



Beleidsregel Exploitatie Vergunning en AOC

Verwijzend naar het Besluit Luchtvervoer en de Regeling Vluchtuitvoering heeft de Minister hierbij besloten nadere aanwijzingen te geven betreffende het proces en de minimaal te verwachten tijdsduur voor het afgeven van een Economische Vergunning en de AOC.

Onderdeel A: Algemeen

Artikel 1

Deze aanwijzing betreft de voorwaarden voor de afgifte, verlenging en handhaving van:

- a. de economische vergunning ten aanzien van een in Aruba gevestigde onderneming, afgegeven op grond van artikel 13, lid 1 en 2, van de Luchtvaartverordening (AB 1989 no. GT58) en op grond van artikel 3 lid 1 van het Besluit Luchtvervoer (AB 2000 no. GT86), en
- b. de AOC ten aanzien van een in Aruba gevestigde onderneming, afgegeven op grond van artikel 2 van de Regeling Vluchtuitvoering (AB 2000 no. GT85).

Artikel 2

In deze beleidsvorming wordt verstaan onder:

- onderneming* : iedere natuurlijke persoon, iedere rechtspersoon met of zonder winst oogmerk, of ieder overheidslichaam met of zonder rechtspersoonlijkheid;
- hoofdvestiging* : hoofdkantoor of geregisteerde kantoor van de onderneming van waaruit het financieel beheer en operationele zeggenschap wordt uitgeoefend.
- luchtvaartmaatschappij* : een luchtvervoeronderneming met een geldige exploitatievergunning;
- economische vergunning* : een aan een onderneming verleende vergunning waarbij haar wordt toegestaan, al naar gelang van het in de vergunning vermelde, passagiers, goederen, dier en/of post bedrijfsmatig door de lucht te vervoeren;
- bewijs luchtvaartexploitant* : hierna "AOC" (air operator's certificate) te noemen: een door of vanwege de Minister aan een onderneming afgegeven document waarin wordt verklaard dat de betrokken luchtvaartexploitant beschikt over de beroepsbekwaamheid en organisatie om luchtvaartuigen veilig te exploiteren voor de in dat bewijs gespecificeerde





- luchtvaartactiviteiten;
- bedrijfsplan* : een gedetailleerde beschrijving van de door de luchtvaartmaatschappij voor de betrokken periode voorgenomen commerciële activiteiten, in het bijzonder gerelateerd aan de marktontwikkeling en uit te voeren investeringen, met inbegrip van de financiële en economische gevolgen van deze activiteiten;
- verslag over de bedrijfsvoering* : een gedetailleerd overzicht van de inkomsten en uitgaven voor de betrokken periode met uitsplitsing naar met het luchtvervoer verband houdende en andere activiteiten, alsmede naar financiële en niet-financiële elementen;
- daadwerkelijke zeggenschap* : een relatie gebaseerd op rechten, overeenkomsten of andere middelen die, afzonderlijk of tezamen en gelet op de desbetreffende feitelijke of juridische omstandigheden, de mogelijkheid bieden om rechtstreeks of indirect een beslissende invloed uit te oefenen op een onderneming, meer bepaald via:
- a) het recht om alle of een gedeelte van de activa van een onderneming te gebruiken;
 - b) rechten of overeenkomsten waardoor een beslissende invloed kan worden uitgeoefend op de samenstelling, het stemgedrag of de besluiten van de organen van een onderneming of waardoor anderszins een beslissende invloed kan worden uitgeoefend op het beleid van de onderneming;
- Minister* : de Minister van Toerisme, Transport en Arbeid.

Onderdeel B: Economische vergunning

Artikel 3

Een economische vergunning wordt slechts verleend aan een onderneming indien:

- a. haar hoofdvestiging en haar statutaire zetel zich in de Land Aruba bevinden, en
- b. luchtvervoer haar hoofdbedrijf vormt, dat alleen wordt uitgeoefend of in combinatie met enige andere commerciële exploitatie van luchtvaartuigen of met het luchtwaardigheidsbeheer, de herstelling of het onderhoud van luchtvaartuigen.





Artikel 4

1. Onverminderd artikel 5, lid 5, verleent of handhaaft de Directie Luchtvaart geen economische vergunning(en) wanneer niet aan de bij deze beleidsvorming gestelde eisen is voldaan.

2. Een onderneming die aan de bij deze beleidvorming gestelde eisen voldoet, kan in aanmerking komen voor een economische vergunning. Deze vergunning verleent op zich geen rechten van toegang tot specifieke routes of markten.

3. Naast de economische vergunning dient een luchtvervoeronderneming ook in het bezit te zijn van een AOC waarin als voorwaarde specifieke routes, te gebruiken luchtvaartuigen, speciale toestemmingen, enz. worden vastgesteld.

Artikel 5

1. Een luchtvervoeronderneming die een aanvraag indient en waaraan voor de eerste keer een exploitatievergunning wordt verleend, moet ten genoegen van de Directie Luchtvaart kunnen aantonen dat zij:

- a) gedurende een periode van 24 maanden vanaf het begin van de exploitatie te allen tijde haar op realistische onderstellingen gebaseerde, bestaande en potentiële verbintenissen kan nakomen, en
- b) gedurende een periode van drie maanden vanaf het begin van de exploitatie haar vaste en variabele bedrijfsuitgaven kan dekken die voortvloeien uit de exploitatie volgens haar bedrijfsplan en die op realistische onderstellingen zijn gebaseerd, zonder dat rekening wordt gehouden met haar inkomsten uit exploitatie.

2. Voor de toepassing van lid 1 verstrekt de aanvrager een bedrijfsplan voor ten minste de eerste twee jaren van de exploitatie. Het bedrijfsplan bevat ook nadere gegevens betreffende de financiële banden tussen de aanvrager en eventuele andere commerciële activiteiten waarbij de aanvrager rechtstreeks of via verwante ondernemingen betrokken is. De aanvrager verstrekt tevens alle relevante inlichtingen, meer bepaald de gegevens vermeld in Bijlage A.

3. Voor de invulling van lid 1 verstrekt de aanvrager een bankgarantie afgegeven door een financiële instelling die in het Koninkrijk der Nederlanden gevestigd is en die door de Centrale Bank van Aruba erkend is.

4. Elke luchtvaartmaatschappij stelt de Directie Luchtvaart vooraf in kennis van plannen voor de exploitatie van een nieuwe geregelde luchtdienst of een niet-geregelde luchtdienst naar een continent of een regio in de wereld waarop zij nog geen dienst onderhoudt, voor wijzigingen in het soort of aantal gebruikte toestellen of voor een ingrijpende wijziging in de omvang van haar activiteiten. Zij geeft tevens vooraf kennis van elke voorgenomen fusie of overneming en stelt de Directie Luchtvaart vooraf in kennis van iedere wijziging in het eigendom van elke afzonderlijke deelneming die 10% of meer vertegenwoordigt van het totale aandelenkapitaal van de luchtvaartmaatschappij of van haar moederonderneming of van de vennootschap die in laatste instantie houdstermaatschappij is. De indiening van een bedrijfsplan voor twaalf maanden, twee maanden vóór het tijdvak waarop het betrekking heeft.





volstaat als kennisgeving in de zin van dit lid, voor wat de in dat bedrijfsplan vervatte wijzigingen in de lopende exploitatie en/of gegevens betreft.

5. Indien de Directie Luchtvaart van oordeel is dat de overeenkomstig lid 3 meegedeelde wijzigingen een aanzienlijke invloed op de financiële positie van de luchtvaartmaatschappij hebben, eisen zij dat deze een herziende bedrijfsplan indient waarin de betrokken wijzigingen zijn opgenomen en dat een periode van ten minste twaalf maanden vanaf de datum van toepassing van dit plan betreft, alsmede alle relevante inlichtingen, met inbegrip van de gegevens vermeld in Bijlage B, om te kunnen beoordelen of de luchtvaartmaatschappij in staat is gedurende die periode van twaalf maanden haar bestaande en potentiële verbintenissen na te komen. De Directie Luchtvaart neemt uiterlijk drie maanden nadat hun alle nodige inlichtingen zijn verstrekt, een besluit over het herziene bedrijfsplan.

6. De Directie Luchtvaart kan te allen tijde en in ieder geval wanneer er duidelijke aanwijzingen zijn dat een luchtvaartmaatschappij waaraan zij een exploitatievergunning hebben verleend, met financiële problemen kampt, de financiële prestaties van die luchtvaartmaatschappij onderzoeken en de vergunning schorsen of intrekken indien zij er niet langer van overtuigd zijn dat de luchtvaartmaatschappij in staat is gedurende een periode van twaalf maanden haar bestaande en potentiële verbintenissen na te komen.

7. De luchtvaartmaatschappijen verstrekken de Directie Luchtvaart elk boekjaar onverwijld de door accountants gecontroleerde rekeningen over het voorgaande boekjaar. De luchtvaartmaatschappijen verstrekken te allen tijde op verzoek van de Directie Luchtvaart de ter zake dienende inlichtingen voor de toepassing van lid 5, met name de gegevens vermeld in Bijlage C.

Artikel 6

1. Wanneer de Directie Luchtvaart de afgifte van een economische vergunning afhankelijk stelt van de overlegging van een bewijs dat de persoon die de activiteiten van de onderneming permanent en daadwerkelijk leidt, van goed zedelijk gedrag is of dat hij nooit failliet is verklaard of wanneer zij de vergunning in geval van ernstige fouten bij de beroepsuitoefening of van strafbare feiten schorsen of intrekken, aanvaardt de Directie Luchtvaart als voldoende bewijs de overlegging van documenten waaruit blijkt dat aan die eisen is voldaan.

Wanneer de in de eerste alinea bedoelde documenten niet worden afgegeven door de bevoegde autoriteiten van de Staat van herkomst worden deze vervangen door een verklaring onder ede die door de betrokkene wordt afgelegd ten overstaan van een bevoegde rechterlijke of administratieve instantie, of, in voorkomend geval, van een notaris of een bevoegde beroepsorganisatie van de Staat van herkomst; deze instantie of notaris geeft een attest af dat deze verklaring onder ede, of deze plechtige verklaring, bewijskracht heeft.

2. De Directie Luchtvaart eist dat de in lid 1 bedoelde documenten en attesten bij overlegging niet ouder zijn dan drie maanden.

Artikel 7

De aansprakelijkheid van de luchtvaartmaatschappij bij ongeval, met name ten aanzien van passagiers, bagage, vracht, post en derden, dient te zijn verzekerd.





Artikel 8

1. Voor de verlening of handhaving van een economische vergunning aan een luchtvaartmaatschappij is het geen vereiste dat zij luchtvaartuigen in eigendom heeft. Wel is het een vereiste dat de luchtvaartmaatschappijen de luchtvaartuigen te hunner beschikking hebben door eigendom of een of andere vorm van huurovereenkomst, waarvoor zij beschikken over de operationele verantwoordelijkheid en zeggenschap.

2. Onverminderd hetgeen is bepaald in lid 3 moeten de door een luchtvaartmaatschappij gebruikte luchtvaartuigen in het Arubaans Burger Luchtvaartuigregister zijn geregistreerd.

3. In het geval van kortlopende huurovereenkomsten om tijdelijke behoeften van de luchtvaartmaatschappij te dekken of anderszins in uitzonderlijke omstandigheden, volgens JAR-OPS 1/3 voor Aruba, kan de Directie Luchtvaart vrijstelling van de vereiste in lid 2 verlenen.

Onderdeel C: Bewijs luchtvaartexploitant (AOC)

Artikel 9

1. De Directie Luchtvaart neemt een aanvraag voor eerste afgifte van een AOC pas in behandeling indien aan alle vereisten voor afgifte van een economische vergunning is voldaan.

2. De Directie Luchtvaart neemt een aanvraag voor een wijziging van een AOC pas in behandeling indien aan de vereisten in artikel 5, vierde en vijfde lid is voldaan naar tevredenheid van de Directie Luchtvaart.

