

Doc 8335
AN/879



Manual of Procedures for Operations Inspection, Certification and Continued Surveillance

Approved by the Secretary General
and published under his authority

Fifth Edition — 2010

International Civil Aviation Organization

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AMENDMENTS

Amendments are announced in the supplements to the *Catalogue of ICAO Publications*; the Catalogue and its supplements are available on the ICAO website at www.icao.int. The space below is provided to keep a record of such amendments.

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FOREWORD

The fifth edition of this manual has been prepared with the objective of providing States and operators with detailed guidance concerning the establishment and maintenance of safe, regular and efficient international commercial air transport operations in accordance with the provisions of the *Convention on International Civil Aviation* and its associated Annexes, principally Annex 6, Part I, *International Commercial Air Transport — Aeroplanes*; and Part III, *International Operations — Helicopters*, Section II, International Commercial Air Transport. Previously primary emphasis was placed on the procedures for the certification of commercial air transport operators by the State of the Operator. The fourth edition introduced the continued safety oversight of the operator. This edition, while continuing to place emphasis on the air operator certificate (AOC) and safety oversight, and providing more detailed guidance on these aspects, introduces relevant aspects of the lease, charter and interchange of aircraft and the surveillance by States of foreign operators.

In accordance with Annex 6, Part I and Part III, Section II, there is a need for the State of the Operator to exercise a positive and continuing measure of control over any operator of that State offering, or wishing to offer, commercial air transport services. Since Annex 6, Parts I and III, presents specifications for broad objectives rather than methods of realizing these objectives, details not covered by Annex 6, Parts I and III, have been provided as well as indications of an acceptable means of compliance with the Annex provisions.

The recent requirement for safety management systems (SMS) will have an impact on the surveillance of air operators. The State of the Operator will need to evaluate the performance of the SMS of its operators. This activity is not covered in detail in this manual.

The method by which the State of the Operator exercises the necessary control of its operators is through the issuance of AOCs without which it is contrary to ICAO Standards to operate an international commercial air transport service. An AOC, once issued, should be subject to revocation or suspension if the operator is subsequently unable to meet the conditions specified. States need to establish systems and procedures for the initial certification and the continuing surveillance of the operations. Such a system should be firmly based upon aviation law.

This manual outlines the duties and responsibilities of both the State of the Operator and the operator and recognizes their interdependence in maintaining acceptable standards of operation and safe operating practices. The organization, administration and procedures required for inspection, certification and continuing safety oversight of operators are outlined, including the establishment of a safety oversight system within the Civil Aviation Authority (CAA).

The development of an operator's operations manual is also stressed because of its importance in the certification process and in day-to-day operations. As a result of considerable interest reported by a number of ICAO technical field missions in the development of operations manuals, the *Preparation of an Operations Manual* (Doc 9376) has been published on the subject and should be considered as complementary to this manual.

While references are included in the manual to financial matters to be considered by the State authority, prior to taking a decision on the issuance of an AOC, the manual concentrates primarily on the technical and safety requirements to be met before the issuance of the certificate and during the conduct of the operations authorized by the certificate. The system and procedures described are based on established practices and are applicable to the whole range of commercial air transport operations.

It has been assumed in the preparation of this manual that the State has enacted basic enabling legislation which provides for the development and maintenance of a body of aviation regulations and rules and the establishment of a CAA, with the necessary powers to ensure compliance with the regulations. The basic enabling legislation should:

- a) make provision for the introduction of operating regulations compatible with the provisions of the Annexes to the *Convention on International Civil Aviation*;
- b) make provision for the delegation to a designated State official of the authority to develop and amend operating rules supplementary to the operating regulations;
- c) require commercial air transport operations to be conducted in accordance with conditions the State may consider applicable in the interests of safety; and
- d) make provision for the enforcement of the operating regulations and rules by specifying the penalty to be applied in the event of infringement or violation.

In this manual, the term “State” refers to the basic authority that normally establishes a CAA which has a Director General of Civil Aviation (DGCA) with power to exercise authority over civil aviation matters. The “operator” is considered to be an organization or enterprise engaged in civil commercial air transport operations. With the exception of the material contained in Part V dealing with lease, charter and interchange operations, it is assumed that, for the purpose of this guidance material, the State of the Operator and the State of Registry are one and the same.

Although it is recognized that bilateral and multilateral agreements by States are fundamental prerequisites to the establishment of international commercial air transport operations, such matters are generally outside the scope of the manual.

This manual also includes examples and references to detailed requirements prescribed by some States. A State may find it advantageous to adopt the detailed requirements of another State that has already established comprehensive operations certification and inspection procedures consistent with the guidance material in this manual.

Comments on this manual, particularly with respect to its application, usefulness and scope of coverage, would be appreciated from all States, international organizations and ICAO Technical Cooperation field missions. These will be taken into consideration in the preparation of subsequent editions. Comments concerning the manual should be addressed to:

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PUBLICATIONS

(referred to in this manual)

Convention on International Civil Aviation (Doc 7300)

Annex 1 — Personnel Licensing

Annex 2 — Rules of the Air

*Annex 6 — Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes; and
Part III — International Operations — Helicopters*

Annex 7 — Aircraft Nationality and Registration Marks

Annex 8 — Airworthiness of Aircraft

Annex 9 — Facilitation

Annex 11 — Air Traffic Services

Annex 13 — Aircraft Accident and Incident Investigation

Annex 14 — Aerodromes

Annex 17 — Security

Rules for Registration with ICAO of Aeronautical Agreements and Arrangements (Doc 6685)

*Procedures for Air Navigation Services — Aircraft Operations, Volume II — Construction of Visual and Instrument Flight
Procedures* (Doc 8168)

Manual of All-Weather Operations (Doc 9365)

Preparation of an Operations Manual (Doc 9376)

Manual of Criteria for the Qualification of Flight Simulation Training Devices (Doc 9625), Volume I — Aeroplanes, and
Volume II — Helicopters, Third Edition (in preparation)

Manual on the Regulation of International Air Transport (Doc 9626)

Safety Oversight Manual (Doc 9734), Part A — *The Establishment and Management of a State's Safety Oversight
System*; and Part B — *The Establishment and Management of a Regional Safety Oversight System*

Safety Oversight Audit Manual (Doc 9735)

Airworthiness Manual, Volume I — Organization and Procedures (Doc 9760)

Safety Management Manual (SMM) (Doc 9859)

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Implications of Airline Codesharing (Cir 269)

Guidance on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Cir 295)

ICAO Study on Aircraft Leasing

Government Safety Inspector (Operations), Air Operator Certification, FAA Course 18700

Government Safety Inspector (Airworthiness), Air Operator and Approved Maintenance Organisation Certification, FAA Course 18701

Note.— The Manual of Procedures for an Airworthiness Organization (Doc 9389) and the Continuing Airworthiness Manual (Doc 9642) have been declared obsolete.

