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Annex to EASA Opinion No xx/2022

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**amending Commission Regulation (EU) 2015/340 laying down technical requirements
and administrative procedures relating to air traffic controllers' licences and certificates**

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amending Commission Regulation (EU) 2015/340 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 50 thereof,

After consulting the Committee within the meaning of Regulation (EU) No 182/2011 ⁽²⁾,

Whereas:

- (1) Commission Regulation (EU) 2015/340 ⁽³⁾ lays down the technical requirements and administrative procedures relating to air traffic controllers' licences and certificates.
- (2) The availability of air traffic controllers in the European Union, as well as the limited flexibility in the use of the available air traffic controller resources have been identified as factors restricting the capacity of the European ATM system, which require adaptations of the regulatory framework concerning the licensing and qualification of air traffic controllers.
- (3) With the aviation industry rapidly evolving, Regulation (EU) 2015/340 needs to be updated to ensure that it is fit for purpose, cost-effective and in line with the globally applicable standards and practices. Continuous development and simplification of the rating and rating endorsement system will establish a lean system of qualifications without any overlaps. The update of the initial training syllabi ensures an adequate alignment with the development of related regulatory framework and operational aspects.

⁽¹⁾ [OJ L 212, 22.08.2018, p. 1.](#)

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13](#)).

⁽³⁾ Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 ([OJ L 63, 6.3.2015, p. 1](#)).

- (4) The requirements applicable for authorities set out in Regulation (EU) 2015/340 should be updated in light of technical progress. In addition, consistency should be ensured between those requirements and the requirements set out in Implementing Regulation (EU) 2017/373 ⁽⁴⁾ as well as Commission Regulations (EU) No 965/2012 ⁽⁵⁾, (EU) No 1178/2011 ⁽⁶⁾ and (EU) No 139/2014 ⁽⁷⁾, thus moving towards a ‘total system approach’, which entails a logical and technologically consistent approach across the various domains.
- (5) The alignment of Regulation (EU) 2015/340 with Regulation (EU) No 376/2014 ⁽⁸⁾ of the European Parliament and of the Council as regards the reporting, analysis and follow-up of occurrences in civil aviation is expected to increase legal certainty, support the Agency standardisation inspections in the area of occurrence reporting, and support the implementation of effective occurrence-reporting systems as part of safety management.
- (6) Considering that the military air traffic controller training in Europe provides for a high level of safety that is comparable to the civil air traffic controller training according to Regulation (EU) 2015/340, it should be possible to take account of the national military air traffic controller training systems for the purpose of issuing EU air traffic controller licences. A similar system to that for pilots should therefore be established within Regulation (EU) 2015/340 to enable military air traffic controllers to obtain credit for the training received during their military service for the purpose of demonstrating compliance with the training requirements that apply to civil air traffic controllers.
- (7) Upon application for conversion, a student air traffic controller licence can be issued provided that the initial training experience of the applicant meets the initial training requirements set out in Regulation (EU) 2015/340 based on the national conversion report and any additional training resulting from the gap analysis contained therein has been completed.
- (8) Previously acquired experience under the military air traffic control provision could be considered when establishing the unit endorsement course for the applicant in accordance with ATCO.D.055 (b)(7).
- (9) National competent authorities and the military authorities of the Member States are encouraged to cooperate towards ensuring the efficient implementation of Article 8a.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee within the meaning of Regulation (EU) No 182/2011,

⁽⁴⁾ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 ([OJ L 62, 8.3.2017, p. 1](#)).

⁽⁵⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 296, 25.10.2012, p. 1](#)).

⁽⁶⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 311, 25.11.2011, p. 1](#)).

⁽⁷⁾ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 44, 14.2.2014, p. 1](#)).

⁽⁸⁾ [OJ L 122, 24.4.2014, p. 18](#).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/340 is amended as follows:

- (1) in Article 1, point (a) of paragraph 1 is replaced by the following:
[...]
'(a) the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking air traffic controller and student air traffic controller licences and associated ratings and endorsements, including the rules and procedures for the conversion of national air traffic controller licences obtained during military service into European Union air traffic controller licences, and the privileges and responsibilities of the holders of those licences, ratings and endorsements;';
- (2) in Article 1, point (a) of paragraph 2. is replaced by the following:
'(a) student air traffic controllers and air traffic controllers exercising their functions within the scope of Regulation (EU) 2018/1139;';
- (3) the text of Article 3 is replaced by the following:
‘1. Air traffic control services shall only be provided by air traffic controllers qualified and licensed in accordance with this Regulation.
2. Member States may apply this Regulation to their military personnel providing services to the public.’;
- (4) Article 4 is amended as follows:
 - (a) point (2) is replaced by the following:
‘(2) “acceptable means of compliance (AMC)” means non-binding standards adopted by the Agency to illustrate means by which to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts;’;
 - (b) point (5) is replaced by the following:
‘(5) “alternative means of compliance” means an alternative to an existing AMC or a new means to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts for which no associated AMC have been adopted by the Agency;’;
 - (c) the following points (7a) and (7aa) are inserted:
‘(7a) “credit” means the recognition of the training undertaken by an air traffic controller during their military service for the purpose of applying for a student air traffic controller licence to be issued in accordance with this Regulation;
(7aa) “national conversion report” means a report on the basis of which prior ATCO training may be given credit by the competent authority to which the application for the issue of a student air traffic controller licence is submitted;’;

