CIVIL AVIATION PUBLICATION

CAP 11

AIR OPERATOR CERTIFICATION

CONTENTS

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CONTENTS

Section	Title	Page No.
1.	**Introduction**	1
1.1	General	1
1.2	Contact Details	1
1.3	Charges	1
1.4	Air Operating Licence (AOL)	1
1.5	Operations not in the National Interest	2
1.6	Principal Place of Business	3
1.7	[Aeroplanes Below 5700 kg MTOM Acceptability]	3
2.	**AOC Process Overview**	4
2.1	Purpose	4
2.2	Background	4
2.3	AOC Process Phases	4
2.3.1	General	4
2.3.2	Pre-Application Phase	5
2.3.3	Formal Application Phase	7
2.3.3.1	General	7
2.3.3.2	[Failure to Progress]	8
2.3.4	Document Evaluation Phase	9
2.3.4.1	General	9
2.3.4.2	List of Required Documents	9
2.3.4.3	[Document Evaluation Phase Duration]	10
2.3.5	Demonstration & Inspection Phase	10
2.3.6	Certification Phase	11
3.	**AOC Pre-Assessment Statement**	11
4.	**Formal Application**	11
4.1	Purpose	11
4.2	San Marino Company	12
4.3	Submission of Formal Application Form	12
4.4	Attachments to the Formal Application	12
4.4.1	Identification of Operations Specifications	12
4.4.2	Schedule of Events	12
4.4.3	Statements of Compliance	14
4.4.4	Management Structure and Key Staff Members	15
4.4.4.1	General	15
4.4.4.2	[Management Competence]	16
4.4.5	Safety Management System	16
4.4.6	Aerodromes and Areas of Operation	16
4.4.7	Aircraft to be Operated	17
4.4.8	Documents of Purchase, Leases, Contracts or Letters of Intent	18
4.4.9	Crew and Ground Personnel Training and Required Facilities	18

4.4.10 Operations Manual 18
4.4.10.1 General 18
4.4.10.2 Inclusion of Private Operations Under an AOC in OMA 20
4.4.10.3 [Electronic Signatures, Recordkeeping and Manuals] 21
4.4.11 Continuing Airworthiness Management 21
4.4.12 Maintenance Programme 22
4.4.13 Method of Control and Supervision of Operations 22
4.4.14 Insurance 22

5. List of Documents and Manuals to be Provided 22

6. Application Progress 24
6.1 General 24
6.2 Nominated Postholders 24
6.3 Review of Progress after Target date has Expired 24
6.4 Temporary Suspension 25

7. AOC Oversight 25
7.1 General 25
7.2 After initial Issue 26
7.2.1 SMS/Quality Audit 26
7.2.2 Base Audit 26
7.2.3 AOC Contracted Maintenance 28
7.3 Subsequent Oversight 29
7.4 Debriefing of Accountable Manager 29
7.5 Transition Arrangements 29
7.6 [Change to Approved Postholders] 29

8. Variation of an AOC 30
8.1 General 30
8.2 Application 30
8.3 Addition of Different Aircraft Category to AOC 30
8.4 Procedure when an AOC Holder no Longer Operates any Aircraft 31

9. Appendices 31

Appendix A Proposed Operations Specifications ..... APP A-1

Appendix B Documents Required for Formal Application Phase ..... APP B-1

Appendix C Overview of AOC Application Process ..... APP C-1

1. INTRODUCTION

1.1 General

This CAP 11 – Air Operator Certification provides guidance to a prospective applicant for an AOC in order to prepare for the AOC application process or for the amendment to an existing AOC when varying the AOC/Operations Specifications (e.g. introduction of new aircraft).

The Civil Aviation Authority (CAA) will only accept applications from operators, whose key management have proven commercial experience utilising similar aircraft as proposed.

Note: All forms required for the registration of an aircraft and for the AOC process can be found on the CAA website http://www.caa-mna.sm/.

1.2 Contact Details

Unless otherwise advised, all contact during the AOC application process should be made to;
Director General
Civil Aviation Authority
Via Tre Settembre, 99, Dogana 47891
Republic of San Marino
TEL: +378 (0549) 882929 FAX: +378 (0549) 882928 EMAIL: registration@smar.aero

1.3 Charges

The charges payable by organisations/individuals to the CAA for the issue/renewal of approvals, licences and authorisations is available from the CAA on request. These charges cover the normal AOC process. However there could be additional charges if the applicant fails to meet his/her obligations and additional inspections are required for operations and continued airworthiness.

It should be noted that an Inspector may have to be trained on the proposed aircraft type at no cost to the CAA. Any bi-lateral arrangements required to support the proposed operation may involve additional costs to the operator.

1.4 Air Operating Licence (AOL)

No undertaking shall be permitted to carry by air passengers, mail and/or cargo for remuneration and/or hire unless it has been granted an Air Operating Licence. This is a separate document from the Air Operator Certificate and is issued on the basis of the company's commercial fitness to conduct an aviation undertaking. This requires a prospective applicant for an AOC to provide supporting evidence that the undertaking is financially viable.

Note: Any potential operator must be aware that the issuance of an AOL and AOC should benefit the Republic of San Marino.

The application is made on Form SM 56 and the following information and supporting documentation will be required for the AOL;

(a) Corporate details, including registration number, registered address, date and place of incorporation.

(b) Company structure organisation chart

(c) Business plan, mandatory for scheduled air transport operations and optional for unscheduled.

(d) Copy of the Economic approval from the Office of Industry, Handicraft, Transport, Research and Commerce of the Republic of San Marino (CAA to arrange)

(e) For an undertaking applying for an operating licence intended to cover un-scheduled/charter operations with aircraft regardless of the maximum take-off mass (MTOM) or seats, the applicant should demonstrate that their net capital is adequate to commence and sustain the proposed operation in accordance with Information Circular No. 18.

For an undertaking applying for an operating licence intended to cover scheduled operations with aircraft regardless of the maximum take-off mass (MTOM) and/or seats, the applicant should provide financial arrangements including evidence of company meeting its actual and potential obligations for a period of 24 months and ability to meet fixed and operational costs for 3 months.

The evidence should include a bank statement from a San Marino bank and acceptable documentation demonstrating the operator's financial capabilities.

(f) Proof of good repute of the persons managing the operations (refer to the provisions on good repute of EC 1008/2008 Article 7). A criminal record check is required of the company owner(s) and postholders.

Note: The application (and supporting documentation) for an Air Operating Licence must be submitted with the formal application for AOC. The AOL may be issued with the AOC.

1.5 Operations Not in the National Interest

[Applicants are advised that some operations that are proposed, or conducted, under an AOC issued by San Marino may not be in the national interest of the government of San Marino and may therefore result in the application process or, if already the holder of an AOC, the commercial air transport operation being varied or suspended.]

The type of operation may include, but is not limited to;

(a) Sanctions imposed by one State against another;

(b) No-fly zones created by the United Nations or individual States;

(c) Quasi-legal activities, which could breach the laws of any State;

(d) Operations of a sensitive nature, which involve religious, political or other issues and have the potential to embarrass any State.

An applicant, or an operator, is encouraged to firstly research the implications of the proposed operation and then to discuss with the CAA, in advance, any proposed operations which may have the potential to create a diplomatic reaction.

1.6 Principal Place of Business

Every applicant for an AOC must have their principal place of business in San Marino manned with access to financial, operational and continuing airworthiness records. This requires;

(a) a San Marino registered company;

(b) an office in San Marino which must be acceptable to the CAA and should be 65m^2 or slightly less if combined with common areas.

(c) permanent manning of the office by either postholder(s) or operations control personnel.

[The applicant must be able to satisfy the CAA that the person manning the office is aware of the operational and continuing airworthiness status of company aircraft and involved in operational decision making, postholder authority, outsourced functions and oversight of foreign bases.]

Note: The CAA will consider all proposals provided the operator can justify they can meet the definition of Principal Place of Business .

1.7 [Aeroplanes Below 5700 kg MTOM Acceptability

Any aeroplane having a Maximum Take-Off Mass (MTOM) of less than 5,700 kg, proposed for inclusion in an Air Operator Certificate (AOC) requires written acceptance of the proposal from the Director General before it can proceed to the AOC certification or variation process.

The applicant must submit a formal request for preliminary acceptance, supported by sufficient information to enable the Director General to assess the proposed aircraft and its intended commercial operations.

The Director General may consider, among other matters:

(a) Aeroplane type, certification basis and operational capabilities;

(b) Nature and scope of the proposed commercial air transport operations;

(c) Experience and qualifications of the operator and its management personnel;

(d) Adequacy of the proposed operational and continuing airworthiness arrangements;

(e) Availability of appropriately qualified flight operations and airworthiness inspectors;

(f) Ability of the CAA to exercise effective continuing safety oversight; and

(g) Any additional safety, regulatory or operational considerations considered relevant by the CAA.

The applicant cannot proceed to the pre-application phase or apply for a variation to an existing AOC until written acceptance has been granted by the Director General.

