



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on a Community Air Traffic Controller Licence**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### 1. INTRODUCTION

European airspace remains one of the world's most congested traffic environments. Fragmentation of the air management system into national isles of rules, procedures, markets and performance levels was identified by the High Level Group on the Single European Sky as the main impediment to making substantial progress in this industry. The Single European Sky package tackles these different forms of fragmentation through a number of initiatives: certification of air navigation service providers, establishment of functional airspace blocks, harmonisation of airspace classification, interoperability of equipment, etc. The Community air traffic controller licence also does this through the establishment of Community rules leading to higher levels of competence which will become more comparable at European level. This is all the more important as air traffic management is a labour-intensive industry with a market of about €6bn. About 60% of air navigation costs are personnel-related.

In 2001, the European (15 Member States) air traffic management industry had an overall labour force of about 33,000, some 35% or about 13,500 of them air traffic controllers. The profession of air traffic controller holds a key position in the safety chain. The directive would cover all these air traffic controllers, together with military controllers involved in the provision of air traffic control to general air traffic.

### 2. ELEMENT OF SINGLE EUROPEAN SKY PACKAGE

Adoption of the four regulations composing the Single European Sky package will fundamentally change the air traffic management landscape. This complementary proposal for a Community air traffic controller licence is important for several reasons.

The licence contributes to the *balance* between the different elements of the Single European Sky package, to ensure that not only institutional, economic or technical aspects are dealt with, but also social aspects.

The licence is part of a wider *safety policy* enshrined in the package: it should provide the opportunity to revise or reinforce safety aspects of air traffic management and introduce high standards for the training system.

The Single European Sky legislation will lead to the establishment of *cross-border* functional airspace blocks. The consolidation process of air navigation service providers will require more flexible use of manpower. The licence will facilitate the organisation of transnational work.

The proposal will recognise *training* as a specific service and contribute to the quality of the different types of training. The certification process would effectively create a level playing field for training services.

### **3. PREPARATORY WORK**

In order to prepare this legislative initiative the Commission had launched a study to present the state of licensing in the different Member States. The study revealed that, despite many international regulations, issued by ICAO or by Eurocontrol, licensing remains highly fragmented in the EU Member States. The study recommended that Community legislation should cover the following areas:

- Age limitations, validity of rating endorsements and unit endorsements should be provided in relation to the conditions for obtaining and maintaining a licence.
- Competency checking of controllers, the training process and the requirements for examinations, including linguistic qualifications and assessments, should be described in relation to candidate training and competence standards.
- All facilities should be accredited, and instructor qualification requirements should be specified in relation to recognition of Training Institutes and Training Units.
- The circumstances and the appeal process should be described concerning the rights for candidates who fail examinations and controllers who fail assessments.
- The distinction should be transparent and clearly defined in relation to independence between Regulatory Authorities and Service Providers.
- A European standard for recognition of training institutes is strongly recommended, including a transparent and continuous self-assessment system.
- Although the introduction of a Community air traffic controller licence is welcomed, the Directive should carefully differentiate what should be regulated at EU level and what should be left to national consideration.
- Proper social dialogue is a key contributing element to the provision of safe and efficient air traffic control services and, as such, the proposed Directive should include a reference regarding the recognition of licences from third countries.
- Mutual recognition of the Community licence or certificate of competency can only be effective if the knowledge behind the licence is the same.

### **4. PREPARATION OF THE DIRECTIVE**

Licensing of air traffic controllers is a long-standing tradition. ICAO regulations on licensing cover include requirements on age, knowledge, ratings, experience, languages and medical fitness. Eurocontrol has adopted its Eurocontrol Safety Regulatory Requirement No 5 (ESARR5) on Air Traffic Management services personnel, together with a series of acceptable means to comply with ESARR5. The requirements on air traffic controllers were due to be implemented by 10 November 2003. These requirements are addressed to Designated Authorities, Providers of air traffic services and to individuals. The Commission proposal transposes the relevant requirements of this ESARR into Community law.

ESARR5 is supported by a range of material developed by Eurocontrol in order to facilitate its implementation, to mention the European manual on personnel licensing giving the details

of ratings and endorsement structure; the common core content, providing a European wide common ground for air traffic controller licence and the medical requirements. The value of this material is widely recognised throughout Europe and it has provided for the essential elements of this proposal, de facto paving the way for the introduction of the Community licence. Given the compatibility between the Community legislation and ESARR5, the Eurocontrol deliverables can continue to play their role to ensure in an effective implementation of the Community legislation.

