Consultation paper, the Department has prepared an initial Impact Assessment in which we have sought to analyse the costs and benefits of three potential options for transposition. A copy of the Impact Assessment is at **Annex D**, and we would also invite comments on this assessment, particularly if there are impacts, positive or negative, that you feel have not been addressed. Supporting evidence should be provided wherever possible.

Who is the consultation likely to be of interest to?

This consultation will be of particular interest to Air Navigation Service Providers, Air Traffic Controller Training Providers, Air Traffic Control Officers and Airport Operators.

A list of consultees to whom this paper has been sent, is provided at **Annex E**. If you have any suggestions about others who may wish to be involved in this consultation, please let us know.

If you require further copies of this consultation document please contact Bruce Ridout at the above address. This consultation has also been published on the DfT website at <http://www.dft.gov.uk>

Deadline for receipt of responses

In the consultation document we have set out the questions on which we are looking for particular comments. The deadline for reply to this consultation is **Wednesday 19 March 2008**.

How to respond

The consultation period begins on **12 December 2007** and will continue for 14 weeks until **19 March 2008**. Please ensure your response reaches us by that date. Responses can be posted or e-mailed directly to:

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AAD Aviation Directorate

Zone 1/25

Department for Transport

Great Minster House
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London SW1P 4DR

e-mail bruce.ridout@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who your organisation represents.

To assist us in the evaluation process, please set out the question to which you are responding, followed by your answer.

If you have any queries about the issues raised in the consultation paper please address them to Bruce Ridout or David Shephard at the address mentioned earlier. Alternatively you can e-mail them to Bruce Ridout at the address already mentioned or to David at david.shephard@dft.gsi.gov.uk

Freedom of Information Act

According to the requirements of the Freedom of Information Act (2000), all information contained in your response to this consultation may be subject to publication or disclosure. This may include personal information such as your name and address. If you want your response or your name and address to remain confidential, you should explain why confidentiality is necessary. Your request will be granted only if it is consistent with Freedom of Information obligations. An automatic confidentiality disclaimer generated by your e-mail system will not be regarded as binding on the Department.

Code of practice on consultations

This consultation has been produced in accordance with the principles of the Government's "Code of Practice on Consultation" which are included at **Annex F**.

What will happen next?

At the close of the consultation period a summary of responses will be prepared and published on the DfT website at www.dft.gov.uk, by the end of March 2008. A copy of the summary will be sent to everyone responding to the consultation.

Yours faithfully

Bruce Ridout



Annex A

DEPARTMENT FOR TRANSPORT

Consultation on the transposition of Council Directive 2006/23/EC on a Community Air Traffic Controller Licence into UK legislation

Summary

The European Council Directive 2006/23/EC establishing a common Community Air Traffic Controller licence has been brought into force to increase safety standards and improve the operations of the Community air traffic control system. The objective is to produce a more efficient organisation of the labour market for air traffic controllers and make freedom of movement more effective by removing the current discretion Member States have with regard to mutual recognition. The Government is required to transpose the majority of the Directive's provisions into UK legislation by 17 May 2008. The language proficiency requirements must be transposed by May 2010.

Background

A rise in air traffic-related delays toward the end of the 1990's inspired the European Commission to examine what should be done to deal with this burgeoning problem. The result was the Single European Sky initiative. To help the Commission further in defining the way forward, a high-level group of experts from Member States was convened. One of the issues that they considered was a lack of a common air traffic controller licence in Europe. In their report, published in November 2000, the Group concluded that there was a need to harmonise air traffic controller licences in order to establish common safety and training standards as well as offering the possibility of an improvement in the mobility of controllers.

During subsequent negotiations on the Single European Sky package it was recognised that a common licence should be considered. The Commission went on to explain that it was preparing a Directive on a common licence and as a consequence it was decided not to include it in what became the Single European Sky Regulations. The Single European Sky Air Navigation Service Regulation did however place a requirement on the Commission to present a proposal on the licensing of controllers.

The Commission subsequently drew up the proposal that became Directive 2006/23/EC ("the ATCO Directive"). The ATCO Directive transposes the existing safety requirements of Eurocontrol

Safety and Regulatory Requirement No 5 (ESARR5) - Air Traffic Management Services Personnel, into Community law.

The Issue

The ATCO Directive has the stated objective of increasing safety standards and improving operational performance of the Community air traffic control system through the issuance of a Community wide air traffic controller licence. It will provide the impetus for a more efficient organisation of the labour market for air traffic controllers, increasing the pool of available talent seeking new challenges in a market place where Functional Airspace Blocks are being conceived. This should be further enhanced by removing Member States' discretion on the recognition of other States national licences, which of itself will assist the mobility of controllers operating within Europe.

The ATCO Directive draws heavily on the work carried out in connection with the introduction of Eurocontrol's ESARR5. A key foundation block of ESARR5 is the development of training requirements for air traffic controllers and these requirements are referenced within the ATCO Directive, as are the medical requirements developed under ESARR5.

As a consequence, the majority of requirements established in the ATCO Directive reflect those contained in ESARR5 and have already been assimilated into UK legislation through an amendment to the Air Navigation Order (ANO) made in December 2003. Therefore, the overall impact of the implementation of the ATCO Directive within the UK is likely to be minimal. Nevertheless, certain requirements go beyond the scope of ESARR5 and it is these that the UK must now address.

The provisions of the ATCO Directive will be transposed by way of a Statutory Instrument amending the current ANO. Furthermore, an amendment to Civil Aviation Publication (CAP 744), "United Kingdom Manual of Personnel Licensing - Air Traffic Controllers" and to CAP 584, "Requirements for the recognition of colleges and the approval and conduct of air traffic control training courses" will be required. The CAA will consult separately on the proposed changes to CAP 584 and CAP 744.

View sought

As mentioned, the majority of the provisions of the ATCO Directive can already be found in the ANO. However, there are a small but not insignificant number of provisions that will require suitable changes to Part 10 and Schedule 11 of the ANO. It is in these areas - minimum educational requirements, the minimum age limit, language proficiency and revised medical requirements that stakeholder views are sought. In particular, the Department would welcome your comments on the following questions:

Educational qualification

Article 5 (1) (a) of the ATCO Directive requires that student ATCOs must hold "at least a secondary education diploma or a diploma granting access to university or equivalent ". Provision is made to allow the CAA to evaluate the educational standard of applicants not meeting this requirement.

The Government proposes to require student ATCOs to hold a GCSE level or equivalent in order to comply with this provision (article 108(4)(a) of the attached draft SI refers). Where an individual does not meet the necessary educational standard, the CAA will be given a discretionary power to waive this requirement, provided that it is satisfied that the applicant's education and experience would give him/her a reasonable prospect of completing air traffic control training (article 108(5)).

Question 1: Will these arrangements adversely impact on your company or organisation's recruitment policy? If so, please explain how.

Minimum age

Article 5 of the Directive also requires ATCOs to be at least 21 years old (student ATCOs must be at least 18). Discretion is given for Member States to lower the minimum age limit for ATCOs in "duly justified cases".

The Government proposes to amend Schedule 11, Part A of the Air Navigation Order 2005 to change the current minimum age limit from 20 to 21, but to allow the CAA to grant an ATCO licence to an individual who has reached the age of at least 20 where it considers the circumstances of the case justify this.

Question 2: Will this increase in the minimum age limit for ATCOs have an adverse impact on your company/organisation? If so, please explain how.

Language Proficiency

Article 8 of the ATCO Directive introduces a new English language proficiency requirement for ATCOs, although this is not required to be brought into force until 17 May 2010. Given that the International Civil Aviation Organisation will be introducing its own language proficiency requirements for pilots and ATCOs with effect from 5 March 2008 and that English is the first language of the vast majority of UK CAA licensed ATCOs, the Government proposes to introduce the Directive's language requirements at the same time as the Directive's other provisions (see the new article 108(6)(ii) of the attached draft SI).

Question 3: Will early introduction of the language proficiency requirement create any difficulties for your company/organisation? If so, please explain how.

Medical certification

Article 12 of the ATCO Directive introduces new medical standards for ATCOs, consistent with the provisions of Annex 1 to the Chicago Convention on International Civil Aviation and the requirements of the European Class 3 Medical Certification of Air Traffic Controllers laid down by Eurocontrol, the European Organisation for the Safety of Air Navigation. The changes to the current Class 1 Medical standards are relatively minor. In view of this, and in order to reduce the administrative and regulatory burden of issuing new medical certificates to all UK CAA licensed ATCOs on 17 May 2008, it is proposed to apply the new medical standards when an individual ATCO next renews his/her current medical certificate. Certificates issued before 17 May 2008 will be regarded by the CAA as being valid medical certificates for the purposes of the Regulations until such time that the certificate is renewed as part of the normal renewal cycle.

Question 4: Do you agree with this approach? If not, please explain your concerns.

Question 5: Do you have any other comments on the proposed amending Statutory Instrument?

Question 6: An Impact Assessment accompanies the consultation paper. If there are any additional costs or benefits that you feel have not been reflected in the Assessment, please provide details, quantified where possible.

Your responses to the above questions should please be sent to Bruce Ridout at the address given in the accompanying letter, to arrive by **Wednesday 19 March 2008**.

Annex B

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A COMMUNITY AIR TRAFFIC CONTROLLER LICENCE

DIRECTIVE 2006/23/EC OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL

of 5 April 2006

on a Community Air Traffic Controller Licence
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²,

Whereas:

1. Implementation of the Single European Sky legislation requires the establishment of more detailed legislation, in particular concerning the licensing of air traffic controllers, in order to ensure the highest standards of responsibility and competence, to improve the availability of air traffic controllers and to promote the mutual recognition of licences, as envisaged in Article 5 of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky³, while pursuing the objective of an overall improvement in air traffic safety and competence of personnel.

2. The introduction of a Community licence is a means of recognising the specific role which air traffic controllers play in the safe provision of air traffic control. The establishment of Community competence standards will also reduce fragmentation in this field, making for more efficient organisation of work in the framework of growing regional collaboration between air navigation service providers. This Directive is therefore an essential part of the Single European Sky legislation.

¹ OJ C 234, 22.9.2005, p. 17.

² Opinion of the European Parliament of 8 March 2005 (OJ C 320 E, 15.12.2005, p. 50), Council Common Position of 14 November 2005 (OJ C 316 E, 13.12.2005, p. 1) and Position of the European Parliament of 15 February 2006 (not yet published in the Official Journal).

³ OJ L 96, 31.3.2004, p. 10.