3. Een AOC wordt slechts afgegeven indien aan alle van toepassing zijnde vereisten is voldaan en indien de aanvrager in het bezit is van een economische vergunning afgegeven op grond van artikel 3 lid 1 van het Besluit Luchtvervoer (AB 2000 no. GT86).

Artikel 10

De verlening en de geldigheid te allen tijde van een AOC is afhankelijk van het bezit van een geldig economische vergunning. In de AOC worden de activiteiten nader gespecificeerd, en dient in overeenstemming te zijn met de criteria van de Luchtvaartverordening en de daaruit voortvloeiende besluiten en regelingen.

Artikel 11

1. In verband met de veiligheids- en aansprakelijkheidsnormen moet de luchtvaartmaatschappij die gebruik maakt van een luchtvaartuig van een andere onderneming of die een luchtvaartuig ter beschikking van een andere onderneming stelt, van de Directie Luchtvaart voorafgaande goedkeuring verkrijgen. De voorwaarden voor de goedkeuring maken deel uit van de huurovereenkomst tussen de partijen.

2. De Directie Luchtvaart geeft geen goedkeuring voor overeenkomsten van verhuring





met bemanning aan een luchtvaartmaatschappij die in het bezit is van een economische vergunning afgegeven door een andere luchtvaart autoriteit, tenzij aan gelijkwaardige veiligheidsnormen als die van Luchtvaartverordening en de daaruit voortvloeiende besluiten en regelingen is voldaan.

Onderdeel D: Aanvullende bepalingen

Artikel 12

Een aanvraag voor economische vergunning en AOC wordt slechts in behandeling genomen indien de aanvraag in overeenstemming is met het vigerend luchtvaartpolitieke beleid van de Minister en indien het past binnen de toezichtscapaciteiten van de Directie Luchtvaart. Door de Directie Luchtvaart wordt er daartoe een evaluatie uitgevoerd alvorens de aanvraag in behandeling wordt genomen.

Artikel 13

1. De aanvrager vergoed vooraf de kosten om tenminste een operaties- en een luchtwaardigheidsinspecteur van de Directie Luchtvaart opgeleid/getraind en bekwaam te hebben op het type luchtvaartuig dat gebruikt zal worden. De training dient te geschieden voordat de Directie Luchtvaart een aanvang maakt met de keuring van de vliegtuigtype-gerelateerde handboeken van de aanvrager.

2. Indien van toepassing, vergoed de aanvrager vooraf de kosten zodat de Directie Luchtvaart tijdelijk externe op het vliegtuigtype getrainde en bekwame inspecteurs kan inhuren.

3. De aanvrager vergoed vooraf de kosten door de Directie Luchtvaart gemaakt in verband met het certificeringsproces ten behoeve van de aanvrager. Deze kosten zijn bijvoorbeeld verzekeringskosten voor de inspecteurs tijdens de proefvluchten.

4. De vergoeding van kosten, bedoeld in het eerste, tweede en derde lid, geschiedt onafhankelijk van het resultaat van het certificatieproces van de AOC en kan niet teruggevorderd worden.

Artikel 14

1. Een economische vergunning wordt voor een periode van maximaal vijf jaar afgegeven en kan voor een zelfde periode worden verlengd, zolang de luchtvaartmaatschappij aan de in de Luchtvaartverordening en de daaruit voortvloeiende besluiten en regelingen vervatte verplichtingen voldoet. De Directie Luchtvaart draagt er zorg voor dat er een nieuw onderzoek wordt uitgevoerd één jaar na de verlening van een nieuwe economische vergunning en nadien om de vijf jaar.

2. Wanneer een luchtvaartmaatschappij haar activiteiten gedurende zes maanden heeft gestaakt of tijdens de zes maanden na het verkrijgen van een economische vergunning geen exploitatie is begonnen, beslist de Directie Luchtvaart of de economische vergunning opnieuw





ter goedkeuring moet worden voorgelegd.

3. Ten aanzien van de luchtvaartmaatschappijen, beslist de Directie Luchtvaart, of de economische vergunning opnieuw ter goedkeuring moet worden voorgelegd bij een wijziging van een of meer elementen die een invloed hebben op de rechtssituatie van de onderneming en meer bepaald in geval van fusie of bedrijfsovername. De betrokken luchtvaartmaatschappij(en) mag/ mogen de exploitatie niet voortzetten, tenzij de Directie Luchtvaart besluit dat de veiligheid in het gedrang komt, met opgave van de redenen daarvoor.

Artikel 15

De Directie Luchtvaart kan een luchtvaartmaatschappij waartegen een rechtsvordering wegens insolventie of een soortgelijke procedure is ingesteld, haar economische vergunning en AOC niet laten behouden, wanneer de Directie Luchtvaart ervan overtuigd is dat er geen realistische vooruitzichten zijn op een bevredigende financiële reorganisatie binnen een redelijke termijn.

Artikel 16

1. De procedures voor het verlenen van economische vergunningen en AOC zijn weergegeven in Bijlage D.

2. De Directie Luchtvaart besluit zo spoedig mogelijk, en uiterlijk drie maanden nadat alle vereiste inlichtingen zijn verstrekt, over een aanvraag voor een economische vergunning, waarbij met alle beschikbare gegevens rekening wordt gehouden. Van het besluit wordt aan de luchtvervoeronderneming die de aanvraag heeft ingediend, kennis gegeven. Een afwijzing wordt met redenen omkleed.

3. Bij de behandeling van de aanvraag voor een economische vergunning kan er een onderzoek worden ingesteld op de aanvrager of de financierder van de onderneming op het gebied van beveiliging of financiële integriteit.

4. De Directie Luchtvaart kan in de navolgende omstandigheden een aanvraag voor een economische vergunning of AOC afwijzen:

a. indien ter verkrijging van een economische vergunning of AOC onjuiste gegevens aan de Directie Luchtvaart zijn verstrekt.

b. indien na een onderzoek als bedoeld in het derde lid blijkt dat er gegronde reden zijn om het verzoek af te wijzen.

c. indien na 12 maanden na de aanvraag de onderneming er niet in geslaagd is te voldoen aan de in deze beleidsregel gestelde vereisten.

5. De Directie Luchtvaart kan in de navolgende omstandigheden een aanvraag voor een economische vergunning of AOC stopzetten:

a. indien onderneming of personen belast met operationele zeggenschap van de onderneming verdachten zijn bij een strafrechtelijk onderzoek verbandhoudende met de luchtvaart. De Directie Luchtvaart kan de behandeling van een aanvraag vervolgens afwijzen indien deze persoon of personen vervolgens schuldig wordt bevonden.

b. indien er tijdens de behandeling de aanvraag feiten of omstandigheden worden





geconstateerd waardoor getwijfeld kan worden of de aanvrager over de benodigde middelen, capaciteiten en/of bekwaamheid beschikt om het certificatieproces te voltooien en/of de exploitatie op een veilige wijze uit te voeren. De behandeling van de aanvraag wordt voortgezet indien de reden voor stopzetting zijn komen te vervallen.

c. indien de garantiebrief als bedoeld in artikel 5, derde lid, niet binnen drie maanden na indiening van de aanvraag overlegd kan worden.

6. Tegen een afwijzing van economische vergunning is bezwaar mogelijk bij de L.A.R.

7. De besluiten of beschikkingen waarbij een economische vergunning wordt verleend of ingetrokken, worden in het afkondigingsblad van Aruba bekendgemaakt.

Artikel 17

Bij de toepassing van deze beleidsregel verkregen vertrouwelijke informatie valt onder het beroepsgeheim.

Artikel 18

De beleidsregel Exploitatie vergunning en AOC van 14 november 2000 wordt hierbij ingetrokken.

Artikel 19

Deze beleidsregel treedt in werking op 1 mei 2012.

Oranjestad, 23 april 2012.

De Minister van Toerisme, Transport en Arbeid.





Bijlage A

IN VERBAND MET ARTIKEL 5 TE GEBRUIKEN INLICHTINGEN OVER DE FINANCIËLE DRAAGKRACHT VAN LUCHTVAARTMAATSCHAPPIJEN

Door een luchtvervoeronderneming die voor het eerst een aanvraag voor een vergunning indient te verstrekken inlichtingen uit het oogpunt van financiële draagkracht:

1. Het meest recente interne verslag over de bedrijfsvoering en, indien beschikbaar, door accountants gecontroleerde rekeningen over het voorgaande boekjaar.
2. Een balansraming, met een winst en verliesrekening over de komende twee jaar.
3. De basis voor de geraamde uitgaven en ontvangsten voor posten zoals brandstof, tarieven, lonen, onderhoud, afschrijvingen, wisselkoersschommelingen, luchthavenrechten, verzekering enz., alsmede realistische prognoses inzake vervoer/ontvangsten.
4. Bijzonderheden over de aanloopkosten tijdens de periode die loopt van het indienen van de aanvraag tot het begin van de exploitatie en een toelichting over de voorgenomen wijze van financiering van deze kosten.
5. Bijzonderheden over de bestaande en geplande financieringsbronnen.
6. Bijzonderheden over de aandeelhouders, waaronder hun nationaliteit en de soorten aandelen, alsmede de statuten. Indien de onderneming deel uitmaakt van een groep van ondernemingen, inlichtingen over de onderlinge banden.
7. Geraamde cash flow en liquiditeitsplannen voor de eerste twee exploitatiejaren.
8. Bijzonderheden over de financiering van de aankoop/huur van luchtvaartuigen met, in het geval van huur, de contractvoorwaarden. Zie Appendix 1.





Bijlage B

IN VERBAND MET ARTIKEL 5 TE GEBRUIKEN INLICHTINGEN OVER DE FINANCIËLE DRAAGKRACHT VAN LUCHTVAARTMAATSCHAPPIJEN:

Te verstrekken inlichtingen voor de beoordeling van de lopende financiële draagkracht van houders van een bestaande vergunning die een wijziging van hun structuren of activiteiten overwegen die een aanzienlijke weerslag op hun financiële positie hebben

1. Zo nodig het meest recente interne verslag over de bedrijfsvoering en door accountants gecontroleerde rekeningen over het voorgaande boekjaar.
2. Nauwkeurige bijzonderheden over alle voorgenomen wijzigingen, bijvoorbeeld wijziging van het soort dienst, voorgenomen overneming of fusie, wijzigingen in het aandelenkapitaal, wijzigingen wat de aandeelhouders betreft, enz.
3. Een balansraming, met een winst en verliesrekening over het lopende boekjaar, inclusief alle voorgenomen wijzigingen in de structuur of activiteiten die een belangrijke weerslag op de financiële positie hebben.
4. Vroegere en geraamde uitgaven en inkomsten met betrekking tot brandstof, tarieven, lonen, onderhoud, afschrijvingen, wisselkoersschommelingen, luchthavenrechten, verzekering enz., inclusief prognoses inzake vervoer/ontvangsten.
5. Cash-flow-staten en liquiditeitsplannen voor het volgende jaar, met alle voorgenomen wijzigingen in de structuur of activiteiten die een aanzienlijke weerslag hebben op de financiële positie.
6. Bijzonderheden over de financiering van de aankoop/huur van luchtvaartuigen, met, in het geval van huur, de contractvoorwaarden.





Bijlage C

**IN VERBAND MET ARTIKEL 5 TE GEBRUIKEN INLICHTINGEN OVER DE
FINANCIELE DRAAGKRACHT VAN LUCHTVAARTMAATSCHAPPIJEN:**

Te verstrekken inlichtingen voor de beoordeling van de lopende financiële draagkracht van houders van een bestaande vergunning.

1. Door accountant gecontroleerde rekeningen uiterlijk zes maanden na het eind van de betrokken periode en zo nodig het meest recente interne verslag over de bedrijfsvoering.
2. Een balansraming, met inbegrip van een winst- en verliesrekening voor het volgende jaar.
3. Vroegere en geraamde uitgaven en inkomsten met betrekking tot brandstof, tarieven, lonen, onderhoud, afschrijvingen, wisselkoersschommelingen, luchthavenrechten, verzekering enz., inclusief prognoses inzake vervoer/ontvangsten.
4. Cash-flow-staten en liquiditeitsplannen voor het volgende jaar.



