
	<b>LE GOUVERNEMENT DU GRAND-DUCHÉ DE LUXEMBOURG</b> Ministère de la Mobilité et des Travaux publics Direction de l'aviation civile	<b>Instruction 2023-02</b> <b>Language Assessments for pilots</b>	<b>Version n°1</b>
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## Instruction 2023-02:

### Language Assessments for pilots

<b>Pierre JAEGER</b> Director of civil aviation	
<b>Date of entry into force</b>	1 <sup>st</sup> June 2023

Version	Description of major amendments	Date

*This version in English is only a courtesy translation. The French version is authoritative.*

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The present instruction is based on the following European regulation:

- 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.

The aim of this instruction is to determine:

- the certification of language proficiency assessors for pilots (Sections 1, 3, and 4);
- the approval of language assessment bodies for pilots (Sections 2, 3 and 4);
- the establishment of the method of assessment of language proficiency for IR holders<sup>1</sup> (Section 5).

## Section 1 – Language proficiency assessors for pilots

### Art. 1. Certification of language proficiency assessors

(1) Language proficiency assessors for pilots shall be certified by the *Direction de l'aviation civile*, hereinafter “DAC”.

(2) In order to be certified, the applicant shall submit a complete file to the DAC, comprising the following elements:

- 1° name, contact and address;
- 2° links with aviation related entities, if applicable;
- 3° types of language proficiency assessments and the related assessment methods developed in accordance with section 4.


Should the assessor act outside of an approved language assessment body, hereinafter “independent assessor”, they shall furthermore provide information on the following elements:

- 1° equipment used for the language assessments;
- 2° premises used, if applicable;
- 3° procedures and compliance management system.

Any change to the above-mentioned elements shall be notified to the DAC without undue delay. If necessary, the certificate will be adapted.

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<sup>1</sup> Instrument rating

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(3) The certificate is valid for 3 years, subject to the assessor holding a valid language proficiency certificate or endorsement as specified under article 2, paragraph 2.

The revalidation may be requested at the earliest 3 months before the date of expiry of the certificate. In order to revalidate their certificate, the assessor shall have taken part in 6 language assessments at least during the period of validity of their certificate, or shall pass one test of competency organised by the DAC as foreseen by article 2, paragraph 4.

## **Art. 2. Assessor competences**

(1) Applicants for a language assessor certificate shall be:

- 1° either aviation specialists, such as current or former flight crew members or air traffic controllers, or
- 2° language specialists with additional aviation related training.

(2) Applicants shall hold themselves a valid language proficiency certificate or endorsement:

- 1° of level 5 at least in order to be authorised to take part in level 4 assessments;
- 2° of level 6 in order to be authorised to take part in level 5 or 6 assessments.

(3) They shall be trained on the following subjects:


- 1° the national and European legal framework applicable to language assessments;
- 2° the specific requirements for the assessment as specified in appendix 2 of annex I to regulation (EU) 1178/2011;
- 3° the assessment method used.

(4) Before being certified as language assessor, the applicant shall prove their competency by successfully passing two tests of competency organised by the DAC. These tests are composed of mock language assessments as well as questions about the subjects under paragraph 3.

## **Art. 3. Conflict of interest**

Language proficiency assessors shall not carry out language proficiency assessments if their objectivity is impaired. This is the case, at least, in the following situations:

- 1° assessments for their own students;
- 2° assessments of their spouse or their relatives and in-laws up to the third degree included.

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#### **Art. 4. Limitation, suspension or revocation**

The language assessor certificate may be limited, suspended or revoked in the following circumstances:

- 1° the assessor no longer fulfils the legal requirements;
- 2° the certificate has been obtained by use of false declarations or fraudulent means;
- 3° the assessor does not respect the obligations or privileges of their certificate;
- 4° if the assessor is found to be guilty of sufficiently serious disqualification, malice, negligence or criminal convictions to admit that they do not, or no longer, offer the necessary guarantees to ensure air safety or security and the safety of persons and property;
- 5° if there is evidence against the assessor that suggests that their activity constitutes a threat to aviation safety or security;
- 6° if the assessor has been convicted by a court of law, which has become irrevocable, of an offence against aviation regulations, safety or security;
- 7° if the assessor is found to show clear signs of alcoholism or intoxication likely to jeopardise the normal performance of his duties, aviation safety or the safety of persons and property.

Upon revocation or surrender, the certificate shall be returned to the DAC without delay.


### **Section 2 – Language assessment bodies for pilots**

#### **Art. 5. Approval of language assessment bodies for pilots**

(1) Language assessment bodies, hereinafter “LAB”, for pilots shall be approved by the DAC.

(2) In order to be approved, the applicant shall submit a complete file to the DAC, comprising the following elements:

- 1° the name and legal form of the entity, as well as the most recent articles of association, published in the Electronic Register of Companies and Associations;
- 2° address of the entity;
- 3° name and contact of the responsible persons;
- 4° organisational structure (organigram);
- 5° list of language proficiency assessors certified in accordance with section 1;
- 6° procedures on the management and organisation of the entity and compliance management system;
- 7° information on the equipment used for the language assessments;
- 8° information on the premises used, if applicable;
- 9° links with other aviation related entities, if applicable;
- 10° types of language proficiency assessments and the related assessment methods developed in accordance with section 4.

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Any change to the above-mentioned elements shall be notified to the DAC without undue delay. If necessary, the approval will be adapted.

(3) Before being approved as a LAB, the DAC performs a certification inspection in order to verify that the elements foreseen under paragraph 2 are satisfactory.

(4) The approval is valid indefinitely, subject to the LAB operating in conformity with regulation (EU) 1178/2011 and the present instruction.

