	<p style="text-align: center;"> <b>Aeronautical Services</b>  <b>Advisory Memorandum</b>  <b>(ASAM)</b>  <b>Focal Point: ANSP</b> </p>	<p style="text-align: center;"> <b>ASAM</b>  <b>No: 005</b>  <b>Issue 4</b>  <b>Date 17.01.19</b> </p>
<p><b>Title</b></p>	<p><b>Information on Statutory responsibilities of ATC Licence Holders and Air Navigation Service Providers</b></p>	

## 1. INTRODUCTION

This advisory memorandum has been updated to remind air traffic controllers and air navigation service providers of their responsibilities under current legislation.

The implementation of Regulation (EU) 2018/1139 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency requires the establishment of more detailed implementing rules in order to maintain a high uniform level of civil aviation safety in Europe.

Therefore, maintaining and enhancing the common licensing scheme for air traffic controllers in the Union is an essential element of the European air traffic control system to improve the availability of air traffic controllers and to promote the mutual recognition of licences while pursuing the objective of an overall improvement in air traffic safety and competence of personnel.

To this end 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and certificates pursuant to Regulation (EC) No 216/2008 has built on Commission Regulation (EU) No 805/2011 (now repealed), whilst at the same time amending Commission Implementing Regulation (EU) No 923/2012.

## 2. REFERENCES


- 2.1 ICAO Annex 1
- 2.2 Regulation (EU) 2018/1139
- 2.3 COMMISSION REGULATION (EU) 2015/340

## 3. DETAIL

**3.1** European Commission Regulation (EU) 2015/340 on the Licensing of Air Traffic Controllers (ATC) came into force in Ireland on 30th June 2015. Annexes I to IV, of the regulation, apply in Ireland from 01st January 2017

The Safety Regulation Division (SRD) of the IAA, in its capacity as the National Supervisory Authority, is the competent authority for the purposes of Commission Regulation (EU) 2015/340.

Licence holders should note that licences and medical certificates issued by SRD of the Irish Aviation Authority (IAA) in accordance with Commission Regulation (EU) No 805/2011 are considered as having been issued in accordance with this Regulation in order to guarantee continuation of existing licence privileges.

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As European Commission Regulation (EU) 2015/340 is now the primary legislation on the licensing of air traffic controllers, Commission Regulation (EU) No 805/2011 has been repealed. So as to complement Commission Regulation (EU) No 2015/340, and until such time as national legislation Statutory Instrument (SI) No. 305 of 2008 is amended or replaced, those Articles in the SI which are not contrary to Commission Regulation (EU) 2015/340 remain in force. Hereunder is a summary of air navigation service providers and air traffic controller responsibilities which are still extant under European and national legislation.

### **3.2 Air Navigation Service Provider Responsibilities**

1. 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 functions being exercised. An Air Navigation Service Provider who knowingly fails to comply with this regulation commits an offence.

2. Air Navigation Service Providers must have procedures to deal with cases of provisional inability and to enable licence holders employed by the provider to notify the provider that they are becoming aware of any decrease in medical fitness or are under the influence of psychoactive substance or medicines which might render them unable to exercise the privileges of the licence or other reasons when having doubts of being able to safely exercise the privileges of their licence.

### **3.3. Air Traffic Controller Responsibilities**

a) Provision of air traffic control services by a person who is not properly licensed is prohibited. A person who provides or attempts to provide an air traffic control service without an appropriate licence commits an offence.


b) For any air traffic services provided the associated ratings and endorsements must be specified in the licence and be valid.

c) A valid medical certificate must be attached to a licence, and any specified conditions on that certificate must be complied with (Note; See section 3.4 below for details on medical requirements).

d) The holder of a licence who, on becoming aware of any decrease in his/her medical fitness or is under the influence of psychoactive substances or medicines which might render him or her unable to exercise the privileges of the licence safely or properly, fails to comply with any procedure established under paragraph 3.2 above with intent to deceive commits an offence. Licence holders shall not exercise the privileges of their licence when having doubts of being able to safely exercise the privileges of the licence and shall in such cases immediately notify the relevant air navigation service provider of the provisional inability to exercise the privileges of their licence.

e) A licence must be available for inspection by an authorised officer.

**Note: It is the responsibility of a licence holder to ensure that ratings and endorsements specified in the licence are valid and current.**

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### **3.4. Medical Requirements**

#### **General**

The holders of student and air traffic controller licences are required to have a minimum standard of medical fitness to ensure that they are fit to provide an ATC service and to minimise, as far as possible, the risk that they will become suddenly incapacitated to an extent that the safety of aircraft could be compromised.

#### **ATC Medical Requirements**

The Aeromedical Section of the Irish Aviation Authority is required to apply the medical requirements in accordance with European Commission Regulation (EU) 2015/340.

A student or air traffic controller shall not provide an air traffic control service unless he/she holds a valid medical certificate for the appropriate category.

A student or trainee air traffic controller shall not provide an air traffic control service under supervision unless he/she holds a valid medical certificate of the appropriate category.

The holder of a student or air traffic controller licence who fails a medical examination shall not provide an air traffic control service even though the previous medical certificate held may not have expired.


The holder of a student or air traffic controller licence who fails a medical examination or has any medical limitations or conditions placed on their medical certificate shall notify their Unit management.

