European Union Aviation Safety Agency

Draft Opinion/Decision

in accordance with Article 16 (Accelerated procedure) of MB Decision No 18-2015

Conversion of national military air traffic controller licences into student air traffic controller licences issued in accordance with Commission Regulation (EU) 2015/340

RMT.0668

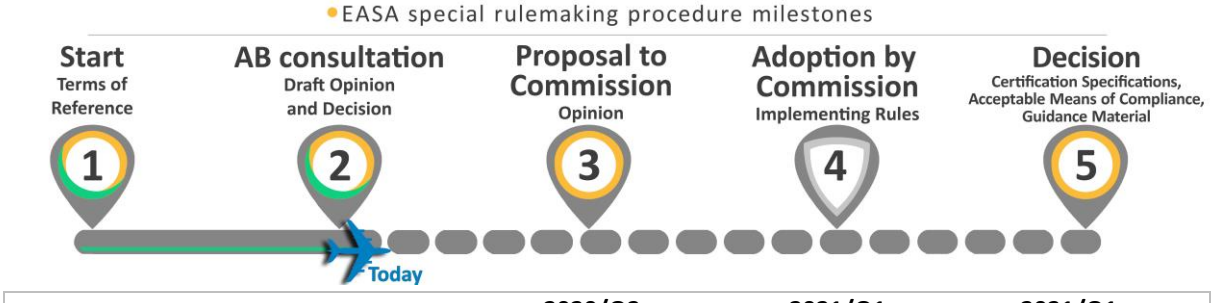
EXECUTIVE SUMMARY

The objective of this draft Opinion/Decision is to propose the introduction of a controlled mechanism for the conversion of national military air traffic controller (ATCO) licences into student ATCO licences issued in accordance with Commission Regulation (EU) 2015/340. For this purpose, this draft Opinion/Decision proposes the establishment of national conversion reports by the Member States, which will be serving as a basis for the crediting of the training received by ATCOs during their military service in the Member States.

The proposed amendments to Commission Regulation (EU) 2015/340 and to the related acceptable means of compliance (AMC) will enable Member States to respond positively to conversion requests from military ATCOs that are interested in obtaining civil ATCO licences, while taking account of their prior valuable training. This in turn will ultimately contribute to a more flexible use of the available ATCO resources in Europe.

This proposal is based on Article 50(1)(c) of Regulation (EU) 2018/1139, which empowers the European Commission to adopt implementing rules laying down detailed provisions concerning, among other things, rules and procedures for the conversion of national ATCO licences into the ATCO licences referred to in Article 49 of that Regulation, i.e. civil ATCO licences.

Action area:	Regular updates		
Affected rules:	Commission Regulation (EU) 2015/340; AMC to the cover regulation and to Annex I (Part ATCO)		
Affected stakeholders:	Air traffic management (ATM)/air navigation service (ANS) providers; competent authorities (CAs); ATCO training organisations (TOs); military ATCOs		
Driver:	Efficiency/proportionality	**Rulemaking group:**	No
Impact assessment:	None	**Rulemaking Procedure:**	Accelerated



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1. About this draft Opinion/Decision

1.1. How this draft Opinion/Decision was developed

The European Union Aviation Safety Agency (EASA) developed this draft Opinion/Decision in line with Regulation (EU) 2018/1139[1] (the 'Basic Regulation') and the Rulemaking Procedure[2]. This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) for 2020–2024[3] under rulemaking task RMT.0668. The text of this draft Opinion/Decision has been developed by EASA and will be consulted with the Advisory Bodies (ABs) in accordance with Article 16 'Special rulemaking procedure: accelerated procedure' of MB Decision No 18-2015. EASA has taken the decision to follow the procedure laid down in said Article as this regulatory proposal has a negligible impact and affects only a limited group of stakeholders. Prior to the consultation with the ABs, EASA presented the principles to the affected stakeholders at the last ATM/ANS TeB meeting 2-2019 on 9 and 10 December 2019, which were well received.

1.2. How to comment on this draft Opinion/Decision

Please submit your comments via e-mail to **ATM@easa.europa.eu**.

The deadline for submission of comments is **3 April 2020**.

1.3. The next steps

Based on the comments received, EASA will consider the need to propose amendments to Commission Regulation (EU) 2015/340[4] and, accordingly, issue an opinion. A summary of the comments received will be included in that opinion.

