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# GUIDANCE ON THE HARMONIZED IMPLEMENTATION OF LANGUAGE PROFICIENCY REQUIREMENTS AND ITS OVERSIGHT

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**EUROPEAN AND NORTH ATLANTIC OFFICE OF ICAO**

**International Civil Aviation Organization (ICAO)**

European and North Atlantic (EUR/NAT) Office

3 bis, Villa Emile Bergerat

92522, Neuilly-sur-Seine CEDEX

FRANCE

e-mail: [icaoeurnat@paris.icao.int](mailto:icaoeurnat@paris.icao.int)

Tel: +33 1 46 41 85 85

Fax: +33 1 46 41 85 00

web: <http://www.icao.int/EURNAT>

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## TABLE OF CONTENTS

Record of Amendments.....	vi
Document amendment procedures .....	vii
Acronyms & Abbreviations.....	viii
Definitions .....	xi
List of Figures .....	xi
List of Tables.....	xi
1 Introduction .....	1
1.1 Purpose .....	1
1.2 Scope .....	1
1.3 History of ICAO Language Proficiency Requirements (LPRs) .....	2
1.3.1 Background to LPRs.....	2
1.3.2 Current regulatory framework.....	2
1.3.3 The role of native speakers.....	3
1.3.4 Language training in aviation.....	3
1.4 Implementation experience and issues .....	4
1.5 Terminology of chapter 3 to 6.....	4
2 Global and regional LPRs context.....	6
2.1 Global framework.....	6
2.2 European framework .....	7
2.3 Challenges in uniform implementation of LPRs .....	7
3 Language Testing Organization (LTO) .....	9
3.1 Managing an LTO .....	9
3.1.1 Approval based on a handbook .....	9
3.1.2 Handbook template - compliance with ICAO SARPS .....	11
3.1.3 Handbook template - compliance with (supra)national (implementing) rules .....	16
3.2 Online testing .....	19
4 Overseeing an LTO .....	25
4.1 Tasks and Competencies of authority inspectors .....	25
4.2 Training program for authority inspectors .....	35
4.3 Guidelines for oversight .....	36
5 Quality criteria of language testing .....	40
5.1 Criteria that affect the quality of LP tests.....	40
5.2 Basic principles of language testing .....	41
5.2.1 Introduction .....	41
5.2.2 Start up .....	42
5.2.3 The design of the test.....	43
5.2.4 Test development.....	44
5.2.5 Validity evidence.....	45

5.2.6	Reliability evidence .....	47
5.3	Useful resources and checklists.....	48
5.3.1	Key questions related to test design & specifications .....	48
5.3.2	Key questions related to test trialling & maintenance .....	49
6	Documentation of LP test result .....	52
6.1	Processing test results.....	52
6.1.1	Personal data of the test-taker.....	52
6.1.2	Test-instructions including appeal procedures .....	53
6.1.3	Recordings.....	53
6.1.4	Record keeping .....	54
6.2	LP certificate .....	54
7	Language proficiency issues of groups, other than commercial pilots and ATCOs.....	56
7.1	GA pilots .....	56
7.2	Remote pilots.....	56
7.3	Vehicle drivers on the manoeuvring area of an aerodrome .....	58
8	Identified issues for harmonization .....	59
	APPENDICES .....	61
	APPENDIX A. Standard tasks and competencies - aviation English teachers/trainers .....	62
	APPENDIX B. Standard tasks and competencies for aviation English interlocutors/raters .....	72
	APPENDIX C. Need for rules on oversight of language-testing bodies and certified assessors according to FCL.055 (b) .....	84
	APPENDIX D. LP certificate (template) .....	93
	APPENDIX E. Discussion of rule proposals for GA pilots .....	94
	APPENDIX F. Vehicle drivers on the manoeuvring area of an aerodrome .....	97
	APPENDIX G. Necessity for establishing a period of validity for level 6 – a safety issue .....	101

**RECORD OF AMENDMENTS**

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## **DOCUMENT AMENDMENT PROCEDURES**

This EUR document is issued and maintained in line with the principles laid down in EUR Doc 001, EASPG Handbook, therein “Reference Documentation – Issue of and Amendment of EUR Documents”.

## ACRONYMS & ABBREVIATIONS

AELTS	Aviation English Language Testing Services
AIP	aeronautical information publication
ALTE	Association of Language Testers in Europe
AM	authorized manager
AMC	acceptable means of compliance
ANS	air navigation services
ANSP	air navigation service provider
ATCO	air traffic controller
ATM	air traffic management
ATO	approved training organization
ATS	air traffic services
BIS	Best Intervention Strategy “Language proficiency Assessment and Oversight”
CA	competent authority
CAA <sup>1</sup>	civil aviation authority
CAP	corrective action plan
CBTA	Competency-Based Training and Assessment
CPDLC	Controller Pilot Data Link Communications
CEFR	Common European Framework of Reference (for Languages)
COG	coordinating group
CONOPS	concept of operations
CR (EU) No. 1178/2011	Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council
CR (EU) 2015/340	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
EANPG	European Air Navigation Planning Group
EASA	European Union Aviation Safety Agency
ECTL	Eurocontrol

<sup>1</sup> As ICAO Doc 9835 2nd ed. this ICAO EUR Doc only uses the abbreviation CAA (instead of NAA).



ELE	English linguistic matter expert
EPAS	European Plan for Aviation Safety
EASPG	European Aviation System Planning Group
eIDAS	<b>electronic IDentification, Authentication and trust Services</b> ; see below REGULATION (EU) No 910/2014
EU	European Union
EU MS	Member State(s) of European Union
EUR	European
EUR/NAT	European and North Atlantic
FCL	flight crew licensing
GASP	Global Aviation Safety Plan
GDPR	General Data Protection Regulation (EU) 2016/679 or Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (Data Protection Directive)
GM	guidance material
GPL	glider pilot licence
IAM SAR	International Aeronautical and Maritime Search and Rescue
IAOPA	International Council of Aircraft Owner and Pilot Associations
IATA	International Air Transport Association
ICAEA	International Civil Aviation English Association
ICAO	International Civil Aviation Organization
ICAO Doc 9835	Manual on the Implementation of Language Proficiency Requirements, <b>2<sup>nd</sup> edition</b>
IFALPA	International Federation of Air Line Pilots' Associations
IFATCA	International Federation of Air Traffic Controllers' Associations
LAPL	light aircraft pilot licence
LP	language proficiency
LPR	language proficiency requirement
LPRI	implementation of LPRs
LSP	language for specific purpose
LTO	language testing organization
M/C	multiple-choice
MS	ICAO Member State(s)
n.a.	not applicable/available
NAA	national aviation authority

NASA	National Aeronautics and Space Administration
OB	observable behaviour
OJT	on-the-job training
PANS	procedures for air navigation services
PPL	private pilot licence
QA	quality assurance
QMS	quality management system
RASP	Regional Aviation Safety Plan
REGULATION (EU) No 910/2014	REGULATION (EU) No 910/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC
RMT	rulemaking task
RPAS	remotely piloted aircraft system
RPS	remote pilot station
RSSTA	Rated Speech Samples Training Aid
R/T or RTF	radiotelephony
SARPs	Standards and Recommended Practices
SERA	Standardised European Rules of the Air
SME	subject matter expert
TDG	test design guidelines
TF	task force
TMZ	transponder mandatory zone
TSP	testing service provider
UAS	unmanned aerial system
UAV	unmanned aerial vehicle

## DEFINITIONS

Examiner	In general, a person who tests ability or knowledge. In the context of LP testing interlocutors, raters and assessors may be referred to as <b>examiners</b> . In the operational context the term is synonymous with <i>flight examiner</i> .
Language Testing Organization	An organization providing LP testing services, approved and overseen by a CAA or another State authority (abbreviated as LTO).  Cf. Definition in Annex 1 for ATO: Approved Training Organization – An organization approved by and operating under the supervision of a Contracting State in accordance with the requirements of Annex 1 to perform approved training.
Manoeuvring area	That part of an aerodrome to be used for take-off, landing and taxiing of aircraft, excluding aprons.
Movement area	That part of an aerodrome to be used for take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron(s).

## LIST OF FIGURES

<b>Figure 1:</b> Test development plan (sample) .....	44
<b>Figure 2:</b> Control and communication responsibilities of an RPAS pilot .....	56
<b>Figure 3:</b> Responsibilities of the remote pilot .....	58

## LIST OF TABLES

<b>Table 1:</b> Terminology .....	5
<b>Table 2:</b> LTO handbook contents with reference to ICAO Doc 9835 .....	12
<b>Table 3:</b> Compliance list of an LTO handbook (example) .....	17
<b>Table 4:</b> Due diligence - checklist .....	23
<b>Table 5:</b> Typical tasks and subtasks of authority inspectors.....	25
<b>Table 6:</b> English LP inspector competencies .....	29
<b>Table 7:</b> Specialized training for inspectors responsible for oversight.....	35
<b>Table 8:</b> Checklist with key questions to test design & specifications .....	48
<b>Table 9:</b> Checklist with key questions to test trialling & maintenance .....	50

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# 1 INTRODUCTION

This document is intended as a guidance for all stakeholders to understand what ICAO language proficiency requirements (LPRs) are, what regulations are in place, and what recommendations and best practices there are for the implementation of language proficiency requirements (LPRI), as deemed necessary.

## 1.1 PURPOSE

According to the EASPG Handbook (EUR Doc 001) a task force (TF) is meant to be a contributory body, that has been established to make a substantial contribution to the work programme of the European Aviation System Planning Group (EASPG) especially when specific expertise is required, such as in LPRI matters. The LPRI TF has been operating and contributing to the ICAO LPRs for more than 17 years. This document is the first of its kind and intends to compliment, not replace current ICAO or EASA material. The document does require maintenance and any comments should be addressed directly to the EUR/NAT Office (see “Document amendment procedures”). Whilst the aim of the document is clearly stated above, there are naturally some limitations. Input from both language and operational specialists is therefore always necessary to improve the system further.

In the course of its bi-annual meetings, LPRI TF members discuss shared concerns regarding the implementation status and maintenance of the ICAO LPRs. Among such concerns are the lack of harmonizing rules for oversight, and that LP testing varies markedly in the level of quality.

With no harmonized system in place to evaluate the quality of LP tests, there are significant risks to upholding the objective of the ICAO LPRs and this poses threats to safety.

This document, therefore supports Member States (MS) in aiming to ensure a high quality of aviation language assessment and harmonization of LPRI. It also sets out to facilitate the effective use of MS’ limited resources in the implementation of best practices and to identify harmonization issues concerning LP procedures within the EUR/NAT and other ICAO regions. Additionally, the document intends to guide and support the LPR implementation, raise awareness and facilitate harmonized oversight among MS. Finally, it serves to support the work of ICAO and EASA in the field of personnel licensing and language proficiency by using available expertise and resources.

## 1.2 SCOPE

This EUR Doc addresses the following issues:

- A. overseeing a uniform LPRI by all target groups operating under current ICAO Standards and Recommended Practices (SARPs);
- B. developing guidance material (GM), including the structure of a generic handbook template for harmonizing the approval of Testing Service Providers (TSP);
- C. dealing with the new challenges of remote LP testing;
- B. introducing GM for harmonizing oversight;
- E. documenting quality of LP testing based on specific criteria;
- F. documenting LP test results;
- G. discussing proposals from stakeholders (e.g. IAOPA) for amending existing ICAO provisions for General Aviation (GA) pilots an organization;
- H. reacting to the needs of the LP requirements for remote pilots;
- I. LP testing/training for vehicle drivers on the manoeuvring area of the aerodrome;

As G and I are beyond current ICAO SARPs the respective issues can be found in the appendices.

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## 1.3 HISTORY OF ICAO LANGUAGE PROFICIENCY REQUIREMENTS (LPRS)

### 1.3.1 BACKGROUND TO LPRS

The decision to address language proficiency for pilots and air traffic controllers (ATCOs) was first made by the 32<sup>nd</sup> Session of the Assembly in September 1998 as a direct response to several fatal accidents, including one that cost the lives of 349 people, as well as to previous fatal accidents in which the lack of proficiency in English (plain language) was identified as a contributing factor. Since then, in an effort to ensure that aviation safety is safeguarded, ICAO Member States (MS) have implemented various testing and training systems under the recommendations of the ICAO LPRs which aim to prevent such accidents from reoccurring.

Hence, and hitherto, the list of documents below represents an inventory of current rules:

### 1.3.2 CURRENT REGULATORY FRAMEWORK

#### **ICAO SARPs:**

##### ***Annex 1 – Personnel Licensing***

Chapter 1, section 1.2.9 Language Proficiency

Attachment A and Appendix 1

##### ***Annex 6 – Operation of aircraft***

Part I - Chapter 3.1, section 3.1.8

Part II – Chapter 2.1, section 2.1.1.6, 3.3.1.5

Part III – Chapter 1, section 1.1.8

##### ***Annex 10 – Volume II, Aeronautical Communications***

Chapter 5, section 5.1.1.1, 5.2.1.2

##### ***Annex 11 – Air Traffic Services***

Chapter 2, section 2.31 Appendix 2

PANS ATM Doc ICAO 4444, Chapter 2 art. 12.2

#### **European regulations:**

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1185 amending Implementing Regulation (EU) No 923/2012 as regards the update and completion of the common rules of the air and operational provisions regarding services and procedures in air navigation (SERA Part C) and repealing Regulation (EC) No 730/2006

SERA.14015 Language to be used in air-ground communication

AMC1 SERA.14015

GM1 SERA.14015

GM2 SERA.14015

**Flight Crew** – *Commission Regulation (EU) No 1178/2011*, Part FCL, FCL.055, AMC1, AMC2 and AMC3

**Air Traffic Controllers** - *Commission Regulation (EU) 2015/340*

ATCO.B.030 Language proficiency endorsement

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ATCO.B.035 Validity of language proficiency endorsement

ATCO.B.040 Assessment of language proficiency - AMC1, 2, 3 and 4 to ATCO.B.040 and GM1 and GM2 to ATCO.B.040

ATCO.B.045 Language training - AMC1 GM1 and GM2 and GM2

**Airport vehicle drivers** - *Commission Regulation (EU) no 139/2014* art. ADR.OPS.B.025

### **ICAO publications**

ICAO resolution A38-8

ICAO Doc 9835, *Manual on the Implementation of ICAO Language Proficiency Requirements*, 2nd edition, 2010

ICAO Circular 318, *Language Testing Criteria for Global Harmonization*, 2009

ICAO Circular 323, *Guidelines for Aviation English Training Programmes*, 2009

ICAO Doc. 10045 MET/14

### 1.3.3 THE ROLE OF NATIVE SPEAKERS

The ICAO LPRs apply to native and non-native speakers, or speakers of English as a first and a foreign language, alike. Since English is the most commonly used language for international aviation communications, many non-native speakers of English will require language training to improve their language proficiency. Nonetheless, the responsibility for improving communications should not be seen as falling solely on non-native speakers, but all who communicate.

Improving radiotelephony (R/T) requires a concerted effort and widespread cooperation, and all parties involved can improved understanding of how language functions, with a focus on strategies that aid comprehension and clarity. An obligation arises on the part of native, or highly proficient, expert speakers of English to increase their linguistic awareness and refrain from the use of idioms, colloquialism, and other jargon in R/T communications. The ICAO language proficiency requirements call for proficient speakers to “use a dialect or accent which is intelligible to the aeronautical community”. While accent can sometimes be difficult to control, speakers can control intelligibility by articulating speech more clearly, moderating the rate of speech, limiting the number of pieces of information per utterance, and providing clear breaks between words and phrases.

### 1.3.4 LANGUAGE TRAINING IN AVIATION

The objective of the ICAO LPRs is to achieve and maintain proficiency in all languages used in R/T communications. However, as English is the language most widely used by the global aviation community, and the one in which there is a requirement to provide, the LPRs focus is principally on improving levels of speaking and listening in English.

A critical role in language training rests with aviation language teachers and their competencies. Nevertheless language skills are also acquired during occupational training. The influence of the instructor’s language capabilities must not be underestimated.

The training of LP interlocutors/raters is a critical component contributing to a standardized and harmonized approach to language testing and assessment in aviation. Such assessment typically requires the involvement of trained personnel and the assurance of performance of the required tasks, subtasks and competencies.

Aviation English teachers/trainers and language proficiency interlocutors/raters alike come from a variety of backgrounds and their training has several different components, some of which can be achieved through formal education and training and others through first-hand experience and exposure to aeronautical operations. In order to harmonize and improve language training a common set of tasks

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and responsibilities of teachers and interlocutor/raters was formulated with reference to the ICAO Doc 9835 and Circular 323.

Recommendations on standard tasks and competencies for **aviation English teachers/trainers** can be found in Appendix A and for **interlocutors/raters** in Appendix B. In addition, a set of subjects and topics for aviation language teacher training is proposed. The proposed lists are not exhaustive and can be expanded and completed to address the specific requirements of those concerned.

The set of topics for ICAO language proficiency interlocutors/raters in Appendix B is proposed for training and intended to ensure that knowledge, skills and attitude is maintained and updated in accordance with ICAO language proficiency requirements stipulated in the relevant ICAO documents and guidance materials.

## 1.4 IMPLEMENTATION EXPERIENCE AND ISSUES

Despite the uniform requirements stated in 1.3 and recommendations or best practices for English language training of pilots, ATCOs and other operational personnel, a lack of standardization and uniform application of language testing is still evident. This is compounded by a lack of clear guidance in the area of language testing and its oversight, as well as insufficient awareness by those responsible of what criteria are important during selection. As a result, the diverse challenges that have arisen for stakeholders in selecting suitable and appropriate testing tools that meet the ICAO LPRs are many, and this a serious matter for concern.

EASA has collected valuable information from its Member States, published in a comprehensive *Best Intervention Strategy Report on Language Proficiency* (BIS) that identifies several issues, including:

- the lack of uniformity between CR (EU) No. 1178/2011 and CR (EU) 2015/340 in terms of validity of levels 4 and 6;
- the lack of language training requirements for pilots, and
- the necessity that has stemmed from several incidents involving communication errors to amend the two regulations in terms of uniform oversight requirements of language testing organizations.

EU MS have sent their comments on this BIS Report focusing mainly on the issues mentioned above and highlighting their impact on aviation safety.

In order to offer guidance and support towards a uniform implementation of testing methods, ICAEA (International Civil Aviation English Association) has published *Test Design Guidelines* (TDG). This is a comprehensive document based on and fully supported by recognised research and practice in language testing that offers guidance for national competent authorities (CA) as well as all other stakeholders involved in the field of language testing and training, under the ICAO LPRs.

## 1.5 TERMINOLOGY OF CHAPTER 3 TO 6

Clear guidance (and rulemaking) requires limiting a term to a single concept, because using the same word or sequence of words to express the same single idea/thing makes any guidance (or rule) easier to understand. Accordingly, the language and terminology of the guidelines in chapter 3 to 6 of this EUR Doc should be as uniform as possible. For that purpose, its terminology is aligned with ICAO Doc 9835's terminology rather than any national or the European terminology, except when national or European contents are described or cited. The following table gives examples of the intended terminology management by comparing usage of such terms in the regulatory frameworks or guidelines:

**Table 1:** Terminology

Term used in		
ICAO Doc 9835 (guidelines)	EU/FCL or EU/ATCO (rules)	ICAO EUR Doc (guidelines, see chapter 3 to 6)
<i>civil aviation authority, State authorities</i>	<i>competent authority, national aviation authority</i>	<i>civil aviation authority, State authority</i>
<i>language testing organization, testing service provider</i>	<i>language-testing body, language assessment body</i>	<i>language testing organization</i>
<i>n.a.</i>	<i>certified assessor</i>	<i>n.a.</i>
<i>test-taker</i>	<i>applicant</i>	<i>test-taker</i>
<i>assessment method/process/procedure</i>	<i>method/process/procedure of assessment</i>	<i>assessment process/ procedures</i>

**Note:**

In most MSs the authority that is competent for LPRI is the national CAA alone. However, in some MSs the competencies for overseeing flight crew licensing and ATC licensing (and even licensing of military flight crews, though not being addressed by ICAO) are under various State authorities.



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## 2 GLOBAL AND REGIONAL LPRS CONTEXT

### 2.1 GLOBAL FRAMEWORK

ICAO Annex 1, paragraph 1.2.9.1 requires aeroplanes, airship, helicopter and powered-lift pilots<sup>2</sup>, and air traffic controllers to demonstrate the ability to speak and understand the language used for R/T communications to the level specified in the language proficiency requirements.

International standards include the *holistic* descriptors, and the ICAO *Operational Level* of the ICAO Language Proficiency Rating Scale, which is meant to be the minimum operational level for pilots and air traffic controllers to ensure safe operations. The language proficiency standards are applicable to the use of both phraseologies and plain language<sup>3</sup>.

In March 2003, the Council of ICAO adopted amendments to Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft* and Annex 11 — *Air Traffic Services* which require flight crews, air traffic controllers to demonstrate proficiency in English or the language spoken on the ground. ICAO developed a language rating scale against which a candidate's speaking ability and listening comprehension could be assessed.

The idea was to enhance the level of language proficiency, specifically in English, in a safety-critical aviation environment and reduce the communication breakdowns during operations with aircraft, caused by lack of language skills. These language proficiency standards affirmed that ICAO standardized phraseology should be used whenever possible and required that when phraseology is not applicable, pilots and air traffic controllers should demonstrate a minimum level of proficiency in plain language.

The effective use of plain language is important in routine operational situations in which phraseology provides no “ready-made” form of communication and is especially critical in unusual or emergency situations. Inevitable language errors should always be considered and judged in the wider context of miscommunication or failure to communicate successfully. The recognition of these errors contributed to the construction of ICAO Operational Level 4 which is considered to be the minimum level acceptable to ensure safe operations.

In addition, to complement the provisions on LPRI of ICAO Annex 1 and Annex 6, ICAO has developed:

- *Manual on the Implementation of ICAO Language Proficiency Requirements* Doc. 9835, that has been updated in 2010.
- ICAO Circular 318, *Language Testing Criteria for Global Harmonization*, 2009<sup>4</sup>, and
- ICAO Circular 323, *Guidelines for Aviation English Training Programmes*, 2009.

In the EU, these standards are transposed in the respective implementing rules on LPRs for Pilots, ATCOs and vehicle drivers on the manoeuvring area (Commission Regulation (EU) No 1178/2011 and Commission Implementing Regulation (EU) 2015/340 and Commission Regulation (EU) No 139/2014 respectively).

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<sup>2</sup> As of 3 November 2022 this affects also remote pilots (cf. 7.2).

<sup>3</sup> i.e. to speak spontaneously, creatively and in a non-coded (unrestricted) manner (in contrast to phraseology; cf. ICAO Doc 9835 Glossary).

<sup>4</sup> Circular 319 is essentially included in the 2010 version of Doc 9835 (chapter 6).

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## 2.2 EUROPEAN FRAMEWORK

Although the ICAO standards are the same for pilots and ATCOs, the requirements at EU level have been transposed in a different way for these two groups, which emphasizes the need for further harmonization.

In the FCL domain, the existing rules do not provide minimum criteria for the assessment process/method of assessment. The requirement FCL.055 of CR (EU) No. 1178/2011 and ATCO.B.030 of CR (EU) 340/2015 state that the applicant shall demonstrate the ability to:

- a) communicate effectively in voice-only and in face-to-face situations;
- b) communicate on common and work-related topics with accuracy and clarity;
- c) use appropriate communicative strategies to exchange messages and to recognize and resolve misunderstandings in a general or work-related context;
- d) handle successfully the linguistic challenges presented by a complication or unexpected turn of events which occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
- e) use a dialect or accent which is intelligible to the aeronautical community.

How such ability shall be demonstrated is not detailed in the FCL regulation. The demonstration of language proficiency, including the method of assessment, assessor qualifications, criteria for the acceptability of language assessment bodies are detailed in AMCs only. This allows MS to apply their own rules, to the detriment of uniform implementation.

In the ATCO regulation, CR (EU) 2015/340, the method of assessment is defined by the process of assessment, qualification of assessors and the appeal procedure.

The regulatory material in both domains provides the details of the process of assessment and assessors including guidance and acceptable means for acceptability of language assessment bodies.

Part FCL contains additional requirements for language assessment bodies to implement QMS.

## 2.3 CHALLENGES IN UNIFORM IMPLEMENTATION OF LPRS

Uniform implementation starts with aligning test design to the real-world communicative requirements of the test-takers and ensuring there is common regulatory/legal framework for how this is assessed/determined by the design of the test instrument.

The implementation of the LPRs is challenging for MS mainly because of the lack of dedicated provisions for the approval<sup>5</sup> and oversight activity on the language assessment bodies and on the assessment process undertaken by the competent authorities.

According to a survey carried out by the European Union Aviation Safety Agency (EASA), stakeholders (i.e. for pilots and air operators, as well as ATCOs and ANSPs), reported inconsistencies in the practical implementation of the regulations. It has been reported<sup>6</sup> that many pilots holding a CPL/IR or an ATPL, with an English LP endorsement of at least a level 4, seeking an airline job, cannot pass a telephone interview and are therefore unsuccessful in getting their first job as an airline pilot. According to the survey one large organization claimed that the lack of uniform implementation leads to a situation where in some MS it is quite easy to get an LP endorsement, while in others it is more difficult. Some airlines have a level 6 as a pre-entry requirement thus pushing pilots to search for an easy solution. In some cases, pilots having previously gained a level 5 or a level 6 in a MS were then assessed at a level 4 and in one case even at a level 3 by a different language assessment body in another MS. This also happened inversely in one MS where an ATCO (level 4) and a PPL (level 3) in

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<sup>5</sup> As the approval may be based on national rules only, the LP documentation can be issued in the national language only (other than English), which impedes mutual recognition because of possible translation problems.

<sup>6</sup> cf. BIS, 1.6 Feedback from stakeholders on the implementation issues of the current language proficiency rules.

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different independent face-to-face tests subsequently got a level 6 and a level 5 respectively, in a different MS online test.

Despite the (rather isolated)<sup>7</sup> oversight activity of the states, there are still issues with uniform implementation. Indeed, there are no harmonized guidelines for authorities on how to develop and conduct an oversight process and the implementation can be different from State to State, bringing different assessments of language skills that could eventually lead to different ratings of the same individual. The adoption of Opinion 05-2017 into existing European law and thus the mutual recognition of different LP assessments of pilots has worsened the non-standardized situation within Europe still further.

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<sup>7</sup> The *EASA Language Proficiency Questionnaire Report* has revealed that among EU MS 5 out of 22 CAs dealing with FCL have not developed any oversight plan on the LABs, their assessment methods and raters training and standardization (cf. report on answers to Question 6 of *EASA LP Questionnaire* in COG LPRI TF/35 – Summary of Discussions).

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## 3 LANGUAGE TESTING ORGANIZATION (LTO)

In order to facilitate oversight and mutual recognition of LP certificates it is necessary to make transparent all actions of a Testing Service Provider (TSP) that has issued an LP certificate. The latter should be done systematically. The glossary of ICAO Doc 9835 defines a *testing system* as “a combination of all provisions for administering a given test, including the test materials, but also the *organization* of test maintenance, test delivery, rating and marking”. Furthermore *test maintenance* is defined as “the activities of a testing organization intended to preserve the reliability, validity and security of the test over time. These activities include monitoring test results and rater reliability, designing and trialling new test items, issuing new versions of the test, reviewing instructions for test administrators, etc”. For that reason, and in a similar way to approved training organizations (ATO), i.e. the systematic approval thereof (cf. ICAO Doc 9841), CAAs/State authorities should label their approved TSPs as “**language testing organizations**”<sup>8</sup> or “**LTOs**”.

