



Guidance

-

Employing Ukrainian Air Traffic Controllers (ATCOs) in the EU and beyond

Assessment of different scenarios

Issue no.: 01

Date: 28.03.2023

Table of contents

Table of contents.....	2
Revision record.....	3
1 Introduction.....	4
2 Legal background and considerations.....	4
3 Identified scenarios and related assessment.....	5
3.1 Employing UA ATCOs to provide services in the EU airspace.....	5
3.2 EU air navigation service provider (ANSP) employing Ukrainian (UA) ATCOs for non-EU airspace...	5
3.3 Non-EU ANSP employing UA ATCOs within specified FIRs outside EU airspace	6
3.4 Employing UA ATCOs as synthetic training device instructors (STDI)	6



Revision record

Issue	Date of issue	Summary of changes
01	28.03.2023	Initial issue



1 Introduction

The Commission and EASA have been solicited a number of times concerning the possible deployment of Ukrainian air traffic controllers (ATCOs) from States wishing to assist in a way to facilitate their swift re-introduction in operations once their national airspace will reopen. This note illustrates the related currently applicable EU regulatory framework and the ongoing relevant regulatory activities for the introduction of a mechanism for the crediting of third-country ATCO qualification to obtain an EU ATCO licence; it also provides a description and an assessment of scenarios proposed by some States to facilitate Ukrainian ATCOs for the purposes described above.

2 Legal background and considerations

According to Article 68 of [Regulation \(EU\) 2018/1139](#) (the EASA Basic Regulation), the acceptance of third-country certification can only be based on international agreements concerning the recognition of certificates concluded between the Union and a third country or on the delegated acts adopted by the Commission specifically for this purpose.

Currently, the certificates issued by Ukraine are not accepted in the EU. However, on 12 October 2021, the [EU and Ukraine have signed a Common Aviation Area Agreement](#) that opens the future prospect for accepting the certificates issued by Ukraine. Namely, in accordance with the referred agreement, once Ukraine has incorporated in its national legislation and implemented all of the applicable requirements and standards under the EU legislation listed in Annex I of the agreement, and following the decision of the Joint Committee, all the relevant certificates comprised in Annex IV of the Agreement (including ATCO licences) issued by Ukraine shall be recognised by the EU Member States. However, the preparatory work required for Ukraine to adapt its legislation and to implement EU standards will involve considerable efforts over a long period, which understandably has been made more challenging following the Russia's military aggression against Ukraine.

A regulatory package (Notice of Proposed Amendment) including a proposal for a delegated act to address this subject is going to be submitted by EASA to public consultation within a few weeks. According to such proposal, [Regulation \(EU\) 2015/340](#) (the ATCO Regulation) would be modified to enable Member States to positively respond to conversion requests from third-country ATCOs that are interested in obtaining European Union licences, while taking account of their prior training and operational experience.

The reason for this proposed amendment is that the conversion of third-country ATCO licences is not addressed by the current EU ATCO Regulation. The empowerment of the Commission to adopt delegated acts with regard to the acceptance of certificates stems from the introduction of the current EASA Basic Regulation, and, in particular, its Article 68.

The basis for such conversion will be the ICAO Annex 1-compliant licences issued by third countries. The actual gap between the ICAO Annex 1-compliant licence issued by a third country and the mutually recognised EU licence shall be analysed on a case-by-case basis by the training organisations certified to provide initial training.

EASA plans to publish such NPA in Spring 2023 and the resulting Opinion by Q1 2024. Following the EASA driven consultation, the adoption of such regulatory provision requires actions both from the side of the European Commission and from the European Parliament. Therefore, the estimated timeframe for its entry into force is between 18 and 24 months.

3 Identified scenarios and related assessment

This Section illustrates a few practical cases elaborated based on recent queries received :

3.1 Employing UA ATCOs to provide services in the EU airspace

In principle, nothing prevents a third-country ATCO to provide services within the EU airspace, provided that the applicable requirements in the ATCO Regulation are met. This means that the ATCO has to successfully comply with the EU ATCO qualification path, starting from initial training, including demonstration of language proficiency and medical requirements. Following the successful completion of initial training and the consequent issuance of the student ATCO licence, the individual's previous experience can be considered with a view to shortening the duration of the training when defining the necessary unit training course which would lead to the issuance of the ATCO licence and to the consequent authorisation to exercise the ATCO privileges within the EU airspace.

