

# REGULATORY CONTEXT

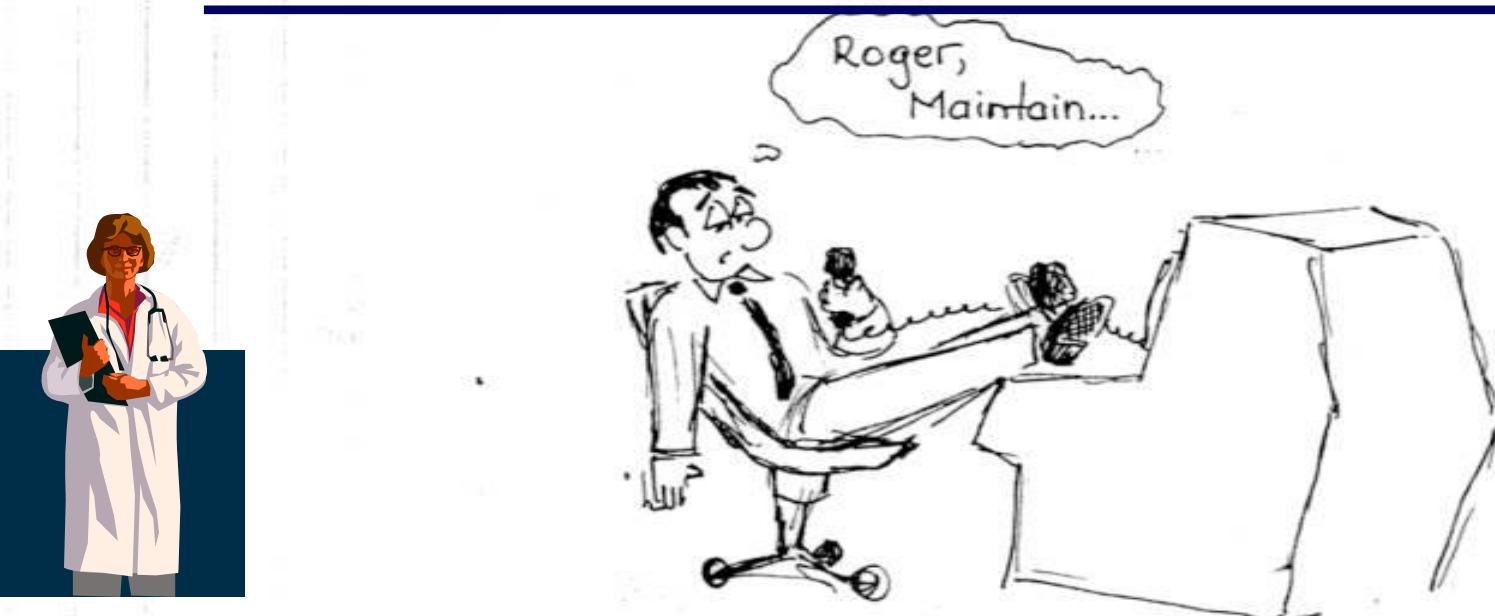
*SASI Workshop 4 / 2008  
ATSEP COMPETENCE  
22<sup>nd</sup> – 24<sup>th</sup> October 2008,  
Zagreb, Croatia*

**Bogdan BRAGUTA  
Safety Regulation Unit  
EUROCONTROL**





# WHAT IS COMPETENCE ?



# REGULATORY CONTEXT



## World wide – ICAO

### ANNEX 1 – Personnel Licensing



#### **Personnel Licensing**

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

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

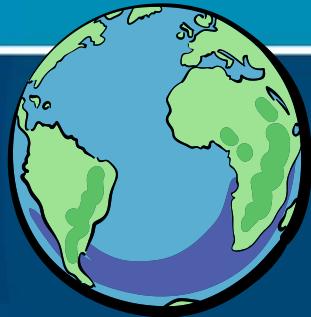
Tenth Edition  
July 2006

International Civil Aviation Organization

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



# 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**

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adopted by the Council prior to 11 March 2006  
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Tenth Edition  
July 2006

