Air transport: Community air traffic controller licence, Single European Sky package

2004/0146(COD) - 23/06/2005 - Modified legislative proposal

The European Parliament adopted 21 amendments, of which the Commission accepts 18. However, the Commission is not able to accept three of the Parliament amendments.

The Commission supports all amendments relating to drafting or highlighting the importance of safety standards. It also supports the position of the Parliament with regard to amendments where a delicate balance is struck between safety requirements and mobility expectations, covering “national” endorsements and the linguistic regime.

In addition, the amended proposal introduces a specific approval procedure of the linguistic test instead of a complete certification procedure, as suggested by Parliament. A reformulation of Article 8 par. 4 is needed. It should state that Member States may impose local language requirements when deemed necessary for safety purposes. Member States may in certain cases and for reasons of safety, require level 5 of the language proficiency rating scale, as specified in Annex II, in English and/or the local language where the operational circumstances of the rating or the endorsement so require. Any such requirement must be objectively justified, non-discriminatory, proportionate and transparent. Proficiency shall be demonstrated by a certificate issued after a transparent and objective assessment procedure approved by the national supervisory authority.

With regard to accounting standards, the Commission supports the amendment proposing the

deletion of Article 11 par. 1.

As regards the amendments accepted in part or in principle by the Commission, it supports the idea of follow-up of the implementation of the Directive by social partner organisations and of the reference to national social law and regulations in case of mobility, on the condition that these ideas are reflected in recitals in the appropriate form of legal drafting. The idea of security training and crisis management would be referred to in Annex I Part A dealing with initial training issues.

Further amendments would lead to the following reformulation of recital 16 and annex I Part A and to the introduction of a new recital 16(a): this Directive may have an impact on the daily working practices of air traffic controllers. The social partners should be informed and consulted in an appropriate way on all measures having significant social implications. Therefore, the Sectoral Dialogue Committee set up under Commission Decision 1998/500/EC of 20 May 1998 on the

establishment of Sectoral Dialogue Committees promoting the dialogue between the social

partners at European level has been consulted and should be consulted on any further developments. On Annex I Part A, initial training shall cover the following subjects: Aviation Law, Air Traffic Management, including Procedures for Civil-Military Co-operation, Meteorology, Navigation, Aircraft and Principles of Flight, including an understanding between air traffic

controller and pilot, Human Factors, Equipment and Systems, Professional Environment, Unusual /Emergency Situations, including security and crisis management, Degraded Systems, Linguistic Knowledge, including radiotelephony Phraseology.

Member States should ensure that the rights and obligations applicable to the employment relationship between the air traffic controller and employer are governed by the provisions applicable in the Member State where the air traffic controller usually performs his/her work, irrespective of the airspace under his responsibility.

Lastly, concerning the amendments refused, the Commission cannot support the amendment concerning the international accounting standards as it is of the opinion that these are sufficiently covered by other Community legislation. Furthermore, the Commission does not support the amendment which would lead to a delay of the introduction of the Community standards and the co-existence of both the Community and the national systems of licences. Another amendment is rejected as it deviates from the standard clause on sanctions.