3. A Directive is the most suitable instrument to set competence standards, thus leaving to the Member States to decide on the ways to achieve such standards.
4. This Directive should build on existing international standards. The International Civil Aviation Organization (ICAO) has adopted provisions on air traffic controller licensing, including linguistic requirements. The European Organisation for the Safety of Air Navigation (Eurocontrol) set up by the International Convention of 13 December 1960 relating to Co-operation for the Safety of Air Navigation has adopted Eurocontrol Safety Regulatory Requirements. In accordance with Article 4 of Regulation (EC) No 550/2004 this Directive transposes the requirements laid down in Eurocontrol Safety Regulatory Requirement No 5 (ESARR 5) relevant to air traffic controllers.
5. The particular characteristics of Community air traffic call for the introduction and effective application of Community competence standards for air traffic controllers employed by air navigation service providers primarily involved in general air traffic. Member States may also apply the national provisions taken pursuant to this Directive to student air traffic controllers and air traffic controllers exercising their functions under the responsibility of air navigation service providers offering their services primarily to aircraft movements other than general air traffic.
6. Where Member States take action to ensure compliance with Community requirements, the authorities performing supervision and verification of compliance should be sufficiently independent of air navigation service providers and training providers. The authorities must also remain capable of performing their tasks efficiently. The national supervisory authority nominated or established under this Directive may be the same body or bodies nominated or established in accordance with Article 4 of Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky⁴.
7. The provision of air navigation services requires highly skilled personnel whose competence can be demonstrated by several means. For air traffic control the appropriate means is the introduction of a Community licence, to be seen as a kind of diploma, for each individual air traffic controller. The rating on a licence indicates the type of air traffic service an air traffic controller is competent to provide. At the same time, the endorsements included on the licence reflect both the specific skills of the controller and the authorisation of the supervisory authorities to provide services for a particular sector or group of sectors. That is why the authorities must be in a position to evaluate the competence of air traffic controllers when issuing licences or extending the validity of the endorsements. The authorities must also be in a position to suspend a licence, ratings or endorsements when competence is in doubt. In an effort to promote the reporting of incidents ("just culture"), this Directive should not establish an automatic link between an incident and the suspension of a licence, rating or endorsement. Revocation of a licence should be considered as the last resort for extreme cases.
8. In order to build the confidence of Member States in each other's licensing systems, Community rules on obtaining and maintaining licences are indispensable. It is therefore important, with a view to ensuring the highest level of safety, to harmonise the requirements as regards qualifications, competence and access to the profession of air traffic controller. This should lead to the provision of safe, high-quality air traffic control services and the recognition of licences throughout the Community, thereby increasing freedom of movement and improving the availability of air traffic controllers.
9. Member States should ensure that implementation of this Directive does not lead to circumvention of existing national provisions governing the rights and obligations applicable to the employment relationship between an employer and applicant air traffic controllers.

⁴ OJ L 96, 31.3.2004, p. 1.

10. In order to make skills comparable throughout the Community, they need to become structured in a clear and generally accepted way. This will help to guarantee safety not only within the airspace under the control of one air navigation service provider, but especially at the interface between different service providers.

11. In many incidents and accidents, communication plays a significant role. ICAO has therefore adopted language knowledge requirements. This Directive develops these requirements and provides a means of enforcing these internationally accepted standards. There is a need for observance of the principles of non-discrimination, transparency and proportionality in language requirements, so as to encourage free movement while ensuring safety.

12. The objectives of initial training are described in the guidance material developed at the request of the members of Eurocontrol and are considered the appropriate standards. For unit training the lack of generally accepted standards needs to be offset by a range of measures, including the approval of examiners, which should guarantee high standards of competence. This is all the more important as unit training is very costly and decisive in terms of safety.

13. Medical requirements have been developed at the request of Eurocontrol Member States and are considered an acceptable means of compliance with this Directive.

14. The certification of training provision should be regarded, in terms of safety, as one of the decisive factors contributing to the quality of training. Training should be seen as a service similar to air navigation services, also subject to a certification process. This Directive should make it possible to certify training by type of training, by package of training services or by package of training and air navigation services, without losing sight of the particular characteristics of training.

15. This Directive confirms long-standing case-law of the Court of Justice of the European Communities in the field of mutual recognition of diplomas and freedom of movement of workers. The principle of proportionality, reasoned justifications for the imposition of compensation measures and the provision of appropriate appeal procedures constitute basic principles which need to become applicable to the air traffic management sector in a more visible manner. Member States should be entitled to refuse to recognise licences not issued in accordance with this Directive; Member States should also be entitled to recognise such licences after undertaking the appropriate equivalence assessment. Since this Directive is aimed at facilitating the mutual recognition of licences, it does not regulate the conditions concerning access to employment.

16. The profession of air traffic controller is subject to technical innovations which call for such controllers' skills to be regularly updated. This Directive should allow such adaptations to technical developments and scientific progress through the use of the committee procedure.

17. This Directive may have an impact on the daily working practices of air traffic controllers. The social partners should be informed and consulted in an appropriate way on all measures having significant social implications. Therefore, the Sectoral Dialogue Committee set up under Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the dialogue between the social partners at European level⁵ has been consulted and should be consulted on further implementing measures taken by the Commission.

18. Member States should lay down rules on the penalties applicable to infringements of the national provisions adopted pursuant to this Directive and take all measures necessary to ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

⁵ OJ L 225, 12.8.1998, p. 27. Decision as amended by the 2003 Act of Accession.

19. The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁶.

20. A two-year transposition period is considered sufficient for establishing a Community licensing framework and assimilating within that framework the licences of current licence holders, in accordance with the provisions concerning the conditions for maintaining ratings and keeping endorsements valid, as the requirements laid down in those provisions are in line with existing international obligations. Furthermore, an additional transposition period of two years should be granted for the application of the linguistic requirements.

21. The general conditions for obtaining a licence, insofar as they relate to age, educational requirements and initial training, should not affect the holders of existing licences.

22. In accordance with point 34 of the Interinstitutional agreement on better law-making⁷, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective and Scope

1. The objective of this Directive is to increase safety standards and to improve the operation of the Community air traffic control system through the issuing of a Community air traffic controller licence.

2. This Directive shall apply to:

- student air traffic controllers, and
- air traffic controllers

exercising their functions under the responsibility of air navigation service providers which offer their services primarily to aircraft movements of general air traffic.

3. Subject to Articles 1(2) and 13 of Regulation (EC) No 549/2004, in cases where regular and planned air traffic control services are provided to general air traffic under the responsibility of air navigation service providers which offer their services primarily to aircraft movements other than general air traffic, Member States shall ensure that the level of safety and quality of the services to general air traffic is at least equivalent to the level resulting from the application of the provisions of this Directive.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

1. "air traffic control service" means a service provided for the purpose of preventing collisions between aircraft, and, on the manoeuvring area, between aircraft and obstructions, and expediting and maintaining an orderly flow of air traffic;

⁶ OJ L 184, 17.7.1999, p. 23.

⁷ OJ C 321, 31.12.2003, p. 1.

2. "air navigation service providers" means any public or private entity providing air navigation services for general air traffic;
 3. "general air traffic" means all movements of civil aircraft, as well as all movements of State aircraft (including military, customs and police aircraft) when these movements are carried out in conformity with the procedures of the ICAO;
 4. "licence" means a certificate, by whatever name it may be known, issued and endorsed in accordance with this Directive and entitling its lawful holder to provide air traffic control services in accordance with the ratings and endorsements contained therein;
 5. "rating" means the authorisation entered on or associated with a licence and forming part thereof, stating specific conditions, privileges or limitations pertaining to such licence; the ratings on a licence are at least one of the following:
 - (a) aerodrome control visual;
 - (b) aerodrome control instrument;
 - (c) approach control procedural;
 - (d) approach control surveillance;
 - (e) area control procedural;
 - (f) area control surveillance;
 6. "rating endorsement" means the authorisation entered on and forming part of a licence, indicating the specific conditions, privileges or limitations pertaining to the relevant rating;
 7. "unit endorsement" means the authorisation entered on and forming part of a licence, indicating the ICAO location indicator and the sectors and/or working positions where the holder of the licence is competent to work;
 8. "language endorsement" means the authorisation entered on and forming part of a licence, indicating the language proficiency of the holder;
 9. "instructor endorsement" means the authorisation entered on and forming part of a licence, indicating the competence of the holder to give on-the-job training instruction;
 10. "ICAO location indicator" means the four-letter code group formulated in accordance with rules prescribed by ICAO in its manual DOC 7910 and assigned to the location of an aeronautical fixed station;
 11. "sector" means a part of a control area and/or part of a flight information region/upper region;
 12. "training" is the entirety of theoretical courses, practical exercises, including simulation, and on-the-job training required in order to acquire and maintain the skills to deliver safe, high quality air traffic control services; it consists of:
 - (a) initial training, providing basic and rating training, leading to the grant of a student licence;
 - (b) unit training, including transitional training prior to on-the-job training and on-the-job training, leading to the grant of an air traffic controller licence;
 - (c) continuation training, keeping the endorsements of the licence valid;
 - (d) training of on-the-job training instructors, leading to the grant of the instructor endorsement;
 - (e) training of examiners and/or assessors;
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13. "training provider" is an organisation which has been certified by the relevant national supervisory authority to provide one or more types of training;

14. "Unit Competence Scheme" is an approved scheme indicating the method by which the unit maintains the competence of its licence holders;

15. "Unit Training Plan" is an approved plan detailing the processes and timing required to allow the unit procedures to be applied to the local area under the supervision of an on-the-job-training instructor.

Article 3

National Supervisory Authorities

1. Member States shall nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority under this Directive.

2. The national supervisory authorities shall be independent of air navigation service providers and training providers. This independence shall be achieved through adequate separation, at the functional level at least, between the national supervisory authorities and such providers. Member States shall ensure that national supervisory authorities exercise their powers impartially and transparently.

3. Member States shall notify the Commission of the names and addresses of the national supervisory authorities, as well as any changes thereof, and of the measures taken to ensure compliance with paragraph 2.

Article 4

Licensing principles

1. Without prejudice to Article 1(3), Member States shall ensure that air traffic control services within the scope of Article 1(2) are only provided by air traffic controllers licensed in accordance with this Directive.

2. Applicants for a licence shall prove that they are competent to act as air traffic controllers or as student air traffic controllers. The evidence demonstrating their competence shall relate to knowledge, experience, skills and linguistic proficiency.

3. The licence shall remain the property of the person to whom it is granted and who shall sign it.

4. In accordance with Article 14(1):

(a) a licence, ratings or endorsements may be suspended when the competence of the air traffic controller is in doubt or in cases of misconduct;

(b) a licence may be revoked in cases of gross negligence or abuse.

5. The student air traffic controller licence shall authorise the holder to provide air traffic control services under the supervision of an on-the-job-training instructor.

6. The licence shall include the items set out in Annex I.

7. When a licence is issued in a language other than English, it shall include an English translation of the items set out in Annex I.

8. Member States shall ensure that air traffic controllers are sufficiently trained in safety, security and crisis management.

Article 5

Conditions for obtaining a licence

1. Student air traffic controller licences shall be granted to applicants who:

(a) are at least 18 years old and are holders of at least a secondary education diploma or a diploma granting access to university or equivalent.

Member States may provide that the national supervisory authority evaluate the educational standard of applicants who do not fulfil this educational requirement. If this evaluation demonstrates that an applicant has experience and education which gives him/her a reasonable prospect of completing air traffic controller training, this shall be regarded as sufficient;

(b) have successfully completed approved initial training relevant to the rating, and rating endorsement if applicable, as set out in Part A of Annex II;

(c) hold a valid medical certificate; and

(d) have demonstrated an adequate level of linguistic proficiency in accordance with the requirements set out in Annex III.

The licence shall contain at least one rating and one rating endorsement, if applicable.

2. Air traffic controller licences shall be granted to applicants who:

(a) are at least 21 years old. However, Member States may provide for a lower age limit in duly justified cases;

(b) are holders of a student licence and have completed an approved unit training plan and successfully passed the appropriate examinations or assessments in accordance with the requirements set out in Part B of Annex II;

(c) hold a valid medical certificate; and

(d) have demonstrated an adequate level of linguistic proficiency in accordance with the requirements set out in Annex III.

The licence shall be validated by the inclusion of one or more ratings and the relevant rating, unit and language endorsements for which training was successfully completed.

3. The instructor endorsement shall be granted to holders of an air traffic controller licence who:

(a) have provided air traffic control services for an immediately preceding period of at least one year, or such longer duration as is fixed by the national supervisory authority having regard to the ratings and endorsements for which instruction is given; and

(b) have successfully completed an approved on-the-job training instructor course during which the required knowledge and pedagogical skills were assessed through appropriate examinations.