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GLOSSARY

Note.— Much of the information in this section comes from Annex 1 — Personnel Licensing, Annex 6 — Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes, the Manual on the Regulation of International Air Transport (Doc 9626), and the circular, Guidance on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Cir 295), and Implications of Airline Codesharing (Cir 269).

Air operator certificate (AOC). A certificate authorizing an operator to carry out specified commercial air transport operations.

Certify as airworthy (to). To certify that an aircraft or parts thereof comply with current airworthiness requirements after maintenance has been performed on the aircraft or parts thereof.

Charter. In a charter of an aircraft, a portion of or the entire capacity of the aircraft is hired or purchased privately by one or more entities, which may re-sell it to the public (this occurs most frequently in non-scheduled passenger air operations, which is why they are popularly known as “charter flights”). A charter flight is a non-scheduled operation using a chartered aircraft. The situation in which the charterer is another air operator that has its own operating authority and charters the entire capacity of the aircraft, usually on short notice, is termed a **sub-charter**.

Codeshare. The use of the flight designator code of one air operator on a service performed by a second air operator, whose service is usually also identified (and may be required to be identified) as a service of, and being performed by, the second air operator.

Note.— The practice of codesharing, by which one operator permits a second operator to use its airline designator code on a flight, or by which two operators share the same airline code on a flight, can take different forms.

Damp lease. A wet-leased aircraft that includes a cockpit crew but not cabin attendants.

Dry lease. A lease where the aircraft is provided without crew.

Financial or capital lease. A lease used by air operators to avoid the otherwise substantial capital outlays/debt required in purchasing aircraft directly from the manufacturer, or to reduce taxation or other costs.

Note.— For example, an air operator may sell all or part of its fleet to a bank or other financial institution and then lease the aircraft back. Financial leases are long-term arrangements that give the outward appearance of ownership, e.g. the aircraft bear the air operator's name/logo and are frequently registered in the air operator's State.

Franchising. Franchising is the granting by an air operator of a **franchise** or right to use various of its corporate identity elements (such as its flight designator code, livery and marketing symbols) to a **franchisee**, i.e. the entity granted the franchise to market or deliver its air service product, typically subject to standards and controls intended to maintain the quality desired by the **franchiser**, i.e. the entity granting the franchise.

Foreign operator. Any operator that holds an AOC issued by one State and that operates, or seeks to operate, into the airspace above the territory of another State.

Interchange. An **aircraft interchange** or **interchange flight** is a regularly scheduled, single-plane through service linking a route of one air operator at the interchange point to a route of a second air operator, with the same aircraft being crewed by and under the operational control of the respective authorized operator on each route. An interchange provides passengers with the benefit of a single-plane service on what is essentially an interline operation and may provide additional benefits to the operators involved in terms of better aircraft utilization.

Joint service flight. A joint service flight is a flight identified by the designator codes of two airlines that typically have agreed with each other to share revenues and/or costs with the concurrence of their respective States.

Note.— Some States consider a joint service flight as a codesharing flight and some do not.

Lease. A lease can be understood to be a contractual arrangement whereby a properly licensed air operator gains commercial control of an entire aircraft without transfer of ownership.

Lessee. The term lessee means the party to which the aircraft is leased.

Lessor. The term lessor means the party from which the aircraft is leased.

Maintenance. The performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair.

Operating lease. An operating lease is designed to meet an air operator's need for additional aircraft, often on a seasonal or short-term basis.

Operational control. The exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight.

Operations specifications. The authorizations, conditions and limitations associated with the AOC and subject to the conditions in the operations manual.

Operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Pooling arrangements. Pooling arrangements are commercial agreements which may involve agreed capacity, conditions of operation, and the sharing between the parties of one or more of the elements of traffic, frequencies, equipment, revenues and costs.

Principal place of business. The notion of the operator's principal place of business has not been defined so far in ICAO documents, although it is referred to in Article 83 *bis* as well as in the definition of the "State of the Operator" (see below). It should be a matter of appreciating the facts of each case and comparing the importance of the various places of business of an operator so that the main one can be selected. Domestic jurisprudence or case law may also offer definitions and criteria assisting in the determination of an air operator's principal place of business.

Rendering valid. The action by a Contracting State of issuing a validation of a licence or certificate issued by another Contracting State as an alternative to the issuance of its own licence or certificate.

State of Registry. The State on whose register the aircraft is entered.

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

Note.— The responsibilities of the State of the Operator are summarized in Part I, Chapter 2.

Traffic right. A traffic right is a market access right which is expressed as an agreed physical or geographic specification, or combination of specifications, of who or what may be transported over an authorized route or parts thereof in the aircraft (or substitute conveyance) authorized.

Note.— The term “traffic rights” is, in one usage, applied collectively to have about the same meaning as market access rights.

Wet lease. A lease where the aircraft is provided with crew.

ABBREVIATIONS

(used in this manual)

ACAS	Airborne collision avoidance system
AFDD	Audit findings and differences database
AMM	Aircraft maintenance manual
AMO	Approved maintenance organization
AOC	Air operator certificate
ATC	Air traffic control
ATS	Air traffic services
CAA	Civil aviation authority
CDL	Configuration deviation list
COSCAP	Cooperative Development of Operational Safety and Continuing Airworthiness Projects
CSA	Comprehensive systems approach
CVR	Cockpit voice recorder
DGCA	Director general of civil aviation
ELT	Emergency locator transmitter
ETOPS	Extended range operations by turbine-engined aeroplanes
EU	European Union
GPWS	Ground proximity warning system
FAA	Federal Aviation Administration
FDR	Flight data recorder
FSIX	Flight safety information exchange
IASA	International Aviation Safety Assessments Programme
IATA	International Air Transport Association
IFFAS	International Financial Facility for Aviation Safety
IFR	Instrument flight rules
IOSA	IATA Operational Safety Audit
ISD	Implementation support and development
FMC	Flight management computer
FMS	Flight management system
MEL	Minimum equipment list
MMEL	Master minimum equipment list
MCM	Maintenance control manual
NOTAM	Notice to airmen
RSOO	Regional safety oversight organizations
RVSM	Reduced vertical separation minima
SAAQ	State aviation activity questionnaire
SAFA	Safety assessment of foreign aircraft
SARPs	Standards and Recommended Practices
SMS	Safety management system(s)
SOA	Safety oversight audit
SRM	Structural repair manual
USAP	Universal security audit programme
USOAP	Universal safety oversight audit programme
URL	Uniform resource locator
VFR	Visual flight rules

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Part I

SAFETY OVERSIGHT OF COMMERCIAL AIR TRANSPORT OPERATIONS — THE STATE





Chapter 1

ICAO UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME (USOAP)

1.1 The foundation of the safety of the commercial air transport operator is the oversight of the operator by the State, the objective of which is to ensure that the national aviation industry meets requirements equal to, or better than, those defined by ICAO Standards and Recommended Practices (SARPs), to ensure an acceptable level of safety.