### 3.1 MANAGING AN LTO

An LTO should be defined as an organization that has been approved and is overseen by a CAA or another State authority, for providing language testing services. All the activities related to providing language testing service, i.e. all its processes<sup>9</sup> and procedures<sup>10</sup> should be laid down in an LTO handbook, which itself should be approved by the overseeing CAA/State authority. The more standardized such a handbook is, the more directly comparable LTOs using the same handbook structure will be. In this way, the path for harmonization will be laid, for example where assessment methods<sup>11</sup> of various LTOs could be compared more easily. For mutual recognition of LP certificates, the handbook of an LTO would not only show the methods of assessment, but ALL processes, methods and procedures that are applied in order to get an LP certificate<sup>12</sup>.

The term LTO seems to be particularly appropriate, as it means more than terms such as “language-testing body” or “language assessment body”, which are currently used in FCL-/ATCO-/ADR-regulations. As already mentioned above, the term *LTO* integrates both the organizational aspect and all the other processes leading to an LP certificate. Not only are the processes of **testing**, **assessment**, **documentation** and **quality assurance** covered, but also the process of **organization** itself. The implementation of a well-structured handbook containing all these processes and procedures should also lower the risk of unfair competition due to there being fewer LTOs offering easier tests for more money, and thus reduce the practice of “test shopping/tourism”, where candidates ‘shop’ around for the easiest or cheapest test. The more LTOs there are using such a harmonized handbook, the more efficient oversight should also be. In fact, by having all processes and procedures of an LTO defined in an approved handbook, an authority could determine more easily if and how an LTO deviates from its terms of approval and whether an LP certificate has been produced in compliance with the rules or not. Consequently, the good and sustainable work of other LTOs would become evident. Finally, having LTOs using handbooks with the same harmonized structure would enable any CAA/State authority to oversee several LTOs with much less effort, thereby facilitating the evaluation of LTO testing activities and benefiting “legitimate mutual recognition”.

#### 3.1.1 APPROVAL BASED ON A HANDBOOK

An organization seeking approval by a CAA/State authority should be provided with a template, that contains all necessary requirements and prerequisites. Such a template should be developed by the CAA itself, to enhance and make LTO compliance with the requirements more transparent. Chapter

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<sup>8</sup> ICAO Doc 9835 already uses this term twice (see para. 6.1.3 and 6.3.3.1).

<sup>9</sup> A process is a series of related tasks or methods that together turn inputs into outputs.

<sup>10</sup> A procedure is a prescribed way of undertaking a process or part of a process.

<sup>11</sup> A method is a process by which a task is completed; a way of doing something while procedure is a particular method for performing a task.

<sup>12</sup> cf. FCL.055 lit. e of CR (EU) No. 1178/2011, with referring only to the method of assessment.

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3.1.2 contains the structuring of a possible template, that could be used as GM and for LP testing of any aeronautical target population, not only pilots or ATCOs. The template should contain all the processes and procedures relevant for compliance with ICAO provisions *and* any national or supra-national rule or regulation. Moreover, its generic content could also cover the issue of online LP testing (cf. 3.2).

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### 3.1.2 HANDBOOK TEMPLATE - COMPLIANCE WITH ICAO SARPS

The table below shows the possible structuring and contents of a handbook template. Next to the chapter numbering, the column in the middle shows the processes and underlying procedures that an organization, seeking to be approved as an LTO, has to demonstrate to its competent CAA/State authority. In order to achieve high standardization and harmonization, the template should contain instructions on how to develop the handbook of an organization. For this purpose, the template should contain, for each (sub-)chapter, not only prescribed contents (prescribed by respective authority), but also recommended contents and key guiding questions, leading the applying organizations and leaving room for their own ideas/procedures. The content of the right column is governed by ICAO SARPS, mainly chapter 6 of ICAO Doc 9835 and its appendix C (Checklist for Aviation Language Testing). However, the handbook can make references not only to ICAO SARPS but to any other regulations/rules (of any ICAO MS), for FCL and ATCO purposes alike (for an example see 3.1.3). Above all, and before awarding any approval, the competent CAA/State authority should visit the organization at its place of primary business to meet all relevant staff in person and to verify facilities and all procedures, shown in the handbook.

**Table 2:** LTO handbook contents with reference to ICAO Doc 9835

Chapter	Title	Criterion number of ICAO Doc 9835, Chapter 6 to be considered
<b>0</b>	<b>GENERAL</b>	
<b>0.1</b>	List of revisions	Depending on the availability of a document management system the structuring of GENERAL may vary, whereas the rest of the handbook structure (ORGANIZATION, TESTING, ASSESSMENT, DOCUMENTATION and QUALITY ASSURANCE) should be as standardized as possible. This would facilitate standardized approval and oversight even if there are several LTOs. To facilitate flexibility with any chapter, the LTOs could add more sub-chapters as deemed necessary to clarify processes and procedures.
<b>0.2</b>	List of abbreviations	
<b>0.3</b>	Scope	
<b>0.4</b>	Updating	
<b>0.5</b>	Approval by CAA/State authority	
<b>0.6</b>	Distribution	
<b>1</b>	<b>ORGANIZATION</b>	i.e. the process of organization; <b>6.3.7</b> (organizational information and infrastructure)
<b>1.1</b>	Introduction of the organization	incl. business objectives, policy and strategy <b>6.3.7.1</b> (information about its organization and its relationships with other organizations); <b>6.3.7.2</b> (all associations and links with other organizations transparent); <b>6.3.7.3</b> (if the organization provides language training, clear separation between testing and training activities);
<b>1.2</b>	Organizational structure	incl. organization chart
<b>1.3</b>	Staffing	incl. procedures for appropriate management/staffing, responsibilities and contact details;
<b>1.3.1</b>	Head of LTO	
<b>1.3.2</b>	Administrative matters	<b>6.3.8.1</b> (test administration, i.e. registering test-takers, distributing relevant information to testing-teams etc.); <b>6.3.8.4</b> (test administrators with working knowledge of all administration guidelines of the LTO)
<b>1.3.3</b>	Linguistic and subject matters	i.e. main responsibilities for test development, test design and administration <b>6.3.8.1</b> (also test designer/developer); <b>6.3.8.2</b> (good familiarity with all relevant ICAO publications on LPRs); <b>6.3.8.3</b> (operational and linguistic experts form a team for test development) e.g. experienced language examiner (i.e. good knowledge of LTO's processes/procedures of LTO and ICAO SARPS, who might be responsible for many aspects of quality assurance (cf. 5)
<b>1.3.4</b>	Quality Management	incl. overall policy, remedy to CAA/State authority findings <b>6.3.8.2</b> (good familiarity with all relevant ICAO publications on LPRs) <b>Note:</b> In this context, the term „Quality Management” and later the term “Quality Assurance Process” (see 5) does not mean that all the processes/procedures described in an LTO handbook must be integrated into a QMS (such as ISO 9001:2008), yet they can be.
<b>1.3.5</b>	List of examiners	i.e. list of raters/assessors and interlocutors; <b>6.3.7.4</b> (sufficient numbers of qualified interlocutors and raters to administer the required tests); <b>6.3.8.2</b> (familiarity with all relevant ICAO publications on LPRs); <b>6.3.8.4</b> (interlocutors with working knowledge of all administration guidelines of the LTO); <b>6.3.8.5</b> (interlocutors' language proficiency at least level 5 or level 6, if involved in level 6 testing);

		<p><b>6.3.8.6</b> (interlocutors with completed initial training);  <b>6.3.8.7</b> (interlocutors with recurrent training once a year);  <b>6.3.8.8</b> (interlocutors with aviation operational knowledge or language testing expertise, or both);  <b>6.3.8.9</b> (at least two raters form a team/ operational &amp; linguistic expertise);  <b>6.3.8.10</b> (raters' language proficiency at least level 5 or level 6, if involved in level 6 testing);  <b>6.3.8.11</b> (raters are familiar with aviation English);  <b>6.3.8.12</b> (raters with completed initial training);  <b>6.3.8.13</b> (raters with recurrent training once a year);</p>
<b>1.4</b>	Testing locations	<p><b>6.3.5.4</b> (description of the room/s in which tests are conducted, furniture and equipment)  incl. general description of available locations and their preparation before testing (equipment, seating arrangements, etc.)  <b>6.3.5.5</b> (testing location with moderate comfort, privacy and quiet)</p>
<b>2</b>	<b>TESTING PROCESS</b>	<p>incl. test administration and security  <b>cf. 6.3.5</b> (all contents);  <b>6.3.2.4</b> (test complies with principles of good practice and a code of ethics as described in Chapter 6 of ICAO Doc 9835);  <b>6.3.5.6</b> (full description of test administration policies and procedures: retaking the test, score-reporting, record-keeping, plans for quality control/test maintenance/ongoing test development and purchasing conditions);  <b>cf. Test Design Guidelines (TDG), available at <a href="https://www.icaea.aero/">https://www.icaea.aero/</a>, which is a helpful tool for the design and recognition of valid and effective ICAO LP tests.</b>  <b>6.3.5.8</b> (security measures during test administration);</p>
<b>2.1</b>	Possible test-takers	<p><b>6.3.2.2</b> (target population)  i.e. who are the test-takers to be tested and on what legal basis</p>
<b>2.2</b>	Test information available to test-takers	<p><b>6.3.5.1</b> (complete sample of the test publicly available, incl. test-taker documents, interlocutor instructions/prompts, rater documentation, sample of audio recordings and a demonstration of test-taker);  <b>6.3.5.11</b> (a documented policy for all aspects of test security shown in publicly available documents);  incl. information for the test-taker before registering for the test, often delivered via a website (e.g. how to register, what to expect during the test/ mock exam, equipment needed, time parameters for each test task, appeal procedures, etc.)</p>
<b>2.3</b>	Registration procedure	<p>e.g. before/on the day of the test, incl. identity check and invigilation</p>
<b>2.4</b>	Test formats	<p><b>6.3.2.1</b> (test designed to assess speaking and listening proficiency in accordance with each component of the ICAO Rating Scale and the holistic descriptors);  <b>6.3.2.3</b> (description of and rationale for test construct accessible to all decision-makers in plain, layperson language);  <b>6.3.2.5</b> (test focus is not on discrete-point items, on grammar explicitly or on discrete vocabulary items, but rather on ability to communicate efficiently);  <b>6.3.2.8</b> (test is specific to aviation operations);  <b>6.3.2.10</b> (test avoids items that are designed to elicit highly technical or very context-specific language);  <b>6.3.4.4</b> (if rating is conducted using new technology, including speech recognition technology, the correspondence of such rating to human rating, on all aspects of the Rating Scale, is clearly demonstrated in layperson language);</p>
<b>2.4.1</b>	Listening skills	<p><b>6.3.2.6</b> (specific listening section with individual items included/ not to the detriment of assessing interaction);  <b>6.3.2.9</b> (test assesses plain language proficiency in an aviation context);</p>



		<p><b>6.3.5.3</b> (instructions to the test-taker clearly documented);</p> <p><b>6.3.5.4</b> (equipment/facilities necessary for the test included in the instructions);</p> <p>i.e. close description of construct, task types, task focus, timing, test delivery etc.)</p> <p><b>refer also to TDG, available at <a href="https://www.icaea.aero/">https://www.icaea.aero/</a>.</b></p>
<b>2.4.2</b>	Speaking skills	<p><b>6.3.2.7</b> (test includes voice-only interaction);</p> <p><b>6.3.3.2</b> (description of development);</p> <p><b>6.3.2.9</b> (test assesses plain language proficiency in an aviation context);</p> <p><b>6.3.5.3</b> (instructions to the test-taker clearly documented);</p> <p><b>refer also to TDG, available at <a href="https://www.icaea.aero/">https://www.icaea.aero/</a>.</b></p>
<b>2.5</b>	Use of (various) test versions	<p><b>6.3.5.9</b> (adequate test versions for various test-takers);</p> <p><b>6.3.5.10</b> (test questions/prompts held in confidence prior to the test);</p> <p>incl. sufficient various, customized test versions on the day of the test (minimum number)</p>
<b>3</b>	<b>ASSESSMENT PROCESS</b>	<b>6.3.4.4</b> (new technology, e.g. remote testing, speech recognition)
<b>3.1</b>	Aim of assessment	<p><b>6.3.2.2</b> (aims of the test – definition of test purpose describing both the aims of the test and the target population is accessible to all decision-makers)</p> <p>e.g. general explanation by using ICAO holistic descriptors (and supporting national/European legal bases)</p>
<b>3.2</b>	Assessment criteria	e.g. general explanation of ICAO rating scale (and supporting legal bases)
<b>3.3</b>	Assessment procedures	
<b>3.3.1</b>	Roles during assessment	<p><b>6.3.4.2</b> (rater team/panel)</p> <p>i.e. detailed description in the case of one assessor (or rater) and one interlocutor form an examination board/panel/rater team</p>
<b>3.3.2</b>	Decision making	<p><b>6.3.4.1</b> (rating process documented with audio/video recording);</p> <p><b>6.3.2.11</b> (documented rating process - final score is the lowest of the scores in each of the six ICAO language proficiency skills)</p> <p>i.e. general description (e.g. application of ICAO Rating Scale, final rating is the lowest of the six ratings)</p>
<b>3.3.3</b>	Documentation during testing	<p><b>6.3.4.1</b> (rating process incl. instructions documented in written form and audio/video recording);</p> <p><b>6.3.5.2</b> (rating process documented for addressing an appeal procedure or for auditing a rater/a rater team);</p> <p>i.e. taking notes during/after live interview for the sake of transparent assessment</p>
<b>3.3.4</b>	Documentation after testing	i.e. final rating and individual ratings
<b>3.3.5</b>	Appeal procedures	<p><b>6.3.4.2</b> (at least two raters participate in the rating of tests, with a third expert rater consulted in case of divergent scores);</p> <p><b>6.3.5.7</b> (documented appeal process);</p> <p>i.e. only interior appeal management (apart from making an appeal to the CAA/State authority)</p>
<b>3.4</b>	Evidence for validity and reliability of the assessment	<p><b>6.3.2.3</b> (description and rationale for test construct/ in layperson language);</p> <p><b>6.3.3.1</b> (statement of evidence for test validity and reliability accessible to all decision-makers in plain, layperson language);</p> <p><b>6.3.3.2</b> (description of development – incl. development calendar and all phases);</p> <p><b>6.3.3.3</b> (expected washback effect on training/no memory testing);</p> <p>i.e. by feedback both of test-taker and raters/interlocutors (cf. also 5.1.1, 5.1.2 and 5.8)</p>

<b>4</b>	<b>DOCUMENTATION PROCESS<sup>13</sup></b>	
<b>4.1</b>	Documentation of interview, assessment and results	incl. audio-recording of the live interaction between test-taker and interlocutor during 2.4.2 (Testing procedures - speaking skills)
<b>4.2</b>	Documents issued for test-taker	e.g. LP certificate
<b>4.3</b>	Licence endorsement	in case of handmade revalidation/handwritten licence endorsement
<b>4.4</b>	Reporting to authority documents and information issued for licensing	<b>6.3.6.4</b> (documented process of reporting scores/results);
<b>4.5</b>	Retention of documents and records	<b>6.3.6.3</b> (documented and adequate record-keeping process);
<b>4.6</b>	Retention period	<b>6.3.6.2</b> (evaluation sheets and supporting documentation filed for a predetermined period of time);
<b>5</b>	<b>QUALITY ASSURANCE PROCESS</b>	Quality assurance programme covering all processes (1 to 5)
<b>5.1</b>	Examiner (rater/assessor and/or interlocutor) training	covering all examination skills, i.e. addressing rating/assessing skills and how to conduct as an interlocutor
<b>5.1.1</b>	Initial training	<b>6.3.4.3</b> (initial rater training documented/training records maintained and raters audited periodically and reports documented);
<b>5.1.2</b>	Recurrent training	<b>6.3.4.3</b> (recurrent rater training documented/training records maintained and raters audited periodically and reports documented); results of rating exercises to be continuously documented (evidence for intra-/inter-rater reliability);
<b>5.2</b>	Deployment of examiners	e.g. for impartial assessment/ unbiased testing examiners, who are/were language teachers of the test-taker, are not to be deployed; no rater or interlocutor is to be involved in more than <i>[number]</i> of language tests per day (in order to prevent fatigue); every examiner is familiarized with all processes/procedures of the LTO handbook and knows the most important regulations/rules (familiarization by senior language examiner or Head of LTO);
<b>5.3</b>	Supervision of examiners	<b>6.3.4.3</b> (regular audits of raters; monitoring of raters' assessment; initial/recurrent rater training documented/training records maintained and raters audited periodically and reports documented); i.e. experienced rater/interlocutor (part of leading staff, mostly senior language examiner) attends a language test as an observer (during a certain period to be determined by the LTO) or listens to respective audio/video recordings; possible aims: to provide objective peer feedback; to diagnose and solve possible testing/assessing problems; to help raters/interlocutors develop their skills; to evaluate them for promotions or appointments)
<b>5.4</b>	Communication within the LTO	e.g. describing all means of communication; senior language examiner facilitating communication (especially in major LTOs);
<b>5.5</b>	Communication with licensing authorities	In case there are different licensing authorities with differing contact details/ application procedures
<b>5.6</b>	Communication with overseeing authority	e.g. via Head of LTO; an LTO should declare its readiness to enable the overseeing CAA/State authority being present at any LP test (by notifying the CAA on coming tests)
<b>5.7</b>	Deployment of test material	e.g. details on test material available; no deployment of test versions, if there is evidence of their disclosure
<b>5.8</b>	Development and improvement of test material (gaining validity evidence <sup>14</sup> )	<b>6.3.3.2</b> (development calendar/phases); <b>6.3.7.5</b> (ongoing test development/maintenance of an item database);

13 Cf. *Documentation of LP test result* in chapter 6.

14 Cf. *Quality criteria of language testing* in chapter 5.

		driven by feedback (cf. 3.4); sufficient test versions and customized according pilot's job role (e.g. plane/helicopter/airship or professional/private [remote] pilot)
<b>5.9</b>	Safe-keeping of test material	<b>6.3.5.8</b> (test security: protect test-item databases and provide secure storage of test materials)
<b>5.10</b>	Selecting further testing locations (apart from 1.4)	incl. criteria for apt locations <b>6.3.5.4</b> (description of testing room where a test will be conducted, furniture and equipment) incl. general description of available locations and their preparation before testing (equipment, seating arrangements, etc.) <b>6.3.5.5</b> (Testing location with moderate comfort, privacy and quiet)
<b>5.11</b>	Transparency of assessment	<b>6.3.4.1</b> (rating process documented with audio/video recording); <b>6.3.6.1</b> (speaking test involving interaction between test-taker and interlocutor is audio- or video-recorded); incl. repeatability and traceability <sup>15</sup>
<b>5.12</b>	Documentation control	incl. checking for using correct official forms and its completion; improving interior forms of LTO; making sure that current forms are used may be also part of document/quality management
<b>5.13</b>	Data protection	<b>6.3.5.8</b> (test security: provide secure storage of test scores/results); <b>6.3.6.4</b> (clear process of reporting scores/results); <b>6.3.6.5</b> (confidentiality policy on test results);
<b>5.14</b>	Remedy procedures in case of findings of the CAA/State authority	
<b>5.15</b>	Customer satisfaction	e.g. the test-taker is asked for feedback (for further improvements)
<b>Appendices</b>		e.g. <b>compliance lists/ references to regulations/ national implementing rules</b> ; proof of qualifications; test material; proof of quality criteria (ongoing collection of documents proving validity/reliability); ICAO Rating Scale; etc.

### 3.1.3 HANDBOOK TEMPLATE - COMPLIANCE WITH (SUPRA)NATIONAL (IMPLEMENTING) RULES

Every handbook of an LTO should contain a “**compliance list**” as a mandatory attachment, with reference to national and/or supra-national implementation rules, as applicable. As an example, the table below shows an extract of a compliance list referring to AMC 1 to FCL.055 of CR (EU) No. 1178/2011, therein **CRITERIA FOR THE ACCEPTABILITY OF LANGUAGE-TESTING BODIES**, as a supra-national (European) rule:

<sup>15</sup> The CAA should oblige LTOs to record the speaking part, containing live interactions between test-taker and interlocutor, on audio or video media, which makes the assessment repeatable and traceable, leading to efficient oversight, fair assessments and a mature Safety Management System.

**Table 3:** Compliance list of an LTO handbook (example)

AMC 1	Content	See chapter(s) of LTO handbook
(n)	To ensure an impartial assessment process, the language assessment should be independent of the language training.	1.1; 5.2
(n) (1)	To be accepted, the language-testing bodies should demonstrate:	
(n) (1) (i)	appropriate management and staffing;	1.3
(n) (1) (ii)	quality system established and maintained to ensure compliance with, and adequacy of, assessment requirements, standards and procedures.	5
(n) (2)	The quality system established by a language-testing body should address the following:	
(n) (2) (i)	management;	5.4; 1.3.1
(n) (2) (ii)	policy and strategy;	1.1
(n) (2) (iii)	processes;	5
(n) (2) (iv)	the relevant provisions of ICAO or Part-FCL standards and assessment procedures;	5.3; 3.2
(n) (2) (v)	organisational structure;	5.4; 1.2
(n) (2) (vi)	responsibility for the development, establishment and management of the quality system;	1.3.1; 1.3.4
(n) (2) (vii)	documentation;	5.12; 4
(n) (2) (viii)	quality assurance programme;	5
(n) (2) (ix)	human resources and training (initial and recurrent);	5.1; 1.3
(n) (2) (x)	assessment requirements;	5.3; 2.4; 3.3
(n) (2) (xi)	customer satisfaction.	5.15; 3.3.5
(n) (3)	The assessment documentation and records should be kept for a period of time determined by the competent authority and made available to this competent authority, on request.	5.6; 4.6

AMC 1	Content	See chapter(s) of LTO handbook
(n) (4)	The assessment documentation should include at least the following:	
(n) (4) (i)	assessment objectives;	3.1
(n) (4) (ii)	assessment layout, time scale, technologies used, assessment samples, voice samples;	2.4; 2.5
(n) (4) (iii)	assessment criteria and standards (at least for the levels 4, 5 and 6 of the rating scale mentioned in AMC2 FCL.055);	3.2
(n) (4) (iv)	documentation demonstrating the assessment validity, relevance and reliability;	3.4
(n) (4) (v)	assessment procedures and responsibilities:	
(n) (4) (v) (A)	preparation of individual assessment;	3.3.1; 3.3.2; 3.3.4
(n) (4) (v) (B)	administration: location(s), identity check and invigilation, assessment discipline, confidentiality or security;	3.3.3; 5.10; 5.11
(n) (4) (v) (C)	reporting and documentation provided to the competent authority or to the applicant, including sample certificate;	4.1; 4.4; 4.2
(n) (4) (v) (D)	retention of documents and records.	4.5

[...]

Here, with the background of EASA’s Best Intervention Strategy (BIS) regarding “Language Proficiency Assessment and Oversight”, the referencing of a handbook’s compliance list allows adaptation to the regulatory environment of EASA. Similarly, legal compliance could be achieved for any other regulatory environment established by any MS beyond the EU region.

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## 3.2 ONLINE TESTING

Since 2020, the COVID-19 pandemic has accelerated the digital transformation and online-administration of high stakes tests. For example, universities have started administering final examinations using online assessment platforms, and testing general language skills can take place both *on-site* and *online*. In a similar way ICAO LP testing, being also regarded as high-stakes<sup>16</sup>, may be administered in a proctored online form, as long as ICAO provisions and national implementing rules are met and the quality of *online*-testing matches the quality of *on-site* testing. It must also be noted that the materials and operation of an on-site test cannot simply be *converted* into an online test. Onsite materials particularly are developed for such an environment, and it is well recognized that people react differently and in different ways in the two testing environments. Online material must be developed specifically for an online environment and the LTO must provide evidence of such in its test development documentation. Subject to further guidance material being produced, and with the above-mentioned quality aim in mind, a CAA/State authority should consider the following key points, when approving a handbook containing online-procedures:

### A. Complete LP test can be taken online

For a test to be considered as online, the test-taker must perform the whole test by sole means of a remote terminal (e.g., personal computer, mobile phone or tablet including camera and headset/loudspeaker) from the beginning until the end of the test. The use of additional test equipment such as printers, a fax machine, a scanner etc. is not acceptable, as it would not be a characteristic of an online test.

### B. Comparable operations of online and on-site LP testing

The operation of an online LP test can be considered comparable to that of an on-site LP test, if

- a) the online test is being proctored all the time,
- b) the identification of the online test-taker is assured in a comparable manner,
- c) online test versions are securely provided, and,
- d) test tasks, material and instruments are specifically developed or adapted for an online environment.

When comparing on-site testing with online testing it is important to consider procedures for administering a test<sup>17</sup>, such as: location(s), identity check and invigilation, assessment discipline, confidentiality or security, and equality of test instruments, tasks and material, all of which are explained in ICAO Doc 9835. The overriding principle here is to attain *and* protect the integrity of the testing process (cf. ICAO Doc 9835, para. 6.3.5.8). Therefore, an LTO wishing to also (or only) provide *online*-testing must document all of its procedures, including where necessary, additional security measures and adapted material and tasks, so it can be appropriately compared to its own or other *on-site* testing. With regard to the prerequisites laid down above in lit. a) to d), this means:

As for a):

For the sake of *test security* an *online-test* must be continuously proctored, similar to an *on-site test*. While testing speaking skills, permanent video/audio recording<sup>18</sup> should provide safeguards against

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<sup>16</sup> cf. 6.2.2 ICAO Doc 9835

<sup>17</sup> cf. AMC 1 to FCL.055 CR (EU) Nr. 1178/2011, therein (n) (4) (v) (B).

<sup>18</sup> If applicable, an LTO must consider GDPR, Article 6 (lawfulness of processing).

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cheating and in the case of possible appeals, sufficient evidence. A CAA/State authority should further decide to have the LTO use an online invigilator, who would be solely responsible for observing the test-taker's behavior during his or her live interactions with the language examiner(s). In its handbook, an LTO should describe its procedures in case of any suspicious behavior and why it uses a specific video conference system. While testing listening skills separately during an online-test a special proctoring software may be needed, e.g. for invigilating an online listening test that is delivered in the multiple-choice (M/C) format<sup>19</sup>. Due to ongoing technological innovations, an approving CAA/State authority should leave the choice of the video conference system and the proctoring software to the LTO. The choice of such software should be clearly explained in the LTO's handbook.

As for b):

In order to prevent the use of false identities (cf. ICAO Doc 9835, para. 6.3.5.8 lit. d.), the test-taker's identity must be verified before an online-test starts. Similar to its procedures for providing a secure on-site test, an LTO should describe all such measures in its LTO handbook. Due to ongoing technological innovations, an approving CAA/State authority should let the LTO explain, how the test-taker's identity is checked and verified. For evaluation of whether respective procedures can be approved, however, the CAA/State authority must be able to understand how online identities are assured and verified by the LTO.

As for c):

The following guideline concerning *test security*, which has been taken from ICAO Doc 9835 para. 6.3.5.8, is valid for an LTO delivering on-site testing and online-testing alike:

*Testing organizations should protect test-item databases and provide secure storage of scores and test materials. They should require, establish and maintain formal commitments to confidentiality and integrity from test developers, administrators, raters, information technology personnel and any other staff who are involved in any aspect of the testing process.*

As for d):

An LTO should be able to provide evidence that the test materials, tasks and instruments used in the assessment have been specifically adapted, or developed, and trialled for an online environment and not simply copy-pasted from the on-site operation. Documentation should include the development and trialling process and all rationale for the transition from on-site to online testing.

CAAs/State authorities should also be aware that, in contrast to an *on-site LP test*, the recording of the whole testing process of an *online LP test* is much easier to accomplish (utilizing available software) with little risk of detection. After doing so, test-takers might also be looking to share their test experiences with other potential test-takers, to the detriment of test security and integrity. LTOs and authorities should be realistic enough and expect that such behaviour may well take place. The principal countermeasure is designing and/or approving online test procedures which do not allow access to either complete test versions or the complete pool of test items/question bank. For this purpose, an LTO should protect its listening test content by making all of the following arrangements:

- having a repository of test items (item bank) that is continuously expanding (respecting the yearly number of tests to be delivered),

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<sup>19</sup> In contrast to an on-site test, during an online-test the invigilation of an test-taker by looking over his or her shoulder is not possible.