Exemptions based on Article 71 of the EASA Basic Regulation can be granted to a natural or legal person subject to that Regulation in the event of urgent unforeseeable circumstances or urgent operational needs of that person provided that certain conditions described in that Article are met. When requests for such exemptions are submitted to an EU Member State related coordination and decision-making dialogue shall involve the affected ATC service providers, Training Organisations and their National Authorities. When an exemption according to Article 71 is granted, the EU Member State shall notify the Commission, EASA and the other Member States.

Where an exemption is granted for a duration that exceeds eight consecutive months or where a Member State has granted the same exemption repetitively and its total duration exceeds eight months, EASA shall assess whether the conditions set out in Article 71 have been met and shall issue, within three months from the date of the reception of the last notification, a recommendation to the Commission as regards the outcome of that assessment.

In all cases of exemptions applied to ATCO licencing, it is expected that the related files include an assessment to identify any gap between the training received by the third-country ATCO and the existing training requirements in the ATCO Regulation as well as an indication as to how the EU Member State has ensured that such gap has been addressed (e.g. with tailored training).

3.2 EU air navigation service provider (ANSP) employing Ukrainian (UA) ATCOs for non-EU airspace

EASA assessed the information received on this case, affecting the air traffic services (ATS) provision within a portion of airspace under the responsibility of NATO and outside the EU airspace; the resulting expert opinion is that, by the applicable EU regulations, Ukrainian ATCOs would not need to hold an EU licence to provide services in such airspace. It would then be necessary for the EU Member State concerned and NATO to ascertain if, based on the content of the agreement between the two parties for service provision in the subject airspace, such ATCOs could provide services with their Ukrainian licences or if they would need to possess an EU licence (as a prerequisite in the agreement, not as resulting from the ATCO Regulation). In any case, the EU Member State and Ukraine would need to determine how to record a sector endorsement concerning such non-EU airspace on Ukrainian ATCO license. If all is positive, then only a specific training for Ukrainian ATCOs providing services in the NATO sector would be required.

In this context, EASA drew the concerned EU ANSPs' attention on the liability issues, and in particular on the need to ensure an appropriate insurance coverage for Ukrainian ATCOs involved.

Nota bene: this expert assessment is based on the information EASA received from the EU ANSP and without prejudice to specific provisions which might apply between the EU Member State concerned and NATO.

3.3 Non-EU ANSP employing UA ATCOs within specified FIRs outside EU airspace

This case is to be seen as the one above; the air traffic control (ATC) service provision would occur outside the EU airspace, so no EU ATCO licence would be required for ATCOs involved. EASA notes that allowing Ukrainian ATCOs to work on particular sectors would necessitate coordination and arrangements between affected ATS providers and National Authorities.

In principle, the same applies if the intention would be to allow Ukrainian ATCOs to provide services within Oceanic Airspace of the ICAO Region (outside the scope of the Single European Sky airspace).

3.4 Employing UA ATCOs as synthetic training device instructors (STDI)

An exemption granted on the basis of the aforementioned Article 71 of the EASA Basic Regulation may enable the employment of third-country ATCOs as STDI instructors within EU training organisations, provided that the conditions for granting an exemption are met (i.e. urgent operational need or urgent unforeseeable circumstances).

The exemption in this case needs to focus on the relevant requirements in Part ATCO.OR of the ATCO Regulation concerning the training organisations management system regarding their personnel, and on point ATCO.C.005 requiring that a person shall only carry out practical training when holding a EU ATCO licence with the corresponding endorsement (OJTI (On-The-Job Training Instructor) or STDI).

Assuming that Ukrainian ATCOs already possess a suitable English language proficiency certificate according to the ICAO scale, the need for the national/local language shall however be assessed and eventually explained, if this is not needed or how the lack of it can be mitigated.

Regarding the instructor requirements, means need to be provided to bring the person up to the requirements of the ATCO Regulation regarding the current operational practices and the instructional techniques in the relevant procedures. This may be satisfied by the STDI course.

It shall be highlighted that this process will not result in the issuance of an EU ATCO licence with an STDI endorsement. It is the decision of the competent authority, granting the exemption and defining its scope and duration, which will serve as the proof of equivalence.