

16 July 2012

LETTER OF INTENT

NOTIFICATION OF AN AMENDMENT TO THE AIR NAVIGATION ORDER (ANO) 2009 TO ACCOMMODATE NEW EUROPEAN COMMISSION REGULATION (EU) No. 805/2011 REGARDING LICENSING OF AIR TRAFFIC CONTROLLERS

1. Introduction

- 1.1 The purpose of this Letter of Intent is to inform stakeholders of the results of the CAA's review of the Air Navigation Order 2009 (ANO) in light of the publication of European Union Commission Regulation (EU) No. 805/2011 and to highlight amendments to the ANO as a consequence of the United Kingdom's obligation to ensure its legislation does not conflict with or duplicate the new regulation.

2. Background

- 2.1 The licensing of air traffic controllers was previously carried out under EU Directive 2006/23. This Directive was implemented in the United Kingdom by Part 24 of and Schedule 13 to the Air Navigation Order 2009. On 10 August 2011, this Directive was revoked and replaced by Commission Regulation (EU) No. 805/2011 which is directly binding on the United Kingdom. Accordingly, the ANO provisions, which implemented the Directive, must be revoked.

3. Consultation

- 3.1 Commission Regulation (EU) No. 805/2011 was created on 10 August 2011, with an enforcement date of 29 August 2011, via a fast-track process in which EU Directive 2006/23 was transposed into a regulation.
- 3.2 As no material changes were made to the requirements in the Directive, it was not considered that consultation on the consequential ANO changes were necessary.

4. Impact Assessment

- 4.1 The new Regulation has been in force since 29 August 2011 and the United Kingdom is obliged to ensure its legislation does not conflict with or duplicate that of the new Regulation. Additionally, as noted above, the new Regulation makes no major changes to the provisions of Directive 2006/23, which was implemented by Part 24 of and Schedule 13 to the ANO. The proposed amendment, therefore, very largely comprises of omission from the ANO of the provisions which formerly implemented the Directive and as such has only a relatively minor impact on those who are affected by the Regulation.
- 4.2 In light of all these factors, it was considered that it was not necessary to complete an Impact Assessment.

5. ANO Amendments

5.1 Enclosed with this letter are the amendments to the ANO to be incorporated.

6. Intention to Proceed

6.1 These changes will come into force on 10 August 2012.

6.2 Additionally, a CAA Information Notice outlining the implications of the implementation of Commission Regulation (EU) No. 805/2011, the consequent effect on the ANO and steps that Air Navigation Service Providers (ANSPs) may have to undertake to comply with these changes will be published in conjunction with the publication of the ANO amendment on or around 10 August 2012.

7. Queries

7.1 Queries as a result of this Letter of Intent should be addressed to ats.enquiries@caa.co.uk.



Head Aerodrome And Air Traffic Standards Division

Attachments:
Proposed ANO Amendments