- 
- having a computer program randomly select test items from the item bank to create unique test versions with a unique test number for every single test (excluding manipulation),
  - creating/delivering a test version to test-takers/examiners only when the listening test is about to start and not longer than the duration of the test,
  - ensuring a test is not accessible in case of interruption or technical failure,
  - allowing access to test versions only via a secure link and access number,
  - having the unique test number shown on the test screen for the whole duration of the test (for the purpose of identification in case of any unauthorized publication/disclosure), and
  - providing automated scoring of a M/C-listening test with no possible manipulation of the scores.

In protecting the speaking test content, an LTO should:

- create test versions in a similar, randomized way (note: creating new speaking items, incl. respective prompts such as pictures etc., should be easier than finding/creating suitable audio texts and compiling them as listening items/test versions),
- ensure that all prompt material is unknown to the test taker in that it is original and developed specifically for the test, does not infringe copyright, is not sourced from publicly accessible sites or course material, and/or does not refer to widely known or publicized events or accidents,
- have the unique test number displayed on the screen all the time,
- deliver the speaking test must in a direct manner, i.e. with examiner and test-taker interacting directly (no indirect, pre-recorded prompts → no “bedroom test”), and
- provide the test-taker with access to a secure virtual test room via a link (which is only valid for the time of that particular LP test).

### **C. Overseeing CAA or State authority can be present at any online test**

As a prerequisite for approval, an LTO should declare its readiness to enable the responsible CAA/State authority to oversee any of its LP tests. The latter can be done by notifying the authority about upcoming tests (cf. handbook template in 3.1.2, therein procedure in 5.6).

For enabling a virtual presence of the CAA/State authority, the LTO could simply send the invitation link for the video conference meeting to the overseeing authority, which can be done in carbon/blind copy (CC/BCC) and just a few hours before the respective online-test takes place. This will enable competent authority inspectors to connect to any online test they deem necessary to oversee. In order not to distract the test-taker, this should be done with camera and microphone off, and with the inspectors not interfering during the test.

In contrast to overseeing an on-site LP test, where inspectors have to travel to the test location, being present at an online LP test needs less time and costs, making this type of oversight very efficient. Such oversight should not, of course, be to the detriment of actual LTO site visits as required in pursuance of approval for initial and recurrent LTO authorisation.

### **D. Trialling online procedures before approving revised LTO handbook**

The approval of an LTO is based on an LTO handbook that also requires approval. Any LTO wishing to offer online testing must first revise its handbook, before sending it to the CAA/State authority. Not until the handbook contains online-procedures as well as development details specific to online



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testing, particularly where the LTO provides both onsite and online testing<sup>20</sup>, that have been approved by the authority, will the LTO be entitled to conduct online LP testing. After revising the handbook all online processes/procedures have to be checked for their feasibility, which should be done in trialling with a simulated LP test and competent authority inspectors being present. This may take several trials, involving the necessary revision of certain procedures, before the amended handbook can be approved by the CAA/State authority.

## E. Online documentation

### a) Online testing location

For the sake of documentation, the testing location documented/filed in the respective form(s) should be the location of the interlocutor of the LTO, which is only accessible for the overseeing CAA/State authority.

### b) Online signature

An on-site test normally requires documentation to be signed on completion of the test. After an online test a handwritten signature must be replaced by a trustworthy, secure technological solution. On the EU level, REGULATION (EU) No 910/2014 (cf. Acronyms & Abbreviations), which is also known as **eIDAS** (electronic **ID**entification, **A**uthentication and trust **S**ervices), describes technological solutions to replace a handwritten signature by means of an electronic/digital signature. The regulation differentiates three types of electronic signatures: a) simple, b) advanced and c) qualified electronic signature. For signing the LP test documentation, the simple electronic signature should not be used, because of the lack of legal requirements. This type of electronic signature is not therefore deemed secure enough for LP test documentation. However, for the advanced electronic signature, Article 26 of eIDAS<sup>21</sup> has stipulated clear requirements:

*An advanced electronic signature shall meet the following requirements:*

- (a) it is uniquely linked to the signatory;*
- (b) it is capable of identifying the signatory;*
- (c) it is created using electronic signature creation data that the signatory can, with a high level of confidence, use under his sole control; and*
- (d) it is linked to the data signed therewith in such a way that any subsequent change in the data is detectable.*

The above-mentioned requirements might also be used by LTOs approved by non-EASA or non-EU MS, to safeguard the security of a respective procedure for electronic signature. In turn, a CAA/State authority can easily verify digital signatures in terms of their security (measured by the document's authenticity, integrity, data encryption), only by means of (generally free) software<sup>22</sup>.

## F. Proven due diligence

CAAs or State authorities should enable online-testing only if there is proven due diligence. That is, online-testing should only be permitted for LTOs with no or only minor findings as regards their on-

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<sup>20</sup> With reference to the table in 3.1.2 (template of LTO handbook) the procedures (processes) that are affected by online testing, should be: 1.1-1.2; 1.3.3-1.3.4; 1.4; 2.2-2.5; 3.3.4-3.3.5; 4.1-4.6; 5.1-5.3; 5.6-5.13.

<sup>21</sup> see [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.257.01.0073.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0073.01.ENG)

<sup>22</sup> For an example, see <https://www.seccrypt.de/en/digiseal-reader/>. For other free software, search for 'signature reader', 'digital signature verification software' or similar terms.

site-testing (cf. 4.3 as to the categorization of findings) and within a considerable period of time (e.g. for a set number of years to be determined by the authority).

In turn, approving an LTO without any information on previous good testing practices is not recommended. Unfortunately, the internet allows for service providers to disguise their accountability, and may not provide clear information on a website about a testing service, an organization, or relationships with other organizations. On the other hand information may be given which is inaccurate or not wholly justified, such as by providing several CAA approvals but without clarifying when testing under which approval/ CAA oversight (cf. para. 6.3.7.1-6.3.7.2 of ICAO Doc 9835). It would therefore be prudent for CAA/State authorities to authorize online tests only if there is clear proof of who the organization is, how it operates, and where it operates from.

Furthermore, in consideration of whether to authorize any online-testing service, a CAA/State authority may also evaluate the potential quality of an online testing service being provided in relation to positive experiences gained during prior oversight of on-site-testing.

In that respect Table 4 below provides some key areas to be considered when evaluating due diligence of an organization applying to conduct online testing. The list may be amended as necessary.

**Table 4:** Due diligence - checklist

Check criterion	Key questions	Crosscheck
Organisation	<ul style="list-style-type: none"> <li>Are full details available of the address and location of the organization (incl. place of primary business) as shown in the LTO handbook?</li> <li>Is the address an actual building or a PO Box?, etc.</li> </ul>	Table 2 (therein 1.1, 1.4)
Representatives	<ul style="list-style-type: none"> <li>Can representatives be met in person and can evidence of skills, experience and qualifications, documented in the LTO handbook be provided?</li> <li>Are local and national laws related to business activities complied with?</li> <li>Can a list of all employees or external contractors be provided?</li> </ul>	Table 2 (therein 1.3) and Table 3 (compliance list)
Testing Service	<ul style="list-style-type: none"> <li>Can the location of their testing service as shown in the LTO handbook be visited? Can a live exam session be attended? etc.</li> </ul>	Table 2 (therein 1.4, 5.6)
Test Development	<ul style="list-style-type: none"> <li>Can a test development plan, including how the test tasks match the test takers' construct, be provided?</li> <li>Can a list of people involved (both SMEs and ELEs) along with their qualifications be supplied?</li> </ul>	Table 2 (therein 5.8 and 1.3.3)

	<ul style="list-style-type: none"> <li>• Can clear evidence as to how the test development was adapted for online delivery be given?</li> </ul>	
Test Security	<ul style="list-style-type: none"> <li>• Can evidence of secure proctoring and material, test-taker ID, etc. be shown?</li> </ul>	Table 2 (therein 5,7, 5.9, 5.13)
Publicity	<ul style="list-style-type: none"> <li>• Are unsubstantiated claims about affiliation to, or “accepted by” CAAs, EASA, ICAO or other bodies, made?</li> </ul>	ICAO Doc 9835 (therein para. 6.3.7.2)
Handbook conformity	<ul style="list-style-type: none"> <li>• During the visit of the CAA/State authority before any approval is given, can all processes and procedures shown in the LTO handbook be confirmed by clear appropriate and justified documentation?</li> </ul>	LTO handbook (complete)
etc.	...	...

## 4 OVERSEEING AN LTO

Based on the processes and procedures shown in chapter 3, this chapter lays down the tasks and subtasks of inspectors when approving the LTO and continuing to provide oversight and the necessary competencies of CAA or other State authority inspectors when dealing with language proficiency tasks (4.1), including recommended training to specialize in this domain (4.2). In addition, it gives general guidelines for oversight, which may serve as a basis for rulemaking in any ICAO MS.

### 4.1 TASKS AND COMPETENCIES OF AUTHORITY INSPECTORS

When dealing with the approval and oversight of an LTO, the tasks of an inspector could be grouped as per Table 5, which is aimed at better identifying the level of work required, and planning the activities to allow the delivery of the results in an appropriate manner.

**Table 5:** Typical tasks and subtasks of authority inspectors

Definition of typical tasks and subtasks of the inspectors		
References	A clear reference for the tasks of inspectors responsible for language proficiency testing oversight could not be clearly identified within ICAO and/or European documents. However, based on the <i>ICAO Doc 9835, Appendix C</i> and Chapter 6 respectively, a number of tasks and subtasks have been listed below. A number of other documents were also used to formulate the lists of tasks and subtasks of inspectors e.g. <i>ICAO Doc 9868, ICAO Doc 10070, ICAO Doc 10056</i> , EU Regulations.  In EU Regulations the criteria for the acceptability/approval of language assessment/testing bodies for pilots and ATCOs are found in <i>Commission Regulation EU 1178/2011</i> and <i>Commission Regulation EU 340/2015</i> respectively.  <b>Note:</b> On the preferred term LTO cf. 1.4, 1.5 and 3.	
Definition		
Inspector	A qualified person authorized by the State to carry out safety oversight activities for civil aviation. ( <i>ICAO Doc 10070</i> )	
Tasks and subtasks		
Tasks		Description
1	Initiation of the approval process	ICAO Doc 9835 <i>Appendix C</i> item 6.3.7.  CR EU 1178/2011 ARA.GEN.300 ARA.GEN.305 and subsequent AMCs/GMs, FCL.055 and AMC 1,2,3  CR EU 340/2015 ATCO.AR.C.001 ATCO.AR.C.005 ATOC.AR.C.110 and subsequent AMCs/GMs,

		ATCO.AR.A.010 (9), ATCO.B.040 and AMC1,2,3,4
	<b>Subtasks</b>	
	1.1 Preparation of a plan for approval after receiving application (incl. first draft of LTO handbook)	
	1.2 Communicating the proposed plan and its agreement	
	1.3 Identification of the team(s) to conduct the approval process	
<b>2</b>	<b>Evaluation of language assessment process documentation (as shown in the submitted LTO handbook draft)</b>	
	<b>Subtasks</b>	
	2.1 Review of the assessment process documentation, including preparation for testing, objectives, timescale, samples of tests applied, guidance to assessors, record identification, method applied, i.e. face-to-face or online, etc. (as shown in the submitted LTO handbook draft)	9835 <i>Appendix C</i> items 6.3.2.1 up to 6.3.2.11
	2.2 Review of the outcome of the assessment process per ICAO Rating scale including the certificates issued including reliability, validity and relevance for the operational and extended levels (5-6)	9835 <i>Appendix C</i> item 6.3.3.1, 6.3.3.2
	2.3 Analyze the adequacy of the equipment and the facilities used for assessment	9835 <i>Appendix C</i> 6.3.5.1
	2.4 Review the list of assessors and their qualifications	9835 <i>Appendix C</i> 6.3.8.3
	2.5. Review the roles and responsibilities of the assessors within the assessment process	9835 <i>Appendix C</i> 6.3.8.3
	2.6 Review the appeal process/procedure	9835 <i>Appendix C</i> 6.3.5.7
<b>3</b>	<b>Evaluation of organization and associated documentation (as shown in the submitted LTO handbook draft)</b>	
	<b>Subtasks</b>	
	3.1 Review the organigram of the organization (as shown in the submitted LTO handbook draft)	9835 <i>Appendix C</i> items 6.3.7.1, 6.3.7.2, 6.3.7.3, 6.3.8.3
	3.2 Review of the additional management system (quality management) documentation: <ul style="list-style-type: none"> <li>• procedures for testing and administration;</li> <li>• recordings, certificates, records and record keeping process;</li> <li>• identification of process owners;</li> </ul>	9835 <i>Appendix C</i> item 6.3.8.2, 6.3.8.3

	<ul style="list-style-type: none"> <li>• software functionalities used by the organization;</li> <li>• initial and on-going training programme and plan for the assessors;</li> <li>• identification of possible changes to the management system (quality management) and change management procedures, etc.</li> </ul>	
	3.3 Assessment of the independence of the LTO	9835 <i>Appendix C</i> item 6.3.7.2, 6.3.3.3
<b>4</b>	<b>On-site evaluation of organization and associated documentation</b>	
	<b>Subtasks</b>	
	4.1 Preparation of the visit schedule, notification and opening meeting agenda	
	4.2 Preparation of the checklist/forms	
	4.3 Verification of rater/interlocutor training and qualification	9835 <i>Appendix C</i> 6.3.7.4, 6.3.8.1, 6.3.8.2, 6.3.8.3, 6.3.8.4 - 6.3.8.8, 6.3.8.12, 6.3.8.13
	4.4 Verification of the equipment, materials and software solution and facilities used for assessment	9835 <i>Appendix C</i> item 6.3.5.4
	4.5 Verification of the effectiveness of the guidance issued to the assessors	9835 <i>Appendix C</i> item 6.3.5.2, 6.3.5.6
	4.6 Observation of testing, when possible, and administration process including health and safety and security aspects.	
	4.7 Verification of situations when appeal mechanism was applied	9835 <i>Appendix C</i> 6.3.5.7
	4.8 Verification of the recordings, records and the record keeping system	9835 <i>Appendix C</i> 6.3.6.3, 6.3.6.4, 6.3.6.5
	4.9 Verification of contracted elements, if applicable	
	4.10 Preparation of findings and the preliminary report	
	4.11 Communication of the onsite visit results including exit meeting	
<b>5</b>	<b>Conclusion and approval of the organization as an LTO (incl. assessment method)</b>	CR EU 1178/2011 ARA.GEN.300, ARA.GEN.305 and subsequent AMCs/GMs  CR EU 340/2015 ATCO.AR.C.001 ATCO.AR.C.005, ATCO.AR.C.110 and subsequent AMCs/GMs, ATCO.AR.A.010 (9)

	<b>Subtasks</b>	
	5.1 Evaluation of the corrective action plan (CAP) and acceptance/rejection thereof	
	5.2. Drafting the on-site report and consultation with the organization	
	5.3 Finalization of the on-site report and submitting of the findings (if any)	
	5.4 Verification of the CAP implementation, if applicable	
	5.5 Drafting conclusions and proposal for approval/acceptance of organization as an LTO (incl. method of assessment)	
	5.6 Issuing the approvals	
<b>6</b>	<b>Ongoing oversight</b>	CR EU 1178/2011 ARA.GEN.300, ARA.GEN.305 and subsequent AMCs/GMs FCL.055 and AMC 1,2,3 CR EU 340/2015 ATCO.AR.C.001 ATCO.AR.C.005, ATCO.AR.C.110 and subsequent AMCs/GMs, ATCO.AR.A.010 (9) ATCO.B.040 and AMC1,2,3,4
	<b>Subtasks</b>	“cf. also 4.3 Guidelines for oversight”
	6.1 Carry out risk assessment of the LTO activities, e.g. assess condition imposed in the approvals/acceptance, assess the resources to conduct assessment, assess the conformity of the schedule with the factual assessment, etc.	
	6.2 Establish an initial plan for oversight (24 months)	
	6.3 Determine together with the LTO the type of changes (prior or without prior approval) that can be notified to the CAA/State authority	
	6.4 Review and assess all changes to the LTO method of assessment documentation, management system (quality system)	
	6.5 Draft and communicate possible findings regarding the changes reviewed	“cf. also 4.3 Guidelines for oversight”
	6.6 Assess and accept/reject the CAP for the findings in 6.4	“cf. also 4.3 Guidelines for oversight”

	6.7 Conduct onsite visits in accordance with the plan	
	6.8 Document findings, assess CAP and prepare reports	
	6.9 Adapt the ongoing oversight plan	
	6.10 Evaluate possible extension of the ongoing oversight plan, e.g. 36 or 48 months	

The CBTA concept for training and assessment has to be applied to the inspectors as it is focused on establishing the main competencies to be gained by the staff working in this area.

Table 6 provides a list of competencies and observable behaviors which are based on ICAO Doc 10070 and adapted to the needs of the inspector dealing with LTO and language assessment.

**Table 6:** English LP inspector competencies

<b>Name of the competency</b>	<b>Description</b>	<b>Performance Criteria Observable behaviors (OB)</b>
<b>1. Ethics and Values</b>	<i>Demonstrates integrity, transparency, openness, respect and fairness and considers the consequences when making a decision or taking action. Acts consistently in accordance with fundamental values of the civil aviation authority.</i>	1.1 Treats others respectfully, fairly and objectively regardless of differences; 1.2 Answers questions truthfully without embellishment or attempt to cover up a lack of knowledge; 1.3 Maintains privacy and confidentiality when appropriate; 1.4 Manages professional relationships with appropriate role boundaries; 1.5 Adheres to professional codes of conduct when taking action and making decisions; 1.6 Takes responsibility for own actions; 1.7 Identifies and mitigates conflict of interest situations; 1.8 Acts with integrity; 1.9 Uses resources of the CAA/State authority and aviation entities in a cost-conscious manner; 1.10 Demonstrates the values of the CAA/State authority.
<b>2. Communication</b>	<i>Effectively conveys, receives and understands information in oral, written and non-verbal modes.</i>	2.1 Verifies that the recipient is prepared to receive information; 2.2 Confirms that information conveyed was received and accurately understood; 2.3 Listens actively and objectively without interrupting; 2.4 Checks own understanding of other's communication (e.g. repeats or paraphrases, asks additional questions);



		<p>2.5 Presents appropriate and accurate information in a clear, concise and compelling manner in all media;</p> <p>2.6 Adapts content, style, tone and media of communication to suit the target audience including cultural considerations, and to promote dialogue;</p> <p>2.7 Understands other people's concerns;</p> <p>2.8 Maintains open lines of communication with management, stakeholders and colleagues;</p> <p>2.9 Communicates complex issues clearly and credibly with diverse audiences;</p> <p>2.10 Delivers difficult or unpopular messages with clarity, tact and diplomacy.</p>
<b>3. Problem Solving and Decision Making</b>	<p><i>Solves issues of varied levels of complexity, ambiguity and risk. Makes timely decisions that take into account relevant facts, tasks, goals, constraints, risks and conflicting points of view.</i></p>	<p>3.1 Collects related and sufficient information from a variety of sources in a timely manner;</p> <p>3.2 Breaks down complex tasks into manageable parts;</p> <p>3.3 Considers multiple possible causes of problems;</p> <p>3.4 Identifies risks involved for different solutions to a problem;</p> <p>3.5 Identifies interdependencies between various components of a problematic situation;</p> <p>3.6 Develops solutions that address the situation in its entirety;</p> <p>3.7 Takes steps to mitigate medium- to long-term impact of solutions when developing solutions to fix immediate issues;</p> <p>3.8 Provides a rationale behind each decision;</p> <p>3.9 Makes timely decisions based on applicable rules and procedures. Responds decisively when inappropriate conduct is identified to affect positive change without delay;</p> <p>3.10 Recognizes scope of own authority for decision making and escalates to the appropriate level if necessary;</p> <p>3.11 Demonstrates decisiveness when under pressure or faced with complex or sensitive situations;</p> <p>3.12 Incorporates lessons learnt in future decisions.</p>
<b>4. Initiative</b>	<p><i>Identifies and addresses issues independently, proactively and</i></p>	<p>4.1 Seizes opportunities that arise;</p> <p>4.2 Acts promptly in a crisis situation;</p> <p>4.3 Deals with obstacles effectively;</p> <p>4.4 Looks for ways to enhance efficiency and effectiveness;</p>

	<i>persistently to achieve objectives.</i>	<p>4.5 Looks for resources to support objectives;</p> <p>4.6 Anticipates and acts on potential issues;</p> <p>4.7 Organizes personal workload to ensure excellence in productivity and quality of service.</p>
<b>5 Assessing rater/interlocutor performance</b>	<i>Able to establish that rater/interlocutor performance meets the ICAO language proficiency requirements.</i>	<p>5.1 Determines consistency and reliability of rater/interlocutor performance;</p> <p>5.2 Understands raters' and interlocutors' roles and responsibilities, qualifications and ways of maintaining the required qualifications (initial/recurrent/refresher training) for the application of the testing method;</p> <p>5.3 Interprets correctly and explains the intent of the applicable standards for raters and interlocutors.</p>
<b>6 Assessing language proficiency tests</b>	<i>Able to establish that language proficiency tests meet the ICAO language proficiency requirements.</i>	<p>6.1 Determines the language proficiency purpose and type;</p> <p>6.2 Evaluates the language proficiency test construct, validity, reliability, consistency, relevance and practicality, administration, maintenance and washback effect;</p> <p>6.3 Evaluates different technologies used for testing;</p> <p>6.4 Interprets correctly and explains the intent of the applicable standards for language proficiency testing;</p> <p>6.5 Evaluates efforts by language testing organizations to demonstrate initial compliance with the regulations/standards.</p>
<b>7 Systems Thinking</b>	<i>Understands and determines how the various components of management systems interact and affect the overall system safety performance.</i>	<p>7.1 Accurately evaluates the inter-relationship between policies, processes and procedures of the stakeholder's systems;</p> <p>7.2 Accurately evaluates the inter-relationship between various systems including quality planning, quality control, and quality assurance of the stakeholder;</p> <p>7.3 Determines the effectiveness of the implementation of continuous improvement, reactive and proactive processes;</p> <p>7.4 Recognizes the essential components of a functional safety management system and their interoperability;</p> <p>7.5 Determines whether the stakeholder's management systems are appropriate for the size and scope of the operation;</p>

		<p>7.6 Accurately evaluates the inter-relationships between the management systems across various stakeholders;</p> <p>7.7 Uses the appropriate set of metrics to measure and monitor regulatory and stakeholder safety performance;</p> <p>7.8 Interprets findings from analysis of performance data;</p> <p>7.9 Assesses whether the stakeholder safety performance objectives achieve the desired safety performance;</p> <p>7.10 Provides feedback on potential deficiencies of the regulatory framework;</p> <p>7.11 Accurately determines whether the root cause(s) of deficiencies results from a single-point or systemic failure(s).</p>
<b>8 Leadership and Teamwork</b>	<i>Collaborates up, down and across the organization to foster and promote a clear vision and common goals. Energizes others to achieve the goals and positive results.</i>	<p>8.1 Gains the trust and confidence of others;</p> <p>8.2 Promotes positive working relationships;</p> <p>8.3 Encourages open discussion;</p> <p>8.4 Facilitates resolution of conflicts;</p> <p>8.5 Inspires others to collaborate and strive towards excellence;</p> <p>8.6 Actively solicits constructive feedback;</p> <p>8.7 Willingly adopts suggestion for improvement from others;</p> <p>8.8 Directs the work of the team to adapt to circumstance;</p> <p>8.9 Empowers team members to make decisions;</p> <p>8.10 Identifies the required resources to support the team.</p>
<b>9 Interpersonal Skills</b>	<i>Able to develop and maintain a suitable relationship in order to achieve objectives.</i>	<p>9.1 Leads open and tactful discussions where all parties can state their case; is diplomatic and settles misunderstandings skillfully;</p> <p>9.2 Understands cultural differences and adapts behavior to culture-specific expectations;</p> <p>9.3 Senses the emotional standing of a counterpart in a conversation and is able to react with respect and appreciation;</p> <p>9.4 Builds constructive relationships - up, down, and sideways, inside and outside the organization and easily finds common ground;</p> <p>9.5 Compromises and accepts different views;</p> <p>9.6 Acknowledges the opinions of others even when he/she disagrees.</p>

<b>10 Self Development</b>	<i>Engaged in a lifelong learning process and able to operate effectively and flexibly within a change environment.</i>	<p>10.1 Regularly seeks feedback, uses reflection and analyses both successes and setbacks for continuous self-improvement;</p> <p>10.2 Shows interest and pursues appropriate learning activities that meet self-development/learning needs;</p> <p>10.3 Is aware that different situations need different skills and approaches (e.g. shift from compliance-based to performance-based);</p> <p>10.4 Has an open approach and perceives change as a personal challenge and opportunity to grow;</p> <p>10.5 Thinks ahead and obtains technical and professional knowledge accordingly.</p>
<b>11 Technical expertise</b>	<i>Applies and improves knowledge and skills to perform safety oversight and regulatory duties in the language proficiency domain.</i>	<p>11.1 Has in-depth knowledge of the ICAO language proficiency requirements;</p> <p>11.2 Is aware of the testing methods applied to meet the ICAO language proficiency requirements;</p> <p>11.3 Applies LP knowledge and skills to correctly address a situation;</p> <p>11.4 Accurately answers complex LP questions;</p> <p>11.5 Keeps up to date on specialized LP knowledge and skills and standards;</p> <p>11.6 Recognizes trends in practice of one's own area and anticipates changes;</p> <p>11.7 Interprets correctly and explains the intent of the applicable statute, regulation or standard for a given context;</p> <p>11.8 Contributes as a subject-matter expert to the development of regulations and guidance;</p> <p>11.9 Consistently provides appropriate guidance to stakeholders and colleagues on how to implement performance-based regulations;</p> <p>11.10 Applies appropriate procedures in accordance with the CAA/State authority standards;</p> <p>11.11 Applies enforcement measures when necessary and in accordance with applicable regulations.</p>
<b>12 Critical Thinking</b>	<i>Analyses information in order to consistently achieve desired outcomes.</i>	<p>12.1 Accurately analyses stakeholder performance data for trends;</p> <p>12.2 Evaluates information with accuracy and objectivity;</p>

		<p>12.3 Seeks additional detail or clarification from colleagues or stakeholders;</p> <p>12.4 Synthesizes data from a variety of sources appropriately;</p> <p>12.5 Applies procedures appropriately;</p> <p>12.6 Recognizes that different processes and procedures can lead to similar outcomes;</p> <p>12.7 Analyses the thoroughness and effectiveness of all documented processes;</p> <p>12.8 Determines if authority employees understand and adhere to processes;</p> <p>12.9 Determines if stakeholders understand and adhere to processes;</p> <p>12.10 Assesses the efficiency and effectiveness of the implementation and maintenance of mandatory system-based programmes against operational requirements;</p> <p>12.11 Distinguishes between lapses, negligence and reckless action.</p>
<b>13 Risk Management</b>	<p><i>Demonstrates an effective approach to the oversight of a stakeholder considering its business model, risk profile and its availability of resources.</i></p>	<p>13.1 Carries out comprehensive risk assessments of testing service providers using appropriate methodologies;</p> <p>13.2 Develops and implements an effective programme to monitor continuing compliance of the regulations by stakeholders;</p> <p>13.3 Makes strategic decisions based on risk assessment, principles, values and business cases;</p> <p>13.4 Accurately determines, on a time basis trends, problem areas or hazards that may negatively impact safety;</p> <p>13.5 Recognizes business practices or organizational cultures that are potential indicators of increased levels of risk;</p> <p>13.6 Applies appropriate certification requirements and surveillance techniques according to changing levels of risk;</p> <p>13.7 Evaluates appropriateness of safety justification/assessment submitted by language testing organizations;</p> <p>13.8 Evaluates appropriateness of risk assessments performed by stakeholders and actions taken to manage hazards to an acceptable level;</p> <p>13.9 Identifies if appropriate remedial or enforcement action is required to address an issue at its root cause;</p>

		13.10 Ensures that stakeholders implement remedial measures.
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## 4.2 TRAINING PROGRAM FOR AUTHORITY INSPECTORS

All inspectors should follow an initial training followed by a specialized training in various areas including language proficiency assessment. Depending on the background of the inspector and experience, the training to cover the language proficiency assessment would be developed around the subjects and sub-subjects as described in Table 7.