Article 6

Air traffic controller ratings

Licences shall contain one or more of the following ratings in order to indicate the type of service which the licence holder may provide:

(a) the Aerodrome Control Visual rating (ADV), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has no published instrument approach or departure procedures;

(b) the Aerodrome Control Instrument rating (ADI), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome

that has published instrument approach or departure procedures and shall be accompanied by at least one of the rating endorsements described in Article 7(1);

(c) the Approach Control Procedural rating (APP), which shall indicate that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft without the use of surveillance equipment;

(d) the Approach Control Surveillance rating (APS), which shall indicate that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft with the use of surveillance equipment and shall be accompanied by at least one of the rating endorsements described in Article 7(2);

(e) the Area Control Procedural rating (ACP), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aircraft without the use of surveillance equipment;

(f) the Area Control Surveillance rating (ACS), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aircraft with the use of surveillance equipment and shall be accompanied by at least one of the rating endorsements described in Article 7(3).

Article 7

Rating endorsements

1. The Aerodrome Control Instrument rating (ADI) shall bear at least one of the following endorsements:

(a) the Tower Control endorsement (TWR), which shall indicate that the holder is competent to provide control services where aerodrome control is provided from one working position;

(b) the Ground Movement Control endorsement (GMC), which shall indicate that the holder of the licence is competent to provide ground movement control;

(c) the Ground Movement Surveillance endorsement (GMS), granted in addition to the Ground Movement Control endorsement or Tower Control endorsement, which shall indicate that the holder is competent to provide ground movement control with the help of aerodrome surface movement guidance systems;

(d) The Air Control endorsement (AIR), which shall indicate that the holder of the licence is competent to provide air control;

(e) The Aerodrome Radar Control endorsement (RAD), granted in addition to the Air Control endorsement or Tower Control endorsement, which shall indicate that the holder of the licence is competent to provide aerodrome control with the help of surveillance radar equipment.

2. The Approach Control Surveillance rating (APS) shall bear at least one of the following endorsements:

(a) the Radar endorsement (RAD), which shall indicate that the holder of the licence is competent to provide an approach control service with the use of primary and/or secondary radar equipment;

(b) the Precision Approach Radar endorsement (PAR), granted in addition to the Radar endorsement, which shall indicate that the holder of the licence is competent to provide ground-controlled precision approaches with the use of precision approach radar equipment to aircraft on the final approach to the runway;

(c) the Surveillance Radar Approach endorsement (SRA), granted in addition to the Radar endorsement, which shall indicate that the holder is competent to provide ground-controlled non-precision approaches with the use of surveillance equipment to aircraft on the final approach to the runway;

(d) the Automatic Dependent Surveillance endorsement (ADS), which shall indicate that the holder is competent to provide an approach control service with the use of automatic dependent surveillance;

(e) the Terminal Control endorsement (TCL), granted in addition to the Radar or Automatic Dependent Surveillance endorsements, which shall indicate that the holder is competent to provide air traffic control services with the use of any surveillance equipment to aircraft operating in a specified terminal area and/or adjacent sectors.

3. The Area Control Surveillance rating (ACS) shall bear at least one of the following endorsements:

(a) the Radar endorsement (RAD), which shall indicate that the holder is competent to provide area control services with the use of surveillance radar equipment;

(b) the Automatic Dependent Surveillance endorsement (ADS), which shall indicate that the holder is competent to provide area control services with the use of automatic dependent surveillance;

(c) the Terminal Control endorsement (TCL), granted in addition to the Radar or Automatic Dependent Surveillance endorsements, which shall indicate that the holder is competent to provide air traffic control services with the use of any surveillance equipment to aircraft operating in a specified terminal area and/or adjacent sectors;

(d) the Oceanic Control (OCN) endorsement, which shall indicate that the holder is competent to provide air traffic control services to aircraft operating in an Oceanic Control Area.

4. Without prejudice to paragraphs 1, 2 and 3, Member States may, in exceptional cases which only arise due to particular characteristics of the air traffic in the airspace under their responsibility, develop national endorsements. Such endorsements shall not affect the overall freedom of movement of air traffic controllers.

Article 8

Language endorsements

1. Member States shall ensure that air traffic controllers can demonstrate the ability to speak and understand English to a satisfactory standard. Their proficiency shall be determined in accordance with the language proficiency rating scale set out in Annex III.

2. Member States may impose local language requirements when deemed necessary for reasons of safety.

3. The level required in application of paragraphs 1 and 2 shall be level 4 of the language proficiency rating scale set out in Annex III.

4. Notwithstanding paragraph 3, Member States may require level 5 of the language proficiency rating scale set out in Annex III in application of paragraphs 1 and/or 2 where the operational circumstances of the particular rating or endorsement warrant a higher level for imperative reasons of safety. Such a requirement shall be objectively justified, non-discriminatory, proportionate and transparent.

5. Proficiency shall be demonstrated by a certificate issued after a transparent and objective assessment procedure approved by the national supervisory authority.

Article 9

Instructor endorsements

The instructor endorsement shall indicate that the holder of the licence is competent to provide training and supervision at a working position for areas covered by a valid rating.

Article 10

Unit endorsements

The unit endorsement shall indicate that the licence holder is competent to provide air traffic control services for a particular sector, group of sectors or working positions under the responsibility of an air traffic services unit.

Member States may, when deemed necessary for reasons of safety, provide that the privileges of a unit endorsement are only exercised by licence holders below a given age.

Article 11

Conditions for maintaining ratings and keeping endorsements valid

1. Unit endorsements shall be valid for an initial period of 12 months. The validity of such endorsements shall be extended for the following 12 months if the air navigation service provider demonstrates that:

- (a) the applicant has been exercising the privileges of the licence for a minimum number of hours, as indicated in the approved unit competence scheme, throughout the previous 12 months;
- (b) the applicant's competence has been assessed in accordance with Part C of Annex II; and
- (c) the applicant holds a valid medical certificate.

The minimum number of working hours, leaving aside instruction tasks, required to maintain the validity of the unit endorsement may be reduced for on-the-job training instructors in proportion to the time spent instructing trainees on the working positions for which the extension is applied.

2. Where unit endorsements cease to be valid, a unit training plan must be successfully completed so as to revalidate the endorsement.

3. The holder of a rating or rating endorsement who has not been providing air traffic control services associated with that rating or rating endorsement for any period of four consecutive years may only commence unit training in that rating or rating endorsement after appropriate assessment as to whether he/she continues to satisfy the conditions of that rating or rating endorsement, and after satisfying any training requirements that result from this assessment.

4. The language proficiency of the applicant shall be formally evaluated at regular intervals, except in the case of applicants who have demonstrated proficiency level 6.

This interval shall be no longer than 3 years for applicants who demonstrate proficiency level 4 and no longer than 6 years for applicants who demonstrate proficiency level 5.

5. The instructor endorsement shall be valid for a renewable period of 36 months.

Article 12

Medical certificates

1. Medical certificates shall be issued by a competent medical body of the national supervisory authority or by medical examiners approved by the national supervisory authority.

2. The issuing of medical certificates shall be consistent with the provisions of Annex I to the Chicago Convention on International Civil Aviation and the Requirements for European Class 3 Medical Certification of Air Traffic Controllers laid down by Eurocontrol.

3. Medical certificates shall be valid from the date of the medical examination and for 24 months thereafter for air traffic controllers up to the age of 40 years and for 12 months above that age. The medical certificate may be revoked at any time if the medical condition of the holder so requires.

4. Member States shall ensure that effective review or appeal procedures are put in place with the appropriate involvement of independent medical advisors.
5. Member States shall ensure that procedures are established to deal with cases of reduced medical fitness and to enable licence holders to notify their employers that they are becoming aware of any decrease in medical fitness or are under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of the licence safely and properly.

Article 13

Certification of Training Providers

1. The provision of training to air traffic controllers, including related assessment procedures, shall be subject to certification by the national supervisory authorities.
2. The requirements for certification shall relate to technical and operational competence and suitability to organise training courses as set out in point 1 of Annex IV.
3. Applications for certification shall be submitted to the national supervisory authorities of the Member State where the applicant has its principal place of operation and, if any, its registered office.

National supervisory authorities shall issue certificates when the applicant training provider fulfils the requirements laid down in point 1 of Annex IV.

Certificates may be issued for each type of training or in combination with other air navigation services, whereby the type of training and the type of air navigation service shall be certified as a package of services.

4. Certificates shall specify the information referred to in point 2 of Annex IV.
5. National supervisory authorities shall monitor compliance with the requirements and conditions attached to the certificates. If a national supervisory authority finds that the holder of a certificate no longer satisfies such requirements or conditions, it shall take appropriate measures, which may include withdrawal of the certificate.
6. A Member State shall recognise certificates issued in another Member State.

Article 14

Guarantee of compliance with competence standards

1. In order to ensure the levels of competence indispensable for air traffic controllers in order for them to perform their work to high safety standards, the Member States shall ensure that national supervisory authorities supervise and monitor their training.

Their tasks shall include:

- (a) the issuing and revocation of licences, ratings and endorsements for which the relevant training and assessment was completed under the area of responsibility of the national supervisory authority;
 - (b) the maintenance and suspension of ratings and endorsements, the privileges of which are exercised under the responsibility of the national supervisory authority;
 - (c) the certification of training providers;
 - (d) the approval of training courses, unit training plans and unit competence schemes;
 - (e) the approval of competence examiners or competence assessors;
-

(f) the monitoring and auditing of training systems;

(g) the establishment of appropriate appeal and notification mechanisms.

2. National supervisory authorities shall provide appropriate information and mutual assistance to the national supervisory authorities of other Member States so as to ensure the effective application of this Directive, particularly in cases involving the free movement of air traffic controllers within the Community.

3. The national supervisory authorities shall ensure that a data base is maintained listing the competencies of all licence holders under their responsibility and the validity dates of their endorsements. To this end, operational units within air navigation service providers shall keep records of the hours effectively worked in the sectors, group of sectors or in the working positions for every licence holder working in the unit and shall provide this data to the national supervisory authorities on request.

4. The national supervisory authorities shall approve the licence holders who are entitled to act as competence examiners or competence assessors for unit and continuation training. Approval shall be valid for a renewable period of three years.

5. The national supervisory authorities shall audit the training providers on a regular basis with a view to guaranteeing effective compliance with the standards laid down in this Directive.

In addition to the regular audit, the national supervisory authorities may make on-the-spot visits to check the effective implementation of this Directive and compliance with the standards contained therein.

6. National supervisory authorities may decide to delegate in full or in part the auditing functions and inspections mentioned in paragraph 5 of this Article to recognised organisations in accordance with Article 3 of Regulation (EC) No 550/2004.

7. Member States shall submit to the Commission a report on the application of this Directive by 17 May 2011 and at three-yearly intervals thereafter.

Article 15

Mutual recognition of air traffic controller licences

1. Subject to Article 8, each Member State shall recognise licences and their associated ratings, rating endorsements and language endorsements issued by the national supervisory authority of another Member State in accordance with the provisions of this Directive, as well as the accompanying medical certificates. However, a Member State may decide only to recognise licences of holders who have reached the minimum age limit of 21 as envisaged in Article 5(2)(a).

2. In cases where a licence holder exercises the privileges of the licence in a Member State other than that in which the licence was issued, the licence holder shall have the right to exchange his or her licence for a licence issued in the Member State where the privileges are exercised, without additional conditions being imposed.

3. In order to grant a unit endorsement, the national supervisory authorities shall require the applicant to fulfil the particular conditions associated with this endorsement, specifying the unit, sector or working position. When establishing the unit training plan, the training provider shall take due account of the acquired competencies and the experience of the applicant.

4. The national supervisory authorities shall approve and give a reasoned decision on the unit training plan containing the proposed training for the applicant not later than six weeks after presentation of the evidence, without prejudice to the delay resulting from any appeal that may be made. In their decisions, the national supervisory authorities shall ensure that the principles of non-discrimination and proportionality are respected.

Article 16

Adaptation to technical or scientific progress

In the light of technical or scientific progress, the Commission may adopt, in accordance with the procedure referred to in Article 17(2), amendments to the ratings in Article 6, the rating endorsements in Article 7, the provisions on medical certificates in Article 12(3) and the Annexes.