1.2 Successful oversight by the State depends upon the capabilities of the national civil aviation authority (CAA), the implementation of SARPs and the critical elements of a State's safety oversight system.

Note.— The eight critical elements of a State's safety oversight system are listed in 3.5.1 of this Part.

1.3 The capability of a State's CAA to carry out the task is assessed on a regular basis by the ICAO Universal Safety Oversight Audit Programme (USOAP). This audit programme initially examined the level of implementation by States of the safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft* and Annex 8 — *Airworthiness of Aircraft*. Currently a comprehensive systems approach (CSA), involving mandatory audits, is maintained to examine the level of implementation by States of the safety-related provisions in all ICAO Annexes other than Annex 9 — *Facilitation* and Annex 17 — *Security*. Implementation of the provisions of Annex 17 is monitored by the ICAO Universal Security Audit Programme (USAP). The activities of USOAP and those of USAP are coordinated to the greatest extent possible.

1.4 Where USOAP findings indicate that a State experiences difficulties in the implementation of SARPs and the critical elements of a safety oversight system, ICAO is able to provide for assistance in improving the capabilities of the State, through its Implementation Support and Development (ISD) Branch, the Technical Cooperation Programme and with the help of other mechanisms, including the International Financial Facility for Aviation Safety (IFFAS). Such assistance can be provided either directly to a State or in association with groupings of other States on a regional basis.

1.5 In order to provide the necessary level of confidence in the system, and subsequent to the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety, held in March 2006, it was determined that, with respect to audits conducted under the CSA:

- the results of these audits should continue to be shared openly among States;
- a process should be developed by ICAO to provide for the release of relevant audit information to the public; and
- States have given consent to the publication of the relevant information.

1.6 Pursuant to Assembly Resolution A35-6 and subsequent action by the ICAO Council, the Safety Oversight Audit (SOA) Secure Site <http://www.icaosoa.ca/soamain> was developed to provide all Contracting States with the ability to access safety critical information collected from Contracting States that completed the State Aviation Activity Questionnaire (SAAQ) and compliance checklists in preparation for the USOAP audit and from the SOAs performed to date. This secure site contains final SOA reports including the audit findings, recommendations, State's action plan and comments, as well as the comments of the SOA Section on a State's action plan, in addition to all relevant information

derived from the Audit Findings and Differences Database (AFDD). The SOA secure site is also accessible through the ICAO Flight Safety Information Exchange (FSIX) website <http://www.icao.int/fsix>.

1.7 With respect to the provision of information to the public, it was agreed to allow the release of relevant information on SOAs so that the travelling public could make an informed decision when using air transportation. To this end States were encouraged to provide ICAO with their consent to publish SOA information consisting, at a minimum, of States' compliance levels relative to the eight critical elements of a safety oversight system. While some States have given ICAO authority to disclose an executive summary and critical element graph, others have agreed to the release of the audit report in its entirety. A list of States that have given ICAO consent for the release of information pertaining to audits conducted between 1999 and 2004 under the ICAO Universal Safety Oversight Audit Programme is provided under Audit Results (1999–2004) at <http://www.icao.int/fsix/safety.cfm>, also accessible through the FSIX website. With respect to audits conducted under the CSA, after 23 March 2008, the information will be based on compliance with the eight critical elements in the form of a table; however, States may elect to publish the complete report on the public website. In this latter case, the information will be published in the public area of the ICAO FSIX website.

Note.— Guidance on the USOAP and associated programmes is available in the Safety Oversight Manual, Part A, The Establishment and Management of a State's Safety Oversight System; and Part B, The Establishment and Management of a Regional Safety Oversight System (Doc 9734); and the Safety Oversight Audit Manual (Doc 9735).

Chapter 2

RESPONSIBILITIES OF THE STATE

2.1 NATURE OF THE RESPONSIBILITIES OF THE STATE

The responsibility of a Contracting State for the safe, regular and efficient conduct of flight operations is implicit in its acceptance of the international SARPs for the safety of air navigation to which Article 37 of the *Convention on International Civil Aviation* (Doc 7300) refers; these SARPs appear in the Annexes to the Convention. Annex 6, Part I — *International Commercial Air Transport — Aeroplanes*; and Part III — *International Operations — Helicopters*, Section II, International Commercial Air Transport, has been developed with respect to the operations of international commercial air transport. Although the methods for discharging its responsibility may vary, no particular method can, in any way, relieve the State of the Operator of such responsibility.

2.2 DISCHARGE OF STATE RESPONSIBILITIES

2.2.1 In order to discharge its responsibility, the State should enact a basic aviation law that will provide for the development and promulgation of air navigation regulations which should be consistent with its acceptance of the Annexes. The State regulatory system should:

- a) represent a well-balanced allocation of responsibility between the State and the operator for the safety of operations;
- b) be capable of economic justification within the resources of the State;
- c) enable the State to maintain continuing regulation and oversight of the activities of the operator without unduly inhibiting the operator's effective direction and control of the organization; and
- d) result in the cultivation and maintenance of harmonious yet responsible relationships between the State and the operator.

Note.— Guidance on the establishment of a State's system is provided in the Safety Oversight Manual (Doc 9734), Part A, The Establishment and Management of a State's Safety Oversight System.

2.2.2 An essential element in the regulatory system is the certification of operators. Annex 6 requires that an operator shall be in possession of an air operator certificate (AOC) issued by the State of the Operator in order to engage in commercial air transport operations. States should therefore establish a system for both the initial inspection and certification and the continued safety oversight of the operator.

2.2.3 In order to assess the competence of an operator to provide a safe and regular service, the State of the Operator would first need to investigate the proposed operation, covering at least the organization, staffing, equipment, proposed routes and level and type of service and finances. The issuance of an AOC by the State of the Operator will be dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training programme, as well as ground handling, maintenance management and maintenance arrangements, consistent with the nature and extent of the operations specified. If the operator is found competent, an AOC will be

issued, together with operations specifications, detailing the commercial air transport operations authorized. Subsequent to the issuance of an AOC, the State of the Operator is required to continue to monitor the operation by a systematic procedure which establishes safety oversight inspections.

2.2.4 Through the issuance of an AOC, the associated operations specifications and the subsequent continuing safety oversight, the State of the Operator will be able to ensure the protection of public interest and will be able to exercise indirect influence and control without encroaching upon the direct responsibility of the operator for the safety of the operation. The granting of an AOC by the State establishes that the operator has met the State criteria for an acceptable operation and that the State has every reason to believe that the operator is capable of providing a safe commercial air transport service.

