



**CIVIL AVIATION AUTHORITY
OF REPUBLIC OF MOLDOVA**

**Proceduri și
Instrucțiuni
Aeronautice
Civile**

PIAC – OPS

(PART CAT)

SUBPART-I

AIR OPERATOR CERTIFICATION



FOREWORD

This part of PIAC-OPS outlines CAA RM policies and procedures for the certification, surveillance and resolution of safety issues, associated with commercial air transport operations of air operators from the Republic of Moldova.

Adherence to these procedures by CAA RM staff will ensure that prior to issuing an air operator certificate (AOC), the air operator has demonstrated adequate organization, method of control and supervision of flight operations, training programme and maintenance arrangements consistent with the nature and extent of the operation specified. The continued safety oversight (surveillance) of air operators will ensure that the air operator maintains the requirements noted above.

This part of PIAC-OPS is divided into three subparts: Subpart I outlines the policy and procedures to be followed by CAA RM and operators for the initial issuance of an AOC; Subpart II outlines the policies and procedures related to operational demonstrations, inspections, approvals and surveillance; while Subpart III contains policies and procedures for airworthiness inspections, approvals and surveillance. Many of the inspections required for the initial certification of an air operator will subsequently be repeated during the implementation of CAA RM surveillance programme.

Because of the wide scope of operations involved and the many variables that can be encountered, it is impossible to anticipate all situations; therefore, CAA RM personnel must exercise common sense and good judgement in the application of these policies and procedures.

CAA RM Director

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LIST OF ACRONYMS

ACAS	Airborne collision avoidance system
ADs	Airworthiness directives
AFM	Aircraft flight manual
AMM	Aircraft maintenance manual
AMO	Approved maintenance organization
AOC	Air operator certificate
APU	Auxiliary power-unit
ATC	Air traffic control
ATS	Air traffic services
AWI	Airworthiness inspector
CAA RM	Civil aviation authority of Republic of Moldova
CDL	Configuration deviation list
DGCA	Director General of Civil Aviation
EDTO	Extended diversion time operations
ELT	Emergency locator transmitter
EVS	Enhanced vision systems
FOI	Flight operations inspector
FRMS	Fatigue risk management system
GPWS	Ground proximity warning system
HUD	Head-up-displays
IFR	Instrument flight rules
IMC	Instrument meteorological conditions
MCM	Maintenance control manual
MEL	Minimum equipment list
MET	Meteorological
MMEL	Master minimum equipment list
NOTAM	Notice to airmen
PBN	Performance -based navigation
PIC	Pilot-in-command
PM	Project Manager
POPS	Prospective operator's pre-assessment statement
RVSM	Reduced vertical separation minima
SAAQ	State aviation activity questionnaire
SARPs	Standards and Recommended Practices
SCUBA	Self-contained underwater breathing apparatus
SMS	Safety management system
SOA	Safety oversight audit
SOP	Standard operating procedure
STC	Supplemental type certificate
TC	Type certificate
TCH	Threshold crossing height
USOAP	Universal Safety Oversight Audit Programme
VFR	Visual flight rules



CHAPTER 1 – RESPONSIBILITIES OF THE STATE

1.1 NATURE OF THE RESPONSIBILITIES OF THE STATE

1.1.1 As a signatory to the ICAO Convention on International Civil Aviation, The Republic of Moldova has an obligation to promulgate regulations and standards in accordance with the ICAO Standards and Recommended Practices (SARPs) as outlined in the ICAO Annexes. In this regard, HG831/2018 authorized the CAA RM to issue and amend regulations, orders and procedures in the interest of safety. The CAA RM may also authorize the performance by any officer, employee or administrative unit under the Director’s jurisdiction of any function under the HG831/2018.

1.2 DISCHARGE OF STATE RESPONSIBILITIES

1.2.1 In order to discharge its responsibility, The Republic of Moldova has enacted the Air Code 301/2017 that provides for the development and promulgation of national regulations consistent with ICAO Annexes. The State regulatory system enables The Republic of Moldova to maintain continuing regulation and oversight of the activities of air operators without unduly inhibiting the operator’s effective direction and control of the organization. While ICAO Annex 6 — *Operation of Aircraft* requirements are applicable to international commercial air transport, in the interest of consistency and to ensure an equivalent level of safety for all air transport operations, the national regulations and these policies and procedures are applicable as well for domestic commercial air transport operations.

1.2.2 An essential element in the regulatory system is the certification of air operators. The requirement that an operator shall be in possession of an AOC issued by CAA RM in order to engage in commercial air transport operations is contained in HG831/2018. The system for the initial certification of air operators is outlined in this subpart of *PIAC-OPS*.

1.2.3 In order to assess the competence of an air operator to provide a safe and regular service, CAA RM will investigate the proposed operation, covering at least the organization, staffing, equipment, proposed routes, level and type of service and finances. The issuance of an AOC by CAA RM will be dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training programme, as well as ground handling, maintenance management and maintenance arrangements, consistent with the nature and extent of the operations specified. If the operator is found competent, an AOC will be issued, together with operations specifications, detailing the commercial air transport operations authorized. Subsequent to the issuance of an AOC, CAA RM will continue to monitor the operation through a systematic programme of safety oversight inspections.

1.2.4 Through the issuance of an AOC, the associated operations specifications and the subsequent continuing safety oversight, CAA RM will be able to ensure the protection of public interest and will be able to exercise indirect influence and control without encroaching upon the direct responsibility of the operator for the safety of the operation. The granting of an AOC by CAA RM establishes that the operator has met the criteria for an acceptable operation and that the operator is capable of providing a safe commercial air transport service.

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CHAPTER 2 – AIR OPERATOR CERTIFICATE (AOC)

2.1. GENERAL

2.1.1 The AOC provides the basis for The Republic of Moldova to regulate the activities of operators and the means for CAA RM to authorize an air operator to commence operations and to exercise the continued safety oversight of the operator.

2.1.2 The AOC and the associated operations specifications are briefly introduced in this chapter.

2.1.3 The AOC and the associated operations specifications issued to an air operator by CAA RM are also intended to provide a basis for another State to authorize operations in its territory by that air operator, as the requirements under which the certificate is issued will be at least equal to the applicable Standards specified in Annex 6, Part I — *International Commercial Air Transport — Aeroplanes* and Part III — *International Operations — Helicopters*, Section II. The policy and procedures for the validation and surveillance of operators from other States (foreign operators) is not part of this PIAC.

2.2. THE AOC

2.2.1 Aircrafts engaged in commercial operations are required by HG831/2018 to carry a certified true copy of the AOC (note 2.4 below) and a certified true copy of the associated operations specifications relevant to the aircraft type. The AOC certifies that the operator is authorized to perform commercial air transport operations, as defined in the associated operations specifications, in accordance with the operations manual and the HG831/2018 of The Republic of Moldova.

2.2.2 The information on the AOC shows the Republic of Moldova as the State of the Operator. It also shows the certificate number, name of the operator and any other trading name relevant to the particular certificate, with the address of the operator's principal place of business. In addition, the certificate indicates the location in the operator's documentation containing the contact details of the operator's operational management. Finally, it shows the date of issuance of the certificate and the name and signature of the CAA RM official responsible for its issuance.

2.2.3 The contact details where operational management can be contacted without undue delay for issues related to flight operations, airworthiness, flight and cabin crew competency, dangerous goods and other matters, as appropriate, are required to be provided on board the aircraft and shall include names, telephone and fax numbers, with country codes and e-mail addresses.

2.2.4 The period of validity of an AOC in the Republic of Moldova is not limited. The fact that the certificate does not expire is indicated on the certificate.

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2.3. OPERATIONS SPECIFICATIONS

2.3.1 The operations specifications associated with an AOC are an integral part of the authorization under which an operator conducts operations.

2.3.2 The specifications identify the Republic of Moldova as the State of the Operator, the number of the associated AOC, the name of the operator, the date of issuance and the signature of CAA RM official responsible for its issuance and show the make, model and series (or master series) of the aircraft, registration marks, the type of operation and the geographical areas in which operations are authorized.

2.3.3 The specifications cover all aspects of the operation and include special limitations, conditions and authorizations with criteria as appropriate. Detailed conditions applicable to operations specifications may also be approved by CAA RM in the operations manual.

