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*Bundesministerium
für Verkehr,
Innovation und Technologie*

To
International Civil Aviation Organization
Mr. Raymond Benjamin
Secretary General
999 University Street
Montreal, Quebec
Canada, H3C 5H7

Vienna, 02.02.2011

**Subject: 37th Session of the Assembly - Resolution A37-10:
Proficiency in the English language used for radiotelephony communications**

Reference: Your letter AN 12/44.6-11/1, dated 21.01.2011

The Federal Ministry for Transport, Innovation and Technology, Department of Civil Aviation nominates the Focal Point Information and transmits the following comments by using updated Attachments B and C to State letter AN 12/44.6-07/68:

With the actual date the Austrian Authority is reporting compliance with ICAO Language Proficiency requirements according to ICAO Doc 9835 and related Circulars 318 and 323.

Table 1 – National Regulatory Framework

Focal Point Information			
Name		Wirths, Joachim	
Title		Capt.	
Organization		Austro Control	
Telephone		+43 6649648605 / +43 0517037070	
Fax		+43 0517037086	
E-mail		Joachim.wirths@austrocontrol.at	
Compliance			
Standards and Recommended Practices (SARPs)		Yes, the regulatory framework is in place. <i>Indicate Reference</i>	No, the national regulatory framework has not yet been established. <i>Indicate the type of provision envisaged and the expected date of introduction</i>
Annex 1	1.2.9.1	FZG, FZV	
	1.2.9.2	LFG, EC Directive 2006/23	
	1.2.9.4, Appendix 1, Attachment A	See above	
	1.2.9.6	ZLPV 2006 LFG JAR FCL 1 Amendment 7	
	1.2.9.7 (Recommended Practice)	ICAO Doc 9835 Circ 323 LPT Circ 318	
	5.1.1.2 XIII)	Endorsement in Pilot / ATCO License	
Annex 6	Part I – 3.1.8	AOCV, ZLPV	
	Part III – 1.1.3	AOCV, ZLPV	
Annex 10, Volume II	5.1.1.1	LVR, FZG, FZV	
	5.2.1.2.1	LVR, FTG, FZV	
	5.2.1.2.2	LVR, ASREF	
	5.2.1.2.3	LVR, ASREF	
Annex 11	2.29.1	LFG, EC Directive 2006/23	
	2.29.2	LVR, ASREF	

Further Procedures Publications noted on [www](http://www.austrocontrol.at).

http://www.austrocontrol.at/content/lfa/FAQ/faq_lpe/faq_lpe.shtml

4. ESTIMATE OF NATIONAL LEVEL OF IMPLEMENTATION

4.1 In order to describe the degree of implementation of language proficiency requirements, the plan should provide an estimate, or snapshot, of the existing level of the proficiency of their pilots, controllers involved in international operations. This estimate should be revised at regular intervals and not less than once a year. The implementation plan should be updated with ICAO accordingly.

4.2 States, with the assistance of operators and service providers, should determine the number of pilots and controllers that are involved in international operations. Within these figures, the following information would be required: the number of pilots holding ATPL, MPL, CPL and PPL and the number of controllers working in aerodrome, approach and area control facilities. These numbers should be further broken down into levels of language proficiency in accordance with the ICAO rating scale and included in the implementation plan using the table below.

4.3 The language proficiency requirements will be implemented to varying degrees in those States that will not be compliant by 5 March 2008: from minimal implementation activities to nearly full compliance. Thus, some States may not have developed or acquired a capability to determine the level of language proficiency of their personnel using assessment best practices. Those States should provide estimates, to the best of their capability, and update their numbers as their capacity to assess language proficiency in accordance with the ICAO Rating Scale is developed or acquired. If training programmes have been established, estimates based on training assessments may be provided. Other States may have begun to conduct tests and assessments for licensing purposes and would be in a position to confirm a level of proficiency for some of their personnel. In all cases, the manner in which the level of proficiency was estimated should be described (e.g. diagnostic tests, interviews, sampling, personnel linguistic history, licensing tests, etc.).

