



## LANGUAGE PROFICIENCY FOR PILOTS

### PROCEDURE MANAGEMENT

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### REVISIONS

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00	Initial Edition	27/03/2017
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03		



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## **1 INTRODUCTION**

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### **1.1 PURPOSE OF THE DOCUMENT**

The present document is introduced in order to be compliant with FCL.055 and ICAO Annex I Article 1.2.9. and to establish the procedures for Language Proficiency assessments for pilots as well as the certification of language proficiency assessors and the approval of Language Assessment Bodies for pilots by DAC Luxembourg.

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## **2 TERMINOLOGY**

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**Conversion:** The issue of a Part-FCL licence on the basis of a licence issued by a non-EASA Member State.

**Independent Language Assessor:** An assessor who is not working in a LAB

**LAB:** Language Assessment Body

**Renewal:** The administrative action taken after a rating or approval has lapsed that renews the privileges of the rating or approval for a further specified period consequent upon the fulfilment of specified requirements.

**Revalidation:** The administrative action taken within the period of validity of a rating or approval that allows the holder to continue to exercise the privileges of a rating or approval for a further specified period consequent upon the fulfilment of specified requirements.

**Validation:** The issue of a document authorising the holder of a licence issued by a non-EASA Member State to exercise the privileges of their valid licence on LX-registered aircraft.



## 2.1 REFERENCES

Nr	Title
1.	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 and its Acceptable Means of Compliance and Guidance Material
2.	ICAO : Annex 1 – article 1.2.9. and Appendix A - Language Proficiency Rating Scale
3.	ICAO Document 9835
4.	Instruction 2023-02 on language assessments for pilots
5.	Procédure DAC-LIC 002 - limitation, suspension ou révocation des licences et qualifications associées du personnel de conduite des aéronefs et des membres d'équipage de cabine «Aircrew Regulation»
6.	Form DAC-LIC 203-01 Language Proficiency Assessment Report Form- Exam Centre
7.	Form DAC-LIC 203-02 Language Proficiency Assessment Report Form - Flight
8.	Form DAC-LIC 203-03 Application form for revalidation of an assessor rating
9.	Document DAC-LIC 401-1 List of DAC Luxembourg examiners, LABs, and language assessors
10.	Document DAC-LIC 203-06 ICAO rating scale
11.	Form DAC-LIC 203-08 Language Assessor inspection
12.	Checklist DAC-LIC 203-09 LAB Inspection
13.	Document DAC-LIC 203-10 LAB Certificate
14.	Form DAC-LIC 203-11 LAB Application Form
15.	Document DAC-LIC 203-12 Assessor certificate
16.	Form DAC-LIC 203-13 Assessor application form
17.	Form DAC-LIC 203-14 Appeals report

## 2.2 DISTRIBUTION LIST

Name	Function	Signed Copy	Electronic Copy
Pierre JAEGER	Director of DAC		✓
Laurent KREMER	Quality and Compliance Manager		✓
Stéphane VALLANCE	Technical Director		✓
Fränk KRAUS	Administrative Director		✓
Olivier FAURIS	Head of Licencing	✓	
Maria DEC	Head of Legal Department		✓
Stéphanie THEISEN	Data Protection Officer		✓



## **3 PROCEDURE**

### **3.1 GENERALITIES**

In order to increase the level of safety in civil aviation, ICAO has introduced requirements concerning the Language Proficiency of flight crew members into Annex 1 to the Chicago Convention on International Civil Aviation.

These requirements have also been integrated into Part-FCL and Part-ATCO.

In accordance with ICAO Annex 1 article 1.2.9., aeroplane, airship, helicopter and powered-lift pilots who are required to use the radio telephone aboard an aircraft shall demonstrate the ability to speak and understand the language used for radiotelephony communications to the level specified in the language proficiency requirements as specified in the Holistic Descriptors introduced in ICAO Annex 1 (see annex). This disposition applies to all pilots holding a licence valid after 5th March 2008.

It is recommended that pilots of gliders and balloons should have the ability to speak and understand the language used for radiotelephony communications.