2.4. CERTIFIED TRUE COPY OF THE AOC

2.4.1 Each aircraft must have on board a certified true copy of the AOC. The certification statement shall attest that the copy is a true copy of the original and shall be signed by the official entitled to certify a true copy and display an official stamp of that official. The certification statement shall be permanently affixed to the copy by placing it on the first page of the document itself. The certification statement is as follows:

CERTIFICATION

I hereby certify that the attached is a true copy of the [AOC no.], issued at Chisinau, Republic of Moldova on [date] by Civil Aviation Authority Republic of Moldova

Signed at Chisinau, Moldova Republic on [date].

has been signed by Head of Flight Operations Division in accordance with the laws of Republic of Moldova

_____ [NAME SURNAME OF CERTIFYING PERSON]

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CHAPTER 3 – CERTIFICATION PROCEDURE

3.1 INTRODUCTION

3.1.1 The purpose of an AOC is to certify that specified commercial air transport operations are authorized by CAA RM and are in conformance with applicable regulations. The procedures contained in this PIAC will be utilized by CAA RM inspectors for the issuance of an AOC by CAA RM of the operations conducted in accordance with the AOC and the related operations specifications.

3.1.2 During the certification process, CAA RM is to be satisfied that the applicant, who will have the ultimate responsibility for the safety of the operation, is eligible for the issuance of an AOC and has the ability and competence both to conduct safe and efficient operations and to comply with applicable regulations. CAA RM, in addition to assessing the ability and competence of the applicant, will also endeavour to guide the applicant in organizational and procedural matters which will result in a safe operation. Thus, if the objectives of both the The Republic of Moldova and the applicant are achieved in the certification process, they will have commenced their shared responsibility for safety, regularity and efficiency of operations, which will in turn enhance the public confidence in the operations conducted by the applicant as an operator and holder of an AOC.

3.1.3 To be eligible for an AOC an applicant must be certified for operating at least one aircraft that is not wet-leased. Applicants that plan to operate only wet-leased aircraft cannot satisfy the certification procedures of CAA RM. CAA RM shall revoke or suspend the AOC of an organization that operates only wet-leased aircraft during a period longer than 6 months.

3.1.4 The certification process shall be documented with all documents and checklists used to be completed, signed and dated and appropriately filed. All findings or discrepancies noted during the inspections and evaluations must be notified to the applicant in writing. The applicant should address all findings and discrepancies to the satisfaction of CAA RM before the issue of the AOC.

3.1.3 Since each operation may differ significantly in complexity and scope, the PM and the certification team have considerable latitude in taking decisions and making recommendations during the certification process. The ultimate recommendation by the PM and decision by CAA RM regarding certification and awarding of an AOC are to be based on the determination of whether or not the applicant meets national requirements and is adequately equipped and capable of conducting the proposed operation in a safe and efficient manner.

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3.2 CERTIFICATION PHASES

3.2.1 The procedure for the application and granting of an AOC by CAA RM will be organized in phases and will take the following sequence:

- a) pre-application phase;
- b) formal application phase;
- c) document evaluation phase;
- d) demonstration and inspection phase; and
- e) certification phase.

3.3 PRE-APPLICATION PHASE

3.3.1 INITIAL INQUIRY AND CAA RM RESPONSE

3.3.1.1 A prospective operator who intends to apply for an AOC shall enter into preliminary discussions with CAA RM.

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

3.3.1.3 CAA RM staff shall advise the applicant to thoroughly review the standard information package for the certification process on CAA RM website http://www.caa.md/eng/ops_general/, which includes:

- 3.3.1.3.1 a form for the prospective operator’s pre-assessment statement (POPS) to be completed by the applicant and
- 3.3.1.3.2 an advisory pamphlet containing:
 - a description of the application process for obtaining an AOC;
 - an introduction to the specific CAA RM regulations;
 - guidance on the evaluation of an applicant for certification;
 - guidance on the issuance of an AOC and associated operations specifications;
 - instructions for completing the POPS form; and,
 - other CAA RM directive or advisory material necessary for the certification process.

3.3.1.4 The applicant shall submit the completed POPS at least 90 days before the intended date of commencement of the operations.

3.3.1.5 After receiving the completed POPS, CAA RM shall evaluate the resources necessary for conducting the certification process within 2 days of receiving a completed POPS.

3.3.1.6 If CAA RM doesn’t have enough resources for conducting the certification process, the applicant shall be informed in written on the expected time required to allocate the necessary resources and commence the certification process.

3.3.1.7 If CAA RM has enough resources for conducting the certification process, the Director General of CAA RM shall appoint a CAA inspector as the project manager (PM) who shall:

- Serve as the primary spokesperson for CAA RM throughout the certification process;
- Thoroughly co-ordinate all certification matters with all other specialists assigned to the certification project;
- Be responsible for ensuring that all certification job functions are completed;
- Coordinate all correspondence, both to and from the applicant;
- Ensure that CAA RM and the applicant’s staff involved with the certification project are kept fully informed of the current status of the certification;
- Notify CAA RM management of any information that may significantly affect or delay the certification project.

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3.3.1.8 The PM shall establish the certification team which is comprised of at least, but not limited to, as required and/or applicable to the type and complexity of the expected operations:

- Operations inspector(s);
- Airworthiness inspector(s);

Note: During the certification process the PM may engage other CAA inspectors for examination of specific aspects such as Economic, Legal, Safety, Security, etc.

3.3.1.9 CAA RM certification team will conduct a review of the POPS.

3.3.1.10 If the information provided is considered unacceptable, the PM shall inform the applicant in written by letter or e-mail about the identified deficiencies, and advise on what shall be corrected within 15 days of receiving the completed POPS.

3.3.1.11 If the information provided is considered acceptable, the PM shall inform the applicant in written by letter or e-mail within 15 days of receiving the completed POPS of at least the following:

- a) The scheduled date of the pre-application meeting, which will take place at CAA RM office;
- b) The type of operations which may be authorized;
- c) The data to be provided by the applicant at the pre-application meeting including initial financial information necessary for the preliminary assessment, as described in p. 3.3.3.;
- d) The procedures which will be followed in the processing of the application;

Note: The purpose of the POPS is to establish the intent of the applicant to continue with the process for certification and to thus enable CAA RM to commit resources and plan the certification process.

3.3.1.12 The scheduled date of the pre-application meeting shall not exceed 30 days from the date of receiving a completed POPS.

3.3.1.13 It is essential that the applicant has, in this pre-application phase, a clear understanding of the form, content and documents required for the formal application.

3.3.2 PRE-APPLICATION MEETING

3.3.2.1 The purpose of the pre-application meeting is to confirm the information provided in the POPS, to determine whether or not the applicant has sufficient knowledge of the appropriate CAA RM regulations and requirements and to confirm, for the applicant, the expectations of CAA RM.

3.3.2.2 The pre-application meeting will be attended by the CAA RM PM and certification team and the key staff members of the applicant. The applicant should be prepared to discuss, in general terms, all aspects of the proposed operations.

3.3.2.3 During the pre-application meeting, the PM and the certification team will:

- make the prospective applicant aware of the CAA RM Economic, analysis and international cooperation division responsible for financial and economic matters, of the Legal section responsible for the legal matters, and of the necessary assessment of the applicant's financial resources and ability to support the proposed operations;
- provide the prospective applicant with an overview of the certification process;
- provide an application package, which is designed to assist the applicant in the preparation of a formal application for certification and contains:
 - the advisory pamphlet described in 3.3.1.3;
 - a list of the documents that shall be provided with the formal application;
 - a draft schedule of events in the certification process;
 - an example of the type of operations specifications associated with an AOC;
 - any other information that may be helpful.



- will advise the prospective operator on the approximate period of time that will be required to conduct the certification process, subsequent to the receipt of a complete and properly executed application.
- provide guidance concerning personnel, facilities, equipment and technical data requirements in the standard information package for applicants for an AOC.

Note: It is essential that the financial, economic and legal assessments are commenced early since an AOC shall not be granted without a satisfactory assessment of these aspects from the appropriate department.

3.3.2.4 The required documents shall be discussed in detail at the pre-application meeting to provide the applicant with as much assistance as possible.