**Table 7:** Specialized training for inspectors responsible for oversight

In addition to the initial training received by a CAA/ State authority inspector, at least the following subjects should be included in the specialized training for those responsible for the oversight of language proficiency requirements:
<b>1) Regulatory requirements</b> 1.1) ICAO requirements regarding language proficiency, including ICAO scale; 1.2) EU/regional requirements regarding language proficiency and LTOs, including the language proficiency rating scale, validity of different levels, principles of quality assurance , etc. 1.3) National requirements regarding language proficiency, LTOs and applicable MS laws (incl. administrative law);
<b>2) Language testing method</b> 2.1) Assessment methods and techniques used for English language proficiency, including software and online solutions, etc. 2.2) Standardized phraseology conforming to ICAO requirements, as applicable; 2.3) Aeronautical communication in general, as applicable; 2.4) Training and qualification requirements for interlocutors/raters; 2.5) Criteria for language testing organizations; 2.6) Evaluation of the relevant documentation and the management/administration of the procedures for testing; 2.7) Specific documentation related to language tests in terms of: validity, practicality, quality, maintenance, consistency, reliability and relevance; 2.8) <i>ICAO LPR Test Design Guidelines</i> developed by ICAEA - specific to aviation language proficiency testing.
<b>3) CAA/ State authority procedures and processes including</b> 3.1) Processes to address the approval/acceptance of LTOs; 3.2) Processes to address the approval of the methods of testing; 3.3) Planning the ongoing oversight for the LTOs and the associated methods.
<b>4) Essential human factors and soft skills training</b> 4.1) Communication techniques; 4.2) Problem solving and decision making; 4.3) Leadership and teamwork; 4.4) Risk management.

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**5) Soft skills (to be assessed upon recruitment of inspectors, during the items above, or OJT)**

- 5.1) Ethics and Values;
- 5.2) Initiative;
- 5.3) Systems Thinking;
- 5.4) Interpersonal Skills;
- 5.5) Self Development;
- 5.6) Critical Thinking.

After successful completion of the specialized training and in order to be qualified in this area, an inspector should:

- 1) Undergo, as a minimum, on-the-job training (OJT) for:
  - 2 audits for the ongoing oversight (in the case of only one LTO this can be reduced to 1 audit)
  - 1 evaluation of a method of assessment, if possible.
- 2) Have at least Level 5, C1 according to CEFR or equivalent for English language proficiency.
- 3) Have knowledge of aeronautical communications in general (ICAO and AIP approved phraseology).

These conditions would complement and create the necessary experience for inspectors.

### **4.3 GUIDELINES FOR OVERSIGHT**

When this EUR Doc was first published, there was no guidance material (GM) for harmonizing oversight of LTOs, neither in ICAO Doc 9835 nor in the European legal framework. In 2020, in order to counteract this non-standardized situation and to assist capacity building amongst EU MS for standardized language testing processes and mutual recognition, ICAO LPRI TF members from Austria, Belgium, France, Germany, Malta, Slovakia and Switzerland had already discussed common GM for oversight, which resulted in a rule proposal (see Appendix C<sup>23</sup>). The proposal was based on then existing regulations for the oversight of ATOs and certified persons, i.e. ARA.GEN.350 and ARA.GEN.355.

In the following text (in *italics*), the above-mentioned proposal has been transformed to general GM, so that it is now applicable for rulemaking in any ICAO MS. Similar to that previous proposal, the scope of oversight is mainly determined by its approved organizational structure, procedures and processes and in accordance with (supra-)national regulations and rules. However, the following guidelines are more generic and based on the LTO processes and procedures that have been laid down in chapter 3.1.2. In this respect, the following text and/or its content may be reused or modified, as deemed appropriate, for rulemaking by any MS or supra-national bodies such as EU. For example, CAAs/State authorities that plan to use the text for their national rulemaking activities, should be aware that all modal auxiliaries used in the text are “should”, which for the sake of flight safety can be modified at the authority’s discretion (cf. also footnotes).

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<sup>23</sup> See COG LPRI TF/36 – Summary of Discussions – Need of Rules on Oversight of Language-Testing and Certified Assessors

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## GENERAL GUIDELINES FOR OVERSEEING AN LTO

*(1) The competent CAA (or State authority)<sup>24</sup> should<sup>25</sup> oversee the LTO it has approved. The approval of an LTO should be shown by an approval certificate and it should be based on a handbook<sup>26</sup>, the current revision of which also should be approved. During oversight the CAA/State authority should monitor the compliance of the LTO with its organizational structure, processes or procedures according to its approved handbook including the terms of the approval certificate.*

*(2) The detection of any non-compliance with the approval results in a finding. The measures for oversight should include at least:*

- (a) checking documents and records, including audio (or video) recordings<sup>27</sup>;*
- (b) checking the ability of language examiners to conduct language assessments and the respective continued quality assurance;*
- (c) being present at live language tests.*

*(3) When deciding on a measure for oversight of an LTO the CAA/State authority should take into account the organizational size, the terms of approval, the usual output of language tests, the test results and any previous findings.*

*The CAA/State authority should have a system to analyze findings for their relevance of language assessment quality and their safety significance. Findings may be categorized into category<sup>28</sup> 1 or 2.*

*(4) A category 1 finding should be issued by the CAA/State authority when any significant non-compliance is detected with the applicable requirements of (supra-)national implementing regulations or rules<sup>29</sup>, with the approved organizational structure of the LTO, its processes, procedures or with the terms of the approval certificate that could lower flight safety or impose hazards to flight safety.*

*The category 1 findings should include:*

- (a) failure to give the CAA/State authority access to the facilities or testing locations as defined in its approved handbook during normal operating hours and after two written requests;*
- (b) obtaining or maintaining the validity of the approval by falsification of submitted documentary evidence;*
- (c) evidence of malpractice or fraudulent use of the approval or in case of bankruptcy;*
- (d) the lack of an accountable manager;*
- (e) failure to give the CAA access to the assessment documentation or records, including audio (or video) recordings and after two written requests;*
- (f) preventing the CAA/State authority from being present at any live language test without prior notification and in two cases;*
- (g) conducting language tests without authorization;*
- (h) conducting language tests in testing locations not approved by the CAA/State authority;*

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24 For rulemaking, a MS might insert here the name of the respective national CAA, NAA, CA or any other competent State authority. It is important to note that the approving and overseeing authority can be an authority other than the CAA, e.g. a State authority overseeing ANSPs. Therefore, chapter 6 of ICAO Doc 9835 generally refers to State authorities.

25 For LPRI rulemaking a MS can choose the auxiliaries “should” or “shall”, depending on the intended degree of legal obligation (i.e. recommended or mandatory). As the text in this document is just for guidance, the auxiliary „should“ is mostly used. Instead of the modal auxiliary “shall” a rulemaking MS might also use affirmative statements, such as “The CAA oversees...”, rather than “The CAA should oversee...”, etc. This applies to ALL the text in this subchapter.

26 A CAA/State authority should approve the handbook of an LTO containing its organizational structure and all its processes and procedures (cf. 3.1.2).

27 In the case where a CAA/State authority requires the test of speaking skills to be recorded on audio (or video media) according to para. 6.3.6.1 of ICAO Doc 9835.

28 Similar to CR (EU) No. 1178 ARA.GEN.350 (b) and (c), which differentiate between “level” 1 and 2 findings. As the ICAO Rating Scale already uses “level” in the context of language testing the term “category” is used.

29 For rulemaking, a MS might insert the name of the respective national or supra-national rule and/or regulation.



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*(i) conducting language tests that are not compliant with the requirements found in the holistic descriptors in Appendix 1 to Annex 1 or the level descriptors in the ICAO Rating Scale contained in Attachment A to Annex 1;*

*(j) any other non-compliance with the approved organizational structure, processes, procedures, relevant regulations or with the terms of an approval certificate which the CAA/State authority considers to be a category 1 finding.*

*(5) A category 2 finding should be issued by the CAA/State authority when any non-compliance is detected with the ICAO guidance material, with the approved organizational structure, processes or procedures or with the terms of an approval certificate that lowers the quality of language assessment.*

*The category 2 findings should include:*

*(a) unsuitably trained staff;*

*(b) insufficient communication between management and other staff members;*

*(c) non-availability of any language examiner for a period longer than one month and by any communication channel;*

*(d) unsuitable test material (e.g. containing language errors, language not being at desired level, material taken without permission from a 3<sup>rd</sup> party source or in breach of copyright, material sourced from publicly available media (including commercially available material, such as language training course books), material referring to well publicized events, omission of tasks that include key interactive communication from the test-taker's operational environment in which LP can be assessed, or the accent or language variety used in the listening part is not sufficiently intelligible for an international community of users.);*

*(e) assessment documentation and records not being kept for the period of time determined by the CAA/State authority;*

*(f) improper test administration (incl. improper location(s), identity check and invigilation, assessment discipline, confidentiality or security);*

*(g) any other non-compliance with the approved organizational structure, processes, procedures or relevant regulations, which the CAA/State authority considers to be a category 2 finding or which is not a category 1 finding.*

*(6) When a finding is detected during oversight or by any other means, the CAA/State authority should, without prejudice to any additional action required by the relevant (supra-)national regulation and its implementing rules, communicate the finding to the LTO in writing and request corrective action to address the non-compliance(s) identified.*

*(a) In the case of category 1 findings the CAA/State authority should take immediate and appropriate action to prohibit or limit activities and, if appropriate, it should take action to revoke the specific approval or to limit or suspend it in whole or in part, depending upon the extent of the category 1 finding, until successful corrective action has been taken by the LTO.*

*(b) In the case of category 2 findings, the CAA/State authority should:*

*(i) grant the LTO a corrective action implementation period appropriate to the nature of the finding(s) that in any case initially should not be more than 3 months. At the end of this period, and subject to the nature of the finding(s), the CAA/State authority may extend the 3-month period subject to a satisfactory corrective action plan agreed by the CAA/State authority; and*

*(ii) assess the corrective action and implementation plan proposed by the LTO and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.*

*(c) Where an LTO fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the CAA/State authority, the finding should be raised to a category 1 finding and action taken as laid down in (6)(a).*

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*(d) The CAA/State authority should record all findings it has raised or that have been communicated to it and, where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.*

*(7) Without prejudice to any additional enforcement measures, when the CAA/State authority of a MS identifies any non-compliance with the applicable requirements of relevant (supra-)national regulation(s) and its implementing rules by an LTO approved by the CAA/State authority of another MS, it should inform that CAA/State authority and provide an indication of the level of finding.*

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## 5 QUALITY CRITERIA OF LANGUAGE TESTING

For approving and overseeing an LTO it is essential to understand the most important quality criteria of language testing. To make clear how respective contents of ICAO Doc 9835 should be understood, the following sub-chapters primarily address authority inspectors and respective decision-makers (see 4.1 and 4.2) in plain, easily accessible layperson language.

### 5.1 CRITERIA THAT AFFECT THE QUALITY OF LP TESTS

All language tests developed in response to the ICAO LPRs and that are used for licensing purposes need to be approved by licensing CAAs. Furthermore, since all such tests produce results that are issued in pilot/ATCO licenses every effort needs to be made to ensure these tests meet minimum standards and reflect the aims of the ICAO LPRs in the same way. This provides some assurances that levels awarded by different tests in different MS are of the same standard, address the ICAO LPRs in the same way, and generate ICAO levels that are mostly equivalent. CAAs play an important role in this process and in the harmonisation of testing standards. Tests which are approved by CAAs that do not meet minimum requirements can undermine the whole LPRs system by affecting standards, attitudes and perceptions of all stakeholders. This chapter aims to provide CAAs with a general overview of what to consider when evaluating an LPR test in order to uphold testing standards and support harmonization of the ICAO LPRs.

There are three main elements that determine the effectiveness and suitability of an LPR test in a specific purpose domain:

1. **Validity** – Can be described as the extent to which scores on a test enable inferences to be made about language proficiency which are appropriate, meaningful and useful given the purpose of the test (Doc9835, xi). It indicates the degree to which a test measures what it is supposed to measure (Doc9835, 6.3.3.1). To this end, testers should gather and provide evidence to support the conclusions that are made about an individual's English language proficiency based on the individual's performance on a test (Doc9835, 6.2.3.3).  
Validity
2. **Authenticity** – Authenticity in specific purpose language testing means that test tasks should share critical features of tasks in the target language use situation of interest to test-takers. The degree of authenticity in an LSP test is the extent to which the test does in fact engage the test-takers in task characteristics of the real-life situation<sup>30</sup>.  
Authenticity is also seen as how far the language use in a real-life situation matches that in test tasks. The importance of this correspondence is key to how a test taker perceives a test (a component of face-validity) and thus what the effect will be on their eventual test performance<sup>31</sup>.  
Authenticity in LSP testing is paramount in how representation of the target language context in a test engages the specific abilities required for communication in that real-life context. This is seen as a critical condition for valid decision-making<sup>32</sup>.
3. **Reliability** – this refers to the stability and degree of consistency in the way the test measures language skills, including the attributes of the test tasks/items, the scoring process and performance of the raters (Doc 9835, 6.2.3.3).

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30 Douglas, D. (2000). *Assessing languages for specific purposes*. Cambridge: Cambridge University Press.

31 Bachman, L.F., & Palmer, A.S. (1996). *Language testing in practice*. Oxford: Oxford University Press.

32 Elder, C. (2016). *Exploring the limits of authenticity in LSP testing: The case of a specific-purpose language test for health professionals*. *Language Testing*, 33(2) 148-152.

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ICAO Doc 9835 also refers to a fourth criteria, *practicality* in the balance between the resources required to develop and support a test. This includes the funds and (for specific purpose high stakes testing) both the language and operational expertise to support the test development and operation as well as the resources available to do so (Doc9835, 6.2.3.3)<sup>33</sup>. It should be noted that practicality is not, however, a precondition for validity or reliability<sup>34</sup>. A high degree of practicality can thus be demonstrated by LTOs in ensuring that sufficient and appropriate resources are made available which allow them to fully meet the requirements of demonstrating validity, authenticity and reliability in their test development and operation.

Criteria related to the quality of language tests apply to the complete process of test development, starting with the design, development, delivery and administration. For approving and overseeing an LTO it is important to understand the key criteria that influence the effectiveness of language tests as well as to have some knowledge of the test development and administration processes. Since such criteria must be based on documented evidence related to the test development and administration process, the aim of the following is to give CAA inspectors some background guidelines to assist in evaluating the respective documents and applying these criteria. Such documentation may be part of the handbook that an LTO provides or may be submitted separately as attachments to a handbook, validating the processes and procedures described in the handbook. Collecting documented evidence at all stages of test development, particularly, the validation phases, should be considered by CAAs as an *ongoing approval and quality assurance process*.

CAA inspectors should, also, be aware of all definitions and rationale relevant to the respective criteria of Chapter 6 of ICAO Doc 9835, when approving the handbook of an LTO. The handbook template in 3.1.2 refers to all relevant criteria of ICAO Doc 9835, in which Appendix C provides the recommended criteria, in the form of a checklist (*Checklist for Aviation Language Testing*).

## 5.2 BASIC PRINCIPLES OF LANGUAGE TESTING

To demonstrate how the concept of test quality is embedded in the testing process this chapter will give an overview on the basic principles of language testing.

### 5.2.1 INTRODUCTION

Language testing and its development follows a relatively standard procedure based on good practice<sup>35</sup>. Just as there is a process involved in developing an aircraft, any language test needs to be developed according to a set plan, with trained experts and qualified specialists involved from the relevant fields. It needs to be trialled before going into operational service to see if it actually works, and it needs to be maintained throughout its operational life to ensure that it functions correctly and that any problematic issues are rectified. Additionally, like an aircraft, it should be subject to regular oversight inspections and certified by a competent authority or CAA, under whose jurisdiction it operates, in order to provide quality control and compliance with standard recommendations and practices.

The whole process of test development must be documented and supported by the provision of clear theoretical and practical evidence. Where necessary, quantitative (numerical or statistical) and

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<sup>33</sup> In short, practicality relates to administration, operation and possibly funding (Fulcher, 2010).

<sup>34</sup> Weir (2005) states that “If practicality is allowed to intrude before (validity) evidence is available we run the risk of not assessing what we want to”.

<sup>35</sup> Cf. the ALTE document *Principles of Good Practice* available at <https://www.alte.org/Materials> (URL retrieved on 27 April 2022).

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qualitative (information that can be categorised which is not solely numerical) data should also be provided and explained. Those involved in the testing system must be experienced and qualified in all areas to ensure the testing system follows the criteria under which it operates. Such evidence helps support the development process and ensures LTOs or CAAs (in case they themselves provide the tests), are able to clearly validate a testing system, or where necessary recognize any remedial work needed, for example, to improve the test so that it aligns with good testing practices. Documentation needs to provide evidence at all stages of test development that the processes involved have a clear rationale that are related to the test development plan and follow a test specification. This allows the oversight and quality control process a CAA implements to be effective and efficient. Relevant questions for overseeing national CAAs to ask, to assist in the oversight process is given later in this chapter.

### 5.2.2 START UP

Before developing a test, a language test developer needs to ask four important questions:

- i). Who are we testing?
- ii). What exactly do we need to test?
- iii). Why are we testing?
- iv). How are we going to test?

Test developers need to design tests that take account of the recommendations from the ICAO LPRs. The test developer should therefore already know the answers to at least the first three questions:

- i). We are testing *only* pilots or ATCOs.
- ii). We are testing *speaking ability* and *listening comprehension* required for aeronautical communication, according to the information given in both the holistic descriptors and the Rating Scale contained in ICAO Doc 9835.
- iii). We are testing because it is a licensing requirement for pilots and ATCOs and they need to demonstrate an operational level (minimum ICAO Level 4 in all six areas) of language proficiency, and that at least operational level 4 (or higher level) be included in the pilot or ATCO licence.

In relation to Question 4, this of course can vary, as there are different types of test tasks to assess speaking and listening skills. Test developers and LTOs must ensure that whatever methods and tasks they choose, they shall focus on the requirements from points i) to iii). There should also be a large enough variety of test tasks in any one test to ensure that the recommendations of the ICAO LPRs are fulfilled.

#### Examples:

**Speaking ability:** Voice-only operational role-plays (flight and/or ATC operations); face to face interviews discussing non-routine events in operational situations.

**Listening comprehension:** Recordings of radiocommunications associated with non-routine events requiring test-takers to answer questions about the event (this involves more than simply requiring test-takers to repeat or recall what someone said as this does not demonstrate *comprehension*). Questions could be posed orally by an interlocutor or displayed and answered on paper/computer.

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Test tasks must reflect the type of language used in communications between a flight crew and ATC. Further information on test tasks is given in the next part of this chapter, with reference to the Test Design Guidelines (TDGs).

### 5.2.3 THE DESIGN OF THE TEST

A testing system comprises many different parts. Central to the quality and overall effectiveness of a testing system is the test instrument. A language test instrument is the tool or device that is administered during a language assessment to collect information about a person's language skills and abilities, so that these may be measured. A test instrument is made up of sets of test tasks constructed and assembled in a meaningful way linked to test content and stimuli (recordings, videos and picture prompts). These are designed to measure the language level(s), language knowledge, and language skills, in a predetermined and controlled way, as outlined in a test specification.

In order for equivalence between ICAO LPR tests to be established, to facilitate harmonisation of LPR standards internationally, ICAO LPR tests need to incorporate a number of key test instrument design elements. Identifying and highlighting these key elements, based on ICAO Doc 9835 and best practice in language assessment, provides clear parameters so that tests can have more in common in terms of the language skills and language knowledge they assess and their alignment with language assessment needs for radiotelephony (R/T) communications. In simple terms, defining a baseline for test instrument design elements that need to be included allows effective comparisons to be made between tests. This can then facilitate international and inter-test standard setting.

The ICAEA TDGs<sup>36</sup> give more information on the criteria for language test design according to the ICAO LPRs, as well as a full rationale for the above points. It also provides an evaluation tool for test designers and CAAs to demonstrate how many of the following eight criteria a test fulfils, as well as possible action to take if it doesn't.

Examples of appropriate and inappropriate test tasks are also given in the *TDG workshop handbook* to help oversight and evaluation (see <https://www.icaea.aero/wp-content/uploads/2019/12/ICAEA-TDG-Workshop-Handbook.pdf>).

#### **Eight criteria to evaluate the design of ICAO LPR Tests:**

1. Test instruments need to include appropriate tasks that directly assess how test-takers use language in R/T communication contexts.
2. Separate test instruments need to be designed for pilots and ATCOs.
3. Test instruments need to contain test tasks dedicated to assessing listening comprehension, separate from tasks designed to assess speaking performance.
4. Test instruments need to comprise distinct sections with a range of appropriate test task types.
5. Test instruments need to include test tasks that allow test-takers to engage and participate in interactive and extended, co-constructed dialogue.

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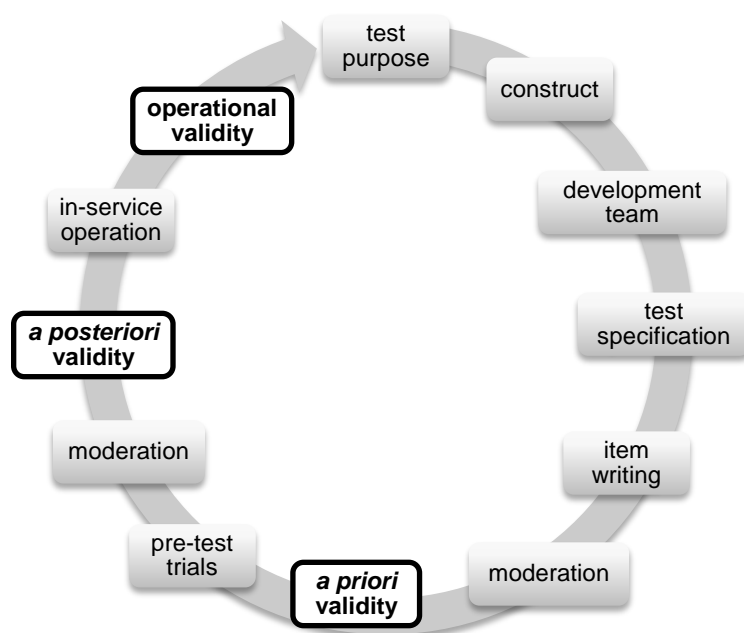
<sup>36</sup> See <https://www.icaea.aero/projects/icao-lpr-tdg/guidelines/> (URL retrieved on 26 April 2022).

6. Test instruments need to include tasks and items which allow the assessment to differentiate between ICAO language proficiency levels.
7. Test instruments need to contain appropriate tasks that assess test-takers' abilities to understand and communicate in real-world contexts.
8. Test banks need to comprise a sufficient number of equivalent versions, with each version of the test representing the test instrument in the same way.

#### 5.2.4 TEST DEVELOPMENT

Once we have the answers to the first four questions, the test development process can be drawn up and the test development team assembled.

The test development process should follow a logical plan, incorporating all stages of the process as recommended by the ALTE Good Practice documentation. An example is given in figure 1<sup>37</sup>, its stages are explained below.



**Figure 1:** Test development plan (sample)

#### Test development team

The old saying ‘never go it alone’ is especially true in specific purpose language testing, as in aviation, under the ICAO LPRs. Test developers must ensure that they have a sufficient number of team members and that they are trained and qualified and have relevant experience in language testing, language learning, and operational aviation communication between pilots and ATCOs. The inclusion of both language and operational experts in specific purpose language test development is critical in understanding the complexities of highly technical and safety critical communication.

<sup>37</sup> Based on an adapted version of that found in Fulcher, Glenn. 2010. *Practical Language Testing*.

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## Test specification

The test specification is effectively a blueprint document for the design of the test. It is from this that the development process is driven. Of course, it can be updated and revised throughout the process, where needed, and this should be documented, with a clear justification for any changes. The specification should outline how all the tasks in the test instrument are to be constructed, what their purpose is, their level of difficulty, the language skills being tested, how this is elicited in the tasks and what scoring method is used to produce the overall result.

## Item writing

The construction of test tasks (also known as *item writing*) takes time and a lot of care to ensure that each task appropriately provides opportunities for the test-taker to produce the language and type of communication required for assessment purposes. At least one member of the test development team should have undergone some training for this, the knowledge from which can then be passed on to the other members.

Designing test tasks must be done as a team and reviewed for accuracy, plausibility/authenticity and appropriateness. Review sessions should be held regularly in order to ensure the test specification is being followed and to discuss any problematic areas which need be addressed.

## Moderation

A typical moderation or review process may involve a group of item writers checking and a first draft, then a first and second edit by different people. This may be followed by a standard setting session to ensure that the tasks are focussed on the language required and at the correct level. As in other stages, such processes should be documented in the test development plan. Essentially, at the end of any moderation meeting the test tasks need to be accepted by the development team before any form of test trialing can begin. Where necessary test tasks must be *re-developed* or *re-written* to ensure they fulfil their intended purpose in the test.

When proceeding according to the test design plan we will reach the stage, when the test and the drafted test versions will be checked according to quality criteria, which will be discussed in the next sub-chapters.

### 5.2.5 VALIDITY EVIDENCE

A general concept of *validity* refers to whether the test *does what the test specification intends it to do and matches the original purpose of the test*. It is not sufficient to just say that “yes” a test does what we want, it is important that *validity* at any time is supported and justified by clear evidence. Such evidence can be sourced through both quantitative (numerical or statistical) and qualitative (categorised information) data gathered during test trials. Simple questionnaires, interviews, feedback, results, as well as basic statistical indexing (convergence – similarities vs. divergence – differences) can all be used to provide such evidence. Statistical analysis does not need to be extensive and complicated – entering data in an typical spreadsheet can often be sufficient – but should be enough to show clear evidence of the test operation. If in doubt, external testing specialists should be consulted.



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Validity can be considered in **three stages**:

- 1) ***a priori validity***, is important before any testing is done. The focus of validity should be considered across a number of possible areas:
  - a. *Construct* – the inclusion of the skills required to be tested.
  - b. *Content and context* – the content and context of each task matches that of real-life communication.
  - c. *Cognitive* – the tasks represent similar cognitive activity to that of real-life operational communication.
- ➔ Evidence can be gathered by the test developers from interviews, statistics, or review discussions (all of them to be documented).
- 2) ***a posteriori validity*** – a continuation of ‘1’ plus:
  - a. *Scoring* – do the tasks produce scores that can be evaluated according to the ICAO Rating scale? Can such scores thus be seen as valid according to the LPR system? Such questions must be considered during the development process.
- ➔ Evidence may be gathered from statistical analysis and review meetings in response to test trials where the tests are trialled on samples of test-takers who represent the real test-taker population (all of them to be documented).
- b. *Face validity*- do the people who will be tested see the test system as a reasonable testing method and system? Do they have confidence that the system is an appropriate way of testing their language proficiency?
- ➔ Evidence may be gathered from interviews and questionnaires (all of them to be documented).
- 3) ***Operational validity*** - a continuation of ‘1’ and ‘2’ plus:
  - a. *Consequential* – Does the test have an effect in a wider social setting to include other stakeholders? Does it increase or decrease motivation in test-takers? Does it create a positive or negative political or social effect? Does it produce positive or negative attitudes towards the test and testing from the test-takers?
  - b. *Training* – Does the test have an effect on any training? If so, how is training impacted by the testing? Does any training provide simply a way of (re-)passing the test or does it focus on the wider daily communicative and language needs of the candidates?
- ➔ Evidence can be sourced from interviews and questionnaires with test-takers, their employers or other key stakeholder groups (all of them to be documented).