International Civil Aviation Organization



### **Personnel Licensing**

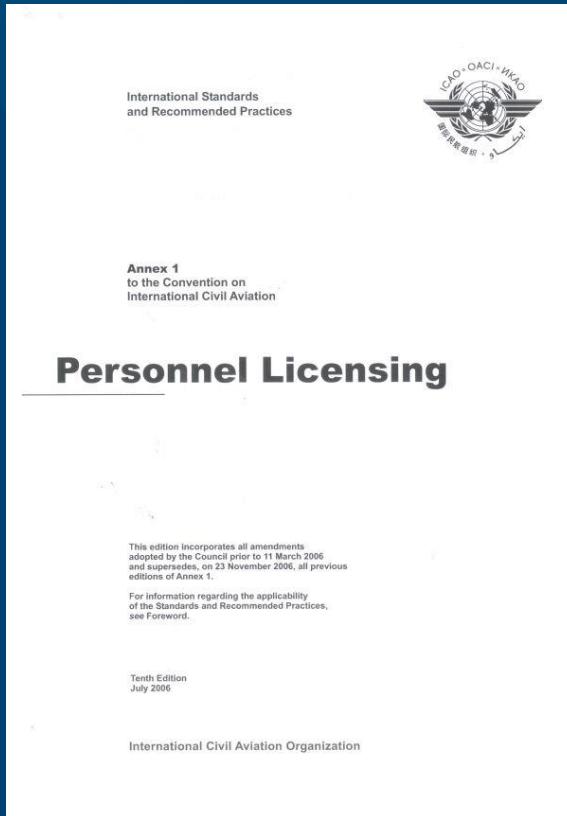


# REGULATORY CONTEXT



## 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**

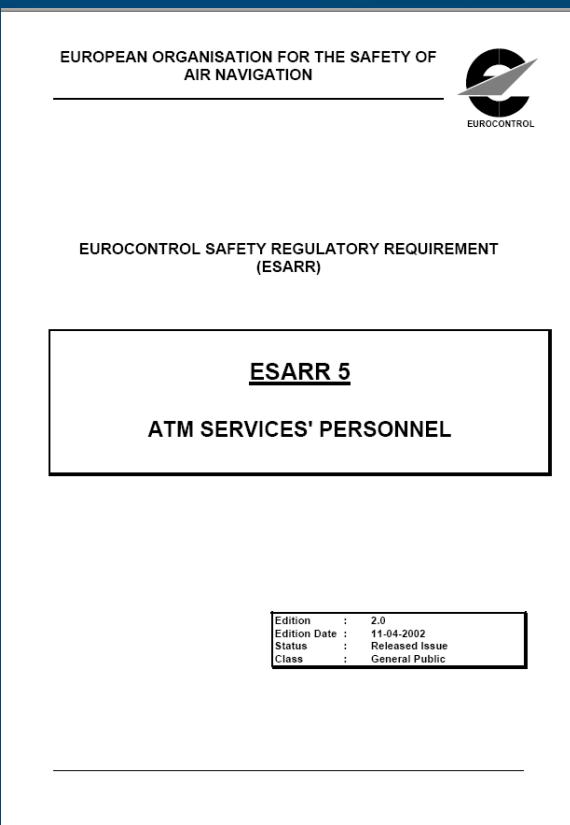


# REGULATORY CONTEXT



## ECAC wide - EUROCONTROL

### ESARR 5: ATM Services' Personnel



- Edition 2.0

# 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

EUROCONTROL SAFETY REGULATORY REQUIREMENT  
(ESARR)

**ESARR 5**

**ATM SERVICES' PERSONNEL**

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



# REGULATORY CONTEXT



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 in Issue
Class	:	General Public

## ESARR 5: ATM Services' Personnel

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



# 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,

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

(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.

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.

(3) A Directive is the most suitable instrument to set  
competence standards, thus leaving to the Member States  
to decide on the way 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  
control for the implementation 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  
separated from the air navigation service providers,  
air traffic controllers 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).

(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,

Having regard to the Treaty establishing the European  
Community,

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) (5), 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) (6).

(5) OJ L 96, 31.3.2004, p. 10.  
(6) OJ L 96, 31.3.2004, p. 1.

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

(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.

(5) The application of common requirements to air naviga-  
tion 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  
possibility 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 certifi-  
cation scheme, Member States should provide the  
Commission with all relevant information on the deroga-  
tions 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

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

# REGULATORY CONTEXT

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