During the first semester of every year, the LAB submits to the DAC an activity report for the preceding year and a declaration of conformity to the applicable legal requirements.

#### **Art. 6. Conflict of interest**

The LAB shall guarantee an impartial assessment process by ensuring that no conflict of interest as foreseen by article 3 occurs.

#### **Art. 7. Limitation, suspension or revocation**

The LAB approval may be limited, suspended or revoked in the following circumstances:


- 1° the LAB no longer fulfils the legal requirements;
- 2° the approval has been obtained by use of false declarations or fraudulent means;
- 3° the LAB does not respect the obligations or privileges of their certificate;
- 4° if the LAB is found to be guilty of sufficiently serious disqualification, malice, negligence or criminal convictions to admit that it does not, or no longer, offer the necessary guarantees to ensure air safety or security and the safety of persons and property;
- 5° if there is evidence against the LAB that suggests that their activity constitutes a threat to aviation safety or security.

Upon revocation or surrender, the approval shall be returned to the DAC without delay.

### **Section 3 – Common requirements for LABs and independent assessors**

#### **Art. 8. Record keeping**

The assessment documentation and records shall be kept for a period of 10 years and made available to DAC at its request.

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## **Art. 9. Appeal procedure**

(1) If the assessed candidate considers that their assessment result is not justified, they shall address an appeal to the LAB or the independent assessor.

(2) If the assessed candidate is not satisfied with the answer provided by the LAB or the independent assessor, or if no answer is provided at the latest 10 working days after their appeal, the assessed candidate may address an appeal to the DAC within a period of 10 working days.

(3) Two DAC inspectors with solid language skills and experience will analyse the assessment.

(4) If the DAC considers that the assessment result is justified, it will confirm the result to the assessed candidate.

If the DAC considers that the assessment result may not be justified, the LAB or independent language assessor shall re-evaluate the assessment.


## **Art. 10. Continuous oversight**

(1) The DAC performs an inspection of the LABs and the independent assessors at least once every 24 months. The frequency of inspections is based on the scope of the activities and previous inspection results.

For a LAB operating within an ATO, the inspection is incorporated into the existing ATO oversight cycle.

(2) If during oversight or by any other means the DAC finds evidence that indicates non-compliance with regulation (EU) 1178/2008 or the present instruction, it shall:

- 1° raise a finding, record it, communicate it in writing and determine a reasonable period of time within which the LAB or independent assessor is to take the steps specified in paragraph 3;
- 2° take immediate and appropriate action to limit or prohibit the activities affected by the non-compliance until the corrective actions referred to in point 1° have been taken, where any of the following situations occurs:
  - a) a safety problem has been identified;
  - b) the LAB or independent assessor fails to take corrective action in accordance with paragraph 3;
- 3° take any further enforcement measures necessary in order to ensure the termination of the non-compliance and, where relevant, remedy the consequences thereof.

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(3) After receipt of notification of findings, the LAB or independent assessor shall:

- 1° identify the root cause of the non-compliance;
- 2° define a corrective action plan;
- 3° demonstrate corrective action implementation to the satisfaction of the DAC within the period determined pursuant to paragraph 2, point 1°.

#### **Section 4 – Criteria for establishing an assessment method (except for IR holders)**

##### **Art. 11. Generalities**

(1) The language proficiency assessment method shall be designed to reflect a range of tasks undertaken by pilots but with specific focus on language rather than operational procedures.

The assessment shall determine the pilot's ability to:

- 1° communicate effectively using standard radio-telephony phraseology, hereinafter "R/T phraseology";
- 2° deliver and understand messages in plain language in both usual and unusual situations that necessitate departure from standard R/T phraseology.


(2) The 'Manual on the Implementation of ICAO Language Proficiency Requirements' (ICAO Doc 9835) shall be taken into account when developing an assessment method.

##### **Art. 12. Modalities of the assessment method**

(1) The assessment method shall determine the pilot's listening and speaking capabilities on the basis of the following elements:

- 1° pronunciation;
- 2° structure;
- 3° vocabulary;
- 4° fluency;
- 5° comprehension;
- 6° interactions.

(2) The assessment method must allow a separate classification for each of the six criteria of language proficiency, as foreseen by appendix 2 of annex I to regulation (EU) 1178/2011.

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### **Art. 13. Language proficiency results**

The LAB or the independent assessor shall issue a certificate to the pilot containing the results of the language proficiency assessment. This certificate shall include the following information:

- 1° Names and certificate numbers of the language assessors having participated;
- 2° The reference of the LAB, if applicable;
- 3° Name of the assessed candidate;
- 4° License number of the assessed candidate, if applicable;
- 5° The assessed language;
- 6° Date of the assessment;
- 7° Separate classification of the six linguistic competence criteria;
- 8° Overall classification of language proficiency;
- 9° Date of the certificate creation and signature of all the participating assessors.

## **Section 5 – Assessment method for IR holders**

### **Art. 14. Criteria for the assessment method of language proficiency for IR holders**

(1) The language assessment for IR holders shall fulfil the same requirements as the assessment method foreseen by section 4.

(2) The assessment shall include the following elements:

- 1° flight: R/T relevant to all phases of flight, including emergency situations.
- 2° ground: all information relevant to the accomplishment of a flight:
  - a. be able to read and demonstrate an understanding of technical manuals written in English, for example an operations manual, a helicopter flight manual, etc.;
  - b. pre-flight planning, weather information collection, NOTAMs<sup>2</sup>, ATC<sup>3</sup> flight plan, etc.;
  - c. use of all aeronautical en-route, departure and approach charts and associated documents written in English.
- 3° communication: be able to communicate with other crew members in English during all phases of flight, including flight preparation.

<sup>2</sup> Notice to airmen

<sup>3</sup> Air traffic control