The Director General may impose conditions or decline the request where the proposed operation is considered inconsistent with the CAA's applicable regulatory requirements, safety oversight capabilities or established certification policy.]

2. AOC PROCESS OVERVIEW

2.1 Purpose

This section describes the process of applying for and obtaining an Air Operator Certificate (AOC) to conduct commercial air transport operations under the applicable Civil Aviation legislation (CAR OPS 1/3). The certification process may appear to be a complex undertaking, particularly to a "first-time" operator.

This document provides basic information applicable to the certification process. Because there are a variety of acceptable methods for preparing manuals, these methods are not discussed in this document. Applicants will be briefed in as much detail as necessary regarding the preparation of manuals and other required documents during meetings with CAA personnel at the pre-application meeting.

2.2 Background

To conduct commercial air transport operations, an operator must comply with all CAA requirements. The CAA recognises the responsibility of commercial air transport operators to provide air commercial transport with the highest degree of safety possible in the interest of citizens.

The certification process is designed to ensure that prospective AOC holders understand and are capable of fulfilling this duty. When satisfactorily completed, the certification process should ensure that the operator is able to comply with CAA legislation, which is in accordance with the international standards.

It is the operator's responsibility to adhere to their operating base State laws/regulations and to research privileges/limitations for non-scheduled flights to each destination.

The FAA has assessed the San Marino CAA as Category 1 and determined that its licences, aviation personnel, international commercial air transport operations and airworthiness are in accordance with ICAO aviation safety standards. [Therefore AOC holders may be able to conduct operations to the USA once the operator meets the applicable US Department of Transportation authority, FAA Part 129 requirements and other permissions.]

2.3 AOC Process Phases

2.3.1 General

There are five phases in the air operator certification process. Each phase is described in sufficient detail to provide a general understanding of the entire certification process.

The five phases are:

Phase 1 - Pre-application

Phase 2 - Formal Application

Phase 3 - Document evaluation

Phase 4 - Demonstration & Inspection

Phase 5 - Certification (AOC issue)

In some cases, the guidance and suggested sequence of events in this document may not be entirely appropriate. In such situations, the CAA and the operator should proceed in a manner that considers existing conditions and circumstances. The operator, however, should not expect to be certificated until the CAA is fully assured that the operator complies with the aviation law and its regulations.

Experience has shown that 90 days is normally required for the AOC application process once the formal application is submitted although this time frame may be reduced for an operator previously approved by an EASA Member State or one operating to EASA regulations. Whilst the CAA will endeavour to process the application expeditiously, most delays incurred are generally due to the applicant's failure to provide documents, provide access to aircraft or facilities, or failure to respond to CAA requests in a timely manner.

[Note: If, after any agreed target dates have expired, the application process has not been substantially progressed by the operator, the CAA will consider temporary suspension or the refusal of the application. Fees paid will not be refunded.]

2.3.2 Pre-Application Phase

As far in advance as possible of the start of operations, an applicant should contact the CAA and inform the CAA of its intent to apply for an AOC. An AOC Pre-Assessment Statement must be sent if the applicant intends to proceed and initiate the certification process.

Note: The AOC Pre-Assessment Statement (CAA Form SM 53 can be downloaded from the CAA website (http://www.caa-mna.sm/)

CAA personnel will review the AOC Pre-Assessment Statement and if the information is incomplete or erroneous, the forms will be returned to the applicant with the reasons for its return noted.

If all the information is acceptable, the CAA will make the necessary arrangements to initiate the certification process and schedule the pre-application meeting with the applicant and the certification team members appointed by the CAA.

The CAA will normally designate one certification team member as the Project Manager. The Project Manager is the official CAA spokesperson and liaison officer throughout the certification process.

The purpose of the pre-application meeting is to confirm the information provided by the applicant on the AOC Pre-Assessment Statement and to provide critical certification information to the applicant. It is recommended that the operator's management personnel (proposed postholders) attend this pre-application meeting and be prepared to discuss plans and general aspects of the proposed operation.

Many problems can be avoided by discussing all aspects of the proposed operation and the specific requirements which must be met to be certificated as an air operator.

To ensure that the applicant is given an opportunity to fully understand the certification process, the pre-application meeting will discuss all CAA requirements and the following aspects:

(a) Schedule of events

(b) Operation specifications and limitations

(c) List of manuals/documents the applicant must prepare

(d) Management structure and personnel qualifications

(e) Documents of purchase, leases, contracts and/or letters of intent including:

  (1) Aircraft

  (2) Station facilities and services

  (3) Weather information and services

  (4) Communications facilities and services

  (5) Maintenance facilities and services

  (6) Maintenance contractual arrangements

  (7) Aeronautical charts and related publications

  (8) Airport analysis and obstruction data

  (9) Training facilities and contract services

(f) Compliance statements

(g) Other documents and publications the Project Manager may consider relevant

(h) List of aircraft the applicant intends to operate. (type, model and series)

(i) Aircraft registration process

(j) Radio Station Licence

(k) List of proposed destinations or areas of operation

(l) Insurance requirements

(m) [Target dates]

(n) CAA charges

Throughout the certification process, the applicant will have to provide documents and manuals for the CAA's evaluation and approval or acceptance. The applicant is encouraged to coordinate informal meetings or communicate with certification team members to request advice and clarify questions about these documents.

The actual development, or amendment, of documents and manuals is always the responsibility of the applicant.

Note 1: The lease agreement document must:

(a) identify the aircraft by make, model, series, serial no., registration, etc.;

(b) clearly identify all parties to the lease;

(c) clearly identify who retains custody and operational control of the aircraft;

(d) clearly identify who is responsible for the airworthiness of the leased aircraft;

(e) include the commencement and termination date of the lease.

Note 2: A Form SM 158 must accompany the lease when submitting it to the CAA.

Note 3: A Maintenance contractual arrangement must state that the CAA has the privileges to conduct periodic and unannounced surveillance of the AOC Contracted Maintenance. Furthermore for the initial acceptance of a maintenance contract, the operator must submit a copy of the current Approval Schedule/Operation Specifications or equivalent NAA certificate of the AOC Contracted Maintenance that shows the approved scope of work and also complete Form SM 182

2.3.3 Formal Application Phase

2.3.3.1 General

It is recommended that the application is submitted to the CAA as far in advance of the proposed operation start-up date as possible. 90 days from submission of the formal AOC application is considered the minimum normal time frame for the CAA to evaluate and process an application.

Note: The AOC Formal Application (CAA Form SM 55) can be downloaded from the CAA website (http://www.caa-mna.sm/)

The CAA will review the application to determine that it contains the required information as required. If there are omissions or errors, the application will be returned with a letter outlining the reasons for its return.

If the operator has a good understanding of the requirements, the application should be of sufficient quality to allow any omission, deficiency or open question to be resolved during the application meeting.

The applicant's management personnel must attend the formal application meeting and all management personnel resumés (CVs) and qualifications must be presented on Form SM 54. [It is essential that the accountable manager understands the need to appoint competent postholders and properly prepared documentation to avoid possible suspension or refusal of the application.]

Note: All management personnel will be interviewed during the process before acceptance for the nominated position. The final approval of the management appointment will be made once the CAA is satisfied that their knowledge and competence to hold the position has been demonstrated.

The purpose of the meeting is to discuss the application and resolve omissions, deficiencies or answer questions from either party. For example, this meeting may be used to plan preliminary dates regarding the schedule of events or to ensure the applicant understands the certification process.

This meeting should also be used to reinforce good communication and working relationships between the CAA and the applicant.

Minutes of the meeting will be made and distributed to the applicant. If the application is not accepted, the application will be returned with a written explanation of the reasons for its return.

The interval between application and grant or variation of a certificate will depend primarily upon matters within the control of the operator as the CAA will work towards meeting its obligations in a timely manner.

2.3.3.2 [**Failure to Progress**

Acceptance of a Formal Application or progression into the Document Evaluation Phase does not create an entitlement to the issuance of an AOC.

The CAA retains the right to require further evidence, additional demonstrations or corrective measures before proceeding to subsequent certification phases, in accordance with the applicable regulatory framework

If the application process has not been substantially progressed by the operator, the CAA;

(a) at the agreed target date, will request the applicant to resolve any outstanding issues;

(b) after a further 15 calendar days, will conduct a review of the progress; and

(c) will consider a future course of action including a temporary suspension or the refusal of the application.

Fees paid will not be refunded (refer also to Section 6).]

2.3.4 Document Evaluation Phase

2.3.4.1 General

Provided the application has been accepted, the operator is then required to submit their documentation to be evaluated. These documents should be submitted at the Formal Application meeting, but if not the schedule of events should clearly indicate when each specific document/manual will be submitted.

Inspectors will begin a thorough evaluation of all the manuals and documents and endeavour to complete these evaluations in accordance with the operator's schedule of events.

Note: Experience has shown that late submission of documents/manuals results in delays to the AOC process.

If a manual or document is incomplete or deficient, or if non-compliance with the regulations or procedures does not reflect a safe operating practice, the manual or document will be returned for corrective action. The complexity of the information which must be addressed in the applicant's manuals and other documents depends on the complexity of the planned operation.