Table 2 – Estimate of National Level of Implementation

Date: 20.01.2011	1742	1945	0	
Pilots involved in international operations	ATPL	CPL	MPL	Method of Assessment of Level of Proficiency
Level 3 and below	0%	0%	0%	LPT Procedure according Circ 318
Level 4	93 %	99%		LPT Procedure according Circ 318
Level 5	2 %	0%		LPT Procedure according Circ 318
Level 6	5 %	1%		LPT Procedure according Circ 318
PPL				
Date: 20.01.2011	5690			
Indicate number of PPL involved in international operations	100% L 4	Briefly described the method of Assessment of Level of Proficiency	LPT Procedure according Circ 318 established. Part a) Digital & interactive LPT Part b) Interview via Examiner/LPE	

Date: 20.01.2011	ATCO 315				
Controllers involved in international operations	Aerodrome	Approach	Area	Student	Method of Assessment of Level of Proficiency
Level 3 and below					
Level 4	26%	26%	46%	100%	RELTA /ELPAC LPT Circ 318
Level 5	66%	67%	48%		RELTA /ELPAC LPT Circ 318
Level 6	8%	6%	6%		RELTA /ELPAC LPT Circ 318

5. LANGUAGE PROFICIENCY TRAINING PROGRAMMES

5.1 Language proficiency training programmes are an essential component towards ensuring that personnel achieve and maintain ICAO Operational Level 4 in many States. States should ensure that training is appropriate, effective and efficient through oversight of training providers. Language training programmes can be developed within the resources of a State, air operator or air navigation service provider, or procured through private organizations. In any case, language training providers should ensure that the programmes address the holistic descriptors of Annex 1, Appendix 1, the ICAO rating scale and use language training best practices as described in *ICAO Manual on the Implementation of ICAO Language Proficiency Requirements* (Doc 9835).

5.2 States should use the table below to describe their existing and planned training programmes.

Table 3 – Language Proficiency Training Programmes

State oversight of aviation language training has been established. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If no, expected date of establishment:
Language Training will be provided through: (Check all that apply)	
Air Navigation Service Provider	YES
Air Operator/Airline	YES
Educational Institutions	YES- Language Assessment Bodies Circ 323
Private organizations	YES- Language Assessment Bodies Circ 323

6. LANGUAGE PROFICIENCY ASSESSMENT (OR TESTING) FOR LICENSING PURPOSES

6.1 The high stakes of language proficiency assessments (also referred to as tests) for licensing purposes are well recognized. Chapter 6 of Document 9835 provides more detailed information on the impact and requirements of these tests. These requirements apply whether all or part of the assessment process is established within the resources of a State, air operator or air navigation service provider, or procured through a private organization. States should therefore include information in their implementation plan concerning the process they have, or will be using for the initial and recurrent licensing assessments.

6.2 The following information concerning initial and recurrent proficiency assessments for licensing purposes for pilots and controllers should be provided in the implementation plan.

Table 4 – Language Proficiency Assessment (or Testing) for Licensing Purposes

State oversight of aviation language assessment has been established.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If no, expected date of establishment:
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Pilots	Circ 318
The Language Proficiency Assessment was/is/will be developed by:	
Civil Aviation Authority	YES / LPE
Air Operator	YES/LAB / LPE
Educational Institution	YES/LAB / LPE

Private Organization <i>Optionally, indicate the private organization used</i>	n.a.
The Language Proficiency Assessment was/is/will be administered by:	
Civil Aviation Authority	
Air Operator	
Educational Institution	
Private Organization <i>Optionally, indicate the private organization used</i>	

Controllers	Circ 318
The Language Proficiency Assessment was/is/will be developed by:	
Civil Aviation Authority	YES/RELTA/ELPAC
Air Navigation Service Provider	YES/RELTA/ELPAC
Educational Institution	Austro Control Academy
Private Organization <i>Optionally, indicate the private organization used</i>	n.a.
The Language Proficiency Assessment was/is/will be administered by:	
Civil Aviation Authority	
Air Navigation Service Provider	
Educational Institution	
Private Organization <i>Optionally, indicate the private organization used</i>	

See attached Explanatory Note!