Article 17

Committee

1. The Commission shall be assisted by the Single Sky Committee instituted by Article 5 of Regulation (EC) No 549/2004.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 18

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 17 May 2008 and shall notify it without delay of any subsequent amendment affecting them.

Article 19

Transitional Arrangements

Article 5(2)(a) and (b) shall not apply to holders of air traffic controller licences issued by Member States before 17 May 2008.

Article 20

Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 May 2008 at the latest, with the exception of Article 8, for which the deadline shall be 17 May 2010. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 21

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 22
Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 5 April 2006.

For the European Parliament For the Council

The President The President

ANNEX I

SPECIFICATIONS FOR LICENCES

Licences issued by a Member State in accordance with this Directive must conform to the following specifications:

Details

The following details must appear on the licence, an asterisk indicating those items which must be translated into English:

- (a) *Name of State or Authority issuing the licence (in bold type);
- (b) *Title of licence (in very bold type);
- (c) Serial number of the licence, in arabic numerals, given by the authority issuing the licence;
- (d) Name of holder in full (in roman alphabet also if script of national language is other than roman);
- (e) Date of birth;
- (f) Nationality of holder;
- (g) Signature of holder;
- (h) *Certification concerning validity and authorisation for holder to exercise privileges appropriate to the licence, indicating:
 - (i) the ratings, rating endorsements, language endorsements, instructor endorsements and unit endorsements,
 - (ii) the dates when they were first issued,
 - (iii) the dates on which their validity expires;
- (i) Signature of officer issuing the licence and the date of such issue;
- (j) Seal or stamp of authority issuing the licence.

The licence must be accompanied by a valid medical certificate.

2. Material

First quality paper or other suitable material must be used and the items mentioned under point 1 must appear clearly thereon.

3. Colour

3.1. Where the same coloured material is used for all aviation-related licences issued by a Member State, that colour must be white.

3.2. Where aviation-related licences issued by a Member State carry a distinguishing colour marking, the colour of the air traffic controller licence must be yellow.

ANNEX II

Training Requirements

PART A

INITIAL TRAINING REQUIREMENTS FOR AIR TRAFFIC CONTROLLERS

The initial training will ensure that student air traffic controllers satisfy at least the objectives for basic and rating training, as described in Eurocontrol's "Guidelines for air traffic controller Common Core Content Initial Training", edition of 10.12.2004, so that air traffic controllers are capable of handling air traffic in a safe, quick and efficient way.

Initial training will cover the following subjects: Aviation Law, Air Traffic Management, including Procedures for Civil-Military Co-operation, Meteorology, Navigation, Aircraft and Principles of Flight, including an understanding between air traffic controller and pilot, Human Factors, Equipment and Systems, Professional Environment, Safety and Safety Culture, Safety Management Systems, Unusual/Emergency Situations, Degraded Systems and Linguistic Knowledge, including Radiotelephony Phraseology.

The subjects will be taught in such a way that they prepare the applicants for the different types of air traffic services and highlight safety aspects. The initial training will consist of theoretical and practical courses, including simulation, and its duration will be determined in the approved initial training plans. Acquired skills must ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training. The competence of the candidate after initial training will be assessed through appropriate examinations or a system of continuous assessment.

PART B

UNIT TRAINING REQUIREMENTS FOR AIR TRAFFIC CONTROLLERS

Unit training plans will detail the processes and timing required to allow the application of the unit procedures to the local area under the supervision of an on-the-job training instructor. The approved plan will include indications of all elements of the competence assessment system, including work arrangements, progress assessment and examination, together with procedures for notifying the national supervisory authority. Unit training may contain certain elements of the initial training which are specific to national conditions.

The duration of unit training will be determined in the unit training plan. The required skills will be assessed through appropriate examinations or a system of continuous assessment, by approved competence examiners or assessors who will be neutral and objective in their judgment. To this end, the national supervisory authorities will put in place appeal mechanisms to ensure fair treatment of candidates.

PART C

CONTINUATION TRAINING REQUIREMENTS FOR AIR TRAFFIC CONTROLLERS

Rating and unit endorsements on air traffic controllers' licences will be kept valid through approved continuation training, which consists of training to maintain the skills of air traffic controllers, refresher courses, emergency training and, where appropriate, linguistic training.

Continuation training will consist of theoretical and practical courses, together with simulation. For this purpose, the training provider will establish unit competence schemes detailing the processes, manning and timing necessary to provide for the appropriate continuation training and to demonstrate competence. These schemes will be reviewed and approved at least every three years. The duration of the continuation training will be decided in accordance with the functional needs of the air traffic controllers working in the unit, in particular in the light of changes or planned changes in procedures or equipment, or in the light of the overall safety management requirements. The competence of each air traffic controller will be appropriately assessed at least every three years. The air navigation service provider will ensure that mechanisms are applied to guarantee fair treatment of licence holders where the validity of their endorsements cannot be extended.

ANNEX III

REQUIREMENTS FOR PROFICIENCY IN LANGUAGES

The language proficiency requirements laid down in Article 8 are applicable to the use of both phraseologies and plain language. To meet the language proficiency requirements an applicant for a licence or a licence holder will be assessed and must demonstrate compliance with at least the Operational Level (Level 4) of the Language Proficiency Rating Scale set out in this Annex.

Proficient speakers must:

- (a) communicate effectively in voice-only (telephone/radiotelephone) and in face-to-face situations;
- (b) communicate on common, concrete and work-related topics with accuracy and clarity;
- (c) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings (e.g. to check, confirm or clarify information) in a general or work-related context;
- (d) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
- (e) use a dialect or accent which is intelligible to the aeronautical community.

ANNEX III

Language proficiency rating scale: Expert, Extended and Operational Levels.

LEVEL	PRONUNCIATION	STRUCTURE	VOCABULARY	FLUENCY	COMPREHENSION	INTERACTIONS
	USES A DIALECT AND/OR ACCENT INTELLIGIBLE TO THE AERONAUTICAL COMMUNITY.	RELEVANT GRAMMATICAL STRUCTURES AND SENTENCE PATTERNS ARE DETERMINED BY LANGUAGE FUNCTIONS APPROPRIATE TO THE TASK.				
EXPERT 6	Pronunciation, stress, rhythm and intonation, though possibly influenced by the first language or regional variation, almost never interfere with ease of understanding.	Both basic and complex grammatical structures and sentence patterns are consistently well controlled.	Vocabulary range and accuracy are sufficient to communicate effectively on a wide variety of familiar and unfamiliar topics. Vocabulary is idiomatic, nuanced, and sensitive to register.	Able to speak at length with a natural, effortless flow. Varies speech flow for stylistic effect, e.g. to emphasise a point. Uses appropriate discourse markers and connectors spontaneously.	Comprehension is consistently accurate in nearly all contexts and includes comprehension of linguistic and cultural subtleties.	Interacts with ease in nearly all situations. Is sensitive to verbal and non-verbal cues, and responds to them appropriately.
EXTENDED 5	Pronunciation, stress, rhythm and intonation, though influenced by the first language or regional variation, rarely interfere with ease of understanding.	Basic grammatical structures and sentence patterns are consistently well controlled. Complex structures are attempted but with errors which sometimes interfere with meaning.	Vocabulary range and accuracy are sufficient to communicate effectively on common, concrete, and work-related topics. Paraphrases consistently and successfully. Vocabulary is sometimes idiomatic.	Able to speak at length with relative ease on familiar topics, but may not vary speech flow as a stylistic device. Can make use of appropriate discourse markers or connectors.	Comprehension is accurate on common, concrete, and work-related topics and mostly accurate when the speaker is confronted with a linguistic or situational complication or an unexpected turn of events. Is able to comprehend a range of speech varieties (dialect and/or accent) or registers.	Responses are immediate, appropriate, and informative. Manages the speaker/listener relationship effectively.
OPERATIONAL 4	Pronunciation, stress, rhythm and intonation are influenced by the first language or regional variation but only sometimes interfere with ease of understanding.	Basic grammatical structures and sentence patterns are used creatively and are usually well controlled. Errors may occur, particularly in unusual or unexpected circumstances, but rarely interfere with meaning.	Vocabulary range and accuracy are usually sufficient to communicate effectively on common, concrete, and work-related topics. Can often paraphrase successfully when lacking vocabulary in unusual or unexpected circumstances.	Produces stretches of language at an appropriate tempo. There may be occasional loss of fluency on transition from rehearsed or formulaic speech to spontaneous interaction, but this does not prevent effective communication. Can make limited use of discourse markers or connectors. Fillers are not distracting.	Comprehension is mostly accurate on common, concrete, and work-related topics when the accent or variety used is sufficiently intelligible for an international community of users. When the speaker is confronted with a linguistic or situational complication or an unexpected turn of events, comprehension may be slower or require clarification	Responses are usually immediate, appropriate, and informative. Initiates and maintains exchanges even when dealing with an unexpected turn of events. Deals adequately with apparent misunderstandings by checking, confirming, or clarifying.

LEVEL	PRONUNCIATION USES A DIALECT AND/OR ACCENT INTELLIGIBLE TO THE AERONAUTICAL COMMUNITY.	STRUCTURE RELEVANT GRAMMATICAL STRUCTURES AND SENTENCE PATTERNS ARE DETERMINED BY LANGUAGE FUNCTIONS APPROPRIATE TO THE TASK.	VOCABULARY	FLUENCY	COMPREHENSION	INTERACTIONS
					strategies.	

ANNEX IV

REQUIREMENTS TO BE ATTACHED TO CERTIFICATES AWARDED TO TRAINING PROVIDERS

1. Compliance with the requirements referred to in Article 13 must be demonstrated by evidence that training providers are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain or maintain student air traffic controller licences and air traffic controller licences. In particular training providers must:

(a) have an efficient management structure and sufficient staff with adequate qualifications and experience to provide training according to the standards set out in this Directive;

(b) have available the necessary facilities, equipment and accommodation appropriate for the type of training offered;

(c) provide the methodology they will use to establish details of the content, organisation and duration of training courses, unit training plans and unit competence schemes; this will include the way examinations or assessments will be organised. For examinations related to initial training, including simulation training, the qualifications of the examiners must be indicated in detail;

(d) furnish proof of the quality management system in place to monitor compliance with and the adequacy of the systems and procedures which ensure that the training services provided satisfy the standards set out in this Directive;

(e) demonstrate that sufficient funding is available to conduct the training according to the standards set out in this Directive and that the activities have sufficient insurance cover in accordance with the nature of the training provided.

2. Certificates must specify:

(a) the national supervisory authority issuing the certificate;

(b) the applicant (name and address);

(c) the type of services which are certified;

(d) a statement of the applicant's conformity with the requirements defined in point 1;

(e) the date of issue and the period of validity of the certificate.

Annex C

STATUTORY INSTRUMENTS

2008 No. 0000

Civil Aviation

The Air Navigation (Amendment) Order 2008

Made - - - - 2008

Laid before Parliament 2008

Coming into force - - 2008

Her Majesty, in exercise of the powers conferred upon Her by section 60(1), (2)(b), (3)(h), 61(1)(a) and 102 of and Schedule 13 to the Civil Aviation Act 1982(8), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 2008 and comes into force on.

Amendment of the Air Navigation Order 2005

2. The Air Navigation Order 2005(9) is amended as follows.

Interpretation

3.-(1.) Article 155(1) is amended as follows.

(2) There is added in the appropriate alphabetical position—

“‘air traffic controller’s directive’ means Council Directive of the European Parliament and Council 2006/23/EC⁽¹⁰⁾ on a Community air traffic controller licence;”

(3) For the definition of “air traffic control service” there is substituted—

“‘air traffic control service’ means a service provided for the purpose of preventing collisions between aircraft, and, on the manoeuvring area, between aircraft and obstructions, and expediting and maintaining an orderly flow of air traffic;”

Competent authority

4.—(1) After article 167(1) insert—

“(1A) The CAA is the national supervisory authority for the purposes of Article 3 of the air traffic controller’s directive”.