The language proficiency requirements are applicable to the use of both phraseologies and plain language.

To meet the language proficiency requirements contained in FCL.055, an applicant for a licence or a licence holder shall demonstrate, in a manner acceptable to the DAC, the ability to:

- a) Communicate effectively in voice-only (telephone/radiotelephone) 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 (e.g. to check, confirm, or clarify information) in a general or work-related context;
- d) Handle successfully the linguistic challenges presented by a complication or unexpected turn of events that 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.

### **3.2 VALIDITY OF LANGUAGE PROFICIENCY ENDORSEMENTS**

The language proficiency of aeroplane, airship, helicopter and powered-lift pilot shall be formally evaluated at intervals in accordance with an individual's demonstrated proficiency level as follows:



- a) 4 years if the Language Proficiency level demonstrated is Operational Level (level 4) of the ICAO Language Proficiency Rating; or
- b) 6 years if the Language Proficiency level demonstrated is Extended Level (level 5) of the ICAO Language Proficiency Rating.

Formal re-evaluation is not required for applicants who have previously demonstrated expert (level 6) Language Proficiency, e.g. native and very proficient non-native speakers with a dialect or accent intelligible to the international aeronautical community.

### **3.3 LANGUAGE PROFICIENCY REQUIREMENTS FOR THE VALIDATION OR CONVERSION OF AN ICAO LICENCE ISSUED BY A THIRD COUNTRY**

In accordance with Commission Delegated Regulation (EU) 2020/723 of 4 March 2020, pilots wishing to obtain a validation or conversion of a licence issued in accordance with ICAO Annex I by a country that is not a member state of EASA, have to provide evidence of holding a Language Proficiency endorsement in accordance with Part-FCL.

These pilots shall do their assessments with an assessor or a LAB certified by DAC Luxembourg, or with any assessor or LAB authorised by a Civil Aviation Authority of another EASA Member state. In this case, a copy of the assessor's or LAB's authorisation shall be added to the application.

### **3.4 ENDORSEMENT OF LANGUAGE PROFICIENCY RATINGS**

#### ***3.4.1 Part-FCL / SFCL / BFCL licences***

Language Proficiency revalidations may be manually endorsed on the reverse of Luxembourgish Part-FCL, Part-SFCL or Part-BFCL licences by DAC Luxembourg-certified assessors who are also certified as Examiners by DAC, and authorised in accordance with the Procedure DAC-LIC 102.

For tests conducted by other DAC Luxembourg-certified assessors or LAB personnel, the licence shall be reissued by the DAC Licencing Department, with the new validity date endorsed in section XIII.

#### ***3.4.2 ULM or parachutist licences***

National ULM or parachutist licences shall be manually endorsed by a Licencing agent, detailing the language, level and expiry date.

#### ***3.4.3 Student pilots***

For student pilots, the DAC Licencing Department will file the assessment results in the student's training file until the student has passed the PPL Skill Test, and then endorse the Language Proficiency on the PPL.



### **3.5 ACCEPTANCE OF NON DAC-LUXEMBOURG CERTIFIED ASSESSORS**

DAC accepts all foreign assessments where the applicant can prove that he/she passed the language assessments of level 4, 5 or 6 with an assessor or LAB authorised by another EASA Member State. Applicants are requested to add the assessor's or the LAB's authorisation to their application.

Foreign assessors may use their own Authority's assessment forms.

Manual endorsements are not allowed.

### **3.6 CONSEQUENCES IN CASE OF FLIGHT ACTIVITIES WITHOUT A VALID LANGUAGE PROFICIENCY ENDORSEMENT**

Pilots shall not exercise the privileges of their licence and their ratings unless they have a valid language proficiency endorsement on their licence.

If it is discovered that a pilot has flown despite not holding a valid Language Proficiency endorsement, any solo or PIC flight hours performed during that period cannot be counted towards the required flight experience for the revalidation of a rating.

In case of a repeated offence by the same pilot, the "Commission spéciale des licences" may be summoned by the Director of the Direction de l'Aviation Civile, and the licence may be limited, suspended or revoked in accordance with the respective Procedure DAC-LIC 002.