[Note: The applicant must endeavour to meet the document review target date (normally 45 calendar days) as agreed to at the formal application meeting.]

2.3.4.2 List of Required Documents

The following list provides examples of information that must be provided by the operator and evaluated by the CAA during this phase:

(a) Management personnel resumés (CVs) and qualifications (Form SM 54);

(b) Operations Manual (structure in CAR OPS 1/3 Appendix 1 to 1.1045);

Note: Must include new section on SMS unless there is a separate SMS manual.

(c) Maintenance Management Exposition (CAR OPS 1/3.905 AMC OPS 1/3.905(a));

Note: Must include new section on SMS unless there is a separate SMS manual.

(d) Electronic Flight Bag Manual (if applicable)

(e) Plan for demonstration flights;

(f) Emergency evacuation plan (if required);

(g) Ditching demonstration plan (if required);

(h) Fully completed CAR OPS 1/3 Subpart K & L, Subpart M and Operations Manual statements of compliance; and

(i) Proposed Technical Log system.

2.3.4.3 Document Evaluation Phase Duration

[Following acceptance of the Formal Application and commencement of the Document Evaluation Phase, the applicant must ensure that all required manuals, procedures, supporting documentation and nominated management personnel are adequately prepared to facilitate an efficient and timely certification process.

Under normal circumstances, the Document Evaluation Phase should be completed within **45 calendar days**, or as agreed at the formal application meeting, provided that the applicant has submitted complete and compliant documentation and has appointed suitably qualified, experienced and competent nominated postholders capable of effectively managing and supporting the certification process.

Note: Under normal circumstances would apply to a straightforward charter application and the CAA would take into account complicated AOC applications involving several aircraft types or specialized operations, which could take longer than 45 calendar days.]

2.3.5 Demonstration & Inspection Phase

The CAR OPS 1/3 requires an operator to demonstrate its ability to comply with regulations and provide procedures ensuring safe operating practices before beginning operations.

These demonstrations include actual performance of activities and/or operations while being observed by CAA Inspectors. This normally includes on-site evaluations by both an Airworthiness and Flight Operations Inspector whereby, during these demonstrations and inspections, the CAA evaluates the effectiveness of the policies, methods, procedures and instructions as described in manuals and other documents.

Emphasis is placed on the operator's management effectiveness during this phase. Deficiencies will be brought to the attention of the operator and corrective action must be taken before a certificate (AOC) is issued.

Although the document evaluation and the demonstration and inspection phases have been discussed separately in this document, these phases overlap, or are accomplished simultaneously in actual practice.

The following list provides examples of the types of items, equipment, facilities and operations evaluated during the technical demonstration phase.

(a) Conduct of training programmes (classroom, simulators, aircraft, flight and ground personnel training). Refer also to CAP 14;

(b) Crewmember and dispatcher testing and training;

(c) Station facilities (equipment, personnel, refuelling, de-icing, technical data);

(d) Record keeping procedures (of training, flight and duty times, flight papers);

(e) Flight control including dispatch, flight supervision and monitoring system or flight following system;

(f) Continuing Airworthiness Management (procedures, record keeping);

(g) Aircraft (conformity inspection, aircraft continuing airworthiness records, etc.);

(h) MELs and CDLs;

(i) Weight and balance programme;

(j) Emergency evacuation demonstration;

(k) Demonstration flights, including actual flight(s) to demonstrate the operation is conducted safely and in compliance with all applicable CAR OPS 1/3 requirements.

Note 1: The demonstration flight should be conducted as a line training event by a CAA accepted line training commander.

Note 2: A demonstration flight will be delayed if there are outstanding findings affecting safety and may be delayed if there are too many non-safety related findings or the operator's procedures require rectification.

2.3.6 Certification Phase

After the document evaluation and the demonstration and inspection phases have been completed satisfactorily, the CAA will prepare an Air Operator Certificate (AOC) and its corresponding operation specifications and limitations, which contain authorisations, limitations and provisions specific to an operator's operation.

The process for amending operation specifications and limitations is similar to the certification process. In some cases it may be a less complex procedure depending on the subject of the amendment. The CAA is responsible for conducting periodic inspections of the certificate holder's operation to ensure continued compliance and safe operating practices.

It should be noted that operating competence cannot be adequately judged until a sufficient period of demonstration of such competence is completed. Applicants must note that the CAA will conduct additional surveillance after certification. (Refer to Appendix C(6)).

3. AOC PRE-ASSESSMENT STATEMENT

Should the prospective applicant intend to continue with the application process, the AOC Pre-Assessment Statement (Form SM 53) should be completed and sent to the CAA. Once reviewed and found acceptable by the CAA, a Pre-Application meeting will be arranged within 14 days.

4. FORMAL APPLICATION

4.1 Purpose

This section describes in detail the documents required at the formal application phase of applying for and obtaining an AOC to conduct commercial air transport operations under CAR OPS 1/3.

4.2 San Marino Company

The operator must incorporate a San Marino company.

4.3 Submission of Formal Application Form

Application for an AOC (Form SM 55) should be completed and submitted to:

Director General
Civil Aviation Authority
Via Tre Settembre, 99, Dogana 47891
Republic of San Marino

TEL: +378 (0549) 882929 FAX: +378 (0549) 882928 EMAIL: registration@SMAR.aero

Note: For AOC variation, Form SM 94 should be completed and submitted.

A fee amounting to 50% of the AOC fee and half the estimated Inspector man days must accompany an initial application. This fee cannot be refunded in the event that an application is refused or withdrawn.

4.4 Attachments to be submitted at the Formal Application

Refer also to Appendix B for supporting documentation required for the Formal Application phase. The operator must submit a Form SM 54 for each required management position, Form SM 55, set of compliant Operation Manuals, MME and the applicant's planned schedule of events.

Note: The schedule of events must be developed taking into account the content of Appendix B which list all required documentation needed to achieve a successful certification and para 4.4.2.

4.4.1 Identification of Operations Specifications

(Refer also to Appendix A)

The applicant must identify the desired operations specifications appropriate to the intended operation, from the CAA's standard operations specifications provided at Appendix A.

These desired operations specifications will include the applicant's intended authorisations, conditions and limitations specific to the aircraft type, or types, and to the proposed operations and will form the basis for the operations specifications that will ultimately be issued in association with the air operator certificate.

4.4.2 Schedule of Events

The schedule of events is a key document that lists items, activities, programmes, aircraft and facility acquisitions that will be made ready for inspection by the CAA before certification. The target dates should not exceed 60 days beyond the date of formal application, they should be logical in sequence and provide time for CAA review, inspection and approval of each item.

[This 60 days is a planning target, not a certification guarantee, and depends on complete submissions by the applicant and inspector availability.]

The overall plan is to be kept under constant review to maintain control of the certification process. The Schedule of Events is prepared by the applicant and the list should include, but is not limited to, the dates when the following is planned to occur:

(a) Crew member training (as appropriate) including;

(1) Conversion training course;

(2) Aircraft systems training;

(3) Simulator OPC/LPC training;

(4) Aircraft flight training;

(5) Cabin crew training;

(6) Flight dispatch training;

Note: Training facilities may not need to be inspected – Refer to CAP 14.

(b) CAA staff training, if applicable;

(c) Technical staff (other than flight/cabin crew) training;

(d) Date when the required manuals/documents will be available for assessment;

(e) Aircraft availability for inspection;

(f) Emergency evacuation and ditching demonstrations, if applicable;

(g) Terminal facilities will be ready for inspection;

(h) Demonstration flights will begin;

(i) Proposed operations will begin;

(j) Proposed assessment of the Postholders and other approved persons.

The Schedule of Events will enable the certification team to plan workloads so as to achieve certification by the required date. Once the CAA has accepted the Schedule of Events at the application meeting, every effort should be made to keep to the schedule, provided safety aspects are not compromised.

Note: Refer to Appendix B for summary checklist.

4.4.3 Statements of Compliance

The initial statement of compliance should be a complete list of all CAR OPS 1/3 regulations applicable to the proposed operation. Each regulation, or sub-part, should be accompanied by a brief description or a reference to a manual or other document.

The description or reference should describe the method of compliance in each case. The method of compliance may not be finalized at the time of the formal application, in which case a date should be given by which the information will be provided. The purpose of the statement of compliance is to ensure that the applicant has addressed all regulatory requirements. It aids the CAA certification team assess where the regulatory requirements have been addressed in the applicant's manuals, programmes and procedures.

The CAA must be satisfied that the applicant has complied with, or is capable of complying with, the provisions of San Marino Law and regulations related to safety. The compliance statement is a tool for the applicant to construct a document that provides sufficient detail to convince the CAA that he understands the requirements and has put in place the appropriate instructions, procedures and practices to ensure compliance.

A properly prepared compliance statement is of benefit to the applicant both directly and indirectly. It provides a system for both the applicant and the CAA to ensure that their obligations under the legislation are completely discharged. If the method of compliance has not been fully developed, the applicant should provide a brief statement indicating his intent.

