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

2004/0146(COD) - 14/11/2005 - Council position

The common position reflects the outcome of informal contacts between the Parliament, the Commission and the Council. Although the proposal has been restructured to make it more logical and readable, in essence the common position text retains all the principal elements proposed by the Commission.

The main changes made to the Commission's proposal are as follows:

- **Scope**: The impact of the Directive on civil air traffic controlled by service providers primarily dealing with military traffic was adjusted to align the approach with that taken under the Single Sky Regulations;
- **Social questions**: The recitals were used to clarify, in response to concerns from the European Parliament, that the Directive would not impact upon existing national provisions governing the employment relationship between controllers and employers, and that further implementing measures would involve consultation of the social partners at European level.
- **Language requirements:** Although the basic requirement for language proficiency at operational level (level 4) proposed by the Commission is retained (for English and, when deemed necessary for safety, for a local language), the common position also permits expert level (level 5) for imperative reasons of safety.
- **Improved mutual recognition**: Licences and all their associated ratings, rating endorsements, language endorsements and medical certificates are clearly made subject to the principle of mutual recognition without conditions. Only the geographically specific unit endorsements, for which particular conditions can be imposed by the national authority, remain outside this automatically recognised "community passport". In addition a licence holder working in a Member State other than the one which issued his/her licence, has the right to exchange the licence for one issued by the country in which he/she is working.
- **Roles of the national supervisory authorities in cross-border cases**: The common position clarifies that it is only the national authority which issues licences, ratings and endorsements that has the power to withdraw them. However, the national authority of the Member State where the controller is working is responsible for the maintenance of ratings and endorsements and can also suspend them temporarily.
- **Transitional arrangements for existing licence holders**: Existing licence holders are exempted from the age and educational requirements for accessing the profession and from the requirement to complete approved initial training.
- **Minimum and maximum ages:** The minimum age (for a student licence) is fixed at 18, but the recognition of licenceholders from other Member States is only obligatory for those aged 21 and above. A Member State retains the freedom to impose a maximum age, but only as a condition relating to a specific unit endorsement.
- **Additional harmonization**: The common position includes some additional harmonisation regarding the specifications for licences (a new Annex I) and requirements for training providers (an expanded Annex IV).
- **Deletion of unnecessary provisions on accounting standards for training providers:** The provisions of Article 11 of the Commission proposal on accounting management for training providers were considered excessive and unnecessary by both Council and Parliament, and do not feature in the common position text.

The Council has noted the undertaking given by the President of the Parliament's TRANSPORT Committee, in the context of these contacts, to recommend this text for approval by the Parliament without amendment in second reading, following which the Directive will be deemed to have been adopted in accordance with the common position.