⁽⁸⁾ 1982 c.16, to which there are amendments which are not relevant to this Order in Council.

⁽⁹⁾ S.I. 2005/1970, to which there are amendments which are not relevant to this Order in Council.

⁽¹⁰⁾ O.J. L224, 27.4.2006, p.22

Part 10 licensing of Air Traffic Controllers

5.—(1) For Part 10 substitute—

“Part 10

Licensing of Air Traffic Controllers

Prohibition of unlicensed air traffic controllers and student air traffic controllers

107.—(1) Subject to paragraphs (3) and (4), a person must not—

- (a) act as an air traffic controller; or
- (b) hold himself out, whether by use of a radio call sign or in any other way, as an air traffic controller;

unless he is the holder of, and complies with the privileges and conditions of a licence specified in paragraph (2).

(2) The licences referred to in paragraph (1) are—

- (a) a valid student air traffic controller’s licence granted under this Order;
- (b) an appropriate air traffic controller’s licence granted under this Order;
- (c) a valid air traffic controller’s licence so granted which is not appropriate but he is supervised as though he was the holder of a student air traffic controller’s licence;
- (d) a valid student air traffic controller’s licence granted in another Member State and recognised by the CAA in accordance with article 118D; or
- (e) an appropriate air traffic controller’s licence granted in another Member State and recognised by the CAA in accordance with article 118D .

(2) A person must not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence is not required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller’s licence which entitles that holder to give such instructions or advice.

(4) A licence is not required by any person who acts in the course of his duty as a member of her Majesty’s naval, military or air forces or a visiting force.

(5) For the purposes of this article an appropriate air traffic controller’s licence is a licence—

(a) which includes valid ratings, endorsements and certificates which authorise the holder to provide—

(i) the type of air traffic control service for the sector on which or the operational position at which it is being provided; and

(ii) with the type of surveillance equipment being used (if any).

Grant and renewal of air traffic controller’s and student air traffic controller’s licences

108.—(1) The CAA must grant, subject to any conditions it thinks fit—

**Consultation on the transposition of Council Directive 2006/23/EC into UK
legislation**

- (a) an air traffic controller's licence; and
- (b) a student air traffic controller's licence;

authorising the holder to act as an air traffic controller or a student air traffic controller in the United Kingdom if the applicant satisfies the requirements set out in this article.

(2) Before granting such a licence the CAA must be satisfied that the applicant—

- (a) is a fit person to act in the capacity to which the licence relates;
- (b) satisfies the medical requirements in article 112;
- (c) satisfies the linguistic requirements set out in paragraph (5); and

(d) is qualified by reason of his knowledge, experience and skills to act in the capacity to which the licence relates.

(3) In order to satisfy the requirements in sub-paragraph 2(d) the applicant must provide such evidence and undergo such examinations, assessments and tests and undertake such courses of training as the CAA may require of him.

(4) Subject to paragraph (5), before granting a student air traffic controller's licence the CAA must be satisfied that the applicant is—

- (a) the holder of a General Certificate of Secondary Education or equivalent; or
- (b) has attained any educational qualification which would enable him to gain access to university or equivalent.

(5) The CAA may evaluate any applicants who do not fulfil the educational requirements in paragraph (4) and if the evaluation demonstrates that an applicant has the experience and education which gives him a reasonable prospect of completing air traffic control training, then this will be regarded as sufficient to grant a student air traffic controller's licence.

(6) Subject to paragraph (8), before granting a student air traffic controller's licence, the CAA must be satisfied that the applicant has—

(a) successfully completed approved initial training relevant to the rating and any applicable rating endorsement as set out in Part A of Annex II of the air traffic controller's directive; and

(b) provided a certificate (in accordance with article 8 of the air traffic controller's directive) to demonstrate that he can speak and understand English to at least level 4 of the language proficiency rating scale set out in Annex III of the air traffic controller's directive.

(7) Subject to paragraph (8), before granting an air traffic controller's licence, the CAA must be satisfied that the applicant—

(a) is a holder of a student licence and has completed an approved unit training plan and successfully passed the appropriate examinations or assessments in accordance with the requirements as set out in Part B of Annex II of the air traffic controller's directive; and

(b) has provided a certificate (in accordance with article 8 of the air traffic controller's directive) to demonstrate that he can speak and understand English to at least level 4 of the language proficiency rating scale set out in Annex III of the air traffic controller's directive.

(8) The CAA may require level 5 of the language proficiency rating scale set out in Annex III of the air traffic controller's directive where the operational circumstances of the particular rating or endorsement warrant a higher level of language proficiency for reasons of safety.

**Consultation on the transposition of Council Directive 2006/23/EC into UK
legislation**

(9) Subject to article 92 a licence—

- (a) remains in force for the period specified in the licence;
- (b) if no period is indicated in the licence, remains in force for the lifetime of the holder;
- (c) if the licence does not remain in force for the lifetime of the holder, it may be renewed by the CAA from time to time upon its being satisfied that the applicant is a fit person and qualified as specified in paragraph (2);
- (d) must not be granted to any person who is under the minimum age specified for that licence in Part A of Schedule 11;
- (e) is not valid unless the holder has signed it in ink or indelible pencil with his ordinary signature; and
- (f) remains the property of the person to whom it is granted.

(10) The CAA may include in an air traffic controller's licence (subject to such conditions as it thinks fit)—

- (a) any of the ratings and endorsements specified in Part B of Schedule 11;

upon being satisfied that the applicant is qualified as specified in paragraph 2(d) to act in the capacity to which the rating or endorsement relates and such rating or endorsement is deemed to form part of the licence.

(11) The CAA must not issue an air traffic controller's licence unless the applicant can demonstrate that he has at least one valid rating.

(12) The CAA must not issue a student air traffic controller's licence unless the applicant can demonstrate that he is competent to be issued with a rating which must be issued with the first licence.

(13) The holder of an air traffic controller's or a student air traffic controller's licence must, upon such occasions as the CAA may require—

- (a) submit himself for such examinations, assessments and tests (including medical examinations);
- (b) furnish such evidence as to his knowledge, experience, competence and skill; and
- (c) undergo such courses of training as the as the CAA may require.

**Suspension or revocation of licences and suspension or revocation
of recognition of licences granted in another Member State**

108A.—(1) A licence, rating or endorsement issued by the CAA, may be suspended by the CAA, when the competence of an air traffic controller is in doubt.

(2) A licence issued by the CAA may be revoked by the CAA in cases of gross negligence or abuse.

(3) The CAA may suspend recognition of a licence recognised in accordance with article 123 when the competence of an air traffic controller is in doubt.

(4) The CAA may revoke recognition of a licence recognised in accordance with article 123 in cases of gross negligence or abuse.

Privileges of an air traffic controller's licence and a student air traffic controller's licence

109.—(1) Subject to article 110 and to any conditions of the licence granted under article 108 an air traffic controller's licence entitles the holder to—

- (a) exercise the privileges specified in sub-paragraph 1(3) of Part A of Schedule 11; and
- (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part B of that Schedule.

(2) Subject to article 111 and to any conditions of the licence granted under article 108 a student air traffic controller's licence entitles the holder to exercise the privileges specified in sub-paragraph 2(3) of Part A of Schedule 11.

Maintenance of validity of ratings and endorsements

110.—(1) The holder of an air traffic controller's licence is not entitled to exercise the privileges of a rating or endorsement contained in the licence unless the licence includes a current unit endorsement specifying that the rating or endorsement is valid for—

- (a) the aerodrome or place at which he so acts;
- (b) the sector on which or the operational position at which he so acts; and
- (c) the surveillance equipment (if any) with which he so acts.

(2) A unit endorsement may be entered in a licence either by the CAA or by the holder of an air traffic controller's licence which includes an examiner licence endorsement.

(3) Subject to paragraph (4), a unit endorsement is valid for an initial period of 12 months.

(4) The validity of a unit endorsement may be extended by the CAA, or a person approved by the CAA, for a further 12 months if the air navigation service provider demonstrates that—

- (a) the applicant has been exercising the privileges of the licence for a minimum number of hours, as indicated in the approved unit competence scheme, throughout the previous 12 months;
- (b) the applicant's competence has been assessed in accordance with Part C of Annex II of the air traffic controller's directive; and
- (c) the applicant holds a valid medical certificate.

(5) The minimum number of hours required to maintain the validity of the unit endorsement may be reduced for an on-the-job training instructor in proportion to the time spent instructing trainees on the working positions for which the extension is applied.

(6) If a unit endorsement ceases to be valid, a unit training plan must be successfully completed by the licence holder to the satisfaction of the CAA, or a person approved by the CAA, to revalidate the endorsement.

(7) The holder of a rating or rating endorsement who has not been providing air traffic control services associated with that rating or rating endorsement for a period of four years may only commence unit training in that rating or rating endorsement after—

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(a) appropriate assessment by the CAA, or any person approved by the CAA, as to whether he continues to satisfy the conditions of that rating or rating endorsement; and

(b) satisfying the CAA, or any person approved by the CAA that any training requirements that result from this assessment have been successfully completed.

(8) Subject to paragraph (10), the English language proficiency of the holder of a student air traffic controllers licence or air traffic controllers licence must be formally evaluated by the CAA or any person approved by the CAA at regular intervals.

(9) The interval at which the language proficiency of the holder of a student air traffic controller's licence or air traffic controller's licence must be assessed must be no longer than—

(a) three years for holders of a student air traffic controller's licence or air traffic controller's licence who demonstrate proficiency in English language to level 4 of Annex III of the air traffic controller's directive; and

(b) 6 years for holders of a student air traffic controller's licence or air traffic controller's licence who demonstrate proficiency in English language to level 5 of Annex III of the air traffic controller's directive.

(10) Paragraph (8) and (9) do not apply to holders of a student air traffic controller's licence or air traffic controller's licence who have demonstrated English language proficiency to level 6 of Annex III of the air traffic controller's directive.

(11) An instructor endorsement must be granted to a holder of an air traffic controller's licence who—

(a) has provided an air traffic service for the immediate preceding period of at least one year (or such longer period as the CAA may fix having regard to the ratings and endorsements for which instruction if given); and

(b) has successfully completed an approved on-the-job training instructor course during which the required knowledge and pedagogical skills were assessed through appropriate examinations.

Obligation to notify rating ceasing to be valid and change of unit

111.—(1) Subject to paragraph (2), when a rating ceases to be valid for a sector or operational position the holder of the licence must inform the air navigation service provider.

(2) When a rating ceases to be valid for a sector or operational position and is not valid for any other sector or operational position the holder must—

(a) notify the CAA; and

(b) forward the licence to the CAA, or a person approved by the CAA who must endorse the licence accordingly and return it to the holder.

(3) Whenever a person ceases to act as an air traffic controller at a particular unit he must—

(a) notify the CAA; and

(b) forward the licence to the CAA or a person approved by the CAA who must endorse the licence accordingly and return it to the holder.

Requirement for medical certificate

112.—(1) The CAA, or any medical examiner approved by the CAA may, after carrying out an examination, issue a medical certificate, subject to such conditions as it thinks fit, if it considers that the applicant or holder of a licence is fit to perform the functions to which the licence relates.

(2) The certificate is deemed to form part of the licence.

(3) The holder of an air traffic controller's licence must not act as an air traffic controller, unless his licence includes a medical certificate issued and in force under paragraph (1) and (6).

(4) The holder of a student air traffic controller's licence must not act as a student air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (1) and (6).

(5) The issuing of medical certificates must be consistent with the provisions of Annex I to the Chicago Convention and the requirements for the European Class 3 Medical Certification of Air Traffic Controllers laid down by Eurocontrol.

(6) Medical certificates are valid for—

(a) two years from the date of the medical examination in the case of air traffic controllers or student air traffic controllers of up to (and including) the age of 40; and

(b) one year for air traffic controllers or student air traffic controllers over the age of 40.