It is expected that an adequately prepared applicant will have considered in detail how he or she proposes to comply with all regulatory requirements, and consequently there should be few, if any, areas in which the applicant is unable to put forward precise information.

Where it is possible and reasonable to specify a particular means of complying with legislation, the applicant is expected to do so by including this in the General Operations Manual (OMA) or other document, and provide a reference in the Compliance Statement.

An example of an acceptable response is: CAR OPS 1.310/3.310 (Crew members at station) OMA 8.3.10(a) (where the quoted paragraph sets out procedures or policy to meet the crew members at station requirements).

In many cases, references to the Operations Manual as shown in the Compliance List do not provide sufficient information or detail. CAR OPS 1/3 is divided into sections, subsections, paragraphs and subparagraphs.

When compliance with a particular item is required, it must be referenced at the level of the CAR OPS 1/3 text. For instance, it shall be necessary for an applicant to show compliance with many paragraphs in CAR OPS 1/3.125.

Each requirement will need to be listed.

The Compliance Statement must be signed by the Accountable Manager who is legally authorised to sign on behalf of the applicant. Each page and any hand-written correction must be initialled by the signatory.

Note: The relevant statements of compliance are contained in:

(a) Form SM 76 - Instrument & Equipment Compliance Statement for aeroplane or Form SM 76C for helicopter;

(b) Form SM 79 – CAR OPS 1 Subpart M Compliance Statement for aeroplane or Form SM 79A for helicopter;

(c) Form SM 80 - Operations Manual Compliance Statement for aeroplane or Form SM 80A for helicopter.

4.4.4 Management Structure and Key Staff Members

4.4.4.1 General

CAR OPS 1/3.175(i) requires the nomination of postholders for Flight Operations, Crew Training, Ground Operations, Maintenance and Quality. The operator must complete the Management Qualification Form SM 54 for the purpose of nominating the required personnel and attach it to the application. The forms must be for each individual and accompanied by a CV detailing the required qualifications and experience.

The operator is required by CAR OPS 1/3 to nominate the following persons acceptable to the CAA:

- Accountable Manager (CAR OPS 1/3.175 refers);
- Flight Operations Manager;

  Note: The Chief Pilot (fleet) may also be required to be accepted.

- Continuing Airworthiness Manager;
- Training Manager; including;
  - ▷ Examiners (TREs) where applicable (Appendix 1 to CAR OPS 1/3.005/3.005 refers);
  - ▷ CRM trainers where applicable (CAR OPS 1/3.943/3.943 refers);
  - ▷ Line Training and TRIs (CAR OPS 1/3.965/3.965 refers);
  - ▷ Safety and Emergency Procedures Instructors/Examiners where applicable (CAR OPS 1/3.1025 refers);

    Note: The Training Postholder, or his deputy, is expected to hold, or have held, a Type Rating Instructor rating (or acceptable equivalent instructional qualification from the State that issues the licence). The intention is that the nominated person has sufficient instructional background to fulfil the duties and responsibilities required for this position.

  - ▷ Ground Operations Manager;

- Quality Manager (CAR OPS 1/3.035 refers – also see Note 2 below); and
- Safety Manager.

Note 1: All management personnel will be interviewed during the process before acceptance for the nominated position. The final approval of the management appointment will be made once the CAA is satisfied that their knowledge and competence to hold the position has been demonstrated.

Note 2: All correspondence involving compliance with be sent to the Quality Manager and copied to the Accountable Manager. The operator must indicate for the Quality Manager in the appropriate manual(s) which key management appointment will receive this correspondence whenever the Quality Manager is unavailable.

4.4.4.2 [Management Competence

The applicant must ensure that its nominated postholders possess the necessary qualifications, operational experience, regulatory knowledge, competence and availability to discharge their responsibilities and respond effectively to the CAA's findings, observations and requests for clarification.

Repeated submission of incomplete, inconsistent or non-compliant documentation, inadequate responses to findings, or an inability to demonstrate sufficient regulatory understanding may be considered by the CAA as indicators of deficiencies in the applicant's organizational readiness or management competence

In this case, the CAA may require the applicant to provide additional evidence of competence, undertake further assessments or interviews, or propose alternative suitably qualified personnel (refer also to Section 6)].

4.4.5 Safety Management System

The details of the applicant's safety management system including:

(a) the safety policy; safety organisation; safety manager's responsibilities, safety assessments; occurrence reporting; hazard identification;

(b) risk assessment and risk management;

(c) event investigation and analysis; performance monitoring;

(d) safety promotion; and safety assurance.

Note: Operators are expected to create a SMS Manual or a section in OMA. Guidance can be obtained from www.icao.int/fsix and from CAP 15.

4.4.6 Aerodromes and Areas of Operation

A list should be provided of the destination and alternate aerodromes designated for proposed scheduled operations and nominated areas of operations.

[The inclusion of any area in the Operations Specifications does not grant foreign landing or overflight permission, traffic rights or cabotage privileges.]

The operator is expected to justify the following geographical areas of operation by inclusion in the OMC and the areas can only be within the capabilities of the aircraft and equipment (navigation and safety).]

- Africa-Indian Ocean Region **(AFI)**;
- Asia Region **(ASIA)**;
- Caribbean Region **(CAR)**;
- European Region **(EUR)**;
- Middle East Region **(MID)**;
- North American Region **(NAM)**;
- North Atlantic Region **(NAT)**;
- Pacific Region **(PAC)**;
- South American Region **(SAM)**.

For aeroplanes, which plan to utilise operations beyond 60 minutes from an adequate aerodrome (CAR OPS 1.245), even though it is not EDTO, there is a requirement that en-route alternate aerodromes are identified and the most up-to-date information is provided to the flight crew on identified en-route alternate aerodromes, including operational status and meteorological conditions. In addition all operators shall ensure that the following are taken into account in the operations manual to provide the overall level of safety intended;

- Operational control and flight dispatch procedures;
- Operating procedures; and
- Training programmes.

The term “worldwide” cannot be used. If polar operations are required this must be addressed in the Aircraft Flight Manual as well as OMC.

4.4.7 Aircraft to be Operated

A list of the aircraft to be operated should be provided with the make and registration marks for each aircraft. It is important that the proposed aircraft are not restricted to non-commercial operations by, for example, having had modifications, such as a VIP interior under an STC embodied. If the applicant cannot ascertain this, they should contact the STC holder to confirm, or otherwise, that the design of the modifications allow the aircraft to operate commercially. Evidence of this may be required by the CAA.

[Note: Refer to section 1.7 for additional acceptance requirement for aeroplanes with a MTOM of under 5700 kg.]

4.4.8 Documents of Purchase, Leases, Contracts or Letters of Intent

Documents of purchase, leases, contracts or letters of intent should provide evidence that the applicant is actively procuring aircraft, facilities and services appropriate to the operation proposed. If formal contracts are not completed, letters or other documents showing preliminary agreements or intent should be provided. These documents should relate to: aircraft; station facilities and services; weather reporting; communications facilities; maintenance; aeronautical charts and publications; aerodrome analysis and obstruction data; and outsourced training and training facilities.

Note 1: If the applicant for an AOC is part of an organisation that owns the aircraft there may be a requirement for a lease arrangement between the parent company and the San Marino company that will be the AOC holder. Applicants for any lease must ensure that the arrangement is legalised before the proposed issuance of the AOC and submitted to the CAA giving at least 10 working days advance notice.

Note 2: A Form SM 158 must accompany the lease when submitting it to the CAA.

4.4.9 Crew and Ground Personnel Training and Required Facilities

Details of the facilities required and available for training company personnel and of the training programme with dates for commencement and completion of the initial programme. Training will include: human performance; threat and error management; the transport of dangerous goods; and security.

Specific attention should be paid, with respect to crew members, to: company procedures indoctrination; emergency equipment drills; aircraft ground training; flight simulators and other flight simulation training devices; and aircraft flight training. All these aspects should cover both initial and recurrent training.

4.4.10 Operations Manual

4.4.10.1 General

The Operations Manual, which may be provided in separate parts, should set out the applicant's general policies, the duties and responsibilities of personnel, operational control policy and procedures, and the instructions and information necessary to permit flight and ground personnel to perform their duties with a high degree of safety.

The size, as well as the number of volumes, of the Operations Manual will depend upon the size and complexity of the proposed operations. Operators are reminded that once the Operations Manual is approved an operator shall supply the CAA with intended amendments and revisions in advance of the effective date, which from experience would normally be a period of not less than 60 days depending upon CAA workload.

This period takes into account the CAA review, operator approval, publication and dissemination.

Note: All amendments should be submitted to the CAA through the Quality Manager or Accountable Manager or an AOC coordinator, if appointed.

When the amendment concerns any part of the Operations Manual which must be approved in accordance with CAR OPS 1/3, this approval shall be obtained before the amendment becomes effective so proposed amendments must be submitted with a future date.

When immediate amendments or revisions are required in the interests of safety, they may be published and applied immediately in the form of a temporary revision to the Operations Manual, or by means of a Notice to crew or similar, and be incorporated in the Operations Manual, if appropriate, at the next formal revision.

