

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 (Text with EEA relevance)

CHAPTER III

SUBSTANTIVE REQUIREMENTS

SECTION VI

Air traffic controllers

Article 48

Essential requirements

Air traffic controllers involved in the provision of ATM/ANS referred to in point (g) of Article 2(1), as well as persons, organisations and synthetic training devices involved in the training, testing, checking or medical assessment of those air traffic controllers, shall comply with the essential requirements set out in Annex VIII.

Article 49

Air traffic controllers

1 Air traffic controllers shall be required to hold an air traffic controller licence and an air traffic controller medical certificate appropriate for the service to be provided.

2 The air traffic controller licence referred to in paragraph 1 of this Article shall be issued upon application, when the applicant for the licence has demonstrated that he or she complies with [F1regulations made under] Article 50 adopted to ensure compliance with the essential requirements referred to in Article 48.

3 The air traffic controller medical certificate referred to in paragraph 1 of this Article shall be issued upon application, when the air traffic controller has demonstrated that he or she complies with [F1regulations made under] Article 50 adopted to ensure compliance with the essential requirements referred to in Article 48.

4 The air traffic controller licence and the air traffic controller medical certificate referred to in paragraph 1 of this Article shall specify the privileges granted to the air traffic controller. That air traffic controller licence and air traffic controller medical certificate may be amended to add or remove privileges, in accordance with [F1regulations made under] point (c) of the first subparagraph of Article 50(1).

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1139 of the European Parliament and of the Council, SECTION VI. (See end of Document for details)

5 The air traffic controller licence and the air traffic controller medical certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining a licence or a medical certificate, in accordance with [^{F1}regulations made under] point (c) of the first subparagraph of Article 50(1).

Textual Amendments

- F1** Words in Art. 49 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **125** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Article 50

[^{F2}Regulations] as regards air traffic controllers

1 In order to ensure ^{F3}... compliance with the essential requirements referred to in Article 48, for air traffic controllers, the [^{F4}Secretary of State] shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, [^{F5}make regulations] laying down detailed provisions concerning:

- a the different categories, ratings and endorsements for the air traffic controller licences referred to in Article 49;
- b the privileges and responsibilities of the holders of air traffic controller licences, ratings and endorsements for the licences and medical certificates referred to in Article 49;
- c the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking licences, ratings and endorsements for the air traffic controller licences and medical certificates referred to in Article 49, including the rules and procedures for the conversion of national air traffic controller licences and national medical certificates into the air traffic controller licences and medical certificates referred to in Article 49;
- d the rules and procedures for air traffic controllers in regard to duty time limitations and rest requirements; such rules and procedures are to produce a high level of safety by protecting against the effects of tiredness while, at the same time, allowing for sufficient flexibility in scheduling.

^{F6} ...

2 [^{F7}When making regulations under paragraph 1, the Secretary of State] shall ensure compliance with the essential requirements referred to in Article 48 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 1 to the Chicago Convention.

Textual Amendments

- F2** Word in Art. 50 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **126(2)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 50(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **126(3)(a)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1139 of the European Parliament and of the Council, SECTION VI. (See end of Document for details)

- F4** Words in Art. 50(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **126(3)(a)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 50(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **126(3)(a)(iii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 50(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **126(3)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 50(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **126(4)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Article 51

Air traffic controller training organisations and aero-medical centres

1 An approval shall be required in respect of air traffic controller training organisations and aero-medical centres.

2 The approval referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that it complies with [F8regulations made under] Article 53 adopted to ensure compliance with the essential requirements referred to in Article 48.

3 The approval referred to in paragraph 1 of this Article shall specify the privileges granted to the organisation. The approval may be amended to add or remove privileges, in accordance with [F8regulations made under] point (a) of the first subparagraph of Article 53(1).

4 The approval referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such approval, in accordance with [F8regulations made under] point (a) of the first subparagraph of Article 53(1).

Textual Amendments

- F8** Words in Art. 51 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **127** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Article 52

Instructors, assessors and aero-medical examiners

1 Persons responsible for providing practical training, for assessing the practical skills of air traffic controllers, as well as aero-medical examiners, shall be required to hold a certificate.

2 The certificate referred to in paragraph 1 of this Article shall be issued upon application, when the applicant has demonstrated that he or she complies with [F9regulations made under] Article 53 adopted to ensure compliance with the essential requirements referred to in Article 48.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1139 of the European Parliament and of the Council, SECTION VI. (See end of Document for details)

3 The certificate referred to in paragraph 1 of this Article shall specify the privileges granted. The certificate may be amended to add or remove privileges, in accordance with [F⁹regulations made under] point (a) of the first subparagraph of Article 53(1).

4 The certificate referred to in paragraph 1 of this Article may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with [F⁹regulations made under] point (a) of the first subparagraph of Article 53(1).

Textual Amendments

F9 Words in Art. 52 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **128** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Article 53

[F¹⁰Regulations] as regards training, testing, checking and medical assessment

1 In order to ensure F¹¹... compliance with the essential requirements referred to in Article 48, for persons and organisations involved in the training, testing, checking and medical assessment of air traffic controllers, the [F¹²Secretary of State] shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, [F¹³make regulations] laying down detailed provisions concerning:

- a the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the approvals and certificates referred to in Articles 51 and 52;
- b the privileges and responsibilities of the holders of the approvals and certificates referred to in Articles 51 and 52.

F¹⁴
...

2 [F¹⁵When making regulations under paragraph 1, the Secretary of State] shall ensure compliance with the essential requirements referred to in Article 48 of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annex 1 to the Chicago Convention.

Textual Amendments

F10 Word in Art. 53 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **129(2)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

F11 Words in Art. 53(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **129(3)(a)(i)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

F12 Words in Art. 53(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **129(3)(a)(ii)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

F13 Words in Art. 53(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **129(3)(a)(iii)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1139 of the European Parliament and of the Council, SECTION VI. (See end of Document for details)

- F14** Words in Art. 53(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **129(3)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 53(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **129(4)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Article 54

Delegated powers

As regards air traffic controllers, persons and organisations involved in the training, testing, checking or medical assessment of air traffic controllers, as well as synthetic training devices, [^{F16}the Secretary of State may make regulations] to amend Annex VIII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the training organisations and air traffic controllers, in order and to the extent necessary to achieve the objectives set out in Article 1.

Textual Amendments

- F16** Words in Art. 54 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **130** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2018/1139 of the European Parliament and of the Council, SECTION VI.