Further information may be sourced from “A Guide to Submitting Validity Evidence<sup>38</sup>” and should be considered by a CAA when preparing a template for an LTO handbook according to 3.1.2.

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<sup>38</sup> See <https://www4.icao.int/aelts/uploads/a%20guide%20to%20submitting%20validity%20evidence.pdf> (URL retrieved on 20 March 2022). This guide has been developed by ICAO's Aviation English Language Testing Service (AELTS), a former service that facilitated formal recognition of those tests that meet ICAO's LPRs (cf. <https://www4.icao.int/aelts/Home/RecognizedTests>). In 2022 this service is not available anymore.

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## Pre-test Trialling

Using the analogy of an aircraft again, now that the test tasks have been developed, and checked as potentially suitable and operational, they are ready to be trialled. Trialling can take various stages but typically three stages are seen as necessary.

- i). Prototyping – testing the tasks on a very small number of people. These may be from the ultimate test-taker population, or similar operational environment.
- ii). Piloting – larger scale testing directly using potential test-takers.
- iii). Simulation – the use of the tasks as intended in a real exam situation.

Each stage should be documented, and any problematic areas noted in order to be reviewed and moderated before the next stage. All reviewing, moderation and re-engineering must also be documented. Documentation provides evidence at all stages of test development that the processes involved have a clear rationale that is related to the test development plan and specification. It allows the oversight and quality control process from a CAA to be made more effective and efficient.

## In-service operation

Once a test is ready for implementation, the work does not stop. All those involved need to be fully trained and competent in the testing procedures, including the delivery, rating and marking processes as well as interlocution tasks and general administration. Again any LTO must document how this has been done and how all training relates to the test itself, rather than simple generic training.

Test providers must maintain a clear process to ensure that the test runs smoothly, any issues are addressed, and the test instrument is working as planned. Statistical analyses need to be conducted and feedback must be regularly collected to check on:

- i) How test tasks are performing – are some more difficult than others, and if so why?
- ii) Whether raters/assessors are rating consistently (reliably) and as accurately as possible.
- iii) Are interlocutors performing their tasks correctly and with due diligence?
- iv) How test-takers respond to the test with respect to each instruction, task requirement, degree of authenticity etc.

*Reliability* is another important quality criterion, without which there is no validity. This quality criterion can be interpreted and documented in several ways, which will be the topic of the next subchapter.

### 5.2.6 RELIABILITY EVIDENCE

Para. 6.2.3.3 of ICAO Doc 9835 explains:

*The overriding concern of high-stakes test developers should be fairness.*

This can be interpreted as being *fair*, *valid*, *reliable* and *practical*. Taking into account the processes described above, all of these should be documented before and during any test operation process.

A test is *reliable* if it provides a stable and consistently appropriate performance both in terms of test scores, rater performance and day-to-day operation. Statistical evidence should again be provided to demonstrate this. It is unlikely that anything will be 100% reliable but test operators should be aiming to achieve as high a level of reliability as possible. It is important to note that the condition of *reliability*, i.e. providing consistent ratings, is a necessary condition of *validity*.

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As regards **reliability**, the procedures described in ch. 5.1 -5.3 and 5.8 of an LTO handbook (cf. Table 2 in 3.1.2) and its related documentation should give **answers to the following key questions**:

1. What checks are used to determine that items/tasks/components of each part of the test instrument perform consistently in the scores they generate?
2. What procedures are used to monitor intra- (where a rater's own scores are monitored for consistency across several assessment sessions) and inter-rater (where a rater is judged for consistency against other raters across single or multiple sessions) reliability? What decisions are made on the outcome of the results of this monitoring and why?
3. If during the test interlocutors are used, how does the LTO monitor their behaviour and performance?

A CAA inspector may also check whether an LTO has monitored and documented other problematic areas such as:

- Is there a problem with reliability caused by the way the test is administered and organized (e.g. sound files not played at a high-enough volume, different examiners behave differently, etc.)? (**administration reliability**)
- Are some test versions easier than others, which is not reflected in the rating? (**test reliability**)
- Are test versions being rotated so that content is not predictable, so that test-takers are not able to prepare rehearsed responses to test tasks? (**test security and reliability**)
- Are items or test tasks that are developed to assess specific levels accurately and consistently assessing these levels, or are they perhaps too easy or too difficult?
- Are there issues in the test that may be due to factors connected with the test-taker and are LTO staff trained to be aware of how to deal with any issues arising? (**test-taker reliability**)

## 5.3 USEFUL RESOURCES AND CHECKLISTS

LTOs and CAA inspectors can find further detailed explanation (including relevant key questions) in the following ALTE materials at <https://www.alte.org/Materials><sup>39</sup>, e.g.

- a) *Manual for Language Test Development and Examining.*
- b) *Guidelines for the Development of Language for Specific Purposes Tests.*

The above-mentioned website also contains links to materials for the guidance of test item writers, content analysis checklists, checklists for single tasks and quality assurance checklists, all of which a CAA should be aware of when evaluating ch. 3.4 of the LTO handbook and its related documents.

### 5.3.1 KEY QUESTIONS RELATED TO TEST DESIGN & SPECIFICATIONS

With regard to the relevant chapters of the LTO handbook, a CAA inspector should ask the LTO for documented evidence, providing answers to the following **key questions, referring to the test design and specifications** of a test, as well as the various elements of *validity* and *reliability* mentioned above.

**Table 8:** Checklist with key questions to test design & specifications

(as regards ch. 3.4 and 5.8 of the handbook template, shown in 3.1.2)

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<sup>39</sup> URL retrieved on 25 April 2022.

Test Process	Key questions to answer <sup>40</sup>
1. Test specifications and design	1.1. Is the test development process documented and clearly explained? 1.2. Are all members of the test development team listed, along with their qualifications and experience? 1.3. Have ICAEA's <i>Test Design Guidelines</i> (TDGs) been considered in the test design? If not, why not?
2. Test specifications regularly reviewed and updated	2.1. Are detailed test specifications provided? 2.2. Do they cover the required components of the ICAO LPRs? 2.3. Are they reviewed and updated regularly?
3. Construct (language & skills to be tested)	3.1. How are the criteria of the holistic descriptors and the rating scale referred to and incorporated in the format and structure of the test? 3.2. What rationale is provided for the type of language and skills assessed and how is this reflected in the test instrument?
4. Task types and test content	4.1. Is there a description of the rationale for the task types, items and use of the content in the test instrument?
5. Test-taker using real-life communication	5.1. How does the test specifically address the R/T communication needs of either pilots or ATCOs? 5.2. What steps are taken to ensure the test, or different forms of the test are provided for different types of test-takers (e.g.: ATPL vs PPL pilots, Area vs Tower ATCOs etc.)? 5.3. Is there a description on how the test addresses the specific language skills associated with each profession?
6. Scoring	6.1. How is the scoring process explained? 6.2. How is it justified? 6.3. How does it align with the ICAO rating scale? 6.4. Do the documents contain a description of how the scores awarded for each component of the test represent the skills (criteria) they assess? 6.5. Do the documents refer to how any likely external effects, not related to the skills the tasks are designed to assess, and how this could affect scores?
7. Listening comprehension	7.1. Is there a description of how comprehension is assessed? 7.2. Is there an explanation of the rationale for the approach adopted?

### 5.3.2 KEY QUESTIONS RELATED TO TEST TRIALLING & MAINTENANCE

With regards to **trialling and regular maintenance of the test – analyzing results, identifying problematic tasks and material, addressing any performance issues from raters/interlocutors, handling feedback from test-takers etc.**, the content of the documentation submitted by an LTO should provide **answers to the key questions** of the following checklist:

<sup>40</sup> LTOs must provide clear and detailed evidence in response to the following questions.

**Table 9:** Checklist with key questions to test trialling & maintenance

(as regards mainly ch. 2.4, 3.4, 5.7 and 5.8 of the handbook template, shown in 3.1.2)

8. Multiple test versions	<p>8.1. When multiple versions of the test were first developed, what checks were performed to ensure they would perform comparably?</p> <p>8.2. What was done to verify that each test version contained components that assessed the same skills, produced similar overall results and were equivalent in complexity and level of difficulty?</p> <p>8.3. How is the number of items/versions required for the target population determined?</p>
9. Language levels	<p>9.1. What has been done to establish and confirm the level of difficulty of specific items/tasks/components?</p> <p>9.2. If the test contains components/tasks/items which are intended to target language ability at a specific level, what has been done to determine that these components are able to effectively assess this level and discern between other levels?</p>
10. Trialling	<p>10.1. Is there a description of the trialling process, including who and how many were involved and why they were selected?</p> <p>10.2. What steps were taken to moderate and address problematic items/tasks?</p> <p>10.3. Have all items/tasks/versions been trialled on a representative sample of test-takers?</p>
11. Test target population	<p>11.1. Does the test contain content and tasks that specifically assess the language and communication needs of the intended target population? (For example, in a test for ATCOs, the listening comprehension questions do not require the test-takers to respond to questions that ATCOs do not need to listen for in real-world situations, such as ATC instructions, ATIS etc).</p>
12. Item writers	<p>12.1. How are item writers trained?</p>
13. Test items	<p>13.1. Is there a description of the process for the development of new items/tasks?</p> <p>13.2. When new versions/components/tasks or items are added to the test bank and what process is used to determine if they are suitable for inclusion?</p> <p>13.3. What process is adopted to determine if and when components or versions within the test bank need to be updated or replaced?</p> <p>13.4. What kind of monitoring is conducted to check that all components of the test bank contribute in the way they were intended and that the scores they generate are consistent with what is expected?</p> <p>13.5. How is test item/task performance monitored? What types of analysis are carried out?</p>
14. Test Operation	<p>14.1. What checks are carried out on the test items once the test becomes operational to identify any issues?</p> <p>14.2. How are any issues dealt with and remedied?</p>

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15.Training	15.1. How are raters, proctors, invigilators, interlocutors trained? 15.2. What kind of training was provided that relates specifically to this test in terms of it's delivery and rating requirements?
16.Test security	16.1. Where is the test material normally stored? 16.2. How is the material protected against potential misuse or security breaches? 16.3. How is any technology used protected from virus and cyberattacks? 16.4. How is security in any technology provided to protect both material and personal information?

The key questions in the above-mentioned tables have been adapted from “A Guide to Submitting Validity Evidence<sup>41</sup>” and should be considered by a CAA when preparing a template for an LTO handbook according to 3.1.2.

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41 See <https://www4.icao.int/aelts/uploads/a%20guide%20to%20submitting%20validity%20evidence.pdf> (URL retrieved on 20 March 2022). This guide has been developed by ICAO's Aviation English Language Testing Service (AELTS), a former service that facilitated formal recognition of those tests that meet ICAO's LPRs (cf. <https://www4.icao.int/aelts/Home/RecognizedTests>).

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## 6 DOCUMENTATION OF LP TEST RESULT

This chapter deals with documentation regarding the LP assessment as rating process documentation, assessment results and LP certificate including record-keeping. It refers to the respective procedures in chapter 3 and 4 of the handbook template, as shown in 3.1.2.

### 6.1 PROCESSING TEST RESULTS

Para. 6.3.5.2 in ICAO Doc 9835 states:

*Language is complex, and one simple statement by a person can be analysed in many different ways. Raters need to understand the depth of analysis that is expected of them in order to make and justify a rating. Documenting and supporting evaluations of test-takers are also essential in order to later review an assessment, either to address an appeal or complaint by an assessment applicant or to audit a rater or rating team. For such reasons, a documented set of scores alone is not sufficient; evidence and support for that score are required.*

*Evidence in this context would typically include examples of language use by the assessment-taker that indicate strengths or weaknesses: several instances of incorrect use of verb tenses, for example, might support a particular structure rating; or a problem pronouncing certain sounds might be documented as evidence for a pronunciation score.*

This shows the importance of a well-documented rating and processing of the assessment results, which includes the documentation before testing, during testing and assessing, as well as the documentation of the assessment after the test. The LTO should make sure that the following documentation is available and that, persons who do the rating/assessment, are informed about necessary documentation.

In accordance with AMC FCL.055 the assessment documentation should include at least the following:

- (i) assessment objectives;
- (ii) assessment layout, time scale, technologies used, assessment samples, voice samples;
- (iii) assessment criteria and standards (at least for the levels 4, 5 and 6 of the rating scale mentioned in AMC2 FCL.055);
- (iv) documentation demonstrating the assessment validity, relevance and reliability.

In the following, there are examples of documentation that should be kept in accordance with the above-mentioned requirements<sup>42</sup>.

#### 6.1.1 PERSONAL DATA OF THE TEST-TAKER

An LTO should<sup>43</sup> confirm the identity of the test-taker by checking an official personal identification document containing his/her photo. A copy of the document is to be kept in accordance with GDPR rules<sup>44</sup>.

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<sup>42</sup> For that reason, the compliance list, shown in 3.1.3, has integrated these requirements of AMC 1 (n)(4)(i)-(iv). Accordingly, the LTO handbook refers to the above-mentioned requirements in chapters 3.1; 2.4 and 2.5; 3.2; 3.4.

<sup>43</sup> Note: here and in the following, for rulemaking the auxiliary “shall” is to be preferred.

<sup>44</sup> The LTO handbook in 3.1.2 refers to this in ch. 2.3 and 5.13.

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### 6.1.2 TEST-INSTRUCTIONS INCLUDING APPEAL PROCEDURES

A complete sample of the test should be published, including the following<sup>45</sup>:

- a) assessment-taker documents (paper instructions, screen display, etc.);
- b) interlocutor instructions or prompts;
- c) rater documentation (answer key, rating scale, instructions);
- d) one complete sample of audio recordings (for listening sections or semi-direct prompts); and
- e) a demonstration of test-taker/interlocutor interaction.

An LTO should also make it clear to the test-taker how the appeal procedures work<sup>46</sup>, before conducting the test.

Moreover, the organization should make sure that at least the following documentation is collected during the assessment.

### 6.1.3 RECORDINGS

Due to the nature of LP exams (voice only, face-to-face), it is of the utmost importance to document the testing on at least one audio device, storing evidence for purposes such as re-evaluation, appeal and CAA oversight.<sup>47</sup>

Video recording is recommended in order to minimize cheating and should be mandatory for online testing (cf. 3.2).

Other documents:

#### ***Evidence collected by raters***

Evidence collected by raters is a vital part of the assessment process and needed to justify the resulting LP level. The LTO should state in their procedures what kind of evidence is collected<sup>48</sup>. This could include but it is not limited to hand-written notes, scoring sheets, etc. Such evidence should also be kept by the LTO for a retention period, no shorter than the duration of the validity period in the case of a Level 4 or higher result, and for a period that would include the full appeal procedure or any other local requirements where a lower result than Level 4 is achieved.

#### ***Certificate***

The LP certificate of the test-taker that is issued by the LTO (see 6.2) should be kept for a retention period specified in the LTO procedures<sup>49</sup>, but at least for the validity period of the level achieved.

In case the LP certificate is not issued, because, for example, the test-taker has failed the test, the LTO should specify the retention period in their procedures.

#### ***Appeals***

Any appeals should be documented and the documents kept for the specified retention period.

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<sup>45</sup> The LTO handbook in 3.1.2 refers to this in ch. 2.2.

<sup>46</sup> The LTO handbook in 3.1.2 refers to this in ch. 2.2 and 3.3.5.

<sup>47</sup> The LTO handbook in 3.1.2 refers to this in ch. 5.11.

<sup>48</sup> The LTO handbook in 3.1.2 refers to this in ch. 3.3.2-3-3-4.

<sup>49</sup> The LTO handbook in 3.1.2 refers to this in ch. 4.6.



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#### 6.1.4 RECORD KEEPING

The system of record keeping should comply with ORA.GEN.220 from CR (EU) No. 1178/2011 and respective AMC's and GM's.

Hence, the LTO should establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering the above-mentioned elements.

The format of the records should be specified in the LTO's procedures<sup>50</sup>, and all records should be stored in a manner that ensures protection from damage, alteration and theft.

The LTO should state in their procedures who has access to such records. The assessment documentation and records should be kept for the validity period of the LP certificate and made available to the overseeing CAA on request.

The record-keeping system should ensure that all records are accessible whenever needed within a reasonable time. These records should be organized in a way that ensures traceability and retrievability throughout the required retention period.

Records should be kept in paper form or in electronic format or a combination of both. Records stored on microfilm or optical disc format are also acceptable. The records should remain legible throughout the required retention period. The retention period starts when the record has been created or last amended.

Paper systems should use robust material which can withstand normal handling and filing. Computer systems should have at least one backup system which should be updated within 24 hours of any new entry. Computer systems should include safeguards against the ability of unauthorised personnel to alter the data.

All computer hardware used to ensure data backup should be stored in a different location from that containing the working data and in an environment that ensures they remain in good condition. When hardware or software changes take place, special care should be taken that all necessary data continues to be accessible at least through the full period specified. In the absence of such indication, all records should be kept for a minimum period of five years.

## 6.2 LP CERTIFICATE

The LTO should issue an LP certificate to all test-takers having reached at least Operational Level (Level 4).

Issuing a certificate to test-takers who have reached level 1-3 is not considered necessary, but an LTO must keep all documentation of these assessments for a specified period. If such a certificate is issued it should clearly state that the test-taker failed to reach operational level.

The test-taker should receive the original of the certificate and LTO should keep a copy for the specified period, but at least for the validity period of the specified level.

The format of the LP certificate should be described in the LTO handbook and should conform to the following specifications:

### Content

- Name and approval number of the organization;
- Legal status of the organization;
- Place of principal business;
- Name(s) and Surname(s) of the test-taker;
- Date of birth of the test-taker;

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<sup>50</sup> The LTO handbook in 3.1.2 refers to this in ch. 4.5 and 4.6.

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- Date of the assessment\*;
  - Achieved level;
  - Signature of AM<sup>51</sup> of organization/ qualified or advanced electronic signature;
  - **Assessment protocol** as a mandatory attachment, containing for each of the six linguistic subskills the results, as well as the name of all raters.

*\* Remark: Stating the validity of the certificate (or the achieved level) is not considered necessary as it is covered by various regulations (e.g. 1178/2011, 340/2015 ...) where various levels have different validity. CAAs can also apply different procedures (e.g. dates-to-date validity, end of month validity ...). Stating a validity date may therefore lead to misunderstandings.*

## **Material**

The LP certificate may be issued in paper version (hard copy) or electronically where at least an advanced (or qualified) electronic signature can be provided (cf. suggested online-procedures for documentation in 3.2).

## **Language**

The LP certificate should be written in English and/or in the language being assessed.

For a possible template of an LP certificate see Appendix D.

## 7 LANGUAGE PROFICIENCY ISSUES OF GROUPS, OTHER THAN COMMERCIAL PILOTS AND ATCOS

This chapter addresses issues related to the LP testing of target groups other than pilots of commercial aviation and ATCOs, e.g. GA pilots, remote pilots, and vehicle drivers on the manoeuvring areas of aerodromes. Even though the latter are currently not included in the LPR provisions in ICAO Annex 1 (Personnel Licensing), they have been effective within EU as of 8 January 2023 (as regards any language other than the English language) and will be effective as of 8 January 2026 (as regards the English language).

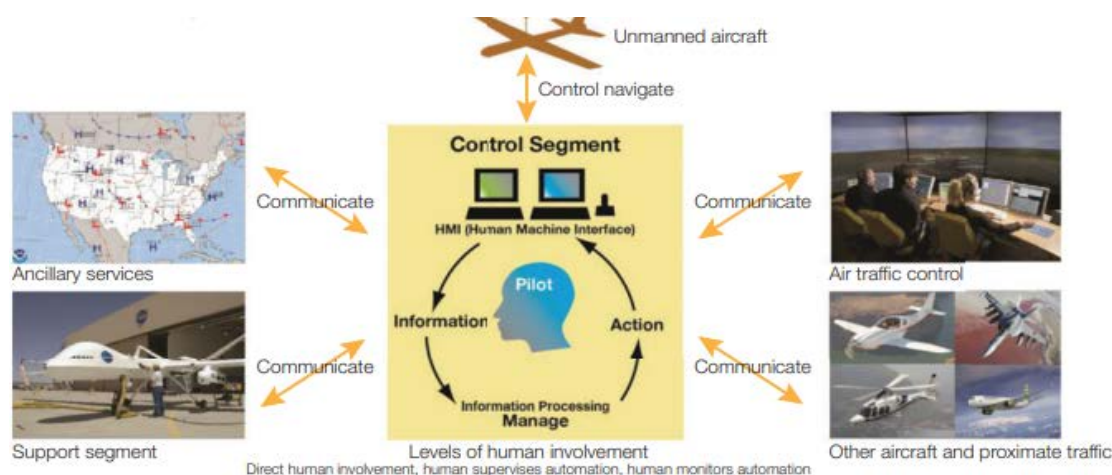
Apart from these areas of LP, the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual (ICAO Doc 9731) may need some clarification as regards LPRs, as it is not clear what SAR team members need what LP to perform their working tasks. Such information and guidance may be considered for inclusion in the next edition of this EUR Doc.

### 7.1 GA PILOTS

A rule proposal was made by one TF member regarding the general necessity of modified LPRs for GA pilots, which was subsequently discussed with other TF members. As the discussion goes beyond current ICAO SARPs, these opinions, deliberations, and suggestions for modifications are not in the main part of this document, but can be found in Appendix E.

### 7.2 REMOTE PILOTS

Certain types of aeroplanes, airships, gliders, rotorcraft, powered-lift aircraft and free balloons can be operated remotely as so-called “remotely piloted aircraft system (RPAS)<sup>52</sup>”.



**Figure 2:** Control and communication responsibilities of an RPAS pilot

Source: Human Factors Guidelines for Remotely Piloted Aircraft System Remote Pilot Stations, NASA, 2016, p. 9

ICAO published the relevant document, i.e. *Doc 10019 Manual on Remotely Piloted Aircraft Systems (RPAS)*, already in 2015. More recently, for “remote pilots” section 1.2.9.1 of current Annex 1 to the Convention on International Civil Aviation stipulates:

*As of 3 November 2022, aeroplane, airship, helicopter and powered-lift pilots; aeroplane, airship, glider, rotorcraft, powered-lift or free balloon remote pilots; air traffic controllers;*

<sup>52</sup> Other common terms are „unmanned aerial vehicle (UAV)“ or rather unprecisely „drone“.

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*and aeronautical station operators shall demonstrate the ability to speak and understand the language used for radiotelephony communications to the level specified in the language proficiency requirements in Appendix 1.*

In order to understand the “concept of operations” ICAO has issued a relevant ICAO Doc RPAS CANOPS<sup>53</sup>. Herein, chapter 2.4.2 titles *RPAS/ATC communications* and describes:

*RPAS will need to maintain **continuous voice communication watch** on the appropriate communication channel **and establish two-way communication**, as necessary, with the appropriate air traffic control unit, except as may be prescribed by the appropriate ATS authority. RPAS conducting IFR operations must communicate with ATC while in controlled airspace. The methods of communication may be via traditional air- ground very high frequency (VHF) radio or other means, such as satellite or terrestrial relays, data communications, internet-based systems, etc. Some options may involve reliance on third-party service providers. Whatever the **ATC communication** solution, it **must be transparent to the controllers to maintain consistency with manned aircraft** communications. Additionally, if alternative communications systems are used, the system should accommodate a transmission to and from the reception of the existing voice communications to facilitate shared awareness of communications to other airspace users. **Requirements for the communications system should align with ICAO’s required communication performance (RCP) concept and related SARPs, procedures and guidance material.***

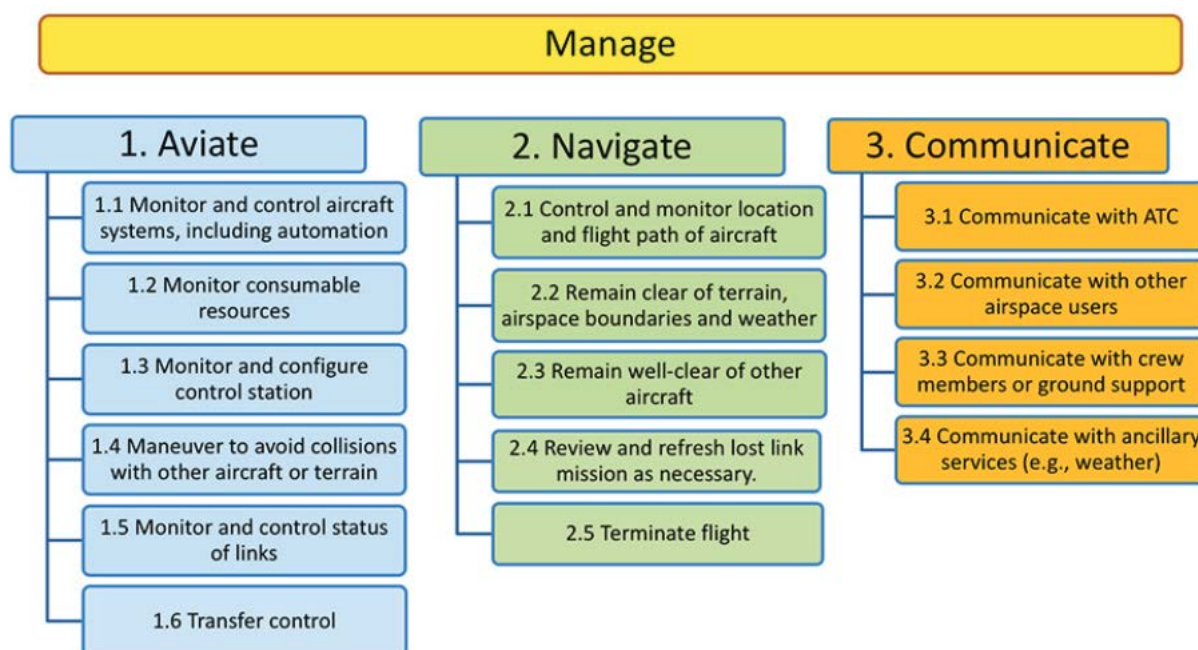
The CANOPS obviously focuses on fixed-wing RPAS of the traffic class VI<sup>54</sup>, which are capable of flying under Instrument Flight Rules (IFR) and more specifically Standard Instrument Departures (SIDs) and Standard Arrival Routes (STARs) in controlled airspaces. As the figure below shows, it seems as if there is a lot of crossover in terms of communication and radio communications<sup>55</sup> so that the work-related tasks of remote pilots differ little from other pilots.

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<sup>53</sup> see <https://www.icao.int/safety/UA/Documents/ICAO%20RPAS%20Concept%20of%20Operations.pdf> (URL retrieved on 25 April 2022)

<sup>54</sup> Describes Operations in EASA’s UAS category ‘Certified’ under Instrument Flight Rules. Cf. <https://www.easa.europa.eu/domains/civil-drones/drones-regulatory-framework-background/specific-category-civil-drones> (URL retrieved on 25 April 2022)

<sup>55</sup> cf. [https://www.youtube.com/watch?v=xPBcuaZXo\\_o](https://www.youtube.com/watch?v=xPBcuaZXo_o) (URL retrieved on 23 April 2022).



**Figure 3:** Responsibilities of the remote pilot

Source: Human Factors Guidelines for Remotely Piloted Aircraft System Remote Pilot Stations, NASA, 2016, p. 18

The main differences stem from the working domain, determined mainly by the working place and the working tool, i.e. the RPA/UAV, itself.