The amendment process must be a controlled sequence of events with close coordination between the operator and the CAA.

This will allow a proper review of the amended material to take place and any approval to be issued or amended. The use of the provision for immediate amendments or revisions should be limited to those occasions where they are the only means available of securing the interests of safety.

Note 1: Appendix 1 to CAR OPS 1/3.1045 (including IEM to Appendix 1) provides the organisation and content of an operations manual.

Note 2: The OMB aircraft manuals must be current and the mechanism for determining currency must be available. (For example, AFM, Aircraft or Flight Crew Operating Manuals, QRH and MEL)

Note 3: The CAR OPS, Subparts K, L & S, and other CAR OPS equipment must be reflected in the MEL.

The operator's dispatch procedures must be clearly defined even if a third party service provider is used for the provision of flight planning documentation (e.g. operational flight plan; weather data; take-off performance and NOTAMs). The procedures for utilising this information must either be in the OMA or the OMB and must include all service providers involved should there be multiple contracts.

Although some of the relevant CAR OPS 1/3 standards do not require an approval or an acceptance, the CAA will evaluate the following and ensure the applicable Manual is adequate before approval.

(a) flight data analysis programme (part of SMS)

(b) method for obtaining aeronautical data

(c) adequacy of the fuel and oil records

(d) adequacy of flight time, flight duty and rest period records

(e) adequacy of the aircraft maintenance log book

(f) adequacy of the load manifest

(g) adequacy of the operational plan

(h) method for obtaining weather data

(i) method of compliance with carry-on baggage stowage

(j) aircraft performance operating limitations;

(k) method of obtaining and applying aerodrome obstacle data;

(l) adequacy of passenger information cards;

(m) procedures for long-range navigation;

(n) contents of the journey log book (tech log);

(o) instructions and training requirements on the following safety issues;

(1) the avoidance of controlled flight into terrain (CFIT);

(2) ACAS warnings and reactions;

(3) Use of EFB; and

(4) Procedures to prevent runway incursions

(p) ground handling processes, training requirements, subcontracting policies and practices for all ground handling operations;

(q) system to ensure passengers are warned as to the type of dangerous goods they are prohibited or restricted from transporting on-board an aircraft;

(r) Procedures to evaluate a traveller with a suspected communicable disease, and for the PIC to report promptly to ATC a suspected communicable disease, with transmission of all associated information.

4.4.10.2 Inclusion of Private Operations under AOC in OMA

(a) Introduction

Operation of any aircraft listed on an Air Operator Certificate (CAT) is part of a fully integrated management system comprising operational control, qualifications, training, composition and behaviour of air crew as well as management of airworthiness and reporting in a commercial activity environment.

[However, in some special cases a flight of such an aircraft may not qualify as Commercial Air Transport (CAT) but as a non-commercial flight, e.g. when a private owner of an aircraft makes use of the equipment for strictly personal purposes or for training or ferry flights.]

In such a case it must be assured that the operation fully stays within the integrity of the AOC.

The operator may elect to comply with CAR OPS 1/3 requirements in all respects and operate non-revenue (private) flights to CAT standards. Provided this is clearly stated in the OMA the following guidance material is not applicable.

However, should the operator elect to operate to the standards applicable for private flights, some requirements of CAR OPS 2A/H may be applied. These requirements are available upon request to the CAA. To keep the integrity of the AOC these differences have to be fully documented in OMA and all personnel involved must be familiar with these procedures.

Note: Regardless of the option elected to use, one-off exemptions may be available to operators based on a justifiable request.

The OMA must define and describe the possible differences between the standards applicable to commercial operations and non-commercial operations under the AOC. The OMA must further provide guidance for their description and handling within the Management System of the certified operator.

(b) Management Responsibilities

The Accountable Manager of the AOC must guarantee the full integrity of the AOC for non-commercial operations with any aircraft listed on the AOC. This is to assure that the safe commercial air transport operations cannot be adversely affected by non-commercial operations under any circumstances.

(c) [Operations

All non-commercial flights must be conducted in accordance with the provisions of the AOC operations manual. All flights retain the same supervision and control as CAT flights and all records regarding the operation, aircraft and flight crew must be retained in accordance with CAT requirements.

4.4.10.3 Electronic Signatures, Recordkeeping and Manuals

[If electronic signatures, recordkeeping and manuals are used then the conditions and procedures of use must be described in the organisation manual (e.g. OMA, MME, other manuals etc).

The description should explain how electronic signatures will be used and how electronic signatures are applied throughout the aviation document holder's operation (e.g., dispatch releases, training records, airworthiness releases, and maintenance actions etc.).]

4.4.11 Continuing Airworthiness Management

The Operator's Maintenance System is required to be approved by the CAA. A Maintenance Management Exposition (MME) is required to be acceptable to the CAA and must describe how the maintenance management system is resourced and the means methods and practices used.

The Appendices to AMC OPS 1/3.905(a) contain the details of what the MME must include. The associated Appendices provide guidance on how the MME may be structured. The approval of the Operator's Maintenance System is by the issuance of a certificate of approval by the CAA.

A Form SM 79 (Form SM 79A for helicopters) is required to be completed by the applicant to demonstrate how the maintenance system meets the applicable regulations of CAR OPS 1/3 Subpart M.

4.4.12 Maintenance Programme

The maintenance programme, which includes the maintenance schedule and any associated Reliability Programme, should be based on the manufacturer's recommendations and CAP 13. It must detail the maintenance requirements for each individual aircraft although a maintenance programme may include a number of aircraft of the same type.

The maintenance programme is required to be approved by the CAA.

4.4.13 Method of Control and Supervision of Operations

This should set out the applicant's proposals for control and supervision of operations including dispatch, flight watch or flight following, and communication procedures. Operators are required to develop and implement the operational capability to track their aeroplanes throughout the area(s) of operations defined in the operations specifications.

[The applicant will be required to demonstrate actual operational control across all proposed bases and time zones.]

4.4.14 Insurance

In addition to the normal insurance requirements regarding aircraft, passengers, cargo, baggage and third party etc., operators are reminded that they must comply with the provisions of European EC 785/2004 regarding insurance for operations worldwide and not just into Europe.

5. LIST OF DOCUMENTS AND MANUALS TO BE PROVIDED

The following is a non-exhaustive list of the documents and manuals that should be provided by the applicant for evaluation. It is preferable that these publications are in electronic format.

- Draft operations specifications;
- Aircraft flight manuals;
- Operations Manual (OMA – OMD and structure in CAR OPS 1/3 Appendix1 1.1045);
- Maintenance Management Exposition (CAR OPS 1/3.905 AMC OPS 1/3.905(a));
- Electronic Flight Bag Manual (if applicable)
- Individual manuals and items listed below may be separate or form part of the operations manual(s);

- Aircraft operating manuals (FCOMs & QRH);
- Minimum Equipment List (MEL);
- Configuration Deviation List (CDL);
- Aircraft performance manual (if separate);
- Mass and balance control manual;
- Aircraft loading and handling manual or ground handling manual;
- Training manuals for flight crew, cabin crew, operations personnel and ground personnel;
- Dangerous goods manual unless in OMA;
- Passenger briefing cards;
- Aircraft search procedure checklist (if separate);
- Operational control procedures, dispatch, flight following, etc.;
- Cabin Crew Manual
- Cargo Handling Manual for cargo aircraft.
- [Aircraft Operator Security Programme unless in OMA.]

- Safety Management System manual or Section in OMA, including a description of the flight safety document system, flight data analysis programme and occurrence reporting scheme;
- Security programme manual (for European operations, in accordance with EC Regulation (EC) No. 300/2008, No. 185/2010 and Commission Decision C(2010)774 final of 13th April 2010 of the European Parliament.)
- Maintenance programme including maintenance schedule;
- Quality Manual
- Training manual for maintenance personnel;
- Information that must be provided by the operator during this phase:
  - Management personnel resumés (CVs) and qualifications (Form SM 54);
  - Plan for demonstration flights;
  - Emergency evacuation plan (if required);

- Ditching demonstration plan (if required);

- Fully completed CAR OPS 1/3 Subpart K, L & S, Subpart M and Operations Manual statements of compliance.

- Proposed Technical Log system.

6. [APPLICATION PROGRESS

6.1 General

This Section addresses the lack of progress by an applicant and not any delays attributed to the CAA. An applicant cannot keep an application active indefinitely while repeatedly delaying events or submitting inadequate documentation.

Once the Document Evaluation Phase begins the applicant is expected to meet the agreed target date (normally 45 calendar days), or as agreed to at the formal application meeting .

Delays to the target date may involve the complexity of the proposed operation, aircraft issues, or legal complications which may be justified and taken into consideration. However, postholder competence, lack of response from the operator and manual deficiencies are cause for concern.

Note: The target date constitutes an expected certification planning timeframe and cannot be interpreted as a guarantee of approval or completion.

After the agreed target date has expired, the applicant will be contacted to remind him to immediately action any outstanding issues. Should there be no or inadequate response the CAA will formally review the progress of the application after 15 calendar days from the target date.