2.2.5 It is imperative that the operations conducted by an operator are within the safety oversight capability of the State of the Operator. A review of the aircraft registry and the authorizations granted to an operator will assist the State in determining if the operations are within its safety oversight capability. Where this is not the case, the State is urged to take immediate and appropriate corrective actions.

2.2.6 In those States where the State is both the regulatory authority and an operator, the requirements of the *Convention on International Civil Aviation* will be met and public interest will best be served by the separation of authority and responsibility between the State regulatory authority and the State operating agency. The necessary certification procedures should be followed as though the operator were a non-government entity.

2.2.7 A State regulatory system and safety oversight organization are described in the subsequent chapters of this Part.

2.2.8 A State may find that it does not have the resources to establish a system for the effective certification and oversight of its operators. Experience has been gained with the formation of regional safety oversight organizations (RSOO) where economies of scale can be achieved through the sharing and pooling of human and financial resources. The Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPs) were designed to achieve the necessary level of regional cooperation in this context. Guidance is provided in the *Safety Oversight Manual* (Doc 9734), Part B, *The Establishment and Management of a Regional Safety Oversight System*.

2.2.9 As an alternative, where a State is in need of assistance and where regional cooperation is not viable, the Director General of Civil Aviation (DGCA) could consider the employment of a competent commercial organization to supply the necessary qualified personnel to perform the required inspection functions in an advisory capacity to the CAA. The State retains responsibility under the Chicago Convention and as such is responsible to ensure that the delegated tasks are performed in accordance with international and national requirements.

Chapter 3

STATE REGULATORY SYSTEM

3.1 DEVELOPMENT OF A STATE REGULATORY SYSTEM

3.1.1 General

There are two prerequisites for the introduction of a regulatory system:

- a) the provision, in the basic aviation law of the State, for air navigation regulations and the promulgation thereof; and
- b) the establishment of an appropriate State body, hereafter referred to as the CAA, with the necessary powers to ensure compliance with the regulations.

3.1.2 Basic laws relating to aviation

3.1.2.1 The basic laws of the State relating to aviation should:

- a) authorize the establishment of a CAA to be headed by a chief executive officer, hereafter referred to as the DGCA;
- b) make provision for the delegation of the necessary authority and the assignment of corresponding responsibility to the DGCA to develop, issue and revise operating regulations and rules consistent with the air navigation regulations;
- c) make provision for the adoption of operating regulations and rules based on the provisions of the Annexes to the *Convention on International Civil Aviation*;
- d) make provision for the enforcement of the air navigation regulations and associated operating regulations and rules; and
- e) require all commercial air transport operations to be conducted under State authority and in accordance with any conditions the State may consider applicable in the interests of safety and in accordance with all appropriate treaties and agreements between the State and other States.

Note.— Throughout the manual the term “regulations” is used in a generic sense to encompass what may be variously considered by States, but not limited to, as instructions, rules, edicts, directives, sets of laws, requirements, policies and orders. It is a matter for the judgement of individual States, taking into account their responsibilities under the Convention, as to the specific status given to a regulation when it is applied within the State and the penalty assigned in the event of non-compliance.

3.1.2.2 The operating regulations and rules, referred to in 3.1.2.1 b), need frequent revision to keep pace with developments in civil aviation and aviation safety. This is not possible unless these regulations and rules can be

amended rapidly. One possible approach to ensure this would be to place these detailed operating regulations and rules under the authority of the DGCA and not incorporate them in national civil aviation law.

3.2 AUTHORITY OF THE DGCA

The air navigation regulations should contain provisions which authorize the DGCA to:

- a) establish a flight operations inspection organization to assist in carrying out the functions and responsibilities of the DGCA's office;
- b) whenever possible, develop, issue and revise operating regulations and rules consistent with the air navigation regulations;
- c) determine whether proposed commercial air transport operations are in the public interest;
- d) determine the technical and financial capability of a prospective operator to conduct the proposed operations with the ground services (e.g. aerodrome, navigation aids, air traffic services (ATS), maintenance that can be made available;
- e) issue AOCs with the associated operations specifications necessary to define the characteristics of the particular operation and the aircraft involved; and
- f) withdraw, revoke, suspend or amend an AOC and its associated operations specifications authorizing any operation where the conduct of the operation is considered contrary to the interests of safety, subject to providing the operator with due notice and the opportunity for consultation and appeal.

3.3 STRUCTURE OF THE CAA

3.3.1 The DGCA should establish an effective CAA organization and employ the necessary qualified personnel to carry out the various functions of that office. Although the scope of the DGCA's responsibilities should not vary substantially from State to State, the structure and size of the CAA will vary considerably depending on the number, size and complexity of civil air operations in the State.

3.3.2 In deciding upon the required organizational structure, the DGCA should review the requirements for inspection, certification and surveillance of operators as outlined in the subsequent chapters of this manual in the light of the number and size of potential air operators in the State. In many States it will be necessary to establish within the CAA a "CAA inspectorate" to ensure that the DGCA's responsibilities for the safety of commercial air transport are properly discharged and that the public interest is adequately protected. The establishment and functioning of the CAA inspection organization are discussed in Chapter 5 of this Part.

3.4 REGULATIONS FOR THE CERTIFICATION OF OPERATORS

3.4.1 The State regulations and rules for the operational inspection and certification of operators and for the conduct of subsequent commercial air transport operations should have sufficient detail to ensure that satisfactory compliance will result in the desired level of safety. It should be recognized that, while the scope of the regulations and rules will need to be extensive, it is not feasible or desirable to attempt to cover every conceivable operational detail. The

State regulations and rules should provide a framework of positive control and guidance but should allow the operator the flexibility to develop operating instructions for the guidance of personnel on the details essential to the conduct of the operation. This is in accordance with the principle of “operator’s responsibility” and helps to facilitate the development of the operating standards and techniques best suited to particular operational circumstances and conditions.

3.4.2 To facilitate compliance and avoid differences in interpretation, State regulations should be written in clear language, using plain language techniques, and should be complemented by appropriate guidance material.

Note.— Guidance on plain language techniques can be obtained from various sources, including the Internet.

3.4.3 The State regulations and rules need to require the operator to submit detailed operating instructions and procedures, governing the conduct of operations, to the CAA as a basis for certification and the subsequent conduct of operations. The operator’s material is required by Annex 6, Part I, and Part III, Section II, to be submitted in the form of an operations manual, and a maintenance control manual (MCM) acceptable to the State of Registry, containing at least the material specified and such other material as the CAA may require. As discussed in Part III of this manual, the operator’s operations and MCMs provide a most important basis for the CAA decision with respect to an application for an AOC.