**Bijlage D****Proces ter afgifte een economische vergunning en AOC en in te leveren documenten****Chapter 1. General**

- 1.1 An organization or person may apply for an economical authority and AOC to do business in Aviation. Certification of an air operator is accomplished in two main sequential steps.
1. Obtaining an Economical Authority, based on the Aviation Act of Aruba (AB1989 No.GT 58), article 13. Upon submitting a pre-application the applicant will have to show that the service is in the public interest. The Department of Civil Aviation will perform a pre-assessment of the intended operation. Upon successful completion of the pre-assessment the applicant will be provided the opportunity to submit a formal application. The Minister, through the Department of Civil Aviation of Aruba, if convinced of the public necessity will take a decision in principle to issue an Economical Authority provided application complies with the applicable requirements set forth by the applicable laws and regulations, and the requirements as set forth in this document. The Department of Civil Aviation will appoint a project Manager under whose personal responsibility the issuance of an Economical Authority is to be considered. The process above is also to be followed for an existing operator wishing to significantly alter its size or scope of operation or aircraft fleet.
 2. The second is a certification process of the applicant from an operational/technical perspective. When performing this certification process, the DCA ensures that accountability for the issuance of an AOC is clearly defined. In Chapter 2 an outline is given of the process involved. The Department of Civil Aviation will appoint a project Manager under whose personal responsibility the issue of an AOC is to be considered. In making the legal findings with respect to the requirements of JAR-OPS Subpart C (including the Maintenance Approval Statement), the Department Head will only issue an AOC if he is completely satisfied that all requirements have been met. If he is not satisfied, the applicant will be informed in writing of the improvements, which are required in order to satisfy the DCA. Should an application for an AOC be refused, the applicant will be informed of such rights of appeal.
- 1.2. In practice the above two-step process is further divided into five phases. These are as follows:
- Phase 1: Pre-application phase
 - Phase 2: Formal application phase
 - Phase 3: Document review phase
 - Phase 4: Compliance evaluation phase
 - Phase 5: Certification phase
- 1.3. It is important to appreciate that the arrangements make clear that the DCA acts, during this process, in each of two separate roles. In making a technical finding and in making a legal finding in obtaining the above mention documents, it acts in its national capacity.





Chapter 2. Assessment of Financial, Economic and Legal Matters

- 2.1 At the outset of the preliminary assessment, it is essential that a positive finding be made in respect of the financial, economical and legal matters listed in Appendix 1, hereto attached.
- 2.2 Frequently the financial viability of the operation is the critical factor in reaching a decision as to whether an AOC should be awarded. The operator must have sufficient financial resources to obtain all required equipment, facilities and manpower and to fully support operations in the early stages when revenues are difficult to predict and may in any case be very low. Marginal or severely limited resources frequently result in an adverse effect on safety and efficiency. Experience indicates that operators tend to take short cuts on such vital matters as required maintenance, acquisition of adequate spare parts, training of personnel and other similar matters with safety implications. The determination of the financial resources of the applicant is usually based on an audit of the operator's assets and liabilities and a thorough evaluation of financial and statistical records and other pertinent data such as proposed arrangements for the purchase or lease of aeroplanes and major equipment.
- 2.3 If the proposed operation is not considered to be viable of the financial, economical and legal factors, further action should be suspended until it is determined whether the deficiencies can be rectified. If the deficiencies cannot be rectified, the project manager of the DCA will notify the applicant that the DCA will stop the process and cancel the application.





Chapter 3. Processes to be followed

Note: What follows is a summary of the steps that should take place for the evaluation of an operation, prior issuance of a new Economical Authority and AOC (Air Operator Certificate) or variation hereto. The list is not necessarily comprehensive and the steps should not be considered as belonging in isolated compartments. Each item should be regarded as part of a whole, integrated, process.

The AOC applicant as a rough guideline should use this document. It does not replace the need for checking compliance towards national regulations and requirements.

Phase 1. Pre-Application Phase

1. An applicant's written application for an AOC must be submitted, in a format acceptable to the DCA, at least 120 days before the date of intended operation. The application form will be printed in English. (Initial inquiry)
2. The DCA releases the present document detailing the provision of information. This should allow the applicant to appreciate the requirements and conditions set for acquiring an AOC. It contains the applicable fees and intent declaration form.
3. An individual is nominated by the Department Head at the DCA to oversee, and become the focal point for all aspects of the operator certification process, and to coordinate all necessary activities. The nominated person is responsible to the Department Head for confirming that all appropriate inspections are made. He will also ensure that the necessary acceptances or approvals required by sub-paragraph c. below are, in due course, issued. Of particular importance on initial application is a careful review of the qualifications of the nominated post holders. Account should be taken of the relevance of the nominee's previous experience and known record.
4. The applicant will submit a Prospective Operator's Pre-application Statement (POPS). This Statement should be supported with relevant documentation such Business Plan, and other official documents if needed. The business plan as a sole document or with its attachments should address the areas listed in Attachment A from the present document.
5. The DCA will review the POPS submitted and will notify the applicant whether or not the application is accepted.
6. If the POPS is accepted by the DCA, a pre-application meeting will be held between the applicant's and the DCA's teams. The following topics will be addressed during that (those) meeting(s):
 - 6.1. Verification of the POPS information,
 - 6.2. Advise (confirm) of the relevant regulations and possible additional requirements
 - 6.3. Explanation of minimum requirements for submission of formal application
 - 6.4. Explanation of schedule events and certification process (generic process)
- 6.5. Review of fees associated to the exercise
- 6.6. Advise of approximate (minimum) time required following formal application (generic process, fluctuations depend on influence factors)
- 6.7. Provide applicant with application form.





7. The DCA will notify the applicant whether or not the application is further accepted.
8. The applicant will follow-up by submitting a formal application (see next chapter)
9. Further submissions, which require the Authority's specific Approval, should be referred to the competent department of the DCA. Examples of such submissions (which will be included in the Operations Specifications) are those for ETOPS, AWOPS, HEMS, PRNAV, MEL and the carriage of Dangerous Goods. Submissions must include, where relevant, the associated qualification requirements and training programmes.
10. If the minimum amount of DCA inspectors possessing previous type rating and qualifications (operations and maintenance) on the type(s) and variant(s) of aeroplane proposed by the applicant is insufficient for the efficient continued surveillance of an AOC holder, an arrangement will be made between the applicant and the DCA in order to send DCA's inspectors to training. The number of inspectors to be sent will depend on the size of the operation proposed. Provision for one failure and re-training per inspector will be budgeted by the applicant. In case of additional failure of the inspector(s), the decision and expenses for re-training will rest with the DCA. Article 13 of this document has to be taken into account.





Phase 2. Formal Application Phase

In this phase, the applicant will formally present an initial compliance statement (“compliance checklist”) with evidence covering the subjects below and will submit the required documentation.

Financial resources

Financial resources available and a statement confirming or amending the information from the attachment A to POPS, item #9.5 already submitted,

Schedule

Schedule of events (what will happen and when such as delivery of Aeroplanes, hiring process, financial injection(s), availability of premises, startup of automation system, affiliation etc.)

Documentation

1. General Documentation:
 - 1.1 Insurance agreements and certificates,
 - 1.2 Lease agreements:
 - 1.2.1 Aeroplanes,
 - 1.2.2 Facilities lease agreements (premises, hangars, class rooms, etc.),
 - 1.3 Service (and sub-service) agreements:
 - 1.3.1 Ground handling (main base and stations),
 - 1.3.2 Operational arrangements (flight planning, weather service, Notam service, performance calculations/planning, etc.),
 - 1.3.3 Training arrangements (simulator facilities, ground training, security, dispatch classes, dangerous goods, maintenance etc.)
 - 1.4 Crew records.
 - 1.4.1 Licensing - currency/expiry of validity
 - 1.4.2 Training records - routine and special training (e.g. AWOPS, ETOPS).
 - 1.5 Aeroplane proving test plan,
 - 1.6 Exemption and deviation requests,
 - 1.7 Special approvals,
 - 1.8 Passenger briefing cards,
 - 1.9 Emergency evacuation demonstration plan.

Organisation and Infrastructure.

- 1 Structure





- 1.1. Operator's management, training and support personnel; adequacy of number, qualification and Organization (depends on the size of the operation) – refer to Appendix 3 for minimum credential requirements;
 - 1.1.1. Resumes of:
 - 1.1.1.1. Accountable Manager
 - 1.1.1.2. Quality Assurance Manager(s)
 - 1.1.1.3. Post holders
 - 1.1.1.4. Any position that would have operational or maintenance corporate authority
 - 1.2. Organization layout:
 - 1.2.1. General company system-wide
 - 1.2.2. Detailed Operational areas including at least:
 - 1.2.2.1. Quality Assurance,
 - 1.2.2.2. Security,
 - 1.2.2.3. Flight Operations, including: flight crew, cabin crew, crew scheduling, data control
 - 1.2.2.4. Training including flight crew, cabin crew, despatch, dangerous goods, security
 - 1.2.2.5. Safety
 - 1.2.2.6. Ground operations and stations control
 - 1.2.2.7. Operation/maintenance control
 - 1.2.2.8. Maintenance
- 2 Office accommodation and equipment
 - 2.1 General size, light and heat/cooling, etc.
 - 2.2 Office machinery and communications (depends on the size of the operation)
 - 2.3 Operations center and flight planning department (including aircraft performance).
 - 2.3.1 Working space,
 - 2.3.2 Equipment,
 - 2.3.3 Automation,
 - 2.3.4 Communication equipment,
 - 2.3.5 Procedures/policies,
 - 2.3.6 Staffing/training,
 - 2.3.7 Sub-contractors (Oversight, quality, type of agreement and control)
 - 2.3.8 Record keeping
 - 2.4 Necessary publishing facilities, including operations and maintenance Libraries storages.
 - 2.4.1 Space,
 - 2.4.2 Equipment,





- 2.4.3 Automation,
- 2.4.4 Procedures/policies,
- 2.4.5 Staffing/training
- 2.4.6 Sub-contractors
- 2.4.7 Control and supervision
- 2.4.8 Record keeping
- 2.5 Training facilities including classrooms and teaching aids.
 - 2.5.1 Space, layout,
 - 2.5.2 Equipment,
 - 2.5.3 Accommodation,
 - 2.5.4 Automation,
 - 2.5.5 Procedures/policies,
 - 2.5.6 Staffing/training
 - 2.5.7 Sub-contractors
 - 2.5.8 Control and supervision
- 2.6 Crew briefing facilities.
 - 2.6.1 Space, layout,
 - 2.6.2 Equipment,
 - 2.6.3 Accommodation,
 - 2.6.4 Communication,
 - 2.6.5 Procedures/policies,
 - 2.6.6 Control and supervision
 - 2.6.7 Briefing material available, Flight and Cabin Crew. Documents available including necessary Operations Manual extracts;
 - 2.6.8 Flight planning support;
 - 2.6.9 Communications - flight planning department, line maintenance, despatch, ATC, etc. Transport;
- 2.7 Outstations and/or overseas support facilities.
 - 2.7.1 Space, layout,
 - 2.7.2 Equipment,
 - 2.7.3 Accommodation,
 - 2.7.4 Automation,
 - 2.7.5 Procedures/policies,
 - 2.7.6 Staffing/training





- 2.7.7 Sub-contractors
- 2.7.8 Control and supervision
- 2.7.9 Organization
- 2.7.10 Record keeping

Manuals.

1. Generalities

The Operations and Maintenance Manuals are one of the main instruments by which an operator secures a safe operation. They serve as guidelines and “translation” of the various requirements the operator must comply with. They must tell precisely to the Managers and Employees what needs to be done, how and to what limits.