- (d) point (11) is replaced by the following:
‘(11) “guidance material (GM)” means non-binding material issued by EASA, which helps to illustrate the meaning of delegated or implementing acts or certification specifications (CSs) and detailed specifications (DSs), and which is used to support the interpretation of the Basic Regulation, of the delegated and implementing acts adopted on the basis thereof, and of CSs and DSs;’;
- (e) the following point (14a) is inserted:
‘(14a) “licence endorsement” means the authorisation entered on and forming part of the licence, indicating a specific qualification of the licence holder;’;
- (f) point (19) is replaced by the following:
‘(19) “provisional inability” means a temporary state in which the licence holder is prevented from exercising the privileges of the licence when ratings, endorsements and his or her medical certificate are valid;’;
- (g) the following point (20a) is inserted:
‘(20a) “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;’;
- (h) point (31) is replaced by the following:
‘(31) “validation” means a process by which, through the successful completion of a unit endorsement course associated with a rating or a rating endorsement, the holder may start exercising the privileges of that rating or rating endorsement.’;
- (5) Article 7 is replaced by the following:

‘Article 7

Transitional provisions

1. Licences, ratings and endorsements issued in accordance with the relevant provisions of national legislation based on Directive 2006/23/EC and licences, ratings and endorsements issued in accordance with Regulation (EU) No 805/2011 shall be deemed to have been issued in accordance with this Regulation.
2. Holders of the Aerodrome Control Visual (ADV) rating, who do not hold an Aerodrome Control Instrument (ADI) rating, shall continue to be authorised to provide air traffic control service to aerodrome traffic at an aerodrome that has no published instrument approach or departure procedures, provided that the validity of such rating is maintained.’;

(6) Article 8 is replaced by the following:

‘Article 8

Changes to rating and rating endorsements

1. The competent authorities shall change the name of the Aerodrome Control Instrument (ADI) rating issued before dd.mm.yyyy (date of applicability of this Regulation) into Aerodrome Control (ADC) upon revalidation or renewal of the unit endorsement, but no later than dd.mm.yyyy (date of applicability of this Regulation + 3 years).
2. The competent authorities shall not issue air traffic controller licences including Aerodrome Control Visual (ADV) rating after dd.mm.yyyy (date of applicability) except for those air traffic controllers referred to in paragraph 2 of Article 7.
3. The competent authorities shall not issue air traffic controller licences including Air Control (AIR), Ground Movement Control (GMC), Tower Control (TWR), Ground Movement Surveillance (GMS), Aerodrome Radar Control (RAD) and Terminal Control (TCL) rating endorsements after dd.mm.yyyy (date of applicability of this Regulation).
4. The privileges of the Air Control (AIR), Ground Movement Control (GMC) and Tower Control (TWR) rating endorsements issued before dd.mm.yyyy (date of applicability of this Regulation) shall become part of the privileges of an Aerodrome Control (ADC) rating. If the exercise of the privileges of the holder is limited to air control or ground control only, this shall be indicated in the unit endorsement, in accordance with ATCO.B.020(d), upon revalidation or renewal of that unit endorsement, but no later than dd.mm.yyyy (date of applicability of this Regulation + 3 years).
5. The privileges of the Ground Movement Surveillance (GMS) rating endorsement issued before dd.mm.yyyy (date of applicability of this Regulation) shall become part of the privileges of the unit endorsement associated with the Aerodrome Control rating.
6. The competent authorities shall change the name of the Aerodrome Radar Control (RAD) rating endorsement issued before dd.mm.yyyy (date of applicability of this Regulation) into the Aerodrome Control Surveillance (SUR) rating endorsement upon revalidation or renewal of the unit endorsement, but no later than dd.mm.yyyy (date applicability of this Regulation + 3 years).
7. The privileges of the Terminal Control (TCL) rating endorsement issued before dd.mm.yyyy (date of applicability of this Regulation) shall become part of the privileges of the unit endorsement associated with the Approach Control Surveillance (APS) or the Area Control Surveillance (ACS) rating.’;

(7) The following Article [8a] is inserted:

Article 8a

Conversion of national military air traffic controller licences into student air traffic controller licences

1. A holder of a national military air traffic controller licence issued by a Member State may apply for the conversion of that licence into a student air traffic controller licence that shall be issued in accordance with this Regulation. The application for the licence conversion shall be submitted to the competent authority of the Member State in whose military forces the applicant has served.
2. The competent authority that has received the application referred to in paragraph 1 shall give credit to the applicant for the purpose of demonstrating compliance with the relevant requirements of Annex I (Part ATCO) in accordance with the national conversion report established by the Member State concerned.
3. The national conversion report shall be notified by the Member State concerned to the Agency and shall:
 - (a) describe the national requirements on the basis of which the military air traffic controller licences are issued in that Member State;
 - (b) describe the scope of the privileges of the military air traffic controller licences referred to in point (a);
 - (c) indicate for which requirements of Annex I (Part ATCO) credit is to be given;
 - (d) indicate the additional training, including the required examinations and assessments, to be undertaken by the applicants; that training, including the required examinations and assessments, must be conducted by a training organisation that meets the requirements laid down in Annex III (Part ATCO.OR) and that is certified to provide initial training for the purpose of issuing student air traffic controller licences in accordance with this Regulation;
 - (e) include an statement confirming that the compliance of the applicant with the training, examination, and assessment requirements described in the national conversion report can be considered as being equivalent to the successful completion of the initial training required under this Regulation for the purpose of issuing a student air traffic controller licence;
 - (f) include copies of all relevant supporting documentation, including copies of the relevant national requirements and procedures, demonstrating how the Member State has established the elements listed in points (a) to (e) above.

Article 2

Amendments to Annexes I-IV to Commission Regulation (EU) 2015/340

Annexes I-IV to Commission Regulation (EU) 2015/340 are amended in accordance with Annexes I-IV to this Regulation.

Article 3

Date of entry into force and application

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

It shall apply from [1 year after the date of publication].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

The President

[...]

[Choose between the two options, depending on the person who signs.]

On behalf of the President

[...]

[Position]