3.5 CRITICAL ELEMENTS OF A SAFETY OVERSIGHT SYSTEM

3.5.1 The process described in 3.1 to 3.4 has been analysed and the following critical elements of a State safety oversight system have been identified:

- Primary aviation legislation
- Specific operating regulations
- State civil aviation system and safety oversight functions
- Technical personnel qualification and training
- Technical guidance, tools and the provision of safety-critical information
- Licensing, certification, authorization and approval obligations
- Surveillance obligations
- Resolution of safety concerns

3.5.2 These elements are fully described in Annex 6, Part I, Appendix 5, and in the *Safety Oversight Manual* (Doc 9734), Part A — *The Establishment and Management of a State’s Safety Oversight System*. These elements are also included as specific items in audits for the ICAO Universal Safety Oversight Audit Programme under the CSA.

3.6 SAFETY MANAGEMENT

3.6.1 States are required to establish a safety programme in order to achieve an acceptable level of safety, which is itself established by individual States. A State’s safety programme is an integrated set of regulations and

activities aimed at improving safety. It addresses the conduct of safe operations, not only by aircraft operators but also by aviation service providers, such as ATS providers, aerodromes and heliports, and aircraft maintenance organizations.

3.6.2 The State safety programme includes activities as diverse as safety regulations, safety oversight, mandatory and voluntary reporting systems, accident and incident investigations, safety data analysis and exchange, safety assurance and safety promotion.

3.6.3 As part of a State's safety programme, it is necessary for the State to require air operators to implement safety management systems (SMS) acceptable to the State. The requirement for SMS also extends to ATS providers, certified aerodrome and heliport operators and approved maintenance organizations (AMOs).

3.6.4 A full description of the requirements for State safety programmes and operator SMS is contained in the *Safety Management Manual (SMM)* (Doc 9859).

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Chapter 4

THE AOC

4.1 GENERAL

4.1.1 The AOC provides the basis for States to regulate the activities of operators and the means for a State to authorize an air operator to commence operations. The AOC, under the control of the issuing CAA, enables the CAA to exercise the continued safety oversight of the operator.

4.1.2 The AOC and the associated operations specifications are briefly introduced in this chapter. Detailed requirements and guidance for the AOC and the operations specifications can be found in Annex 6, Part I, Chapter 4, Appendix 6 and Attachment F; and in Part III, Section II, Chapter 2, Appendix 3 and Attachment F.

4.1.3 The application for an AOC, the evaluation by the State and the issuance of a certificate are dealt with in Part III of this manual.

4.1.4 The AOC and the associated operations specifications issued to an air operator by the State of the Operator are also intended to provide a basis for another State to authorize operations in its territory by that air operator, provided that the requirements under which the certificate was issued were at least equal to the applicable Standards specified in Annex 6, Part I, and Part III, Section II. The surveillance of operators from other States (foreign operators) is considered in more detail in Part VI of this manual.

4.2 THE AOC

4.2.1 Aircraft engaged in commercial operations are required by Annex 6 to carry a certified true copy of the AOC (see 4.4 below) and a copy of the associated operations specifications relevant to the aircraft type. The AOC certifies that the operator is authorized to perform commercial air operations, as defined in the associated operations specifications, in accordance with the operations manual and the civil aviation regulations of the State of the Operator.

4.2.2 The information on the AOC shows the State of the Operator and the identity of the responsible office of the CAA and the certificate number with its expiration date. It also shows the name of the operator and any other trading name relevant to the particular certificate, with the address of the operator's principal place of business. In addition, the certificate indicates the location in the operator's documentation of the contact details of the operator's operational management. Finally it shows the date of issuance of the certificate and the name and signature of the CAA official responsible for its issuance.

4.2.3 The contact details where operational management can be contacted without undue delay for issues related to flight operations, airworthiness, flight and cabin crew competency, dangerous goods and other matters, as appropriate, are required to be provided on board the aircraft and should include names, telephone and fax numbers, with country codes and e-mail addresses.

4.2.4 The period of validity of an AOC should be at least two years. Not all States apply a period of validity to AOCs, in view of the requirement for safety oversight of the operator to be a continuous process. However, should an expiry date not be applied, this should be appropriately indicated on the certificate (see Part III, 7.3.1).

4.3 OPERATIONS SPECIFICATIONS

4.3.1 The operations specifications associated with an AOC are an integral part of the authorization under which an operator conducts operations.

4.3.2 The specifications identify the CAA office involved, the number of the associated AOC, the name of the operator, the date of issuance and the signature of the CAA official responsible for its issuance and show the make, model and series, or master series, of the aircraft, the type of operation and the geographical areas in which operations are authorized.

4.3.4 The specifications cover all aspects of the operation and include special limitations and authorizations with criteria as appropriate.

4.4 CERTIFIED TRUE COPY OF THE AOC

There are several ways to certify a copy of the AOC. In any case, the certification statement shall attest that the copy is a true copy of the original, and shall be signed and display an official stamp or seal. The certification statement shall be permanently affixed to the copy, either by placing it on the first page of the document itself or on each page of the document, or by attaching it to the entirety of it. A model certification statement is reproduced below.

CERTIFICATION

I hereby certify that the attached is a true copy of the *[title of the AOC]*, issued at *[place]* on *[date]* by *[the issuing authority]*.

Signed at *[place]* on *[date]*.

[signed by the appropriate certifying authority according to the laws of its State]

[official stamp/seal]

Chapter 5

STATE SAFETY OVERSIGHT ORGANIZATION

5.1 THE CAA INSPECTION ORGANIZATION

The CAA inspection organization should be established and operated as an independent entity within the CAA, directly responsible to the DGCA. The size of the operations inspection organization should be a function of the scale of flight operations conducted in the State by both commercial and general aviation. In order to carry out its responsibilities efficiently, the organization will need to be divided into specialized sections. The specialized sections may vary to suit the specific needs of the State, but in most cases it will be desirable to separate at least the flight operations, maintenance, financial and legal functions, and to further subdivide flight operations and maintenance into commercial air transport operations and general aviation. In any event, close coordination will be required by all sections. Although the paragraphs which follow pertain specifically to the section of the inspection organization dealing with commercial air transport operations, hereafter referred to as the CAA inspectorate, they are to some extent applicable to all other sections.

Note.— Guidance on an airworthiness inspection organization is contained in the Airworthiness Manual, Volume I — Organization and Procedures (Doc 9760).

5.2 GENERAL RESPONSIBILITIES

5.2.1 The CAA inspectorate is responsible for conducting the required investigations and assessments preliminary to the issuance of an AOC and its associated operations specifications, and for exercising continuing safety oversight of operations for the purpose of:

- a) making recommendations to the DGCA regarding the issuance or amendment of the AOC and the associated operations specifications, and the operator's competence to continue to exercise the privileges of the certificate;
- b) making recommendations to the DGCA concerning any special conditions that, in light of the investigation, may need to be imposed;
- c) informing the DGCA and the operator of any deficiencies needing rectification; and
- d) making recommendations to the DGCA concerning appropriate enforcement action.