LAB.....Language Assessment Body JAR FCL 1 - 1.010(4) and Circ 323

LPE.....Language Proficiency Examiner authorized by CAA according to Circ 318

7. INTERIM MEASURES TO MITIGATE THE RISK

7.1 States that are not in a position to comply with the language proficiency requirement by the applicability date should provide information on the interim risk mitigating measures they will introduce until they achieve compliance in March 2011. All States will need this information to carry out a risk analysis to ensure that the lack of language proficiency is minimized as a potential cause of accidents and incidents.

7.2 States should develop interim measures based on the identification of hazards and risks associated with non- or partial compliance with the language proficiency requirements. A hazard is any situation or condition that has the potential to cause adverse consequences and a risk is the assessed potential for adverse consequences resulting from a hazard. Risk mitigating measures can then be identified.

7.3 Risk mitigating measures should be carefully evaluated to ensure that they do not introduce additional risks and that they are appropriate to organizational and national circumstances. Therefore the prescription of universally applicable risk mitigating measures for the progressive implementation of language proficiency requirements is impractical. States are encouraged to apply the procedures outlined in the ICAO Safety Management Systems training course (<http://www.icao.int/anb/safetymanagement>) and the *Safety Management Manual (SMM)* (Doc 9859) to determine mitigating measures that are the most suitable to them.

7.4 States should document in their implementation plan the mitigating measures that will be introduced until compliance is achieved in March 2011 using the table below.

Table 5 – Interim Measures to Mitigate the Risk

Pilots (international operations)	2008	2009	2010
Commercial multi-pilot operations	Radio Certificate EN / AFZ	Alpha Tango LPT in force	Alpha Tango LPT in force
General aviation multi-pilot operations	Radio Certificate EN / AFZ	Alpha Tango LPT in force	Alpha Tango LPT in force
Commercial single-pilot operations	Radio Certificate EN / AFZ	Alpha Tango LPT in force	Alpha Tango LPT in force
General aviation single-pilot operations	Radio Certificate EN / AFZ	Alpha Tango LPT in force	Alpha Tango LPT in force
Controllers	RELTA / ELPAC LPT in force	RELTA / ELPAC LPT in force	RELTA / ELPAC LPT in force
Aeronautical Station Operators	RELTA / ELPAC LPT in force	RELTA / ELPAC LPT in force	RELTA / ELPAC LPT in force

7.5 In developing potential risk mitigating measures, States can prioritize the steps of their implementation plan considering the most urgent need in terms of safety for commercial operations involved in international operations and those involving general aviation operating under VFR in low density airspace. Implementation plans should examine the risks involved and could prioritize using a phased in compliance until March 2011.

8. POSTING THE PLAN AND NOTIFYING ICAO

8.1 Instructions on how States can post their implementation plan can be found on the ICAO Flight Safety Information Exchange (FSIX) Website at <http://www.icao.int/fsix/>. States may choose to provide a link to a national website where the implementation plan is located or provide ICAO with a PDF file. To facilitate the development of an implementation plan, all of the tables in this document have been compiled and can be found on the FSIX website.

8.2 Implementation plans will be posted in the language in which they are provided. When the implementation plan is provided in a language other than English, States are strongly encouraged to provide an English translation. Please note that implementation plans posted on the FSIX website have not been reviewed or approved by ICAO.

9. NOTIFICATION OF DIFFERENCE

9.1 The implementation plan should also include the required filing of differences pursuant to Article 38 of the Convention. A form of notification of differences to language provisions can be found in Attachment C and should be forwarded to ICAO as part of the implementation plan unless the State has already notified ICAO of such difference. A note on the notification of differences can be found on the FSIX website (<http://www.icao.int/fsix/>). States are reminded that they should document in the AIP any significant difference on language proficiency.

**ATTACHMENT C to State letter AN 12/44.6-07/68 NOTIFICATION OF
COMPLIANCE WITH OR DIFFERENCES FROM LANGUAGE PROVISIONS IN
ANNEXES 1, 6, 10 AND 11**

(Reference to Table 1, paragraph 3, Attachment B)

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

1. No differences will exist on **05.03.2011** between the national regulations and/or practices of **Austria** and the language provisions as detailed in Table 1, paragraph 3 of Attachment B of this State letter.
See attached Explanatory Note!

