AIR NAVIGATION ORDER 2009 (AS AMENDED) CHANGES ASSOCIATED WITH THE IMPLEMENTATION OF EUROPEAN UNION COMMISSION REGULATION (EU) No. 805/2011 – ATCO LICENSING

Further information regarding this matrix can be found in CAA Information Notice IN-2012/165.

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
177	Article 177 has been retained so that it remains a specific offence under the ANO to provide an ATS without an air traffic controllers licence issued under Commission Regulation (EU) No. 805/2011. The scope of the revised Article 177 has been expanded so that it is an offence to provide an ATS without a student air traffic controller licence issued under Commission Regulation (EU) No. 805/2011, subsuming what was previously in Article 178, which has been revoked. The revised Article 177 also ensures that the requirements of Commission Regulation (EU) No. 805/2011 are applied to the licences of student and air traffic controllers providing an air traffic service in the North Atlantic Shanwick Oceanic Control Area. The revised Article 177 acknowledges that the UK recognises licences issued under Commission Regulation (EU) No. 805/2011 by any Member State. Previously ANO Article 200 required that a licence holder whose licence had been issued by another EU Member State had to apply to the CAA so that they could be issued with a certificate of recognition. Article 200 has been revoked.	Replaced with: **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	Articles 8 and 9 Article 2 Article 29

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
		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.	
178	The prohibition of unlicensed student air traffic controllers has been subsumed into the revised Article 177.	Revoked	Article 8
179	The CAA regards the scope of Commission Regulation (EU) No. 805/2011, as defined by Article 2, is such that it excludes the need for those who pass clearances or instructions, to aircraft, on behalf of an ATCO or ATC Unit e.g. Clearance Deliver Officers (CDOs), to hold an air traffic controllers licence. Hence, there is no longer a requirement to make an exception in the ANO.	Revoked	N/A
180	The definition of when acting as a student air traffic controller and air traffic controller is now contained in the Commission Regulation (EU) No. 805/2011 articles as outlined within this document.	Revoked	Articles 8 and 9
181	The requirements that have to be satisfied for the grant of a student licence are contained in Commission Regulation (EU) No. 805/2011 Article 8, apart from (3)(c) *'has sufficient experience and education to give the applicant a reasonable prospect of completing air traffic control training'.*	Revoked	Article 8
182	The requirements that have to be satisfied for the grant of an air traffic controllers' licence are now contained in Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 9

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
183	The ability for a Member State (which for this provision for the UK is the CAA) to impose local language requirements is now contained in Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 13
184	The requirement that language proficiency is tested at regular intervals is now contained in the Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 13
185	Article 185 has been retained so that within the UK the validity of a student air traffic controllers' licence remains at 2 years.	Replaced with: **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.	Article 5

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
185	The National Rating Endorsements identified in this article will remain extant. However, after discussion within the CAA and the wider European Community regarding its merits, the MLAT National Rating Endorsement has been removed from the ANO and does not feature within Commission Regulation (EU) No. 805/2011.	Replaced with: **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.”	Article 31 (1)

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
186	The provisions within this ANO article identifying the privileges of an air traffic controllers' licence and a student air traffic controllers licence are now contained in the Commission Regulation (EU) No. 805/2011 articles as outlined within this document.	Revoked	Article 8(1), 9(1)
187	The provisions for an on-the-job training instructor endorsement in this ANO article are now contained in the Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 14
188	The provisions for the maintenance of the validity of ratings and endorsements identified within this ANO article are now contained in the Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 12
189	Whilst some of the provisions regarding the responsibilities associated with the obligation to notify a rating ceasing to be valid and a change of unit are addressed in Commission Regulation (EU) No. 805/2011, others have been omitted. Currently, the content of Commission Regulation (EU) No. 805/2011 article 25 is extant; however, to ensure an adequate level of compliance with this article the CAA intend to address the areas that have been omitted and will notified industry accordingly if there is any amendment to current licensing processes.	Revoked	Article 25
190	The provisions within this ANO article outlining the requirement for an Air Navigation Service Provider to maintain certain records are now contained in the Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 12 (3)

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
191	The provisions within this ANO article outlining the requirements regarding an ATCO or Student ATCOs medical certificate are now contained in the Commission Regulation (EU) No. 805/2011 articles as outlined within this document.	Revoked	Article 15, 16
192	The provisions within this ANO article outlining the requirements regarding incapacity of air traffic controllers are now contained in the Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 17
193	Article 193 ANO has been re-worded to ensure accordance with the terminology found within Commission Regulation (EU) No. 805/2011.	In place of “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”.	
194	Article 194 ANO has been reworded to ensure accordance with the terminology found within Commission Regulation (EU) No. 805/2011.	Replaced with: **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.	*Article 17*
195		No change	N/A

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
196	Article 196 has had a minor textual change to refer to Commission Regulation (EU) No. 805/2011.	Replaced with: **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.	
197		No change	N/A
198	ANO Article 198 has been re-worded to ensure accordance with the terminology found within Commission Regulation (EU) No. 805/2011.	Replaced with: **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.	Article 18

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
199	Article 199 has been reworded to ensure accordance with the terminology found within Commission Regulation (EU) No. 805/2011 and to refer to the new regulation within its text.	(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."	Article 18 (3)
200	Commission Regulation (EU) No. 805/2011 mandates that any licence issued under its provisions must be recognised by all member states and as such a licence issued under this regulation by any Member State is as good as any other. There can, therefore, be no additional requirements imposed on a person because they hold such a licence. This means that the CAA is not entitled to impose the additional requirements as outlined in article 200. However, to ensure that the validity of a licence is verified, a new process is being created that will be outlined in a future IN and incorporated into CAP 744 whereby, when a Unit Training Plan for a non-UK EU citizen is forwarded to SRG for approval, the applicants licence details will be verified. ATC Providers should be aware that before this point non-UK EU citizen licence holder's details will not have been verified by the CAA as correct.	Revoked	Article 28
201	Article 201 has had a minor textual change to refer to Commission Regulation (EU) No. 805/2011.	Replaced with: **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.	Article 28

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
238(1) (e)	The provisions within this ANO article are now contained in the Commission Regulation (EU) No. 805/2011 article as outlined within this document.	Revoked	Article 18 (3)
255(1)	Article 255 has had minor textual changes to refer to Commission Regulation (EU) No. 805/2011.	Definitions— (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(**1**) laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No. 216/2008(**2**) 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;"	
Schedule 10	There is now no requirement for those units that previously operated a dual function role, as outlined in schedule 10, to obtain an approval to continue to operate in this manner. However, in accordance with the relevant CAP, those that wish to set-up a new dual function role at their unit must first present the relevant safety assurance documentation, to their Regional Manager (RM). The RM will then assess the safety of the proposed operation.	Revoked	Articles 10, 11 and 12

ANO Article	Comments/Rationale	New ANO Text	Regulation (EU) No. 805/2011 Article
Schedule 13	Penalties provisions have been revised to reflect the newly amended articles but will retain the equivalent penalty.	**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”. **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”.	

ANO Article	Comments/Rationale	New ANO Text		Regulation (EU) No. 805/2011 Article
		At the end of Part C add— "SECTION 4		
		Provision of EASA Air Traffic Controller Licensing Regulation	Subject Matter	
		Article 17(1)	Reduced medical fitness"	