5.2.2 In carrying out its responsibilities, the CAA inspectorate neither shares nor diminishes the direct responsibility of the operator for safety and compliance with State operating regulations and rules. During the process of its investigation, the CAA inspectorate inevitably influences both the formulation of operating standards and the methods employed by the operator to meet these standards. Consequently, the DGCA has a responsibility to ensure that the CAA inspectorate is adequately staffed by competent and suitably qualified personnel and that appropriate guidance defines the type of influence that the CAA inspectorate may exercise.

5.3 STAFFING

5.3.1 The ability of a State to effectively supervise and control commercial air transport operations in the public interest is dependent upon the competence of the CAA inspectorate. To effectively fulfil its responsibilities, the CAA inspectorate needs to be properly organized and staffed with qualified personnel capable of accomplishing the required wide range of technical inspection activities. To adequately perform their duties, it is important that the CAA inspectorate staff have the qualifications, operational or technical work experience, and training compatible with the operations that they are required to certificate or inspect and that their qualifications compare favourably with those of operator personnel they will encounter in their inspections. Furthermore, the CAA inspectorate staff should enjoy conditions of service and remuneration consistent with their education, technical knowledge and experience and comparable to those personnel of the operator whose activities they will inspect and supervise.

5.3.2 It is normal practice for the DGCA to delegate responsibility for some activities to designated personnel of an operator. In the operational field this applies to type ratings, instrument ratings and pilot proficiency checks. Candidates for designated examiner are proposed by the operator. The qualification and approval of these designated personnel, covering examiner activity in both the aircraft and flight simulation training devices, as necessary, need to be conducted by the CAA. These approvals are normally conditional on continuing employment with the same operator. The CAA is responsible for closely supervising the subsequent activities of the designated examiners. There should be requirements for minimum annual numbers of examinations to be conducted by each designated examiner. There should also be requirements, on a periodic basis, for the observation of ratings and proficiency checks conducted by designated examiners so that the CAA can monitor performance and renew the designated examiner's approval when necessary. The CAA may approve flight crew of an operator to function as line check pilots or line check flight engineers. Such personnel are not in the same category as designated examiners; however, their qualifications and checking activities need to be adequately supervised by the CAA.

5.3.3 A State that is unable to provide sufficient staff for its operations inspectorate could arrange for experienced personnel of an operator to be seconded to the CAA to act as CAA inspectors. In this case, a strategy to mitigate potential conflict of interest issues should be established and documented. However, it may be impossible to ensure that an inspector in such a case would not be involved in inspections concerning the operator from which the secondment was effected. It is still incumbent upon the DGCA to ensure that operator personnel, seconded as CAA inspectors, are adequately trained and qualified and subsequently supervised in the carrying out of their duties.

5.3.4 A State unable to provide sufficient staff for its operations inspectorate could also arrange to use the services of experienced inspector personnel from another State authority on a part-time basis. The details of any such arrangement, including procedures for requesting the services of an inspector on a particular occasion or for a specific period of time, should be documented in an agreement between the CAA and that other authority.

5.4 DUTIES AND RESPONSIBILITIES OF A CAA INSPECTOR

5.4.1 The DGCA should assign a CAA inspector to each operator, who would be responsible for managing the CAA oversight of the operator. This assignment should be for a specified time period, e.g. two or three years, after which another inspector would be assigned to the operator, if the size of the CAA inspectorate permits such change. A number of CAA inspectors may assist the inspector assigned to an operator, depending on the size and complexity of the operator's activities and on the specialized inspector qualifications that are required.

5.4.2 The primary function of the inspection staff is to determine the operational level of safety that the operator is capable of achieving and does in fact achieve in actual operations. To do so, the major part of the CAA inspector's work involves inspecting, assessing, reporting and making recommendations. Recommendations, as well as criticism, concerning operations observed are to be based on fact, not opinion, and are to be carefully and fully documented. Any

deficiencies noted by CAA inspectors need to be immediately directed to the attention of the personnel involved. Should necessary corrective action not be accomplished within a reasonable time, as specified by the inspector, the matter should be reported to the DGCA for a decision regarding possible restrictions on operations or enforcement action against the operator.

5.4.3 CAA inspectors should maintain frequent contact with their assigned operators in order to assess the functioning of their organization and the performance of their staff during the conduct of operations, maintenance and training. In the course of these contacts with the operator's management and its operational and technical personnel, the CAA inspector should always promote compliance with the safety regulations and strive to establish and maintain harmonious relationships. The importance of the CAA inspector's good judgement, initiative, behaviour, attitude and sense of fairness, coupled with the necessary firmness in dealing with the operator's representatives, cannot be overstressed.

5.4.4 It is impractical to attempt to detail the guidance necessary to cover every situation and problem that might confront the inspection staff. Moreover, the duties and responsibilities of an individual CAA inspector will vary depending upon the technical speciality and the specific tasks which are assigned. However, CAA inspectors are expected to accomplish some or all of the following tasks as they relate to a particular speciality:

- a) conduct routine inspections such as the inspection of a station facility, apron, en-route operation and base and carry out oversight or checks considered necessary at prescribed intervals;
- b) assess the effectiveness of the operator's SMS and the level of resources allocated to it;
- c) conduct such inspections or oversight in accordance with an established work programme and applicable standard procedures and instructions;
- d) advise the operator, in writing, of any significant deficiency, requesting a proposal for remedial action;
- e) conduct follow-up on inspection reports to ensure that appropriate action has been taken in a timely manner;
- f) submit reports on each inspection or investigation in the manner prescribed, and complete and process the applicable inspection forms;
- g) investigate and report, as required, possible violations of the basic aviation law or related safety operating regulations and rules;
- h) continuously review the operator's pertinent documentation (e.g. operations, training and MCMs), company policies, operating instructions and information to staff and system of amendments to determine whether they are accurate and made available in a timely manner to persons requiring their use;
- i) keep appropriate CAA inspectorate staff informed on all aspects of the current operation and projected developments in the company including changes in executive personnel, in assigned responsibilities and in the operator's organization in general; and
- j) conduct qualification, approval and supervisory activities with respect to personnel proposed as designated examiners by an operator.

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5.4.5 All safety oversight activity of a CAA inspector, with respect to a particular operator, should be carefully planned. While it will not be possible to cover all aspects of an operation during every inspection, as much as possible should be covered over a specific period of time, and appropriate records should be maintained. Inspections should also be planned on the basis of a risk assessment exercise so that aspects of the operation that involve the greatest risk should receive more frequent attention. The planning by the CAA inspector should take into account the results of the hazard identification and risk assessment conducted and maintained by the operator as part of the operator's SMS.

