European Union Aviation Safety Agency

Part-ARO

AMC2 ARO.GEN.305(c) Oversight programme (c) stipulates that audits should include at least one on-site audit within each oversight planning cycle. What is meant by an 'on-site audit' in this sentence? Could it be so that every audit undertaken by an NAA could be performed while sitting in the NAA's office and reviewing operator's documents and procedures and only one of those audits should be undertaken in a way that NAA inspectors actually visit an operator on-site?

Answer

Reference: Regulation (EU) No 965/2012 on Air Operations, Annex II (Part ARO, ARO.GEN and ARO.RAMP)

There is no further guidance on how many on-site audits should actually be performed. This decision depends on the confidence of the authority in the operator, on results of past certification and/or oversight activities required by ARO.GEN and ARO.RAMP and on the assessment of associated risks. The number of on-site audits is therefore part of the oversight responsibility of the authority.

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How do the provisions on wet-leasing articulate with Regulation (EU) No 452/2014 on Third Country Operators (TCO)?

Answer

Reference: Regulation (EU) No 965/2012, Annex III (Part ORO)

The TCO authorisation issued by the Agency is no substitute for requirements regarding wet-lease agreements between EU and third country operators that are contained in Part ORO of Regulation (EU) No 965/2012 on Air Operations. For wet-lease agreements, the TCO operator

must demonstrate equivalence to EU safety requirements. Before entering into a wet-lease agreement, the EU operator should demonstrate to the authority that (1) the TCO has a valid AOC, (2) that safety standards of the TCO regarding continuing airworthiness and air operations are equivalent to the EU continuing airworthiness requirements of Reg. (EU) No 1321/2014 and (3) the aircraft has a standard Certificate of Airworthiness (CofA) issued in accordance with ICAO Annex 8.

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Must the competent authority check and approve the content of the operator's Safety Management Manual?

Answer

Reference: Regulation (EU) No 965/2012 on Air Operations, Annex II (Part ARO), Annex III (Part ORO)

As stated in ORO.AOC.100, an operator has to submit, as part of its application for an AOC, a description of its management system, including the organisational structure, which constitutes its safety management manual, whose content is described in AMC1 and AMC2 to ORO.GEN.200(a)(5).
The Competent Authority has to check the content of the operator's Safety Management Manual (SMM) as mentioned in ARO.GEN.310(a) and in the corresponding AMC to ARO.GEN.310.

Information on the content of the operator's Safety Management Manual (SMM), which can be part of the Operations Manual or included in a separate manual, can be found in AMC1 and AMC2 to ORO.GEN.200(a)(5). It should be noted that the SMM is not required to be approved according to ORO.GEN.200(a)(5) and the related AMCs. Nevertheless, changes affecting the operator's management system are required to be approved (ORO.GEN.130 + GM1) and these changes would have to be reflected in the operator's manual dealing with Safety management.

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How do the provisions on code-sharing articulate with the Regulation applying to Third Country Operators (Part TCO)?

Answer

Reference: Regulation (EU) No 965/2012, Annex III (Part-ORO)

Regarding code-sharing, Regulation (EU) No 965/2012 on air operations requires from the EU Operator, who wishes to enter into a code-sharing agreement with a third country operator (TCO), compliance with the requirements of Annex III to Regulation (EU) No 965/2012. This means the TCO as a code-share partner will undergo comprehensive audits for the initial verification of compliance and continuous compliance with the applicable ICAO standards [AMC1 ORO.AOC.115(a)(1)]. These audits can be performed either by the EU operator itself or a third party provider. The AMC (AMC2 ORO.AOC.115(b)) refers to the possibility of using industry standards. The audit will focus on the operational, management and control systems of the TCO (see AMC1 ORO.AOC.115(a)(1)).

Continuous compliance of the code-sharing TCO with the applicable ICAO standards will be performed on the basis of a code-share audit programme (see AMC1 ORO.AOC.115(b)).

This means that the audit and verification requirements contained in Part-ORO of Regulation 965/2012 cannot be substituted by a TCO authorisation issued by the Agency. For code-share, an EU operator must, in addition to the TCO authorisation, audit and monitor the TCO.

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