

**ORO.GEN.215 Facility requirements**

The operator shall have facilities allowing the performance and management of all planned tasks and activities in accordance with the applicable requirements.

**ORO.GEN.220 Record-keeping**

- (a) The operator shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in ORO.GEN.200.
- (b) The format of the records shall be specified in the operator's procedures.
- (c) Records shall be stored in a manner that ensures protection from damage, alteration and theft.

## SUBPART AOC

**AIR OPERATOR CERTIFICATION****ORO.AOC.100 Application for an air operator certificate**

- (a) Without prejudice to Regulation (EC) No 1008/2008 of the European Parliament and the Council<sup>(1)</sup>, prior to commencing commercial air operations, the operator shall apply for and obtain an air operator certificate (AOC) issued by the competent authority.
- (b) The operator shall provide the following information to the competent authority:
  - (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;
  - (5) the names of the nominated persons required by ORO.AOC.135(a) together with their qualifications and experience; and
  - (6) a copy of the operations manual required by ORO.MLR.100.
  - (7) 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.
- (c) Applicants shall demonstrate to the competent authority that:
  - (1) they comply with all the applicable requirements of Annex IV to Regulation (EC) No 216/2008, this Annex and Annex IV (Part-CAT) and Annex V (Part-SPA) to this Regulation, as applicable;
  - (2) all aircraft operated have a certificate of airworthiness (CofA) in accordance with Regulation (EC) No 1702/2003; and
  - (3) its organisation and management are suitable and properly matched to the scale and scope of the operation.

**ORO.AOC.105 Operations specifications and privileges of an AOC holder**

The privileges of the operator, including those granted in accordance with Annex V (Part-SPA), shall be specified in the operations specifications of the certificate.

**ORO.AOC.110 Leasing agreement**

*Any lease-in*

- (a) Without prejudice to Regulation (EC) No 1008/2008, any lease agreement concerning aircraft used by an operator certified in accordance with this Part shall be subject to prior approval by the competent authority.

<sup>(1)</sup> OJ L 293, 31.10.2008, p. 3.

- (b) The operator certified in accordance with this Part shall only wet lease-in aircraft from an operator that is not subject to an operating ban pursuant to Regulation (EC) No 2111/2005.

*Wet lease-in*

- (c) The applicant for the approval of the wet lease-in of an aircraft of a third country operator shall demonstrate to the competent authority that:

- (1) the third country operator holds a valid AOC issued in accordance with ICAO Annex 6;
- (2) the safety standards of the third country operator with regard to continuing airworthiness and air operations are equivalent to the applicable requirements established by Regulation (EC) No 2042/2003 and this Regulation; and
- (3) the aircraft has a standard CofA issued in accordance with ICAO Annex 8.

*Dry lease-in*

- (d) An applicant for the approval of the dry lease-in of an aircraft registered in a third country shall demonstrate to the competent authority that:

- (1) an operational need has been identified that cannot be satisfied through leasing an aircraft registered in the EU;
- (2) the duration of the dry lease-in does not exceed seven months in any 12 consecutive month period; and
- (3) compliance with the applicable requirements of Regulation (EC) No 2042/2003 is ensured.

*Dry lease-out*

- (e) The operator certified in accordance with this Part intending to dry lease-out one of its aircraft shall apply for prior approval by the competent authority. The application shall be accompanied by copies of the intended lease agreement or description of the lease provisions, except financial arrangements, and all other relevant documentation.

*Wet lease-out*

- (f) Prior to the wet lease-out of an aircraft, the operator certified in accordance with this Part shall notify the competent authority.

**ORO.AOC.115 Code-share agreements**

- (a) Without prejudice to applicable EU safety requirements for third country operators and aircraft, an operator certified in accordance with this Part shall enter into a code-share agreement with a third country operator only after:

- (1) having verified that the third country operator complies with the applicable ICAO standards; and
- (2) having provided the competent authority with documented information enabling such authority to comply with ARO.OPS.105.

- (b) When implementing the code-share agreement the operator shall monitor and regularly assess the ongoing compliance of the third country operator with the applicable ICAO standards.

- (c) The operator certified in accordance with this Part shall not sell and issue tickets for a flight operated by a third country operator when the third country operator is subject to an operating ban pursuant to Regulation (EC) No 2111/2005 or is failing to maintain compliance with the applicable ICAO standards.

