

GM1 ARO.GEN.355(b) Findings and enforcement measures – persons

GENERAL

This provision is necessary to ensure that enforcement measures will be taken also in cases where the competent authority may not act on the licence, certificate or attestation. The type of enforcement measure will depend on the applicable national law and may include for example the payment of a fine or the prohibition from exercising.

It covers two cases:

- (a) persons subject to the requirements laid down in Regulation (EC) No 216/2008 and its Implementing Rules who are not required to hold a licence, certificate or attestation; and
- (b) persons who are required to hold a licence, rating, certificate or attestation, but who do not hold the appropriate licence, rating, certificate or attestation as required for the activity they perform.

SUBPART OPS - AIR OPERATIONS

SECTION I - CERTIFICATION OF COMMERCIAL AIR TRANSPORT OPERATORS

AMC1 ARO.OPS.105 Code-share arrangements

SAFETY OF A CODE-SHARE AGREEMENT

- (a) When evaluating the safety of a code-share agreement, the competent authority should check that the:
 - (1) documented information provided by the applicant in accordance with ORO.AOC.115 is complete and shows compliance with the applicable ICAO standards; and
 - (2) operator has established a code-share audit programme for monitoring continuous compliance of the third country operator with the applicable ICAO standards.
- (b) The competent authority should request the applicant to make a declaration covering the above items.
- (c) In case of non-compliance the applicant should be informed in writing of the corrections which are required.

AMC2 ARO.OPS.105 Code-share arrangements

AUDITS PERFORMED BY A THIRD PARTY PROVIDER

When audits are performed by a third party provider, the competent authority should verify if the third party provider meets the criteria established in AMC2 ORO.AOC.115(b).

AMC1 ARO.OPS.110 Lease agreements

WET LEASE-IN

- (a) Before approving a wet lease-in agreement the competent authority of the lessee should assess available reports on ramp inspections performed on aircraft of the lessor.
- (b) The competent authority should only approve a wet lease-in agreement if the routes intended to be flown are contained within the authorised areas of operations specified in the AOC of the lessor.

AMC2 ARO.OPS.110 Lease agreements

SHORT TERM WET LEASE-IN

The competent authority of the lessee may approve third country operators individually or a framework contract with more than one third country operator in anticipation of operational needs or to overcome operational difficulties taking into account the conditions defined in Article 13(3) of Regulation (EC) No 1008/2008.

GM1 ARO.OPS.110 Lease agreements

APPROVAL

- (a) Except for wet lease-out, approval for an EU operator to lease an aircraft of another operator should be issued by the competent authority of the lessee and the competent authority of the lessor.
- (b) When an EU operator leases an aircraft of an undertaking or person other than an operator the competent authority of the lessee should issue the approval.

GM2 ARO.OPS.110 Lease agreements

DRY LEASE-OUT

The purpose of the requirement for the competent authority to ensure proper coordination with the authority that is responsible for the oversight of the continuing airworthiness of the aircraft in accordance with Commission Regulation (EC) No 2042/2003² is to ensure that appropriate arrangements are in place to allow:

- (a) the transfer of regulatory oversight over the aircraft, if relevant; or
- (b) continued compliance of the aircraft with the requirements of Commission Regulation (EC) No 2042/2003.

SECTION II – APPROVALS

AMC1 ARO.OPS.200 Specific approval procedure

PROCEDURES FOR THE APPROVAL OF CARRIAGE OF DANGEROUS GOODS

When verifying compliance with the applicable requirements of SPA.DG.100, the competent authority should check that:

- (a) the procedures specified in the operations manual are sufficient for the safe transport of dangerous goods;
- (b) operations personnel are properly trained in accordance with the ICAO *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (ICAO Doc 9284-AN/905); and

² OJ L 315, 28.11.2003, p. 1.

- (c) a reporting scheme is in place.

AMC2 ARO.OPS.200 Specific approval procedure

PROCEDURES FOR THE APPROVAL FOR REDUCED VERTICAL SEPARATION MINIMA (RVSM) OPERATIONS

- (a) When verifying compliance with the applicable requirements of Subpart D of Annex V (SPA.RVSM), the competent authority should verify that:
 - (1) each aircraft holds an adequate RVSM airworthiness approval;
 - (2) procedures for monitoring and reporting height keeping errors have been established;
 - (3) a training programme for the flight crew involved in these operations has been established; and
 - (4) operating procedures have been established.

- (b) Demonstration flight(s)

The content of the RVSM application may be sufficient to verify the aircraft performance and procedures. However, the final step of the approval process may require a demonstration flight. The competent authority may appoint an inspector for a flight in RVSM airspace to verify that all relevant procedures are applied effectively. If the performance is satisfactory, operation in RVSM airspace may be permitted.

- (c) Form of approval documents

Each aircraft group for which the operator is granted approval should be listed in the approval.