3.3.3 PRELIMINARY ASSESSMENT

3.3.3.1 The pre-application phase shall include a parallel assessment of the financial, economic and legal status of the applicant and the proposed operation.

Note: The financial viability of the operation may be the most critical factor in reaching a decision on whether or not an AOC should be awarded. 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 all financial information and other pertinent data such as proposed arrangements for the purchase or lease of aircraft and major equipment.

3.3.3.2 In those cases where an applicant's organization is in the formative stage, and the applicant has little or no operating experience, the applicant shall be advised that it may not be possible to judge the organization's operating competency until a sufficient period of operational proving, including proving flight operations, have been carried out and that the overall period required to reach a final decision on the application may be protracted and considerable financial outlays unavoidable.

3.3.3.3 The assessment concerning the financial, economic and legal aspects of the application shall not exceed 10 days after the initial financial information has been provided by the applicant.

3.3.3.4 Upon completion of the assessment concerning the financial, economic and legal aspects of the application and after any deficiencies have been corrected, the PM shall make a provisional determination regarding the general feasibility of the operation which shall be provided in written (letter or e-mail) to the applicant.

3.3.3.5 Analysis of the application will indicate either that it is acceptable on a preliminary basis or that it is unacceptable.

3.3.3.6 Should the certification team consider that the operation is found to be provisionally unacceptable and the applicant is not ready to make a formal application, advice shall be given on further preparation and another pre-application meeting shall be scheduled or, alternatively, the applicant may be advised to withdraw the intent to apply for certification.

3.3.3.7 Should the certification team establish that the operation is found to be provisionally acceptable, the information provided in the pre-application statement is satisfactory and that the applicant has a clear understanding of the certification process, the PM shall advise the applicant in this regards and invite to undertake the second phase of the certification process, the formal application phase.

3.3.3.8 Section 1 – Pre-application phase of Certification Progress Report Doc. Ref. PIAC-OPS/CPR, shall be completed by the PM, prior to proceeding with the formal application phase.

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3.4 FORMAL APPLICATION PHASE

The formal application phase commences when the applicant submits to the CAA RM Secretariat the formal application for an AOC, annex 2.1.

3.4.1. The formal applications shall be filled by the accountable manager in the State language of the Republic of Moldova or English language and, according to ORO.AOC.100 shall be accompanied by the following documentation:

1. official name and commercial name, official and correspondence address of the organization (copies of the incorporation documents authenticated with the stamp of the organization) - The PM shall make sure that all data provided by the applicant in the formal application is legally correct. The PM shall also make sure that the company meets the requirements towards the minimum statutory capital limits stated in p (9) or (15), as applicable.
2. a description of the proposed operations, including the type(s) and number of aircraft to be operated – The applicant shall identify the desired operations specifications appropriate to the intended operation for each aircraft model in the operator’s fleet, identified by aircraft make, model and series. A list of the aircraft to be operated shall be provided, with the make, model, series and the nationality and registration marks for each aircraft and details of the origin and source for each aircraft, if these details are known. It is possible that the details for individual aircraft may not yet be available, in which case, evidence shall be provided as described in 14 below.
3. a description of the management system, including the organizational structure;
4. name of the accountable manager in accordance with ORO.GEN.210;
5. names of the nominated persons in accordance with ORO.AOC.135 (a), their qualifications and experience;
6. a copy of the Operations Manual, which may be provided in separate parts, shall set out the applicant’s general policies, the duties and responsibilities of personnel, operational control policy and procedures, and the instructions and information necessary to permit flight and ground personnel to perform their duties with a high degree of safety. The size as well as the number of volumes of the operations manual will depend upon the size and complexity of the proposed operations.
7. a statement that all documentation sent to the CAA has been verified by the organization and is in accordance with the applicable requirements. The standard declaration statement from Annex to DO no. 10 from 10.08.2020 shall be used.
8. copies of the insurance policies and of the insurance contracts for the commercial cargo, as well as for the third-party liability, concluded in compliance with the amounts established by the legislation in force, as well as the letter of takeover, issued by the insurance company / broker or company reinsurance (Letter of Undertaking). These copies may be submitted later, but not less than 5 days before the scheduled demonstration flight.
9. proof that the statutory capital, at the time of application, is at least 500,000 lei for the organizations operating aircraft with a maximum certified take-off mass of over 5700 kg or helicopters with a maximum take-off mass exceeding 3175 kg;
10. a copy of the financial statements for the year preceding that in which the air operator's certificate is requested, if available;
11. copy of the audit report on the financial statements for the previous management period (unless otherwise specified in national law);
12. business plan for at least the first 3 years of air transport activity, which will include the following information:
 - a. estimated balance sheet, including a profit and loss account;
 - b. forecasted revenues and expenditures on fuel, tariffs, salaries, maintenance, depreciation, exchange rate variations, airport tariffs, air navigation tariffs, ground handling costs, insurance, etc. for each aircraft to be operated;
 - c. forecasts of the total traffic and revenues obtained in the first full year of operation of the applicant, including the supporting data underlying the calculation of the forecast;
 - d. details of existing and expected funding sources;

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- e. expected cash flow and the cash flow projection for the first three years of operation;
 - f. details of how the purchase / lease of the aircraft will be financed, including, in the case of the lease, the terms and conditions of the contract;
13. proof that the value of equity is equal to or greater than the value of the statutory capital, if the annual financial statements are not available;
 14. copies of the contracts concluded between the organization and certified agencies for the provision of air services certified by the CAA RM or to be completed (aircraft purchase, leasing, handling, aeronautical services and other airport services, Crew and ground personnel training), authenticated with the stamp of the organization - These documents shall provide evidence that the applicant is actively procuring aircraft, facilities and services appropriate to the operation proposed. If formal contracts are not completed, letters or other documents showing preliminary agreements or intent shall be provided. These documents may relate to aircraft, station facilities and services, weather reporting, communications facilities, maintenance, aeronautical charts and publications, aerodrome analysis and obstruction data, outsourced training and training facilities.
 15. points 9 to 14 shall not apply to organizations operating airplanes under 5700 kg, helicopters under 3175 kg, balloons or gliders. These organizations must be able to prove that they have an equity of at least 150,000 lei.
- 3.4.2. The applicant shall prove CAA RM that:
- a) comply with all applicable provisions of national law, this Regulation and the CT-OPS, commercial air transport operations (CAT) and specific approvals (SPA), as appropriate;
 - b) own or operate (based on a dry lease agreement) at least one aircraft that has a certificate of airworthiness (CofA) and corresponds to the intended air transport operations. Detailed evaluation criteria of the dry lease agreements are outlined in chapter 4 of this PIAC.
 - c) all operated aircraft have a certificate of airworthiness (CofA) in accordance with national requirements for certification for airworthiness and environment of aircraft, products, parts and appliances;
 - d) their organization and management are adequate and adapted to the complexity and scope of the operation; and
 - e) may cover, for a period of three months from the start of operations, the fixed and operating costs incurred in the operations in accordance with its business plan and determined on the basis of realistic assumptions, without using any revenue from operations.
- 3.4.3. The applicant shall also attach the following documents to the formal application:
- a) *Schedule of events* – in the certification process is a key document that lists target dates for items, events, activities, programmes, aircraft and facility acquisitions that will be made ready for inspection by CAA RM before certification. The schedule shall include date(s):
 - a. when crew members and maintenance personnel will commence training;
 - b. when maintenance facilities will be ready for inspection;
 - c. when each of the required manuals will be ready for evaluation;
 - d. when the aircraft will be ready for inspection;
 - e. when terminal facilities will be ready for inspection;
 - f. when demonstration flights are planned; and
 - g. of proposed assessments of training staff and other persons subject to CAA RM approval.
 - b) documents for establishing, implementing and maintaining a safety management system and a compliance management system. ORO.GEN.200
 - c) a Security Programme (AMC1 ORO.AOC.100(a))
 - d) relevant application forms and associated additional documents and/or manuals, as required for the required specific approvals in the operations specifications associated with the AOC (ARO.OPS.200)
 - e) Aircraft Flight Manual, Master Minimum Equipment List, Minimum Equipment List, CDL and subscriptions to amendments of these documents.