The preparatory study revealed that, despite the existing international regulation, national traditions are strong, yielding a variable level of quality and producing competencies which are difficult to compare. This fragmentation is no longer acceptable in a Community context, as it may lead to an increased safety hazard in Europe's congested airspace. The harmonisation of air traffic controllers' licences will add to safety as competence levels will be harmonised inside and between service providers, contributing to a more efficient and safer interface between them. This will lead to more efficient organisation of the labour market for air traffic controllers, increasing their availability and facilitating the establishment of functional airspace blocks. The licence will make the freedom of movement more effective by eradicating the current discretion which some Member States take with regard to the mutual recognition of each others' licences.

## **5. PRINCIPLES UNDERLYING THE DIRECTIVE**

Given the fact that most of the Member States already have legislation in place based on ICAO principles and that they are currently implementing Single European Sky legislation and ESARR5, it is of the utmost importance to ensure full consistency with this directive.

### **5.1. Coherence with Single European Sky package**

In the same way as air navigation services, training provision would be made subject to certification. As a particular training market is created, special attention will be paid to adequate safeguards to avoid 'training dumping'. The two main tools to avoid such dumping are the list of competencies which describe the output level of the training process and the certification requirements to become a European training provider. Only certified training providers would be enabled to submit courses and training plans for approval to the national supervisory authorities.

### **5.2. Coherence with existing regulations**

The Single European Sky legislation and in particular Article 4 of the Service Provision Regulation provides for the transposition of ESARRs into Community law. This directive is the transposition of all mandatory requirements relating to air traffic controllers and supports actions already undertaken by Member States in their effort to implement ESARR5. As the directive contains many more safety-critical elements, such as the certification of training providers or the obligation to audit the complete licensing chain, mere implementation of ESARR5 is not sufficient for implementing the directive. On the other hand, as there is no incompatibility between this directive and ESARR5, Member States may choose Eurocontrol deliverables as instruments for implementing the directive.

### **5.3. Comparison with other Community licences**

The directive goes beyond the existing licences in civil aviation for pilots (91/670/EEC), which is a directive on the mutual recognition of national diplomas. It is more comparable to licences in the maritime and railway sectors (proposal contained in COM(2004)142) whereby rules on competencies are set at European level and not left to Member States' discretion. The seafarer licence (01/25/EC) puts into operation the International Maritime Organisation Convention on Standards of Training, Certification and Watch-keeping for Seafarers. The difference with this directive is that the seafarers' licence also sets out to promote employment of Community seafarers by imposing training standards for all personnel of ships calling at Community ports. It is clear that this Directive for air traffic controllers will also have authority beyond Community borders.

## **6. STRUCTURE AND CONTENT OF THE DIRECTIVE**

The purpose of the directive is to lay down rules on all the elements of the licensing chain.

### Article 1

This Article specifies the objectives of the proposal for a Directive and its scope.

### Article 2

This Article defines the terms used in the Directive.

### Article 3

This Article makes the institutional framework laid down in the Single European Sky legislation applicable to training. Training is to be seen as a service similar to air navigation services, including the possibility of inspections and surveys.

### Article 4

This Article sets the basic principles of the licensing scheme: establishment of a labour market for air traffic control activities and basic characteristics of the licence, which incorporates both the competencies of its holder and the authorisation given by the national supervisory authority.

### Articles 5 and 6

These Articles specify the conditions for obtaining and maintaining a licence.

### Article 7

This Article represents the harmonisation of competencies by imposing a structure of ratings and endorsements which specify the type of service that the air traffic controller is competent to deliver.

### Article 8

This Article enforces the latest amendments to ICAO Annex I on linguistic requirements.

## Article 9

This Article refers to the recently adopted medical requirements developed by Eurocontrol.

## Articles 10 and 11

These Articles specify the conditions to become a certified training provider. Full consistency with certification of other air navigation services is ensured.

## Article 12

This Article gives further guarantees for a high level of competence, amongst others through the auditing requirement and the approval system of examiners.

## Article 13

This Article specifies how mutual recognition is to be managed, confirming the principles established by case law of the European Court of Justice.

## Articles 14 to 18

These Articles contain standard provisions regarding the use of the committee procedure, penalties and incorporation of the Directive into national legislation.

## Annex I

This Annex gives the content of the training required to acquire and keep current the competencies.

## Annex II

This Annex specifies the linguistic requirements, taken over from ICAO.

## Annex III

This Annex lists the certification criteria to become a training provider and identifies the conditions which a national supervisory authority may attach to a certificate.

