


Irish Aviation Authority The Times Building 11–12 D’Olier Street Dublin 2, Ireland www.iaa.ie Safety Regulation Division	Údarás Eitlíochta na hÉireann Foirgneamh na hAmanna 11–12 Sráid D’Olier Baile Átha Cliath 2, Éire Rannán na Rialachán Sábháilteachta	No. PLAM 014 Revision 00 Area ASD Date 21.06.2019	
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TITLE: PROCESSES FOR PROVISIONAL WITHDRAWAL, COMPETENCE IN DOUBT, SUSPENSION AND REVOCATION OF AIR TRAFFIC CONTROLLER LICENCES

1. Introduction

1.1 Purpose

The purpose of this memorandum is to describe the processes required for withdrawal of Air Traffic Controllers from the exercise of privileges granted by a licence, for when competence is placed in doubt and for the suspension, revocation and surrender of Air Traffic Controller Licences.

1.2 Scope


This process is applicable to Air Traffic Controller and Student Air Traffic Controller licence holders, issued in accordance with Commission Regulation (EU) 2015/340.

1.3 Responsible Person

The SRD Assistant Director, Aeronautical Services Department (ASD) has responsibility for this procedure. The licensing process requires cross departmental interface with the RPPL department. ASD procedure ASD.230 describes the areas of interaction and responsibility.

2. References

- Commission Regulation (EU) 2015/340, 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
- Regulation (EU) No 390/2013, of 3 May 2013 laying down a performance scheme for air navigation services and network functions
- Commission Regulation (EU) No 376/2014, on the reporting, analysis and follow-up of occurrences in civil aviation
- Commission Implementing Regulation (EU) 2015/1018, laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014
- ICAO Annex 1 Personnel Licensing
- SI 305 of 2008 European Communities (Air Traffic Controller Licence) Regulations 2008.
- AIC 05/04 Personnel Licensing Review Board
- Regulation (EU) 2018/1139

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3. Just Culture


- 3.1 Commission Implementing Regulation (EU) 390/2013 (the Performance Regulation) defines Just Culture as ‘a culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, wilful violations and destructive acts are not tolerated.’
- 3.2 The National Supervisory Authorities for the UK-Ireland Functional Airspace Block (FAB) jointly promote this Just Culture definition as a guiding principle in relation to both operational and supervisory activities in the FAB. Both States recognise and espouse the value of Just Culture in providing a safe operating environment, and in helping to underpin the goal of continuous improvement in flight safety.
- 3.3 Safety investigation and analysis of an incident/occurrence shall be conducted within the framework of Just Culture principles.

4. ANSP Requirements for Withdrawing a Controller from Exercising the Privileges Granted by a Licence

The exercise of the privileges granted by a licence shall be dependent on the validity of the ratings, endorsements and of the medical certificate.¹

- 4.1 Subsequent to an ATM occurrence, or if otherwise determined by the unit competence scheme, a controller may be withdrawn without prejudice, from exercising the privileges granted by a licence. This action is taken as a duty of care to the individual involved and to protect the integrity of the system and has no influence on the conduct and completion of any pending investigation.
- 4.2 The licence holder may exercise those withdrawn privileges under the supervision of an OJT Instructor who holds a valid rating and endorsement appropriate to the service being provided, and under conditions as determined by the ANSP safety management system.
- 4.3 The exercise of privileges granted by a licence may be reinstated when it has been established that competence is not in doubt (e.g. after initial examination of an occurrence) and when the controller is deemed fit to return to unsupervised licenced duties.
- 4.4 With the exception of competence in doubt ANSD, ASD is not required to be notified when the exercise of privileges granted by a licence is temporarily withdrawn without prejudice.