When designing LP test tasks for remote pilots, awareness of terminology and vocabulary specific to such operational communication used by pilots during their daily routine is extremely important<sup>56</sup>). Furthermore, it is prudent to also be aware of how the R/T communication of remote pilots differs from the R/T communication of regular pilots. Here, it would be fruitful to scrutinize the communication of remote pilots based on the content of Appendix B of ICAO Doc 9835, i.e. based on communicative functions, possible events and domains, as well as language tasks to be performed (cf. Appendix B of ICAO Doc 9835). In order to create test specifications for remote pilot LP tests, it is extremely important at the outset to describe the context of routine work situations and the actual communicative tasks of the remote pilots.

### 7.3 VEHICLE DRIVERS ON THE MANOEUVRING AREA OF AN AERODROME

ICAO SARPs do not require the LP Rating Scale to be applied for vehicle drivers on the manoeuvring area of an aerodrome, though there are respective new requirements in European regulations. For that reason Appendix F covers the introduction of European LPRs rules for vehicle drivers on the manoeuvring area of aerodromes.

56 cf. <https://www.dslrpros.com/dslrpros-blog/drone-vocabulary-glossary-terminology/> or <https://clicklikethis.com/drone-terminology/>. Even dictionaries have been developed for this special language, see <https://cpb-us-e1.wpmucdn.com/blogs.uoregon.edu/dist/7/11597/files/2015/07/Drone-Dictionary-va4lkn.pdf> or [http://jarus-rpas.org/sites/jarus-rpas.org/files/jar\\_del\\_jarus\\_glossary\\_v0.7\\_0.pdf](http://jarus-rpas.org/sites/jarus-rpas.org/files/jar_del_jarus_glossary_v0.7_0.pdf) or [https://www.faa.gov/air\\_traffic/publications/media/pcg\\_10-12-17.pdf](https://www.faa.gov/air_traffic/publications/media/pcg_10-12-17.pdf) (all URLs retrieved on 23 April 2022).

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## 8 IDENTIFIED ISSUES FOR HARMONIZATION

In order to reach further harmonization of LPRI there are still issues of which stakeholders of ICAO MS should be aware. The goal of implementing ICAO LPRs as harmonized as possible is essential for the robustness and sustainability of the LPRs. This can only be achieved:

- by fostering a similar understanding of LP levels amongst MS;
- by facilitating mutual trust in testing and assessing practices amongst MS;
- by facilitating mutual recognition of LP certificates between MS; and
- by minimizing safety hazards in the aviation system.

The key to achieving the above-mentioned goals is:

- updating the ICAO Rated Speech Samples Training Aid (RSSTA);
- standardizing LTO approvals, based on similar handbooks with harmonized terminology and criteria, applicable to all target groups (cf. 3.1);
- applying harmonized rules for oversight, rather focusing on organizations than on individual persons, with clear rules for authorities on how to deal with any deviation from approvals, i.e. findings (cf. 4.3);
- highlighting the role of quality assurance as an ongoing process within approved LTOs (cf. Table 2 to 3.1.2; 3.2);
- harmonizing nomenclature of LTO-numbers (cf. Appendix D), to facilitate comprehensive supra-national LTO-registers;
- issuing approval documents also in the English language, to enable better mutual understanding of all processes/procedures and trans-national exchange of findings;
- informing responsible authorities in case of any test result below English level 4 (non-operational) and establishing respective means of communication (to minimize “test-shopping”);
- attaining a permanent and sustainable testing and assessing loop by establishing a validity period for Level 6, at least for English as the global aeronautical *lingua franca*.

Certain areas, however, still need further clarification and a decision process elaborated. For example, should individuals working within organizations, as well as organizations themselves, be approved. Whatever the decision, the oversight of those individuals entitled to conduct LP exams under the approval of an organization, may well be considered most practical and efficient for CAA/State authorities<sup>57</sup>.

The key role of ICAO is recognized as important in leading any provisions that further change rules and regulations at national and supra-national level, particularly as this leads to a much more effective harmonization. One example may be harmonizing terminology.

Another important issue, discussed at several previous LPRI TF meetings, is the period of validity for an LP of Level 6. The main reasons for the necessity of establishing a period for level 6 has been clearly identified: language loss, uncertain standards of testing, notable lack of test security and oversight constraints (cf. Appendix G). Additionally, the uncertainty as to why Level 6 should be without a validity date remains problematic. It is indeed believed that limiting the validity of English LP endorsements for level 6 would foster lifelong language learning, as well as better language learning awareness amongst all stakeholders in the LPRs. Such a limitation would also help all stakeholders to alleviate the perception that language learning, awareness and improved proficiency falls on those for whom English is not their first language (non-native speakers). Allowing a validity period for Level 6 speakers would also create a greater understanding of the role of communication

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<sup>57</sup> As quality assurance could not be provided by an organization, the competent CAA/State authority has to take over this role, when approving or certifying individual assessors/examiners (for the sake of comparable quality). Therefore, the certification of individual assessors is not foreseen in current ICAO provisions.

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competencies over and above language alone, and foster an understanding from more proficient speakers of the need for *accommodation* - where proficient speakers aid communication by making allowances for less proficient speakers. Such a move would also help develop wider communication skills by, for example, speaking more slowly, avoiding local jargon, thinking about what language limitations the listener may have, etc. Improving communication at *all* levels is key to safety in aeronautical communication (cf. also 1.3.3). Flight safety would thus really benefit from sustainable LPRs.

One final issue which should benefit from a coordinated approach among all stakeholders is the issue of test *shopping* or test *tourism*, where test takers search to find the easiest test around, in order to get a certain level (e.g. Level 6 in order to be never tested again). This is particularly critical where a test-taker may have failed to achieve Level 4 in an English LP test in one MS, and tries in another MS to get a higher level. It is therefore thought judicial that LTOs notify the competent authority under whose jurisdiction they operate, of any test-takers who fail to achieve Level 4, and even look to share a list of such test-takers amongst other MS. How this could be done, of course, requires action amongst all stakeholders.

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## APPENDICES

Note: In the context of this regional ICAO document an appendix is meant to substantiate the content of the document's main contents:

- by illustrating the most important outcomes of LPRI TF meetings (see respective Summary of Discussions);
- by providing evidence of any practice or issue that prevents sustainable or harmonized LPRI;
- by giving examples of good practice in LPRI, and adherence thereof, which would foster harmonized and sustainable LPRI; or
- by considering anything that is still beyond the current ICAO SARPs.



## APPENDIX A. STANDARD TASKS AND COMPETENCIES - AVIATION ENGLISH TEACHERS/TRAINERS

[as to chapter 1.3.4]

Reference	ICAO Doc 9835, ICAO circular 323, EU Regulations, academic articles	
DEFINITION		
Teacher	A suitably qualified person who develops, adapts and/or delivers language courses to various groups of professionals working in the aviation industry.	
Trainer	A suitably qualified person who develops and/or delivers courses to train future teachers of language for users in the aviation industry.	
Tasks and Subtasks		
Task	Description	Reference
1	To instruct on the basis of the training plan, training concept and associated training materials	Cir 323, 2.1.3  Doc 9835, chapter 7
	Subtasks	
	1.1 Follow the training plan/training concept	
	1.2 Deliver training in accordance with current proven adult learning principles and methodologies	
	1.3 Use the associated training materials/documents	
	1.4 Meet the training objectives	
	1.5 Manage the training environment (e.g. classroom, blended etc.)	
	1.6 Check availability of/reserve training material, facilities and equipment	
	1.7 Check if training material, facilities and equipment are ready to use	

	1.8 Prepare the classroom/remote learning environment	
	1.9 Effectively communicate and interact with participants	
	1.10 Verify participants' attendance and receptivity	
	1.11 Manage training time	
<b>2</b>	<b>To provide training in collaboration when required</b>	Cir 323, 2.2.3 Doc 9835, chapter 7
	<i>Subtasks</i>	
	2.1 Foster a balanced domain-specific and language training in module (co-teaching) or course development (co-development)	
	2.2 Implement training programs through a collaboration between qualified language specialists and aviation specialists	Doc 9835, 7.5.4
	2.3 Motivate participants by linking language training to occupational situations	Doc 9835, 7.4.9
<b>3</b>	<b>To provide timely and continuous feedback on participant performance</b>	Cir 323, 2.5, 2.6 Doc 9835, chapter 7
	<i>Subtasks</i>	
	3.1 Monitor/evaluate progress of participants	
	3.2 Provide feedback to ensure training objectives are met	
	3.3 Review and adjust training approach/resources to ensure optimal learning	
	3.4 Develop/use evaluation strategies, e.g. questioning technique, formative testing	

	3.5	Write reports on participant's performance	
	3.6	Propose remedial action in case of low performance	
	3.7	Maintain confidentiality and fairness	
	3.8	Encourage and support learners to be self-directed, active and autonomous	Doc 9835, 7.6.6
<b>4</b>	<b>To develop and/or adapt training material and activities</b>		Cir 323, 2.1.5 Doc 9835, chapter 7
	<i>Subtasks</i>		
	4.1	Develop and/or adapt training material and activities based on needs analysis	
	4.2	Set the training objectives	
	4.3	Select the training method conducive to participants' needs and adjust the training material and activities, if required	
	4.4	Adapt the training environment based on the training requirements	
	4.5	Adapt the training delivery method based on specific rules/regulations of an organization or state when necessary	
	4.6	Request feedback from participants on the training material/environment	
	4.7	Discuss training matters with other teachers/trainers	
	4.8	Collect information from language examiners on test results	
<b>5</b>	<b>To engage in regular development activities</b>		

	<b>Subtasks</b>	
5.1	Keep current with latest training requirements and methodologies	
5.2	Participate in refresher trainings and peer reviews on language training	
5.3	Engage in professional development activities to ensure continued professional growth	

Name of competency	Description	Performance criteria Observable behaviour (OB)
<b>1</b> <b>Provision of training</b>	<i>Effectively instruct on the basis of the training concept, training plan and associated training materials.</i>	<p>1.1 Follow the training plan/training concept (e.g. point out references or refer to other training modules, provide real life examples)</p> <p>1.2 Deliver training in accordance with current proven adult learning principles and methodologies (e.g. discussions beyond standard training content to broaden vocabulary, strengthen grammar, improve fluency and comprehension etc. as needed)</p> <p>1.3 Use the associated training materials/documents (e.g. integrate hand-outs into the training session)</p> <p>1.4 Meet the training objectives (e.g. clearly and precisely state what the students will learn or will be able to do. Create activities to address any learning gaps as identified in an assessment event)</p> <p>1.5 Manage the training environment (e.g. mute/unmute participants in a blended learning environment, white-out presentation when not needed)</p> <p>1.6 Check availability of/reserve training material, facilities and equipment (e.g. have the contact details of facility management at hand)</p> <p>1.7 Check if training material, facilities and equipment are ready to use (e.g. test white-board markers before training)</p>

		<p>1.8 Prepare the classroom/remote learning environment (e.g. prepare classroom for planned group work, have videos and interactive activities ready to start in a blended learning environment)</p> <p>1.9 Effectively communicate and interact with participants (e.g. use open questions to foster understanding, encourage all students to contribute to the discussions etc.)</p> <p>1.10 Verify participants' attendance and receptivity (e.g. fill out attendance list, recognize inattentive behaviour)</p> <p>1.11 Manage training time (e.g. complete lesson within a given time-frame, request additional training time at the scheduling office if necessary)</p>
<p><b>2</b></p> <p><b>Collaboration with other professionals</b></p>	<p><i>Provide training in collaboration when required</i></p>	<p>2.1 Foster a balance between domain-specific and language training in module (co-teaching, e.g. accident investigation with a focus on communication failures) or course development (co-development, e.g. ensure that training on aerodrome vocabulary takes place before training in aerodrome procedures)</p> <p>2.2 Implement training programs through a collaboration between qualified language specialists and aviation specialists (e.g. decide which training modules are preferably delivered in which language to ensure shortcomings in language proficiency do not hinder safety)</p> <p>2.3 Motivate participants by linking language training to occupational situations (e.g. reading skills or listening comprehension using job-related material or input)</p>
<p><b>3</b></p> <p><b>Feedback and reporting</b></p>	<p><i>Provide timely and continuous feedback on participant performance</i></p>	<p>3.1 Monitor/evaluate progress of participants (e.g. take notes of strengths and weaknesses of each participant observed in lessons, as well as results of formal tests)</p> <p>3.2 Provide feedback to ensure training objectives are met (e.g. discuss positive and negative test results and their influence on further training)</p> <p>3.3 Review and adjust training approach/resources to ensure optimal learning (e.g. change self-study times to classroom lessons)</p> <p>3.4 Develop/use evaluation strategies, e.g. questioning technique, formative testing (e.g. organize individual verbal evaluations for groups with unequal participation in training sessions)</p>

		<div>3.5 Write reports on participant’s performance (e.g. write progress reports based on notes taken and test results concluding if training objectives are met)</div> <div>3.6 Propose remedial action in case of low performance (e.g. e-learning on vocabulary)</div> <div>3.7 Maintain confidentiality and fairness (e.g. use an evaluation scheme based on objectives)</div> <div>3.8 Encourage and support learners to be self-directed, active and autonomous (e.g. make available different self-learning material to choose from)</div>
<div>4</div> <div>Development of syllabi and instructional material</div>	<div>Develop and/or adapt learner-focused training material and activities</div>	<div>4.1 Develop and/or adapt training material and activities based on needs analysis (e.g. replace vocabulary training for experienced participants with an online test to ensure a common starting point, select job-related samples for group work)</div> <div>4.2 Set the training objectives (e.g. familiarize with the working environment to identify required knowledge, skills and attitudes)</div> <div>4.3 Select the training method conducive to participants’ needs and adjust the training material and activities, if required (e.g. conduct individual training in a flight simulator, create vocabulary activities related to both routine and non-routine and expected/unexpected situations or any other job specific lexical domain)</div> <div>4.4 Adapt the training environment based on the training requirements (e.g. set up an online learning platform for asynchronous learning)</div> <div>4.5 Adapt the training delivery method based on specific rules/regulations of an organization or state, when necessary (e.g. include more self-study or homework if training lessons only take place one day a week)</div> <div>4.6 Request feedback from participants on the training material/environment (e.g. create a feedback form to be handed out at the end of the course)</div> <div>4.7 Discuss training matters with other teachers/trainers (e.g. regular meetings of training team for a course)</div>

		4.8 Collect information from language examiners on test results (e.g. retrieve information from a training management system and compare it to own expectations [progress reports per participant])
<b>5</b> <b>Professional development</b>	<i>Participate in ongoing teacher/trainer professional growth</i>	5.1 Keep current with latest training requirements and methodologies (e.g. participate in pedagogical curricula provided at universities, attend language conferences, workshops and seminars)
		5.2 Participate in refresher training and peer reviews on language training
		5.3 Engage in professional development activities to ensure retention and continued improvement of professional competence (life-long personal commitment to professional development undertaking a variety of activities e.g. reading professional journals, writing articles, participating in surveys, conducting classroom research, reviewing materials, observing and talking to other colleagues etc.)

### List of proposed subjects and topics

- **Teaching**
  - **concept of competency-based training**
  - **reading and understanding a training plan**
  - **lesson planning (why planning is important, what planning involves, preparing for effective instruction)**
  - **teaching strategies (communicative language teaching, task-based language teaching, content-based language teaching)**
  - **teaching methods (lecture, lessons, self-study, simulation)**
  - **organisation of distant learning**
  - **creating remedial training**

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- **Training development (syllabi and instructional material)**
    - training needs analysis
    - development of performance objectives
    - creating training plans and training material
    - integration of language training into professional training

- **Learning**
  - proven and new learning concepts
  - learning strategies
  - reflection of own learning experiences
  - adult learners and adult learning styles

- **Human factors**
  - group dynamics
  - providing and receiving feedback
  - engagement and motivation of trainees
  - engagement and motivation of trainers
  - positive teacher-student interaction

- **Course management**
  - training schedule
  - feedback mechanism
  - evaluation procedures



	<ul style="list-style-type: none"> <li>○ <b>expected attitude</b></li> <li>○ <b>access to the learning environment</b></li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Training environment and training materials</b> <ul style="list-style-type: none"> <li>○ <b>classroom organisation</b></li> <li>○ <b>technologies in the classroom (handling white- and blackboards, functionalities of projectors, creating presentations)</b></li> <li>○ <b>teaching aids and materials</b></li> <li>○ <b>functionalities of online learning environments</b></li> <li>○ <b>creating online content</b></li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Trainee evaluation</b> <ul style="list-style-type: none"> <li>○ <b>evaluation of individuals</b></li> <li>○ <b>report writing</b></li> <li>○ <b>fulfilment of objectives</b></li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Regulation</b> <ul style="list-style-type: none"> <li>○ <b>requirements regarding language proficiency</b></li> <li>○ <b>language proficiency scale</b></li> <li>○ <b>applicable legislation</b></li> </ul> </li> </ul>
<b>Target population</b>	Trainers delivering aviation language objectives
<b>Entry requirement</b>	Professional experience in language teaching and/or any aviation industry domain

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<b>Assessment procedure</b>	Preparation, delivery and post-processing of a lesson including questioning by the assessment team
<b>Certification/licensing</b>	Certificate of successful completion

## APPENDIX B. STANDARD TASKS AND COMPETENCIES FOR AVIATION ENGLISH INTERLOCUTORS/RATERS

[as to chapter 1.3.4]

Competency-based Training of aviation language proficiency interlocutors/raters		
	Definition of typical tasks and sub-tasks of aviation language proficiency interlocutors/raters	
References	ICAO Doc 9835, 9868, ICAO Cir 318, 323; Academic articles, EU Regulations.	
DEFINITION		
Interlocutor	a suitably qualified and trained person with whom a candidate interacts during a test in order to complete a speaking test (ICAO Doc.9835 ‘Glossary of language proficiency and language testing terms’)	
Rater or Assessor	a suitably qualified and trained person who assigns a score to a candidate’s performance in a test based on a judgment usually involving the matching of features of the performance to descriptors on a rating scale (ICAO Doc 9835 ‘Glossary of language proficiency and language testing terms’)	
Tasks and subtasks		
Tasks		Description
1	To assess speaking and listening proficiency in accordance with each component of the ICAO Language Proficiency Rating Scale and the holistic descriptors.	Annex 1
	Subtasks	
	1. All components of ICAO LP Rating Scale must be assessed according to the ICAO LP Rating Scale;	

	2. Demonstrates that speaking and listening proficiency is assessed in accordance with holistic descriptors.	
2	To document rating process	<i>“the rating process should be documented”</i> Doc 9835 - 6.3.4.1; Cir 318 - 3.1
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. ensures the rating process is prescribed in test documentation;</li> <li>2. demonstrates that the rating process is transparent to all stakeholders.</li> </ol>	
3	To carry out rating by minimum of two raters	<i>“To fulfil licensing requirements, rating should be carried out by a minimum of two raters. A third expert rater should be consulted in the case of divergent scores.”</i> Doc 9835 - 6.3.4.2; Cir 318 - 3.2
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. minimum two trained and certified raters are involved in evaluation;</li> <li>2. in case of disagreements in overall rating between two raters the third rater is involved in the process of evaluation.</li> </ol>	
4	To maintain records of rater training	<i>... “the rater training records should be maintained, and audits of raters should be conducted and documented periodically.”</i> Doc 9835 - 6.3.4.3; Cir 318 - 3.3
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. keep training records to track the rater performance to ensure consistency and professionalism;</li> <li>2. Document that raters and rating team from one organization are trained together.</li> </ol>	

<b>5</b>	To follow instructions on how to justify and support evaluation by collecting evidence	<i>“Raters should be given clear instructions on the kind of evidence they need to collect to justify and support their evaluations”. Doc 9835 - 6.3.5.2; Cir 318 – 4.1.2</i>
	<b>Subtask</b>	
	Follows the instructions on the kind of evidence the rater needs to justify and support evaluation.	
<b>6</b>	To collect enough evidence with examples of language use for rating/decision making.	<i>“Raters should be given clear instructions on the kind of evidence they need to collect to justify and support their evaluations”. Doc 9835 - 6.3.5.2; Cir 318 – 4.1.2</i>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. To document and support evaluation of test-takers;</li> <li>2. To document examples of language use indicating strengths and weaknesses of each element of ICAO LPR Scale (speech samples);</li> <li>3. Awareness of the depth of analysis required to make and justify a rating;</li> <li>4. Knowledge of ICAO LPR Scale and Holistic descriptors.</li> </ol>	
<b>7</b>	To check equipment and facilities (PC, laptop computer, video, voice recorder, headphones, etc.)	<i>“[...] test raters need clear, easy to understand instructions for their involvement to be effective and ensure that the test is administered in a consistent and therefore reliable manner.” Doc 9835 - 6.3.5.4; Cir 318 – 4.1.4</i>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Ensures equipment and facilities are in operative conditions prior to testing;</li> <li>2. Strictly follow instructions on the use of equipment and facilities;</li> </ol>	

8	To make sure testing location is suitable for the testing process.	<i>“The testing location should offer moderate comfort, privacy and quiet”.</i> Doc 9835 - 6.3.5.5; Cir 318 – 4.1.5
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Ensures testing location is comfortable and quiet;</li> <li>2. Ensures testing location is appropriate with no potential distractions during the test;</li> <li>3. Ensures testing location does not impact test-taker’s performance;</li> <li>4. Ensures that there is a safe place for a test taker to store all personal belongings.</li> </ol>	
9	To follow test administration policy and procedures (including quality control, test maintenance, record-keeping procedures)	<i>“Policies and procedures concerning scores, records, quality control, future development, and purchasing conditions need to be clearly and readily available to decision-makers and test users”.</i> Doc 9835 - 6.3.5.6; Cir 318 – 4.1.6
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Knows and follows test administration policy and procedures (including quality control, test maintenance, record-keeping procedures);</li> <li>2. Ensures the test taker is aware of test administration policy and procedures (including quality control, test maintenance, record-keeping procedures);</li> <li>3. Test administration policy and procedures (including quality control, test maintenance, record-keeping procedures) is documented.</li> </ol>	
10	To re-rate/review/re-examine in case of appeal	<i>A documented appeals process should be established, and information about it should be available to test takers and decision-makers at the beginning of the testing process.</i>

		Doc 9835 - 6.3.5.7; Cir 318 – 4.1.7
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. In case of appeal follows test administration policy and procedures;</li> <li>2. Follows the approved appeal procedure;</li> <li>3. Documents appeal process.</li> </ol>	
<b>11</b>	To follow test security measures (security of test content and test scores);	<p><i>“They [testing organizations] should require, establish and maintain formal commitments to confidentiality and integrity from test developers, administrators, raters, information technology personnel and any other staff who are involved in any aspect of the testing process”.</i></p> <p>Doc 9835 - 6.3.5.8; Cir 318 – 4.2.1</p>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Follows test security policy, (rater’s etiquette – legally based personal responsibility);</li> <li>2. Ensures the authenticity of test result data.</li> </ol>	
<b>12</b>	To keep test questions and prompts in confidence	<p><i>“Test questions and prompts should be held in confidence, and not be published or provided to test-takers prior to the test event”.</i> Doc 9835 - 6.3.5.10; Cir 318 – 4.2.3</p>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. All test materials are stored securely and cannot be accessed by any personnel except raters;</li> <li>2. Follows established and maintained test security procedures.</li> </ol>	
<b>13</b>	To ensure the test taker’s performance is audio/video taped	<p><i>“All proficiency tests of speaking ability involving interaction between the test-taker and interlocutor during the test should be recorded on audio or video media”.</i> Doc 9835 - 6.3.6.1; Cir 318 – 4.3.1</p>

	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Availability of video/audio equipment to record the test;</li> <li>2. Ensures video/audio recording of testing is performed and saved after testing;</li> <li>3. Keeps recording for certificate validity time.</li> </ol>	
<b>14</b>	To keep evaluation sheets and supporting documentation for a predetermined and documented period of time	<i>“Evaluation sheets and supporting documentation should be filed for a predetermined and documented period of time of sufficient duration to ensure that rating decisions can no longer be appealed”. Doc 9835 - 6.3.6.2; Cir 318 – 4.3.2</i>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Follows records keeping process policy;</li> <li>2. Ensures all score sheets and supporting documentation, including electronic data are filled and retained.</li> </ol>	
<b>15</b>	To ensure the record-keeping process is adequate for the scope and documented	<i>“A testing service should document how a test-taker’s performance can be captured and securely stored”. Doc 9835 - 6.3.6.3; Cir 318 – 4.3.3</i>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Ensures record-keeping process is documented;</li> <li>2. Awareness of record-keeping process;</li> <li>3. Ensures comments on language performance in each skill of the ICAO LPR Scale and test results are documented.</li> </ol>	
<b>16</b>	To be familiar with relevant ICAO publications	<i>“All members of the testing team should be familiar with the following ICAO publications:</i> <i>a) the relevant Standards and Recommended Practices of Annex 1;</i>



		<i>b) holistic descriptors (Appendix 1 to Annex 1) and the ICAO Rating Scale (Attachment A to Annex 1);</i> <i>c) Doc 9835; and</i> <i>d) ICAO Rated Speech Samples CD". Doc 9835 - 6.3.8.2; Cir 318 – 6.1.1</i>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Familiarity with relevant ICAO Annex 1 SARPs;</li> <li>2. Familiarity with holistic descriptors and ICAO LPR Scale;</li> <li>3. Doc 9835;</li> <li>4. Circulars 318, 323;</li> <li>5. ICAO RSS (revised).</li> </ol>	
<b>17</b>	To demonstrate LP of at least ICAO Level 5 or Level 6 (if assessed)	<i>"Raters should demonstrate language proficiency of at least ICAO Extended Level 5 in the language to be tested. If the test is designed to assess ICAO Level 6 proficiency, raters should demonstrate language proficiency at ICAO Expert Level 6". Doc 9835 - 6.3.8.10; Cir 318 – 6.4.1</i>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Holds valid certificate of LP;</li> <li>2. Ensures chosen test is valid and reliable.</li> </ol>	
<b>18</b>	To be familiar with aviation English domain, including vocabulary and structures as used in the test.	<i>"Raters should be familiar with aviation English and with any vocabulary and structures that are likely to be elicited by test prompts and interactions". Doc 9835 - 6.3.8.11; Cir 318 – 6.4.2</i>
	<b>Subtasks</b>	
	<ol style="list-style-type: none"> <li>1. Familiarity with Doc 9835 Lexical domains;</li> <li>2. Familiarity with Doc 9835 Basic and Complex grammatical Structures;</li> <li>3. Awareness of Doc 9835 Functions for pilots and ATCOs;</li> </ol>	

	4. Provide evidence of experience/expertise/sufficient training in aviation English	
<b>19</b>	To complete initial rater training successfully	<i>“Raters should have successfully completed initial rater training”</i> . Doc 9835 - 6.3.8.12; Cir 318 – 6.4.3
	<b>Subtasks</b>	
	Holds certificate of successful completion of initial training for raters/examiners.	
<b>20</b>	To complete recurrent rater training (24-40 hours) once a year successfully	<i>“Raters should successfully complete recurrent rater training at least once each year”</i> . Doc 9835 - 6.3.8.13; Cir 318 – 6.4.4
	<b>Subtasks</b>	
	Provides evidence of successful completion of recurrent training for interlocutors/raters	

### INTERLOCUTOR/RATER COMPETENCIES

Name of the competency	Description	Performance Criteria Observable behaviors (OB)
<b>1. Management of the testing environment</b>	<i>Ensures that the testing/assessment is conducted in a suitable and appropriate environment</i>	1.1 Checks and prepares equipment and facilities (e.g. PC, laptop computer, videotape, voice recorder, headphones etc.); 1.2 Manages and adapts testing conditions for test delivery (e.g. room temperature, ventilation, lighting etc.); 1.3 Ensures testing location is comfortable and quiet;