#### **Applicants for Medical Certificate**

An applicant for a Student or Air Traffic Controller Licence shall undergo an initial medical examination for the issue of a Class 3 Medical Certificate. A licence holder shall not at any time hold more than one medical certificate issued in accordance with Part ATCO.MED. of Commission Regulation (EU) 2015/340. Initial examination shall be conducted at an AMC (Aeromedical Centre), and initial/subsequent certificates will be issued by the AMS (Aeromedical Section). Renewal and revalidation examination may be carried out by the AME (Authorised Medical Examiner) or AMC at the discretion of AMS. The AMC is currently located at the Mater Private Hospital, Eccles Street, Dublin 7. Tel: 01 885 8615. Email: [aeromed@materprivate.ie](mailto:aeromed@materprivate.ie)

#### **Renewal of Medical Certificate**

The renewal of medical certificate is the process whereby a medical examination is carried out following expiry of the current medical certificate. The new medical certificate will be issued with validity from the date of renewal for the appropriate period of one or two calendar years, date to date.

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**Validity, revalidation and renewal of medical certificates (ATCO.MED.A.045)**

(a) Validity:

- (1) Class 3 medical certificates shall be valid for a period of 24 months.
- (2) The period of validity of class 3 medical certificates shall be reduced to 12 months for licence holders who have reached the age of 40. A medical certificate issued prior to reaching the age of 40 shall cease to be valid when the licence holder reaches the age of 41.
- (3) The validity period of a medical certificate, including any associated examination or special investigation, shall be:
  - (i) determined by the age of the applicant at the date when the aero-medical examination takes place; and
  - (ii) calculated from the date of the aero-medical examination in the case of initial issue and renewal, and from the expiry date of the previous medical certificate in the case of revalidation.

(b) Revalidation:

Aero-medical examinations and assessments for the revalidation of a medical certificate may be undertaken up to 45 days prior to the expiry date of the medical certificate.

(c) Renewal:

- (1) If the holder of a medical certificate does not comply with point (b), a renewal aero-medical examination and assessment shall be required.
- (2) If the medical certificate has expired for:
  - (i) less than 2 years, a routine revalidation aero-medical examination shall be performed;
  - (ii) more than 2 years, the AeMC or AME shall only conduct the renewal aero-medical examination after assessment of the aero-medical records of the applicant;
  - (iii) more than 5 years, the aero-medical examination requirements for initial issue shall apply and the assessment shall be based on the revalidation requirements.

**Suspension or revocation of a medical certificate (ATCO.MED.A.046)**


(a) Upon revocation of the medical certificate, the holder shall immediately return the medical certificate to the licensing authority.

(b) Upon suspension of the medical certificate, the holder shall return the medical certificate to the licensing authority on request of the authority.

**Presentation at Medical Examination**

In order to expedite the issue of Medical Certificates, applicants in Air Traffic Service who present at medical examination for the issue, renewal or revalidation of a Medical Certificate are obliged, where appropriate, to bring the following with them:

- (1) proof of their identity; i.e. a Passport or national ID card;

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- (2) a signed declaration:
- (i) of medical facts concerning their medical history;
  - (ii) as to whether they have previously applied for a medical certificate or have undergone an aero-medical examination for a medical certificate and, if so, by whom and with what result;
  - (iii) as to whether they have ever been assessed as unfit or had a medical certificate suspended or revoked.
- (c) When applying for a revalidation or renewal of the medical certificate, applicants shall present the most recent medical certificate to the AeMC or AME prior to the relevant aero-medical examinations.  
(ATCO.MED.A.035 Application for a medical certificate refers).

Also

- The most recently issued Medical Certificate, where appropriate;
- Spectacles and spare sets of spectacles and the applicant's most recent spectacle prescription, where appropriate;
- A list of prescribed medication including the date the applicant commenced taking the medication, the dosage and reason the medication was prescribed. In addition, OTC (over-the-counter) medication whether prescribed or not by a treating doctor;
- Relevant medical documentation and reports, if any, from treating doctors.

**NOTE:** Holders of Student and Air Traffic Controller Licences shall bear in mind that the onus of responsibility remains with the licensee to ensure that the licence is kept current at all times. An out-of-date Medical Certificate invalidates a holder's licence and therefore precludes the holder from performing rated duties.


The Aeromedical Section may impose any limitations or conditions it sees fit on the medical certificate and the holder of the medical certificate shall not provide an air traffic control service unless he/she complies with those limitations or conditions.

Where the medical certificate is suspended due to personal injury or illness, the Aeromedical Section will advise the licence holder of any conditions or procedures for having the suspension lifted.

### **Psychoactive Substances**

The holder of a student or air traffic controller licence shall not provide an air traffic control service, while under the influence of psychoactive substances, including any medicine that might have a negative influence on their capacity to provide a safe air traffic control service. Abuse of alcohol and use of psychoactive drugs or substances with or without dependency renders a certificate licence holder "unfit" with immediate effect. Re-certification may be considered at the discretion of the Aeromedical Section.

It is the responsibility of the student or air traffic controller to ensure that they do not take medicine before or while providing an air traffic control service that would have a detrimental effect on their operational performance.

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**Offences and Penalties**

A person who commits an offence under extant regulations is liable on summary conviction to a fine or imprisonment or both.

**Additional Information**

Copies of the European Communities (Air Traffic Controller Licence) Regulations 2008 (S.I. No.305 of 2008) may be purchased directly from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2. or may be downloaded from Irish Aviation Authority website: [www.iaa.ie/publications](http://www.iaa.ie/publications).