2. Manuals to submit in this phase:

- 2.1 Operations Manuals: the general layout of Operations manuals can be found in appendix 1 to JAR-OPS 1.1045. (Some parts of the layout could be split in separate stand-alone manuals for convenience of use, however the general format and numbering should reflect accurately the format in appendix 1 to JAR-OPS 1.1045 review),
- 2.2 Maintenance Manuals: (Maintenance Management Exposition (see AMC JAR-OPS 1.905(a)), maintenance inspection procedure manual, manufacturer’s manuals, ground servicing manual, fueling procedure manual, mass & balance manual, training manual...)
- 2.3 AFMs (Aeroplane Flight Manuals) (per type),
- 2.4 Aeroplane Operating Manuals or Flight Crew Operating Manuals and associated checklists, type performance manuals,
- 2.5 Cabin Safety Manual,
- 2.6 Flightsafety and Accident Prevention Programme (if not entirely included in the operation manuals)
- 2.7 Company (can be sub-contracted) performance manuals that would not be part of the operation manuals,
- 2.8 Minimum Equipment Lists (per type),
- 2.9 Mass & Balance manual(s),
- 2.10 Various syllabi or didactic manuals and Standard Operating Practices (SOPs),
- 2.11 Any manuals that the applicant would require its staff to use in the control or supervision of its operations.

Training.

1 The training should address:

- The adequacy of training. 'Adequacy' includes assessment of:
- The qualities of the training staff,
- The syllabus of training - appropriate to type and area of operation





- The planning and the resources allocated to training
 - The sufficiency and quality of the training aids used
 - The efficiency of the whole training establishment and its interaction with other departments, in particular commercial and crew fostering departments.
 - Crew (Flight, OPS, Ground and Maintenance) qualification and proficiency, adherence to the requirements of the Operations Manual, Maintenance Manual and standard operating procedures;
 - Crew resource management; and
 - Training attitudes and initiatives.
- 2 Part of the training may be contracted to another operator or to an agency, which holds the necessary approval from the DCA. In any situation in which training facilities (or staff), which are not directly under the control of the operator, are engaged, the training relevant approvals must be current or requested and the training given must remain appropriate to the operator's needs.

Route Structure

A detailed plan will address the following:

1. Origin and destination airports, ICAO names and Countries,
2. Alternates planned for those destinations (ICAO names),
3. Route studies, including:
 - 3.1. Distance to destination, distance to alternates,
 - 3.2. Takeoff, landing and enroute performance analysis (including obstacles),
 - 3.3. Weather patterns and history at selected airports (including en-route alternates) and along the route,
 - 3.4. Traffic restrictions analysis and trends,
 - 3.5. Pavement strength comparison to Aeroplanes weight/surface category,
 - 3.6. Ground navigation equipment availability and reliability,
 - 3.7. Airport restrictions and facilities (customs, ATS, fire category, security)
 - 3.8. Regional political and geographical stability
4. Aerodrome & Enroute Data (Manual)

The aerodrome data acquisition system is a subsystem of the performance data system.

Most of the data required for flight operations can be obtained by a subscription to a standard government or commercial aeronautical navigation charting service, such as the National Oceanic and Atmospheric Administration (NOAA), the Department of Defense (DOD-U.S.), or the Jeppesen/Sanderson Company. Operators of large transport category aeroplanes and commuter category aeroplanes require obstacle information for takeoff performance analysis which is more detailed than information provided by standard navigational charting services.



**Maintenance.**

The applicant is required to ensure that an organization including qualified staff, workshops, equipment and facilities necessary to maintain his aircraft in an airworthy condition is provided.

1. The following aspects must be covered/submitted:
 - 1.1 Manuals or documentation covering (see sections “Manuals” 2-2 above, including the following):
 - 1.1.1 Maintenance Management Exposition
 - 1.1.2 Maintenance Programme
 - 1.1.3 Reliability Programme
 - 1.1.4 Maintenance Scheduling Tasks
 - 1.1.5 Service Difficulty Reporting Procedures
 - 1.1.6 Maintenance Arrangements
 - 1.1.7 Certificate of Airworthiness and Maintenance Records
 - 1.1.8 Aircraft Technical Log
 - 1.1.9 De-icing programme (coordination with the Operations part in the operations Manual)
 - 1.1.10 Airplane Maintenance Programme
 - 1.1.11 Maintenance training programme
 - 1.2 Line Stations Assessment (ground equipment, staffing, equipment, documentation)
 - 1.3 Base Station Assessment (ground equipment, staffing, training currency, documentation, control, supervision)
 - 1.4 Quality assurance System for maintenance (staffing, training currency, coordination with quality assurance for operations)
 - 1.5 List and credential of maintenance subcontractors
2. The proper maintenance of aircraft, whether or not contracted to a separate organization, remains the responsibility of the operator. There must be an effective liaison between the AOC holder's operations and maintenance departments and the operator's compliance with AUA-OPS Subpart M.

Release of Flight/Dispatch.

In this chapter the applicant should detail (and refer to the appropriate Operation Manual when appropriate) the process involving the preparation and release of a flight. In order to elaborate on this subject, the following areas should be kept in mind (not necessarily in the same order):

1. Crew inspection of aircraft, Flight and Cabin Crew.
2. Clearance of defects, liaison with line maintenance. Tech.log., completion.
3. Application and communication of MEL restrictions.
4. Fuelling and de-icing procedures/limitations or penalties.





5. Load sheet preparation and flight closure.
6. Passenger boarding or cargo loading supervision.
7. Security (inspection and release).
8. Training and Qualification of Flight operation Officers.
9. Aeroplane performance limitations.
10. Weather, Airport and ATC restrictions/limitations.
11. Dispatch briefing to crew.
12. Communication with crew on flight deck.
13. Release format, signatures and responsibilities.

Navigation & Equipment

The purpose this section is to elaborate on the type of navigation and equipment that will be used in the operation. Reference to the appropriate sections in the Operation Manual should be made.

The applicant in this section will cover the following aspects:

1. Navigation equipment available on board and level of accuracy.
2. Categories/type of flights in which this equipment is intended to be used (approach categories, RNAV, MNPS, RVSM, ETOPS, etc.)
3. Procedure for the navigational (ground) inspections carried out as a 'quality control' exercise by reviewing retained documents as well as a check that facilities and resources are adequate to support the type of flight to be undertaken.
 - 3.1. Conformity with Approvals
 - 3.2. Adequacy of information available to crew.
 - 3.3. Minimum equipment levels.
 - 3.4. Proficiency of Flight Crew - including necessary training records.

Dangerous Goods

The applicant will state the general policy and procedures related to this subject. When elaborating on the training and procedures, reference should be made to the appropriate sections of the operation manuals.

Note: If the applicant chooses to forbid his operation to transport dangerous goods, procedures and training for the recognition and denial of boarding of such goods and limitations of small quantities carried by passenger should still be addressed.





Operator's Safety Management System, Quality System and Flight Data Monitoring

Safety Management System

- (a) An operator shall implement a safety management system acceptable to the Authority that, as a minimum:
- 1) identifies safety hazards;
 - 2) ensures the implementation of remedial action necessary to maintain agreed safety performance;
 - 3) provides for continuous monitoring and regular assessment of the safety performance; and
 - 4) aims at a continuous improvement of the overall performance of the safety management system.
- (b) The safety management system shall clearly define lines of safety accountability throughout the operator's organization, including a direct accountability for safety on the part of senior management.
- (c) An operator of an aeroplane of a maximum certificated take-off mass in excess of 27.000 kg shall establish and maintain a flight data analysis programme as part of its safety management system. The flight data analysis programme shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.
- (d) The operator shall appoint a person accountable for managing the safety management system. Proposals for corrective action resulting from the safety management system shall be the responsibility of the person accountable for managing the system.
- (e) The effectiveness of changes resulting from proposals for of corrective action identified by the safety management system shall be monitored by the Quality Manager.
- (f) An operator shall establish a flight safety documents system, for the use and guidance of operational personnel, as part of its safety management system.

Quality System

In this section, the applicant will also cover the general policy, extent (scope) and procedure(s) that will be used.

There will be two sections (documentation) to develop (manuals):

1. The general information about quality in operation and maintenance manuals (accessible to everyone in the operation) and
2. The quality programme (including plan) restricted to the quality manager(s) and auditors, and the Accountable Manager.

When preparing the quality system and policies, the applicant should keep the following items in mind.

1. If the operator's Quality System were to be totally effective, the DCA inspections should not, theoretically, identify any deficiencies, which have a direct bearing on an operator's continued competence to hold an AOC. When the Quality System is inspected, a check will be made to satisfy the DCA that the deficiencies identified by both the operator and the DCA have been systematically addressed and that, where necessary, the Quality System itself has been modified to prevent a recurrence.
2. The number or the magnitude of the deficiencies identified by the DCA will serve to support the DCA's continuing confidence in the operator's competence or, alternatively, lead to an erosion of that confidence.





In the latter case, the DCA may find it necessary to increase the frequency or the depth of its inspection schedule.

3. Inspections will be conducted by the DCA with the primary and overriding purpose of satisfying the DCA that the operator is complying with the requirements of JAR-OPS. Secondly, inspections will be used by the DCA to satisfy it that the operator's Quality System is comprehensive and effective and may help to establish a working relationship with the operator's Quality Manager or his staff.
4. It follows that any inspection may be conducted in collaboration with the Quality Manager or his representative. Neither the Inspector nor the Quality Manager(s) should, however, rely wholly on joint evaluation.

Stations

The applicant should elaborate and prepare policies and procedures regarding the management, control, [continued] surveillance, organization of his stations (including base), and present a document elaborating on the following points:

1. Personnel. This area refers to the personnel employed at the facility. Adequacy of staffing levels and the competency of assigned personnel in the performance of their duties should be taken into consideration.
2. Manuals. This area refers to the availability, currency, and content of the written guidance required by employees in the performance of their assigned duties.
3. Records. This area refers to those records that the operator is required to maintain relative to station activities. For example, operators are required to record hazardous material and security training for all operations personnel. The typical location and responsibility (who) of training and flight records retention should be clearly identified.
4. Training. This area refers to the adequacy of the training given to assigned personnel as demonstrated by their knowledge of their duties. This area does not include crew and dispatcher training.
5. Facility/Equipment/Surface. This area refers to the various physical elements required to support flight operations, such as ramp areas, blast fences, signs, signaling devices, lighting, passenger and cargo loading equipment, aircraft servicing, and towing equipment.
6. Flight Control. This area refers to the control and support of aircraft flight operations, and/or communication with main control center.
7. Servicing. This area refers to the operator's procedures and standards required for the safe servicing and handling of its aircraft.
8. Management. This area refers to the effectiveness of the operator's management and supervisory personnel.

Security

In elaborating (preparing) this chapter, the applicant will follow these guidelines:

The Operator's security programme shall comply with:

- JAR-OPS 1 subpart S
- ICAO Document 8973/4, Annex 17.

I Programme objective





To protect the operation of the airline by safeguarding its customers, its staff, its equipment and facilities.

II Sources of regulations

- A. National legislation - Statute, laws or decree and mandatory regulations under the national legislation.
- B. National civil aviation security program/Document or decree mandating operators to take security measures at aerodromes of the concerned State.
- C. Others - IATA resolutions/recommendations; policy document of the company related to security; and relevant policies of other bodies.
- D. Additional security requirements of States into which the airline operates.

III Security and other authorities

- A. Operator's executive management identifying the line of command for security-related functions.
- B. Appropriate authority at the national and aerodrome level responsible for the implementation of the national and aerodrome security programs.
- C. Appropriate law enforcement agency.
- D. Appropriate municipal authority, where applicable.
- E. Other government agencies/departments.
- F. Others.

Company Emergency Procedures

This subject is covered in the "Handling of Accidents & Occurrences" defined in Appendix 1 to JAR-OPS 1.1045 and 3.1045 section 11.

A programme must be submitted to the DCA addressing the handling and communication of accidents and occurrences.

