United Kingdom Overseas Territories Aviation Circular

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Air Operator Certificate – Initial Certification and Renewal Process

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GENERAL

Overseas Territories Aviation Circulars are issued to provide advice, guidance and information on standards, practices and procedures necessary to support Overseas Territory Aviation Requirements. They are not in themselves law but may amplify a provision of the Air Navigation (Overseas Territories) Order or provide practical guidance on meeting a requirement contained in the Overseas Territories Aviation Requirements.

PURPOSE

This Circular gives guidance on the ICAO 5 Stage process for the application and renewal of an Air Operator Certificate (AOC). It can be used as guidance for other processes used by OTAAs for the issue/renewal of Air Operator Certificates. An AOC is required by OTAR 119 for commercial air transport operations under OTAR Parts 121 or 135.

RELATED REQUIREMENTS

This Circular relates to OTAR Parts 119, 121, 135, 178 and 179.

CHANGE INFORMATION

First Issue.

ENQUIRIES

Enquiries regarding the content of this Circular should be addressed to Air Safety Support International at the address on the ASSI website www.airsafety.aero or to the appropriate Overseas Territory Aviation Authority.

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1   Introduction

1.1   An Air Operator Certificate (AOC) is granted to an applicant who has satisfied the Governor that they are competent to secure the safe operation of aircraft types specified in the certificate, on flights of the description and purposes specified, for the purpose of commercial air transport. The requirements regarding Air Operator Certificates are contained in OTAR Part 119 'Air Operator Certification'.

1.2   The operator has responsibility for the safe conduct of operations and for compliance with applicable requirements and the terms of the AOC.

1.3   During the certification process, the OTAA is to be satisfied, not only, that the applicant, who will have the ultimate responsibility for the safety of the operation, is eligible for the issuance of an AOC, but also has the ability and competence both to conduct safe and efficient operations and to comply with applicable requirements.

1.4   Each applicant for the grant of or holder of an air operator's certificate intending to conduct air transport operations is also required to establish and maintain an air operator security programme, under OTAR Part 119.79.

1.5   Each applicant for the grant of or holder of an air operator's certificate intending to conduct air transport operations is required to comply with OTAR Parts 178 and 179 as applicable.

1.6   The operations specifications associated with an AOC are an integral part of the certificate and identify the OTAA involved, the number of the associated AOC, the name of the operator, the date of issuance, the expiry date, if one is stated, and show the make, model and series of the aircraft, type of operation and the geographical areas in which operations are authorised.

2   Certification Process

2.1   The process for the application and granting of an AOC by the Governor may be organised in line with ICAO's 5 phase approach, as outlined within this OTAC, in which case it will take the following sequence:

    a)   Pre-Application Phase;

    b)   Formal Application Phase;

    c)   Document Evaluation Phase;

    d)   Demonstration and Inspection Phase;

    e)   Certification Phase.

3   Pre-Application Phase

3.1   Pre-Application Meeting

    3.1.1   An individual/company who wish to be considered as a prospective applicant for an AOC shall make contact with the OTAA. The prospective operator shall be sent a copy of the 'Prospective Operator's Pre-Assessment Statement and Intended Operations Specification', to complete. Subsequent to the receipt by the OTAA of the completed Statement, the OTAA will appoint a Project

Manager (PM) and establish a certification team consisting of qualified and experienced inspectors of the necessary specialisations, such as flight operations, airworthiness and dangerous goods. The applicant will be informed that the PM will be responsible for coordinating all aspects of the process and will be the focal point for dealing with all matters between the applicant and OTAA.

3.1.2   A meeting with the prospective operator will be arranged, with the aim of clarifying the scope and scale of the intended operation. The meeting shall also determine whether the organisation has sufficient understanding of the appropriate regulations and requirements and to clarify the expectations of the OTAA.

3.1.3   Among the issues for discussion, shall be:

- The organisation of the company
- Principal place of business
- Management structure
- Competence of staff
- How the AOC is to be financed
- Type of operation intended
- Aircraft intended to be operated
- Area of operation intended
- Understanding of regulations and requirements
- Schedule of events, in GANTT chart format, for the certification process

3.1.4   Subsequent to the pre-application meeting, the certification team will evaluate the results of the meeting. Should the certification team consider that the applicant is not ready to make a formal application, advice shall be given on further preparation and another pre-application meeting shall be scheduled or, alternatively, the applicant may be advised to withdraw the intent to apply for certification.

3.1.5   Should the certification team establish that the information provided in the pre-application statement is satisfactory and that the applicant has a clear understanding of the certification process, the applicant shall then be invited to prepare for submission of a formal application. During the process, there would normally be interviews of the proposed nominated postholders, as mentioned in OTAR 119.55(a).

4   Formal Application Phase

4.1   The formal application package for certification consists of an application letter, together with an AOC Application and attachments containing the information detailed in 4.2.