The opinion will be submitted to the European Commission, which will use it as a technical basis in order to take a decision on whether or not to amend Commission Regulation (EU) 2015/340.

If the European Commission decides that Commission Regulation (EU) 2015/340 should be amended, EASA will then also issue a decision to amend the related AMC in order to align them with the amendments introduced into that Regulation.

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1 Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139).

2 EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure).

3 https://www.easa.europa.eu/sites/default/files/dfu/EPAS_2020-2024.pdf

4 Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p. 1) (https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580466972944&uri=CELEX:32015R0340).

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2. In summary — why and what

2.1. Why we need to change the rules — issue/rationale

The availability of ATCOs in the European Union (EU) is identified as one of the factors that restricts the capacity of the European ATM system. This is well reflected in the Network Operations Plan for 2020 where air navigation service providers (ANSPs) have reported to the Network Manager their plans for increasing the capacity, either by initiatives aiming to increase staffing levels or by recruiting. Another identified factor that hampers scalability and sustainability of the European ATM system is the limited flexibility in the use of the available ATCO resources.

Commission Regulation (EU) 2015/340 lays down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates, and among other things, it lays down the knowledge and experience requirements for the profession, as well as the requirements for the mutual recognition of ATCO licences throughout the EU.

The possibility to credit the training of military ATCOs received during their military service for the purpose of obtaining an EU student ATCO licence is not foreseen in Commission Regulation (EU) 2015/340. Contrary to this, in the aircrew domain, Article 10 'Credit for pilot licences obtained during military service' of Commission Regulation (EU) 1178/2011 laying down technical requirements and administrative procedures to civil aviation aircrew[5] establishes a specific mechanism for the crediting of knowledge, experience and skills of military pilots for the purpose of obtaining an EU pilot licence.

Member States have proposed to EASA that a similar system should be established within Commission Regulation (EU) 2015/340 in order to enable military ATCOs to obtain credit for the training received during their military service for the purpose of demonstrating compliance with the training requirements that apply to civil ATCOs. Member States believe that the military ATCO training in Europe provides for a high level of safety that is comparable to the civil ATCO training, and that it should be possible to take account of the national military ATCO training systems for the purpose of issuing EU ATCO licences. EASA agrees with this proposal.

Obtaining an EU student ATCO licence will enable applicants to further undertake a unit endorsement course and on-the-job training within a specific air traffic services unit.

EASA also agrees that introducing the possibility of crediting military ATCO training for the purpose of issuing an EU student ATCO licence could clearly contribute to a more flexible use of the available ATCO resources in Europe and thus effectively contribute to addressing the shortage of qualified civil ATCOs both at Member State and EU level.

In view of the above, this draft Opinion/Decision proposes that Member States wishing to make use of this possibility should establish conversion reports according to which prior training of military ATCOs may be credited for the purpose of issuing civil student ATCO licences. In order to achieve a harmonised approach within the EU, the main elements of such national conversion reports in terms of content and format should be specified in Commission Regulation (EU) 2015/340 and the related AMC. Accomplishing additional training that arises from the conversion report would be less time

[5] Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1) (https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580469047429&uri=CELEX:32011R1178).

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intensive for the applicant than taking the entire initial ATCO training. Introducing such a possibility would thus enable military ATCOs to be more swiftly available to ANSPs.

This proposal is based on Article 50(1)(c) of the Basic Regulation, which empowers the European Commission to adopt implementing rules laying down detailed provisions concerning, among other things, rules and procedures for the conversion of national ATCO licences into the ATCO licences referred to in Article 49 of that Regulation, i.e. civil ATCO licences.

Given the importance of this topic for the effective functioning of the European ATM system, and taking into account the fact that by enabling the conversion of national military ATCO licences into EU student ATCO licences through a crediting mechanism would only affect a limited and clearly identified group of stakeholders, EASA decided to assign to this task a high priority and to process it in accordance with the Article 16 accelerated rulemaking procedure.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1(2)(b) and (e) of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.

The specific objective of this proposal is to enable the conversion of national military ATCO licences into civil student ATCO licences issued in accordance with Commission Regulation (EU) 2015/340 through a crediting mechanism. This is expected to facilitate the flexible use of the available ATCO resources by enhancing employee mobility, providing equal opportunities (as in the pilot scheme), and helping prevent civil ATCO shortage.