		1.4 Ensures there is a safe place where a test taker can leave all personal belongings.
<b>2. Conduct testing</b>	<p><i>Conducts testing/interview to assess candidate's LP</i></p> <p><i>Provides an effective testing environment</i></p> <p><i>Manages the time</i></p> <p><i>Establishes and maintains credibility</i></p>	<p>2.1 Follows test administration policy and procedures;</p> <p>2.2 Ensures test administration policy and procedures (including approved appeal procedure) is available to a test taker;</p> <p>2.3 Follows test security measures (security of test content and test scores);</p> <p>2.4 Keeps test questions and prompts in confidence;</p> <p>2.5 Follows established and maintained test security procedures;</p> <p>2.6 Ensures the test taker's performance is audio/video taped;</p> <p>2.7 Applies effective strategies to resolve identified challenges (e.g. technical problem, medical issue, force majeure event etc.);</p> <p>2.8 Collects enough evidence with examples of language use for rating/decision making;</p> <p>2.9 Conducts testing;</p> <p>2.10 Shows respect for the test taker (e.g. for culture, language, experience etc.).</p>
<b>3. Assessment and Evaluation</b>	<p><i>Assesses candidate's LP</i></p> <p><i>(The competent rater must appropriately, objectively and correctly evaluate a test taker's LP)</i></p>	<p>3.1 Assesses speaking and listening proficiency in accordance with each component of the ICAO Language Proficiency Rating Scale and the holistic descriptors;</p> <p>3.2 Ensures rating is carried out by minimum of two raters;</p> <p>3.3 Follows the approved appeal procedure (re-rates/reviews) in case of appeal;</p> <p>3.4 Shows integrity (e.g honesty and professional principles) and rater's etiquette – legally based personal responsibility;</p> <p>3.5 Ensures the authenticity of test result data;</p> <p>3.6 Assigns grades in a consistent manner.</p>
<b>4. Record keeping</b>	<p><i>Records rating process</i></p> <p><i>(creates testing, rating, evaluation reports;</i></p>	<p>4.1 Documents rating process to support evaluation of test-takers;</p> <p>4.2 Documents examples of language use indicating strength and weaknesses of each element of ICAO LPR Scale (demonstrates speech samples);</p> <p>4.3 Documents appeal process in case of appeal;</p>

	<i>Maintains records of interlocutor/rater qualification</i>	<p>4.4 Keeps video/audio recording of testing/ the test taker's performance for certificate validity time;</p> <p>4.5 Keeps evaluation sheet and supporting documentation for a predetermined and documented period of time;</p> <p>4.6 Ensures comments on language performance in each component of ICAO LPR Scale and test results are documented;</p> <p>4.7 Holds certificate of successful completion of initial training for raters/interlocutors;</p> <p>4.8 Maintains records of successful completion of recurrent training for raters/interlocutors;</p> <p>4.9 Provides evidence of experience/expertise/sufficient training in aviation English;</p> <p>4.10 Holds valid certificate of language proficiency of at least ICAO Level 5 or Level 6 (if assessed).</p>
<b>5 Ongoing performance improvement</b>	<p><i>Maintains personal development</i></p> <p><i>The competent interlocutor/rater must show a positive and proactive attitude to improve his/her performance</i></p>	<p>5.1 Maintains the required qualifications;</p> <p>5.2 Makes an effort to increase knowledge and skills and keep knowledge up to date;</p> <p>5.3 Displays ongoing improvement of competencies as interlocutor/rater;</p> <p>5.4 Demonstrates a positive interest in acquiring knowledge.</p>

## INTERLOCUTOR/RATER TRAINING CONTENT

List of subjects
<ul style="list-style-type: none"> <li>• Introduction to testing and assessment <ul style="list-style-type: none"> <li>○ Theory of language testing: principles, purpose.</li> <li>○ Test types</li> <li>○ Language testing standards</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>○ Testing for licensing purposes</li> </ul>
<ul style="list-style-type: none"> <li>● ICAO and national documents related to LPRI <ul style="list-style-type: none"> <li>○ Hierarchy of documents</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>● Understanding and applying the ICAO Language Proficiency Scale and holistic descriptors <ul style="list-style-type: none"> <li>○ Correlating speech samples with the ICAO LPR Scale</li> <li>○ Pronunciation</li> <li>○ Structure</li> <li>○ Vocabulary</li> <li>○ Fluency</li> <li>○ Comprehension</li> <li>○ Interactions</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>● Preparing to Test <ul style="list-style-type: none"> <li>○ Testing environment organization</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>● Examiner behavior during conducting of test <ul style="list-style-type: none"> <li>○ Test administration and security</li> <li>○ Dealing with test delivery issues</li> <li>○ Dealing with the problematic test-takers</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>● Rater code of ethics <ul style="list-style-type: none"> <li>○ Rater as a decision maker</li> <li>○ Inter-rater reliability</li> <li>○ Intra-rater reliability</li> <li>○ Rasch analysis</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>● Rating recorded candidates (<i>practical part</i>)</li> </ul>

- 
- |                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Completing rating reports</li></ul> <p>Evaluation sheets</p> <p>Scope reporting process</p> |
|-------------------------------------------------------------------------------------------------------------------------------------|

**Target population:**

Potential interlocutors/raters

Current interlocutors/raters

**Entry requirements:**

Professional experience in any aviation industry domain (operational or linguistic)

Certificate of English LP of at least Level 5 (Extended)

A minimum of 3 years operational testing or language testing experience, or both

**The assessment:**

The candidates will be assessed on preparing and conducting the test, rating a recorded speech, and completing rating report.

*Note: an evaluation should demonstrate the grades and include the pass mark.*

**Certification:**

Certificate of successful completion

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## APPENDIX C. NEED FOR RULES ON OVERSIGHT OF LANGUAGE-TESTING BODIES<sup>58</sup> AND CERTIFIED ASSESSORS ACCORDING TO FCL.055 (B)

[as to chapter 4.3]

The **EASA Language Proficiency Questionnaire Report**<sup>59</sup> has revealed that among EU MS

- 5 out of 22 CAs dealing with FCL **have not** developed an **oversight plan** on the LABs<sup>60</sup>, their assessment methods and raters training and standardization (cf. report on answers to Question 6 of *EASA LP Questionnaire*),
- 3 out of 22 CAs dealing with FCL **do not require** language assessors to attend regular **standardization** and/or refresher training (cf. report on answers to Question 12 of *EASA LP Questionnaire*),
- 10 out of 22 CAs dealing with FCL **have never enforced a suspension, withdrawal, revocation** against an assessment center, or of a language proficiency examiner or a language proficiency endorsement (cf. report on answers to Question 13 of *EASA LP Questionnaire*).

The European legal framework does not contain any legal basis harmonizing oversight of language-testing bodies or certified assessors according to FCL.055(b) nor does ICAO Doc 9835 2<sup>nd</sup> ed.

To counteract the non-standardized situation and in order to assist capacity building amongst EU MS for standardized language testing processes and mutual recognition, **ICAO LPRI TF members from Austria, Belgium, France, Germany, Malta, Slovakia and Switzerland have discussed common rules for oversight**, which has resulted in a **rule proposal** (see B. No. 2, left column of the table). The proposal **is based on** already existing regulations for the oversight of ATOs and certified persons, i.e. **ARA.GEN.350** and **ARA.GEN.355**.

It is important to note that the TF members involved have already gained **actual experience** in overseeing language-testing bodies at their national CA level for many years. When being asked *If you had the choice, would you like to have such rules implemented in CR (EU) No. 1178/2011 (hard law), in a respective AMC (soft law), in Guidance Material or in none of them?* TF members favored the implementation of such rules as FCL regulations or as AMC material, whereas GM was not deemed sufficient.

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<sup>58</sup> Commission Implementing Regulation (EU) 2019/1747 of 15 October 2019 has entailed the introduction of new terms in FCL.055 lit. b), i.e. “language-testing body” and “certified assessor”.

<sup>59</sup> See Appendix E to SUMMARY OF DISCUSSIONS OF COG LPRI TF/35 (Paris, France, 14-15 November 2019)

<sup>60</sup> LABs = Language assessment bodies

## A. Rules proposal

1. a) Scope of oversight<sup>61</sup> of any language-testing body is determined by its approved organisational structure, procedures and processes in accordance with AMC 1 FCL.055.

b) Scope of oversight of a certified language assessor indicated by “+ CA” in the left-hand column of the following table.

	Approved organisational structure, procedures and processes	according to AMC1 FCL.055 / guided by ICAO Doc 9835 2 <sup>nd</sup> ed. [relevant paragraphs]
1	<b>ORGANISATIONAL STRUCTURE of a language-testing body</b>	
1.1	Introduction to organisation (incl. business objectives, policy and strategy)	AMC1 FCL.055 (m) (2); (n) (2) (iii)
1.2	Organisational structure (incl. organisation chart)	AMC1 FCL.055 (n) (2) (v)
1.3	Staffing (incl. responsibilities and contact details)	AMC1 FCL.055 (m); (n) (1) (i); (ix)
1.4	Management (incl. Head of language-testing body)	AMC1 FCL.055 (n) (1) (i); (n) (2) (i)
1.5 + CA	Linguistic and subject matter expertise (incl. list of assessors)	AMC1 FCL.055 (m), (n) (1) (i), (n) (2) (iv)
1.6	Quality management (overall policy, incl. remedy to CA findings)	AMC1 FCL.055 (n) (1) (i)-(ii), (n) (2) (vi), (n) (2) (viii)
2 + CA	<b>TESTING PROCEDURE</b>	
2.1 + CA	Test administration process	AMC1 FCL.055 (n) (4) (v) (B)
2.2 + CA	Testing location (incl. selection process)	AMC1 FCL.055 (n) (4) (v) (B), (n) (4) (v) (D); <u>guided by ICAO Doc 9835 2<sup>nd</sup> ed. para. 6.3.5.5</u> <sup>62</sup>
2.3 + CA	Identity check and invigilation process	AMC1 FCL.055 (n) (4) (v) (B)
2.4 + CA	Testing process - listening skills (incl. test format)	AMC1 FCL.055 (c) (1), (d), (e), (g)
2.5 + CA	Testing process - speaking skills (incl. test format)	AMC1 FCL.055 (c) (2), (d), (e), (g)
2.6 + CA	Test material (incl. sufficient test versions)	AMC1 FCL.055; <u>guided by ICAO Doc 9835 2<sup>nd</sup> ed. para. 6.3.7.4</u>
2.7 + CA	Use of (various) test versions	AMC1 FCL.055 (n) (4) (v) (A)-(B)

61 Before suggesting rules for oversight the scope of oversight has to be defined.

62 AMC1 does not refer to specific paragraphs of ICAO Doc 9835 2<sup>nd</sup> ed. for further guidance. Therefore, relevant paragraphs are explicitly added (s. underlined texts in right column of the table).



2.8 + CA	Safe-keeping of test material	AMC1 FCL.055 (n) (4) (v) (B), (D)
2.9 + CA	Data protection (confidentiality)	AMC1 FCL.055 (n) (4) (v) (B)
3 + CA	<b>ASSESSMENT PROCEDURE</b>	
3.1 + CA	Aim of assessment	AMC1 FCL.055 (l) (3)-(6), (n) (4) (i)
3.2 + CA	Assessment criteria	AMC1 FCL.055 (l), (n) (2) (iv)/(x), (n) (4) (iii); <u>guided by ICAO Doc 9835 2nd ed. para. 4.5</u>
3.3 + CA	Assessment process	AMC1 FCL.055 (a), (b), (f), (l), (n) (4) (ii); <u>guided by ICAO Doc 9835 2nd ed. Chapter 6:</u> if applicable, also AMC1 FCL.055 (h), (k)
3.4 + CA	Assessment roles (incl. decision making)	AMC1 FCL.055 (m); (n) (4) (v);
3.5 + CA	Assessment documentation	AMC1 FCL.055 (n) (2) (vii), (n) (4) (iv)
4 + CA	<b>DOCUMENTATION PROCEDURE</b>	
4.1 + CA	Documentation of interview, assessment, and results	AMC1 FCL.055 (n) (2) (vii), <u>guided by ICAO Doc 9835 2nd ed. para. 6.3.6.2</u>
4.2 + CA	Licence endorsement	AMC1 FCL.055 (n) (4) (v) (C)
4.3 + CA	Documents issued for test-taker	AMC1 FCL.055 (j)
4.4 + CA	Reporting to CA - documents and information issued for licensing department	AMC1 FCL.055 (n) (4) (v) (C)
4.5 + CA	Retention of documents and records (incl. period of safe-keeping)	AMC1 FCL.055 (n) (3); (n) (4) (v) (D)
5	<b>QUALITY ASSURANCE PROCEDURE</b>	
5.1	Quality assurance programme covering procedures (incl. processes) and appropriate management/staffing	AMC1 FCL.055 (n) (2) (i)-(iv); (n) (1) (i)
5.2	Examiner training processes (initial and recurrent training)	AMC1 FCL.055 (n) (2) (ix)
5.3	Deployment and oversight of examiners (incl. communication)	AMC1 FCL.055 (n), (n) (2) (i), (n) (2) (iv), (n) (2) (x)
5.4 + CA	Transparency of assessment process (incl. repeatability and traceability <sup>63</sup> )	AMC1 FCL.055 (n) (2) (vii), <u>guided by ICAO Doc 9835 2nd ed. para. 6.3.6.1</u>
5.5 + CA	Appeal procedure	AMC1 FCL.055 (i)
5.6 + CA	Customer satisfaction	AMC1 FCL.055 (n) (2) (xi)

<sup>63</sup> Having the speaking part with live interaction between test-taker and interlocutor recorded on audio media makes the assessment repeatable and traceable, leading to efficient oversight, fair assessments and a mature Safety Management System.

5.7	Documents proving validity and reliability of assessment (development and improvement of the test procedure, incl. test material/ test versions)	AMC1 FCL.055 (n) (1) (ii)
5.8	Documentation control	AMC1 FCL.055 (n) (1) (ii), (n) (2) (vi)/ (viii)

**2. Based on the organisational structure, procedures and processes in No. 1 rules for oversight of language-testing bodies & certified language assessors can be developed similar to the rules for overseeing ATOs laid down in CR (EU) No. 1178/2011 ARA.GEN.350 and .355**

Findings and corrective actions – language-testing bodies /certified language assessors <b>Rule proposal</b> for oversight (similar to ARA.GEN.350/355, cf. right column <sup>64</sup> )	ARA.GEN.350 Findings and corrective actions – organizations ARA.GEN.355 Findings and enforcement measures – persons <b>CR (EU) No. 1178/2011 ARA.GEN.350/355 (Original text)</b>
<p><i><u>(a) The competent authority oversees the language-testing body it has approved or the language assessor it has certified as applicable. During oversight the competent authority monitors the compliance of the language-testing body with its approved organisational structure, procedures or processes according to AMC1 FCL.055. In the case of a certified language assessor, the competent authority monitors the procedures or processes it has laid down in the respective certificate.</u></i></p> <p><i><u>(b) The detection of any non-compliance with the approval or certificate results in a finding. The measures for oversight shall include at least:</u></i>  <i><u>(1) checking documents and records, including audio recordings;</u></i>  <i><u>(2) checking the ability of language assessors to conduct language assessments and the respective continued quality assurance in case of a language-testing body;</u></i>  <i><u>(3) being present at live language tests.</u></i></p> <p><i><u>(c) When deciding on a measure for oversight over of a language-testing body or a certified language assessor, as applicable, the competent authority shall take into account the organizational size, the terms of approval or certificate, the usual output of language tests, the test results and potential previous findings.</u></i></p>	<p>(a) The competent authority for oversight in accordance with ARA.GEN.300(a) shall have a system to analyse findings for their safety significance.</p>

<sup>64</sup> The underlined text in italics differs from ARA.GEN.350 or .355, and the text in bold print shows a specific difference.

<i>The competent authority shall have a system to analyse findings for their significance of <u>language assessment quality</u> and their safety significance. <b><u>Findings shall be categorised into category<sup>65</sup> 1 or 2.</u></b></i>	
<i>(d) A <b>category 1 finding</b> shall be issued by the competent authority when any significant non-compliance is detected with the applicable requirements of Regulation (EC) No 2018/1139<sup>66</sup> and its Implementing Rules, with <u>the approved organisational structure, procedures, processes</u> or with the terms of an approval or <u>language assessor's certificate</u> <b><u>that could lower flight safety or impose hazards to flight safety.</u></b></i>	(b) A level 1 finding shall be issued by the competent authority when any significant non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the organisation's procedures and manuals or with the terms of an approval or certificate which lowers safety or seriously hazards flight safety.
<i>The <u>category 1 findings</u> shall for <u>language-testing bodies or certified assessors</u> as <u>applicable</u> include:</i>	The level 1 findings shall include:
<i>(1) failure to give the competent authority access to the <u>facilities or testing locations</u> as <u>defined in an approved language testing manual<sup>67</sup> or according to the certificate</u> during normal operating hours and after two written requests;</i>	(1) failure to give the competent authority access to the organisation's facilities as defined in ORA.GEN.140 during normal operating hours and after two written requests;
<i>(2) obtaining or maintaining the validity of the <u>approval or certificate</u> by falsification of submitted documentary evidence;</i>	(2) obtaining or maintaining the validity of the organisation certificate by falsification of submitted documentary evidence;
<i>(3) evidence of malpractice or fraudulent use of the <u>approval or certificate</u> <u>or in case of bankruptcy</u>;</i>	(3) evidence of malpractice or fraudulent use of the organisation certificate; and
<i>(4) the lack of an accountable manager;</i>	(4) the lack of an accountable manager.
<i>(5) failure to give the competent authority access to the <u>assessment documentation or records, including audio recordings</u> and after two written requests;</i>	
<i>(6) failing to allow the competent authority to be present at any live language test without prior notification and in two cases;</i>	

<sup>65</sup> CR (EU) No. 1178 ARA.GEN.350 (b) and (c) differentiate between „level“ 1 and 2 findings. As the ICAO Rating Scale already uses „level“ in the context of language testing the term „category“ is used.

<sup>66</sup> Regulation (EC) No 216/2008 has been replaced by Regulation (EC) No 2018/1139.

<sup>67</sup> A competent authority may approve manuals containing the organizational structure of an LAB, incl. all its approved procedures and processes, or it issues a respective handbook to its certified language assessors.

<u>(7) conducting language tests without authorization<sup>68</sup>;</u>	
<u>(8) conducting language tests in testing locations not approved by the competent authority;</u>	
<u>(9) conducting language tests that are not compliant with the requirements of FCL.055(b);</u>	
<u>(10) any other non-compliance with the approved organizational structure, procedures, processes, relevant regulations or with the terms of an approval or certificate which the competent authority considers to be a category 1 finding.</u>	
<u>(e) A category 2 finding shall be issued by the competent authority when any non-compliance is detected with the ICAO guidance material, with the approved organisational structure, procedures or processes or with the terms of an approval or certificate, as applicable, that lowers the quality of language assessment.</u>	(c) A level 2 finding shall be issued by the competent authority when any non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the organisation's procedures and manuals or with the terms of an approval or certificate which could lower safety or hazard flight safety.
<u>The category 2 findings shall for language-testing bodies or certified language assessors as applicable include:</u>	
<u>(1) unsuitably trained staff;</u>	
<u>(2) insufficient communication between management and other staff members;</u>	
<u>(3) non-availability of any language assessor for a period longer than one month and by any communication channel;</u>	
<u>(4) unsuitable test material (e.g. containing language errors, language not being at desired level or the accent or language variety used in the listening part is not sufficiently intelligible for an international community of users, or material used infringes copyright, is used without permission, or is sourced from publicly available domains);</u>	
<u>(5) assessment documentation and records not being kept for the period of time determined by the competent authority;</u>	

<sup>68</sup> As for language assessors this covers cases similar to ARA.GEN.355(e), where a person not holding a certificate gets a finding.

<i><u>(6) improper test administration (incl. improper location(s), identity check and invigilation, assessment discipline, confidentiality or security);</u></i>	
<i><u>(7) any other non-compliance with the approved organisational structure, procedures, processes or relevant regulations, which the competent authority considers to be a category 2 finding or which is not a category 1 finding.</u></i>	
<i><u>(f) In case of a language-testing body, when a finding is detected during oversight or by any other means, the competent authority shall, without prejudice to any additional action required by Regulation (EC) No 2018/1139 and its Implementing Rules, communicate the finding to the language-testing body in writing and request corrective action to address the non-compliance(s) identified.</u></i>	(d) When a finding is detected during oversight or by any other means, the competent authority shall, without prejudice to any additional action required by Regulation (EC) No 216/2008 and its Implementing Rules, communicate the finding to the organisation in writing and request corrective action to address the non-compliance(s) identified. Where relevant, the competent authority shall inform the State in which the aircraft is registered.
<i><u>(1) In the case of category 1 findings the competent authority shall take immediate and appropriate action to prohibit or limit activities and, if appropriate, it shall take action to revoke the specific approval or to limit or suspend it in whole or in part, depending upon the extent of the category 1 finding, until successful corrective action has been taken by the language-testing body.</u></i>	(1) In the case of level 1 findings the competent authority shall take immediate and appropriate action to prohibit or limit activities and, if appropriate, it shall take action to revoke the certificate or specific approval or to limit or suspend it in whole or in part, depending upon the extent of the level 1 finding, until successful corrective action has been taken by the organisation.
<i><u>(2) In the case of category 2 findings, the competent authority shall:</u></i>	(2) In the case of level 2 findings, the competent authority shall:
<i><u>(i) grant the language-testing body a corrective action implementation period appropriate to the nature of the finding that in any case initially shall not be more than 3 months. At the end of this period, and subject to the nature of the finding, the competent authority may extend the 3-month period subject to a satisfactory corrective action plan agreed by the competent authority; and</u></i>	(i) grant the organisation a corrective action implementation period appropriate to the nature of the finding that in any case initially shall not be more than 3 months. At the end of this period, and subject to the nature of the finding, the competent authority may extend the 3-month period subject to a satisfactory corrective action plan agreed by the competent authority; and
<i><u>(ii) assess the corrective action and implementation plan proposed by the language-testing body and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.</u></i>	(ii) assess the corrective action and implementation plan proposed by the organisation and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.

<p>(3) Where a <u>language-testing body</u> fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the competent authority, the finding shall be raised to a <u>category 1</u> finding and action taken as laid down in <u>(f)(1)</u>.</p>	<p>(3) Where an organisation fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the competent authority, the finding shall be raised to a level 1 finding and action taken as laid down in (d)(1).</p>
<p>(4) The competent authority shall record all findings it has raised or that have been communicated to it and, where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.</p>	<p>(4) The competent authority shall record all findings it has raised or that have been communicated to it and, where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.</p>
<p><u>(g) In case of a certified language assessor, when a finding according to (d) or (e) as applicable shows a non-compliance by the certificate holder, the competent authority shall raise a finding, record it and communicate it in writing to the certificate holder. When such finding is raised, the competent authority shall carry out an investigation. If the finding is confirmed, it shall:</u></p> <p>(1) limit, suspend or revoke <u>the certificate</u>, when a safety issue has been identified; and</p> <p>(2) take any further enforcement measures necessary to prevent the continuation of the non-compliance.</p> <p>Where applicable, the competent authority shall inform the person or organisation that issued the <u>language assessor</u> certificate.</p>	<p><b>[Text of ARA.GEN.355 (a) – (c) Findings and enforcement measures – persons:]</b></p> <p>(a) If, during oversight or by any other means, evidence is found by the competent authority responsible for oversight in accordance with ARA.GEN.300(a) that shows a non-compliance with the applicable requirements by a person holding a licence, certificate, rating or attestation issued in accordance with Regulation (EC) No 216/2008 and its Implementing Rules, the competent authority shall raise a finding, record it and communicate it in writing to the licence, certificate, rating or attestation holder.]</p> <p>(b) When such finding is raised, the competent authority shall carry out an investigation. If the finding is confirmed, it shall:</p> <p>(1) limit, suspend or revoke the licence, certificate, rating or attestation as applicable, when a safety issue has been identified; and</p> <p>(2) take any further enforcement measures necessary to prevent the continuation of the non-compliance.</p> <p>(c) Where applicable, the competent authority shall inform the person or organisation that issued the medical certificate or attestation.</p>
<p><u>(h) Without prejudice to any additional enforcement measures, when the authority of a Member State identifies any non-compliance with the applicable requirements of Regulation (EC) No 2018/1139 and its Implementing Rules by a language-testing body</u></p>	<p><b>[Text of ARA.GEN.350 ...<u>organizations</u>... (e):]</b></p>

<p><i>or a language assessor that is approved or certified by the competent authority of another Member State, it shall inform that competent authority and provide an indication of the level of finding.</i></p>	<p>(e) Without prejudice to any additional enforcement measures, when the authority of a Member State acting under the provisions of ARA.GEN.300(d) identifies any non-compliance with the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules by an organisation certified by the competent authority of another Member State or the Agency, it shall inform that competent authority and provide an indication of the level of finding.</p> <p><b>[Text of ARA.GEN.355 ...<u>person</u> (d)-(e):]</b></p> <p>(d) Without prejudice to any additional enforcement measures, when the authority of a Member State acting under the provisions of ARA.GEN.300(d) finds evidence showing a non-compliance with the applicable requirements by a person holding a licence, certificate, rating or attestation issued by the competent authority of any other Member State, it shall inform that competent authority.</p>
	<p>(e)<sup>69</sup> If, during oversight or by any other means, evidence is found showing a non-compliance with the applicable requirements by a person subject to the requirements laid down in Regulation (EC) No 216/2008 and its Implementing Rules and not holding a licence, certificate, rating or attestation issued in accordance with that Regulation and its Implementing Rules, the competent authority that identified the non-compliance shall take any enforcement measures necessary to prevent the continuation of that non-compliance.</p>

<sup>69</sup> Such cases of ARA.GEN.355(e) would be covered by proposed rule (d)(7) (cf. above).

## APPENDIX D. LP CERTIFICATE (TEMPLATE)<sup>70</sup>

[as to chapter 6.2]

<p><b>Language Testing Organization</b> <i>[legal status of organization as legal entity]</i> <b>SK<sup>71</sup>-LT0-xxx</b> <i>[address of place of principle business]</i></p> <p><b><i>[LOGO of the organization]</i></b></p> <p><b>LANGUAGE PROFICIENCY CERTIFICATE</b></p> <p><b>This is to certify that</b></p> <p><b>NAME(S) SURNAME(S)</b></p> <p><b>Date of birth:</b> <b><i>[dd.mm.yyyy]</i></b></p> <p><b>has successfully passed the language proficiency exam in accordance with <i>[national or European legal basis, as applicable]</i>, ICAO Annex 1 and ICAO Doc 9835</b></p> <p><b>and achieved</b></p> <p><b>LEVEL <i>[4/5/6]</i></b></p> <p><b><i>[Place]</i> and <i>[dd.mm.yyyy]</i></b></p> <p>.....</p> <p><b>Name and Surname</b> <b>Head / AM of the organization</b></p>
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<sup>70</sup> For the sake of transparency and mutual recognition, an **assessment protocol** should be a mandatory attachment. The latter should contain at least all individual results of the six linguistic subskills as well as the name of all raters, and the type of the test (e.g. for VFR or IFR pilots, online or in-person, etc.).

<sup>71</sup> For EASA MS use the two-letter ISO code (see <https://publications.europa.eu/code/pdf/370000en.htm#fn1>).



