


OPERATIONS ADVISORY NOTICE (OAN)		 Transport Malta Flight Operations Inspectorate Civil Aviation Directorate Transport Malta Malta Transport Centre Pantar Road Lija LJA 2021 Malta
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Subject: Safety Oversight of AOC holders – Guidance to Operators		

1. INTRODUCTION

The purpose of this Operations Advisory Notice is to provide organisations holding an Air Operator Certificate (AOC), with details of regulatory matters relating to the continuation of AOCs.

Transport Malta – Civil Aviation Directorate (TM CAD), acting on behalf of the State, is responsible for discharging the highest level of public safety in respect of all aspects of aviation activity for which it has regulatory responsibility.

Malta operates a safety oversight system where the State, through TM CAD and the aviation community share responsibility for the safe and efficient conduct of civil aviation activities.

In the case of operators to whom an AOC has been issued, TM CAD exercises its duty to ensure that the operator continues to operate safely through an oversight programme.

2. OVERSIGHT OF OPERATORS

TM CAD has a responsibility to ensure that AOC holders continue to maintain and operate their aircraft safely. The function of the oversight programme is to confirm the effectiveness of the operator’s organisational structure and the competence of the management team in discharging their duties in accordance with the legislation.

An inspector will be tasked with the management of the oversight programme for each AOC holder. In some cases the inspectors may be assisted by one or more inspectors (specialising in Dangerous Goods, Cabin Crew, ETOPS etc) as necessary.

The HFOI is responsible to maintain an oversight plan for the operator taking into considerations the results of past oversight activities and also commensurate with the size and complexity of the operation.

3. NOTIFICATION & PRE-VISIT QUESTIONNAIRE

Six weeks prior to the Annual/Biennial audit, the Flight Operations Inspectorate will forward the operator notification of the audit and a pre-audit questionnaire. This is to be completed by the operator and returned to the Flight Operations Inspectorate no later than 2 weeks before the audit. This questionnaire will allow the audit team to prepare for the annual inspection of the operator.

The pre-audit questionnaire contains self-explanatory instructions for compilation.

During the opening meeting, the operator is requested to provide the audit team with a brief overview (no more than 15 minutes) of the current operation including an introduction of the nominated/management personnel, any changes made since the last Annual/Biennial audit and any future plans which they wish to discuss.

4. ANNUAL/BIENNIAL PROGRAMME OF INSPECTIONS

The first audit following the grant of a new AOC is conducted as an AOC+4 inspection, which is conducted 4 months post certification. This inspection comprises checks related to returned flight documentation / technical records, sampling of crew training records, review of the management system, and reviewing the set-up of FTL scheme (for operators operating under ORO.FTL).

Thereafter, the inspections listed below will form part of the Annual/Biennial Audit; however some inspections can be conducted at intervals throughout the surveillance period. Initially operators commence on a 12-month cycle however, however it is expected that subsequently the oversight cycle will be adjusted to a 24-month period. On completion of the annual audit, a risk assessment is conducted to determine the overall risk of the operator, and this then assists in determining the oversight cycle.

a. Returned Flight Documents (Check 1)

This inspection relates to documents completed during flight. These documents must be retained by the operator and should enable the reconstruction of the series of flights. Documents for each flight would include the operational flight plan, performance calculations, NOTAMS, weather information, fuel calculations, journey log, mass and balance details and other items e.g. NOTOC, NAT plotting charts etc as appropriate. In the past, operators were provided with a date for which 12 sectors would be reviewed from that date. This is no longer the process in practice. The sectors will be selected during the audit.

b. Technical Records (Check 2)

An inspection of the aircraft technical log system and all other technical documentation, including the Minimum Equipment List (MEL), to ensure compliance with the approved maintenance and operational requirements detailed in the regulations as well as mass and balance documentation.

c. Crew Records Check (Check 3)

A review of the records of selected crew members (flight and cabin) to confirm that all required initial qualifications, conversion courses and recurrent training has been completed. This check will also confirm that crew members are technically qualified and in possession of a valid medical certificate for their allocated duties. The operator needs to demonstrate compliance with OAN 04/17 and OAN 04/18.

