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[...](2024) **XXX** draft

Annex I to EASA Opinion No 06/2024

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

**laying down detailed rules and procedures on the acceptance of air traffic controller
licences issued by third countries**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Report of the Wise Persons Group ⁽¹⁾ identified the lack of flexibility in air traffic controller (ATCO) staffing levels in the European Union (EU) as one of the factors that restrict the scalable capacity of the European ATM system.

The acceptance of third-country ATCO licences is not covered by the current ATCO Regulation ⁽²⁾. However, the European Union Aviation Safety Agency (EASA) Basic Regulation ⁽³⁾ (Regulation (EU) 2018/1139) and, in particular, its Article 68, empowers the Commission to adopt delegated acts with regard to the acceptance of certificates and other documentation attesting to compliance with civil aviation rules issued in accordance with the laws of a third country and ensuring an equivalent level of safety to that provided for in that Regulation.

This proposal is, therefore, intended to increase the availability of ATCOs in the EU air traffic management (ATM) system by enabling the acceptance of individual third-country ATCO licences where such possibility is provided for in international agreements concluded between the Union and a third country in accordance with point (a) of Article 68(1) of the Basic Regulation.

This proposal also responds to certain comments received during the public consultation of NPA 2021-08 ⁽⁴⁾ that suggested the application of the principles and methodology established for the crediting and/or conversion of military licences also to other types of national and international licences.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

EASA developed Opinion No 06/2024 in line with the Basic Regulation and the EASA Rulemaking Procedure ⁽⁵⁾. This Rulemaking Task (RMT).0668 is included in Volume II of the

⁽¹⁾ <https://ec.europa.eu/transport/sites/transport/files/2019-04-report-of-the-wise-persons-group-on-the-future-of-the-single-european-sky.pdf>

⁽²⁾ 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).

⁽³⁾ 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 (OJ L 212, 22.8.2018, p. 1).

⁽⁴⁾ [NPA 2021-08 - Enhanced mobility options and streamlined qualifications for air traffic controllers | EASA \(europa.eu\)](#)

⁽⁵⁾ EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 ([EASA MB Decision No 01-2022 on the Rulemaking Procedure, repealing MB Decision 18-2015 \(by written procedure\) | EASA \(europa.eu\)](#)).

European Plan for Aviation Safety (EPAS) for 2023-2025 ⁽⁶⁾. The scope and timescales of the task were defined in the related Terms of Reference (ToR) ⁽⁷⁾.

This proposal, relevant to Subtask 3, to introduce a mechanism for the recognition of third-country ATCO licences under the ATCO Regulation, has been developed by EASA.

The draft regulatory material was submitted for public consultation in accordance with Article 115 of the Basic Regulation, Article 6 of the Rulemaking Procedure and in accordance with the ToR for this RMT through NPA 2023-02 ⁽⁸⁾.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This proposed delegated act offers the possibility of issuing student air traffic controller licences or accepting air traffic controller licences on the basis of certificates issued in accordance with the laws of a third country.

For the issue of student air traffic controller licences, the proposed delegated act imposes the obligation on the applicant to obtain a recommendation from a training organisation that is certified to provide initial training for the purpose of issuing student air traffic controller licences in accordance with the ATCO Regulation. The proposed delegated act describes also the required elements of such recommendation, based on which national competent authorities may grant credits to the applicant with regard to already accomplished training.

In addition, for the purpose of providing instruction and assessment, national competent authorities may decide to accept certificates issued in accordance with the laws of a third country, provided that the applicants hold an ICAO-compliant licence issued by a third country, with a rating and, if applicable, rating endorsement corresponding to the one for which they are authorised to instruct or assess, and demonstrate that they have received training and successfully passed examinations and assessments equivalent to those required by the ATCO Regulation. In such case, the privileges shall be limited to the provision of instruction and assessment at air traffic controller training organisations that provide initial training.

⁽⁶⁾ [European Plan for Aviation Safety \(EPAS\) 2024 - 13th edition | EASA \(europa.eu\)](#)

⁽⁷⁾ [ToR RMT.0668 - Regular update of the air traffic controller licencing rules \(implementing rules, acceptable means of compliance, guidance material\) | EASA \(europa.eu\)](#)

⁽⁸⁾ [NPA 2023-02 - Training the next generation of ATCOs | EASA \(europa.eu\)](#)

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

laying down detailed rules and procedures on the acceptance of air traffic controller licences issued by third countries

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 ⁽⁹⁾, and in particular Article 68(3) thereof,

Whereas:

- (1) Commission Regulation (EU) 2015/340 ⁽¹⁰⁾ lays down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates.
- (2) With the adoption of Regulation (EU) 2018/1139, and in particular its Article 68, the Commission is empowered to adopt delegated acts with regard to the acceptance of certificates and other documentation attesting to compliance with civil aviation rules issued in accordance with the laws of a third country and ensuring an equivalent level of safety to that provided for in Regulation (EU) 2018/1139.
- (3) The objective of this Regulation is, therefore, to establish the conditions for the acceptance of air traffic controller licences by enabling either the issue of student air traffic controller licences in accordance with Commission Regulation (EU) 2015/340 or their acceptance for the purpose of providing instruction and assessment at air traffic controller training organisations that are certified to provide initial training,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down detailed rules as regards the conditions for the acceptance of air traffic controller licences and associated ratings and endorsements issued in accordance with the laws of a third country.