Incapacity of air traffic controllers

113.—(1) Every holder of an air traffic controller's licence granted under article 108 who—

(a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or

(b) in the case of a woman, has reason to believe that she is pregnant; must inform the CAA in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's medical certificate ceases to be in force on the expiry of the period of injury or illness referred to in paragraph (1)(a) and comes into force again (provided it has not expired)—

(a) upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his functions under the licence; or

(b) upon the CAA exempting the holder from the requirement of a medical examination subject to such conditions as the CAA may think fit.

(3) The holder of an air traffic controller's licence or student air traffic controller's licence must notify his employer if he—

(a) becomes aware of any decrease in medical fitness; or

(b) is under the influence of any psychoactive substance or medicines which might render him unable to exercise the privileges of his licence safely and properly.

Fatigue of air traffic controllers-air traffic controllers' responsibilities

114. A person must not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Prohibition of acting under the influence of drink or a drug

115. A person must not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his capacity to act as such.

Failing exams, assessments or tests

116. A person who, on the last occasion when he was examined, assessed or tested for the purposes of this Part, failed that examination, assessment or test is not entitled to act in the capacity for which that examination, assessment or test would have qualified him had he passed it.

Use of simulators

117. No part of any examination, assessment or test undertaken for the purposes of this Part or Schedule 11 or any training which has been approved under article 118A must be undertaken in a simulator unless that simulator has been approved by the CAA.

Approval of courses, persons and simulators

118. Without prejudice to any other provision of this Order the CAA may, for the purposes of this Part—

- (a) approve any course of training or instruction,
- (b) approve any unit training plan or unit competence scheme;
- (c) authorise a person to conduct such examinations, assessments or tests as it may specify;
- (d) approve a competence examiner or a competence assessor; and
- (e) approve a simulator.

Certification of training providers

118A.—(1) A training provider must not provide training unless it has been certified—

- (a) by the CAA; or
 - (b) by a National Supervisory Authority of another Member State which has been recognised by the CAA.
- (2) Applications for certification to be a training provider must be submitted to the CAA where the applicant has its principal place of operation and business in the United Kingdom.
- (3) The CAA must issue a certificate when it is satisfied that the training provider fulfils the requirements laid down in paragraph 1 of Annex IV of the air traffic controller's directive.

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- (4) The certificate must specify the information set out in paragraph 2 of Annex IV to the air traffic controller's directive.
- (5) The function of recognising training certificates issued by another Member State in accordance with article 13 of the air traffic controller's directive is designated on the CAA.
- (6) The CAA must recognise all certificates issued in another Member State if it is satisfied that the training provider fulfils the requirements laid down in paragraph 1 of Annex IV of the air traffic controller's directive.
- (7) The CAA must monitor compliance by the training provider with the requirements and conditions attached to the certificate.
- (8) If the CAA finds that the holder of the certificate issued by the CAA no longer satisfies the requirements laid down and the conditions attached to the certificate, it may take appropriate measures which may include the revocation of the certificate.
- (9) If the CAA finds that the holder of a certificate issued in another Member State no longer satisfies the requirements laid down and the conditions attached to the certificate, it may withdraw recognition of the training certificate.
- (10) The CAA must audit each training provider for which it has granted a certificate in accordance with paragraph (3) on a regular basis to guarantee effective compliance with the standards in the air traffic controller's directive and in carrying out this function may make on the spot visits to training providers.

Maintenance of records

118B. An air navigation service provider must keep records for every licence holder working in the unit of the hours worked in the sectors, group of sectors or in the working positions and must provide these records to the CAA on request.

Approval of competence examiners and assessors

118C.—(1) No person may act as a competence examiner or competence assessor for unit and continuation training unless they have been approved by the CAA.

(2) The approval is valid for three years and is renewable.

Mutual recognition of air traffic controller's licences

118D.—(1) The CAA is designated to act on behalf of the Secretary of State to mutually recognise a licence, rating, endorsement and medical certificate in accordance with Article 15 of the air traffic controller's directive.

(2) The licence holder must apply in writing to the CAA to have his licence, rating, endorsement and medical certificate recognised by the CAA.

(3) The CAA must recognise any—

- (a) licence and any associated rating;
- (b) rating endorsement;
- (c) language endorsement; and
- (d) medical certificate

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issued in accordance with the provisions of the air traffic controller's directive by another Member State if it is satisfied that the air traffic controller meets the requirements of the air traffic controller's directive.

(4) A licence holder has the right to exchange his licence (if issued in another Member State in accordance with the provisions of the air traffic controller's directive) for an equivalent licence issued by the CAA without additional conditions being imposed.

(5) In order to grant a unit endorsement to the holder of a licence, the CAA may require the applicant to fulfil the particular conditions associated with the endorsement and may specify the unit, sector or working position.

(6) The licence holder must complete a unit training plan to the satisfaction of the CAA.

(7) When establishing the unit training plan for a licence holder who has exchanged his licence in accordance with paragraph (3), the training provider must take due account of the acquired competencies and experience of the licence holder.

(8) The CAA must decide whether or not to approve and give a reasoned decision on the unit training plan containing the proposed training for the licence holder not later than six weeks after presentation of the evidence.

Acting as an air traffic controller and a student air traffic controller

119. For the purposes of this Part and Schedule 11—

(a) "acting as an air traffic controller" means either—

- (i) giving an air traffic control service; or
- (ii) the supervision of a student air traffic controller;

or both; and

(b) "acting as a student air traffic controller" means giving an air traffic control service under the supervision of an air traffic controller.

Definitions relevant to this Part and Schedule 11

120.—(1) For the purposes of this Part and Schedule 11—

(a) "air navigation service provider" means any public or private entity providing air navigation services for general air traffic;

(b) "air traffic controller" means a person who has been granted a licence in accordance with the provisions of this order to enable him to provide air traffic control services;

(c) "general air traffic" means all movements of civil aircraft as well as all movements of State aircraft when these movements are carried out in conformity with the Chicago Convention;

(d) "ICAO location indicator" means the four letter code group formulated in accordance with rules prescribed by the International Civil Aviation Authority in its manual DOC 7910 and assigned to the location of an aeronautical fixed station;

(e) "instructor endorsement" means the authorisation entered in and forming part of a licence, indicating the competence of the holder to give on-the-job training instruction;

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- (f) "language endorsement" means the authorisation entered on and forming part of the licence, indicating the language proficiency of the holder;
- (g) "licence" means a certificate issued and endorsed in accordance with this Order and entitling its lawful holder to provide air traffic control services in accordance with the ratings and endorsements contained in the licence;
- (h) "on-the-job training instructor" means someone who holds an instructor endorsement;
- (i) "rating" means the authorisation entered on and forming part of the licence as identified in sub-paragraph (3) of Schedule 11;
- (j) "rating endorsement" means the authorisation entered on and forming part of the licence indicating the specific conditions, privileges or limitations pertaining to the rating as identified in subparagraph (3) of Schedule 11;
- (k) "sector" means part of a control area and/or part of a flight information region/upper region;
- (l) "student air traffic controller" means a person who has been granted a student air traffic control licence in accordance with the provisions of this Order to enable him to provide air traffic control services under the supervision of an air traffic controller;
- (m) "training" means theoretical courses, practical exercises, including simulation and on-the-job training required in order to acquire and maintain the skills to deliver safe, high quality air traffic control services; it consists of—
 - (i) initial training, providing basic and rating training;
 - (ii) unit training, including transitional training prior to on-the-job training and on-the-job training leading to the grant of an air traffic controller licence;
 - (iii) continuation training, keeping the endorsements of the licence valid;
 - (iv) training of on-the-job training instructors leading to the grant of the instructor endorsement; and
 - (v) training of examiners and/or assessors.
- (n) "training provider" means an organisation which has been certified by the CAA to provide one or more types of training;
- (o) "unit competence scheme" means an approved scheme indicating the method by which the unit maintains the competence of its licence holders;
- (p) "unit endorsement" means the authorisation entered in and forming part of a licence, indicating the ICAO location indicator and/or working positions where the holder of a licence is competent to work;
- (q) "unit training plan" means an approved plan detailing the processes and timing required to allow the unit procedures to be applied to the local area under the supervision of an on-the-job training instructor."

Air Traffic Controllers —Licences, ratings, endorsements and maintenance of licence privileges

6.—(1) For Schedule 11 substitute—

**“SCHEDULE 11
Article 108**

**AIR TRAFFIC CONTROLLERS – LICENCES, RATINGS,
ENDORSEMENTS AND MAINTENANCE OF LICENCE
PRIVILEGES**

Part A

Air Traffic Controller Licences

Air Traffic Controller’s Licence

- 1.—(1) The minimum age at which a person may be granted an Air Traffic Controller’s Licence is 21 years, except in duly justified cases in which case it is 20.
- (2) There is no maximum period of validity for an Air Traffic Controller’s Licence.
- (3) The privileges of an Air Traffic Controller’s Licence are to—
- (a) act as an air traffic controller for any sector or operational position for which a valid rating and endorsement and current unit licence endorsement are included in the licence; and
- (b) exercise the privileges of a Student Air Traffic Controller’s Licence.

Student Air Traffic Controller’s Licence

- 2.—(1) The minimum age at which a person may be granted a Student Air Traffic Controller’s Licence is 18 years.
- (2) The maximum period of validity for a Student Air Traffic Controller’s Licence is two years.
- (3) The privileges of a Student Air Traffic Controller’s Licence are to act as an air traffic controller under the supervision of another person who is present at the time and who—
- (a) is the holder of an air traffic controller’s licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller; and
- (b) is an on-the-job training instructor.

Part B

**Ratings, Rating Endorsements and Licence
Endorsements**

**Inclusion of ratings, rating endorsements and licence
endorsements**

- 1.—(1) A licence granted under article 108 may contain the ratings, rating endorsements and licence endorsements of the classes contained in paragraphs 3 and 4.
- (2) Subject to the provisions of this Order and of the licence, the inclusion of a rating, rating endorsement or licence endorsement shall have the consequences respectively specified.

Exercise of more than one function

2.—(1) Subject to sub-paragraphs (2) and (3), the holder of a licence which includes ratings of two or more of the classes specified in paragraph 3 shall not at any one time perform the functions specified in respect of more than one of those ratings.

(2) The functions of the following ratings may be exercised at the same time—

(a) an Aerodrome Control Instrument Rating and an Approach Control Procedural Rating;
and

(b) an Aerodrome Control Instrument Rating and an Approach Control Surveillance Rating, provided that the holder shall not exercise the functions of any Radar Endorsement, Surveillance Radar Approach Rating Endorsement or Precision Approach Radar Rating Endorsement included in the Approach Control Surveillance Rating.

(3) When a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway is being provided under an approach control surveillance rating, no other function under the approach control surveillance rating may be exercised at the same time.

Ratings and Rating Endorsements

3.—(1) There are the following classes of aerodrome control ratings and endorsements—

(a) the **Aerodrome Control Visual Rating** (ADV) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has no published instrument approach or departure procedures;

(b) the **Aerodrome Control Instrument Rating** (ADI) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has published instrument approach or departure procedures and must be accompanied by at least one of the following rating endorsements—

(i) the **Tower Control Rating Endorsement** (TWR) which indicates that the holder is competent to provide control services where aerodrome control is provided from one working position;

(ii) the **Ground Movement Control Endorsement** (GMC) which indicates that the holder of the licence is competent to provide a ground movement control;

(iii) the **Ground Movement Surveillance Rating Endorsement** (GMS) granted in addition to the Ground Movement Control endorsement or Tower Control endorsement, which indicates that the holder is competent to provide ground movement control with the help of aerodrome surface movement guidance systems;

(iv) the **Air Control Endorsement** (AIR) which indicates that the holder of the licence is competent to provide air control;

(v) the **Aerodrome Radar Control Endorsement** (RAD) granted in addition to the Air Control endorsement or Tower Control endorsement, which indicates that the holder of the licence is competent to provide aerodrome control with the help of surveillance radar equipment.