## **7. CONSULTATION PHASE**

On the basis of the recommendations of the study, an internal working document was prepared, building on experience gathered in ICAO, Eurocontrol and Member States. The working document was extensively discussed at meetings with trade unions, employers' organisations, Eurocontrol and national administrations. The document takes due account of all the comments made during the consultation phase.

## **8. ECONOMIC AND FINANCIAL IMPACT OF THE DIRECTIVE**

The impact of the directive will vary according to the training standards already in place in the different Member States.

### *Costs for public administrations:*

There are no additional costs associated with the issuance of the licence as such, because all Member States already have a system of licences. Depending on the current level of monitoring and auditing, administrations may need to be reinforced to cope with the tasks laid down in the directive within a reasonable period of time, e.g. to deliver an approval.

The Directive explicitly provides for the possibility of outsourcing, e.g. auditing can be delegated to recognised organisations.

The costs for supervision can either be charged to the providers applying for certification and approval, or can be included in the cost base of the charging regime.

### *Costs for air navigation service providers:*

Here, too, the costs will depend on the current level of quality of the training system. The Directive brings the quality of the output of the training system up to the level required to cope with the safety requirements stemming from Europe's dense and complex traffic system. As the preparatory study has revealed a patchwork of different situations throughout the Union, a uniform cost/benefit analysis is not possible. Moreover, it is difficult to distinguish between the cost of this Directive and the costs triggered by other Community legislation or by ICAO or Eurocontrol requirements. A number of qualitative indications only can be given.

By setting high standards for initial training and by enforcing more guarantees for neutral and objective examiners during unit training, the success rate of unit training should increase. It must be remembered that the overall training costs of an air traffic controller, including salary, are estimated at between €150,000 and €400,000. Hence, failures at the very end of the training are quite expensive.

The cost of extra-manning due to higher standards for unit or continuation training is limited due to the appropriate use of subsidiarity, whereby national supervisory authorities are best placed to judge on the functional needs of the units when approving training plans or competence schemes.

The cost for the follow-up of the different elements of the licensing chain may slightly increase, due in part to keeping records for auditing. Again, additional costs specifically triggered by this Directive must be assessed against costs stemming from other requirements, e.g. quality and safety management systems.

Harmonised competencies will increase safety and make for more efficient organisation of work, including the establishment of functional airspace blocks.

### *Conclusions:*

All in all, the possible increase of costs in the short term should be offset by cost saving through more rational use of the workforce in the longer term. Last but not least, the Directive will increase the safety of the flying public.

## **9. FINANCIAL IMPACT**

This proposal does not include a financial statement.

An existing Committee (Single Sky Committee, as established by Article 5 of the Framework Regulation (2004/549/EC)) will be used for the decision-making procedures established by this proposal.

## **10. CONCLUSIONS**

The Commission therefore proposes that the European Parliament and the Council should adopt the enclosed proposal for a Directive.



Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**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,<sup>1</sup>

Having regard to the opinion of the European Economic and Social Committee,<sup>2</sup>

Having regard to the opinion of the Committee of the Regions,<sup>3</sup>

Acting in accordance with the procedure laid down in Article 251 of the Treaty,<sup>4</sup>

Whereas:

- (1) Implementation of the Single European Sky legislation requires the establishment of more detailed legislation, in particular on arrangements concerning the licensing of air traffic controllers, in order to improve their availability and to promote the mutual recognition of licences, as foreseen 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 (the service provision Regulation)<sup>5</sup>.
- (2) The introduction of such 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.

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<sup>1</sup> OJ  
<sup>2</sup> OJ  
<sup>3</sup> OJ  
<sup>4</sup> OJ  
<sup>5</sup> OJ L 96, 31.03.2004, p. 10

- (3) A Directive is the most suitable instrument to set standards for competencies which leave it to the Member States to decide on the ways to achieve the commonly agreed 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 relevant to air traffic controllers.
- (5) The particular characteristics of Community air traffic call for effective application of Community competence standards for air traffic controllers employed by air navigation service providers involved in 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 training providers. The authorities must also be capable of performing their tasks efficiently.
- (7) The provision of air navigation services requires highly skilled personnel whose competencies can be demonstrated by several means. For air traffic control the appropriate means is the Community licence, to be seen as a kind of diploma, belonging to the 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 competencies of the controller and the authorisation of the supervising instances to provide services for a particular sector or group of sectors. That is why the authorities must be in a position to evaluate the competencies of the air traffic controllers when issuing licences or extending the validity of the endorsements; the authorities must also be in a position to suspend the licence by withdrawing the endorsements of the licence when the competence is in doubt. In an effort to promote a just culture, this Directive should not make an automatic link between an incident and the suspension of the licence. Withdrawal of the licence should be considered as the last resort for extreme cases which have no relation with competence in doubt.
- (8) In order to build the confidence of Member States in each others' licensing systems, Community rules on obtaining and maintaining the licence are indispensable. It is therefore important to harmonise the entrance conditions to the air traffic controller profession. This should lead to the recognition of the licences throughout the Community, thereby increasing freedom of movement and improving the availability of air traffic controllers.
- (9) In order to make competencies 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 control of one air navigation service provider, but especially at the interface between different service providers.

