# ADVISORY PAMPHLET (AP)

1. **Purpose**

Without prejudice to Regulation (EC) No 1008/2008 of the European Parliament and the Council this Advisory Pamphlet (AP) describes the process of applying for and obtaining an Air Operator Certificate (AOC) prior to commencing commercial air transport operations according to Commission Regulation (EU) No 965/2012, as amended, and Cabinet of Ministers of the Republic of Latvia Regulation (CR) No 822/2014, which determines the procedure for issuing AOC.

This AP provides basic information applicable to the certification process.

1. **Description of the process for applying and for obtaining an AOC**

There are five phases in the air operator certification process. The five phases are:

1. Pre-application phase;
2. Formal application phase;
3. Document evaluation phase;
4. Demonstration and audit/inspection phase; and
5. Certification phase.

Applicant contacts Aircraft Operations Division of Civil Aviation Agency of Latvia (AOD LV CAA) and informs of its intent to apply for an AOC. The applicant will be invited to meet briefly with involved LV CAA Divisions’ management personnel. During this initial meeting the establishment of the operations manual and compliance with the Annexes IV and V to Regulation (EU) 2018/1139 and the delegated acts and implementing acts adopted on the basis thereof in the areas of flight operations, maintenance, training and ground operations will be discussed.

If the applicant intends to proceed with the certification procedure, Form of Prospective Operators Pre-assessment Statement (POPS) will be furnished. The POPS should be completed, signed by the Accountable Manager, and returned to the Aircraft Operations Division (AOD) of LV CAA.

* 1. **Initial inquiry and CAA response**

The pre-application phase commences with the applicant making an initial inquiry by letter, telephone call or personal visit to the LV CAA.

During the initial inquiry the AOD advises the applicant to review the Regulation (EU) 2018/1139 (BR) and the delegated acts and implementing acts adopted on the basis thereof, competence of nominated persons, and presentation of the operations manual, considering the complexity of the operation.

AOD delivers a standard information package to the applicant.

The standard information package includes POPS and AP.

The purpose of the POPS is to establish applicant’s readiness to start the initial certification procedure according to ARO.GEN.310, before submitting an application that comprises information according to ORO.AOC.100.

* 1. **CAA action on receipt of a completed prospective operator’s pre-assessment statement**

On receipt of a completed POPS form the Head of AOD acknowledges its receipt in writing within 10 working days, drawing attention to the agenda of the pre-application meeting.

* 1. **Pre-application meeting**

The purpose of the pre-application meeting is to determine applicant’s knowledge of the Regulation (EU) 2018/1139 and the delegated acts and implementing acts adopted on the basis thereof.

The pre-application meeting will be attended by all involved in the certification process CAA Divisions’ designated experts, the nominated persons of the applicant, and representative from the Aviation Department of the Ministry of Transport.

The applicant should be prepared to discuss all aspects of the proposed operations, including the responsibilities and authority for the management of all ground handling functions, organisation and methods to exercise operational control. If applicant intends to employ flight operations officer/flight dispatcher in conjunction with a method of Operational Control, training for these personnel, including ground instructors training should be based on Regulation of the Cabinet of Ministers No 627 "On Certification Procedures for Flight Operations Officers and their Training Providers" of 17 October 2017.

The applicant will be provided with an overview of the certification process and made aware of the Regulation (EC) No 1008/2008 of the European Parliament and the Council on common rules for the operation of air services in the Community, including required proof that the persons who will continuously and effectively manage the operations of the undertaking are of good repute or that they have not been declared bankrupt.

*Note: The status of the assessment of financial, economic and legal matters should be clearly identified during the pre-application meeting.*

*The Ministry of Transport and LV CAA within the scope of their competence check the undertaking Holder’s and appropriate managing staff compliance with the criteria included in Article 572 of the Law on Aviation* *of the Republic of Latvia before the certification process is initiated.*

The applicant should be informed about the technical requirements and administrative procedures related to introducing support programmes, psychological assessment of flight crew, as well as systematic and random testing of psychoactive substances to ensure medical fitness of flight and cabin crew members.