(2) There shall be the following classes of approach control ratings and endorsements—

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(a) the **Approach Control Procedural Rating** (APP) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft without the use of any surveillance equipment;

(b) the **Approach Control Surveillance Rating** (APS) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft with the use of surveillance equipment and shall be accompanied by at least one of the following rating endorsements—

(i) the **Radar Endorsement** (RAD) which indicates that the holder of the licence is competent to provide an approach control service with the use of primary and/or secondary radar equipment;

(ii) the **Surveillance Radar Approach Endorsement** (SRA) granted in addition to the Radar endorsement, which indicates that the holder is competent to provide ground-controlled non-precision approaches with the use of surveillance equipment to aircraft of the final approach to the runway;

(iii) the **Precision Approach Radar Endorsement** (PAR) granted in addition to the Radar endorsement, which indicates that the holder of the licence is competent to provide ground-controlled precision approaches with the use of precision approach radar equipment to aircraft on the final approach to the runway;

(iv) the **Terminal Control Endorsement** (TCL) granted in addition to the Radar or Automatic Dependent Surveillance endorsements, which indicates that the holder is competent to provide air traffic control services with the use of any surveillance equipment to aircraft operating in a specified terminal area and/or adjacent sectors;

(v) the **Automatic Dependent Surveillance endorsement** (ADS), which indicates that the holder is competent to provide an approach control service with the use of automatic dependent surveillance;

(vi) the **Offshore Rating Endorsement** entitles the holder of a Radar Endorsement to provide an offshore service;

(vii) a **Special Tasks Rating Endorsement** entitles the holder of a Radar Endorsement to provide a special tasks service.

(3) There are the following classes of area control ratings and endorsements—

(a) the **Area Control Procedural rating** (ACP) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft without the use of surveillance equipment and may be accompanied by—

(i) an **Oceanic Control Rating Endorsement** which entitles the holder to provide an area control service in the Shanwick Oceanic Control Area;

(b) the **Area Control Surveillance Rating** (ACS) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft with the use of surveillance equipment and must be accompanied by at least one of the following rating endorsements—

(i) the **Radar Endorsement** (RAD) which indicates that the holder is competent to provide area control services with the use of surveillance radar equipment;

(ii) the **Terminal Control Endorsement** (TCL) granted in addition to the Radar or Automatic Dependent Surveillance endorsements, which indicates that the holder is

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competent to provide air traffic control services with the use of any surveillance equipment to aircraft operating in a specified terminal area and/or adjacent sectors;

(iii) the **Automatic Dependent Surveillance Endorsement (ADS)** which indicates that the holder is competent to provide area control services with the use of automatic dependent surveillance;

(iv) the **Oceanic Control Endorsement (OCN)** which indicates that the holder is competent to provide air traffic control services to aircraft operating in an Oceanic Control Area;

(v) an **Offshore Rating Endorsement** entitles the holder of a radar endorsement to provide an offshore service;

(vi) a **Special Tasks Rating Endorsement** entitles the holder of a radar endorsement to provide a special tasks service.

Licence Endorsements

4.—(1) An Examiner Licence Endorsement entitles the holder to sign a unit licence endorsement in respect of—

(a) the air traffic control services that his air traffic controller licence entitles him to provide; or

(b) such other air traffic control services as the CAA may authorise for that holder.

(2) An **Instructor Endorsement** entitles the holder to act as an on-the-job training instructor. The instructor endorsement will indicate that the holder of the licence is competent to provide training and supervision at a working position for areas covered by a valid rating.

(3) A **Unit Endorsement** indicates that the licence holder is competent to provide air traffic control services for a particular sector, group of sectors or working positions (by indicating the ICAO location indicator) under the responsibility of an air traffic services unit.

(4) A **language Endorsement** specifies the English language proficiency of the holder with Annex III of Council Directive 2006/23/EC⁽¹¹⁾ and proficiency must be demonstrated by a certificate issued after an assessment procedure approved by the CAA.”

Name

Clerk of the Privy Council

Date

⁽¹¹⁾ O.J. L114, 27.4.2006, p.22

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EXPLANATORY NOTE

(This note is not part of the Order)

This Explanatory Note incorporates the Transposition Note that would otherwise be required.

Annex D

Impact Assessment

Annex E

Airways Aero Associations Ltd
ASTAC Limited (UK)
BAE Systems
Belfast City Airport
Biggin Hill Airport
Blackpool Airport
Carlisle Airport
City of Derry Airport
Dundee City Council
Erinaceous Managed Services (EMS)
Gloucestershire Airports Ltd
Highlands and Islands Airports Ltd
Infratil Airports Europe Ltd
Insyte
Isles of Scilly Steamship Group
Jersey States Airport
Lasham Airfield
Leeds Bradford International Airport
London Ashford Airport Ltd
London Southend Airport Co. Ltd
Manchester Airports Group
Marshall Aerospace
NATS plc
Newcastle International Airport
Norwich International Airport Ltd
Oxford Airport
Peel Airports Ltd
Redhill Aerodrome Ltd
Serco Defence & Aerospace
St Mary's Airport

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Sutton Harbour Holdings

West Midlands International Airport Ltd

Westland Helicopters Ltd

Airport Operators Association

Confederation of British Industries

Guild of Air Traffic Control Officers

Ministry of Defence

Northern Ireland Executive

Prospect

Scottish Executive

Small Business Service

Welsh Assembly

Annex F

Code of Practice on Consultation

The Government has adopted a code of practice on consultations. The code of practice applies to all UK public consultations by government departments and agencies, including consultations on EU directives.

Though the code does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), it should otherwise generally be regarded as binding unless Ministers conclude that exceptional circumstances require a departure.

The code contains six criteria. They should be reproduced in all consultation documents. There should be an explanation of any departure from the criteria and confirmation that they have otherwise been followed.

Consultation criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the time-scale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

A full version of the code of practice is available on the Cabinet Office web-site at:

<http://www.cabinetoffice.gov.uk/regulation/documents/consultation/pdf/code.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Andrew D Price

Consultation Co-ordinator

Department for Transport

Zone 4/13 Great Minster House

76 Marsham Street

London, SW1P 4DR

**Consultation on the transposition of Council Directive 2006/23/EC into UK
legislation**

email: consultation@dft.gsi.gov.uk

Summary: Intervention & Options

Department /Agency: Department for Transport	Title: Impact Assessment of the transposition of Council Directive 2006/23/EC on a Community Air Traffic Controller Licence	
Stage: Consultation	Version: 5	Date: 30 November 2007
Related Publications:		

Available to view or download at:

<http://www.dft.gov.uk>

Contact for enquiries: David Shephard

Telephone: 020 7944 5881

What is the problem under consideration? Why is government intervention necessary?

Council Directive 2006/23/EC, establishing a Community Air Traffic Controller licence, has been brought into force to increase safety standards and improve the operations of the Community air traffic control system. The aim is to bring about a more efficient organisation of the labour market for air traffic controllers and make freedom of movement more effective by eradicating the current discretion which some Member States take with regard to mutual recognition.

Government intervention is necessary in order to transpose the provisions of the Directive into UK legislation.

What are the policy objectives and the intended effects?

The objective is to implement, within the UK, an Air Traffic Controller licensing scheme that fully complies with the EU Directive by 17 May 2008. This will contribute towards the harmonisation of ATM standards within Europe and facilitate the free movement of air traffic controllers across Europe. The intention is to achieve this with the least possible change to the existing UK ATC licensing processes, procedures and costs.

What policy options have been considered? Please justify any preferred option.

Option 1. Implement the all of the provisions of the EU Directive by 17 May 2008. This is the Government's preferred option, involving a single implementation date. English is the first language of the vast majority of UK licensed Air Traffic Control Officers (ATCO) and so accommodating the new language proficiency requirements early should not be a significant issue.

Option 2. Implement all of the provisions of the Directive, with the exception of the language proficiency requirements (Article 8) by 17 May 2008. Implementation of the language requirements would follow by 17 May 2010.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? This Directive forms part of the Single European Sky (SES) initiative. Its success in achieving the desired effects will be assessed by the EU as part of its evaluation of the SES project as a whole.

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: 1

Description: Implement all of the provisions of the Directive by 17 May 2008

COSTS	ANNUAL COSTS		<p>Description and scale of key monetised costs by 'main affected groups' The CAA will incur one-off costs of around £20,000 for the reissuing of Directive compliant ATCO licences, and around £100,000 for certifying ATCO Training Provider Organisations. Air Traffic Controller Training Organisations are collectively likely to incur around £120,000 in one-off costs to prepare and submit information to the CAA in order to obtain Certification.</p> <p>Annual costs are likely to be in the region of £10,000 per annum for the CAA in connection with the re-approval of "on-the-job-training" Instructors and Examiners. Total annual costs of around £15,000 are likely to be incurred by Air Navigation Service Provider Organisations in connection with the reassessments for renewal of Examiner endorsements.</p> <p>Additional one-off and annual costs may be incurred by Air Navigation Service Providers in connection with the assessment of English language proficiency for existing ATCOs, but these are likely to be minimal.</p>
	One-off (Transition)	Yrs	
	£ 240,000	1	
	<p>Average Annual Cost (excluding one-off)</p> <p style="text-align: right;">£ 25,000</p>		
		Total Cost (PV)	£ 265,000
<p>Other key non-monetised costs by 'main affected groups' Nil.</p>			

BENEFITS	ANNUAL BENEFITS		<p>Description and scale of key monetised benefits by 'main affected groups'</p>
	One-off	Yrs	
	£ 0	0	
	<p>Average Annual Benefit (excluding one-off)</p> <p style="text-align: right;">£ 0</p>		
		Total Benefit (PV)	£ 0
<p>Other key non-monetised benefits by 'main affected groups' i) Compliance with EC Law ii) UK air traffic service providers will benefit from greater mobility in the labour market and take advantage of changes in ATC service provision, such as the functional blocks of airspace concept, developed under Single European Sky. iii) UK ATC Training providers would be able to compete for training contracts across Europe.</p>			

Key Assumptions/Sensitivities/Risks Future CAA costs for the certification of ATS training service providers would be dependant on the number of new entrants to the ATS Training Service market. Costs relating to amending safety regulatory documentation, including those held at ATC units, would be contained within those associated with a normal amendment cycle.

Price Base Year 2007	Time Period Years 1	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ -£265,000
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What is the geographic coverage of the policy/option?	United Kingdom
On what date will the policy be implemented?	17 May 2008
Which organisation(s) will enforce the policy?	CAA
What is the total annual cost of enforcement for these organisations?	£ 0

Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		Yes		
What is the value of the proposed offsetting measure per year?		£ N/A		
What is the value of changes in greenhouse gas emissions?		£ N/A		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro 0	Small 0	Medium 0	Large 0
Are any of these organisations exempt?	No	No	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)		
Increase of £ 0	Decrease of £ 0	Net Impact	£ 0	
Key:	Annual costs and benefits: Constant Prices	(Net) Present Value		

Summary: Analysis & Evidence

Policy Option: 2

Description: Transpose the bulk of the Directive by May 2008, but with the language requirements following in May 2010.