It must be noted that the CAA may take appropriate action earlier where significant deficiencies indicate that the applicant is not adequately prepared to continue the certification process.

6.2 Nominated Postholders

Where the competence, experience and availability of nominated postholders affect the applicant's ability to demonstrate compliance with the applicable requirements, the CAA may suspend the relevant certification activities at any time pending satisfactory resolution.

Even though the postholder may been already interviewed the CAA may reassess that person where the certification process demonstrates significant competency concerns.
Reassessment early in the application process may ultimately be beneficial to the applicant.

6.3 Review of Progress After Target Date has Expired

Where the Document Evaluation Phase remains incomplete after 15 calendar days from the agreed target date (normally 60 calendar days from its formal commencement), the CAA reserves the right to temporarily suspend or place the certification process on hold, pending a formal review of the applicant's progress and readiness. Exceeding this date does not automatically result in suspension.

The CAA will consider the complexity of the application, the applicant's performance, the nature of outstanding deficiencies, the availability of CAA resources and any other relevant circumstances before determining the appropriate action.

If warranted, the CAA may commence an investigation of the facts and circumstances surrounding the delay and then communicate the investigation findings with the applicant.

Before determining the appropriate course of action, the CAA may require a meeting with the applicant's Accountable Manager and relevant nominated postholders to:

(a) Identify the reasons for the delay and any outstanding regulatory or documentary deficiencies;

(b) Assess the effectiveness, competence and availability of the applicant's nominated management personnel;

(c) Determine whether the applicant possesses the organizational capability and resources necessary to complete certification;

(d) Establish an appropriate corrective action plan and revised certification schedule; and

(e) Determine whether the certification process should continue, be temporarily suspended or be subject to additional conditions.

Should the CAA decide to take any action, such as temporary suspension or refusal of the application, the CAA will communicate the reasons for such action to the applicant in writing.

6.4 Temporary Suspension

The CAA has the discretion to temporarily suspend the certification process if delays are encountered. When the certification process commences, CAA Inspector resources are allocated on the basis of meeting the target dates agreed to by the applicant at the formal application meeting. Delays in meeting the target dates may affect Inspector availability.

Where the CAA determines that insufficient progress, repeated deficiencies or inadequate applicant readiness is preventing the satisfactory completion of the Document Evaluation or Demonstration Phase, the CAA may temporarily suspend further certification activities until the identified deficiencies have been satisfactorily addressed.

Resumption of certification activities would be subject to the CAA's acceptance of the applicant's corrective measures, confirmation of organizational readiness and agreement on a revised certification schedule.]

7. AOC OVERSIGHT

7.1 General

An AOC is issued without an expiry date and CAA oversight will be based on an operator’s performance in respect to compliance, transparency, safety assurance and responsiveness. As a minimum, the following inspections will take place;

7.2 After Initial Issue

7.2.1 SMS/Quality Audit

After 6 months, ± 2 months, from the initial issuance of an AOC, an interim audit will be conducted on the operator's safety management system and quality system.

This review will normally be conducted at the operator's San Marino office and will require the presence of the operator's Quality Manager and Safety Manager. They would be required to have access to all documentation regarding the SMS/Quality systems.

The initial interim audit will review the operator's progress from being Phase 1 compliant (required for initial AOC issue) to Phase 2 compliance (required by the 1 year anniversary of AOC issue at the Base audit).

Note: At the discretion of the CAA, and in exceptional cases, the audit/review may take place at the operator's base.

7.2.2 Base Audit

After 12 months, ± 2 months, from the initial issuance of an AOC, audits will be conducted as follows;

(a) Flight Operations

(1) Base Check

An inspection of all operations facilities and staff, returned flight paperwork, Flight and Duty Time and training records, in cooperation with the Operations postholder.

(2) SMS

The inspection will audit the Safety Management System in cooperation with the Safety Manager. This audit will ensure the SMS Phase 2 requirements are in place.

(3) Enroute Flight Inspection

This inspection will be conducted on one aircraft type and involve a minimum of 2 sectors of one hour or more. It should be representative of a commercial flight and could be conducted during a line training flight.

Note: Should an aircraft be added to the AOC prior to this audit, any demonstration flight conducted for that aircraft will be accepted in lieu of this enroute flight inspection.

(4) Quality

The inspection will audit the Quality System, as applicable to Flight Operations, in cooperation with the Quality Manager.

(5) Training

An observation of an OPC conducted on an operator's crew at the training organisation holding the operational approval as stated in the OMD.

(b) Airworthiness;

(1) Subpart M

An inspection of the operator's CAR OPS 1, Subpart M continuing airworthiness system in conjunction with the continuing airworthiness postholder. This will take place at the locations where the continuing airworthiness activities take place and the continuing airworthiness records are kept. Senior managers able to answer questions below are required to be in attendance.

As a minimum it will review:

- The MME contents and revision process
- The management of Aircraft Maintenance Programme(s)
- The Aircraft Technical Log System, completion and retention.
- The accomplishment and control of Airworthiness Directives.
- Continued airworthiness aspects caused by modifications and repairs.
- Engine Trend Monitoring Programme(s).
- Corrosion Prevention and Control Programme, if applicable.
- The Aircraft Reliability Programme (if applicable).
- The management of the Minimum Equipment List.
- Special Approvals (RVSM, P-RNAV, EDTO, AWOPS, etc.)
- Aircraft Flight Manual management to ensure is the latest revision is provided for.
- The accepted contracts and arrangements for maintenance and any sub-contracted continuing airworthiness management support services.

Note: Each contract with an AOC Contracted Maintenance organisation must state that the CAA has the privileges to conduct periodic and unannounced surveillance of the AOC Contracted Maintenance. During each Base Audit, the operator must submit a copy of the current Approval Schedule/Operation Specifications or equivalent NAA certificate of the AOC Contracted Maintenance that shows the approved scope of work.

- The facilities to support the continuing airworthiness and maintenance management tasks.
- The control and management of subcontractors
- The completeness and effectiveness of the Quality Assurance System including the audits of any sub-contracted organisations providing continuing airworthiness management services;
- The effectiveness and compliance with the Safety Management System including any sub-contracted organisations providing continuing airworthiness management services;
- The required meetings held with minutes of them on file;
- Continuing airworthiness records;
- Continued staff sufficiency and their competence, including any sub-contracted continuing airworthiness management service providers;
- Sampling that the procedures in the MME and associated documents are being followed;
- Control of mandatory requirements.

(2) Quality and Safety Management

The inspection will audit the Quality System and Safety Management System as it affects the Subpart M continuing airworthiness activities in cooperation with the Quality Manager and Safety Manager.

7.2.3 AOC Contracted Maintenance

The CAA may conduct periodic and unannounced surveillance on AOC contracted maintenance that the AOC holder has a contract with. These may be carried out in the following instances:

(a) conduct periodic and unannounced surveillance of maintenance-related facilities including line stations that perform maintenance of an AOC Holders' aircraft, making appropriate directions and recommendations and approving amendments to the air operator's AOC authorisations and to the MMEs, as appropriate.

(b) conduct periodic and unannounced surveillance of maintenance-related facilities of AMOs on the ramp and in the hangars, workshops, and repair facilities. This includes contracted work that the AMO may outsource.

(c) conduct periodic and unannounced surveillance of an AOC Holders' aircraft undergoing maintenance on the ramp and in the hangar and ensure work is being performed in accordance with the MME, aircraft maintenance programme, maintenance organisation procedure manual (MOE), current technical data, and by authorised maintenance personnel.

7.3 Subsequent Oversight

(a) Unsatisfactory Performance

Where an operator's performance does not meet CAA expectations, it may be anticipated that the audits as described in 6.2.1 and 6.2.2 will be more frequent with the time between audits at the discretion of the CAA.

(b) Satisfactory Performance

On the basis that the operator meets their regulatory requirements and maintains a good safety performance, the CAA will plan to conduct the following;

(1) SMS/Quality audits every 12 months ± 2 months; (as described in para 6.2.1); and

(2) Base audits every 24 months, ± 2 months (as described in para 6.2.2);

(3) Audits of the operator's continuing airworthiness management system not to exceed 24 months for those operators demonstrating a very good compliance and safety management record.

7.4 Debriefing of Accountable Manager

The operator's Accountable Manager will be debriefed on the audit results and this will normally be part of the exit meeting. However, should an operator's performance not be satisfactory, there may be a requirement for the Accountable Manager to attend the CAA office for a detailed explanation of deficiencies and auditing schedule.

7.5 Transition Arrangements

Those operators already holding an AOC with an expiry date will be issued a non-expiring AOC after satisfactorily meeting the requirements of 6.2.2 above prior to the expiry date.

[7.6 Change to Approved Postholders

Where an operator proposes to change an approved postholder or Safety Manager, the operator must notify the CAA at least 20 calendar days prior to the change. Where there has been an unforeseen change to an approved postholder or Safety Manager, the Accountable Manager must

(a) within 24 hours, notify the CAA;

(b) within 5 working days, submit an interim management arrangement and safety risk assessment;

(c) within 20 calendar days, nominate a qualified permanent replacement.