DCA Evaluations

Upon receiving the documentation and manuals covering the topics above, the DCA will proceed to two evaluations. One evaluation will address the completeness and accuracy of the submission and the other will review DCA's resources available and compare it to the workload required to meet the schedule and inspections/reviews.

Based on the information on hand, the DCA will either require a modification of schedule or assign the tasks to the certification members.

The newly appointed Project Manager will convey an internal meeting to introduce the participants, superficially review all submissions, review all schedule of events, conflicts with existing on-going schedules (including the DCA's resource problem area and impact of not meeting the schedule of events), review and resolve shortcomings and open questions, review forthcoming process in detail.





An evaluation of the meeting results takes place in order to determine whether there should be corrective actions to be taken before proceeding to the next phase (Documentation review phase).

Phase 3. Document Review Phase

In this phase, the certification team will concentrate on reviewing the submitted document for compliance, acceptance and approval required.

The ability of the reviewers to meet the scheduled time for this process largely depends on the quality and accuracy of the product and on the applicant's ability to (eventually) revise the documents based on the findings of the inspectors.

Inspection of the manuals may, depending on the size of operation, be done on the whole manual or on different parts at different times. Besides the contents verification with the requirements, the following areas will be scrutinized:

- the accuracy and the totality of the information in the manual;
- Compatibility of the different parts, one to another;
- The readability and intelligibility of the information, and the ease with which the user can find the required information, e.g. the indexing;
- The availability of necessary copies, or necessary extracts, to those who need the information and at the place where the information is needed;
- The quality and the state of repair of the manuals or extracts;
- The efficiency of the system for the entry and control of amendments.

A further overall evaluation will be made before proceeding further with the next phase.

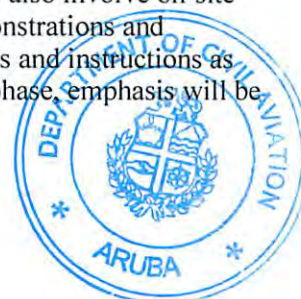
The applicant will be notified of the reason(s) of not proceeding further if this is the case and the necessity for corrective actions.

If the assessment is acceptable, the Compliance Evaluation Phase (phase 4) will start.

Phase 4. Compliance Evaluation Phase

1. General considerations

1.1 The applicant is required to demonstrate the ability to comply with all applicable regulations and safe operating practices before beginning revenue operations. These demonstrations will include actual performance of activities and/or operations while being observed by inspectors of the DCA. This will also involve on-site evaluations of aircraft maintenance equipment and support facilities. During these demonstrations and inspections, the DCA will evaluate the effectiveness of the policies, methods, procedures and instructions as described in the manuals and other documents developed by the applicant. During this phase, emphasis will be





placed on the applicant's management effectiveness. Deficiencies will be brought to the attention of the applicant, and corrective action should be taken before an AOC can be issued.

1.2 The DCA will thoroughly investigate the operating ability of the applicant. This important and more detailed phase of the investigation and assessment will require the applicant to demonstrate thorough, day-to-day administrative and operational capabilities, including proving flights over proposed routes, the adequacy of facilities, equipment, operating procedures and practices, and the competence of administrative, flight and ground personnel. Demonstration flights may include any aspect to be covered by a special authorization in the operations specifications which will be associated with the AOC when issued. Training or positioning flights observed by a DCA inspector may be credited towards meeting demonstration flight requirements. Emergency evacuation and ditching demonstrations are also required during this phase of the investigation of the applicant's capabilities.

1.3 The operational demonstration phase will encompass all aspects of the proposed operation, including the inspection of the passenger services organization.

1.4 The 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. Therefore this section does not include comprehensive (customized) material adaptable to universal use. Consequently, the material in this section should be regarded as a listing of the more important aspects of the operation to be investigated, the exact procedure for inspection being determined by the DCA by the circumstances of each case.

1.5 The DCA will also inspect facilities located in other States, to ensure they are adequate and that crew licences are acceptable to other States where operations will take place.

2. Organization and Administration

2.1 During the operational demonstration and inspection phase, the applicant's organizational structure, managerial style, direction and philosophy will be evaluated to ensure that necessary and proper control can be exercised over the proposed operation. A sound and effective management structure is essential; it is particularly important that the operational management should have proper status in the applicant's organization and be in suitably experienced and competent hands. Through discussions with key management personnel and through observation, the DCA certification team will evaluate the appropriateness of the management structure and determine whether or not clear lines of authority and specific duties and responsibilities of subordinate elements and individuals are established. These duties and responsibilities need to be clearly outlined in the applicant's operations and MCM's and other company documents. Furthermore, acceptable processes should be established for conveying company procedures and operating instructions to the personnel involved to keep them appropriately informed at all times. The authorities, tasks, responsibilities and relationships of each position need to be clearly understood and followed by the individuals occupying these positions.

2.2 At all levels, it is necessary that the applicant's personnel are thoroughly integrated into the operation and are made fully aware of the channels of communication to be used in the course of their work and of the limits of their authority and responsibility.

2.3 The applicant's staffing level will be evaluated to determine whether an adequate number of personnel are employed at management and other levels to perform the necessary functions. The number and nature of personnel will vary with the size and complexity of the organization. The DCA certification team will determine whether or not management personnel are qualified, experienced and competent to perform their assigned duties.





3. Ground Operations Inspection

The purpose of the ground operations certification inspection is to ascertain, through on-site inspections, the adequacy and suitability of the applicant's staffing, training programme, ground equipment, facilities and procedures to conduct the operations specified in the application. The inspection of maintenance facilities and procedures is also part of the ground inspection. The ground operations inspection will include:

- a. Fixed facilities (buildings, aerodromes);
- b. Mobile equipment (eg. fuelling vehicles, ground power units, oxygen and compressed gas servicing equipment, towing tugs, cargo and baggage handling equipment, catering vehicles, sanitary servicing trucks, de-icing equipment, etc.);
- c. Operational control organization;
- d. Flight crew qualifications, licensing and training;
- e. Cabin crew competency and training;
- f. Training programmes;
- g. Record keeping (a.o. flight crew member records, cabin crew member records, flight operations officer/flight dispatcher records, flight and cabin crew member duty periods, records of flight duty periods, rest periods and, for flight crew members, operational flight planning records, operational control records and financial records);
- h. Fuel computation procedures;
- i. Aircraft mass and balance procedures;
- j. Emergency evacuation demonstration: The operator is required to assign to each crew member the necessary functions to be performed in an emergency or in a situation requiring emergency evacuation. The DCA requires that the training, which includes instruction in the use of all emergency and life-saving equipment and drills in the emergency evacuation of the aircraft, be performed on an annual basis. It is considered that the most effective crew training in this regard would be accomplished by combined training of flight crew and cabin crew. Therefore, the DCA requires the applicant to establish, to the satisfaction of the DCA, procedures to be followed, assignment of duties, qualifications of crew members and equipment to be used that will permit an emergency evacuation in 90 seconds or less, of the maximum number of persons, including crew members, authorized to be carried on each type of aircraft used in commercial air transport operations.
- k. Ditching demonstration: Considering the fact that Aruba is an island (surrounded by water) and that all flights approach the island from the water, the DCA requires a simulated ditching demonstration during the operational inspection phase of the certification process for each aircraft type, model and configuration which will be operated. The operator should first assure that the aircraft has an airworthiness certification covering ditching.
- l. Ground inspection deficiencies: Unsatisfactory conditions noted by the DCA certification team during the ground inspection will to be brought to the attention of the applicant for corrective action. The opportunity will be provided for the applicant to remedy any deficiencies affecting the safety of the operation before the commencement of any flight operations inspection. All discrepancies and items of non-compliance need to be corrected or resolved, with acceptable records of the corrective actions taken being kept, to the satisfaction of the DCA certification team prior to the inauguration of commercial service.

4. Flight Operations Inspection

Following the ground operations phase of the inspection programme prior to certification it will be necessary to carry out a series of inspections in the course of flight. Such inspection flights provide an opportunity for the





applicant to demonstrate the ability to carry out the proposed operations in accordance with applicable regulations. Passengers should not be carried during inspection flights prior to certification and observer personnel on board the aircraft should be kept to a minimum. However, it is generally desirable for the applicant to have on board company personnel who can take decisions and make commitments on behalf of the applicant concerning action to correct deficiencies. All demonstration flights are to be conducted using the methods and procedures proposed by the applicant in the formal application package. The amount of flight hours will depend on several factors, including aircraft type, scope and complexity of the operation. Usually the DCA starts at planning 75 to 50 flight hours. The applicant should take this into consideration for budget purposes.

The applicant and the DCA will plan for the conduct of the flight operations when the applicant is ready to conduct these flights. All concerned need to have a clear understanding and agreement as to what needs to be accomplished by the applicant to show compliance with the applicable operating regulations and rules. General objectives for pre-certification inspection flights should include the determination of the adequacy of:

- a) in-flight procedures laid down in the operations manual and compliance with those procedures;
- b) the facilities and equipment provided to the flight crew to conduct the flight safely and in accordance with regulations;
- c) the support provided by the operational control system to the flight crew;
- d) the general provision made for ground handling of the aircraft and assisting the flight crew to carry out their duties at all aerodromes utilized by the applicant along the routes; and
- e) en-route facilities.

The scope of the proving flight inspection will include flight preparation, pre-flight inspections, in-flight inspections and post flight inspections. Unsatisfactory conditions noted by the DCA inspector during any part of the flight inspection will be brought to the attention of the applicant for corrective action. The opportunity will be provided for the applicant to remedy any deficiencies affecting the safety of the operation before any further flights are undertaken. All discrepancies and items of non-compliance need to be corrected or resolved, with acceptable records of the corrective actions taken being kept, to the satisfaction of the DCA prior to the inauguration of commercial service.

5. Airworthiness inspection

The DCA Airworthiness and Registration Unit is very involved in the compliance evaluation phase of the certification of a new operator, or AOC variation of an existing operator. In this phase the aircraft is registered in Aruba. In order to issue the Certificate of Airworthiness and associated documents the aircraft and records will be thoroughly inspected by the DCA.

Part of the compliance evaluation phase is also an inspection of the operator's continuing airworthiness management system, the operator's line stations (if the operator has maintenance activities) and all maintenance subcontractors. The DCA will also perform a conformity inspection of each aircraft against JAR-OPS Subpart K, L and S and JAR-26. The operator has to submit a conformity list for each aircraft in due time before the DCA inspection. If the operator has applied for a Part-145 maintenance approval, the applicable certification process has to be completed prior to the issuance of the AOC.





Phase 5. Certification phase

A further overall evaluation will be made before proceeding further with phase 5. If the assessment is acceptable, the Certification (final) phase (phase 5) will start.

This is the phase where a final report will be drafted upon which an Air Operator Certificate (AOC) and other additional authorizations and limitations (Operation Specifications, “OPS-SPECS”) will be issued.

Parts of the contents of the OPS-SPECS are standard whilst other parts depend on the result of the certification process.





Appendix 1: Assessment of the Financial, Economical and Legal Matters

The following items should be either integral part of the Business plan (preferable) or provided separately by official documentation.

The purpose of this list is to assist the applicant of economical authority to identify the main areas to take into consideration when establishing his budget and revenue plan, including the various requirements that are involved when establishing an aeronautical commercial activity.

The results should be included in the Prospective Operator’s Pre-application Statement (POPS) documentation, referred to in Appendix 2.

Note 1: the costs involved in the relevant areas should be properly addressed.

Note 2: items that will be sub-contracted should be clearly identified.

Note 3: when references are made to positions, sub-contractors or services, names are not necessary at this stage (except in 11.1).