- (10) The objectives of initial training are described in the guidance material developed at the request of the members of Eurocontrol and are considered as 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 safety-critical.
- (11) In many incidents and accidents, communication plays a significant role. ICAO has therefore adopted language knowledge requirements. This Directive is the means to enforce these internationally accepted standards.
- (12) Medical requirements have been developed at the request of Eurocontrol Member States and are considered as an acceptable means of compliance.
- (13) Certification of training provision should be considered as one of the safety-critical pillars 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 bundle of training services or by bundle of training and air navigation services, without losing sight of the particular characteristics of training. Appropriate treatment should also be given to training institutes, preparing the grant of military licences, in order to cover military air traffic controllers as far as possible.
- (14) This Directive confirms longstanding jurisprudence of the European Court of Justice in the field of mutual recognition of diplomas and freedom of movement of workers. The principle of proportionality, the need for equivalence assessment, the reasoned justification to impose 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.
- (15) The profession of air traffic controller is subject to technical innovations which require regular updating of their competencies. The directive should allow such adaptations to technical developments and scientific progress through the use of comitology.
- (16) 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 1998/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the dialogue between the social partners at European level<sup>6</sup> have been consulted.
- (17) The Member States should 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. Those penalties should be effective, proportionate and dissuasive.

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<sup>6</sup> OJ L 225, 12.8.1998, p. 27

- (18) 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 Commission<sup>7</sup>,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*  
*Objective and Scope*

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

The licence shall establish the conditions to access and to exercise the air traffic controller profession.

2. This Directive shall apply to applicants for a student air traffic controller licence and to air traffic controllers employed by air navigation service providers offering their services primarily to general air traffic.

*Article 2*  
*Definitions*

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

1. “air traffic controller” means the person entitled to provide air traffic control services either under the supervision of an on the job training instructor or independently;
2. “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;
3. "air navigation service providers" means any public or private entity providing air navigation services for general air traffic;
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 privileges contained therein;
5. “rating” means the authorisation entered on or associated with a licence and forming part thereof, stating special 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;

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<sup>7</sup> OJ L 184, 17.7.1999, p. 23

- d) approach control surveillance;
  - e) area control procedural;
  - f) area control surveillance;
6. “endorsement” means the authorisation entered in a licence, in particular:
- a) a rating endorsement indicating the specific conditions, privileges or limitations pertaining to the rating,
  - b) a unit endorsement indicating the ICAO location indicator and the sectors and/or working positions where the holder of the licence is competent to work,
  - c) a language endorsement indicating the language proficiency of the holder, and
  - d) an instruction endorsement indicating the competence to give on-the-job-training instruction;
- it may relate to a rating or to the licence and will form part thereof;
7. “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;
8. “sector” means a part of a control area and/or part of a flight information region/upper region;
9. “training” is the entirety of theoretical courses, practical exercises, including simulation, and on the job training required in order to acquire the competencies to deliver safe and 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, pre-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 on-the-job-training instructor endorsement;
  - e) training of examiners and/or assessors;
10. “training provider” is an organisation which has been certified by the national supervisory authority to provide one or more types of training as defined in this Article, and which is, for that purpose, entitled to submit training courses, unit training plans or unit competence schemes for approval;

11. “competence requirements laid down in the objectives of the Guidelines for Common Core Content and Training Objectives for Air Traffic Controllers’ Training” are the objectives which student air traffic controllers shall achieve for basic and rating training, as described in Eurocontrol, ‘Guidelines for Common Core Content and Training for Air Traffic Controllers’ Training (Phase 1:Revised), HRS/TSP-002-GUI-01, second edition of 20.07.2001; and in Eurocontrol, ‘Guidelines for Common Core Content and Training for Air Traffic Controllers’ Training (Phase II), HUM.ET1.ST05.1000-GUI-02, first edition of 20.07.2000;
12. “Requirements for European Class 3 Medical Certification of Air Traffic Controllers” are the requirements laid down in Eurocontrol, Requirements for European Class 3 Medical Certification of Air Traffic Controllers, HUM.ET1.ST08.10000-STD-02, first edition of 31.01.2003;
13. “Unit Competence Scheme” is an approved scheme indicating the method by which the unit maintains the competence of its licence holders.

