

REGULATORY CONTEXT

SASI Workshop 4 / 2008

ATSEP COMPETENCE

22nd – 24th October 2008,

Zagreb, Croatia

Bogdan BRAGUTA

Safety Regulation Unit

EUROCONTROL



REGULATORY CONTEXT



World wide – ICAO

ANNEX 1 – Personnel Licensing

- 1948
- Last amendment: 168
- Date of applicability: 22 November 2007

International Standards
and Recommended Practices



Annex 1
to the Convention on
International Civil Aviation

Personnel Licensing

This edition incorporates all amendments adopted by the Council prior to 11 March 2006 and superseded, on 23 November 2006, all previous editions of Annex 1.

For information regarding the applicability of the Standards and Recommended Practices, see Foreword.

Tenth Edition
July 2006

International Civil Aviation Organization

REGULATORY CONTEXT



ANNEX 1 – Personnel Licensing

Competency:

A combination of

- skills
- knowledge and
- attitudes

required to perform a task to a prescribed standard

Competency element/unit

International Standards
and Recommended Practices



Annex 1
to the Convention on
International Civil Aviation

Personnel Licensing

This edition incorporates all amendments adopted by the Council prior to 11 March 2006 and supercedes, on 23 November 2006, all previous editions of Annex 1.

For information regarding the applicability of the Standards and Recommended Practices, see Foreword.

Tenth Edition
July 2006

International Civil Aviation Organization

REGULATORY CONTEXT



ANNEX 1 – Personnel Licensing

- Pilots
- Flight Crew Members other than Pilots
 - Air traffic controllers
 - Aeronautical MET personnel
- Medical requirements
- Language proficiency requirements

- NOTHING on ENGINEERS and TECHNICAL PERSONNEL undertaking operational safety related tasks or ATSEPs

International Standards
and Recommended Practices



Annex 1
to the Convention on
International Civil Aviation

Personnel Licensing

This edition incorporates all amendments adopted by the Council prior to 11 March 2006 and supersedes, on 23 November 2006, all previous editions of Annex 1.

For information regarding the applicability of the Standards and Recommended Practices, see Foreword.

Tenth Edition
July 2006

International Civil Aviation Organization

REGULATORY CONTEXT



ECAC wide - EUROCONTROL

ESARR 5: ATM Services' Personnel

- Edition 2.0

EUROPEAN ORGANISATION FOR THE SAFETY OF
AIR NAVIGATION



EUROCONTROL SAFETY REGULATORY REQUIREMENT
(ESARR)

ESARR 5

ATM SERVICES' PERSONNEL

Edition	: 2.0
Edition Date	: 11-04-2002
Status	: Released Issue
Class	: General Public



REGULATORY CONTEXT



ESARR 5: ATM Services' Personnel

Competence possession of the required level

- Knowledge
- Skills
- Experience
- Proficiency in English, where required

to permit the safe and efficient provision of ATM services

EUROPEAN ORGANISATION FOR THE SAFETY OF
AIR NAVIGATION



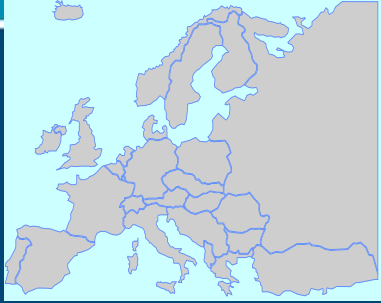
EUROCONTROL SAFETY REGULATORY REQUIREMENT
(ESARR)

ESARR 5

ATM SERVICES' PERSONNEL

Edition	: 2.0
Edition Date	: 11-04-2002
Status	: Released Issue
Class	: General Public

REGULATORY CONTEXT



ESARR 5: ATM Services' Personnel

- General requirements
- Requirements for air traffic controllers
- Requirements for engineers and technical personnel

EUROPEAN ORGANISATION FOR THE SAFETY OF
AIR NAVIGATION



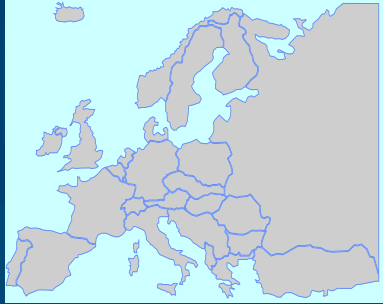
EUROCONTROL SAFETY REGULATORY REQUIREMENT
(ESARR)

ESARR 5

ATM SERVICES' PERSONNEL

Edition	: 2.0
Edition Date	: 11-04-2002
Status	: Released Issue
Class	: General Public

REGULATORY CONTEXT



EUROPEAN UNION wide

- 27 Members States
- Agreements signed between EU with other States (Switzerland, Norway, Lichtenstein, ECAA - Serbia, Croatia, Albania, etc.)
- European Parliament and Council = REGULATOR