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## APPENDIX E. DISCUSSION OF RULE PROPOSALS FOR GA PILOTS

[as to chapter 7.1]

**Note:** As all opinions are personal views only, the respective texts are in italics.

For GA pilots it was proposed:

*The GA topic seemed to be very easy at the beginning, but it turned out to be quite complex. I went through it again and again, and finally came to a proposal which I would like to share with you. Let me summarize the problem first:*

*Actually, on the one hand, a crew of an (...)A380 landing at a busy international airport (e.g. JFK, FRA, AMS,...) must demonstrate a Level 4 at the minimum. On the other hand, a PPL holder under VFR operating on a small airfield with domestic traffic only also needs a Level 4. This is obviously a huge discrepancy and the baseline of point 7.1 of this EUR Doc.*

Two solutions were proposed to solve this problem:

- i) either the LP requirements for the airline crews are to be increased, or*
- ii) those for the VFR PPL-holder are to be lowered. ... a rise in requirements for airline pilots will have a huge impact which never will be possible and accepted by the industry. Therefore, an adjustment for the VFR PPL-holders is the only way to go for.*

Two ways of adaptations were proposed:

- 1. To lower the LP requirement to level 3*
- 2. To exempt VFR PPL-holders from any LP requirement*

*What are the pro and cons of those two possibilities? Since level 3 is considered as “non-operational”, it does not make sense to require such a level for flying pilots.... In this context, the exemption of LP requirements looks much better... glider pilots are exempted anyway from LP requirements.*

*After all those considerations I come to the point that VFR PPL-holders should be exempted from LP requirements, as long as they do not operate on large and busy airports with... airliner operations. However, major airports generally do not allow VFR PPL flights anyway and expect them to use... airfields in the vicinity.*

*Here is now my proposal:*

- 1. Pilots holding a GPL, LAPL or PPL operating under VFR are exempted from Language Proficiency requirements.*
- 2. This exemption does not apply when operating on large international airports with intense airliner traffic. The national CAAs shall specify those airports.*
- 3. All GA pilots flying under IFR have to demonstrate at least a Language Proficiency Level 4.*
- 4. All GA pilots operating a commercial flight with paying passengers have to demonstrate at least a Language Proficiency Level 4.*
- 5. Beside any national languages, at least English shall be accepted on all GA airfields in Europe.*

*It goes without saying that all LAPL and PPL-holders using a radio must produce a radiotelephony endorsement in the appropriate language.*

*This proposal was given as a basis for discussions and was not considered as the final version.*

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## Comments on the rule proposal from other LPRI TF members

### A. Comment supporting the proposal:

*Supporting this option, since I agree that if VFR PPL-holders do not operate in big and busy airports, they should be excluded from LP requirements.*

### B. Comments suggesting modifications to the rule proposal:

*I would agree that the requirement to have a Level 3 does not make sense. It still assumes a certain level of English and would actually go contrary to the ideas of the LPRs where only L4 and above are operational. So I think the exemption is the best idea subject to the points below.*

*Pilots holding a GPL, LAPL or PPL operating under VFR will **only** be required to demonstrate ICAO Level 4 in English under the following circumstances<sup>1</sup>:*

- 1. When operating from airports in their own country<sup>2</sup> with a specified amount of international IFR traffic, and where English is used regularly for radiotelephony communication. The national CAAs shall specify those airports.*
- 2. When operating outside of their own country where LP and RTF has not been demonstrated in the local language<sup>3</sup> of the aerodrome as published in the AIP.*
- 3. When flying under IFR at any time.*
- 4. When operating a commercial flight with paying passengers at any time.*

*As well as national languages, English shall be accepted on all GA airfields in Europe.*

*Pilots wishing to use the radiotelephone who do not have an ICAO L4 or higher endorsement in English must still demonstrate both LP and RTF in the local language<sup>4</sup> as published in the AIP.*

*As a rationale behind the modifications, it was explained (see index numbers):*

- 1) I thought this sounds better as it implies that there will still be some requirements.*
- 2) This may need to be worded correctly.*
- 3) This would cover flying abroad but would mean Swiss French speakers could go to France and Austrians could fly to Germany etc. It also ties in with the point about English being accepted at all GA airfields.*
- 4) I think this is important as it matches the current EASA requirement for both LP and RTF.*

### C. Comments anticipating challenges as regards legal implementation and an adverse impact on flight safety, while proposing a third way of adaptations:

*As regards the practicality of rulemaking based on the proposed rules, we anticipate problems when:*

- 1. Changing rules with respect to certain licences (here GPL, LAPL or PPL) at airports only, instead of pilots operating certain aircraft classes (cf. wording of FCL.055 lit. a) of CR (EU) No. 1178/2011) in defined airspace.*
- 2. Creating a clear classification of “busy international airports” and “small airfields”.*
- 3. This classification covering medium-sized regional airports with varying amount of mixed IFR/VFR traffic during the year (incl. respective updating by all CAAs of 193 MS).*
- 4. Combining the proposed rules with existing rules that already deal with mixed traffic (e.g. airports surrounded by TMZ requiring VFR pilots to maintain a continuous listening watch on the frequency).*
- 5. Adapting the proposed rules without overcomplicating the current regulatory framework.*

*In addition, there will likely be an impact to flight safety when:*

- 
1. *Pilots exempted from the LPRs, who share the same airspace with other English-speaking pilots, and do not keep constant listening watch (cf. near miss of a glider pilot carrying out passenger flights and IFR traffic in 2017, a contributing factor of which was that the glider pilot did not listen out with the relevant ATC Unit<sup>72</sup>).*
  2. *Pilots from various MS meet at regional airports usually not dealing with great amounts of mixed traffic (cf. the airport of Friedrichshafen, which is the destination of many international GA pilots during the AERO trade show).*
  3. *Pilots exempted from LPRs being less motivated to work on their English skills, thus having inadequate speaking skills for coping with non-routine situations.*
  4. *Pilots exempted from LPRs will have lower listening skills, impeding the comprehension of spoken English, thus lacking the mental picture of what is going on around in their airspace (loss of situational awareness).*
  5. *According to a study<sup>73</sup> conducted for the CAA UK, English LPRs for pilots and ATCOs are still “not robust enough” to ensure clear communication. The study found numerous instances of readback/hearback errors, call sign confusion and language-related loss of situational awareness.*

*In this context, exempting GA pilots from LPRs would be negligent and pose a genuine threat for flight safety. Not only would their English speaking skills deteriorate, but also respective listening skills, which is essential to gain situational awareness, when sharing the same airspace with English-speaking pilots. It is also worth noting that since 2010 the rate of GA pilots failing ICAO English level 4 has lowered<sup>74</sup>, which already has had a positive impact on flight safety, as the statistics of LP-related occurrence reports show (except for glider pilots, cf. above-mentioned near miss).*

*Instead of exempting GA pilots from LPRs MS should think about facilitations for GA pilots only flying at domestic airfields and in uncontrolled airspaces. For this purpose, MS could think about:*

- *admitting languages spoken by the majority of their citizens as the first language to be used for aeronautical radiotelephony as appropriate for flight safety,*
- *defining documents that they would accept as a proof of the first language,*
- *establishing standardized phraseology in the respective first language, which must be a prerequisite for an LP licence endorsement, and*
- *for the first language granting a level 6 LP endorsement with unlimited validity.*

*Appropriate rules would not apply to individual licences, but to all participants in aeronautical R/T (not only pilots) operating in airspaces, in which the first language is used. Such rules could still meet ICAO LPRs, however by an informal rather than formal assessment (cf. ICAO Doc 9835 para. 6.2.8.11). This would also be a real facilitation for holders of a PPL, LAPL, etc., who could use the language they have grown up with (they know best), and without neglecting standardized phraseology.*

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72 cf. <https://skybrary.aero/accidents-and-incidents/f2th-glid-vicinity-st-gallen-altenrhein-switzerland-2017> (URL retrieved on 1 July 2022)

73 cf. <https://flightsafety.org/asw-article/please-dont-let-me-be-misunderstood/> (URL retrieved on 1 July 2022)

74 For example, with GA pilots in Germany the failure rate has declined by more than 2%.

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## APPENDIX F. VEHICLE DRIVERS ON THE MANOEUVRING AREA OF AN AERODROME

[as to chapter 7.3]

### The safety case for introduction of LPR for vehicle drivers

Like flight safety, runway safety is one of the high-risk accident occurrence categories identified by ICAO. Runway safety related events include among other categories of accident occurrence **runway excursion** and **runway incursion**. Due to the complexity of the issue of runway safety, it is necessary to adopt certain requirements referring to vehicle's operations on the manoeuvring area of the aerodrome, communications and other operational procedures.

Various occurrences involving runway safety have taken place; from the perspective of aerodrome operators, many of them are directly or indirectly linked with the action or non-action of the vehicle drivers on the aerodrome manoeuvring area<sup>75</sup>. The most contributing factors that cause occurrences affecting runway safety are:

- the distraction of a vehicle driver during his job;
- the use of different frequencies for air traffic and vehicle traffic on the manoeuvring area which leads to reduction of situational awareness for personnel working on the runway;
- the lack of coordination between the air traffic services provider and the aerodrome operator which contributes to the reduction of the situational awareness of the air traffic services personnel;
- the lack of appropriate training of the drivers operating on the manoeuvring area, including sufficient knowledge of English;

In order to mitigate safety risks associated with runway safety, focusing mainly on the prevention of runway incursions and excursions, it is necessary for relevant stakeholders to adopt and implement certain regulatory requirements that could ensure an adequate framework for the safe use of vehicles within an aerodrome environment.

### ICAO provisions

Although the ICAO SARPS (Annex 14) and PANS-ATM Doc 4444 contain certain provisions regarding the safe use of vehicles within an aerodrome environment, and namely:

- existence of communication equipment on vehicles operated on a manoeuvring area of an aerodrome (Annex 14, standard 9.7.1);
- capability of a vehicle driver to maintain a satisfactory two-way radio communication with the aerodrome control tower before entering the manoeuvring area (Annex 14, standard 9.7.5);
- compliance of a vehicle driver on the movement area to instructions issued by control tower (Annex 14, standard 9.7.3);
- capability of a vehicle driver to notify immediately the appropriate ATS unit on his/her position when in doubt (Doc 4444, 7.4.1.5.3).

It has not yet been included as a mandatory requirement by aerodrome operators for vehicle drivers to demonstrate language proficiency, at least at an operational level in both the use of phraseologies and in plain language.

The specific objective of the above-mentioned provisions from SARPs is to:

- reduce the number of runway-safety-related accidents and serious incidents involving runway incursions, runway excursions from an aerodrome's point of view, but also other runway-safety-related events;

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<sup>75</sup> An accident happened lately in Lima (Peru) on 18 November 2022, when a moving fire truck collided with a plane taking off.

- 
- ensure an adequate framework for the safe use of vehicles within an aerodrome environment.

### EASA provisions

Notwithstanding 7.3.2, the European legal framework, namely Regulation no.139/2014 with its last amendment (Commission Delegated Regulation (EU) 2148/2020 of 8 October 2020), does establish specific requirements for vehicle drivers as regards language proficiency.

### Annex IV (Part-ADR.OPS) Subpart B

#### ADR.OPS.B.024 Authorisation of vehicle drivers

(a) Except as provided for in point (d), the driving of a vehicle on any part of the movement area or other operational areas of an aerodrome shall require an authorisation issued to the driver by the operator of that aerodrome. The driving authorisation shall be issued **to a person who:**

- (1) is allocated tasks that involve driving in such areas;
- (2) holds a valid driving licence, and any other licence required for the operation of specialised vehicles;
- (3) has successfully completed a relevant driving training programme and demonstrated his or her competence in accordance with point (b);
- (4) **has demonstrated language proficiency in accordance with point ADR.OPS.B.029, if that person intends to drive a vehicle on the manoeuvring area;**
- (5) has received training by its employer on the use of the vehicle intended to operate at the aerodrome.

*Point (a) introduces a requirement to prohibit driving on the manoeuvring area, unless the person has demonstrated language proficiency in accordance with point ADR.OPS.B.029.*

(b) The aerodrome operator shall establish and implement a driving training programme for drivers that operate on the apron or other operational areas, except the manoeuvring area, and for drivers that operate on the manoeuvring area. The training programme shall:

- (1) be appropriate to the characteristics and operation of the aerodrome, the driver's functions and tasks to be performed, and the areas of the aerodrome that drivers may be authorised to operate;
- (2) include:
  - (i) theoretical and practical training of adequate duration, at least in the following areas:
    - (A) regulatory framework and personal responsibilities;
    - (B) vehicle standards, aerodrome operational requirements and procedures;
    - (C) communications;
    - (D) **radiotelephony, for drivers that operate on the manoeuvring area;**
    - (E) human performance;
    - (F) familiarisation with the operating environment;
  - (ii) competence assessment of the drivers.

*Point (b) introduces a requirement that aims to distinguish between the training needs of the drivers operating on the apron (and other operational areas, except the manoeuvring area), and those operating on the manoeuvring area. Moreover, the training programme requires the use of a radio for communication purposes and implies the capability of the driver to do so on the manoeuvring area.*

(c) A driving authorisation issued in accordance with point (a) shall specify the parts of the movement area or other operational areas on which the driver is allowed to drive and shall remain valid as long as:

- (1) the requirements of points (a)(1) and (a)(2) are met;

- 
- (2) the holder of the driving authorisation:
- (i) undergoes and successfully completes training and proficiency checks in accordance with points ADR.OR.D.017 (f) and (g);
  - (ii) **if applicable, continues to demonstrate the required language proficiency in accordance with point ADR.OPS.B.029.**

*Point (c) addresses the issue of language competence, something which is implied by the need for drivers on the manoeuvring area to be able to communicate orally via the radio, with the ATS unit, in the relevant language(s) used for such purposes. Moreover, although the existing AMC1 ADR.OPS.B.025 refers to the training on the use of radiotelephony and phraseology, it does not contain any provision for the assessment of the language competence in this area, despite the obvious importance that this has for achieving effective communication over the radio and therefore for runway safety through an increase of situational awareness. This is particularly true for cases where the language used for communication on the manoeuvring area is not the mother tongue of the driver(s), or where more than one language is used for such purposes (e.g. one language for runway operations and a different one for operations on the taxiways).*

(d) Notwithstanding point (a), the aerodrome operator may permit a person to temporarily drive a vehicle on the movement area or other operational areas if:

- (1) that person holds a valid driving licence, and any other licence required for the operation of specialised vehicles;
- (2) **that vehicle is escorted by a vehicle driven by a driver authorised in accordance with point (a).**

*Point (d) proposes the possibility for an aerodrome operator to permit a third party to provide relevant driving training to its personnel that do not operate on the manoeuvring area. The proposal aims at providing this option, which is subject to the necessary conditions, to aerodrome operators in order to ensure the consistent delivery of the training and that the Competent Authority maintains control of such activities.*

#### **ADR.OPS.B.029 Language proficiency**

(a) A person required under point ADR.OPS.B.024 to demonstrate language proficiency, shall demonstrate proficiency, at least at an operational level both in the use of phraseologies and in plain language, in accordance with point (b), in:

- (1) the English language; and
- (2) any other language or languages used at the aerodrome for radio communication purposes with the air traffic services unit of the aerodrome.

(b) The applicant shall demonstrate the ability to:

- (1) communicate effectively in voice-only and in face-to-face situations;
- (2) communicate on common and work-related topics with accuracy and clarity;
- (3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work-related context;
- (4) handle successfully the linguistic challenges presented by a complication or unexpected turn of events which occurs within the context of a routine work situation or communicative task with which they are otherwise familiar;
- (5) use a dialect or accent which is intelligible to the aeronautical community.

(c) Language proficiency shall be demonstrated by a certificate issued by the organization<sup>76</sup> that conducted the assessment, attesting the language or languages, the level or levels of proficiency, and the date of the assessment.

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<sup>76</sup> e.g. language testing organization according to chapter 3.

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(d) Except for persons who have demonstrated language proficiency at an expert level, the language proficiency shall be re-assessed every:

- (1) four years from the date of the assessment, if the level demonstrated is operational level;
- (2) six years from the date of the assessment, if the level demonstrated is extended level.

(e) The demonstration of language proficiency shall be done through a method of assessment, which shall contain:

- (1) the process by which an assessment is done;
- (2) the qualifications of the assessors conducting assessments of language proficiency;
- (3) the appeal procedure.

(f) The aerodrome operator shall make available language training to maintain the required level of language proficiency of its personnel.

(g) By way of derogation from point (a), a Member State may decide that the English language proficiency may not be required for personnel referred to in point ADR.OPS.B.024, for radio communication purposes with the air traffic services unit of the aerodrome. In such case, it shall perform a safety assessment covering one or several aerodromes.

(h) The operator of the aerodrome may issue an authorisation to a person who has not demonstrated compliance with points (a) and (b) until:

- (1) 7 January 2026 as regards English language;
- (2) 7 January 2023 as regards any language other than the English language.

### **ADR.OPS.B.031 Communications**

(a) Vehicles and the air traffic services unit shall communicate in accordance with the applicable requirements of Section 14 of the Annex to Implementing Regulation (EU) No 923/2012.

(b) The aerodrome operator shall, in coordination with the air traffic services provider, establish communication procedures, including:

**(1) the frequencies and the language or languages to be used for communication between the air traffic services unit and vehicles that intend to operate or are operating on the manoeuvring area;**

(2) communication between the air traffic services unit and pedestrians that intend to operate or are operating on the manoeuvring area;

(3) dissemination of significant aerodrome-related information that may affect the safety of operations on the manoeuvring area, using radio communications;

(4) signals and other communication means, to be used, in all visibility conditions, in the case of radio communication failure between the air traffic services unit and vehicles or pedestrians<sup>77</sup> on the manoeuvring area.

*ADR.OPS.B.031 is introduced for the coordination of the communication procedures, including language and frequencies to be used in communications between drivers and the air traffic services provider on the manoeuvring area. Situational awareness is improved by conducting communications on a common frequency and in a common language, whenever this is possible.*

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<sup>77</sup> e.g. ramp agents.

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## APPENDIX G. NECESSITY FOR ESTABLISHING A PERIOD OF VALIDITY FOR LEVEL 6 – A SAFETY ISSUE

[as to chapter 8]

*By ICAO COG LPRI Task Force Group, after its 28<sup>th</sup> meeting in Paris [updated in 2022]*

The outcomes of the IELP Workshop, held in Kuwait from 9-11 November 2015, suggested that ICAO should take into consideration a limited period of validity for Level 6.

To support this suggestion by evidence the COG LPRI Task Force has collected arguments to substantiate the necessity. The arguments found are based partly on research or facts, partly on the results of monitoring of tests and test standards conducted by several MS since 2008. The main arguments are:

### A. LANGUAGE LOSS

Evidence for the argument:

- It is proven by studies that a language decays when it is not used (i.e. “it is gradually forgotten”). This fact has been recognized by internationally accepted “high-stakes” tests such as TOEFL and IELTS, which restrict the score/grade validity of their tests generally to a period of two years. With TOEFL and IELTS usually there are no “physical” lives at stake.
- There is no proof that even a level 6 granted by ICAO AELTS recognized tests is still a level 6 many years after the test. Here, a limited period of validity would provide recurrent opportunity to reassure/revalidate every single level-6 endorsement, which in turn would verify and substantiate the reliability of these ICAO endorsed tests (by having a closed test-retest cycle).

### B. NO COMPARABLE STANDARDS OF ICAO LANGUAGE TESTING

Evidence for the argument:

- 2008:  
Conclusions drawn by Prof. Charles Alderson (University of Lancaster) in his “Final Report on a Survey of Aviation English Tests”:
  - a) little confidence in the meaningfulness, reliability, and validity of aviation English tests
  - b) monitoring is required of the quality of tests to ensure they follow accepted professional standards to language tests and assessment procedures.
- 2010 and 2011:  
In at least one MS [Austria] for an overall level 6 it used to be enough to assess level 6 in only four out of the six categories of the ICAO rating scale, while level 5 in the remaining two categories would be enough. No retesting of affected licence holders has taken place since 2012, it is also unclear how many level tests have been accepted by other MS due to mutual recognition. Nevertheless, in this country the number of pilots having a level-6 endorsement is at around 60 per cent of all licence holders.



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- 2011:  
In at least one MS [Germany], that applies different tests for pilots and ATCOs, several pilots were assessed level 4 or 5 with ATC language examiners after having been assessed level 6 with pilot language examiners.
  - 2013:  
A pilot having been awarded a level 6 in one MS [Germany] was retested by another MS [Switzerland] on a licence transfer and renewal. The result of that retest, which took place only four months later, was 5-4-4-5-5-4 instead of formerly 6-6-6-6-6-6. In a similar case the result was 4-4-4-4-4-4 in one MS [Switzerland] and 6-6-6-6-6-6 in another MS [Germany], while the second test took place only three days later.
  - 2014 and 2015:  
During courses for language examiners, taking place within an MS [Germany] and being conducted in English, it turned out that the language proficiency of some participants was not at level 6 as it had been assessed in language tests before. This might have something to do with unreliable testing but also with language loss, if the test had taken place several years before.
  - 2013 till 2016:  
During oversight, at least one MS [Germany] checks level-6 examiners for their ability to recognize errors in oral utterances (“error spotting” in terms of structure and vocabulary). In 2016 an examiner who had already rated almost 3000 holders of pilot licences for level 6, was checked for the first time. The examiner failed the check twice. Though the examiner is not authorized to conduct level-6 tests anymore, there remain doubts about whether his ratings in the past were correct. Retesting of pilots with level-6 endorsements has not taken place, as it is impractical also due to administrative constraints (no audio recordings, no clear proofs). In the meantime, and before mutual recognition within EU MS became mandatory in 2019, many of these level 6 tests had been accepted for licence endorsement in at least six other EU MS [France, Luxembourg, Netherlands, Poland, Switzerland, Spain]. Changing the period of validity of level 6 would be by far easier, more practical and more efficient.
  - Till 2022 ICAO recognized some tests, the validity and reliability of which satisfy ICAO standards. The outcomes of the IELP Workshop 2015 also suggest that licences should be endorsed based on tests recognized by ICAO’s Aviation English Language Test Endorsement Service. Unfortunately, most MS have not yet had their tests evaluated nor do they use (formerly endorsed) ELPAC (or RELTA, which had also been endorsed, but which does not offer LP testing for pilots anymore).
  - Generally, when it comes to language testing, many academic researchers agree on a statement like “there is no ideal test” (e.g. p.123 in Desmond Allison. 1999. *Language Testing & Evaluation*. Singapore University Press; et al.)
  - 2019:  
cf. COG LPRI TF/34 – Summary of Discussions, therein para 5.2: *Despite the successful establishment of national LPR systems, there remains insufficient awareness, particularly in the selection of suitable and appropriate testing tools that meet ICAO LPRs, which may result in safety risks.* And para 6.2: *The participants expressed their concerns regarding the number of tests available on the market, which are not ICAO recognized and the difference regarding level appreciation among various test providers which lead to situations where a level 6 in one country was found level 3 in another country.*

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- since 2019:  
The adoption of Opinion 05-2017 into existing European law and thus the mutual recognition of different language proficiency assessments of pilots has worsened the non-standardized situation within Europe.
  - 2020:  
An EASA MS [Denmark] received a finding from EASA, because a language-testing body was conducting online-language tests during which the rating scale criterion *interactions* and thus (collaborative) *comprehension* was not tested (at least since 2017). After having taken corrective actions, the finding was closed by EASA, but not until September 2020. Yet, EU MS and maybe other ICAO MS had to mutually recognize the assessment. No EU MS was officially informed on that finding.
  - 2021:  
The procedures of at least two MS [Ireland, Norway] allow LP testing in the simulator and up to level 6. The test is conducted by one examiner.

## C. MUCH BIAS AND LITTLE TEST SECURITY

Evidence for the argument:

- When recruiting pilots some airlines/employers (often those with only a small number of pilots) expect their applicants to have an English level 6 as an entry requirement, which puts an enormous pressure on both pilots and language assessors.  
(Note: By doing this, operators make use of the “loophole” of an unlimited level 6 to get rid of their obligation to ensure language proficiency of their pilots. The same is true if MS use testing formats, which are too easy.)
- There were cases of falsified language documentation to get level-6 licence endorsements (in at least one MS [Italy]).
- Many MS do not require their test providers to record the oral interaction between test-taker and interlocutor as 6.3.6.1 ICAO Doc 9835 recommends.
- In at least two MS [Sweden, Ireland] level 6 is granted by one examiner, being the interlocutor and rater at the same time, while the test is not being audio-recorded.
- The requirements for unlimited validity of level 6 may encourage “test shopping” by pilots, especially in a testing environment that is not standardized and where testing systems are not subject to a uniform set of requirements across MS. Since level 6 is not retested, it becomes an asset for pilots with lower levels of proficiency and hence they have the possibility to obtain level 6 certificates under any circumstances.

## D. CONSTRAINTS OF OVERSIGHT AND PRACTICALITY

Evidence for the argument:

- At the beginning of the implementation of LPRs for oversight no detailed rules were available: the latter had to be developed over the years after 2009 on the national level of a MS; yet, as the results of the survey launched by EASA shows, even in 2019 some MS did not have any oversight plan.
- LPRI oversight of MS is often conducted using small numbers of personnel, with one CAA inspector being responsible for overseeing dozens of language assessment bodies and/or hundreds of language examiners.

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- CAA inspectors and/or licensing personnel of a CAA must be familiar with numerous testing methods of various MS for accepting foreign language test results, including level 6, which is hardly feasible (apart from the question of comparability stated earlier).
  - Safety measures stipulated by EASA or ICAO to ensure the integrity of tests and test standards regarding LPRI have not been actively implemented and only exist in written form (ICAO USOAP CMA).
  - The process of revoking an endorsement in a pilot/ATCO licence is often difficult and lengthy. Even if there is clear evidence, a CAA still has to follow many administrative regulations until the licence can finally be revoked. For example, if an appeal or objection is made regarding the final result, the test-taker still remains suspended until this is clarified. Therefore, many level 6 endorsements still exist, though there are considerable doubts as to their validity. As a consequence, a CAA does not react until forced to do so as a result of an accident or incident and this then results in all efforts being spent on one single case.
  - Since there are no requirements (there are only AMCs and GMs) regarding minimum qualifications of ELP examiners (English Language Experts and Operational Experts/Raters), there is no certainty that level 6-certificates are valid and have been issued by people who were certified to assess level 6 proficiency.

## **E. UNEQUAL TREATMENT BETWEEN PILOTS AND CONTROLLERS WITHIN EUROPE**

Evidence for the argument:

- According to ATCO.B.035 of Commission Regulation (EU) 2015/340 the validity of an English language endorsement for a controller shall be nine years from the date of assessment. This obligation became effective in 2017.
- As neither FCL.055 c) of Commission Regulation (EU) No 1178/2011 nor Annex 1 of the Chicago Convention have been changed since 2017 the validity of level 6 for pilots still remains unlimited, though pilots and controllers communicate in English directly with each other, while sharing the same airspace and the ICAO Rating scale being an identical “system of measurement for language proficiency” for both pilots and ATCOs. Therefore, it becomes even more biased and discriminatory, although European regulations are based on the principles of non-discriminatory and uniform implementation.

## **CONCLUSIONS AND SUGGESTIONS**

Drawing on the arguments and the evidence from above, and the fact that aviation language testing still remains unregulated, while, at the same time, being very much high stakes, regulatory bodies such as ICAO and EASA should take proactive steps to recommend (ICAO) or stipulate (EASA) a limited period of validity for level 6. Given that the validity for European ATCOs and their level 6, is nine years, the period of validity for pilots should also be nine years for the English language. As an exception and parallel to ATCO.B.035 of Commission Regulation (EU) 2015/340 the validity for native language speakers and/or local languages could still remain unlimited (Arguments: practicality; administrative constraints; English as *the* global *lingua franca* in aviation).

While the industry is recovering from the COVID-19 pandemic situation, it is possible that less focus is being put on refreshing plain language skills, making incidents/accidents even more probable. Rulemaking bodies, both from the EU and ICAO need to work together to take proactive steps by limiting the period of validity of level 6.

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