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Safety Recommendation:

The European Aviation Safety Agency should review the process by which AOC variations are granted to ensure that the scope of any new operation is within the competence of the air carrier.

Response:

The Deputy Director for Strategic Safety, European Aviation Safety Agency, advised the AAIU by letter dated 7 April 2014 that:

“According to paragraph ORO.GEN.130 of Regulation (EU) No 965/2012 on air operations, any change affecting the scope of the air operator certificate (AOC) or the associated operations specifications, shall require prior approval by the competent authority, which includes the introduction of aircraft in the list of aircraft (types and registrations) operated by the operator. It is also stated that the operator shall apply for and obtain an approval issued by its competent authority before the change(s) takes place to enable the competent authority to determine compliance with Regulation (EC) No 216/2008 (the basic regulation) and its implementing rules.

Furthermore, it is stated in ARO.GEN.330 that upon receiving an application for a change that requires prior approval, the competent authority shall verify the organisation's compliance with the applicable requirements before issuing the approval.

Therefore, the Agency considers that this recommendation is already appropriately addressed by the existing regulation and that no further action is needed.”

AAIU Comment:

Note that Regulation (EU) No 965/2012 only came into force in the year following the accident.