### **3.7 FEES**

The candidate shall directly pay the fee applicable for the language proficiency test to the assessor or LAB.

If the licence has to be reissued or a national licence endorsed by the Licencing Department, the applicable fee shall be paid to ALSA by the candidate.

### **3.8 RECORD-KEEPING**

For the general record-keeping procedure, refer to Chapter 5 of Procedure DAC-LIC 003.

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## **4 CERTIFICATION OF LANGUAGE ASSESSORS**

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Language proficiency assessors for pilots shall be certified by the DAC.

Assessors may be aviation experts (e.g. active or former pilots) or language experts with additional aviation-related training. All parties involved in the language competency assessment must be aware of the legal framework and be familiar with the processes used. Persons who are responsible for assessing language proficiency must be adequately trained



and qualified on the national and European regulatory requirements relevant to language proficiency examinations, as well as techniques of assessment and discussion.

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° or level 6 in order to be authorised to take part in level 5 or 6 assessments.

The quality of the language competency assessment process is based on regular updating of the existing knowledge and the skills to be used.

Language proficiency assessors may not carry out language proficiency assessments if their objectivity can be impaired (i.e. assessments for their own students, relatives or close friends).

Any change to the requirements mentioned below shall be communicated without delay to the DAC in order to ensure continuous compliance. Changes can be both personal and procedural.

#### **4.1 APPLICATION**

##### **4.1.1 *Assessors working within a LAB***

Assessors wishing to work within a DAC-certified LAB shall submit an application to DAC using Form DAC-LIC 203-13, as well as the required documentation.

##### **4.1.2 *Independent language assessors***

Assessors wishing to operate under certification by DAC without being part of a LAB (Independent language assessors) shall apply by submitting the Form DAC-LIC 203-13. In addition to the documentation required for assessors working in a LAB, they shall submit documentation on the following:

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

#### **4.2 CERTIFICATION PROCEDURE**

DAC will analyse the documentation submitted and perform an inspection of the premises and the test procedures, if applicable, using the checklist DAC-LIC 203-09. The inspection also comprises two tests of competency supervised by the DAC. These tests are composed of mock language assessments as well as questions about the national and European legal framework applicable to language assessments, the specific requirements for the assessment as specified in appendix 2 of annex I to regulation (EU) 1178/2011, and the assessment method used.





#### **4.2.1 Assessors intending to use a self-developed assessment method**

Self-developed assessment methods require a detailed analysis in accordance with ICAO Document 9835 concerning development, design, validity and reliability of the language proficiency assessment method. They must comply with the requirements foreseen by Chapter 6.1 of this procedure.

The application shall be submitted at least 3 months before the planned start of operations.

#### **4.2.2 Assessors intending to use an assessment method recognised by ICAO or by at least one other EASA NAA**

For this kind of application, DAC does not analyse the assessment method itself. It is accepted based on documentation of certification or approval by ICAO or at least one other EASA NAA.

### **4.3 CERTIFICATE – VALIDITY AND REVALIDATION / RENEWAL**

The certificate is issued using the document DAC-LIC 203-12.

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 of Instruction 2023-02.

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 of Instruction 2023-02.

Furthermore, during the first semester of every year, Independent language assessors have to submit an activity report for the preceding year and a declaration of conformity to the applicable legal requirements to the DAC.

The language assessor certificate may be limited, suspended or revoked in accordance with article 4 of Instruction 2023-02.

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## **5 CERTIFICATION OF LANGUAGE ASSESSMENT BODIES FOR PILOTS**

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### **5.1 APPLICATION**

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

Organisations wishing to operate a LAB under the certification by DAC shall apply by submitting the Form DAC-LIC 203-11 and the required documentation (cf. article 5 (2) of Instruction 2023-02).

Any change to the above-mentioned requirements shall be communicated without delay to the DAC in order to ensure continuous compliance. Changes can be both personal and procedural.



The LAB shall guarantee an impartial assessment process by ensuring that no conflict of interest as foreseen by article 3 of Instruction 2023-02 occurs.