*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 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 changes thereof, and of the measures taken to ensure compliance with paragraph 2.

*Article 4*  
*Licensing principles*

1. The Member States shall ensure that air traffic control services will only be provided by appropriately licensed air traffic controllers.
2. Licences shall be granted to all persons who are competent to act as an air traffic controller or as a student air traffic controller.
3. The grant of the licence shall be subject to the inclusion of:
  - (a) one or more ratings for the student air traffic controller licence and,
  - (b) one or more ratings and endorsements for the air traffic controller licence.

4. The applicants for a licence shall furnish the evidence that they are competent to act as air traffic controllers or as student air traffic controllers. This evidence demonstrating their competence shall relate to knowledge, experience, skills and linguistic proficiency.
5. The licence shall remain the property of the person to whom the licence is granted and who shall sign it.

The licence can be suspended when the competence of the air traffic controller is in doubt or in case of gross negligence. It can only be withdrawn in case of abuse.

6. 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. For that purpose, the student licence shall include the rating specifying which type of air traffic control service the holder of the licence is being trained to provide.
7. A licence is only valid if it contains a current medical certificate.

#### *Article 5* *Conditions for obtaining a licence*

1. Student air traffic controllers' licences containing at least one rating shall be granted to applicants who:
  - (a) are the holders of at least a secondary education diploma or a diploma granting access to university;
  - (b) have successfully completed approved initial training course relevant to the rating or rating endorsement, including practical and simulation training, as set out in Part A of Annex I to this Directive;
  - (c) hold a valid medical certificate; and
  - (d) have demonstrated an adequate level of linguistic abilities in accordance with the requirements set out in Annex II.
2. Air traffic controllers' licences containing the ratings for which training was successfully completed and the necessary endorsements shall be granted to applicants who:
  - (a) are at least 21 years old; however, Member States may provide for a procedure to derogate from this requirement, in particular if the applicant has demonstrated in the course of his training that he has the competence to ensure safe operations;
  - (b) are holders of a student licence and have completed approved unit training course and successfully passed the appropriate examinations or assessments in accordance with the requirements set out in Part B of Annex I;
  - (c) hold a valid medical certificate; and

- (d) have demonstrated an adequate level of linguistic abilities in accordance with the requirements set out in Annex II.
3. The licence endorsement to become an on the job training instructor shall be granted to holders of an air traffic controller licence who:
- (a) have exercised for the immediately preceding periods, whose duration shall be fixed by the national supervisory authority, the privileges of the rating and of the endorsement for which they may instruct at that unit;
- (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*

##### *Conditions for maintaining ratings and keeping endorsements valid*

1. Member States shall ensure that the validity of the endorsement be extended for the next 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, in the last 12 months;
- (b) the applicant's competence to exercise the privileges of the endorsement has been assessed, following the standards set out in Part C of Annex I; and
- (c) the applicant holds a valid medical certificate.
2. Without prejudice to paragraph 1, the endorsement for on-the-job-training instructors shall be valid for a renewable period of 36 months.
3. The holder of a rating who has not been providing air traffic control services under any endorsement associated with that rating throughout any period of five years may not exercise the privileges of that rating without satisfying assessment and training requirements that ensure the holder is competent to commence unit training in that rating.
4. Without prejudice to paragraph 3, a unit endorsement shall cease to be valid if the holder has not been providing air traffic control for a minimum number of hours of service under that endorsement throughout the periods set by the unit competence scheme.
5. The minimum number of working hours without instruction tasks required to maintain the endorsement valid 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.