Legend:

F – Financial

E – Economical

L – Legal

T – Technical

F	E	L	T	Areas
X	X	X	X	1. Name and nature of business (i.e. cargo, non-schedule service, schedule service, ambulance, aerial work etc...),
		X		2. Place of business (where will it be located – address),
		X		3. Legal form of business (i.e. N.V., S.C. etc.),
				4. Place of main base of operation and maintenance (control and supervision),
		X	X	4.1. Headquarters (Management) (Where decisions are made),
		X	X	4.2. Place of main libraries and publication activities (or supervision) (where the documentation and procedures are controlled),
			X	4.3. Location of main spare parts stock (Maintenance stock),
			X	4.4. Location of main tooling (Maintenance base).
X				5. Network and frequency of flights (Destinations & Schedule)
				6. Organization:
		X	X	6.1. Corporate structure (i.e. Share holders – Board of Directors, Executive Management, Management etc.),
			X	6.2. Management structure (and credentials) (Accountable Manager, Post holders, Quality Assurance, etc. – resumes are not required at this stage, but a profile type of what the Company requires),
			X	6.3. Department structures (i.e. Middle Management, layout and flow of communication, etc.)





F	E	L	T	Areas (Cont'd)
			X	6.4. Basic organizational chart, including foreign locations,
			X	6.5. Sectional man power planning,
				6.5.1. OPS areas (Flight OPS, Maintenance, Despatch, Training) (profile/credentials required, how many individuals, their responsibilities and authorities etc.),
				6.5.2. General areas (Financial, administration...)
				6.5.3. Production areas (Flight crew, cabin crew, check-in...) (profile/credentials required, how many individuals, their responsibilities and authorities etc.),
				6.6. Basic infrastructure (mainly budgeting):
X			X	6.6.1. Buildings (premises) including training facilities (amount and approx. projected sizes)– budget (rented, owned, term of leasing if rented),
			X	6.6.2. Equipment (ground handling/GSE, training equipment, vehicles etc.) (Identify if owned or leased),
			X	6.6.3. Automation (areas covered, computers, main software, servers, backups...) (for ex: crew scheduling, check-in, revenue accounting, aircraft planning, daily movements etc.),
			X	6.6.4. Flight planning and operational control general layout (including maintenance control) (i.e. where the daily control of flights will be handled),
			X	6.6.4.1. Type and source of services (Weather, Notams, Operation flight planning...) (Outsourced, in-house and their budgeting),
			X	6.6.4.2. Office(s) size (Budgeting),
			X	6.6.4.3. Communication equipment (ex: PBX, VHF, E-mail, Fax, HF etc.),
			X	6.6.4.4. Automation (extend and budget),
			X	6.7. Training philosophy (in-house, contracted out, depth, recurrent programs)
				7. Fleet:
				7.1. Type of ownership (short or long term leasing, purchase leasing, purchase etc.)
X			X	7.2. Type of Aeroplanes – how many different types and variants,
			X	7.3. Age of the fleet (by unit),
			X	7.4. Maintenance program in use (+CPCP) and program intended to be used (+bridging),
				7.5. Type of fleet support (agreement) from:
			X	7.5.1. Manufacturer,
			X	7.5.2. Other
X			X	7.6. Spare part inventory and budget, (per type, parts pooling etc.),
				7.7. Type and extend of insurance
			X	7.8. Fleet strategy (reserve unit, commonality...)
X	X			8. General affiliations (IATA, BSP, Clearing House, Interline Agreements etc.),





F	E	L	T	Areas (Cont'd)
X				9. Financial structure:
X				9.1. Assets existing (if any), or expected,
X				9.2. Share program,
X				9.3. Loans,
X				9.4. Investment (form and size),
X				9.5. Financial start-up endurance (without profit up to 6 months minimum, target of break-even etc.).
	X			10. Market plan and situation (local and foreign):
	X			10.1. Analysis (general area history, forecast, trends),
	X			10.2. Company plan and strategies,
	X			10.3. Market share prospect,
	X			10.4. Vision or targets.
X	X			11. Ownership:
	X			11.1. Investors (type and source) (ex: holding, individual, local/foreign ratio, etc.),
	X			11.2. Government rights
X	X			12. Revenue Management and prospects:
X	X			12.1. Pricing (structure),
X	X			12.2. Yield (forecast load factors, schedule, charters etc.),
X	X			12.3. Distribution,
X	X			12.4. Alliances,
X	X			12.5. Protections (contingencies, fall back plans, etc.).
	X			13. Protection of Public Transportation
	X			13.1. Fall back plans/contingencies (services to stranded passengers, lost & found etc.).





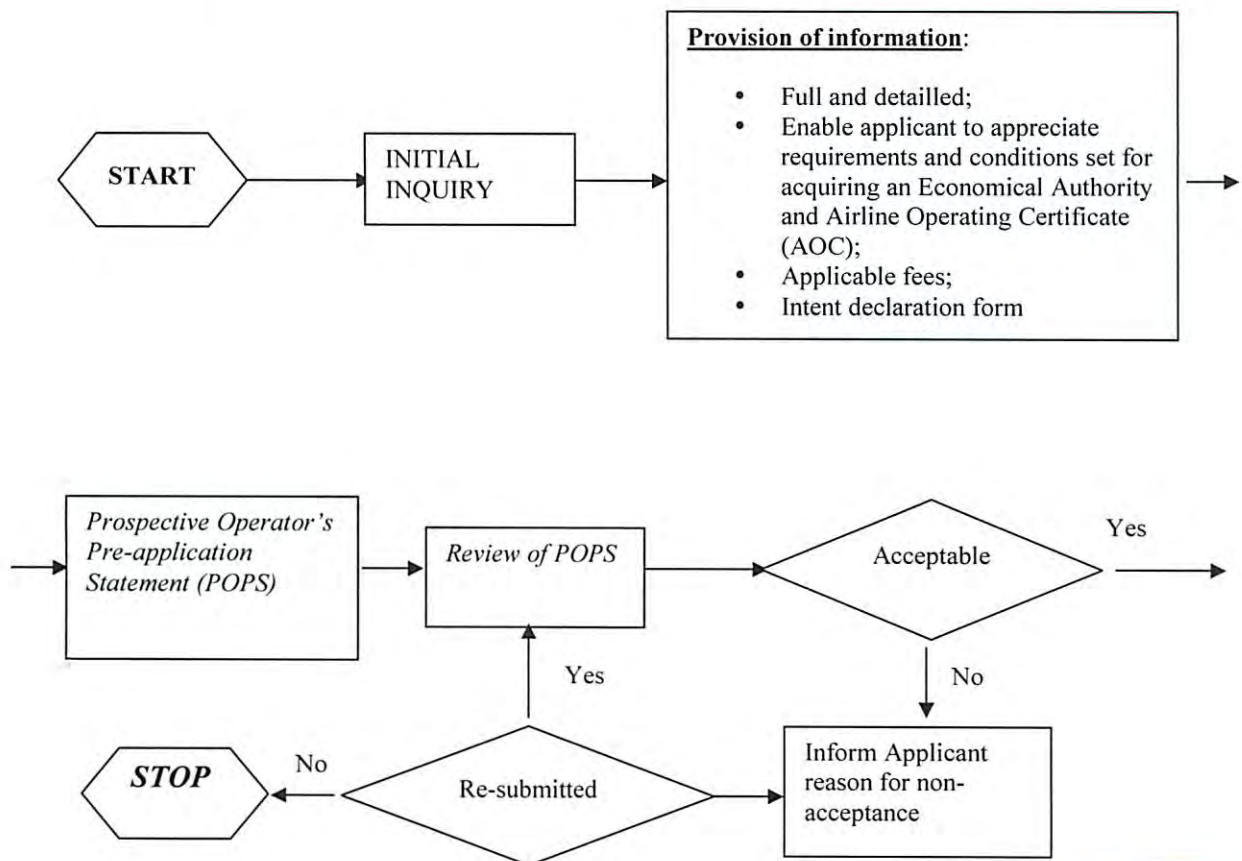
Appendix 2: Flowchart of the different phases to be followed in order to obtain an economical authority and an AOC

Typical example of the operations assessment and inspection prior to the certification of an AOC. The following phases must be followed after the applicant is already in the possession of an economical authority in accordance with the Aviation Act of Aruba (AB 1989 no.GT 58):

1. Phase 1 – Pre-application;
2. Phase 2 – Formal application;
3. Phase 3 – Documentation review;
4. Phase 4 – Compliance evaluation;
5. Phase 5 – Certification (AOC).

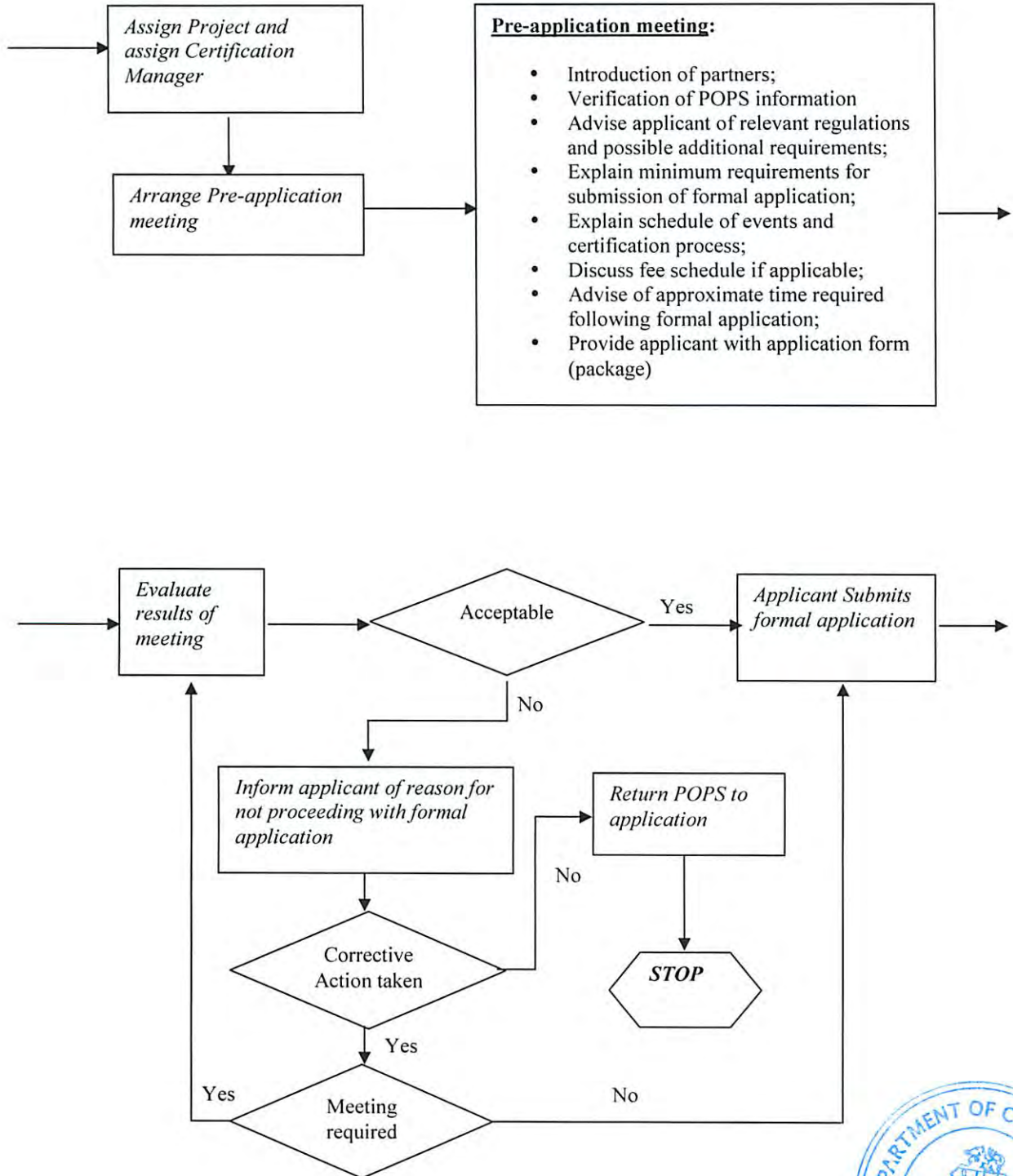
These phases can better be illustrated in the following flowchart, which is not limited to those task specified:

Phase 1 - Pre-Application Phase:



