



COMMISSION OF THE EUROPEAN COMMUNITIES

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2004/0146 (COD)

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a Community Air Traffic Controller Licence

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

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1. BACKGROUND

Transmission of the Proposals to the Council and the European Parliament (COM(2004) 0473 – 2004/0146(COD))

in accordance with article 80(2) of the Treaty	12 July 2004
Opinion of the European Economic and Social Committee	9 March 2005
Opinion of the Committee of Regions	No opinion sent
Opinion of the European Parliament - first reading	8 March 2005

2. OBJECTIVE OF THE PROPOSAL

The Commission proposal for a Directive of the European Parliament and of the Council on a Community air traffic controller licence is one of the key elements of the Single Sky package. The licence contributes to the recognition of the specific competencies of air traffic controllers at Community level. At the same time, high and harmonised competencies form part of a wider Community safety policy and will contribute to a more flexible organisation of the workforce, especially in view of cross-border service provision and the establishment and management of functional airspace blocks.

3. COMMENTS ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

3.1. Introduction

The European Parliament has adopted 21 amendments, of which the Commission accepts 18 (see 3.2 and 3.3). However, the Commission is not able to accept three of the Parliament amendments (see 3.4).

3.2. Amendments accepted by the Commission

The Commission supports all amendments relating to drafting or highlighting the importance of safety standards. This is the case for amendments 1, 2, 3, 5, 7, 8, 9, 11, 12, 13 and 15. The Commission also supports the position of the Parliament with regard to amendments where a delicate balance is struck between safety requirements and mobility expectations, covering “national” endorsements (amendment 16) and the linguistic regime (amendments 10 and 17). In order to take due account of amendment 10, the amended proposal introduces a specific approval procedure of the linguistic test instead of a complete certification procedure, as suggested by Parliament.

Amendments 10 and 17 would lead to the following reformulation of Article 8 par. 4:

Article 8

4. Member States may impose local language requirements when deemed necessary for safety purposes. **Notwithstanding the provisions of paragraph 1, Member States may in certain cases and for [...] reasons of safety, require level 5 of the [...] language proficiency rating scale, as specified in Annex II, in English and/or the local language where the operational circumstances of the [...] rating or the endorsement so require. Any such requirement must be objectively justified, non-discriminatory, proportionate and transparent. Proficiency shall be demonstrated by a certificate issued after a transparent and objective assessment procedure approved by the national supervisory authority.**¹

With regard to accounting standards, the Commission supports amendment 18, proposing the deletion of Article 11 par. 1.

3.3. Amendments accepted in part or in principle by the Commission

The Commission supports the idea of follow-up of the implementation of the Directive by social partner organisations (amendment 6) and of the reference to national social law and regulations in case of mobility (amendment 20), on the condition that these ideas are reflected in recitals in the appropriate form of legal drafting. The idea of security training and crisis management mentioned in amendment 14 would be referred to in Annex I Part A dealing with initial training issues.

Amendments 6, 14 and 20 would lead to the following reformulation of recital 16 and annex I Part A and to the introduction of a new recital 16(a):

(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 *has been consulted and should be consulted on any further developments.*

Annex I Part A

Par. 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, including security and crisis management, Degraded Systems, Linguistic Knowledge, including radiotelephony Phraseology.

¹ Texts marked in italics and bold reflect the changes of Parliament to the Commission proposal. Underlined texts reflect Commission drafting amendments to these proposals for amendment.

(16a) Member States should ensure that the rights and obligations applicable to the employment relationship between the air traffic controller and employer are governed by the provisions applicable in the Member State where the air traffic controller usually performs his/her work, irrespective of the airspace under his responsibility.

3.4. Amendments refused

The Commission can not support amendment 19. It is of the opinion that international accounting standards are sufficiently covered by other Community legislation. Furthermore, the Commission does not support amendments 4 and 21. Amendment 4 would lead to a delay of the introduction of the Community standards and the co-existence of both the Community and the national systems of licences. In the case of safety this is not acceptable. Amendment 21 is rejected as it deviates from the standard clause on sanctions.

3.5. Conclusion

Pursuant Article 250 paragraph 2 of the EC Treaty, the Commission amends its proposal as indicated above.