4.2   Attachments that need to accompany the formal application letter and application form are:

a)   **Identification of desired operations specifications**, together with information on how the associated conditions will be met.

b)   **Schedule of events**, in GANTT chart format, for the certification process, with appropriate events addressed and target dates set down;

c)   **Initial statement of compliance** or detailed description of how the applicant intends to show compliance with each provision of the AN(OT)O and relevant OTARs.

d) **Management structure and key staff members,** including titles, names, backgrounds, qualifications and experience;
e) **Safety Management Systems (SMS)**, including details of the systems in place;
f) **Aerodromes and areas** of operations, including a list of designated destination and alternate aerodromes for scheduled services, areas of operation for non-scheduled services and bases for operations, as appropriate to the intended operations;
g) **Aircraft to be operated**;
h) **Documents of purchase, leases, contracts or letters of intent**;
i) **Crew and ground personnel training and required facilities,** including equipment required and available;
j) **The Operations Manual**;
k) **All relevant Maintenance/Continued Airworthiness documentation**;
l) **All relevant security documentation, as applicable**;
m) **Method of control and supervision of operations** to be used;
n) **Assessment of financial, economic and legal matters**.
o) **Compliance checklists as applicable**

4.3 Acceptability of the Formal Application

4.3.1 If the formal application package is incomplete or otherwise unacceptable, the OTAA shall inform the applicant, providing details of the deficiencies and advice on the resubmission of the formal application.

4.3.2 If the information in the formal application package is considered acceptable by the certification team, the PM will schedule a formal application meeting with the applicant.

4.4 Formal Application Meeting

4.4.1 A formal application meeting shall be conducted between the OTAA PM, the certification team and all the key management personnel of the applicant, with the objective of resolving any questions on the part of either the OTAA or the applicant, to establish a common understanding on the future procedure for the application process.

4.4.2 Subsequent to the formal application meeting and subject to successful acceptance of the application package, the OTAA PM shall provide the applicant with a letter acknowledging receipt and acceptance of the formal application. This does not constitute acceptance of the content of the attachments to the application letter, which will be the subject of the Document Evaluation Phase, it simply indicates that all the required attachments have been received.

5 Document Evaluation Phase

5.1 After the formal application has been accepted, the OTAA certification team will commence a thorough evaluation of all the documents and manuals that are required by the regulations to be submitted to them. Should a document or manual be incomplete or deficient, or if non-compliance with regulations or safe operating practices is detected, the document or manual shall be returned to the applicant for corrective action.

5.2 Documents or manuals that are satisfactory will be approved or accepted, as required by the regulations/requirements.

5.3   All manuals are to be provided with procedures for the development, control and distribution of each manual, the means to keep the manual up-to-date and the means for the publication and distribution of amendments.

5.4   Manuals will require revision, amendment and authorisation (including approval by the OTAA when required) by appropriate personnel, when new requirements, operations or equipment etc. are introduced.

6   Demonstration and Inspection Phase

6.1   The AN(OT)O requires an AOC applicant to satisfy the OTAA that they are competent and adequately resourced to operate safely in accordance with the terms of the proposed AOC prior to beginning commercial air transport operations.

6.2   This phase is intended to investigate the operating ability of the applicant, demonstrating day to day administrative and operating capabilities. Precise details of inspections will be determined by many factors, such as the nature, scope and geographical areas of operations, the type of airborne and ground equipment to be used and the method of operational control and supervision, but is likely to include the following areas:

- Demonstration flights - to include aspects of the proposed 'operations specification' to be associated with the AOC.
- Maintenance – See OTAR Parts 39 and 145 for requirements.
- Security – See OTAR Parts 178 and 179, as applicable.
- Ground operations (non-maintenance) – control, facilities and procedures
- Flight crew licensing and training
- Cabin crew competency and training
- Training programmes
- Record keeping
- SMS

6.3   During the operational demonstration and inspection phase, the applicant's organisational structure, managerial style, direction and philosophy will also be evaluated to ensure that the necessary and proper control can be exercised over the proposed operation.

6.4   The applicant's staffing level will be evaluated to determine whether an adequate number of qualified, experienced and competent personnel are employed at management and other levels to perform the necessary functions.

6.5   Following successful completion of this phase, the applicant will move to the Certification Phase.

7   Certification Phase

7.1   The OTAA shall ensure that all the requirements for certification have been met and also have determined that the applicant is fully capable of fulfilling all the responsibilities incumbent in the conduct of the proposed operations and of complying with the applicable regulations/requirements, and the provisions of the certificate and operations specifications.

7.2   An AOC will not be issued until a favourable financial report on the applicant has been received and the OTAA is satisfied that the applicant has the financial resources to conduct its planned operations, including resources for the disruptions that can be reasonably expected in daily operations.

7.3   The PM will provide a report with appropriate recommendations on the issuance or denial of an AOC to the OTAA official responsible for the issuance of the AOC.

7.4   After the issuance of the AOC it is the operator's legal responsibility for ensuring that commercial air transport operations are conducted in accordance with the terms of that AOC and its associated operations specification.

8   Renewal of an Existing AOC

8.1   If the AOC has an expiry date, it is the operator's responsibility to apply for renewal of the AOC prior to the expiration date. The request for renewal should be made on the OTAA's AOC renewal application form. It should be received by the OTAA at least 90 days prior to the expiration date of the AOC.

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