¹ COMMISSION REGULATION (EU) 2015/340, Part ATCO.A.015

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5. Competence in Doubt

Competency: A combination of skills, knowledge and attitudes required to perform a task to the prescribed standard.²


The competent authorities should be in a position to suspend a licence, ratings or endorsements when competence is in doubt.³

Requirements for placing Competence in Doubt and provisional inability

- 5.1 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.
- 5.2 Air navigation service providers may declare the provisional inability of the licence holder if they become aware of any doubt concerning the ability of the licence holder to safely exercise the privileges of the licence.
- 5.3 A licence holder whose competence is determined to be in doubt subsequent to an ATM occurrence or otherwise by the unit’s competence scheme, shall be withdrawn from all related licenced duties and will declare the provisional inability of the licence holder.
- 5.4 Notification of competence in doubt and the provisional inability of the licence holder shall be immediately provided to the Competent Authority. The Manager RPPL or an Officer authorised by SRD to do so, may impose additional licencing conditions and shall ensure that appropriate records are maintained.
- 5.5 Determinations of competence in doubt and the provisional inability of the licence holder shall be notified to the CA by emailing ansd@iaa.ie The notification shall, at a minimum, state the licence holder’s number, the ANSP conditions placed on the licence holder, the rationale for determining competence in doubt and if applicable, an associated occurrence report reference.
- 5.6 An Authorised Officer from the CA may independently determine a competence in doubt on an Air Traffic Controllers ability to provide a safe ATS service and shall request that the service provider or the individual declares provisional inability, pending consideration of the case.

² ICAO Annex 1 Personnel Licensing, Twelfth Edition

³ COMMISSION REGULATION (EU) 2015/340, Part ATCO.AR.D.005

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Removal of Competence in Doubt and provisional inability

- 5.7 If, subsequent to further investigation and/or designated remedial action under the Unit Competence Scheme including a unit competence check, it is established by ANSP Management, (or the CA) that competence is no longer in doubt and when there are no outstanding conditions set by the CA; provisional inability may be withdrawn and the licence holder may be returned to unsupervised licenced duties.
- 5.8 ANSP Unit Management shall give prior notification of removal to the CA at ansd@iaa.ie, as the Manager ANSD/RPPL may require the licencing conditions remain in place. The notification should state the licence holder’s number, rationale for removing competence in doubt and if applicable, an associated MOR reference. The Manager RPPL/ANSD shall ensure that appropriate records are maintained.

6. Licence Suspension

A licence, rating or endorsement may be suspended when the competence of the air traffic controller is in doubt or in cases of misconduct.⁴

Excerpt from S.I. No. 305 of 2008 EUROPEAN COMMUNITIES (AIR TRAFFIC CONTROLLER LICENCE) REGULATIONS 2008

Suspension and revocation of licence,

18. (1) *The supervisory authority may—*


(a) suspend, for such period it considers appropriate, or suspend and subsequently revoke or revoke a licence, ratings or endorsements, when the competence of the licence holder concerned is in doubt or in cases of misconduct,

(2) Where the supervisory authority proposes to suspend a licence, a rating or a rating endorsement or revoke a licence, a rating or a rating endorsement, it shall notify the holder of the proposal and afford, unless the authority considers the matter affects the safety of general air traffic, the holder the opportunity to make representations to the supervisory authority within 21 days of the proposal or such other period as the authority allows. However, if the supervisory authority considers that there is a serious threat to the safety of air traffic, the suspension or revocation, as the case may be, may take place immediately upon notification.