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Chapter 6

QUALIFICATIONS AND TRAINING OF THE INSPECTOR

6.1 COMPETENCIES OF THE INSPECTOR

The CAA should establish and control the competencies of its safety inspectors. For this purpose it should provide training or take other actions to reach the established level of competency, and it should evaluate the effectiveness of these actions. The CAA should ensure that safety inspectors are competent to carry out the tasks assigned to them and that they are aware of the consequence of their actions for aviation safety.

6.2 QUALIFICATIONS OF THE INSPECTOR

6.2.1 Ideally a CAA inspector should be at least as qualified as the personnel to be inspected or supervised. To carry out in-flight inspections, a CAA inspector should be qualified on the type of aircraft concerned or on a type of aircraft with similar operational characteristics, and also possess appropriate route experience. However, it is recognized that although a CAA inspector should be qualified on either the type of aircraft flown or on a similar type of aircraft, it cannot be expected that in all cases the CAA inspector would possess the same level of flying experience on that type as the personnel under inspection or, in the case of operator fleets with multiple types, that the inspector should be qualified on all types. Furthermore, in the case of route inspections, an inspector cannot be expected to possess actual flying experience on all of the routes on which inspections are conducted. The CAA inspector should, however, at least be experienced on comparable routes and be adequately briefed on the particular route under inspection.

6.2.2 CAA inspectors may obtain aircraft type qualifications through courses conducted by aircraft manufacturers, approved flight schools or airline operators' training courses. As a general rule, it is not desirable for the CAA inspector to obtain qualifications from an operator under the CAA inspectional jurisdiction. The maintenance of an inspector's pilot qualifications may, if necessary, be carried out using approved flight simulation training devices when such a procedure is approved by the DGCA.

6.2.3 While not absolute, the qualifications and experience requirements listed below are provided as broad guidelines for initial employment of technical staff of the CAA inspectorate:

- a) a broad air transport background of five years or more;
- b) experience with the problems of operating or maintaining transport aircraft;
- c) meteorological and climatological knowledge and experience;
- d) experience in technical training including visual aids, training devices and aircraft flight simulation training devices;
- e) a reputation for possessing qualities of initiative, tact, tolerance and patience; and
- f) experience in auditing techniques.

Note.— The experience in auditing techniques, while required, can be provided by the CAA, using a suitable training course and subsequent supervised practical auditing experience.

6.2.4 A flight operations inspector, for example, should have extensive operational experience — generally not less than 5 000 hours as a pilot-in-command of civil or military air transport aircraft. A CAA inspector conducting line or flight crew licensing checks should be required to hold a current airline transport pilot licence (ATPL). Persons seeking a position as a flight operations inspector should have held previous appointments either in operational management, as an airline pilot and designated examiner, or training instructor, or as a military pilot where equivalent experience in air transport operations would have been acquired.

6.2.5 Representative qualifications of an airworthiness inspector.

6.2.5.1 An airworthiness inspector should have the relevant knowledge, background and appropriate experience related to aircraft continuing airworthiness management, as per 6.2.5.2, as well as experience in the actual performance of maintenance and repair of airframes, powerplants and aircraft systems or components. The inspector should, where permitted, hold a technical licence with relevant airframe and/or powerplant ratings.

6.2.5.2 The knowledge, background and experience in continuing airworthiness management should include:

- a) aircraft maintenance programme development, approval and control, including applicable reliability programmes;
- b) approval of modifications and repairs;
- c) maintenance release;
- d) applicability of airworthiness directives and operational directives with a continuing airworthiness impact;
- e) correction or deferment of defects;
- f) coordination of scheduled maintenance, the application of airworthiness directives, the replacement of life-limited parts and the inspection of components;
- g) management of continuing airworthiness records;
- h) mass and balance statement management;
- i) airworthiness requirements of relevant parts of operations specifications; and
- j) knowledge of quality systems.

6.2.6 The satisfactory execution of the various functions of the CAA inspectorate depends on the qualifications, experience, competence and dedication of individual inspectors. In addition to the crucial importance of technical competency in performing certification, inspection and surveillance functions, it is likewise critical that inspectors possess a high degree of integrity, are impartial in carrying out their tasks, are tactful, have a good understanding of human nature and are able to get along well with people. Persons subject to oversight by inspectors are often apprehensive and sensitive to perceived intrusions by CAA representatives into what they consider their own domain. Such apprehension or resentment can usually be reduced or overcome when the inspectors responsible for oversight take care to explain that their objective is to assist rather than hinder and that their oversight activities are being carried

out in the interest of enhancing safety. Considering the specialized and sensitive nature of the CAA inspector's mission, it is essential that the qualifications, previous experience and personal characteristics of each person to be employed to perform inspection and oversight duties be verified and carefully evaluated before selections and appointments are made.

6.3 TRAINING OF INSPECTORS AND THE MAINTENANCE OF TECHNICAL QUALIFICATIONS

6.3.1 Initial training

6.3.1.1 The initial training of CAA inspectorate staff should consist of a competency-based instruction with respect to CAA regulations and procedures. Newly engaged inspectors should accompany experienced staff on inspections for a practical introduction to the tasks.

6.3.1.2 The initial training should also cover at least the following:

- a) auditing techniques and CAA auditing procedures;
- b) SMS and quality systems;
- c) Human Factors principles; and
- d) training for the specific role and tasks of the inspector, with emphasis on those areas requiring an approval by the CAA.

6.3.1.3 Specific course material is available for the training of government inspectors in the technicalities of the certification of operators. Examples of such courses are Federal Aviation Administration (FAA) Course 18700, Government Safety Inspector (Operations), Operator Certification, and FAA Course 18701, Government Safety Inspector (Airworthiness), Air Transport Operator and Approved Maintenance Organisation Certification.

6.3.1.4 Course material is also available for the training of inspectors who will be involved in the inspection of foreign operators. An example of this is the European Aviation Safety Agency Guidance Material on the Qualification of SAFA Inspectors. Course material is also available in the ICAO FSIX website at www.icao.int/fsix/FAO_regs.cfm.

6.3.2 Continuation training

6.3.2.1 CAA inspectorate personnel represent the authority and, as such, require the continuous development of their competencies related to their respective responsibilities. This should be accomplished through periodic flight and ground training such as accident investigation courses, technical report writing and supervisory training.

