

ANNEX III

ORGANISATION REQUIREMENTS FOR AIR OPERATIONS

[PART-ORO]

ORO.GEN.005 Scope

This Annex establishes requirements to be followed by an air operator conducting commercial air transport operations.

SUBPART GEN

GENERAL REQUIREMENTS

SECTION I

*General***ORO.GEN.105 Competent authority**

For the purpose of this Annex, the competent authority exercising oversight over operators subject to a certification obligation shall be for operators having their principal place of business in a Member State, the authority designated by that Member State.

ORO.GEN.110 Operator responsibilities

- (a) The operator is responsible for the operation of the aircraft in accordance with Annex IV to Regulation (EC) No 216/2008, the relevant requirements of this Annex and its certificate.
- (b) Every flight shall be conducted in accordance with the provisions of the operations manual.
- (c) The operator shall establish and maintain a system for exercising operational control over any flight operated under the terms of its certificate.
- (d) The operator shall ensure that its aircraft are equipped and its crews are qualified as required for the area and type of operation.
- (e) The operator shall ensure that all personnel assigned to, or directly involved in, ground and flight operations are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.
- (f) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties and responsibilities for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft.
- (g) The operator shall ensure that all personnel are made aware that they shall comply with the laws, regulations and procedures of those States in which operations are conducted and that are pertinent to the performance of their duties.
- (h) The operator shall establish a checklist system for each aircraft type to be used by crew members in all phases of flight under normal, abnormal and emergency conditions to ensure that the operating procedures in the operations manual are followed. The design and utilisation of checklists shall observe human factors principles and take into account the latest relevant documentation from the aircraft manufacturer.
- (i) The operator shall specify flight planning procedures to provide for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes or operating sites concerned. These procedures shall be included in the operations manual.
- (j) The operator shall establish and maintain dangerous goods training programmes for personnel as required by the technical instructions which shall be subject to review and approval by the competent authority. Training programmes shall be commensurate with the responsibilities of personnel.

ORO.GEN.115 Application for an operator certificate

- (a) The application for an operator certificate or an amendment to an existing certificate shall be made in a form and manner established by the competent authority, taking into account the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules.

(b) Applicants for an initial certificate shall provide the competent authority with documentation demonstrating how they will comply with the requirements established in Regulation (EC) No 216/2008 and its Implementing Rules. Such documentation shall include a procedure describing how changes not requiring prior approval will be managed and notified to the competent authority.

ORO.GEN.120 Means of compliance

(a) Alternative means of compliance to those adopted by the Agency may be used by an operator to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules.

(b) When an operator subject to certification wishes to use an alternative means of compliance to the acceptable means of compliance (AMC) adopted by the Agency to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules, it shall, prior to implementing it, provide the competent authority with a full description of the alternative means of compliance. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met.

The operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification as prescribed in ARO.GEN.120(d).

ORO.GEN.125 Terms of approval and privileges of an operator

A certified operator shall comply with the scope and privileges defined in the operations specifications attached to the operator's certificate.

ORO.GEN.130 Changes

(a) Any change affecting:

(1) the scope of the certificate or the operations specifications of an operator; or

(2) any of the elements of the operator's management system as required in ORO.GEN.200(a)(1) and (a)(2),

shall require prior approval by the competent authority.

(b) For any changes requiring prior approval in accordance with Regulation (EC) No 216/2008 and its Implementing Rules, the operator shall apply for and obtain an approval issued by the competent authority. The application shall be submitted before any such change takes place, in order to enable the competent authority to determine continued compliance with Regulation (EC) No 216/2008 and its Implementing Rules and to amend, if necessary, the operator certificate and related terms of approval attached to it.

The operator shall provide the competent authority with any relevant documentation.

The change shall only be implemented upon receipt of formal approval by the competent authority in accordance with ARO.GEN.330.

The operator shall operate under the conditions prescribed by the competent authority during such changes, as applicable.

(c) All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ARO.GEN.310(c).

ORO.GEN.135 Continued validity

(a) The operator's certificate shall remain valid subject to:

(1) the operator remaining in compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, taking into account the provisions related to the handling of findings as specified under ORO.GEN.150;

(2) the competent authority being granted access to the operator as defined in ORO.GEN.140 to determine continued compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules; and

(3) the certificate not being surrendered or revoked.

(b) Upon revocation or surrender the certificate shall be returned to the competent authority without delay.

ORO.GEN.140 Access

(a) For the purpose of determining compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, the operator shall grant access at any time to any facility, aircraft, document, records, data, procedures or any other material relevant to its activity subject to certification, whether it is contracted or not, to any person authorised by one of the following authorities:

(1) the competent authority defined in ORO.GEN.105;

(2) the authority acting under the provisions of ARO.GEN.300(d), ARO.GEN.300(e) or ARO.RAMP.

(b) Access to the aircraft mentioned under (a) shall include the possibility to enter and remain in the aircraft during flight operations unless otherwise decided by the commander for the flight crew compartment in accordance with CAT.GEN.MPA.135 in the interest of safety.

ORO.GEN.150 Findings

After receipt of notification of findings, the operator shall:

(a) identify the root cause of the non-compliance;

(b) define a corrective action plan; and

(c) demonstrate corrective action implementation to the satisfaction of the competent authority within a period agreed with that authority as defined in ARO.GEN.350(d).

ORO.GEN.155 Immediate reaction to a safety problem

The operator shall implement:

(a) any safety measures mandated by the competent authority in accordance with ARO.GEN.135(c); and

(b) any relevant mandatory safety information issued by the Agency, including airworthiness directives.