COSTS	ANNUAL COSTS		<p>Description and scale of key monetised costs by 'main affected groups' In the first year, the CAA will incur one-off costs of around £20,000 for the re-issuing of Directive compliant ATCO licences, and around £100,000 for certifying ATCO Training Provider Organisations. Air Traffic Controller Training Organisations are collectively likely to incur around £120,000 in one-off costs to prepare and submit information to the CAA in order to obtain certification.</p> <p>In 2010, the CAA would incur additional one-off costs of perhaps £10,000 to issue new English language proficiency endorsement pages into existing ATCO licences.</p> <p>Annual CAA costs are likely to be in the region of £10,000 per annum for re-approving "on-the-job-training" Instructors and Examiners. In addition, Air Navigation Service Provider Organisations are collectively likely to incur annual costs of around £15,000 in connection with the reassessment and renewal of Examiner endorsements.</p> <p>Additional one-off and annual costs may be incurred by Air Navigation Service Providers in connection with the assessment of English language proficiency for existing ATCOs, but these are likely to be minimal.</p>
	One-off (Transition)	Yrs	
	£ 250,000	2	
	<p>Average Annual Cost (excluding one-off)</p> <p style="text-align: center;">£ 25,000</p>		
		<p>Total Cost (PV) £ 275,000</p>	
<p>Other key non-monetised costs by 'main affected groups' Nil.</p>			

BENEFITS	ANNUAL BENEFITS		<p>Description and scale of key monetised benefits by 'main affected groups'</p>
	One-off	Yrs	
	£ 0	0	
	<p>Average Annual Benefit (excluding one-off)</p> <p style="text-align: center;">£ 0</p>		
		<p>Total Benefit (PV) £ 0</p>	
<p>Other key non-monetised benefits by 'main affected groups' i) Compliance with EC law. ii) UK ATC service providers will benefit from greater mobility in the labour market for Air Traffic Control Officers and would be able to take advantage of initiatives, such as the functional blocks of airspace concept, that are being developed under Single European Sky.</p>			

Key Assumptions/Sensitivities/Risks Future CAA costs for the certification of ATC training providers would be dependant on the number of new entrants to the ATS training market. The costs relating to the amending of safety regulatory documentation, including that held at ATC units, would be contained within those associated with the normal amendment cycle.

Price Base Year 2007	Time Period Years 2	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ -275,000
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What is the geographic coverage of the policy/option?	United Kingdom
On what date will the policy be implemented?	In full - May 2010
Which organisation(s) will enforce the policy?	CAA

What is the total annual cost of enforcement for these organisations?		£ 0		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ N/A		
What is the value of changes in greenhouse gas emissions?		£ N/A		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro 0	Small 0	Medium 0	Large 0
Are any of these organisations exempt?	No	No	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)		
Increase of £ 0	Decrease of £ 0	Net Impact	£ 0	
Key:	Annual costs and benefits: Constant Prices		(Net) Present Value	

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

1. Options Analysis

OPTION 1

DESCRIPTION

Transpose the EU Directive, in full, into UK domestic legislation by 17 May 2008.

COSTS

The CAA would incur one off costs of around £20,000 in connection with the upgrading of existing IT systems and the administrative costs of re-issuing Directive compliant ATCO licenses. In addition, the CAA would incur costs associated with the gathering and assessing of information to confirm ATCO Training Provider Organisations meet the certification requirements plus administrative costs of issuing certificates. This will be in the region of £100,000, based on approximately 40 organisations with an average cost to the CAA of £2,500.

Air Traffic Controller Training Organisations are likely to incur one-off costs of around £3,000 each, on average, in preparing and submitting information to the CAA in order to obtain certification. With approximately 40 organisations, the total one-off costs would be in the region of £120,000.

In terms of annual costs, the CAA would incur administrative costs associated with the reissue of “on-the-job-training” Instructor and Examiner endorsements. On the basis of an estimated 400 re-issues per annum at a cost of £25 each, this would amount to annual CAA costs of approximately £10,000.

Air Navigation Service Provider Organisations would incur annual costs associated with the requirement to reassess the competence of Examiners every 3 years. With an estimate of 100 assessments each year at £150 each, this would amount to total annual costs to the organisations of £15,000.

Additional one-off and annual costs would be incurred by Air Navigation Service Providers in connection with the assessment of English language proficiency for existing ATCOs, but these are likely to be minimal, as they are incorporated in existing annual assessment processes.

The costs relating to the amendment of safety regulatory documentation, including those held at ATC units, would be contained within those associated with a normal amendment cycle.

BENEFITS

This option would ensure that the UK complied with EC law and is included in the harmonisation and integration of ATCO licensing and ATC training certification within the EU. The harmonisation of air traffic controllers' licences will contribute to European aviation safety as competence levels will be harmonised between service providers, contributing to a more efficient and safer interface between them. It will also enable greater mobility of ATCOs within EU Member States.

This option goes beyond the strict requirement of the Directive by bringing into force the new English language proficiency certification requirements two years early. However, the International Civil Aviation Organisation (ICAO) will be introducing its own new, strengthened, language requirements for pilots and air traffic controllers from 5 March 2008. This option seeks to implement both the EU Directive and the ICAO language proficiency requirements, in full, at broadly the same time. As English is the first language of most of the UK licensed ATCOs, early implementation of the language proficiency requirement should have little practical impact on UK ATS providers and would eliminate the administrative burden of introducing a second change to the ATCO licensing provisions, in May 2010. This is the preferred option.

NET IMPACT

The total costs of this option are likely to be in the region £265,000, but these will be off set by significant unquantifiable benefits in terms of compliance with EU law, greater workforce mobility and the opportunity for UK ATM service providers to compete for contracts in the wider European market.

KEY ASSUMPTIONS

That the costs associated with amending safety regulatory documentation, including those held at ATC units, will be contained within those associated with the normal amendment cycle.

SENSITIVITIES

The CAA's future costs associated with the certification of ATS training providers will be dependant on the number of new entrants to the ATS training provider market. No new entrants are expected to the UK ATCO training market as a direct result of the ATCO Directive in the short term. However, it does allow the possibility for organisations from other Member States to provide training in the UK, subject to certification. Initial certification costs for training provision in the UK are likely to be born by the National Supervisory Authority of the State in which the training provider organisation has its principal place of operation. This is not expected to be significant.

RISKS

To facilitate future SES developments, particularly in respect of the functional blocks of airspace concept, the training and competence standards of ATCOs must be harmonised within Europe. The implementation of Eurocontrol's ESARR5 in Member States has played a major part in achieving this and will continue to do so. The implementation of the EU Directive has given the ESARR requirements relevant to ATCOs the force of European law and thus legal enforceability.

Failure to transpose the provisions of the EU Directive in full would mean that the UK would not be part of the harmonisation and integration of ATC service provision across Europe.

OPTION 2

DESCRIPTION

Transpose the bulk of the Directive by May 2008, but with the language requirement deferred to May 2010.

COSTS

In the first year the CAA would incur one off costs of around £20,000 in connection with the upgrading of existing IT systems and the administrative costs of re-issuing Directive compliant ATCO licenses. In addition, the CAA would incur costs associated with the gathering and assessing of information to confirm ATCO Training Provider Organisations meet the certification requirements plus administrative costs of issuing certificates. This will be in the region of £100,000, based on approximately 40 organisations with an average cost to the CAA of £2,500.

Air Traffic Controller Training Organisations are likely to incur one-off costs of around £3,000 each, on average, in preparing and submitting information to the CAA in order to obtain certification. With approximately 40 organisations, the total one-off costs would be in the region of £120,000.

In 2010, the CAA would incur additional administrative and IT costs, of around £10,000, in preparing and issuing English language proficiency endorsement pages for existing ATCO licences.

In terms of annual costs, the CAA would incur administrative costs associated with the reissue of “on-the-job-training” Instructor and Examiner endorsements. On the basis of an estimated 400 re-issues per annum at a cost of £25 each, this would amount to annual CAA costs of approximately £10,000.

Air Navigation Service Provider Organisations would incur annual costs associated with the requirement to reassess the competence of Examiners every 3 years. With an estimate of 100 assessments each year at £150 each, this would amount to total annual costs to the organisations of £15,000.

Additional one-off and annual costs would be incurred by Air Navigation Service Providers in connection with the assessment of English language proficiency for existing ATCOs, but these are likely to be minimal, as they are incorporated in existing annual assessment processes.

The costs relating to the amendment of safety regulatory documentation, including those held at ATC units, would be contained within those associated with a normal amendment cycle.

BENEFITS

As Option 1 above, this option would ensure that the UK was compliant with EU law and was included in the harmonisation of ATCO licensing and training certification within the EU, allowing UK training providers to compete on a level playing field against continental competitors. Directive compliant UK ATCO licences would also allow greater mobility in the workplace.

This option would also comply with the implementation timetable set out in the Directive.

NET IMPACT

The costs of this option would be in the region of £275,000, but these will be off set by significant unquantifiable benefits in terms of compliance with EU law, greater workforce mobility and the opportunity for UK ATM service providers to compete for contracts in the wider European market.

KEY ASSUMPTIONS

If not introduced, the UK would need to file a “difference” in respect of the new ICAO language requirement with ICAO, which are due to enter into force, separately, in March 2008.

The costs associated with amending safety regulatory documentation, including those held at ATC units, will be contained within those associated with the normal amendment cycle.

SENSITIVITIES

The CAA’s future costs associated with the certification of ATS training providers will be dependant on the number of new entrants to the ATS training provider market. No new entrants are expected to the UK ATCO training market as a direct result of the ATCO Directive in the short term. However, it does allow the possibility for organisations from other Member States to provide training in the UK, subject to certification. Initial certification costs for training provision in the UK are likely to be born by the National Supervisory Authority of the State in which the training provider organisation has its principal place of operation. This is not expected to be significant.

RISKS

As for Option 1 above

2. Implementation

Both options would be implemented by way of a Statutory Instrument amending Part 10 and Schedule 11 of the Air Navigation Order 2005 [S.I. 2005 No. 1970], along with any consequential amendments. The Air Navigation Order, amongst other matters, provides for the

manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the Order, including ATCO licenses.

3. Enforcement

The CAA conducts periodic on-site audits of all Air Navigation Service Providers including those that provide an air traffic control service and therefore employ ATCOs. These audits will include checking the training and licensing of ATCOs. The CAA will also audit those organisations that provide the initial ATCO training, the “colleges”. Unit endorsements are renewed, in the main by the Air Navigation Service Providers own approved Examiners, every year and the renewal must be reported to the CAA.

Penalties for non-compliance with the licensing provisions of ATCOs already exist in the Air Navigation Order 2005. Sanctions can also include the revocation, suspension or variation of endorsements or ratings found in an ATCO’s licence.

4. Competition Assessment

It is not necessary to conduct a formal competition Assessment. Compared to the base case of ‘do nothing’ this new legislation will not directly or indirectly limit the number or range of suppliers. Nor will this legislation limit the ability of suppliers to compete. For ATS training providers the new legislation may actually increase competition as we are widening the market i.e. a training provider could relocate from Germany to the U.K., or vice versa. Furthermore the new legislation will not reduce suppliers’ incentives to compete vigorously.

5. Small Firms Impact Test

All air traffic service providers and ATC Training providers will be required to comply with the appropriate parts of the EU Directive. There are currently 39 providers of air traffic services in the UK. Of these, the CAA has identified 2 that fall into the small business category. There are also 6 organisations that provide controllers for special events, which also fall into this category. Of the three Training Centres, two are classified as small businesses. The introduction of certification requirements will only entail minimal changes to the current requirements.

6. Race Equality

It is considered that the transposition of the provisions of the Directive will not adversely impact on race equality. Physical and mental fitness test already apply in respect of the granting of an ATCO licence, and these will not fundamentally change. The minimum educational requirements for EU ATCO licence holders are set out in the Directive.

7. Disability Equality

It is considered that the transposition of the provisions of the Directive will not adversely impact on disability equality. Physical and mental fitness test already apply in respect of the granting of an ATCO licence, and these will not fundamentally change. The minimum educational requirements for EU ATCO licence holders are set out in the Directive.

8. Gender Equality

It is considered that the transposition of the provisions of the Directive will not adversely impact on gender equality. Physical and mental fitness test already apply in respect of the granting of an ATCO licence, and these will not fundamentally change. The minimum educational requirements for EU ATCO licence holders are set out in the Directive.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