*Article 7*  
*Air traffic controller ratings and endorsements*

1. Licences shall contain one or more ratings as described in paragraphs (2) to (7) in order to indicate the type of service which the licence holder may provide. In addition to the rating endorsements indicated in this Article, the rating shall become validated by the endorsement indicating the language proficiency, the ICAO location indicator and the unit, working position, sector or group of sectors.
2. The Aerodrome Control Visual rating (ADV) shall indicate that the holder of a 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.
3. The aerodrome control instrument rating (ADI) 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 following rating endorsements:
  - (a) The Tower Control endorsement (TWR) shall indicate that the holder is competent to provide control services where aerodrome control is provided from one operational position;
  - (b) The Ground Movement Control endorsement (GMC) 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, shall indicate that the holder is competent to provide ground movement control with the help of aerodrome surface movement systems;
  - (d) The Air Control endorsement (AIR) 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, shall indicate that the holder of the licence is competent to provide aerodrome control with the help of surveillance radar equipment.
4. The Approach Control Procedural rating (APP) shall indicate that the holder of a licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft without the use of surveillance equipment.
5. The Approach Control Surveillance rating (APS) shall indicate that the holder of a 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:
  - (a) The Radar endorsement (RAD) 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, 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, 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) 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, 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.
6. The Area Control Procedural rating (ACP) 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.
7. The Area Control Surveillance rating (ACS) 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 following rating endorsements:
- (a) The Radar endorsement (RAD) 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) 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, 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 (OCL) endorsement shall indicate that the holder is competent to provide air traffic control services to aircraft operating in an Oceanic Control Area.
8. Without prejudice to paragraph (1), Member States may, if so required by particular characteristics of the air traffic in the airspace under their responsibility, develop national endorsements.
9. The On-the-Job-Training-Instructor licence endorsement shall indicate that the holder of the licence is competent to provide training and supervision at an operational working position for areas covered by a valid rating.

10. Amendments to this Article in view of technical or scientific progress shall be adopted in accordance with the procedure referred to in Article 14(2).

*Article 8*  
*Linguistic requirements*

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 cover the rating scale set out in Annex II. It shall reach at least level 4 of the language proficiency requirements specified in that Annex.
2. Amendments to this Article and Annex II in view of technical or scientific progress shall be adopted in accordance with the procedure referred to in Article 14(2).
3. The language proficiency requirements of the applicant shall be formally evaluated at regular intervals, except in the case of applicants who demonstrate 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.

4. Member States may impose local language requirements when deemed necessary for safety purposes. However, the required level of linguistic knowledge shall be not higher than level 4 of the ICAO proficiency test. Proficiency shall be demonstrated by a certificate issued by the training provider or by an equivalent certificate issued by a language training institute.
5. The evidence of linguistic proficiency shall be included in the licence by means of a specific language proficiency endorsement.

*Article 9*  
*Medical requirements*

1. Medical certificates shall be issued in accordance with the medical requirements for European Class 3 Medical Certification of Air Traffic Controllers.

Medical assessors approved by the national supervisory authority shall establish reports on the basis of those requirements.

The assessment of the applicants shall take due account of the age of the applicant and of the particular characteristics of the workplace, in accordance with the principle of proportionality.

2. Member States shall ensure that effective appeal procedures are put in place to guarantee the fair treatment of the examinees and that air navigation service providers take the necessary measures where holders do not obtain a valid medical report.

3. Member States shall ensure that procedures are established to deal with cases of reduced medical fitness and enable holders of a licence 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 execute the privileges of the licence safely and properly, so that air navigation service providers can monitor controllers for psychoactive substance abuse and provide advice to controllers taking medicines.
4. Amendments to the reference in point (12) of Article 2 in view of technical or scientific progress shall be adopted in accordance with the procedure referred to in Article 14(2).

*Article 10*  
*Certification of Training Providers*

1. The provision of training of air traffic controllers within the Community shall be subject to certification by the national supervisory authorities.
2. The requirements for certification shall relate to the technical and operational competence and suitability to organise training courses in a pedagogically efficient way as set out in point (1) of Annex III.
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 where they comply with the requirements laid down in point (1) of Annex III.

Certificates may be issued for each type of training, as defined in point (9) of Article 2, 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 bundle of services.

4. Certificates shall specify the rights and obligations of training providers.

Certification may be subject only to the conditions set out in points (2) and (3) of Annex III. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent.

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 any certificate issued in another Member State.

*Article 11*  
*Accounting Management of Training Providers*

1. Training providers, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their financial accounts.

The accounts shall comply with the International Accounting Standards adopted by the Community. Where, owing to the legal status of the training provider, full compliance with the International Accounting Standards is not possible, the training provider shall endeavour to achieve such compliance to the maximum possible extent.

2. In all cases, training providers shall publish an annual report and regularly undergo an independent financial audit.
3. When providing different types of training, providers shall, in their internal accounting, identify the relevant costs and income for training services and, where appropriate, shall keep consolidated accounts for other, non-training services, as they would be required to do if the services in question were provided by separate undertakings.
4. Member States shall designate the competent authorities that have a right of access to the accounts of training providers.
5. Member States may apply the transitional provisions of Article 9 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council<sup>8</sup> to training providers that fall within the scope of that Regulation.
6. Training providers who provide training leading to the grant of military licences will be exempted from the obligations laid down in paragraphs 1, 2, and 3.