**ORO.AOC.120 Approvals to provide cabin crew training and to issue cabin crew attestations**

- (a) When intending to provide the training course required in Annex V (Part-CC) to Regulation (EU) No 290/2012, the operator shall apply for and obtain an approval issued by the competent authority. For this purpose, the applicant shall demonstrate compliance with the requirements for the conduct and content of training course established in CC.TRA.215 and CC.TRA.220 of that Annex and shall provide the competent authority with:

- (1) the date of intended commencement of activity;
- (2) the personal details and qualifications of the instructors as relevant to the training elements to be covered;
- (3) the name(s) and address(es) of the training site(s) at which the training is to be conducted;

- (4) a description of the facilities, training methods, manuals and representative devices to be used; and
  - (5) the syllabi and associated programmes for the training course.
- (b) If a Member State decides, in accordance with ARA.CC.200 of Annex VI (Part-ARA) to Regulation (EU) No 290/2012, that operators may be approved to issue cabin crew attestations, the applicant shall, in addition to (a):
- (1) demonstrate to the competent authority that:
    - (i) the organisation has the capability and accountability to perform this task;
    - (ii) the personnel conducting examinations are appropriately qualified and free from conflict of interest; and
  - (2) provide the procedures and the specified conditions for:
    - (i) conducting the examination required by CC.TRA.220;
    - (ii) issuing cabin crew attestations; and
    - (iii) supplying the competent authority with all relevant information and documentation related to the attestations it will issue and their holders, for the purpose of record-keeping, oversight and enforcement actions by that authority.
- (c) The approvals referred to in (a) and (b) shall be specified in the operations specifications.

**ORO.AOC.125 Non-commercial operations of aircraft listed in the operations specifications by the holder of an AOC**

The holder of an AOC may conduct non-commercial operations with an aircraft otherwise used for commercial air transport operations that is listed in the operations specifications of its AOC, provided that the operator:

- (a) describes such operations in detail in the operations manual, including:
  - (1) identification of the applicable requirements;
  - (2) a clear identification of any differences between operating procedures used when conducting commercial and non-commercial operations;
  - (3) a means of ensuring that all personnel involved in the operation are fully familiar with the associated procedures;
- (b) submits the identified differences between the operating procedures referred to in (a)(2) to the competent authority for prior approval.

**ORO.AOC.130 Flight data monitoring — aeroplanes**

- (a) The operator shall establish and maintain a flight data monitoring system, which shall be integrated in its management system, for aeroplanes with a maximum certificated take-off mass of more than 27 000 kg.
- (b) The flight data monitoring system shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

**ORO.AOC.135 Personnel requirements**

- (a) In accordance with ORO.GEN.210(b), the operator shall nominate persons responsible for the management and supervision of the following areas:
  - (1) flight operations;
  - (2) crew training;
  - (3) ground operations; and
  - (4) continuing airworthiness in accordance with Regulation (EC) No 2042/2003.

(b) *Adequacy and competency of personnel*

- (1) The operator shall employ sufficient personnel for the planned ground and flight operations.
- (2) All personnel assigned to, or directly involved in, ground and flight operations shall:
  - (i) be properly trained;
  - (ii) demonstrate their capabilities in the performance of their assigned duties; and
  - (iii) be aware of their responsibilities and the relationship of their duties to the operation as a whole.

(c) *Supervision of personnel*

- (1) The operator shall appoint a sufficient number of personnel supervisors, taking into account the structure of the operator's organisation and the number of personnel employed.
- (2) 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.
- (3) 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.

**ORO.AOC.140 Facility requirements**

In accordance with ORO.GEN.215, the operator shall:

- (a) make use of appropriate ground handling facilities to ensure the safe handling of its flights;
- (b) arrange operational support facilities at the main operating base, appropriate for the area and type of operation; and
- (c) 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.

**ORO.AOC.150 Documentation requirements**

- (a) The operator shall make arrangements for the production of manuals and any other documentation required and associated amendments.
- (b) The operator shall be capable of distributing operational instructions and other information without delay.

SUBPART MLR

**MANUALS, LOGS AND RECORDS**

**ORO.MLR.100 Operations manual — general**

- (a) The operator shall establish an operations manual (OM) as specified under 8.b of Annex IV to Regulation (EC) No 216/2008.
- (b) The content of the OM shall reflect the requirements set out in this Annex, Annex IV (Part-CAT) and Annex V (Part-SPA), as applicable, and shall not contravene the conditions contained in the operations specifications to the air operator certificate (AOC).
- (c) The OM may be issued in separate parts.
- (d) All operations personnel shall have easy access to the portions of the OM that are relevant to their duties.
- (e) The OM shall be kept up to date. All personnel shall be made aware of the changes that are relevant to their duties.
- (f) Each crew member shall be provided with a personal copy of the relevant sections of the OM pertaining to their duties. Each holder of an OM, or appropriate parts of it, shall be responsible for keeping their copy up to date with the amendments or revisions supplied by the operator.