Surrender of suspended licence and withdrawn training provider’s certificate

19. *Where a licence is suspended or revoked under Regulation 18, the holder of it shall immediately surrender it to the supervisory authority. Where a rating or endorsement is suspended under Regulation 18(1) (a) the licence holder shall immediately submit the licence to the supervisory authority for amendment.*

⁴ COMMISSION REGULATION (EU) 2015/340, Part ATCO.A.020 and part ATCO.AR.A.010

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SRD Requirements for Licence Suspension⁵

- 6.1 When the competence of a licence holder is in doubt or in cases of misconduct, the Manager licencing department RPPL/ Manager ANSD or an Officer authorised by SRD to do so, may suspend, for such period considered appropriate, the licence, ratings or endorsements of the licence holder.
- 6.2 The suspension may contain conditions which the licence holder must meet to have the suspension removed.
- 6.3 Where an ATC licence rating(s), and/or endorsement(s) is being suspended, the authorised officer will advise the holder of their rights under articles 18, 19, 20 and 21 of SI 305 of 2008 European Communities (Air Traffic Controller Licence) Regulations 2008.
- 6.4 An authorised officer, when exercising a power conferred on them under SI 305 of 2008 European Communities (Air Traffic Controller Licence) Regulations 2008, shall, if requested by any person affected, produce their warrant of appointment or a copy of it to the person for inspection.

⁵ ATCO.AR.A.010 Tasks of the competent authorities

Removal of Licence Suspension


- 6.5 Where the suspension of the ATC licence rating(s), and/or endorsement(s) contained conditions for the removal of the suspension, and where it has been shown that the holder has met those conditions, the suspension shall be removed and the holder shall be notified.

ANSP Requirement for Licence Suspension

- 6.6 A licence holder whose rating(s), rating endorsement(s) or unit endorsement(s) have been suspended must not provide the ATC services associated with those rating(s), rating endorsement(s) or unit endorsement(s).

7. Revocation of an ATC Licence or its associated Ratings / Endorsements⁶

- 7.1 A decision to revoke an ATC Licence and/or its associated ratings and endorsements shall be made by the SRD Assistant Director, Aeronautical Services Department or, in his/her absence, the designated deputy.
- 7.2 The SRD Assistant Director, Aeronautical Services Department shall advise and support the Minister as directed, for the purposes of considering appeals under Article 21 of SI 305 of 2008 European Communities (Air Traffic Controller Licence) Regulations 2008.

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Safety Regulation Division	Rannán na Rialachán Sábháilteachta		

7.3 The Air Navigation Services Division Manager and the Manager Licensing Department, RPPL, will inform each other of any licensing action as it progresses. Such actions will be documented on the licence holder’s personal file.

7.4 Where the SRD Assistant Director proposes to revoke a licence, they shall inform the licence holder of their statutory rights.

⁶ COMMISSION REGULATION (EU) 2015/340, Part ATCO.AR.A.010 Tasks of the competent authorities

8. Oversight findings and enforcement measures for personnel (ATCO.AR.C.010)

8.1 If during oversight or by any other means evidence is found that shows non-compliance with the applicable requirements by a person holding a licence issued in accordance with Commission Regulation (EU) 2015/340, the competent authority shall raise a finding, record it and communicate it in writing to the licence holder, as well as communicate the finding to the employing organisation, if applicable.

8.2 When the competent authority that raised the finding is the competent authority responsible for the issuing of the licence:

(1) it may suspend or revoke the licence, rating or endorsement, as applicable, when a safety issue has been identified; and


(2) it shall take any further enforcement measures necessary to prevent the continuation of the non-compliance.

8.3 When the competent authority that raised the finding is not the competent authority responsible for the issuing of the licence, it shall inform the competent authority that issued the licence. In this case, the competent authority that issued the licence shall take action in accordance with point 8.2 and inform the competent authority that raised the finding.

9. Representations by ATC Licence Holders

9.1 Where it is proposed to suspend or revoke a licence, a rating or endorsement, the licence holder will be notified of the proposal and afforded, unless the competent authority considers the matter affects the safety of general air traffic, the opportunity to make representations within 21 days of the proposal or such other period as notified. However, if the competent authority considers that there is a serious threat to the safety of air traffic, the suspension or revocation, as the case may be, may take place immediately upon notification.

9.2 Where a representation is made in respect of 9.1 above, the SRD Assistant Director, Aeronautical Services Department will review the decision and advise the licence holder

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within 14 days of receipt of the representation.