d. Flight Time Limitations In Accordance With Sub-part Q (Check 4A)

A review of crew member's flight and duty limitations documentation is conducted to ensure compliance with Sub-part Q and the application Operation Standard Circular (**OSC 08/08**).

e. Flight Time Limitations In Accordance With Part ORO FTL (Check 4B)

A review of crew member's flight and duty limitations documentation is conducted to ensure compliance with Part FTL and the Certification Specifications.

f. Compliance Monitoring (Check 5A)

The main objectives of Check 5A is to ensure that the compliance system, if fully functional and that the following criteria are specifically present:

- Compliance System Documentation;
- Functions and responsibilities of the Compliance Manager are clearly defined;
- Accountabilities and responsibilities of the system are clearly defined; and
- Compliance system covers all the requirements as required by Part ORO.

g. Compliance Monitoring (Check 5B)

The purpose of Check 5B is to check the effectiveness of the compliance monitoring programme.

Note: Check 5A will be conducted the first year; after the first year of operation, check 5B will be conducted.

h. OCC/Facility and Out Station (Checks 6A and B)

The purpose of this inspection is to assess the suitability of an operator's organisation and station facilities in relation to the nature and scale of the operations for which he is certificated. The check consists of two main areas of inspection:

- Check 6A Operational Control and Facilities / PPOB
- Check 6B Out Station Facility

This inspection will verify that adequate resources are in place at base for all operational personnel to enable the planning and facilitation of a safe operation. The inspection will review ground operations procedures and processes to ensure compliance with all regulations and will include an assessment of the operator's organisation and the effectiveness of the management in relation to the scale and nature of the operation. This check also includes requirements to the verify the Principal Place of Business of an operator (PPOB).

The Out Station Facility will be checked every 3 years.

j. Operations Manual (Checks 7)

This check is to confirm that all operational policies, procedures, and instructions are compliant to the applicable regulations.

The Operations Manual must be fully relevant to the type of operation being undertaken. The manual should avoid repetition of rule text giving little or no guidance to crews and should be customised to a high degree. Manuals that are too voluminous can create significant difficulty for the user.

The check will confirm that the operator has incorporated all short-term notification into the Operations Manual as permanent revision and that, the 'approval/acceptance' and 'Operations Approval' documents reflect the correct revision status of the various parts of the Operations Manual.

Note: This check will not normally be part of the on-site audit.

k. Flight Inspection (Check 8)

This check is to confirm that all operational policies, procedures, and instructions are compliant to the applicable regulations.

The flight inspection provides the opportunity to observe and evaluate the in-flight operation within the total operational environment of the air transportation system. This inspection is to check that the operation of the flight deck is in accordance with procedures published in the Operations Manual and also to check the validity of aircraft documents and crew licences.

These inspections are further sub-divided into the below operator groups:

Group 1 - operators conducting CAT operations with aircraft with an (Maximum Operating Passenger Seating Capacity (MOPSC) of 19 seats or less.

Group 2 - operators that conduct CAT operations with aircraft with a MOPSC of more than 19 seats or with an MCTOM of more than 45360kg.

This will include a flight/training inspection on different types (if applicable) as defined by the oversight plan.

l. Cabin Inspection (Check 8A)

This inspection is to check that the operation of the cabin is in accordance with procedures published in the Operations Manual and will also check cabin safety equipment, procedures of cabin crew in relation to safety and security and the validity of cabin crew qualification certificates. Cabin inspections are only applicable to CAT operations where qualified cabin crew operations are required.

m. Ramp Inspection (Check 9)

This inspection is carried out on a random basis and closely follows the procedures used in SAFA/SACA inspections.

The inspection will be carried out after arrival or pre-departure and will check for compliance with equipment regulations, fuelling procedures, crew licences and aircraft documents, push-back and de-icing procedures, control of cabin baggage, correct stowage of hold baggage, cargo/dangerous goods etc.

n. Training Inspection (Check 10)

An inspection of the training facilities used by the Operator will be carried out. This will include training devices and training facilities to ensure they are adequate and appropriately equipped for each element of the required training to meet the requirements. This may include the observation of training conducted by virtual means.

