

Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (Text with EEA relevance) (repealed)

CHAPTER V

REQUIREMENTS FOR COMPETENT AUTHORITIES

Article 21

Independence of the competent authority

- 1 The competent authorities shall be independent of air navigation service providers and training organisations. This independence shall be achieved through adequate separation, at the functional level at least, between the competent authorities and such providers. Member States shall ensure that competent authorities exercise their powers impartially and transparently.
- 2 Member States shall notify the Agency of the names and addresses of the competent authorities, as well as any changes thereof.

Article 22

Tasks of the competent authorities

- 1 In order to ensure the levels of competence indispensable for air traffic controllers in order for them to perform their work to high safety standards, the competent authorities shall supervise and monitor their training.
- 2 The tasks of competent authorities shall include:
 - a the issue and revocation of licences, ratings and endorsements for which the relevant training and assessment was completed under the area of responsibility of the competent authority;
 - b the revalidation, renewal and suspension of ratings and endorsements, the privileges of which are exercised under the responsibility of the competent authority;
 - c the certification of training organisations;
 - d the approval of training courses, unit training plans and unit competence schemes;
 - e the approval of examiners or competence assessors;
 - f the monitoring and auditing of training systems;
 - g the establishment of appropriate appeal and notification mechanisms;
 - h the approval of the need for extended level (level five) language proficiency in accordance with Article 13(5);
 - i the approval of the procedures related to reduced medical fitness in accordance with Article 17(3).

Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version

Article 23

Issue and maintaining licences, ratings, endorsements and certificates

- 1 The competent authority shall establish procedures for the application and issue, renewal and revalidation of licences, associated ratings, endorsements and medical certificates.
- 2 Upon receipt of an application the competent authority shall verify whether the applicant meets the requirements of this Regulation.
- 3 When satisfied that the applicant meets the requirements of this Regulation, the competent authority shall issue, renew or revalidate the relevant licence, associated rating, endorsement or medical certificate.
- 4 The license issued by the competent authority shall include the items set out in Annex I.
- 5 When a license is issued in a language other than English, it shall include an English translation of the items set out in Annex I.

Article 24

Competence assessment

- 1 Competent authorities shall approve the licence holders who are entitled to act as competence examiners or competence assessors for unit and continuation training.
- 2 The approval shall be valid for a renewable period of three years.

Article 25

Record-keeping

Competent authorities shall ensure that a database is maintained listing the competencies of all licence holders under their responsibility and the validity dates of their endorsements.

Article 26

Exchange of information

With due respect to the principles of confidentiality set out in Article 15(3) of Regulation (EC) No 216/2008, competent authorities shall exchange appropriate information and shall assist each other so as to ensure the effective application of this Regulation, particularly in cases involving the free movement of air traffic controllers within the Union.

Article 27

Certification procedure for training organisations

- 1 Competent authorities shall establish procedures for the application, issuance and maintaining the validity of training organisations' certificates.
- 2 Competent authorities shall issue certificates when the applicant training organisation fulfils the requirements laid down in Chapter IV.
- 3 The certificate may be issued for each type of training or in combination with other air navigation services, whereby the type of training and the type of air navigation service shall be certified as a package of services
- 4 The certificate shall specify the information in Annex IV.

Article 28

Monitoring of training organisations activities and enforcement

- 1 Competent authorities shall monitor compliance with the requirements and conditions attached to the training organisation's certificate.
- 2 Competent authorities shall audit the training organisations on a regular basis with a view to guaranteeing effective compliance with the standards laid down in this Regulation.
- 3 In addition to the regular audit, competent authorities may make unannounced inspections to check compliance with the requirements contained in this Regulation.
- 4 If a competent authority finds that the holder of a training organisation's certificate no longer satisfies the requirements or conditions attached to its certificate, it shall take appropriate enforcement measures, which may include withdrawal of the certificate.
- 5 Certificates issued in accordance with the provisions of this Regulation shall be mutually recognised.

Article 29

Recognition of licences

- 1 Member States shall recognise air traffic controller and student air traffic controller licences and their associated ratings, rating endorsements and language endorsements as well as associated medical certificates issued by other Member States in accordance with this Regulation.

However, where a Member States has provided for a lower age limit than 21 pursuant to Article 9(3), the right to exercise of the privileges of the air traffic controller licence holder shall be limited to the territory of the Member State that has issued the licence until the holder reaches the age of 21.

In cases where a licence holder exercises the privileges of the licence in a Member State other than that in which the licence was issued, the licence holder shall have the right to

Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version

exchange his or her licence for a licence issued in the Member State where the privileges are exercised, without additional conditions being imposed.

In order to grant a unit endorsement, the competent authority shall require the applicant to fulfil the particular conditions associated with this endorsement, specifying the unit, sector or working position. When establishing the unit training plan, the training organisation shall take due account of the acquired competencies and the experience of the applicant.

2 The competent authority shall approve or reject the unit training plan containing the proposed training for the applicant not later than six weeks after presentation of the evidence, without prejudice to the delay resulting from any appeal that may be made. The competent authority shall ensure that the principles of non-discrimination and proportionality are respected.