## **5.2 CERTIFICATION PROCEDURE**

### **5.2.1 *LABs intending to use a self-developed assessment method***

Self-developed assessment methods require a detailed analysis in accordance with ICAO Document 9835 concerning development, design, validity and reliability of the language proficiency assessment method as described above. They must comply with the requirements foreseen by Chapter 6.1 of this procedure.

Furthermore, DAC will analyse the operator's documentation, and perform an inspection of the premises as well as the operator's procedures, using the checklist DAC-LIC 203-09.

The application shall be submitted at least 3 months before the planned start of operations.

### **5.2.2 *LABs intending to use an assessment method recognised by ICAO or by at least one other EASA NAA***

For this kind of application, DAC does not analyse the assessment method itself. It is accepted based on documentation of certification or approval by ICAO or at least one other EASA NAA.

DAC will analyse the documentation submitted and perform an inspection of the premises and the test procedures, using the checklist DAC-LIC 203-09.

## **5.3 CERTIFICATE**

The certificate is issued using the document DAC-LIC 203-10.

The certificate is issued without an expiry date; however, its validity is subject to:

- (1) the LAB operating in conformity with regulation (EU) 1178/2011 and Instruction 2023-02;
- (2) the certificate not being surrendered, suspended or revoked.

Furthermore, during the first semester of every year, the LAB has to submit an activity report for the preceding year and a declaration of conformity to the applicable legal requirements to the DAC.

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## **6 REQUIREMENTS FOR ASSESSMENTS METHODS**

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### **6.1 PROCESS REQUIREMENTS**

When analysing an assessment method, both internal procedures and guidelines for their implementation in the development of a language proficiency assessment method shall be demonstrated. The validity and reliability of the language proficiency assessment method must be assessed.



A language proficiency assessment method must allow a separate classification by the assessor for each of the six criteria of language proficiency (see Appendix 2 of Annex I to Regulation (EU) 1178/2011). The lowest ranking in one of the six criteria shall determine the overall assessment result and is included in the licence endorsement. The language proficiency assessment method must be transparent and objective: to serve this purpose, a structured and comprehensible documentation as well as qualified personnel which consistently and verifiably follows the given processes, must be in place.

The implementation of a language proficiency assessment must follow the guidelines laid down in the established language proficiency assessment method.

Before the beginning of the assessment, there must be the possibility to clarify questions about the conduct of the examination. For example, the consequences of a fraud or attempt of fraud and the possibility of repetition in case of failure. Necessary criteria for the language proficiency assessment itself are stated in the ICAO Document 9835.

Regardless of whether the language proficiency criteria are tested in a direct conversation or if technical tools, such as the playing of audio files for checking the listening comprehension, are used, a sufficient number of different assessment scenarios must be available. This prevents fraud or attempts of fraud and unacceptable advantages during repetitive assessments.

The evaluation of the language proficiency must be arranged in such a way as to reflect the tasks carried out by pilots but with a special focus on the language and not on the operational procedures and knowledge. The assessment must also determine the abilities of the applicant to effectively communicate and use visual and non-visual communication in both routine and non-routine situations.

The assessment of the language proficiency should be carried out by at least two assessors (four-eye principle). Ideally, the assessment is performed by an operational expert and a language expert. In case of doubt, a further assessor must be consulted for decision-making.

For assessors providing assessments on their own, mitigating factors to the above must be provided.

Furthermore, the process of the assessment must be documented in such a way that the final classification in the language proficiency criteria is comprehensible. This requirement also makes it possible to classify it at a later date.

### **6.1.1 Assessment results and appeal procedure**

The classification of the results of the assessment is the most important part of the language proficiency assessment method, since the decision necessary for licensing is made here. It is therefore necessary to pay particular attention to the description of the implementation and the criteria to be applied. The entire administrative process of the assessment from the preparation to the communication of the assessment results to the DAC shall be described. This includes also all the instructions of the assessors and tasks for the participants used during the assessment.