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- f) CAME/MCM – The MCM shall describe the administrative arrangements between the applicant and the approved maintenance organization (AMO) and shall define the procedures to use, the duties and responsibilities of operations and maintenance personnel and the instructions and information to permit maintenance and operational personnel involved to perform their duties with a high degree of safety. (HG641/2019, ICAO 9760)
- g) Maintenance Programme – This programme, including a maintenance schedule, will detail the maintenance requirements for individual aircraft (HG641/2019, ICAO 9760).

3.4.4. The Operations Manual and the Documents stated in p. 3.4.4. may be submitted later, but not less than 60 days before the expected date for the operations to commence.

3.4.5. In order to facilitate this phase of the certification process, the applicant shall coordinate by e-mail all aspects of the development of the required documentation with CAA RM certification team, prior to submission of the formal application.

Note: for coordinating specific aspects or documents with the respective CAA representatives the PM shall provide the applicant the appropriate e-mail address of the attracted inspector.

3.4.6. The submission of a formal application is interpreted by CAA RM to mean that the applicant is:

- aware of the regulations applicable to the proposed operation,
- prepared to show the method of compliance and
- Is prepared for an in-depth evaluation, demonstration and inspection related to:
 - the required manuals,
 - training programmes,
 - operational and maintenance facilities,
 - aircraft,
 - support equipment,
 - record keeping,
 - dangerous goods program,
 - security program,
 - flight crew and
 - key staff members, including the functioning of the administrative and operational organization.

3.4.7. CAA RM certification team will perform a cursory review of the formal application package to check that the required attachments have been presented, that these attachments address the required information and that the documentation is of an appropriate quality.

3.4.8. In the case of the MCM(CAME), where leased aircraft not registered in the Republic of Moldova are proposed to be used the cursory review shall extend to the required contents noting that the manual is required to be acceptable to CAA RM and to the State of Registry of the aircraft.

3.4.9. During the cursory review, the PM may identify the need for additional expertise on the certification team, e.g. to deal with a specific aircraft type or a particular navigation system.

3.4.10. If the formal application package is incomplete or otherwise unacceptable, the PM shall inform the applicant in writing by e-mail or letter within 15 days of receiving the formal application, providing details of the deficiencies and advice on the resubmission of the formal application.

3.4.11. If the information in the formal application package is considered acceptable by the certification team, the PM will schedule a formal application meeting with the applicant.

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3.4.12. A formal application meeting shall be conducted between the PM, the certification team and all the key staff members of the applicant, with the objective of resolving any questions on the part of either CAA RM, or the applicant, to establish a common understanding on the future procedure for the application process.

- 3.4.13. In particular, the formal application meeting shall:
- confirm that the management background information satisfies regulatory requirements;
 - address any errors or omissions in the application package,
 - resolve any scheduling date conflicts and agree on a process for revising event dates,
 - reinforce the communication and working relationships between the CAA RM certification team and applicant personnel and, finally,
 - determine the acceptability of the formal application package.

Note: It shall be understood that acceptance of the formal application package by the PM does not constitute acceptance or approval of any of the attachments which will be subjected to later in-depth review. The identification of significant discrepancies during the in-depth review may require further meetings between appropriate members of the CAA RM certification team and the applicant personnel.

3.4.14. Section 2 – Formal application phase of Certification Progress Report Doc. Ref. PIAC-OPS/CPR, shall be completed by the PM, prior to proceeding with the document evaluation phase.

3.5 DOCUMENT EVALUATION PHASE

3.5.1. GENERAL

3.5.1.1. The document evaluation phase involves the detailed examination of all documentation and manuals provided by the applicant to establish that every aspect required by the CA301/2017 of the Republic of Moldova, HG831/2018 and CT-OPS is included and adequately covered.

3.5.1.2. After the formal application has been accepted, as described in p.3.4.12., the CAA RM certification team will commence a thorough evaluation of all the documents and manuals listed in ORO.AOC.100.

3.5.1.3. CAA RM should endeavor to complete these evaluations in accordance with the schedule of events prepared by the applicant and agreed at the formal application meeting.

3.5.1.4. If a document or manual is incomplete or deficient, or if non-compliance with regulations or safe operating practices is detected, the applicant shall be informed in written by e-mail with a detailed list of deficiencies and corrective action shall be taken.

3.5.1.5. Documents or manuals that are satisfactory will be approved or accepted, as required by CT-OPS and associated AMC and GM. Approval shall be indicated by a signed document. Acceptance of material that does not require formal approval may be confirmed by letter.

3.5.1.6. The complexity of the information that needs to be addressed in the applicant’s documents and manuals depends upon the complexity of the proposed operation.

3.5.1.7. All manuals are to be provided with procedures for the development, control and distribution of each manual, the means to keep the manual up-to-date and the means for the publication and distribution of amendments.

3.5.1.8. Manuals will require appropriate revision and amendment when new requirements, operations or equipment are introduced.

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3.5.2. EVALUATION OF THE DOCUMENTS

3.5.2.1. *Draft operations specifications* – Operations specifications form part of the AOC. CAA RM standard operations specifications will have been given to the applicant at the pre-application meeting and a list of desired operations specifications identified by the applicant to form the draft operations specifications. This draft will have been edited by the applicant and CAA RM certification team to add necessary authorizations, conditions and limitations to produce operations specifications appropriate to the applicant’s intended operation. Information and detailed conditions (such as training, qualifications, equipment requirements and procedures under which each special authorization may be utilized) shall be available in the operations manual. Subsequent amendments to the specifications can be initiated later by the operator or CAA RM as required by changing circumstances.

3.5.2.2. *Management structure and key staff members* – The description of the management system shall comply with requirements set out in ORO.GEN.200 and AMC1 and GM1 to ORO.GEN.200(a)(5). This description should be provided in the appropriate section of the Operations Manual, or otherwise acceptable to CAA RM. The list of the key staff members shall include the management positions, the names of the individuals involved and their qualifications and relevant management experience and their licences, ratings and aviation experience.

3.5.2.2.1. *Accountable manager* – the PM shall ensure the compliance of the accountable manager with the requirements of AMC1 ORO.GEN.210(a) and GM1 ORO.GEN.210(a).

3.5.2.2.2. *Nominated persons* – the PM shall ensure compliance of the nominated persons required by ORO.AOC.135(a)-(b) according to the requirements described in AMC1-2 ORO.AOC.135(a) and GM1-2 ORO.AOC.135(a).

3.5.2.2.3. If the appointed accountable manager or one or more of the nominated persons do not meet one or more of the relevant requirements, the applicant shall provide to CAA RM for acceptance the respective Alternative Means of Compliance.

3.5.2.3. *Operations manual* – The operations manual is the means by which the applicant intends to control all aspects of the intended operation. Detailed evaluation criteria for the review and approval of the OM are contained in the relevant compliance checklists for each part of the OM – Doc. Ref. PIAC-OPS/CL/OM-A; PIAC-OPS/CL/OM-B; PIAC-OPS/CL/OM-C and PIAC-OPS/CL/OM-D.

Note: Cabin crew related provisions and procedures may be described in a separate Cabin Crew Manual. Detailed evaluation criteria of the Cabin Crew Manual is contained in checklist Doc. Ref. PIAC-OPS/CL/CCM.

3.5.2.4. *Insurance* – The insurance policies and contracts, if submitted during the formal application phase, shall be evaluated to ensure compliance with ORO.AOC.100 p. 8 and acceptance shall be appropriately marked by the PM in the Certification Progress Report Doc. Ref, PIAC-OPS/CPR.

3.5.2.5. *Financial reports and the financial audit reports* – The financial reports and financial audit reports, if available, shall be evaluated by the certification team to ensure compliance with ORO.AOC.100 p. 10, 11. If not available, compliance with ORO.AOC.100 p.13 shall be demonstrated by the applicant. Acceptance of the financial reports and the financial audit reports shall be appropriately marked by the PM in the Certification Progress Report Doc. Ref. PIAC-OPS/CPR.

3.5.2.6. *Business plan* – The business plan shall be evaluated by the certification team to ensure compliance with ORO.AOC.100 p. 12. Detailed evaluation criteria of the business plan is contained in checklist Doc. Ref. PIAC-OPS/CL/BP.

