

Annex III to ED Decision 2018/009/R
'AMC/GM to Part-ARA — Amendment 5'

The Annex to ED Decision 2012/006/R is amended as follows:

The text of the amendment is arranged to show deleted text, new or amended text as shown below:

- (a) deleted text is ~~struck through~~;
- (b) new or amended text is highlighted in grey;
- (c) an ellipsis '[...]' indicates that the remaining text is unchanged.

1. GM1 ARA.GEN.105 'Definitions' is renamed into 'List of acronyms used throughout this Annex' and is moved before the title 'SUBPART GEN — GENERAL REQUIREMENTS'.
2. In AMC1 ARA.GEN.200(a), paragraph (a) is amended as follows:
 - '(a) All of the following should be considered when deciding upon the required organisational structure:
 - (1) the number of certificates, attestations, authorisations and approvals to be issued;
 - (2) the number of declared training organisations;
 - ~~(2)~~(3) the number of certified persons and organisations exercising an activity within that Member State, including persons or organisations certified by, or having made a declaration to, other competent authorities;
 - ~~(3)~~(4) the possible use of qualified entities and of resources of other competent authorities to fulfil the continuing oversight obligations;
 - ~~(4)~~(5) the level of civil aviation activity in terms of:
 - (i) number and complexity of aircraft operated;
 - (ii) size and complexity of the Member State's aviation industry;
 - ~~(5)~~(6) the potential growth of activities in the field of civil aviation.'
3. GM1 ARA.GEN.200(a)(2) is amended as follows:
 - (a) In paragraph (b)(1), subparagraphs (i) and (ii) are amended as follows:
 - '(i) the estimated number of initial certificates to be issued and declarations to be received;
 - (ii) the number of:
 - (A) organisations certified by the competent authority; and
 - (B) organisations having declared their activity to the competent authority;'
 - (b) In paragraph (b)(2)(i), the introductory sentence as well as subparagraphs (B) and (C) are amended as follows:

- (i) the size, nature and complexity of activities of certified and declared organisations and—as well as FSTD qualification certificate holders (cf. AMC1 ORA.GEN.200(b)), taking into account:
- [...]
- (B) type of approval, and scope of approval or declared activities, multiple certification or declaration;
- (C) possible certification or declaration to industry standards;’.
- (c) Paragraph (b)(2)(iv) is amended as follows:
- ‘(iv) the size and complexity of the Member State’s aviation industry and the potential growth of activities in the field of civil aviation, which may be an indication of the number of new applications and declarations as well as changes to existing certificates and declarations to be expected.’
- (d) In paragraph (c), subparagraphs (1) and (2) are amended as follows:
- ‘(1) the standard working time required for processing:
- (i) applications for new certificates (for persons, organisations and FSTD qualification);
- (ii) new declarations;
- (2) for each planning period, the number of:
- (i) ~~the number of~~ new certificates to be issued for each planning period; and
- (ii) declarations to be received; and
- (iii) ~~the number of~~ changes to existing certificates and declarations to be processed for each planning period.’
- (e) In paragraph (d), the introductory sentence is amended as follows:
- ‘(d) In line with the competent authority’s oversight policy, the following planning data should be determined specifically for each type of organisation certified by the competent authority (approved training (ATOs) and aero-medical centres (AeMCs)) and for FSTD qualification certificate holders as well as for declared training organisations:’.
- (f) In paragraph (g), the introductory sentence is amended as follows:
- ‘(g) For each type of organisation certified by the competent authority ~~and for~~, FSTD qualification certificate holders and declared training organisations, the number of working hours—/—days per planning period for each qualified inspector that may be allocated for certification, oversight and enforcement activities should be determined, taking into account:’.
- (g) Paragraph (h)(2) is amended as follows:
- ‘(2) possible cooperation with other competent authorities for approvals and declarations involving more than one Member State.’
4. AMC1 ARA.GEN.210(d) is renamed into ‘AMC1 ARA.GEN.200(d) Management system’ and its paragraph (a)(3) is amended as follows:
- ‘(3) How the following are carried out: assessing applications and evaluating compliance, of applications and declarations, ~~issue~~issuance of certificates,

performance of continuing oversight, follow-up of findings, enforcement measures and resolution of safety concerns.’

5. In AMC1 ARA.GEN.220(a)(4), after the title ‘ORGANISATIONS’, the introductory sentence and paragraphs (a), (b), (c) and (d) are amended as follows:

‘Records related to an organisation certified by, or having declared its activity to, the competent authority should include, as appropriate to the type of organisation:

 - (a) the application for an organisation approval or the declaration received;
 - (b) the documentation based on which the approval has been granted and any amendments to that documentation or, in the case of declared training organisations, the documentation required to be submitted with the declaration and any amendments thereto;
 - (c) the organisation approval certificate or any approval, including any changes;
 - (d) a copy of the continuing oversight programme listing the dates when audits or inspections are due and when such audits or inspections were carried out;’.
6. In GM1 ARA.GEN.220(a)(4), the title is amended as follows:

‘CERTIFIED ORGANISATIONS — DOCUMENTATION’.
7. After GM1 ARA.GEN.220(a)(4), new GM2 ARA.GEN.220(a)(4) is added:

