

	<p style="text-align: center;"><b>Aeronautical Services</b></p> <p style="text-align: center;"><b>Advisory Memorandum</b></p> <p style="text-align: center;"><b>(ASAM)</b></p> <p style="text-align: center;"><b>Focal Point: ANSP</b></p>	<p style="text-align: center;"><b>ASAM</b></p> <p style="text-align: center;"><b>No: 35</b></p> <p style="text-align: center;"><b>Issue 2</b></p> <p style="text-align: center;"><b>Date 24.01.22</b></p>
<p><b>Title</b></p>	<p><b>Reminder of legal responsibilities in the provision of an Air Traffic Control Service</b></p>	

## 1. Introduction

The Irish Aviation Authority is the competent authority (CA) for Ireland regarding Commission Regulation (EU) 2015/340 (the ‘ATCO Regulation’), in force since 1st January 2017.

The tasks of the CA (under this Regulation) include the issue, suspension and revocation of licences, ratings, endorsements and of medical certificates.

The CA deems it extremely important to remind all air traffic management service providers, student ATCOs and ATCOs, of the legal responsibilities for holding a licence in accordance with Commission Regulation (EU) 2015/340 when conducting or undergoing elements of ATCO training and/or whilst providing an air traffic control service to aircraft.

### 1.1. Responsible Person

The Manager, Aeronautical Navigation Services Division (ANSND) of the IAA has overall responsibility for this guidance material.

## 2. References

- Regulation (EU) No 2015/340
- Regulation (EU) 2018/1139
- ICAO Annex 1
- ASAM No. 005

## 3. Responsibilities

Regulation (EU) 2015/340 Part ATCO.D.050 ‘Prerequisites of unit training’ states;

*‘Unit training may only be started by persons who are holders of:*

*(a) a student air traffic controller licence with the appropriate rating and, if applicable, rating endorsement; or*

*(b) an air traffic controller licence with the appropriate rating and, if applicable, rating endorsement; ...’*

Article 4 ‘Definitions’ states: ‘*licence*’ means a document issued and endorsed in accordance with this Regulation and entitling its lawful holder to exercise the privileges of the ratings and endorsements contained therein;

Therefore, an ATCO / Student ATCO shall be the holder of a valid air traffic control licence (includes English language proficiency and medical) issued under European Commission Implementing Regulation (EU) 2015/340 when undertaking unit training and/or in the provision of an air traffic control service.

#### **4. Statutory Instrument (S.I.) No. 305 of 2008 EUROPEAN COMMUNITIES (AIR TRAFFIC CONTROLLER LICENCE) REGULATIONS 2008**

It is important to remind all of the salient prohibitions and penalties which are in existence under national legislation S.I. No. 305 of 2008 regarding the unlicensed provision of an air traffic control service;

*“Prohibition on unlicensed provision of air traffic control services*

*5. A person shall not provide air traffic control services unless he or she is the holder of a licence. A person who contravenes this Regulation commits an offence.*

*6. An air navigation service provider shall ensure that air traffic control services it provides are performed by licence holders who hold licences appropriate to the function being exercised. An air navigation service provider who knowingly fails to comply with this Regulation commits an offence.*

*Penalty, prosecution of offences and offence by body corporate*

*25. (1) A person guilty of an offence under these Regulations (other than under Regulation 19 or 2(4)) is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or both.”*

#### **5. In summary**

It is an individual ATCO / Student ATCO licence holder’s legal responsibility to ensure they hold and operate under a valid licence; and

It is an air traffic management service provider’s legal responsibility to ensure that the service it provides is carried out by valid licensed air traffic controllers.

#### **6. Further Information**

Further information on statutory responsibilities of ATC license holders and air traffic management service providers can be found in ASAM No. 5 on the IAA website [www.iaa.ie](http://www.iaa.ie).

Any queries or requests for further guidance should be addressed to the following ANSD email address: [atstraining@iaa.ie](mailto:atstraining@iaa.ie)