TM CAD issues user approvals on the basis of simulator evaluation and qualification by another NAAs and submission from the operator as to the suitability of the particular device in relation to the Operator's aircraft. TM CAD may need to evaluate the simulator in certain cases to identify what training may be conducted.

Operators approved for mixed/baseline EBT programme will be assessed for compliance at intervals not exceeding 18 months.

Flight Operations (Training) Inspectors will also assess the competence of authorised company examiners.

o. Dangerous Goods Inspection (Check 12)

This inspection is to review the Operator's training and qualification programme in relation to the carriage of and exposure to dangerous goods for both types of operators, those who are approved and those who are not approved to carry dangerous goods.

The inspections will determine whether the DG training is in line with the DG CBTA model irrespective of whether the Operator is approved to carry or no carry.

For Operators with approval for the carriage of dangerous goods the inspection will focus on procedures established by the Operator or handling agent and the facilities provided for the handling of dangerous goods. The inspection will also check to ensure loading is carried out according to the requirements.

p. Safety Management System Inspection (Checks 13, 13A & 13B)

The inspection of the Operator's SMS will confirm that published safety accountabilities continue to be observed at all levels within the organisation and that the SMS continues to be the responsibility of a senior manager with direct access to the Accountable Manager.

The operator will be required to demonstrate that the necessary levels of communications and feedback in relation to safety events and incidents continues to reduce hazards and implement necessary remedial action.

The inspection will also confirm that regular reviews within the organisation at Accountable Manager level are being carried out to ensure the system is functioning and that corrective actions which have been identified have been executed.

- **Check 13** will be carried out on initial certification. The purpose of this inspection is to ensure all the required elements of the Safety Management System is documented and in place.

- **Check 13A** is carried out for Operators who operate aircraft >27,000 kg and other aircraft who have elected to use flight data monitoring. FDM is considered to be an inherent part of the whole Safety Management System of an Operator. The FDM effectively allows an Operator to compare and verify if their SOP's match everyday line operations. It also allows the Operator to identify areas of major risks.

FDM programme review will determine whether it is compliant with the EOFDM working Group best practise models from EASA in terms of:

- Memorandum of understanding definition.
- Set up of FDM algorithms to suit the operations.
- Use of pre-accident precursors to determine the likelihood of high risk.
- Use of FDM KPIs in line with EASA EOFDM.

This in turn shall be fed back to the management system for review and analysis. Trend analysis is also a commonly associated process. Trends should be one of the end products of a pro-active FDM programme.

- **Check 13B** will be carried out after the 1st year of operation onwards. The purpose of this inspection is to check that the documented procedures are implemented, effective and adequate for the size and scope of the operation in its present form.

q. Accountable Manager Meeting (Check 14)

A formal meeting with the Accountable Manager takes place every year. This meeting is a review conducted by the Director General, who may delegate the task to the assigned Flight Operations Inspector and the Head of Flight Operations Inspectorate.

The Flight Operations Inspector will forward their objective assessment of the Operator's continued compliance with the regulations to the Head of Flight Operations Inspectorate together with recommendations as to the oversight programme for the ensuing 12 or 24 months.

5. AOC VARIATION & OTHER CHANGES

Following the completion of an approval process, the inspectorate will carry out oversight activities with a particular focus on crew training procedures, operational control and other areas as required. These may be in the form of ad-hoc short notice inspections which will be notified post approval. Operators are required to provide access to all the necessary records and make the required personnel for this inspection.

The risk profile of an Operator will be reviewed with the application and may be subject to change.

6. UNANNOUNCED AND ADHOC INSPECTIONS

TM CAD may, at any point, conduct unannounced or ad hoc inspections as required by the oversight programme.

In accordance with national laws, Regulation (EU) No. 2018/1139 and its relevant Implementing Rules, Operators shall provide full access to any documentation, records, equipment, aircraft, and facilities which the Director may wish to inspect or examine.