2.3. How we want to achieve it — overview of the proposals

The above objectives can be achieved by introducing the possibility of converting national military ATCO licences into civil student ATCO licences issued in accordance with Commission Regulation (EU) 2015/340, based on a conversion report developed by the Member State, under which the training accomplished during military service could be credited.

For the purpose of the conversion, it is proposed that military ATCO licence holders should apply to the competent authority of the Member State where they have served their military service.

It is proposed that the training accomplished during military service should be given credit for the purpose of demonstration of compliance with the relevant requirements, which are laid down in Annex I (Part ATCO) to Commission Regulation (EU) 2015/340, in accordance with the conversion report established by the Member State.

It is also proposed that this conversion report should address certain common elements, such as:

— the national requirements on the basis of which the military ATCO licence was issued;

— the scope of the privileges of the military ATCO licence;

— for which Annex I (Part ATCO) requirements credit is to be given;

— the training, including the required examinations and assessments to be undertaken by the applicant and conducted by a training organisation that satisfies the requirements laid down in Annex III (Part ATCO.OR) and is certified to provide initial training;

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— copies of all the documents that are necessary to demonstrate the elements above, accompanied by copies of the relevant national requirements and procedures;

— an assessment confirming the equivalence of the completed training, examination and assessment arising from the conversion report with the initial training leading to the issue of a student ATCO licence.

For the purpose of effective standardisation, the Member States shall notify EASA of the national conversion reports issued in accordance with new Article 8a 'Conversion of national military air traffic controller licences into student air traffic controller licences'.

2.4. What are the expected benefits and drawbacks of the proposals

It is important that personnel employed by ATM/ANS providers, such as ATCOs, are appropriately qualified, trained and licensed to perform their duties. The implementing acts to be adopted under the EASA Basic Regulation and concerning the responsibilities of the Member States should lay down further detailed harmonised rules for such personnel to ensure the necessary level of safety when providing air traffic control services.

Enabling the conversion of military ATCO licences into civil student ATCO licences in the sense of crediting the training of military ATCOs will facilitate the flexible use of the available ATCO resources by enhancing employee mobility, providing equal opportunities with pilots in this respect, and contributing to the prevention of civil ATCO shortage.

Some Member States have indicated the need for additional ATCOs for each year of the RP3 (2020–2024). One of the means to address ATCO shortage could be to enable the conversion of military ATCO licences into civil student ATCO licences issued in accordance with Commission Regulation (EU) 2015/340.

It is important to highlight that this draft Opinion/Decision does not intend to impose any obligation on the Member States to move military ATCOs into the civil sector. The possibility for applying for the conversion of an ATCO military licence into a civil student ATCO licence is entirely based on a free-market environment and it is up to the applicant's personal decision. In this context, the recruitment process of the ANSPs should be open and transparent, i.e. any EU citizen that meets the eligibility criteria set by the ANSP is allowed to go through the selection procedure aiming at evaluating the eligibility and suitability of the potential candidate for the specific position. Furthermore, EASA also acknowledges the demand from the ATCO training organisations requiring experienced instructors given the current ATCO shortage. Consequently, the ATCOs benefiting from the conversion of military ATCO licences into civil student ATCO licences could also cover the needs of the ATCO training organisations.

Question to stakeholders:

Stakeholders are invited to indicate whether there will be an ATCO shortage in their countries for the RP3 and to provide data on the possibility of identifying whether there would be military ATCOs willing to apply for a student ATCO licence issued in accordance with Commission Regulation (EU) 2015/340, or alternatively to propose another justified solution to the above issue.

To ensure the establishment of uniform conversion standards across the EU, it is proposed that national competent authorities establish conversion reports, including the requirements for which

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credit is to be given and the additional training to be completed based on the requirements against which the military ATCO licence was issued.

Accomplishing additional training that arises from that conversion report would be less time intensive than taking the entire initial ATCO training. This will enable military ATCOs to be swiftly available to ANSPs.

Establishing a controlled mechanism for such military-to-civil ATCO licence conversion is expected to have a clear benefit over diverse national conversion systems that would not support uniformity and harmonisation.