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3.5.2.7. *Management System Documentation* - as required by ORO.GEN.200:

3.5.2.7.1. *Safety Management System (SMS) Manual* – An SMS manual is required and documents all aspects of the SMS, including: the statement of safety policy and objectives, which clearly describes the safety accountabilities and emergency response planning; the safety risk management, which includes hazard identification processes and risk assessment and mitigation processes; the safety assurance, including safety performance monitoring with an investigation capability; and safety promotion and training.

3.5.2.7.2. *Compliance monitoring system* – a function to monitor compliance of the operator with the relevant requirements. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary.

3.5.2.7.3. Detailed evaluation criteria for the review and approval of the Management System Documentation is contained in checklist Doc. Ref. PIAC-OPS/CL/MSM

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

3.5.2.8. *Security programme* – shall describe the operator security programme, which shall meet the requirements of the national civil aviation security programme of Moldova Republic of. The manual shall include the security procedures applicable to the type of operations. The security programme will be evaluated and approved by an additional specialist from the Aviation Security Department of CAA RM.

3.5.2.9. *Aircraft flight manuals* – Flight manuals are required to be provided specific to individual aircraft and are subject to the control of the State of Registry. Arrangements for the administration control and amendment of copies of the flight manuals shall be examined together with the means for providing aircraft performance and limitations information to the flight crew. Aircraft flight manuals are subject to acceptance from CAA RM.

3.5.2.10. *MEL* – A MEL is required for each type and model of aircraft to be operated, which provides for the operation of the aircraft, subject to specified conditions, with particular equipment inoperative. This list prepared by the applicant in conformity with, or more restrictive than, the master minimum equipment list (MMEL) approved by the State of Design for the aircraft type, is tailored to the applicant’s aircraft and installed equipment. Checklist contained in Doc. Ref. PIAC-OPS/CL/MELCDL shall be used for the review and approval of the MEL.

3.5.2.11. *CDL* – A CDL for each aircraft type and model may be established by the organization responsible for the type design and approved by the State of Design to provide for the commencement of a flight without specified external parts. The CDL(s), if provided by the manufacturer, taking account of the aircraft types and variants operated, including procedures to be followed when an aircraft is being dispatched under the terms of its CDL. Detailed evaluation criteria for the review and approval of a CDL are contained in checklist Doc. Ref. PIAC-OPS/CL/MELCDL.

3.5.2.12. *MME* – This manual sets out the applicant’s intentions and procedures with regard to maintaining the airworthiness of the aircraft used, during their operational life. This applies whether or not the applicant for an AOC also intends to apply for approval as an AMO or intends to contract out maintenance to an AMO. Detailed procedures for the review and approval of MCM are contained in CL/MME.

3.5.2.13. *Maintenance programme* – A maintenance programme including maintenance schedule is required for individual aircraft, taking into account the requirements of the type design authority. Detailed procedures for the review and approval of the maintenance programme are contained in CL/MP.

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3.5.2.14. *Plan for demonstration flights* – Where demonstration flights are required, a plan for these demonstration flights shall be prepared so that the applicant can demonstrate the ability to operate and maintain aircraft and conduct the type of operation specified. The determination as to whether or not demonstration flights will be required, and if such flights are required, their number and type, will depend on the CAA RM assessment of the capabilities of the operational systems established by the applicant. The following factors will be considered when determining the demonstration flight requirement:

- a) to what extent is the new aircraft substantially different from an aircraft previously flown by the applicant's flight crew (such as changing from turboprop to turbojet, unpressurized to pressurized, or narrow body to wide body);
- b) to what extent is the applicant's route structure affected by the request (for example, inauguration of international routes and use of special areas of operation);
- c) what is the experience level of personnel involved in the operation (for example, flight and cabin crewmembers' previous experience in the operation of this type of aircraft);
- d) how does the applicant propose to conduct the proving flights (for example, a few long-range versus several short-range flights); and
- e) what level of management experience exists in the company with this type or similar type or make of aircraft.

3.5.2.15. Section 3 – Document evaluation phase of Certification Progress Report Doc. Ref. PIAC-OPS/CPR, shall be completed by the PM, prior to proceeding with the demonstration and inspection phase.

3.6 DEMONSTRATION AND INSPECTION PHASE

3.6.1 GENERAL

3.6.1.1 Regulations of the Republic of Moldova require an applicant to demonstrate the ability to comply with 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 certification team. This will also involve on-site evaluations of aircraft maintenance equipment and support facilities. During these demonstrations and inspections, CAA RM evaluates 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 should be placed on the applicant's management effectiveness. Deficiencies shall be brought to the attention of the applicant in writing by e-mail or letter, and corrective action shall be taken before an AOC can be issued.

3.6.1.2 The preliminary assessment of the application, as described in p. 3.3.3., should provide CAA RM with a general appreciation of the scope of the proposed operation and the potential ability of the applicant to conduct it safely. However, before authorizing the issuance of the AOC, CAA RM will need to 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, in some cases, 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 CAA inspector may be credited towards meeting demonstration flight requirements.

3.6.1.3 The operational aspects demonstration and inspection phase shall encompass all aspects of the proposed operation – base and station facility inspections, inspection of the operational control and supervision facilities and inspection of training programmes and training facilities.

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3.6.1.4 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.

3.6.1.5 It will also be necessary to ascertain that facilities located in other States, which are to be utilized, are adequate. As CAA RM licences are fully compliant with ICAO Annex 1 — *Personnel Licensing* requirements, they are acceptable to other States where operations will take place.

3.6.1.6. Demonstrations and inspections shall be performed in the appropriate order as described below and in accordance with the coordinated schedule of events.

3.6.2 ORGANIZATION AND ADMINISTRATION

3.6.2.1. 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 staff members and through observation, the CAA RM 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 MCMs and other company documents. It should also be determined that acceptable processes are 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.

3.6.2.2. 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.

3.6.2.3. The applicant's staffing level needs to 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. Through a sampling questioning process, the CAA RM certification team will determine whether or not management personnel are qualified, experienced and competent to perform their assigned duties.

3.6.2.4. Experience has shown that the quality of an operation is directly related to the standards maintained by its management. Competent management usually results in safe operations. An excess of managers can lead to fragmentation of responsibility and control and to as much difficulty and inefficiency as a shortage. Either case can result in a lowering of operational standards. Thus, the evaluation of an applicant's organization is a very significant phase of the certification inspection process. Once it has been determined that the applicant's organization is adequately staffed and managed, a detailed examination of the organization shall be initiated, and the suitability and use of the associated operations manual and MCM shall be assessed.

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3.6.3 GROUND OPERATIONS INSPECTION

3.6.3.1. General

3.6.3.1.1. The purpose of this phase of the 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.

3.6.3.1.2. The inspection of maintenance facilities and procedures is part of the ground inspection and will be carried out separately by airworthiness inspectors who are part of the CAA RM certification team.

3.6.3.2. Flight crew qualifications, licensing and training

The CAA RM inspector shall determine that the applicant has established procedures and training programs to ensure that flight crew qualifications meet the requirements of the HG831/2018 and RAC-APL and that personnel are duly licensed and hold appropriate and valid ratings.

Detailed criteria for assessing flight crew qualifications, licensing and training, checklist contained in annex 4.2.1

3.6.3.3. Cabin crew qualifications, licensing and training

The CAA RM inspector shall also determine that the applicant has established a training programme to ensure that cabin crew members are competent in executing those safety duties and functions to be performed in the event of an emergency including a situation requiring emergency evacuation.

3.6.3.4. Training programs

The training programme shall be described in detail either in the operations manual or in a training manual which, whilst it will form part of the operations manual, will be issued as a separate manual. The choice will generally depend upon the extent of the operations and the number and types of aircraft in the operator's fleet. Most applicants find it convenient to set forth their training programmes in a training manual of one or more Subparts to facilitate easy application and updating. Depending on the scope and complexity of the proposed operation, the training programmes required by CT-OPS may be carried out under the direct control of the applicant or conducted by other training facilities under contract to the applicant, or a combination thereof. In any event the CAA RM certification team will need to carry out a thorough analysis and inspection of all phases of the applicant's ground and flight training programmes. This analysis and inspection should permit a determination as to whether the training methods, syllabi, training aids/devices, training standards, related facilities and record keeping are adequate. The qualifications of ground and flight instructor personnel shall be established and their effectiveness evaluated.

