

ATCO Appeal Process (Persons & Organisations)
CIVIL AVIATION DIRECTORATE

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1.0 Scope

Air traffic control services within the scope of Regulation (EU) 2018/1139 shall only be provided by air traffic controllers licenced in accordance with Regulation (EU) 2015/340.

Legal and/or licensing action may be taken by the Director General Civil Aviation against an ATC licence holder or organisation when there is a breach of legal requirements (Reference to PEL 19 and PEL 20)

This document is to serve as guidance to persons and organisations on the process to follow for an appeal.

2.0 Appeal Process – Student/ ATC Licence Holders (or applicants)

An Air Traffic Controller may appeal from the decision of the DGCA to suspend or revoke his/her licence, ratings or certificates in accordance with Article 91 of the Air Navigation Act, as amended:

2.1 How to request an appeal

1. A request for an appeal from a decision taken by the Personnel Licencing Unit in its capacity representing the Direction General for Civil Aviation, is to be made in writing. This request must reach the office of the Director General for Civil Aviation within 20 days after receiving the written notification of the outcome of application.
2. The notification issued by TM-CAD will normally provide details on whom the applicant is to contact to request an appeal.

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2.2 Appeal course of events

The following timeframe of events will be followed:

Applicant requests appeal	The applicant may request an appeal from a decision or proposal not later than 20 days from date of notification. (Ref: 4.2 above).
The applicant is notified of the timetable for the appeal process	This is handled by the Aviation Appeals Board established in terms of article 89 in the Air Navigation Act.

2.3 Decision

- The **Aviation Appeals Board** will decide whether the decision was properly conducted. In the case of checks, tests, assessments (including medical assessments) and theoretical knowledge examination, the decision will not be based on whether the applicant should have passed or failed but if the process was well conducted.
- If the **Aviation Appeals Board** is satisfied with the evidence submitted, that the decision should be reversed, the **Aviation Appeals Board** may reverse the decision of the Director General.
- The final report issued by TM-CAD will relay the decision reached by the **Aviation Appeals Board** following the appeal process conducted and is to be considered final for all intents and purposes and within the remit of the law.

3.0 Appeal Process – Training Organisations

In the event that the application for an organisation certificate is refused, the applicant will be informed in writing by the Head of Personnel Licencing **in the capacity representing the Director General for Civil Aviation**. The organisation will have the right to present its case appealing from the decision taken. The notification issued by the Head of Personnel Licencing will normally provide details on whom the applicant is to contact to request an appeal.

A request for an appeal from the decision taken by the Personnel Licencing Unit, is to be made in writing. This request must reach the office of the Director General for Civil Aviation and the **Aviation Appeals Board** within **20** days after receiving the written notification of the outcome of application.

In its representation of the case, the organisation sets out the grounds on which it is being considered that the evaluation of the application for a Training Organisation was not properly executed.

The final report issued will relay the decision reached by the **Aviation Appeals Board** following the appeal process conducted and is to be considered final for all intents and purposes and within the remit of the law.

Personnel Licensing Section