Vienna, 02.02.2011

On behalf of the minister: (DGAC) Ing. Mag. Manfred Bialonczyk	Officer in charge: Ing. Mag. Klaus Krziwanek klaus.krziwanek@bmvit.gv.at Tel.Nr.: +43 (1) 71162 65 9907 Fax: +43 (1) 71162 65 69907
signed electronically	

NOTES

- 1) If paragraph 1 above is applicable to you, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) Please dispatch the form to reach ICAO Headquarters as soon as possible but prior to 5 March 2008.
- 3) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 4) Guidance on the notification of differences from language provisions is provided in the Note on the Notification of Differences at <http://www.icao.int/fsix/>.
- 5) Please send a copy of this notification to the ICAO Regional Director accredited to your Government.

— END —

Explanatory Note: English Language Proficiency Implementation in Austria

English language was always the main language for IR radiotelephony communication in Austria. Austrian law (FZG) requires, that any pilot must have an appropriate radio telephony licence in addition to his/her pilot licence.

ATCO

2008-2011

It was always the policy of Austro Control to require a high level of English Language Proficiency Skills from ATCO Candidates and ATCO professionals.

The developed training program used by the **Austro Control Academy** ensures English language skills of at least EN Level 4 / 5 / 6 since 2008. This procedure setup is fully compliant according to the standards established by ICAO. (Ref. ICAO Annexe, Doc 9835, Doc 9832, Circ 318, Circ 323)

The LP Testing board for ATCO Language Proficiency is using primary ELPAC or RELTA Tests and test procedures for evaluation. Both LPT are certified as LPT according ICAO Requirements and EG Directive 2006/23 EG. All ATCO are minimum EN Level 4, mostly EN Level 5 and partly EN Level 6 certified.

PILOTS

2008

There are three types of radiotelephony licence established within Austria.

Their contents and structure is compliant with national and international regulations such as ICAO Annex 1, 6, 10, 11.

Two of them require English skills in a structured manner; especially phraseology according ICAO Annexes. The third type of radio telephony licence is restricted to German language only. Austro Control has published the first procedure to assess the language proficiency skills of pilots based on the radiotelephony license 27th February 2008.

2009

Observing the output of ICAO LPRI Workshops, related to ICAO Circular 318 and 323, Austro Control observed, that the interim regulation (established 2008) should be replaced with an ICAO Doc 9835 / Circular 318 compliant LP Testing system.

Prerequisites:

- Development with small resources available
- Compliant with ICAO Regulations at least until 05.03.2011
- Step up approach
- Development of a digital web based interactive LP Test System
- Training of Language Proficiency Examiner / Operational Experts
- Training of linguistic and holistic trained Experts in the aviation field to become engaged as teachers via Language Assessment Bodies
- Rater Training
- Quality Control

During **2009 - 2010** Austro Control could assure finally:

- Establishment of the LP Testing System
- Authorization of 103 Language Proficiency Examiner
- Establishment of Process and Procedures for LP testing and Quality Control

2011

We are able to report fully compliance now, because since 25.01.2011 the JAR-FCL 1 Amendment 7 as new legal regulation could in force. According JAR-FCL 1.010 (4) + AMC Material in Section two Austro Control is able to certify Language Assessment Bodies beyond this date.

A linguistic / holistic Rater Training will take place in April 2011!

Austria is fully compliant according ICAO regulations. However we continue to focus on outputs of ICAO LPRI Workshops and we will continue to develop our system in a proactive way.

Therefore we revise continuously our procedures if needed in relation to aviation safety.

Please check: http://www.austrocontrol.at/content/lfa/FAQ/faq_lpe/faq_lpe.shtml

Vienna, 27.01.2010


Capt. Joachim Wirths
Manager PEL- Austro Control



Legal base:

Luftfahrtgesetz, BGBl. Nr. 253/1957 (LFG)

Funker-Zeugnisgesetz, BGBl. I Nr. 26/1999 (FZG)

Funkerzeugnis-Durchführungsverordnung, BGBl. II Nr. 85/1999 (FZV)

Zivilluftfahrt-Personalverordnung, BGBl. II Nr. 205/2006 Novelle 2011