ORO.GEN.160 Occurrence reporting

(a) The operator shall report to the competent authority, and to any other organisation required by the State of the operator to be informed, any accident, serious incident and occurrence as defined in Regulation (EU) No 996/2010 of the European Parliament and of the Council ⁽¹⁾ and Directive 2003/42/EC.

(b) Without prejudice to point (a) the operator shall report to the competent authority and to the organisation responsible for the design of the aircraft any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information contained in data established in accordance with Commission Regulation (EC) No 1702/2003 ⁽²⁾ or other irregular circumstance that has or may have endangered the safe operation of the aircraft and that has not resulted in an accident or serious incident.

(c) Without prejudice to Regulation (EU) No 996/2010, Directive 2003/42/EC, Commission Regulation (EC) No 1321/2007 ⁽³⁾ and Commission Regulation (EC) No 1330/2007 ⁽⁴⁾, the reports referred in paragraphs (a) and (b) shall be made in a form and manner established by the competent authority and contain all pertinent information about the condition known to the operator.

(d) Reports shall be made as soon as practicable, but in any case within 72 hours of the operator identifying the condition to which the report relates, unless exceptional circumstances prevent this.

⁽¹⁾ OJ L 295, 12.11.2010, p. 35.

⁽²⁾ OJ L 243, 27.9.2003, p. 6.

⁽³⁾ OJ L 294, 13.11.2007, p. 3.

⁽⁴⁾ OJ L 295, 14.11.2007, p. 7.

(e) Where relevant, the operator shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority.

SECTION 2

Management

ORO.GEN.200 Management system

(a) The operator shall establish, implement and maintain a management system that includes:

- (1) clearly defined lines of responsibility and accountability throughout the operator, including a direct safety accountability of the accountable manager;
- (2) a description of the overall philosophies and principles of the operator with regard to safety, referred to as the safety policy;
- (3) the identification of aviation safety hazards entailed by the activities of the operator, their evaluation and the management of associated risks, including taking actions to mitigate the risk and verify their effectiveness;
- (4) maintaining personnel trained and competent to perform their tasks;
- (5) documentation of all management system key processes, including a process for making personnel aware of their responsibilities and the procedure for amending this documentation;
- (6) a function to monitor compliance of the operator with the relevant requirements. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary; and
- (7) any additional requirements that are prescribed in the relevant Subparts of this Annex or other applicable Annexes.

(b) The management system shall correspond to the size of the operator and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities.

ORO.GEN.205 Contracted activities

(a) Contracted activities include all activities within the operator's scope of approval that are performed by another organisation either itself certified to carry out such activity or if not certified, working under the operator's approval. The operator shall ensure that when contracting or purchasing any part of its activity, the contracted or purchased service or product conforms to the applicable requirements.

(b) When the certified operator contracts any part of its activity to an organisation that is not itself certified in accordance with this Part to carry out such activity, the contracted organisation shall work under the approval of the operator. The contracting organisation shall ensure that the competent authority is given access to the contracted organisation, to determine continued compliance with the applicable requirements.

ORO.GEN.210 Personnel requirements

(a) The operator shall appoint an accountable manager, who has the authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements. The accountable manager shall be responsible for establishing and maintaining an effective management system.

(b) A person or group of persons shall be nominated by the operator, with the responsibility of ensuring that the operator remains in compliance with the applicable requirements. Such person(s) shall be ultimately responsible to the accountable manager.

(c) The operator shall have sufficient qualified personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(d) The operator shall maintain appropriate experience, qualification and training records to show compliance with point (c).

(e) The operator shall ensure that all personnel are aware of the rules and procedures relevant to the exercise of their duties.

ORO.GEN.215 Facility requirements

The operator shall have facilities allowing the performance and management of all planned tasks and activities in accordance with the applicable requirements.

ORO.GEN.220 Record-keeping

- (a) The operator shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in ORO.GEN.200.
- (b) The format of the records shall be specified in the operator's procedures.
- (c) Records shall be stored in a manner that ensures protection from damage, alteration and theft.

SUBPART AOC

AIR OPERATOR CERTIFICATION**ORO.AOC.100 Application for an air operator certificate**

- (a) Without prejudice to Regulation (EC) No 1008/2008 of the European Parliament and the Council (¹), prior to commencing commercial air operations, the operator shall apply for and obtain an air operator certificate (AOC) issued by the competent authority.
- (b) The operator shall provide the following information to the competent authority:
 - (1) the official name and business name, address, and mailing address of the applicant;
 - (2) a description of the proposed operation, including the type(s), and number of aircraft to be operated;
 - (3) a description of the management system, including organisational structure;
 - (4) the name of the accountable manager;
 - (5) the names of the nominated persons required by ORO.AOC.135(a) together with their qualifications and experience; and
 - (6) a copy of the operations manual required by ORO.MLR.100.
 - (7) a statement that all the documentation sent to the competent authority have been verified by the applicant and found in compliance with the applicable requirements.
- (c) Applicants shall demonstrate to the competent authority that:
 - (1) they comply with all the applicable requirements of Annex IV to Regulation (EC) No 216/2008, this Annex and Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation, as applicable;
 - (2) all aircraft operated have a certificate of airworthiness (CofA) in accordance with Regulation (EC) No 1702/2003; and
 - (3) its organisation and management are suitable and properly matched to the scale and scope of the operation.

ORO.AOC.105 Operations specifications and privileges of an AOC holder

The privileges of the operator, including those granted in accordance with Annex V (Part-SPA), shall be specified in the operations specifications of the certificate.

ORO.AOC.110 Leasing agreement*Any lease-in*

- (a) Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority.

(¹) OJ L 293, 31.10.2008, p. 3.