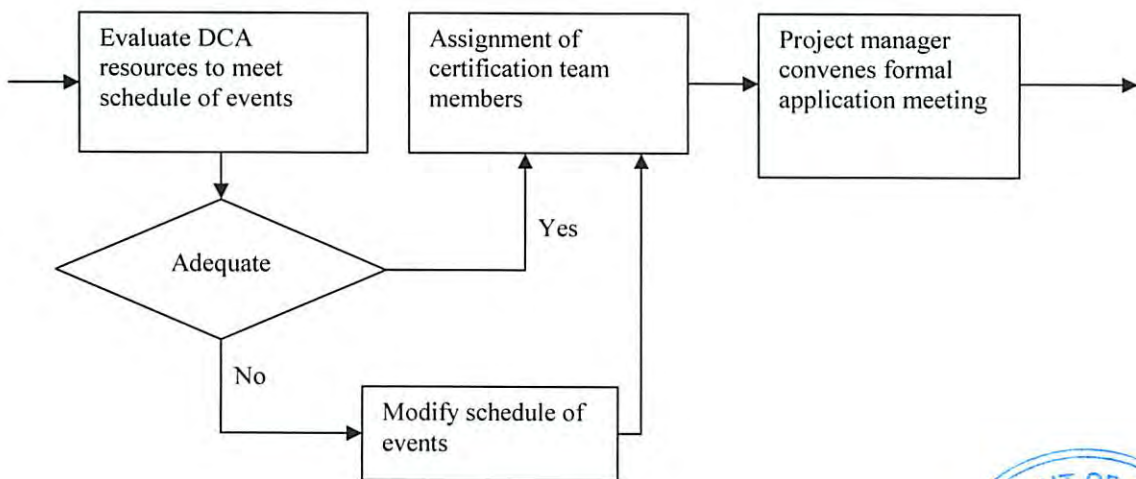
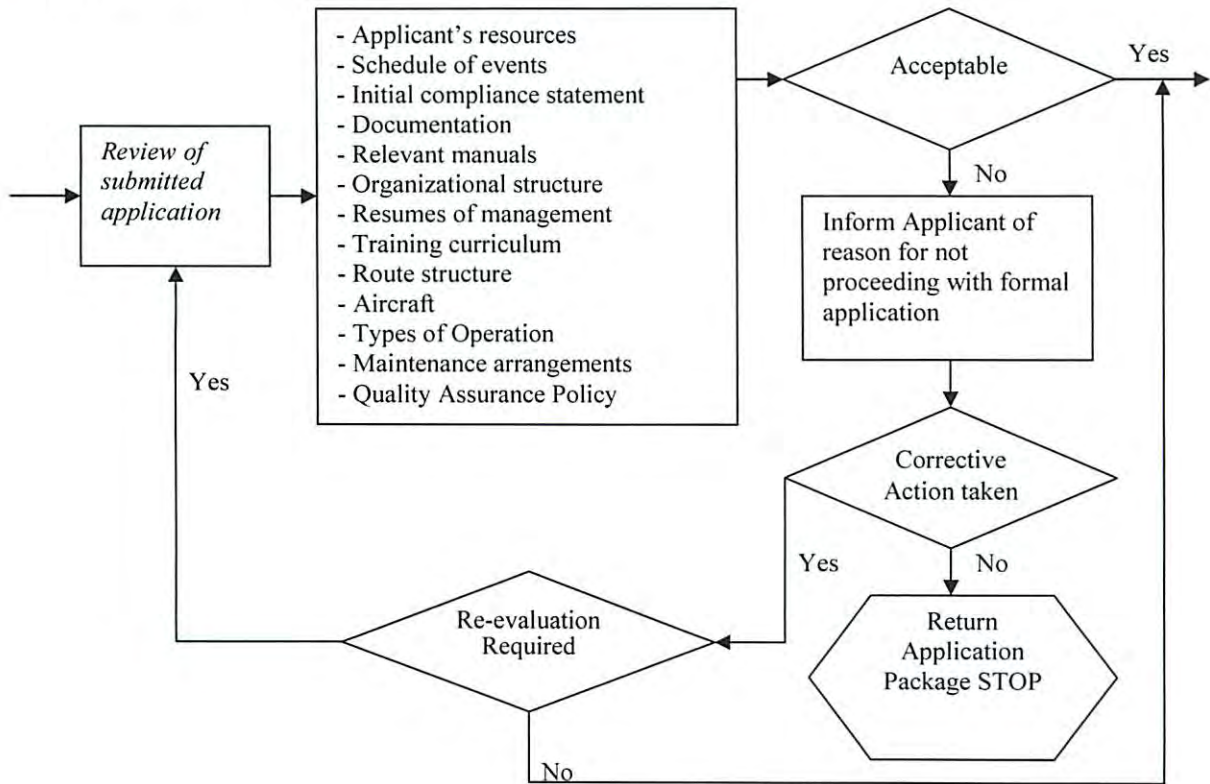


Phase 1 - Pre-Application Phase (continued):



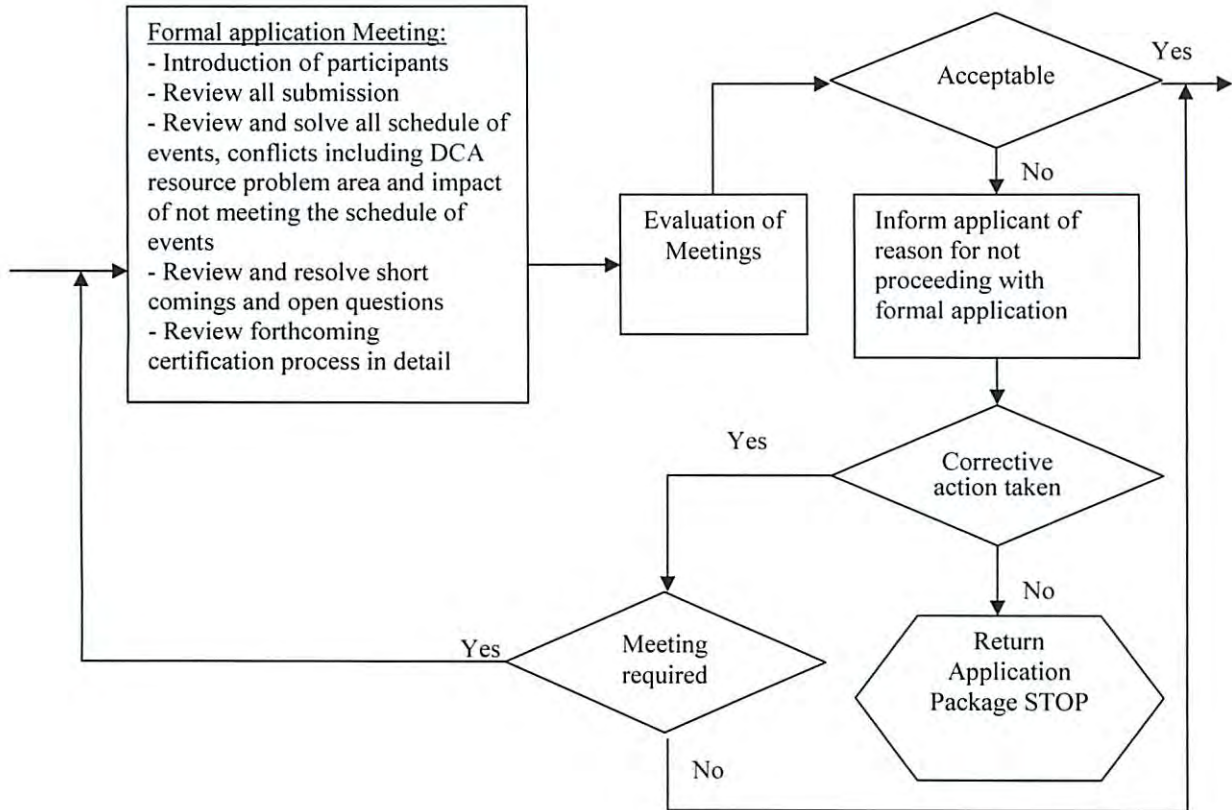


Phase 2 – Formal Application Phase:



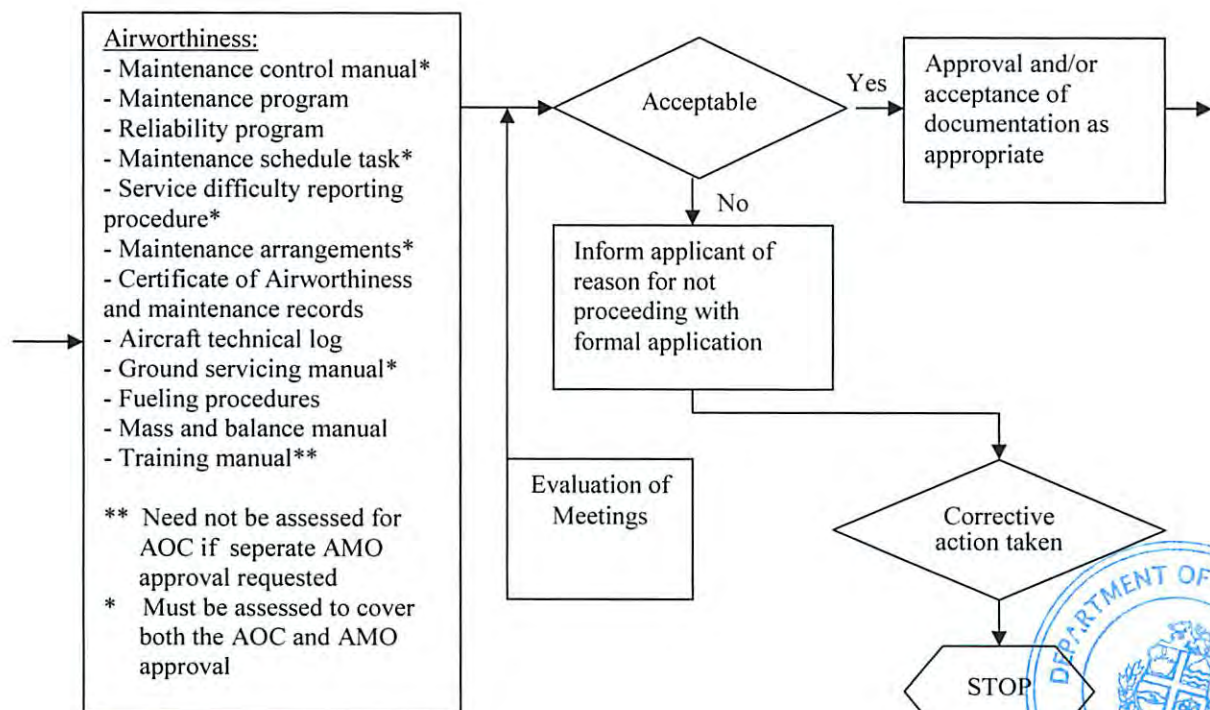
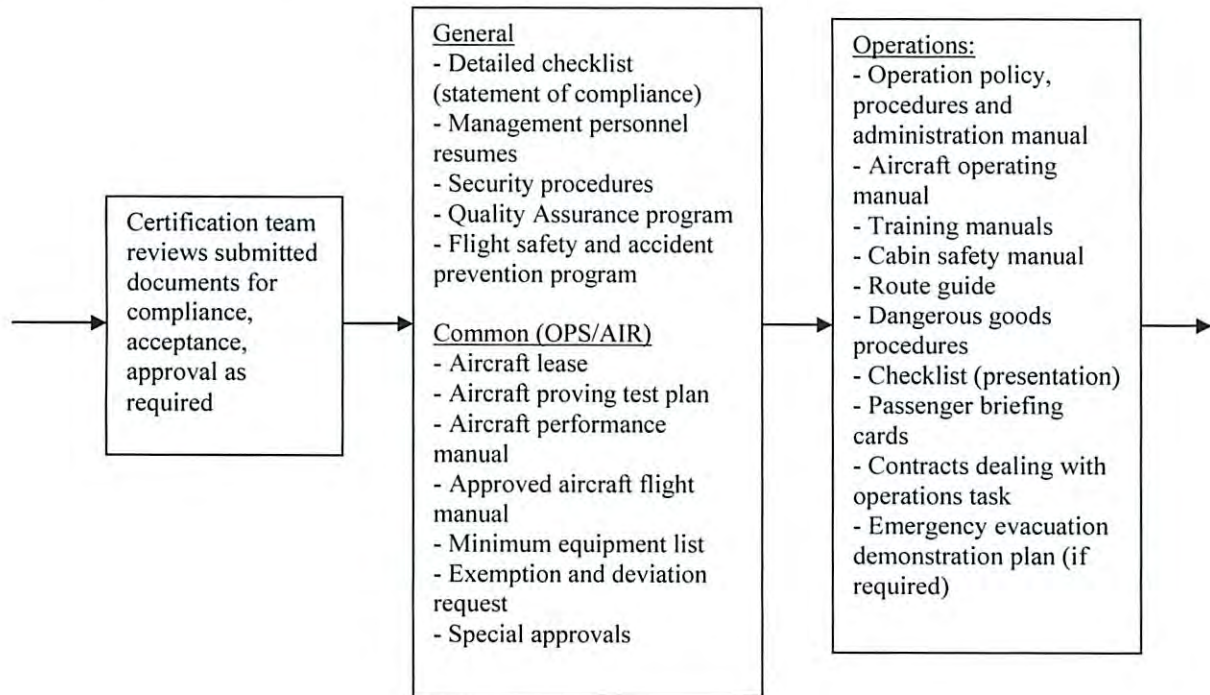