10. Appeal Panel for ATC Licence Holders

10.1 The Assistant Director SRD, Aeronautical Services Department will provide all required advice and support to the Minister in implementing the provisions of 10.2 below, when such process is invoked by a licenceholder.


10.2 Extract from SI 305 of 2008 European Communities (Air Traffic Controller Licence) Regulations 2008;

21. Appeal panel

(1) *The Minister shall establish a panel ("appeal panel") for the purposes of considering appeals under this Regulation. An appeal panel shall consist of at least 3 but not more than 5 persons appointed by the Minister, one of whom shall be designated by the Minister to be chairperson of the panel. An appeal panel shall not consist of any person who decided or was involved in the decision to suspend, revoke or withdraw the licence, training provider's certificate or rating or endorsement being the subject of the appeal in question. The Minister may establish more than one appeal panel to consider one or more appeals. An appeal panel shall establish its own procedure.*

(2) *Where the supervisory authority decides to suspend a licence, rating or endorsement or revoke a licence or withdraw a training provider's certificate (having considered any representations made to it) the supervisory authority shall notify the holder accordingly and the holder may, within 14 days after the date of the notification, appeal to an appeal panel, against the suspension, revocation or withdrawal, as the case may be. The licence rating or endorsement or certificate stands suspended, revoked or withdrawn, as the case may be, from the date of the notification, unless the appeal panel, upon an application to it, having considered the safety of general air traffic, decides otherwise, pending the outcome of the appeal. On hearing the appeal the appeal panel may confirm the decision, vary it or allow the appeal and notify the applicant of its decision. The decision of the appeal panel is final except that an appeal lies to the High Court on application to it on a specified point of law. Such an application does not affect the decision of the appeal panel and its operation.*

(3) *All expenses reasonably incurred by the supervisory authority in relation to an appeal before an appeal panel or the High Court shall be borne by the appellant where the appeal panel or the Court confirms or confirms with a variation the decisions of the supervisory authority. The supervisory authority may recover these expenses as a simple contract debt in a court of competent jurisdiction.*

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11. Surrender of an ATC licence

- 11.1 Where a licence is suspended or revoked, the holder of it shall immediately surrender it to the competent authority.
- 11.2 Where a rating or endorsement is suspended, the licence holder shall immediately submit the licence to the competent authority for amendment.

12. Notification procedures


12.1 Notification by the Authority

Where a notification is required to be given by the Authority to a person, it shall be in writing, addressed to the person and shall be given to the person in one of the following ways—

- (a) By delivering it to the person,
- (b) By leaving it at the address at which the person carries on business or if the person is an individual at the place where he or she resides,
- (c) By sending it by post in a pre-paid registered letter addressed to the person at the address at which the person carries on business or if the person is an individual at the place where he or she resides,
- (d) If an address for the service of a notification or direction has been furnished by the person, by leaving it at, or sending it by pre-paid registered post addressed to the person to, that address, or
- (e) By sending it by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person carries on business or if the person is an individual at the place where he or she resides or,

if an address for the service of a notification or direction has been furnished by the person, that address, but only if—

- (1) The sender’s
 - (i) Facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail, or
 - (ii) Facsimile machine generates a message confirming successful transmission of the total number of pages of the notification, and
- (2) The notification or direction is also given in one of the ways mentioned above.

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12.2 Notification to the Authority

Where a notification is required to be given to the Authority by a person or organisation, it shall be in writing, addressed to the Authority and shall be given in one of the following ways—

- (a) By sending it by post to: Manager RPPL,
Licensing Department, SRD,
Irish Aviation Authority,
The Times Building,
11-12 D'Olier Street,
Dublin 2,
Ireland.
- (b) By email to ansd@iaa.ie
- (c) By delivering it to the Personnel Licensing Office in The Times Building.

13. Appendices

None

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