⁽⁹⁾ OJ L 212, 22.8.2018, p. 1.

⁽¹⁰⁾ OJ L 63, 6.3.2015, p. 1.

Article 2

Definitions

For the purposes of this Regulation, the following definition shall apply:

‘credit’ means the recognition by the competent authority of the training undertaken by the holder of an air traffic controller licence issued in accordance with the laws of a third country for the purpose of applying for a student air traffic controller licence to be issued in accordance with this Regulation.

Article 3

Acceptance of third-country licences and certificates

Without prejudice to international agreements concluded between the European Union and a third country in accordance with Article 68(1)(a) of Regulation (EU) 2018/1139, Member States may:

- (1) in accordance with Article 4 of this Regulation, issue student air traffic controller licences in accordance with point ATCO.B.001 of Commission Regulation (EU) 2015/340 to applicants on the basis of certificates issued in accordance with the laws of a third country;
- (2) in accordance with Article 5 of this Regulation, accept air traffic controller licences and associated ratings, privileges or certificates issued in accordance with the law of a third country.

Article 4

Issue of licences

- (1) The competent authority of a Member State may issue student air traffic controller licences in accordance with point ATCO.B.001 of Commission Regulation (EU) 2015/340 on the basis of certificates issued in accordance with the laws of a third country, provided that the applicant meets all of the following conditions:
 - (a) is at least 18 years old;
 - (b) demonstrates compliance with the relevant requirements of Subpart D, Sections 1 to 4 of Annex I (Part ATCO) to Commission Regulation (EU) 2015/340;
 - (c) holds a valid medical certificate issued in accordance with Annex IV (Part ATCO.MED) to Commission Regulation (EU) 2015/340;
 - (d) demonstrates an adequate level of language proficiency in accordance with the requirements set out in points ATCO.B.030 to ATCO.B.040 of Commission Regulation (EU) 2015/340.
- (2) The holder of an air traffic controller licence issued in accordance with the laws of a third country may apply for the issue of a student air traffic controller licence at the competent authority of a Member State after having obtained a recommendation from a training organisation that meets the requirements laid down in Annex III (Part ATCO.OR) to

Commission Regulation (EU) 2015/340 and that is certified to provide initial training for the purpose of issuing student air traffic controller licences in accordance with Commission Regulation (EU) 2015/340.

- (3) Where at the request of the applicant the training organisation issues a recommendation as referred to in paragraph 2, it shall ensure that such recommendation shall:
- (a) describe the scope of the privileges of the third-country air traffic controller licence referred to in paragraph (2);
 - (b) indicate for which requirements of Annex I (Part ATCO) to Commission Regulation (EU) 2015/340 credit is to be granted;
 - (c) 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) to Commission Regulation (EU) 2015/340 and that is certified to provide initial training for the purpose of issuing student air traffic controller licences in accordance with Commission Regulation (EU) 2015/340;
 - (d) include a statement confirming that the compliance of the applicant with the training, examination, and assessment requirements described in the recommendation can be considered as being equivalent to the successful completion of the initial training required under Commission Regulation (EU) 2015/340 for the purpose of issuing student air traffic controller licences;
 - (e) include copies of all relevant supporting documentation, including copies of the relevant third-country requirements and procedures, demonstrating how the training organisation has established the elements listed in points (a) to (d) above.
- (4) For the purpose of issuing student air traffic controller licences, any credit granted by the competent authority shall take into account the recommendation referred to in paragraph (2).

Article 5

Acceptance of certificates

- (1) The competent authority of a Member State may accept air traffic controller licences and associated ratings, endorsements or certificates issued in accordance with the laws of a third country for the purpose of providing instruction and assessment, provided that the applicant meets both of the following conditions:
- (a) they hold an air traffic controller licence issued by a third country in accordance with Annex 1 to the Convention on International Civil Aviation, signed on 7 December 1944 in Chicago ('the Chicago Convention') by a third country, with a rating and, if applicable, rating endorsement corresponding to the one for which they are authorised to instruct or assess;

- (b) they have demonstrated to the competent authority referred to in Article 6 of Regulation (EU) 2015/340 that they have received training and successfully passed examinations and assessments equivalent to those required by Subpart D, Section 5 of Annex I to Commission Regulation (EU) 2015/340.
- (2) The privileges referred to in paragraph (1) shall be limited to provide instruction and assessment for air traffic controller training organisations certified to provide initial training.

Article 6

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*.

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

Done at Brussels,

For the Commission
The President
[\[...\]](#)