‘GM2 ARA.GEN.220(a)(4) Record-keeping

DECLARED TRAINING ORGANISATIONS — DOCUMENTATION

Documents to be kept as records in support of the declaration process include the declaration form and all required attachments to it (training programmes) as well as any amendments to these documents.’
8. In AMC1 ARA.GEN.220(a)(7), paragraphs (b)(2) and (b)(3) are amended as follows:
 - ‘(2) findings through the oversight programme where organisations certified by, or having declared its activities to, another competent authority are involved, to determine the root cause;
 - (3) an organisation being certified by or, having approvals issued by, or having declared its activities to, competent authorities in several Member States.’
9. In GM1 ARA.GEN.300(d), paragraph (a)(1) is amended as follows:

‘(1) activities of organisations certified by the competent authority of any other Member State or the Agency as well as activities of organisations having declared their activities to the competent authority of any other Member State;’
10. After AMC1 ARA.GEN.305(d), new AMC1 ARA.GEN.305(f) and AMC2 ARA.GEN.305(f) are added:

‘**AMC1 ARA.GEN.305(f) Oversight programme**

 - (a) When determining the oversight programme for organisations that have declared their activities, the competent authority should make a selection of the DTOs to be inspected based on the elements specified in point ARA.GEN.305(f).
 - (b) For each selected DTO, an inspection is a sample inspection of the predefined inspection criteria on the basis of key risk elements and the applicable requirements.

- (c) The results of past oversight activities should include information from the DTO's annual internal review and the DTO's annual activity reports as well as information from the verification of the DTO's training programme for Part-FCL compliance and occurrence reports linked to the activity of the DTO, if applicable.
- (d) The oversight programme should follow a risk-based approach and should be developed on a yearly basis. At least one inspection should be performed for each DTO not later than 72 months starting from the date on which the declaration was received or, subsequently, the last inspection, as applicable.
- (e) Additional inspections or unannounced inspections to specific DTOs may be included in the oversight programme on the basis of the elements specified in point ARA.GEN.305(f).

AMC2 ARA.GEN.305(f) Oversight programme

An inspection of a DTO should at least focus on:

- (a) the existence of a safety policy statement and its adequacy regarding the DTO activities;
- (b) the existence of appropriate measures aiming to achieve the objectives of the safety policy including risk mitigation measures, results of annual reviews and respective corrective actions, if applicable;
- (c) flight training in accordance with the DTO training programme, its conduct and standards as well as training records;
- (d) training aircraft in use, including their registration, associated documents and maintenance records;
- (e) use of FSTDs;
- (f) operating sites and associated facilities as appropriate; and
- (g) information on flight instructors and on the validity of their licences, certificates, ratings and logbooks.'

11. After GM1 ARA.GEN.350, the following new GM1 ARA.GEN.350(e) is added:

'GM1 ARA.GEN.350(e) Findings and corrective actions — organisations

LEVELS OF FINDINGS ISSUED TO A DTO

Part-ARA requirements do not require competent authorities to categorise findings issued to a DTO. As a consequence, point ARA.GEN.350(e) does not require competent authorities to provide other competent authorities with an indication of the level of the findings issued to a DTO. However, point ARA.GEN.350(e) must not be understood as a prohibition for competent authorities to inform other competent authorities about the level of a finding in such a case, if such finding levels are used by that competent authority on a voluntary basis.'

12. After GM1 ARA.GEN.350(e), new GM1 ARA.GEN.355(b)(1) is added:

'GM1 ARA.GEN.355(b)(1) Limitation, suspension or revocation of licences, ratings, certificates or attestations

ENFORCEMENT MEASURES IN CASE OF NON-COMPLIANCE WITH PART-FCL

If the holder of a licence, rating, certificate or attestation does not or no longer comply with the applicable requirements, the competent authority, when acting in accordance with point

ARA.GEN.355(b), should take enforcement measures which should be commensurate with the nature of the non-compliance. For example, if the training required for the issuing of the pilot licence was not fully completed as required, the competent authority may decide, subject to the amount and nature of the missing training elements, to suspend the licence in accordance with point ARA.FCL.250 until the missing training elements and a new skill test have been completed rather than revoking the licence.'

13. 'GM1 AMC1-ARA.GEN.355(e)' is renamed into 'GM1 ARA.GEN.355(e)'.

14. After GM1 ARA.MED.330, new Subpart DTO is added:

'SUBPART DTO — SPECIFIC REQUIREMENTS RELATING TO DECLARED TRAINING ORGANISATIONS

AMC1 ARA.DTO.100(a) Declaration to the competent authority

ACKNOWLEDGEMENT OF RECEIPT OF THE DECLARATION

The competent authority should acknowledge receipt of the declaration to the DTO in writing within 10 working days.

GM1 ARA.DTO.100(a) Declaration to the competent authority

ASSIGNMENT OF AN INDIVIDUAL DTO REFERENCE NUMBER

It is recommended to create DTO reference numbers by commencing with the UN country code of the State of the competent authority to which the declaration is sent, followed by the term '.DTO.' and a consecutive numbering (example: AT.DTO.001).

GM2 ARA.DTO.100(a) Declaration to the competent authority

The verification made by the competent authority upon receipt of the declaration does not imply an inspection. The aim is to check whether the declaration complies with the applicable requirements.

AMC1 ARA.DTO.110 Verification of compliance of the training programme(s)

Without prejudice to national provisions on administrative procedures, and unless the training programme has already been verified for Part-FCL compliance (AMC1 DTO.GEN.115(c)), when receiving an initial declaration, the competent authority should verify the compliance of the training programme(s) attached to that declaration within 6 months from the time it acknowledged receipt of the declaration in accordance with point ARA.DTO.100(a).'