3.6.3.5. Record keeping

In accordance with CT-OPS Part-MLR operators are required to maintain certain records pertaining to the conduct of the operations for a specified period. The primary objective of the inspection of operations and flight records is to ensure that operators comply with established procedures and appropriate regulations. The procedures for record keeping need to be evaluated as part of the certification inspection process to indicate the manner in which records will be kept and whether or not such recording will be conducted in compliance with relevant regulations.

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3.6.3.6. Fuel computation procedures

3.6.3.6.1. The objective of this inspection is to determine whether the applicant's aircraft will be dispatched with adequate fuel loads calculated in accordance with regulations and the policy set forth in the operations manual. To make this determination, the fuel computation policy and sample operational flight plans for flights to be dispatched from different bases on routes and route sectors calling for wide differences in fuel requirements and including sectors on which aircraft fuel capacity is critical, shall be examined and the fuel to be carried validated against expected aircraft performance, with appropriate corrections for wind conditions and flight levels en-route.

3.6.3.6.2. The fuel policy shall consider the additional fuel necessary to proceed to an adequate aerodrome in the event of failure of one engine or loss of pressurization, at the most critical point while en route, whichever is higher.

3.6.3.7. Aircraft mass and balance procedures

3.6.3.7.1. This part of the inspection is to ascertain that aircraft will be safely and correctly loaded and to investigate the applicant's method of exercising overall mass control. CAA RM inspector shall examine the system and methods whereby aircraft mass is checked and maintained to ensure that mass fluctuations due to modifications and other causes are fully taken into account and that the mass statement is accurate.

3.6.3.8. Evaluation of passenger evacuation and ditching capability

3.6.3.8.1. CT-OPS require that before an aircraft type and model can be used in commercial air transport passenger-carrying operations an actual full capacity emergency evacuation demonstration has been conducted to check the suitability of the emergency equipment and to determine the maximum number of persons on board. All passengers must be evacuated from the aircraft within 90 seconds or less using 50% of the available doors. Subsequently, engineering analysis and historical data can be used to validate other passenger seating configurations. Prior to the import of an aircraft into The Republic of Moldova and issue of a Certificate of Airworthiness, the Airworthiness Division will conduct an interior inspection to ensure conformity to an approved interior configuration, emergency and safety equipment, and that there is documentation to confirm that the full capacity emergency evacuation has been completed satisfactorily. The Type Certification Data Sheet (TCDS) and Aircraft Flight Manual (AFM) will normally provide this information.

3.6.3.8.2. Emergency evacuation training and competency requirements for crew members are established in CT-OPS. As part of the document evaluation, CAA RM inspectors shall determine that the applicant has established a training programme that ensures that crew members are competent in executing those safety duties and functions to be performed in the event of an emergency evacuation. Detailed inspection procedures related to evaluation of passenger evacuation and ditching capability are outlined in Emergency Evacuation Demonstration Guide – Doc. Ref. PIAC-OPS/EVAC annex no. 4.1 to this PIAC.

3.6.3.8.3. CT-OPS do not permit an operator to use an aircraft in extended flights overwater unless it has first demonstrated to the CAA RM that the aircraft has the ability and equipment to carry out emergency ditching procedures. The Airworthiness Division will review the aircraft documentation to ensure that an aircraft intended to be used for extended flights overwater is certificated for ditching

3.6.3.8.4. Ditching training and competency requirements for crew members are established in CT-OPS. The CAA RM inspectors shall determine that the applicant has established a training programme that ensures that crew members are competent in executing those safety duties and functions to be performed in the event of a situation requiring ditching.

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3.6.3.9. Ground inspection deficiencies

3.6.3.9.1. Unsatisfactory conditions noted by CAA RM certification team during the ground inspection need to be brought to the attention of the applicant for corrective action. The opportunity shall 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 CAA RM certification team prior to the inauguration of commercial service.

3.6.4 FLIGHT OPERATIONS INSPECTION

3.6.5.1. Following the ground operations phase of the inspection programme prior to certification, it may be necessary, particularly in the case of new operators, 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 shall not be carried during inspection flights prior to certification and observer personnel on-board the aircraft shall 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.

3.6.5.2. The determination by CAA RM as to whether or not demonstration flights will be required, and if such flights are required, their number and type, will depend on the CAA RM assessment of the capabilities of the operational and maintenance systems established by the applicant. All demonstration flights are to be conducted using the methods and procedures proposed by the applicant in the formal application package. Detailed demonstration flight procedures are outlined in Demonstration Flight Preparation Guide, Doc. Ref. PIAC-OPS/DEMO, annex no. 4.2. to this PIAC.

3.6.5 MAINTENANCE CONTROL ASPECTS

3.6.6.1. GENERAL

3.6.6.1.1. As part of the requirements described in 3.6.1.1 and 3.6.1.2, the applicant (operator) is required to demonstrate that an organization with the necessary qualified staff, equipment and facilities is set up and responsible for ensuring that the aircraft remain in an airworthy condition for the duration of their operational life. This is also referred to as managing the continuing airworthiness of the aircraft.

3.6.6.1.2. In the case of an applicant seeking authority to operate leased aircraft registered in a different State, suitable arrangements must be made between The Republic of Moldova and the State of Registry regarding responsibility for the continuing airworthiness of the aircraft. (See Subpart I, Chapter 4 for details on the leasing of aircraft).

3.6.6.1.3. Further detailed guidance on the maintenance control aspects of air operator certification, as well as approval of the MCM, is contained in Subpart III of this PIAC.

3.6.6.2. MAINTENANCE CONTROL ORGANIZATION

The CAA RM inspector shall determine that the structure of the applicant's maintenance control system is set forth, clearly delineating duties and responsibilities for all key staff members including the manager(s) for engineering and maintenance. The names of all incumbents shall be listed. The details of the organizational structure shall be included as a part of the MCM and, if necessary, also promulgated separately.

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3.6.6.3. MAINTENANCE CONTROL MANUAL (MCM)

3.6.6.3.1. CT-OPS require the applicant to prepare an acceptable MCM for the use and guidance of maintenance organization personnel. The operator needs to ensure that the MCM is revised as necessary to keep the information contained therein up-to-date. Copies of all revisions will be furnished promptly to all organizations or persons to whom the manual has been issued. Accordingly, one of the first steps in the maintenance inspection is a thorough analysis of the MCM, the correction of any discrepancies and the tentative acceptance by the CAA RM inspector. During the course of the maintenance control inspection, the PM, assisted by qualified CAA RM airworthiness inspectors, shall determine that the provisions of the MCM are in place.

3.6.6.3.2. The details in and number of Subparts of the MCM will vary depending upon the type, complexity and number of aircraft involved. Detailed inspection procedures are outlined in Subpart III of this PIAC.

3.6.6 CONCLUSION

3.7.1.1. Following the demonstration and inspection phase, each responsible inspector shall complete the Risk Based Safety Report (RBSR) Doc. Ref. PIAC-OPS/RBSR, annex no. 4.3 to this PIAC.

3.7.1.2. If the overall RBSR score is unacceptable to CAA RM, then the applicant shall be informed by the PM within 5 days of completing all inspections, audits and operational demonstrations in written by letter or e-mail of all discrepancies that need to be resolved before an AOC and its associated operations specifications can be issued.

3.7.1.3. In such a case, the applicant shall then submit to CAA RM the corrective action plan, formulated so as to allow the identification of the non-compliance, its cause, the immediate corrective action, the preventive action and the time necessary to implement the proposed corrective actions and submits to the CAA RM the objective evidence in this regard.

3.7.1.4. CAA shall analyze the effectiveness of the corrective actions and communicate in written to the applicant the conclusions of the analysis (closing the non-compliances, the necessity of the applicant to re-evaluate the corrective actions, accepting the corrective actions and inspecting their implementation).

3.7.1.5. Depending on the results of the corrective actions, operational inspections and demonstrations may be repeated.

3.7.1.6. If the overall RBSR score is acceptable to CAA RM, then the PM shall inform the applicant in written by letter or e-mail.

3.7.1.7. The PM will provide an RBSR report as provided in Doc. Ref. PIAC-OPS/RBSRREP with appropriate recommendations on the issuance or denial of an AOC to the CAA RM Director. The report shall include the following information.