In this regard the interpretation of providing access to documentation for the of purpose of examining or inspecting data, may mean one or more of the below:

- Onsite physical access to documents, records, data, a system, aircraft, facility, etc.
- Direct access to a database or system through password access (NB: only viewing rights are required) for retrieval of data, documents, records, etc.
- Submission to TM CAD, electronic or physical copies of the data, documents, or record for an analysis to be conducted offsite.

The means of access to the above shall be agreed upon by TM CAD with the Operator. If access is refused or cannot be given, a non-compliance shall be issued.

7. GUIDANCE ON FINDINGS

7.1.1 Level 1 Findings

A level 1 finding shall be issued by the Inspectorate when any significant non-compliance is detected with the applicable requirements which lowers the safety standards and seriously affects flight safety.

7.1.2 Handling of level 1 Findings

For level 1 findings, immediate action will be taken to revoke, limit or suspend the AOC in whole or in part, depending on the extent of the non-compliance, until successful corrective action has been taken by the Operator.

7.2.1 Level 2 Findings

A level 2 finding shall be issued by the Inspectorate when any non-compliance is detected with the applicable requirements which could lower the safety standard and possibly affect flight safety.

7.2.2 Handling of level 2 Findings

When evidence is found that reveals non-compliance with the applicable requirements, TM CAD will take the following actions.

The Inspectorate shall grant the Operator a period of not more than 2 weeks to identify the root cause of the non-compliance and define a corrective action plan.

The assigned Inspector shall then assess the corrective action and the implementation proposed by the organisation.

For level 2 findings, TM CAD will grant a corrective action period appropriate to the nature of the finding, normally not more than 3 months.

The effective implementation of the corrective action by the organization shall take place within the period agreed with the TM CAD; however, should the nature of the corrective action plan be such that the agreed period is not enough, the Inspectorate may grant a further extension of the same length.

Once the assigned Inspector has evidence of the actual implementation of the corrective action by the operator, the finding may be formally closed.

Where an Operator fails to submit an acceptable corrective action plan within the time period established (or extended) by the Inspectorate, or the implementation is not deemed acceptable, the Accountable Manager should be advised.

If the problem persists, the HFOI shall take a decision on the next steps, i.e., if the finding shall be raised to a Level 1 and/or the AOC will be suspended in whole or in part.

7.3.1 Observations

The purpose of observations is to suggest improvements when a process, procedure or practice meets the requirements, but it is not in accordance with industry best practice or guidance material, or it indicates a particular trend that could lead to a non-compliance in the future.

Note: Observations shall not be raised for non-compliances (findings will be raised instead)

7.3.2 Handling of observations

The Inspectorate shall grant the organisation a period of not more than 3 months to identify the root cause of the observation, define a corrective action plan and implement a corrective action.

If no action is taken from the organisation to address the observation, TM CAD will archive the observation and highlight it during the annual Accountable Manager meeting.

7.4 Additional notes

Findings are issued through Centrik and must be responded to through Centrik. Operators will be provided with 15 days to determine the root cause analysis and the corrective action plan.

A comprehensive instruction on the compilation of a Root Cause Analysis has been published through OAN 06/18.

Unless the operator has been issued with a level 1 finding, there is no need to fill out the “immediate corrective action” field.

8. COMMUNICATIONS – NOMINATED PERSONS & INSPECTORS

A Nominated Person’s contact with the TM CAD is with the assigned Inspector. It is desirable that both individuals develop a professional working relationship and electronic mail is an acceptable means of communication for day-to-day matters. For more formal communication such as AOC variation requests, Operations Manual proposed amendments etc, where a TM CAD approval or acceptance is required, it is necessary to make a submission in writing.

Approval shall never be granted verbally.

To enhance communication, especially in relation to Operators with whom there is limited contact, it is suggested that a telephone call from the Operator to the assigned Inspector from time to time should take place.

Nominated Persons must notify TM CAD of long-term absences from their posts and provide details of their delegates contact details.

Capt. Stefano Banti
Head of Operations
TM - CAD

Flight Operations Inspectorate