Details of the Amendments to the ANO (2009) arising from the EASA Air Traffic Controller Licensing Regulation

PART 1

Changes arising from the EASA Air Traffic Controller Licensing Regulation

1.—(1) For article 177 (prohibition of unlicensed air traffic controllers) substitute—

"Prohibition of unlicensed student air traffic controllers and air traffic controllers

177.—(1) A person must not provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(2) A person must not provide air traffic control services in the North Atlantic Shanwick Oceanic Control Area unless that person holds either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4) which contains—

(a) an Area Control Surveillance Rating and an Oceanic Control endorsement; or

(b) an Area Control Procedural Rating and an Oceanic Control endorsement.

(3) A person must not hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(4) A student air traffic controller licence or air traffic controller licence referred to in paragraphs (1), (2) and (3) is a licence issued under the EASA Air Traffic Controller Licensing Regulation by a competent authority of the United Kingdom or a licence issued under the EASA Air Traffic Controller Licensing Regulation by a Member State other than the United Kingdom.".

(2) Omit articles 178 to 184.

(3) For article 185 (particulars of licence) substitute—

"Period for which a student air traffic controller licence remains in force

185. Unless suspended or revoked under Article 6 of the EASA Air Traffic Controller Licensing Regulation, a student air traffic controller licence remains in force for the period specified in the licence which shall not exceed two years.

Inclusion of national endorsements

185A.—(1) The CAA may include in an Approach Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—

(a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;

(b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.

(2) The CAA may include in an Area Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—

(a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;

(b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.

(3) The CAA may include in an Area Control Procedural Rating contained in an air traffic controller licence an Oceanic Control Endorsement which entitles the holder to provide air traffic control services to aircraft operating in an Oceanic Control Area.".

(4) Omit articles 186 to 192.

(5) In article 193 (fatigue of air traffic controllers), for "act as an air traffic controller or a student air traffic controller" substitute "exercise the privileges of a student air traffic controller licence or an air traffic controller licence".

(6) For article 194 (acting under the influence of drink or a drug) substitute—

"Acting under the influence of psychoactive substances or medicines

194. A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence whilst under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of their licence safely and properly.".

(7) For article 196 (use of simulators) substitute—

"Use and approval of simulators

196.—(1) No part of any examination, assessment or test undertaken for the purposes of the EASA Air Traffic Controller Licensing Regulation may be undertaken in a simulator unless that simulator has been approved for the purpose by the CAA.

(2) The CAA must approve a simulator for the purposes of paragraph (1) if it is satisfied that it is fit for its intended purpose.".

(8) For article 198 (certification of training providers and mutual recognition of training certificates) substitute—

"Certification of training organisations

198. A person must not provide training necessary to obtain from the CAA student air traffic controller licences or air traffic controller licences or any associated rating or endorsement or to maintain any of them unless—

(a) that person holds training organisation certification issued or recognised by the CAA in accordance with the EASA Air Traffic Controller Licensing Regulation; and

(b) the training has been approved by the CAA in accordance with Article 22(2)(d) of the EASA Air Traffic Controller Licensing Regulation.".

(9) In article 199 (certified training providers: production of records)—

(a) in the heading, for "providers" substitute "organisations";

(b) for "provider" on each occasion it occurs substitute "organisation"; and

(c) for "the requirements set out in paragraph 1 of Annex IV of the air traffic controllers' directive" substitute "the requirements set out in Chapter IV of the EASA Air Traffic Controller Licensing Regulation as amended from time to time".

(10) Omit article 200 (mutual recognition of air traffic controller's licences).

(11) For article 201 (definitions relevant to this Part and Schedule 10) substitute—

"Meaning of terms used in this Part

201. Terms used in this Part have the same meaning as equivalent terms used in the EASA Air Traffic Controller Licensing Regulation as amended from time to time.".

(12) Omit article 238(1)(e).

(13) In article 255(1) (interpretation)—

(a) omit the definition of "Air traffic controller's directive";

(b) after the definition of "EASA" insert—

"'EASA Air Traffic Controller Licensing Regulation' means Commission Regulation (EU) No. 805/2011 of 10th August 2011(**a**) laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No. 216/2008**(b)** of the European Parliament and of the Council;";

(c) after the definition of "North Atlantic Minimum Navigation Performance Specification Airspace" insert—

"'North Atlantic Shanwick Oceanic Control Area' means the airspace notified as such;"; and

(d) for the definition of "Sector" substitute—

"'Sector' means a part of a control area or part of a flight information region or upper region;".

(14) Omit Schedule 10 (air traffic controllers – licences, ratings, endorsements and maintenance of licence privileges).

(15) In Section 1 of Part A (provisions referred to in article 241(5)) of Schedule 13 (Penalties)—

(a) in the column headed "Article of Order" omit "189(1)", "189(2) and (3)", "190" and "192" together with the entries adjacent to each in the column headed "Subject Matter";

(b) in the entry in the column headed "Subject Matter" adjacent to "198" for "providers" substitute "organisations"; and

(c) in the entry in the column headed "Subject Matter" adjacent to "199" for "provider" substitute "organisation".

(16) In Section 1 of Part C (provisions referred to in article 241(7)) of Schedule 13—

(a) for the entry in the column headed "Subject Matter" adjacent to "177(1)" substitute "Requirement to hold student air traffic controller licence or air traffic controller licence";

(b) in the column headed "Article of Order" omit "178" together with the adjacent entry in the column headed "Subject Matter";

(c) for the entry in the column headed "Subject Matter" adjacent to "193" substitute "Obligation not to exercise the privileges of a student air traffic controller licence or an air traffic controller licence if fatigued"; and

(d) for the entry in the column headed "Subject Matter" adjacent to "194" substitute "Obligation not to exercise the privileges of a student air traffic controller licence or an air traffic controller licence if under the influence of a psychoactive substance or medicines".

(17) At the end of Part C add—

Article 17(1)	Reduced medical fitness".

(**a**) OJ No L 206, 11.8.2011, p.21.
(**b**) OJ No L 79, 19.3.2008, p.1.

"SECTION 4

Provision of EASA Air Traffic Controller Licensing Regulation	*Subject Matter*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further changes to the Air Navigation Order 2009 (the "ANO 2009").

Part 4 amends the ANO 2009 so as to reflect Commission Regulation (EU) No 805/2011 of 10th August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ No L 206, 11.8.2011, p.21) (known as "the EASA Air Traffic Controller Licensing Regulation").

Article 61 amends the ANO 2009 to introduce provision such that a person must not act as an air traffic controller or a student air traffic controller unless they hold a licence which has been issued or recognised by the CAA under the EASA Air Traffic Controller Licensing Regulation. National endorsements for offshore and special tasks services may be included in an air traffic controller licence (new article 185A). Organisations providing air traffic control training must be certificated as such by the CAA (article 198 of the ANO 2009 as substituted).