3.7.1.7.1. In the case of a recommendation on issuance of the AOC:

- confirmation that the air operator has been certificated in accordance with the policy and procedures as contained in the The Republic of Moldova Air Operator Certification and Surveillance PIAC;
- listing of the applicable job aids/checklists that have been completed to confirm that the air operator is in compliance with national regulations and related guidance material;
- confirmation that CAA RM is satisfied that the operator has the financial resources to conduct its planned operations;
- signature of the PM and the name and title of each team member who assisted in the certification project.

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- 3.7.1.7.2. In the case of a recommendation on denial of an AOC:
- listing of the applicable job aids/checklists that have been successfully completed to date;
 - details of certification requirements which the air operator has failed to achieve; and
 - signature of the PM and the name and title of each team member who assisted in the certification project.

3.7.1.8. Section 4 – Demonstration and inspection phase of Certification Progress Report Doc. Ref. PIAC-OPS/CPR, shall be completed by the PM, prior to proceeding with the certification phase.

3.7 CERTIFICATION PHASE

3.7.2. The certification phase is the conclusion of the certification process when CAA RM PM has determined and ensured that all certification requirements, both operational and economic, have been met and completed in a satisfactory manner, that the operator will comply with the applicable laws and regulations and is fully capable of fulfilling its responsibilities and conducting a safe operation.

3.7.3. The PM reviews the final operations specifications and makes any changes necessary.

3.7.4. CAA RM shall assign an AOC number and determine the date of issuance. The certificate and associated operations specifications shall be signed by CAA RM Director.

3.7.5. The format and the content required for an AOC are provided in Annex no. 5.1 to this PIAC. The format, content and further guidance on the content for the associated operations specifications are provided in Annex no. 5.2 of this PIAC.

3.7.6. The Certification Progress Report Doc. Ref. PIAC-OPS/CPR, shall be fully and appropriately completed by the PM to confirm the completion of all certification activities prior to recommending issuance of the AOC and associated operations specification.

3.7.7. Operations specifications include designation of the make, model and series (or master series) of the aircraft that are to be used.

3.7.8. In accordance with the standard format for the operations specifications, the nationality and registration marks of individual aircraft is not included. It is essential that information on the identification of individual aircraft, used by an operator for a particular operation, is maintained up to date and documented in the operations manual.

3.7.9. An AOC and associated operations specification are issued with no limit on the period of validity. The fact that the certificate does not expire is indicated on the certificate. the AOC shall be appropriately annotated “Expiry date: valid until revoked, suspended or cancelled”.

- 3.7.10. In general, an AOC or any portion of an AOC issued by a CAA RM remains valid until:
- a) CAA RM amends, suspends, revokes or otherwise terminates the certificate;
 - b) the AOC holder surrenders the certificate to CAA RM;
 - c) the AOC holder suspends operations for more than 6 months;

3.7.11. Subsequent to the issuance of an AOC, CAA RM staff will be responsible for continued surveillance and for conducting periodic inspections as contained in the following Subpart of this PIAC, to ensure the operator’s continued compliance with CAA RM regulations, authorizations, limitations and provisions of its AOC and operations specifications. These periodic inspections are components of a continuing safety oversight programme.

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CHAPTER 4 – MODIFICATIONS TO THE AOC AND THE OPERATIONS SPECIFICATIONS

4.1. Any subsequent changes to the operation specified or to the equipment approved for use may necessitate amendments to the operations specifications. It is appropriate that an AOC will itself be a very basic document and that all aspects of the operation that might be the subject of certification changes would be dealt with in the associated operations specifications which would evolve with the operation.

4.2. The process for the modification of operations specifications will be similar to the original certification process, with the exception that in many cases it will be far less complex, dependent upon the subject of the change that necessitates the modification. Where changes involve new types of operation, new geographical areas or new aircraft, the appropriate level of complexity will have to be applied to the process.

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CHAPTER 5 – DRY LEASE

4.1. GENERAL

DEFINITIONS:

Lessee. The party to which the aircraft is leased

Lessor. The party from which the aircraft is leased

Dry lease. The lease of an aircraft without with its crew, operated under the AOC of the lessee (custody and the operational and commercial control of the lessee) using the lessee’s airline designator code and traffic rights.

Wet lease. A lease of an aircraft crew, operated under the AOC of the lessor, with commercial control of the lessee and using the lessee’s airline designator code and traffic rights

Damp lease. A wet lease of an aircraft where the aircraft is operated under the AOC of the lessor, with the flight crew and possibly part of the cabin crew being provided by the lessor, and part or all of the cabin crew provided by the lessee.

4.1.1. While The Republic of Moldova permits the lease of foreign registered aircraft by The Republic of Moldova air operators, there are a number of legal and practical operational problems, which will be considered in the certification of an operator proposing to utilize leased aircraft, or when an operator, in possession of an AOC, proposes to act as a lessor or lessee or otherwise cooperate with another operator. These practices are economically driven and advantageous to operators. However, CAA RM staff is responsible to ensure that safety takes precedence over any economic issues presented by the operator.

4.1.2. In recent years the practice of leasing aircraft has come into wide usage. Many leases involve aircraft owned by individuals or companies that are registered in one State and leased to operators from another State.

4.1.3. Unless suitable arrangements are made between the States involved, a lease may create complex legal, safety, enforcement and practical problems for either the State of Registry of the aircraft or the State of the Operator, or both of these States. These problems arise because of possible uncertainty concerning which party is responsible for the safe operation and airworthiness of the aircraft, and uncertainty concerning the regulations of which State are applicable. The relevant authorities are responsible for resolving such uncertainties before a lease takes effect. The determination of responsibilities is a factual issue that depends upon the terms of the lease or other agreements. Determining which party to a lease is responsible for the operational control and airworthiness will in turn clarify the regulations of which State will apply, and what oversight responsibilities a particular State has for the operation of a leased aircraft. In some instances, the oversight responsibilities of the State of Registry and the State of the Operator may overlap. Some leases run for a long term while others are for short periods to cover temporary requirements.

4.1.4. In addition to the problems presented to CAA RM, questions also arise concerning what steps can be taken to protect the financial interests and the assets of the lessor. This relates primarily to whether the laws and regulations of the State of Registry and its surveillance capabilities are adequate to cover the interests of the lessor in situations where the lessee, the operator of the aircraft, is from another State. Where the State of Registry and the State of the Operator are adequately carrying out their responsibilities for safety oversight, these actions should tend to protect the lessor’s interests in a leased aircraft.

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4.1.5. In The Republic of Moldova, CAA RM is responsible for ensuring that every aircraft on The Republic of Moldova registry comply with the detailed technical and safety regulations promulgated by The Republic of Moldova, wherever such aircraft may be operated. However, where The Republic of Moldova registered aircraft are operated under a lease arrangement outside of The Republic of Moldova it will be difficult for CAA RM to properly carry out safety oversight, particularly in international commercial air transport. These responsibilities in turn create serious surveillance and enforcement problems for the The Republic of Moldova because these leased aircraft are frequently operated in distant areas where CAA RM personnel from The Republic of Moldova would find it difficult to conduct safety inspections. Compliance with the pertinent safety standards and regulations of The Republic of Moldova may therefore diminish. Violations of regulations may occur by design or from ignorance and be unknown to the The Republic of Moldova. As a result, it is unlikely that enforcement action would be taken with respect to such leased aircraft.

4.1.6. Article 83 *bis* of the *Convention on International Civil Aviation* permits the transfer of certain responsibilities (those of Articles 12, 30, 31, 32 (a)) from the State of Registry to the State of the Operator in case of a lease to more effectively deal with this matter.

4.1.7. The primary purpose of the transfer of certain functions under an Article 83 *bis* agreement should be to enhance safety oversight capabilities by delegating responsibility for oversight to the State of the Operator, recognizing that this State is in a better position to carry out these responsibilities. For States to enter into an Article 83 *bis* agreement both will have had to ratify Article 83 *bis*.