6.3.2.2 To ensure that CAA inspectorate personnel maintain proficiency and keep current on aircraft and equipment, techniques, procedures and new developments in their respective areas of expertise, it is essential that they receive periodic technical training. In some States this training may be available at an aviation training facility operated by the CAA. More often, however, such training will need to be obtained through courses offered by manufacturers, private training facilities, other States or under ICAO auspices. It is emphasized again that in order to maintain good relationships and avoid possible embarrassment or controversy, it is not desirable for CAA inspectorate personnel to acquire this training from an operator or organization under their inspectional jurisdiction.

6.3.2.3 Insofar as possible, the maintenance of licence qualifications and of an acceptable level of proficiency and knowledge of aircraft performance, limitations, equipment, systems, operations, etc., will permit CAA inspectors to better assess the knowledge, techniques and overall competence of the personnel of an operator. For example, flight operations inspectors should receive recurrent flight training on aircraft supplemented periodically by training in a flight simulation training device. However, where circumstances require the CAA inspector to supervise more than one operator, or where an operator uses several different types of aircraft, it becomes extremely difficult and costly for an inspector to maintain pilot proficiency and knowledge of aircraft systems and associated ground services for all types involved. In such cases it may have to be accepted that CAA inspectors are not fully qualified on all aircraft types under their jurisdiction.

6.3.2.4 Only through periodic practical and specialized theoretical training, both technical and supervisory, can the CAA inspectorate manpower be used effectively and CAA personnel maintain a high level of expertise. The net result of such training is better job performance and greater respect from the operator.



Part II

THE COMMERCIAL AIR TRANSPORT OPERATOR





Chapter 1

RESPONSIBILITIES OF THE OPERATOR

1.1 The operator has a responsibility for the safe conduct of operations and for compliance with any laws or regulations which the State of the Operator may promulgate. These laws and regulations, which are the means by which the State implements the provisions of the Annexes, are not in themselves sufficient to provide the operator with comprehensive and detailed instructions on which to base an operation. The responsibility for the development of operating instructions necessary for the safety, regularity and efficiency of an operation therefore rests upon the operator. These operating instructions must not conflict with the laws and regulations of the State of the Operator or those of other States into or over which operations are conducted. The primary means used by an operator to promulgate these operating instructions is the operations manual and the MCM which are discussed in Chapter 2 of this Part and in Part III.

1.2 The State of the Operator requires an operator to implement an SMS in accordance with Annex 6 — *Operation of Aircraft*, Part I — *International Commercial Air Transport — Aeroplanes*; and Part III — *International Operations — Helicopters*, Section II, International Commercial Air Transport. This SMS, which needs to be acceptable to the State, is required to cover, as a minimum:

- a) the identification of safety hazards;
- b) the necessary remedial action to maintain an acceptable level of safety;
- c) continuous monitoring and regular assessment of the safety level achieved; and
- d) continuous improvement to the overall level of safety.

1.3 The SMS is also required to clearly define the lines of safety accountability throughout the organization and the direct accountability for safety of the senior management.

Note.— Guidance on SMS is provided in the Safety Management Manual (SMM) (Doc 9859).

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Chapter 2

THE OPERATOR — ORGANIZATION

2.1 GENERAL

2.1.1 Annex 6, Part I, and Part III, Section II, states that an operator shall establish and maintain a method of control and supervision of flight operations as one of the prerequisites for the issuance and continued validity of an AOC. The operator therefore needs to have the capability of organizing, conducting and supervising the intended or existing commercial aviation operation.

2.1.2 The number of management and supervisory personnel required depends upon the size and complexity of the operation. It is necessary for the operator to establish the responsibilities and functions of the different officers involved, their relationship with the other officers and their relationship within the flight operations area and the organization as a whole. The authority, tasks, responsibilities and relationships of each key position are to be clearly understood and followed by the individuals occupying these positions.

2.2 ORGANIZATION AND ADMINISTRATION

2.2.1 A sound and effective management structure is essential. It is particularly important that the operational management should have proper status in the organization and be in suitably experienced and competent hands. Clear lines of authority and specific duties and responsibilities of subordinate elements and positions need to be established.

2.2.2 Acceptable procedures are to be established and followed for conveying company decisions, procedures and operating instructions to affected personnel to keep them informed at all times of items relevant to their activities.

2.2.3 The operator needs to develop a complete description of the qualifications required for and the duties and responsibilities of the key management positions, these include:

- operations manager
- chief pilot
- fleet manager(s)
- cabin crew manager
- safety manager
- training manager
- maintenance manager
- ground services manager
- quality manager
- security manager

2.2.4 Some of the above positions may be combined, depending on the size and complexity of the operation, if the management structure is acceptable to the CAA.

2.3 OPERATIONS MANUAL

2.3.1 The operations manual is the means used to define the company structure and individual duties and responsibilities.

2.3.2 With respect to the company's organizational structure the operations manual will contain:

- a) a description of the organizational structure including the general organization of the company and of the operations department. The relationship between the operations department and the other departments of the company and the subordination and reporting lines of all divisions, departments, etc., which pertain to the safety of flight operations, should be defined;
- b) the name of each manager responsible for flight operations, airworthiness and maintenance, crew training and ground operations, with a description of their function and responsibilities and their contact details;
- c) a description of the duties, responsibilities and authority of operations management personnel pertaining to the safety of flight operations and in compliance with applicable regulations;
- d) a description of the system for supervision of the operation by the operator including how the safety of flight operations and the qualifications of personnel involved in all such operations are supervised and monitored. In particular, it contains the procedures related to the competence of operations personnel and the control, analysis and storage of records, flight documents and safety-related data; and
- e) a system for the promulgation of additional operational instructions and information, supplementary to that in the operations manual, including the applicability of this information and the responsibilities for its promulgation.

2.4 MCM

2.4.1 The MCM should describe the operator's procedures necessary to ensure the continuing airworthiness of the operator's aircraft.

2.4.2 The MCM will contain information about:

- a) procedures to ensure that the maintenance organization's scope of work includes the work required on the operator's aircraft;
- b) the title(s) and name(s) of the persons who ensure that all maintenance is carried out in accordance with the MCM, and an organizational chart showing the associated chains of responsibilities;
- c) a general description and location of the facilities;
- d) the operator's maintenance programme;
- e) the procedures specifying how the management organization ensures that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner;
- f) the methods used for the completion and retention of maintenance records;

- g) the management of the approval of modifications and repairs;
 - h) the coordination of scheduled maintenance, the application of mandatory continuing airworthiness information and the assessment of other continuing airworthiness information, to ensure the work is carried out properly;
 - i) the procedures to ensure that unserviceabilities affecting airworthiness are recorded and rectified;
 - j) the procedures for advising the State of Registry of significant in-service occurrences and for complying with the service information reporting requirements of Annex 8;
 - k) the procedures to ensure that the mass and balance statement reflects the current status of the aircraft; and
 - l) the system of analysis and continued monitoring of the performance and efficiency of the maintenance programme.
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