Subsequent to the pre-application meeting the results of the meeting will be evaluated and recorded as meeting minutes. If the Head of AOD considers that the applicant is not ready to make a formal application, applicant should be advised on further preparation and another pre-application meeting scheduled or, alternatively, the applicant may be advised to withdraw the intent to apply for certification.

* 1. Formal application package
     1. Application for an air operator certificate

According to ORO.AOC.100 (b) the operator shall provide the following information to LV CAA using appropriate application forms from the LV CAA website: http://www.caa.lv/en/forms/flight-operations:

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, including following detailed information regarding the accountable manager (ref to AMC1 ORO.GEN.210(a)):

* position within the organisation;
* information on means to ensure that all activities can be financed and carried out;
* qualification relevant to the position; and
* work experience relevant to the position;

1. the names of the nominated persons required by ORO.AOC.135(a) together with their qualifications and experience; and
2. a copy of the operations manual required by ORO.MLR.100;
3. 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.

*Note: A statement should include applicable requirements from Parts ORO, CAT & SPA, accompanied by a reference to the applicant’s management system documentation.*

*After the certification process is completed, the statement of compliance should be kept current with incorporated amendments and revisions in the AOC Holder’s management system documentation.*

The information requested above should be supported by documents to certify the accuracy of the information provided by the applicant for the aircraft to be operated to ensure compliance with Article 4 of Regulation (EC) No 1008/2008, that the applicant shall have one or more aircraft at its disposal through ownership or a dry lease agreement.

Compliance with the insurance requirements set out in Regulation (EC) No 785/2004 of the European Parliament and of the Council, Law “On Aviation” (as amended) of the Republic of Latvia Article 111, must be demonstrated by the operator, providing the LV CAA with an insurance certificate or other evidence of valid insurance.

A description of the management system, including organisational structure, shall comprise information with the supporting documents (e.g. contracts of employment, provisions of services, appointments, lists of facilities, agreements, certificates, lists of crew members and instructors) to ensure compliance with the following requirements by the applicant:

1. ORO.AOC.130 a flight data monitoring system, integrated in the management system, shall be established and maintained by the operator.
2. ORO.AOC.135 sufficient personnel for the planned ground and flight operations shall be employed by the operator.

All personnel assigned to, or directly involved in, ground and flight operations shall:

1. be properly trained;
2. demonstrate their capabilities in the performance of their assigned duties; and
3. be aware of their responsibilities and the relationship of their duties to the operation as a whole.

A sufficient number of personnel supervisors shall be appointed by the operator, taking into account the structure of the operator’s organisation and the number of personnel employed.

The duties and responsibilities of these supervisors shall be defined, and any other necessary arrangements shall be made to ensure that they can discharge their supervisory responsibilities.

The supervision of crew members and personnel involved in the operation shall be exercised by individuals with adequate experience and the skills to ensure the attainment of the standards specified in the operations manual.

1. ORO.GEN.215 the operator shall have facilities allowing the performance and management of all planned tasks and activities in accordance with the applicable requirements.
2. ORO.AOC.140 the operator shall:
3. make use of appropriate ground handling facilities to ensure the safe handling of its flights;
4. arrange operational support facilities at the main operating base, appropriate for the area and type of operation; and
5. ensure that the available working space at each operating base is sufficient for personnel whose actions may affect the safety of flight operations. Consideration shall be given to the needs of ground crew, personnel concerned with operational control, the storage and display of essential records and flight planning by crews.
6. ORO.AOC.150 the operator shall make arrangements for the production of manuals and any other documentation required and associated amendments.

The operator shall be capable of distributing operational instructions and other information without delay.