REGULATORY CONTEXT

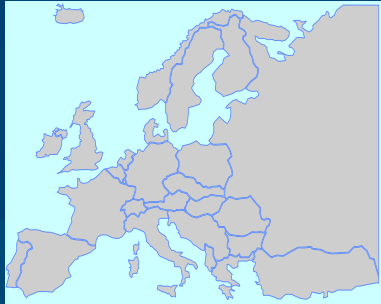
SINGLE EUROPEAN SKY - OBJECTIVES

- Increase safety, efficiency, capacity
- Reduce fragmentation / complexity
 - Between the airspace of Member States
 - Within states (civil/military)
 - Between air and ground
 - Systems and procedures
- Provide a framework for the modernisation of systems (SESAR)

REGULATORY CONTEXT

REGULATORY FRAMEWORK

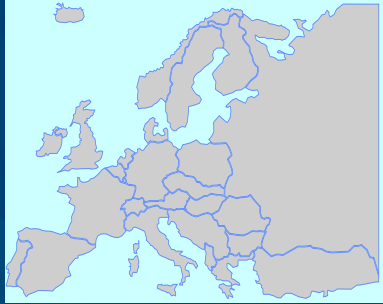
SINGLE EUROPEAN SKY



April 2004: Entry into force of four regulations adopted by the European Parliament and the Council:

- Framework (549)
- Service Provision (550)
- Airspace (551)
- Interoperability (552)

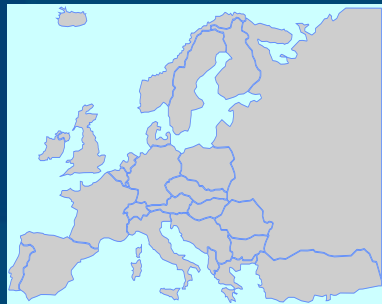
REGULATORY CONTEXT



TOOLS FOR IMPLEMENTATION OF THE SINGLE EUROPEAN SKY

- **ESSENTIAL REQUIREMENTS**
- **IMPLEMENTING RULES**
- **COMMUNITY SPECIFICATIONS**

REGULATORY CONTEXT



L 114/22 EN Official Journal of the European Union 27.4.2006

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,

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.

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 Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

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 sky ⁽³⁾, 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

(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 Organisation (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 Cooperation 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 sky ⁽⁴⁾.

⁽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 13 February 2006 (not yet published in the Official Journal).

⁽³⁾ OJ L 96, 31.3.2004, p. 10.

⁽⁴⁾ OJ L 96, 31.3.2004, p. 1.

21.12.2005 EN Official Journal of the European Union L 335/13

COMMISSION REGULATION (EC) No 2096/2005
of 20 December 2005
laying down common requirements for the provision of air navigation services
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

The common requirements should not cover military operations and training within the scope of Article 1(2) of Regulation (EC) No 549/2004.

Having regard to the Treaty establishing the European Community,

(4) The definition of common requirements for the provision of air navigation services should take due account of the legal status of air navigation service providers in the Member States. Furthermore, when an organisation pursues activities other than the provision of air navigation services, the common requirements to be laid down pursuant to Article 6 of Regulation (EC) No 550/2004 should not apply to such other activities or to resources allocated to activities outside the provision of air navigation services, unless provision is made to the contrary.

Having regard to 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 sky (the service provision Regulation) ⁽¹⁾, and in particular Articles 4 and 6 thereof,

Whereas:

(1) Pursuant to Regulation (EC) No 550/2004, the Commission is required to establish common requirements for the provision of air navigation services throughout the Community. A Regulation providing direct application is the most suitable instrument for this purpose.

(2) The provision of air navigation services within the Community should be subject to certification by Member States. Air navigation service providers which comply with the common requirements should receive a certificate in accordance with Article 7 of Regulation (EC) No 550/2004. Those air navigation service providers which may operate without a certificate should endeavour to ensure maximum compliance with the common requirements as far as their legal status allows.

(3) The application of the common requirements to be laid down pursuant to Article 6 of Regulation (EC) No 550/2004 should be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters, as set out in Article 13 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 sky (the framework Regulation) ⁽²⁾.

⁽¹⁾ OJ L 96, 31.3.2004, p. 10.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

(5) The application of common requirements to air navigation service providers should be proportionate to the risks linked with the specific features of each service such as the number and/or the nature and characteristics of processed movements. Should certain air navigation service providers elect not to avail themselves of the opportunity to provide cross-border services and thereby waive the right to mutual recognition within the single European sky, a national supervisory authority should be entitled to allow those providers to comply commensurately with, respectively, certain general requirements for the provision of air navigation services and certain specific requirements for the provision of air traffic services. Consequently, the conditions attached to the certificate should reflect the nature and the scope of the derogation.

(6) In order to ensure the proper functioning of the certification scheme, Member States should provide the Commission with all relevant information on the derogations granted by their national supervisory authority in the context of their annual reports.