Note: The CAA may allow an extension of up to 60 calendar days where justified by the operator's circumstances and an acceptable interim arrangement.]

8. VARIATION OF AN AOC

8.1 General

Any subsequent changes to the operation specified or to the aircraft approved for use will necessitate amendments to the operations specifications.

The holder of an AOC, who wishes to alter any of the elements on the AOC operations specifications must apply on Form SM 94 for a variation of the AOC. Variations may include the addition/deletion of an aircraft, additional authorisations or changes to the type of operation.

8.2 Application

[Form SM 94 - Application for Variation of an AOC needs to be completed and submitted no later than 30 calendar days before the date of intended variation, or as otherwise agreed.] The operator's written application for the variation of the AOC must include all the necessary information and supporting documentation.

An addition of a similar type of aircraft (such as another make of corporate jet) to the AOC may only require a desk-top review of amendments to manuals.

This is at the discretion of the CAA. A demonstration flight may be required. However, a demonstration flight must be conducted in the following circumstances;

(a) addition of aircraft planned to be operated on scheduled operations; or

(b) addition of aeroplane certified to carry 20 passengers or more; or

(c) addition of dedicated freight aircraft; or

(d) addition of helicopter type (single-engine to multi-engine or vice versa) or major change to the operation (e.g. use of off-shore helidecks); or

(e) major change to the operation such as EDTO or AWO Cat II/III etc; or

(f) addition of a propeller aeroplane to jet aeroplane or vice versa.

An addition of a similar type of aircraft, such as another make of corporate jet to the AOC will involve the investigation of the Operator Maintenance System. The CAA reserves the right to conduct an on-site inspection if they deem this appropriate for the particular variation requested and the past performance of the applicant.

If a new or different organisation is being subcontracted to provide continuing airworthiness management services, then an on-site visit to the service provider would be required.

8.3 Addition of Different Aircraft Category to AOC

The addition of a helicopter to an existing aeroplane AOC, or vice versa, can be considered as a variation to an existing AOC. The following matters should be considered;

(a) the Accountable Manager must be the same;

(b) there must a qualified and experienced Flight Operations postholder and training postholder (can be the same person) for the different category of aircraft;

Note: Where the existing postholder also holds qualifications and experience for the different aircraft category, he/she may continue as Flight Operations postholder. If that postholder does not have the technical competence, then a person (or deputy) with technical competence must be appointed with responsibility for the new category.

(c) the continuing airworthiness postholder could be the same person provided the Subpart M organisation has the expertise to manage the different category;

Note: If that postholder does not have the technical competence, then a deputy with technical competence must be appointed.

(d) the ground operations postholder could be the same person provided the dispatch system addressed both categories;

(e) the quality manager must be the same person

(f) the safety manager must be the same person

(g) The OMA must incorporate all elements of the operation although separate volumes may be issued. The OMA would have to clearly state the additional management responsibilities.

(h) OMB (separate volume) must address the new category;

(i) OMC & OMD may need to be amended for the different aircraft category and the MME (and possibly other manuals) would need to be amended;

(j) any aerial work functions must be fully described in the manuals;

8.4. Procedure when an AOC Holder no Longer Operates any Aircraft

When the holder of an AOC proposes to delete an aircraft from the AOC, which results in the organisation no longer operating any aircraft, the Accountable Manager must notify the CAA in order to voluntarily suspend the AOC.

The suspension period will last until the company applies to add a new aircraft to the AOC but not normally longer than 24 months, after which the CAA will make a determination on the continuation of the AOC.

9. APPENDICES

The following Appendices require operator input and must accompany the formal application for AOC;

Appendix A - Operations Specifications
Appendix B - Documentation required for Formal Application Phase
Appendix C - Overview of AOC Application Process

APPENDIX A

PROPOSED OPERATIONS SPECIFICATIONS

Note 1: Except for Section A, please place a tick (✓) against the approval sought for each aircraft. Operators carrying passengers and cargo must tick both boxes at B1 & B2 whilst cargo only operators tick cargo at B2.

*Note 2: Those marked with an * are applicable to helicopter operations only.*

Section A	Authorised Aircraft	
A1	Manufacturer	
A2	Model	
A3	Registration Mark	
Section B	**Type of Operation**	
B1	Passenger	
B2	Cargo	
B3	Aerial Work	
*B4	External Load (Helicopter)	
*B5	Emergency Medical Service	
Section C	**Low Visibility Operations**	
C1	CAT II RVR/DH	
C2	Other than Standard CAT II RVR (m)/DH (ft)	
C3	CAT IIIA RVR (m)/DH (ft)	
C4	CAT IIIB RVR (m)/DH (ft)	
C5	CAT IIIC RVR (m)/DH (ft)	
C6	Low Visibility Take Off RVR (m)	
C7	HUD/EVS/SVS/CVS Operational credit EVS DH (ft)/RVR (m)	
Section D	**Performance Based Operations (PBN)**	
D1	RNAV 10 (RNP 10)	
D2	RNAV 5 (B-RNAV)	
D3	RNAV 2	
D4	RNAV 1 (P-RNAV) (*GNSS or DME/DME/IRU or DME/DME	
D5	RNP 4	
D6	RNP 2	
D7	RNP 1	
*D8	A-RNP	
D8	RNP APCH	
D9	RNP AR APCH	
*D10	RNP 0.3	
D11	NAT HLA	
D12	RVSM	
Section E	**Other**	
E1	EFB Installed Type A/Type B; EFB Portable Type A/Type B (Specifically approved EFB hardware and software applications are contained in operations manual ref: _____)	
E2	CPDLC	
E3	ADS-B Out	

E4	ADS-C	
E5	RCP (240 sec)	
E6	RSP (180 sec)	
E7	Steep Approaches (state airport code)	
E8	EDTO Threshold Time _____mins Threshold distance _____nm	
E9	Dangerous Goods	
*E6	Operations without an assured safe forced landing capability *CAR OPS 3.517*	
*E7	Offshore Operations *CAR OPS Appendix 1 to 3.175 2.(c)(3)*	
*E8	Helicopter Emergency Medical Service (HEMS) *CAR OPS 3.005(d)*	
*E9	Operations over hostile environments outside congested areas *CAR OPS 3.005(e)*	
*E10	VFR Day (Light) *CAR OPS 3.005(f)*	
*E11	VFR Day A-A (Heavy) *CAR OPS 3.005(g)*	
*E12	Helicopter hoist operations *CAR OPS 3.005(h)*	
*E13	Public Interest Sites *CAR OPS 3.005(i)*	
*E14	Night VFR NVIS operations *CAR OPS 3.005(j)*	
Section F	**Authorised area of operations**	
F1	Polar operations above 78^{o} N & 60^{o} S	
F2	Africa-Indian Ocean Region **(AFI)**	
F3	Asia Region **(ASIA)**	
F4	Caribbean Region **(CAR)**	
F5	European Region **(EUR)**	
F6	Middle East Region **(MID)**	
F7	North American Region **(NAM)**	
F8	North Atlantic Region **(NAT)**	
F9	Pacific Region **(PAC)**	
F10	South American Region **(SAM)**	
Section G	**Limitations**	
G1	e.g. Limited to 120 minutes threshold time from an adequate airport (non-EDTO) which would only apply to aeroplanes with two turbine engines	

APPENDIX B

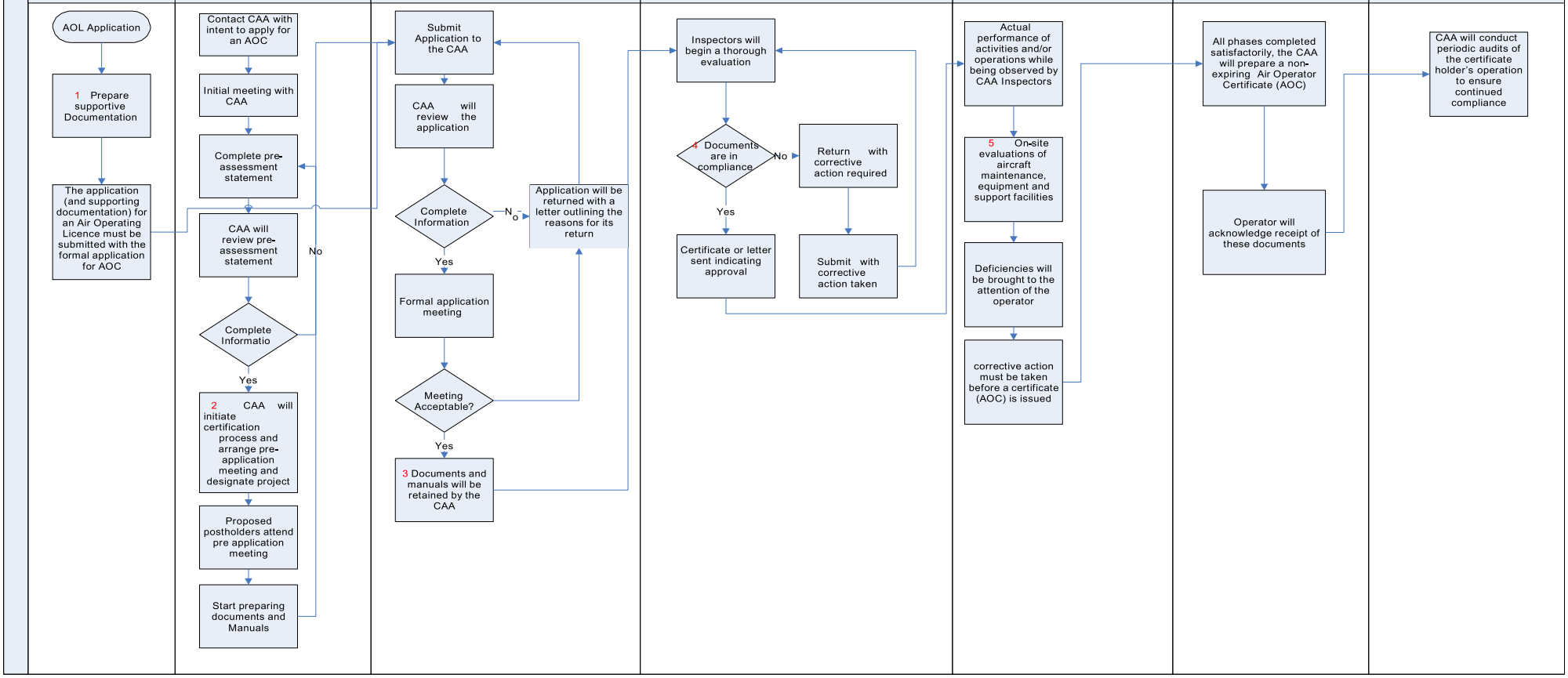
DOCUMENTS REQUIRED FOR FORMAL APPLICATION PHASE