1. AMC1 ORO.AOC.110 the operator intending to lease-in an aircraft should provide the LV CAA with the following information using application form APP 9.10:
2. the aircraft type, registration markings and serial number;
3. the name and address of the registered owner;
4. a copy of the valid certificate of airworthiness;
5. a copy of the lease agreement or description of the lease provisions, except financial arrangements;
6. duration of the lease.

The information mentioned above should be accompanied by a statement signed by the lessee that the parties to the lease agreement fully understand their respective responsibilities under the applicable regulations.

1. AMC1 ORO.GEN.200(a)(5) the operator’s management system documentation should at least include the following information supported by documented evidences:
2. a statement signed by the accountable manager to confirm that the operator will continuously work in accordance with the applicable requirements and the operator’s documentation as required by this Annex (Part-ORO);
3. the operator's scope of activities;
4. the titles and names of persons referred to in ORO.GEN.210 (a) and (b);
5. an operator chart showing the lines of responsibility between the persons referred to in ORO.GEN.210;
6. a general description and location of the facilities referred to in ORO.GEN.215;
7. procedures specifying how the operator ensures compliance with the applicable requirements;
8. the amendment procedure for the operator’s management system documentation.

The operator’s management system documentation may be included in a separate manual or in (one of) the manual(s) as required by the applicable Subpart(s). A cross reference should be included.

1. AMC2 ORO.GEN.200 (a) (5) the safety management manual (SMM) should be established as the key instrument for communicating the approach to safety for the whole of the operator. The SMM should document all aspects of safety management, including the safety policy, objectives, procedures and individual safety responsibilities.

The contents of the safety management manual should include all of the following:

1. scope of the safety management system;
2. safety policy and objectives;
3. safety accountability of the accountable manager;
4. safety responsibilities of key safety personnel;
5. documentation control procedures;
6. hazard identification and risk management schemes;
7. safety action planning;
8. safety performance monitoring;
9. incident investigation and reporting;
10. emergency response planning;
11. management of change (including organisational changes with regard to safety responsibilities);
12. safety promotion.

The SMM may be contained in (one of) the manual(s) of the operator.

All the documentation provided by the applicant for an initial certificate shall demonstrate compliance with the requirements established in Regulation (EU) 2018/1139 and the delegated acts and implementing acts adopted on the basis thereof. Such documentation shall include a procedure describing how changes not requiring prior approval will be managed and notified to the LV CAA.

*Note: Documents of purchase, leases, contracts or letters of intent should provide evidence that the applicant is actively procuring aircraft, facilities and services appropriate to the operation proposed. If formal contracts are not completed, letters or other documents showing preliminary agreements or intent should be provided. These documents should relate to: aircraft; station facilities and services; weather reporting; communications facilities; maintenance; aeronautical charts and publications; aerodrome analysis and obstruction data; and outsourced training and training facilities.*

According to AMC 1 ARO.GEN.310 (a) & AMC1 ORO.AOC.100 the application for the initial issue of an AOC should be submitted at least 90 days before the intended start date of operation. The operations manual may be submitted later, but in any case not later than 60 days before the intended start date of operation.

All the information in the application should be provided in Latvian language and/or English language according to CR No 822/2014.

* + 1. **LV CAA action upon receipt of an application for an air operator certificate**

Upon receipt of an application for an air operator certificate the LV CAA will:

1. assess the applicant’s management system and processes, including the operator’s organisation and operational control system;
2. review the operations manual and any other documentation provided by the organisation;
3. verify the organisation’s compliance with the applicable requirements, conducting an audit of the organisation;
4. assess the ability of the applicant to secure, in compliance with the applicable requirements and the safe operation of aircraft, all necessary training and, where required, licensing of personnel;

*Note: Training and checking programmes, including syllabi and use of individual flight simulation training devices (FSTDs) for flight crew and all operations personnel assigned to operational duties, e.g. cabin crew, flight operations officers/flight dispatchers (including ground instructors), load control staff, aircraft loading/servicing staff, cargo/mail handling staff, passenger handling/baggage handling staff, and airside personnel, should be established and completed to the extent possible, according to applicable requirements and industry standards.*