*Article 12*  
*Guarantee of compliance with competence standards*

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

This responsibility shall include:

- (a) the issuance, maintenance, suspension and withdrawal of licences;
- (b) the certification of training providers;
- (c) the approval of training courses, unit training plans and unit competence schemes;
- (d) the approval of competence examiners;

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<sup>8</sup> OJ L 243, 1.9.2002, p. 1

- (e) the monitoring and auditing of the training system; and
  - (f) the establishment of appropriate appeal and notification mechanisms.
2. The national supervisory authorities shall organise a data base where competencies of all licence holders and the validity dates of their endorsements are kept. To this extent, operational units within the air navigation service providers shall keep records on the hours effectively worked on the sectors, group of sectors or on the operational positions for every licence holder working in the unit and shall provide these data to the national supervisory authorities on request.
  3. 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.
  4. The national supervisory authorities shall audit all the elements of the licensing system 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 can undertake on the spot visits to check the effective implementation of this Directive and compliance with the standards contained therein.

The national supervisory authorities shall send to the Commission a yearly report on the application of this Directive, including the findings of the audits.

5. National supervisory authorities may decide to delegate in full or in part the auditing functions and inspections mentioned in paragraph 4 of this Article to recognised organisations referred to in Article 3 of Regulation (EC) No 550/2004.

### *Article 13*

#### *Mutual recognition of air traffic controller licences*

1. Each Member State shall recognise the licence and its associated ratings and endorsements issued by the national supervisory authority of another Member State in accordance with the provisions of this Directive.
2. In order to grant the endorsement applied for, the national supervisory authorities shall require the applicant to fulfil the particular conditions associated with the endorsement, specifying the unit, sector or working position. In assessing the equivalence between the endorsements which the applicant currently has and those he needs to acquire, the air navigation service provider, when establishing the unit training plan, shall take due account of the acquired competencies and the experience of the applicant.
3. If the applicant holds a licence endorsed by a third country or a military licence of a Member State, the national supervisory authority may require the applicant to fulfil the conditions for obtaining the particular rating and endorsement. The equivalency assessment of the licence shall take due account of competencies acquired in accordance with international standards.

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 four 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 14*  
*Committee*

1. The Commission shall be assisted by the Single Sky Committee instituted by Article 5 of Regulation EC/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 provision 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 15*  
*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 the date specified in Article 16 at the latest and shall notify it without delay of any subsequent amendment affecting them.

*Article 16*  
*Transposition*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by<sup>9</sup> at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

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<sup>9</sup> Twenty-four months following the date of entry into force.

*Article 17*  
*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 8 shall apply from [two years after the date provided for in paragraph (1)].

*Article 18*  
*(Addressees)*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*



## ANNEX I

### Training Requirements

#### PART A

##### **INITIAL TRAINING REQUIREMENTS FOR AIR TRAFFIC CONTROLLERS**

The initial training shall ensure that student air traffic controllers satisfy at least the competence requirements laid down in the objectives of the Guidelines for Common Core Content and Training Objectives for Air Traffic Controllers' Training, so that the air traffic controllers are capable of handling air traffic in a safe, quick and efficient way. Amendments to the reference as defined in Article 2 point (11) in view of technical or scientific progress shall be adopted in accordance with the procedure referred to in Article 14(2).

Initial training shall 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, Unusual/Emergency Situations, Degraded Systems, Linguistic Knowledge, including radiotelephony Phraseology.

The subjects shall 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 shall consist of theoretical and practical courses, including simulation, and its duration shall be determined in the approved initial training plans. Acquired competencies shall 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 shall be assessed through appropriate examinations.

#### PART B

##### **UNIT TRAINING REQUIREMENTS FOR AIR TRAFFIC CONTROLLERS**

Unit training plans shall detail the processes and timing required to allow the applicant for an air traffic control licence to apply the unit procedures to the local area under the supervision of an on-the-job-training instructor. The approved plan shall include indications of all elements of the competence assessment system, including work arrangements, progress assessment and examination, together with notification procedures to the national supervisory authority.

The duration of unit training shall be determined in the unit training plan. The required competencies will be assessed through appropriate examinations or a system of continuous assessment, by approved competence examiners or assessors who shall be neutral and objective in their judgment. To this end, the national supervisory authorities shall 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 shall be kept valid through approved continuation training, which consist of training to maintain the employability of air traffic controllers, refresher courses, emergency training and, where appropriate, linguistic training.

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

## **ANNEX II**

### **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 shall be assessed and must demonstrate compliance at least with the Operational Level (Level 4) of the Language Proficiency Rating Scale described in this Annex.