The results of the assessment of language proficiency shall be included in a certificate containing the following information:

- Names and certificate numbers of the language assessors involved;
- Name of the assessed participant;
- The assessed language;
- License number of the assessed participant (if applicable);
- Date of the assessment;
- Separate classification of the six linguistic competence criteria;
- Overall classification of language proficiency;
- Date of the certificate creation and signature of all the participating assessors.

The language assessment body shall have in place a procedure regarding appeal against the results obtained. The candidate shall have access to this procedure on request.

The requirements for keeping records, for example retention periods of assessment results, must also be stated.

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## **7 ASSESSMENT METHODS FOR HOLDERS OF AN IR**

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(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>1</sup>, ATC<sup>2</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.

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<sup>1</sup> Notice to airmen

<sup>2</sup> Air traffic control



## **8 CONTINUOUS OVERSIGHT**

The Licencing Department ensures the continuous oversight of the LAB or independent assessor. For LABs operating within an ATO, the inspection is incorporated into the existing ATO oversight cycle (refer to Procedure DAC-LIC 501).

LABs and independent assessors are inspected at least once within a 24-month cycle. The frequency of inspections is based on the scope of the LAB's or independent assessors activities and previous inspection results.

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.

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°.

### **8.1.1 Limitation, suspension or revocation of a LAB certificate**

When there are serious doubts about the effectiveness of a LAB's Management system and its ability to conduct its operations, the DAC shall intensify the inspection and monitoring process, in order to establish an objective picture of the situation and to elaborate an improvement plan. An inquiry in accordance with Procedure DAC-LIC 002 will be initiated.

The LAB shall be informed in writing of the aspects of its operations that are causing concerns and of the required corrective actions to be executed in a specified period. It must be made clear that failure to satisfy these requirements may result in enforced limitation or suspension of the LAB Certificate.



In case the safety risk is evaluated as unacceptable, an immediate decision of limitation or suspension of the LAB may be taken. The reasons motivating this decision are explicitly notified to the LAB.

In the case of level 1 findings the DAC 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 organization.

This will be decided by the Director of the DAC based on the recommendation of the Head of Licencing.

#### **8.1.2 Limitation / suspension of a certificate**

When the level of performance of a LAB is globally unacceptable and creates a risk for safety, but some improvement can be expected with feasible corrective actions in the short term, the appropriate decision is to suspend the LAB.

Appropriate warnings, following inspections and requirements for corrective actions, must have been given in the preceding phase, in writing and during meetings at the DAC.

The Inspector in charge of the LAB shall collect evidence and arguments, in order to propose a decision to the Director.

A letter shall be sent to the LAB specifying that operations cannot legally continue, giving the detailed reasons of the decision and the conditions to be satisfied before activities may be resumed.

In case of a limitation, a temporary certificate detailing the limited privileges of the LAB (i.e. limitation to lower level assessments) is issued. The original certificate has to be returned to DAC.

#### **8.1.3 Revocation of a certificate**

If a LAB whose certificate has been suspended is not taking the appropriate actions, the next step will be the revocation of the LAB.

A deadline should be fixed for the execution of the required corrective actions. If no significant actions have been taken by this date, the LAB will be informed that the DAC intends to revoke its Certificate. A formal letter of revocation will follow.

Should the LAB appeal this decision before the Director of Civil Aviation, the LAB will remain suspended until the final decision.

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

#### **8.1.4 Re-issue of a limited, suspended or revoked LAB certificate**

The full privileges of the LAB certificate may be recovered if the operator passes an inspection of its Management structure, as well as its operating procedures, to the full satisfaction of the DAC.



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## **9 APPEALS PROCEDURE BEFORE DAC**

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

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.

This appeal may be submitted as a letter or e-mail addressed to the DAC Licencing Department, detailing the LAB or assessor, and the date and location of the assessment. Furthermore, the applicant shall provide a short description of the reason for their appeal.

Two DAC inspectors with solid language skills and experience will analyse the assessment. These may be current or former Language assessors, pilots holding a Level 6 in English, or holders of a university degree taught in English.

The inspectors shall establish a report of their conclusion, classifying the applicant's performance in accordance with the ICAO rating scale. (Form DAC-LIC 203-14)

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.