(7) The different types of air navigation services are not necessarily subject to the same requirements. It is therefore necessary to adjust common requirements to the special features of each type of service.

(8) The onus of proving compliance should lie with the air navigation service providers, for the period of validity of the certificate and for all the services covered.

REGULATORY CONTEXT

DIRECTIVE 2006/23/EC - ATCOs

- Increase safety standards
- Improve the operation of the Community ATC system

COMMISSION REGULATION (EC) No 2096/2005

- Addresses engineers and technical personnel

No clear definition for competence – embedded in the requirements

REGULATORY CONTEXT

STATE level

- National laws/regulations/procedures
- Direct applicability of the Community legislation
- Transposition process

WHO is involved?

- **National Supervisory Authority/ Designated Authority**
- **Air Navigation Service Providers / Operating Organisations**
- **Individuals**



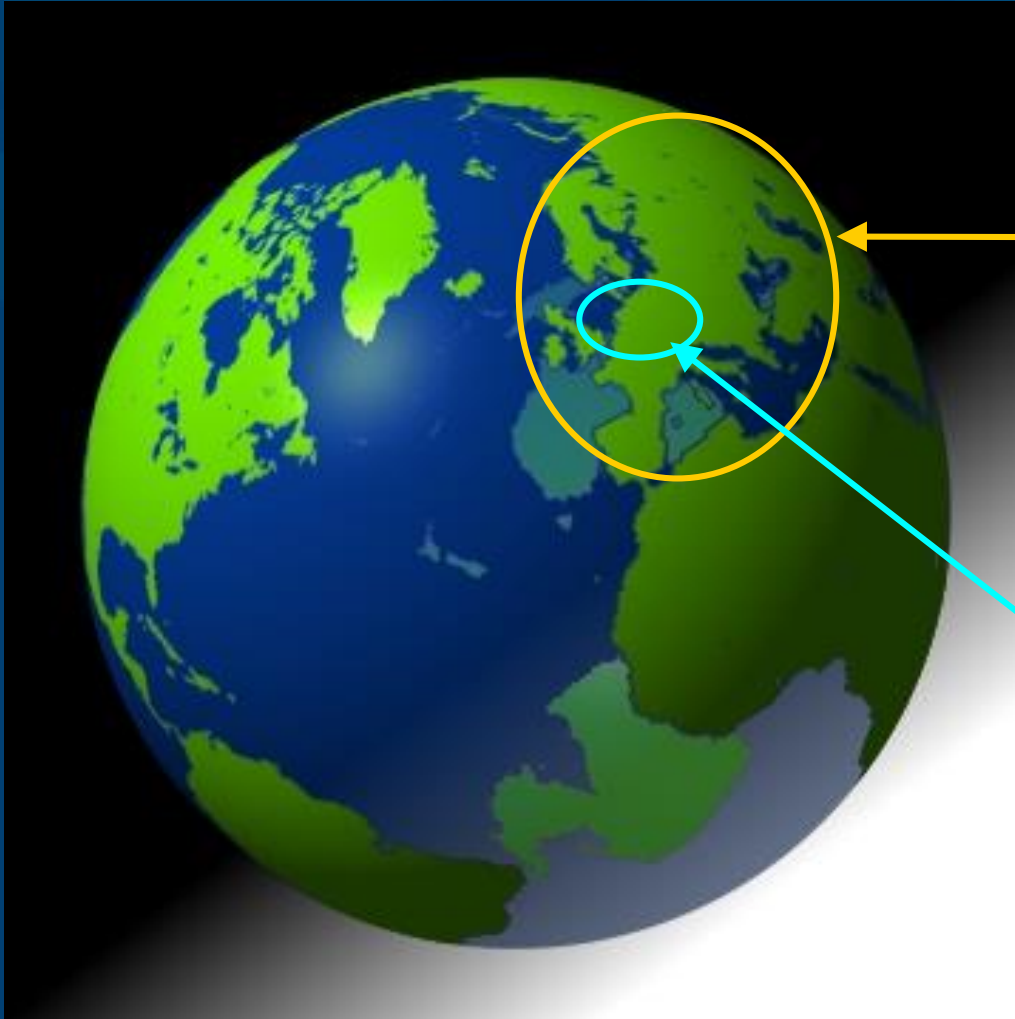
Summary

World Wide

ICAO ANNEX 1

ECAC / EU

**States /
National Authorities**



Summary

COMPETENCE

- Possession of the **REQUIRED LEVEL**
 - **KNOWLEDGE**
 - **SKILLS**
 - **EXPERIENCE**
 - **PROFICIENCY in ENGLISH** , where required
- To permit the safe and efficient provision of ATM Services

REGULATORY CONTEXT

SASI Workshop 4 / 2008

ATSEP COMPETENCE

22nd – 24th October 2008,

Zagreb, Croatia

Bogdan BRAGUTA

Safety Regulation Unit

EUROCONTROL