4.1.8. However, before agreeing to transfer any functions, The Republic of Moldova shall determine that the State of the Operator is fully capable of carrying out the functions to be transferred. This determination can be accomplished by various means, including a safety oversight audit (SOA) conducted by the The Republic of Moldova or through review of reports of SOAs conducted either by ICAO, under the Universal Safety Oversight Audit Programme (USOAP), or by another Contracting State. Full information on USOAP audit results can be found on the ICAO SOA secure site which is accessible to all States. There may be circumstances where States are unable to reach agreement on the delegation and acceptance of responsibilities as provided for in Article 83 *bis* or where delegation is not an alternative that is acceptable to the parties involved. In such circumstances The Republic of Moldova would retain responsibility for maintaining proper surveillance of aircraft on its registry when operated under lease arrangements under the authority of another State.

4.1.9. A model agreement was developed on the basis of agreements registered with ICAO and taking into account other related information. This model agreement is provided in the *Manual for Procedures for Operations Inspection, Certification and Continued Surveillance* (Doc 8335), Attachment B to Part V. CAA RM inspectors will use this format for development of such an agreement with inclusion of only the referenced functions and duties of the State of Registry that may be subject to such a transfer to the State of the Operator.

4.1.10. Agreements or arrangements for the transfer of responsibilities under the terms of Article 83*bis* are required to be registered with ICAO.

4.1.11. Where delegation of responsibility is not a viable solution, CAA RM will ensure that it has in place technical staffing and funding to maintain acceptable surveillance over the operation of aircraft on its registry that are leased to operators from other States.

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4.1.12. This general summary concerning leased aircraft is intended primarily to acquaint CAA RM staff and operators with problems that may arise where an operator, using leased aircraft registered in another State, may have to comply with a confusing combination of:

- a) regulations of the State of Registry;
- b) regulations of the State of the Operator; and
- c) the operating regulations and rules of a third State over whose territory operations may be conducted.

4.2. DRY LEASE

4.2.1. Under most dry lease agreements the lessee, who provides the crew, is the accountable party who exercises operational control over the aircraft with all the attendant responsibilities. If the lessee does not have operational control of the leased aircraft under the lease agreement, the responsible authority needs to carefully evaluate the arrangements to ensure that the operation can be conducted with an adequate level of safety in accordance with the applicable regulations.

4.2.2. When an applicant for an AOC, or an existing operator, wishes to use dry leased aircraft, the applicant or operator shall provide CAA RM with the following information:

4.2.2.1. the aircraft type, model and serial number;

4.2.2.2. the name and address of the registered owner;

4.2.2.3. State of Registry, nationality and registration marks;

4.2.2.4. certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the State of Registry;

4.2.2.5. name, address and signature of lessee or person responsible for operational control of the aircraft under the lease agreement, including a statement that such individual and the parties to the lease agreement fully understand their respective responsibilities under the applicable regulations;

4.2.2.6. copy of the lease agreement or description of lease provisions;

4.2.2.7. duration of the lease; and areas of operation.

4.2.3. CAA RM staff will review the application, and contact other competent authorities as necessary to verify accuracy and completeness. CAA RM will make the determination as to which party to the lease agreement is in fact responsible for the conduct of the operation. In making this determination, CAA RM staff will consider the responsibilities of the parties under the lease agreement for:

4.2.3.1. flight crew member licensing and training;

4.2.3.2. cabin crew member training;

4.2.3.3. airworthiness of the aircraft and the performance of maintenance;

4.2.3.4. operational control, including dispatch and flight following;

4.2.3.5. scheduling of flight crew and cabin crew members; and

4.2.3.6. signing the maintenance release.

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4.2.4. DRY LEASE OF AIRCRAFT REGISTERED IN THE REPUBLIC OF MOLDOVA

4.2.5. This is a lease arrangement determined to be a dry lease to an operator of The Republic of Moldova, involving an aircraft registered in The Republic of Moldova that possesses a valid certificate of airworthiness issued by The Republic of Moldova, which is also the State of Registry. If the dry lease arrangement is acceptable to CAA RM, the operations specifications and the operations manual of the lessee shall be amended to provide at least the following data:

- 4.2.5.1. names of the parties to the lease agreement and the duration thereof;
- 4.2.5.2. nationality and registration marks of each aircraft involved in the agreement;
- 4.2.5.3. type of aircraft to be used;
- 4.2.5.4. areas of operation; and
- 4.2.5.5. regulations applicable to the operation.

4.2.6. DRY LEASE OF AIRCRAFT REGISTERED IN OTHER STATES

4.2.6.1. In cases where the dry lease involves an aircraft of a nationality different from The Republic of Moldova, the regulatory and compliance problems become more acute. As with other applications for the use of dry leased aircraft, CAA RM require that the operator, who is the lessee, provide CAA RM with the information required by 4.2.2 above.

4.2.6.2. When the State of Registry is not The Republic of Moldova, it may be beneficial for the State of Registry and the State to enter into an agreement regarding the transfer of all or part of the functions, duties or responsibilities of the State of Registry under the Convention, to The Republic of Moldova. Where transfer of functions, duties or responsibilities cannot be achieved then CAA RM will make a determination as to whether the State of Registry can reasonably meet its oversight responsibilities. When the determination is made that State of Registry cannot carry out its oversight functions in accordance with the Convention, and it cannot reach a satisfactory agreement with The Republic of Moldova on the transfer of its oversight functions pursuant to Article 83 *bis*, the use of aircraft under dry lease arrangements will not be permitted under these conditions.

4.2.6.3. Before CAA RM agrees to accept the functions, duties or responsibilities of the State of Registry, it must determine that it has the resources and expertise to fulfill these obligations.

4.2.6.4. Where a dry lease has been agreed, but no delegation of responsibility has been agreed to between the States concerned, the lessee will be required to show that:

4.2.6.5. the flight crew hold current valid and appropriate certificates or licences issued or validated by the State of Registry;

4.2.6.6. the aircraft will be maintained in accordance with the airworthiness requirements of the State of Registry; and

4.2.6.7. the aircraft will be operated in compliance with the applicable regulations of the State of Registry and the The Republic of Moldova, the operator's AOC, the associated operations specifications and the operations manual and MCM.

4.2.6.8. Several practical problems confront an operator who arranges a dry lease for an aircraft registered in another State. In order to satisfy the requirements of Article 32 (a) of the Convention and continuing airworthiness requirements, the operator is required to use flight crew and maintenance personnel who possess current certificates or licences issued or rendered valid by the State of Registry.

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This may be accomplished by employing persons who already possess such certificates or licences. Alternatively, if this is not feasible or desirable, the operator needs to arrange for personnel already employed to take the necessary written and flight tests or practical examinations in order to obtain appropriate certificates or licences from the State of Registry. This may involve sending flight crew and maintenance personnel to the State of Registry for the requisite written examinations. Upon successful completion of these tests, arrangements need to be made for these individuals to take the required flight tests or practical examinations leading to appropriate certification or licensing by the State of Registry of the leased aircraft. In this context the operator may have to pre-position personnel with the aircraft to be leased in the State of Registry and make appropriate arrangements for the conduct of written and practical tests and the issue of certificates and licences.

4.2.6.9. Another option to overcoming the problem mentioned in 10.2.9 above, is to arrange for the State of Registry to validate licences or certificates issued by The Republic of Moldova, or by another State, to the operator's personnel. Such validations would be subject to requirements established by the State of Registry.

4.2.6.10. Once the necessary certification, licensing or validation of certificates and licences has been accomplished, CAA RM is responsible for ensuring that these individuals satisfy recent experience requirements and maintain their licence qualifications required under the regulations of the State of Registry.

4.2.6.11. The question of compliance with the airworthiness requirements of the State of Registry is another serious problem inherent in a dry lease arrangement.

4.2.6.12. CAA RM staff need to carefully evaluate all aspects of a dry lease arrangement before authorizing the use of such aircraft by an operator under its jurisdiction. Once authorized, it is especially important for CAA RM to carefully monitor the operations and maintenance of the leased aircraft. Should CAA RM have reason to believe that an operator is not complying with the regulations of the State of Registry, the competent authority of the State of Registry shall be advised and a request made that the matter be investigated.

4.2.6.13. Where The Republic of Moldova has accepted a delegation of responsibility from the State of Registry, CAA RM needs to ensure that the operator is complying fully with its regulations with respect to the dry leased aircraft.

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