1. conduct one or more demonstration flights operated as if they were commercial flights, or conduct an in-flight inspection at the earliest opportunity;
2. inform the applicant of its decision, concerning the application, within 60 days of receipt of all supporting documentation. In cases where an application for an organisation certificate is refused, the applicant should be informed of the right of appeal as exists under national law.
3. Reference to requirements

The applicant will receive operations manual checklist, structured according to the content of the OM, reflecting the requirements set out in appropriate Annexes of Regulation (EU) 965/2012, as amended (reference to OPERATIONS MANUAL CONTENT AND COMPLIANCE FORM COMMERCIAL AIR TRANSPORT OPERATIONS checklist ATT 4.3).

1. Compliance demonstration by the applicant

According to air operator certification requirements applicant shall demonstrate to LV CAA that:

1. it complies with all the requirements of Annexes IV and V to Regulation (EU) 2018/1139, Annex III (PART-ORO), Annex IV (PART-CAT) & Annex V (PART-SPA) to Regulation (EU) No 965/2012, and Annex I (Part 26) to Regulation (EU) 2015/640;
2. all aircraft operated have a certificate of airworthiness (CofA) and instruments and equipment required by Part-CAT Subpart D approved in accordance with Regulation (EU) No 748/2012 or are dry-leased in accordance with ORO.AOC.110(d); and
3. its organisation and management are suitable and properly matched to the scale and scope of the operation.

In accordance with Regulation (EC) No 300/2008, as part of granting the AOC, the CAT operator shouldprovide the competent authority with the operator’s security programme, including security training.The security programme should be adapted to the type and area of operation, as well as to the aircraftoperated.

For the purpose of verifying the organisation’s compliance with the applicable requirements, LV CAA conducts an audit at the organisation’s facilities (ref to Management System/SMS assessment checklist APP 3.13).

LV CAA requires the conduct of one or more demonstration flights operated as if they were commercial flights or performs an in-flight inspection at the earliest opportunity.

Before issuing the certificate, LV CAA makes sure that all processes are “Present” and “Suitable”, so that all the required enablers of a functioning SMS are implemented by the organisation. In this initial certification phase, a large part of the SMS assessment is carried out by a desktop review of relevant Management System/SMS Documentation.

During the audit the applicant should demonstrate:

1. detailed management structure, including names and qualifications of personnel required by ORO.GEN.210 and adequacy of the organisation and management structure;
2. adequacy of number and qualifications of personnel, with regard to the intended terms of approval and associated privileges, validity of licences, ratings, certificates or attestations as applicable;
3. processes for safety risk management and compliance monitoring;
4. adequate facilities;
5. documentation based on which the certificate should be granted (organisation documentation as required by Part-ORO, including technical manuals, such as operations manual or training manual).

*Note: In case of non-compliance, the applicant shall be informed in writing of the corrections or corrective actions that are required.*

1. Certification

When satisfied that the organisation is in compliance with the applicable requirements, the LV CAA issues AIR OPERATOR CERTIFICATE (AOC) and OPERATIONS SPECIFICATIONS. The certificate shall be issued for an unlimited duration. The privileges and scope of the activities that the organisation is approved to conduct shall be specified in the terms of approval attached to the certificate.

* 1. **Certified true copy of the AOC**

An aircraft shall carry a certified true copy of the air operator certificate and a copy of the operations specifications relevant to the aircraft type, issued in conjunction with the certificate.

The certification statement shall attest that the copy is a true copy of the original, and shall be signed and displayed by official stamp or seal. The certification statement shall be placed on the first page of the document.

**C E R T I F I C A T I O N**

I hereby certify that the attached is a true copy of the *[title of the AOC],* issued at *[place]* on *[date]* by *[Civil Aviation Agency of Latvia]*.

Signed at *[place]* on *[date]*.

*[Signed by the Head of AOD]*

*[Official stamp/seal]*