The valuable experience already gained in the pilot domain enables EASA to be best placed to assist Member States in establishing those conversion reports also by giving guidance on the conversion reports' minimum elements.

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3. Proposed amendments and rationale in detail

The text of the amendment is arranged to show deleted, new or amended, and unchanged text as follows:

— deleted text is ~~struck through~~;

— new or amended text is highlighted in blue;

— an ellipsis '[…]' indicates that the rest of the text is unchanged.

3.1. Draft regulation (draft Opinion)

Commission Regulation (EU) 2015/340 is amended as follows:

(1) Article 1(1)(a) is replaced by the following:

[…]

'(a) the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking air traffic controller and student air traffic controller licences and associated ratings and endorsements, including the rules and procedures for the conversion of national air traffic controller licences obtained during military service into European Union air traffic controller licences, and the privileges and responsibilities of the holders of those licences, ratings and endorsements;'

(2) Article 4 is amended as follows:

(a) the following point (7a) is inserted:

'(7a) "credit" means the recognition of the training undertaken by an air traffic controller during their military service for the purpose of applying for a student air traffic controller licence to be issued in accordance with this Regulation;'

(b) the following point (7aa) is inserted:

'(7aa) "national conversion report" means a report on the basis of which prior ATCO training may be given credit by the competent authority to which the application for the issue of a student air traffic controller licence is submitted;'

(3) The following Article [8a] is inserted:

'*Article 8a*

Conversion of national military air traffic controller licences into student air traffic controller licences

1. A holder of a national military air traffic controller licence issued by a Member State may apply for the conversion of that licence into a student air traffic controller licence that shall be issued in accordance with this Regulation. The application for the licence conversion shall be submitted to the competent authority of the Member State in whose military forces the applicant has served.
2. The competent authority that has received the application referred to in paragraph 1 shall give credit to the applicant for the purpose of demonstrating compliance with the relevant requirements of Annex I (Part ATCO) in accordance with the national conversion report established by the Member State concerned.
3. The national conversion report shall be notified by the Member State concerned to the Agency and shall:

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(a) describe the national requirements on the basis of which the military air traffic controller licences are issued in that Member State;

(b) describe the scope of the privileges of the military air traffic controller licences referred to in point (a);

(c) indicate for which requirements of Annex I (Part ATCO) credit is to be given;

(d) indicate the training, including the required examinations and assessments, to be undertaken by the applicants; that training, including the required examinations and assessments, must be conducted by a training organisation that meets the requirements laid down in Annex III (Part ATCO.OR) and that is certified to provide initial training for the purpose of issuing student air traffic controller licences in accordance with this Regulation;

(e) include copies of all relevant supporting documentation, including copies of the relevant national requirements and procedures, demonstrating how the Member State has established the elements listed in points (a) to (e) above;

(f) include an assessment confirming that the compliance of the applicant with the training, examination, and assessment requirements described in the national conversion report can be considered as being equivalent to the successful completion of the initial training required under this Regulation for the purpose of issuing a student air traffic controller licence.'

3.2. Draft AMC (draft Decision)

'AMC1 Article 8a(3) Credit for the air traffic controller training received during military service

CONTENTS OF THE NATIONAL CONVERSION REPORT

The national conversion report should contain, as a minimum, all the following elements:

1. General

Table of contents, document revision history, list of abbreviations.

2. Introduction

Purpose, scope.

3. National requirements for the issue of military air traffic controller licences

Overview and structure of the military air traffic controller training, licences and ratings issued, including their scope and privileges.

4. Results of the gap analysis

Description and comparison of the requirements for the training of military air traffic controllers and civil air traffic controllers.

5. Overview of the possible credits

Persons that are entitled to apply, including training, examination and assessment to be undertaken by the applicant.

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6. Reference documents

Copies of relevant national requirements and procedures.’

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4. Proposed actions to support implementation

— Focused communication for Advisory Body meeting(s) (MAB/SAB/TeB/TEC/COM) (Advisory Body members)

5. References

5.1. Affected regulations

— Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p. 1)

5.2. Affected decisions

— Executive Director Decision 2015/010/R of the Executive Director of the Agency of 13 March 2015 adopting Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) 2015/340

5.3. Other reference documents

— Annex 1 ‘Personnel Licensing’ to the Convention on International Civil Aviation (Chicago Convention)

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