	FORMAL APPLICATION PHASE
1	AOC application complete and correct (Form SM 55)
2	Schedule of Events (SoE template)
3	Postholder & management application(s) (Form SM 54)
4	Legal documents/contracts/letters of intent
5	Lease/Management agreements (Form SM 158)
6	Application for Air Operating Licence (Form SM 56)
7	Areas of Operation for AOC (Form SM 153)
8	Operations Manual Part A
9	[Aircraft Operator Security Programme if not included in OMA, Chapter 10]
10	Operations Manual Part B, including the following where applicable *(if not separate or in OMA)*
11	Cabin Crew Manual
12	Dispatch Manual
13	Aircraft Operating Manual
14	Aircraft checklists
15	Safety Briefing Card
16	Ground Operation Manual
17	Cargo Loading Manual
18	Weight & Balance Manual
19	EDTO Manual
20	EFB Manual (Form SM 06)
21	Operations Manual Part C
22	Operations Manual Part D
23	Safety Management System (SMS) Manual
24	Quality Manual (QM)
25	Emergency Response Plan (ERP) Manual (if not in other manuals)
26	Access to manufacturers' manuals (AFM, FCOM, QRH, AMM, MPD, etc.)
27	Minimum Equipment List (MEL), MMEL, DDG & CDL (Form SM 03)
28	Maintenance Management Exposition
29	Maintenance support contracts including current Approval Schedule/Operations Specifications, that shows the approved scope of work (Form SM 182)
30	Continuing Airworthiness Management subcontracts (if applicable)
31	Maintenance programme (Forms SM 73)
32	Technical log system (Form SM 128)
33	Statement of compliance Operations Manual (Form SM 80 - Aeroplane or Form SM 80A – Helicopter)
34	Statement of compliance Aircraft Instruments and Equipment (Form SM 76 (aeroplane) or Form SM 76C (helicopter)
35	Statement of compliance CAR OPS 1/3 Subpart M (Form SM 79 - Aeroplane or Form SM 79A - Helicopter)
36	Details of maintenance, training and dispatch facilities
37	Applications for Designated Airspace (Form SM 04A)
38	Applications for All Weather Operations (Form SM 05A)
39	Application for EFB (Form SM 06)
40	Application for EDTO (Form SM 126 for aeroplanes only)
41	Application for CPDLC and/or ADS (Form SM 30)
42	Application for HUD-EVS operational Credit (Form SM 07A)
43	Application for steep approaches (Form SM 135A)

44	Application for PBCS (Form SM 138A)
45	Draft Operations Specifications (Refer to Appendix A)
46	Other supporting documentation (e.g. extracts from manufacturer's manuals supporting capability for approvals being requested in 38-45 above etc.)

Note: The CAA may accept a delay in the submission of some of the above documents and applications. This to be discussed at the Formal Application meeting.

OVERVIEW OF AOC APPLICATION PROCESS



Notes:

- 90 days are normally required for the AOC application process once the formal application is submitted
- Process for amending operation specifications and limitations is similar to the certification process

1. Supporting documentation will be required for the AOL:

- Corporate details, including registration number, registered address, date and place of incorporation.
- Company structure organisation chart
- Business plan (if available)
- Copy of the Economic approval from the Office of Industry, Handicraft, Transport, Research and Commerce of the Republic of San Marino
- For aircraft of more 10 tonnes maximum take-off mass (MTOM) and/or more than 20 seats, the applicant should provide financial arrangements including evidence of company meeting its actual and potential obligations for a period of 24 months and ability to meet fixed and operational costs for 3 months.
- Proof of good repute of the persons managing the operations (refer to the provisions on good repute of EC 1008/2008 Article 7)

2. Pre-Application process meeting to include following discussions:

- Schedule of events
- Operation specifications and limitations
- List of manuals/documents the applicant must prepare
- Management structure and personnel qualifications
- Documents of purchase, leases, contracts and/or letters of intent including:
  - Aircraft
  - Station facilities and services
  - Weather information and services
  - Communications facilities and services
  - Maintenance facilities and services
  - Maintenance contractual arrangements
  - Aeronautical charts and related publications
  - Airport analysis and obstruction data
  - Training facilities and contract services
- Compliance statements
- Other documents and publications the Project Manager may consider relevant
- List of aircraft the applicant intends to operate. (type, model and series)

- Type(s) of operation
- Aircraft registration process
- Radio Station Licence
- List of proposed destinations
- CAA charges

3 The following is a non-exhaustive list of the documents and manuals that should be provided by the applicant for evaluation.

- Draft operations specifications;
- Aircraft flight manuals;
- Operations Manual (OMA – OMD structure in CAR OPS 1/3 Appendix1 1.1045);
- Maintenance Management Exposition (CAR OPS 1/3.905 AMC OPS 1/3.905(a));
- Electronic Flight Bag Manual or OMA section (if applicable) including the following supporting documentation;
  - Operational suitability test report;
  - List of approved applications;
  - EFB operator and training manual (if not already included in the OM);
  - EFB risk assessment;
  - Letter of Approval (LoA) where performance, weight and balance calculations are to be utilised;
  - Initial operational evaluation report; and
  - Final operational evaluation report, if available.
- Individual manuals and items listed below may be separate or form part of the operations manual;
  - Aircraft operating manuals (FCOMs & QRH);
  - Minimum Equipment List (MEL);
  - Configuration Deviation List (CDL);
  - Aircraft performance manual (if separate);
  - Mass and balance control manual;
  - Aircraft loading and handling manual or ground handling manual;
  - Training manuals for flight crew, cabin crew, operations personnel and ground personnel;
  - Dangerous goods manual unless in OMA;
  - Passenger briefing cards;
  - Aircraft search procedure checklist (if separate);
  - Operational control procedures, dispatch, flight following, etc.;
  - Cabin Crew Manual

- Safety Management System manual or Section in OMA, including a description of the flight safety document system, flight data analysis programme and occurrence reporting scheme;
- [Aircraft Operator Security Programme (for European operations, in accordance with EC Regulation (EC) No. 300/2008, No. 185/2010 and Commission Decision C(2010)774 final of 13th April 2010 of the European Parliament;]
- Maintenance programme including maintenance schedule;
- Quality Manual

4. Information that must be provided by the operator during this phase:

- Management personnel resumés (CVs) and qualifications (Form SM 54);
- Plan for demonstration flights;
- Emergency evacuation plan (if required);
- Ditching demonstration plan (if required);
- Fully completed CAR OPS 1/3 Subpart K & L, Subpart M and Operations Manual statements of compliance.
- Proposed Technical Log system.

5. Following will be checked as appropriate:

- Conduct of training programmes (classroom, simulators, aircraft, and flight and ground personnel training).
- Crewmember and dispatcher testing and training;
- Station facilities (equipment, personnel, refuelling, de-icing, technical data);
- Record keeping procedures (of training, flight and duty times, flight papers);
- Flight control (flight supervision and monitoring system or flight following system);
- Maintenance and inspection programmes (procedures, record keeping);
- Aircraft (conformity inspection, aircraft continuing airworthiness records, etc.);
- MELs and CDLs;
- Weight and balance programme;
- Emergency evacuation demonstration (depending on aircraft manufacturer and configuration);
- Demonstration flights on indicative route, to demonstrate the operation is conducted safely and in compliance with all applicable CAR OPS requirements.