Proficient speakers shall:

- 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.

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

LEVEL	PRONUNCIATION ASSUMES 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
<b>EXPERT</b>  <b>6</b>	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.
<b>EXTENDED</b>  <b>5</b>	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.
<b>OPERATIONAL</b>  <b>LEVEL 4</b>	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	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	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	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	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

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LEVEL	PRONUNCIATION ASSUMES 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
		interfere with meaning.	unusual or unexpected circumstances.	communication. Can make limited use of discourse markers or connectors. Fillers are not distracting.	complication or an unexpected turn of events, comprehension may be slower or require clarification strategies.	by checking, confirming, or clarifying.

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**Language proficiency rating scale: Pre-Operational, Elementary and Pre-Elementary Levels.**

<b>LEVEL</b>	<b>PRONUNCIATION</b> ASSUMES A DIALECT AND/OR ACCENT INTELLIGIBLE TO THE AERONAUTICAL COMMUNITY.	<b>STRUCTURE</b> RELEVANT GRAMMATICAL STRUCTURES AND SENTENCE PATTERNS ARE DETERMINED BY LANGUAGE FUNCTIONS APPROPRIATE TO THE TASK.	<b>VOCABULARY</b>	<b>FLUENCY</b>	<b>COMPREHENSION</b>	<b>INTERACTIONS</b>
<b>PRE-OPERATIONAL 3</b>	Pronunciation, stress, rhythm, and intonation are influenced by the first language or regional variation and frequently interfere with ease of understanding.	Basic grammatical structures and sentence patterns associated with predictable situations are not always well controlled. Errors frequently interfere with meaning.	Vocabulary range and accuracy are often sufficient to communicate on common, concrete, or work related topics but range is limited and the word choice often inappropriate. Is often unable to paraphrase successfully when lacking vocabulary.	Produces stretches of language, but phrasing and pausing are often inappropriate. Hesitations or slowness in language processing may prevent effective communication. Fillers are sometimes distracting.	Comprehension is often accurate on common, concrete, and work related topics when the accent or variety used is sufficiently intelligible for an international community of users. May fail to understand a linguistic or situational complication or an unexpected turn of events.	Responses are sometimes immediate, appropriate, and informative. Can initiate and maintain exchanges with reasonable ease on familiar topics and in predictable situations. Generally inadequate when dealing with an unexpected turn of events.
<b>ELEMENTARY 2</b>	Pronunciation, stress, rhythm, and intonation are heavily influenced by the first language or regional variation and usually interfere with ease of understanding.	Shows only limited control of a few simple memorized grammatical structures and sentence patterns.	Limited vocabulary range consisting only of isolated words and memorized phrases.	Can produce very short, isolated, memorized utterances with frequent pausing and a distracting use of fillers to search for expressions and to articulate less familiar words.	Comprehension is limited to isolated, memorized phrases when they are carefully and slowly articulated.	Response time is slow, and often inappropriate. Interaction is limited to simple routine exchanges.
<b>PRE-ELEMENTARY 1</b>	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.

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*Note.—The Operational Level (Level 4) is the minimum required proficiency level for radiotelephony communication. Levels 1 through 3 describe Pre-elementary, Elementary, and Pre-operational levels of language proficiency respectively, all of which describe a level of proficiency below the ICAO language proficiency requirement. Levels 5 and 6 describe Extended and Expert levels, at levels of proficiency more advanced than the minimum required Standard. As a whole, the scale will serve as benchmarks for training and testing, in assisting candidates to attain the ICAO Operational Level (Level 4).*

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### ANNEX III

#### **REQUIREMENTS AND CONDITIONS TO BE ATTACHED TO CERTIFICATES AWARDED TO TRAINING PROVIDERS**

- (1) The requirements referred to in Articles 10 and 11 shall relate in particular:
  - (a) to the content, organisation and duration of the courses,
  - (b) to the way examinations are organised,
  - (c) to the quality and experience of instructors and teaching staff,
  - (d) to the facilities, equipment and accommodation of the training provider,
  - (e) to the system and processes for quality management,
  - (f) to the quality of the services,
  - (g) to financial strength,
  - (h) to liability and insurance cover, and
  - (i) to the ownership and organisational structure
- (2) Certificates shall 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.
- (3) Additional conditions attached to certificates may, as appropriate, be related to:
  - (a) the operational specifications for the particular services;
  - (b) the time by which the services should be provided;
  - (c) any other legal conditions which are not specific to air navigation services, such as conditions relating to the suspension or withdrawal of the certificate.