- (d) Airspace monitoring

For airspace, where a numerical target level of safety is prescribed, monitoring of aircraft height keeping performance in the airspace by an independent height monitoring system is necessary to verify that the prescribed level of safety is being achieved. However, an independent monitoring check of an aircraft is not a prerequisite for the grant of an RVSM approval.

- (1) Suspension, revocation and reinstatement of RVSM approval

The incidence of height keeping errors that can be tolerated in an RVSM environment is small. It is expected of each operator to take immediate action to rectify the conditions that cause an error. The operator should report an occurrence involving poor height keeping to the competent authority within 72 hours. The report should include an initial analysis of causal factors and measures taken to prevent repeat occurrences. The need for follow-up reports should be determined by the competent authority. Occurrences that should be reported and investigated are errors of:

- (i) total vertical error (TVE) equal to or greater than ± 90 m (± 300 ft);
- (ii) altimeter system error (ASE) equal to or greater than ± 75 m (± 245 ft); and
- (iii) assigned altitude deviation equal to or greater than ± 90 m (± 300 ft).

Height keeping errors fall into two broad categories:

- errors caused by malfunction of aircraft equipment; and
- operational errors.

- (2) An operator that consistently experiences errors in either category should have approval for RVSM operations suspended or revoked. If a problem is identified that is related to one specific aircraft type, then RVSM approval may be suspended or revoked for that specific type within that operator's fleet.

(3) Operators' actions:

The operator should make an effective, timely response to each height keeping error. The competent authority may consider suspending or revoking RVSM approval if the operator's responses to height keeping errors are not effective or timely. The competent authority should consider the operator's past performance record in determining the action to be taken.

(4) Reinstatement of approval:

The operator should satisfy the competent authority that the causes of height keeping errors are understood and have been eliminated and that the operator's RVSM programmes and procedures are effective. At its discretion and to restore confidence, the competent authority may require an independent height monitoring check of affected aircraft to be performed.

GM1 ARO.OPS.205 Minimum equipment list approval**EXTENSION OF RECTIFICATION INTERVALS**

The competent authority should verify that the operator does not use the extension of rectification intervals as a means to reduce or eliminate the need to rectify MEL defects in accordance with the established category limit. The extension of rectification intervals should only be considered valid and justifiable when events beyond the operator's control have precluded rectification.

GM1 ARO.OPS.210 Determination of local area**GENERAL**

The local area should reflect the local environment and operating conditions.

AMC1 ARO.OPS.215 Approval of helicopter operations over a hostile environment located outside a congested area**APPROVALS THAT REQUIRE ENDORSEMENT**

- (a) Whenever the operator applies for an approval in accordance with CAT.POL.H.420 for which an endorsement from another State is required, the competent authority should only grant the approval once endorsement of that other State has been received.
- (b) The Operations Specification should be amended to include those areas for which endorsement was received.

AMC2 ARO.OPS.215 Approval of helicopter operations over a hostile environment located outside a congested area**ENDORSEMENT BY ANOTHER STATE**

- (a) Whenever the operator applies for an endorsement to operate over hostile environment located outside a congested area in another State in accordance with CAT.POL.H.420, the competent authority of that other State should only grant the endorsement once it is satisfied that:
 - (1) the safety risk assessment is appropriate to the area overflow; and
 - (2) the operator's substantiation that preclude the use of the appropriate performance criteria are appropriate for the area overflow.
- (b) The competent authority of that other State should inform the competent authority of the Member State responsible for issuing the approval.

AMC1 ARO.OPS.220 Approval of helicopter operations to or from a public interest site

APPROVALS THAT REQUIRE ENDORSEMENT

Whenever the operator applies for an approval in accordance with CAT.POL.H.225 to conduct operations to or from a public interest site (PIS) for which an endorsement from another State is required, the competent authority should only grant such approval once endorsement of that other State has been received.

AMC2 ARO.OPS.220 Approval of helicopter operations to or from a public interest site

ENDORSEMENT BY ANOTHER STATE

- (a) Whenever the operator applies for an endorsement to operate to/from a public interest site in another State in accordance with CAT.POL.H.225, the competent authority of that other State should only grant the endorsement once it is satisfied that:
 - (1) the conditions of CAT.POL.H.225 (a)(1) through (5) can be met by the operator at those sites for which endorsement is requested; and
 - (2) the operations manual includes the procedures to comply with CAT.POL.H.225 (b) for these sites for which endorsement is requested.
- (b) The competent authority of that other State should inform the competent authority of the Member State responsible for issuing the approval.

GM1 ARO.OPS.225 Approval of operations to an isolated aerodrome

GENERAL

The use of an isolated aerodrome exposes the aircraft and passengers to a greater risk than to operations where a destination alternate aerodrome is available. Whether an aerodrome is classified as an isolated aerodrome or not often depends on which aircraft are used for operating the aerodrome. The competent authority should therefore assess whether all possible means are applied to mitigate the greater risk.