

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4327 of 22 December, 2016

LEGAL NOTICE NO. 255 OF 2016.

CIVIL AVIATION ACT 2009

CIVIL AVIATION (AIR NAVIGATION) (AMENDMENT No. 2) REGULATIONS 2016

In exercise of the powers conferred upon the Government and the Minister by sections 16 and 33 of the Civil Aviation Act 2009, and all other enabling powers, and for the purposes of implementing into the law of Gibraltar, 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 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011, the Government and the Minister have made the following Regulations—

Title.

1. These Regulations may be cited as the Civil Aviation (Air Navigation) (Amendment No. 2) Regulations 2016.

Commencement.

2. These Regulations come into operation on 31 December 2016.

Amendment of the Civil Aviation (Air Navigation) Regulations 2009.

3.(1) The Civil Aviation (Air Navigation) Regulations 2009 are amended in accordance with the provisions of this regulation.

(2) Regulation 2(1) is amended as follows—

(a) after the definition of “air/ground communications service” insert—

““Air Traffic Controllers’ Licensing Regulation”
means Regulation (EU) No 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 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011;";

(b) for the definition of "air traffic control service" substitute-

""air traffic control service" means a service provided for the purpose of-

(a) preventing collisions-

(i) between aircraft; and

(ii) on the manoeuvring area between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;";

(c) the definition of "EASA Air Traffic Controller Regulation" is omitted.

(3) For regulation 60 substitute-

"Prohibition of unlicensed air traffic controllers and student air traffic controllers.

60.(1) A person must not provide air traffic control services unless that person holds either a student air traffic controller licence or an air traffic controller licence specified in sub-regulation (2).

(2) A student air traffic controller licence or air traffic controller licence referred to in sub-regulation (1) is a licence issued under the Air Traffic Controllers' Licensing Regulation by-

(a) the Director; or

(b) the CAA.

(3) A person relying on sub-regulation (2)(b) must, prior to providing air traffic control services, have his licence recognised by the Director.

(4) A person who holds a licence issued under the Air Traffic Controllers' Licensing Regulation, which does not fall within the description in sub-regulation (2), must apply to the Director for the recognition of the licence and an exchange pursuant to ATCO.A.010 of the Air Traffic Controllers' Licensing Regulation.”.

(4) Regulations 64 to 78A are omitted.

(5) In regulations 79 and 105(2) for “EASA Air Traffic Controller Regulation” substitute “Air Traffic Controllers' Licensing Regulation”.

(6) For sub-regulation 114(1) substitute-

“114.(1) The Director is the competent authority of Gibraltar for the purposes of the Air Traffic Controllers' Licensing Regulations.”.

(7) Schedule 5 is amended as follows-

(a) at the end of Section 2 of Part ZA insert-

**“Provision of Air Traffic Subject matter Controllers
Licensing Regulation**

Article 2 Compliance with requirements and procedures”;

(b) in Section 1 of Part B the entries relating to regulations 60, 69 and 70 are omitted;

(c) for Section 3 of Part B substitute-

“Section 3

**Provision of Air Traffic Controllers' Subject
Matter Licensing Regulation**

Article 3 Provision of air traffic control services

| | |
|----------------|--|
| ATCO.A.015(b) | Exercise of the privileges of licences and provisional inability |
| ATCO.MED.A.020 | Decrease in medical Fitness”. |

Revocation of the Civil Aviation (Air Traffic Controller Licensing – National Supervisory Authority) (No.2) Regulations 2011.

4. The Civil Aviation (Air Traffic Controller Licensing – National Supervisory Authority) (No.2) Regulations 2011 are revoked.

Dated 22nd December, 2016.

DR J GARCIA,
Minister with responsibility for Civil Aviation,
and for the Government.

EXPLANATORY MEMORANDUM

These Regulations implement into the law of Gibraltar, Regulation 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 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011.