Phase 2 – Formal Application Phase (continued):



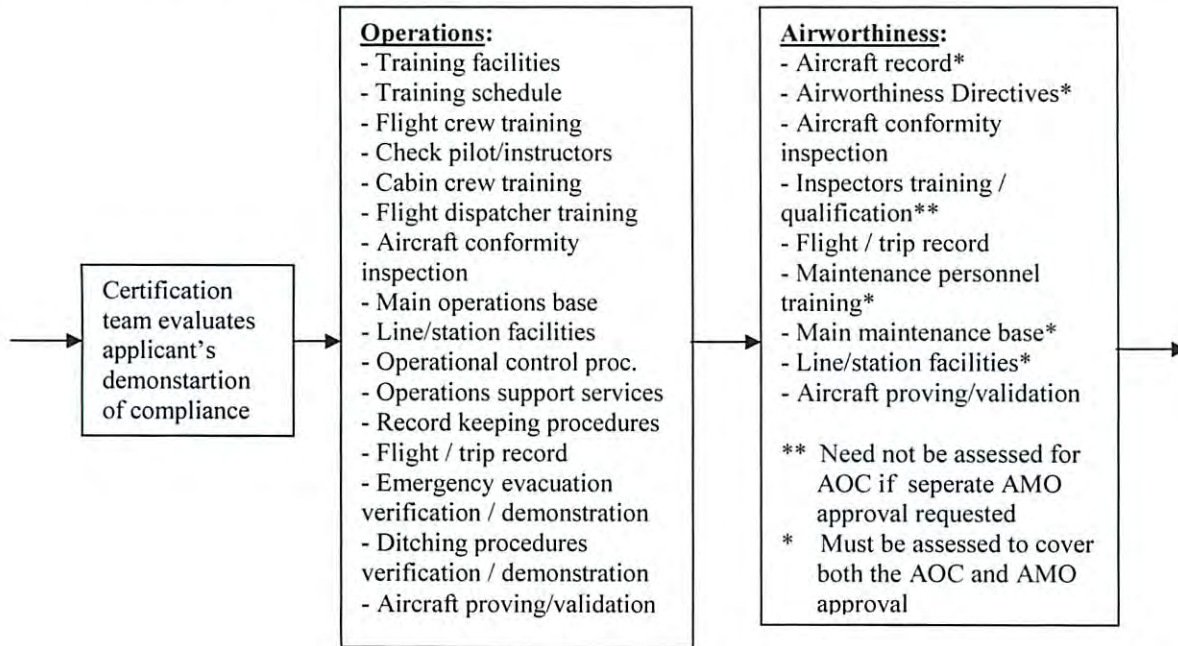


Phase 3 – Documentation review phase:

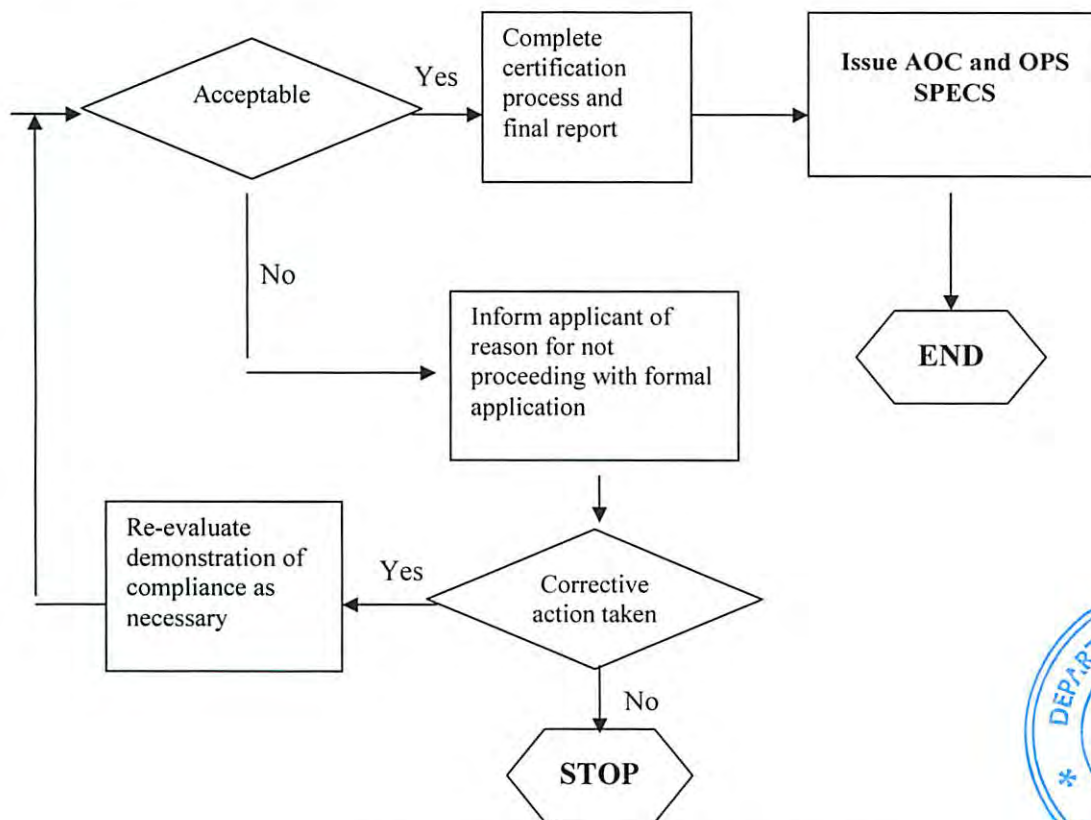




Phase 4 – Compliance Evaluation Phase:



Phase 5 – Certification Phase:





Appendix 3

According to JAR-OPS 1/3.175 for Aruba the company will have nominated post holders, acceptable to the Department of Civil Aviation of Aruba. The minimum core of the management structure must consist of the following functions:

- a) An accountable manager, who has corporate authority for ensuring that all operations and maintenance activities can be financed and carried out to the standard required by the Department of Civil Aviation of Aruba, according to JAR-OPS 1.175(h), and JAR-OPS 1.175(i).

Nominated post holders responsible for:

- Flight operations;
- Maintenance system;
- Crew training;
- Ground operations;

- b) Quality Assurance Manager(s) responsible for the quality system, according to JAR-OPS 1.035.

- c) Chief of Security, according to ICAO Security Manual 3.13.8

The minimum requirements established by the Department of Civil Aviation of Aruba for the management positions for a medium-large AOC holder will be the following:

1) ACCOUNTABLE MANAGER

- Bachelor Degree in aviation subject or an equivalent level of knowledge;
- 10 years of experience in aviation, of which three years must have been in a supervisory capacity;
- Experience in aircraft maintenance as well as in flight/ground operations;
- Must have an understanding of the Aviation Act of Aruba and the regulations prescribed thereunder.

2) Nominated post holder responsible for FLIGHT OPERATIONS

- Must hold (have held) an Air Transport Pilot Licence issued in accordance with AUA-FCL Subpart G or equivalent standard;
- 2500 hours of experience as a pilot-in-command in commercial jet transport with an airline (See note);
- Must have a thorough knowledge of relevant parts of JAR-OPS, JAR-FCL and associated documentation, including aircraft performance criteria of JAR (FAR) 23 or 25 or 27 or 29 (as applicable);
- At least 10 years of experience in operation of aircraft equivalent to the size of the largest equipment foreseen in the POPS document;
- Three years of which applicant must have been in an aircraft flight operation supervisory capacity of an airline.

3) Nominated post holder responsible for the MAINTENANCE SYSTEM

- A current mechanic certificate issued by an ICAO contracting state with either an airframe or power plant rating or a
- Bachelor Degree in Aeronautical/Aircraft Engineering;
- At least 10 years of experience in the maintenance of aircraft equivalent to the size of the largest equipment foreseen in the POPS document in case the applicant is holder of above mentioned mechanic certificate;
- At least 5 years of working experience in the maintenance of aircraft equivalent to the size of the largest equipment foreseen in the POPS document in case the applicant is holder of above mentioned Bachelor Degree;
- Three years of which applicant must have been in an aircraft maintenance supervisory capacity of an airline.
- Must have a thorough knowledge understanding of the Aviation Act of Aruba and the regulations prescribed thereunder, pertaining to the maintenance and airworthiness part.

4) Nominated post holder responsible for CREW TRAINING





- Must hold (have held) an Air Transport Pilot Licence issued or endorsable in accordance with AUA-FCL Subpart G;
- Must hold (have held) a TRI (or equivalent level of standard) qualification;
- 2500 hours of experience as a pilot-in-command with an airline equivalent to the intended type of operation;
- 5 years of airline training experience in aircraft equivalent to the intended type of operation, including flight, ground and synthetic device training;
- Must have a thorough knowledge of relevant parts of JAR-OPS, JAR-FCL and associated documentation, including aircraft performance criteria of JAR (FAR) 23 or 25 or 27 or 29 (as applicable).

5) Nominated post holder responsible for GROUND OPERATIONS

- Must have at least 10 years of experience in aviation;
- Must have at least 3 years experience as airline station manager.

6) QUALITY MANAGER(s)

- Bachelor Degree in aviation subject or an equivalent level of knowledge;
- At least 10 years of working experience in aviation of which three years must have been in a supervisory capacity;
- Experience in aircraft maintenance as well as in flight/ground operations;
- Experience in Quality Assurance systems based on the ISO-9000 (ISO-2000) standards and training in airline quality assurance systems;
- Must have a thorough knowledge of relevant parts of the Aviation Act of Aruba and the regulations prescribed thereunder relevant to the area(s) of oversight.

7) CHIEF OF SECURITY

- At least 5 years of experience in aviation;
- Professional security background and experience;
- Familiar with airline and aircraft operations.

Note: - The term "Airline" used in this Appendix refers to a commercial aviation business equivalent to the size and category of the applicant's intended operation.

-The above experience and education requirements may be adjusted in case the operator has a relatively small operation. Any deviation requires prior approval of the Department of Civil Aviation of Aruba.

-The DCA may temporarily accept a postholder under specific conditions (eg. training.)

8) ALL THE POSTS ABOVE

- Persons that have been convicted for aviation related offenses will not be accepted by the DCA.
- For persons not known to the DCA an interview will be held as part of the evaluation process.

