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# Condition and Requirements for Maintaining AOC Validity

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Approved By:



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Director General

## 1. PURPOSE:

- 1.1. This AC clarifies the requirements for the continuity of AOC validity and condition of AOC suspension or revocation.
- 1.2. This Advisory circular Provides and describe how LYCAA define and classify the level of findings during the oversight of Libyan AOC holders. This may affect the AOC and might lead for Restriction, Suspension or Revocation of a valid AOC.

## 2. REFERENCES:

- LYCAR Air Operations
- ICAO Annex 6

## 3. Definition:

- **Revocation:** Certificate/Licence revoking means the complete termination of Certificate/Licence privileges occurs. Major safety deficiencies and enormous noncompliance with the rules are all factors that could prompt a revocation.
- **Suspension:** This is a temporary hold on Certificate/Licence privileges, certain condition has to be met before lifting the suspension completely or partially.
- **Cancellation:** If you do not fulfill all eligibility requirements or provide all required information on your application for Certificate/Licence, the cancellation of your privileges could occur until such time when you reapply and meet all requirements.
- **Findings categorisation:**
  - Level 1: a finding which considered to have a major influence on safety.
  - Level 2: a finding that may have a significant influence on safety.
  - Observation/Remarks: a finding which may have a minor influence on safety

## 4. Conditions for AOC Suspension:

- 4.1. AOC shall be suspended in the following cases:
  - 4.1.1. No flight operations been undertaken by the certificate holder for a period exceeds six months.
  - 4.1.2. No operational Libyan registered aircraft within the company fleet for more than three months.
  - 4.1.3. No corrective action to level 1 or 2 finding has been taken for more than 3 months since last official notification.
  - 4.1.4. Lack of an accountable manager.
  - 4.1.5. failure to give LYCAA authorized person(s) access to the organisation's facilities as defined in ORO.GEN.140 during normal operating hours and after two written requests;
- 4.2. AOC shall be re-activated in the following cases:
  - 4.2.1. The Certificate holder has rectified the suspension cause(s) listed in Sub-paragraph 4.1 above; and
  - 4.2.2. The operator go through a comprehensive oversight inspections with no level 1 or 2 findings.

## 5. Condition for AOC Revocations

- 5.1. AOC shall be revoked in the following cases:
  - 5.1.1. No flight operations been undertaken by the certificate holder for a period exceeds 12 months
  - 5.1.2. No operational Libyan registered aircraft within the company fleet for more

than six months.

- 5.1.3. No corrective action to rectify level 1 or 2 finding has been taken for more than six months since last official notification.
- 5.1.4. obtaining or maintaining the validity of the organisation certificate by falsification of submitted documentary evidence;
- 5.1.5. evidence of malpractice or fraudulent use of the organisation certificate;
- 5.2. the revoked AOC shall not be re-issued unless full re-certification process has been completed successfully.

## **6. Conditions for dis-continuation of AOC Certification Process**

- 6.1. The AOC Certification Process shall be discontinued in the following case:
  - 6.1.1. If during the certification process, the Operator is not responding to its obligations arising from the AOC certification process, the Certification Team Leader shall recommend the official cease of the process.
  - 6.1.2. if 6 or more months have passed since the last official communication with the operator with no positive progress in the process, the Certification Team Leader shall recommend the cease of the certification process.
  - 6.1.3. If the Certification Process was ceased due to the above reasons, the process need to be started all over from the first phase of the process.

## **7. Other LYCAA enforcement actions**

- 7.1. LYCAA shall take enforcement actions in the following cases:
  - 7.1.1. Exceeding the specified period allowed for corrective action to rectify a level 1 findings:
    - (a) LYCAA shall take an enforcement action related to the relevant approval or authorisation to limit or cancel it in whole or in part, depending on the extent of the finding severity and its effect on public safety.
    - (b) LYCAA shall vary the certificate holder Operations specifications accordingly.
- 7.2. A level 2 finding is issued by the competent authority on the following conditions:
  - 7.2.1. When any non-compliance is detected with the applicable requirements of LYCARs and its Implementing Rules, with the organisation's procedures and manuals or with the terms of an approval or certificate which could lower safety or hazard flight safety.
  - 7.2.2. When a finding is detected during oversight or by any other means, LYCAA, without prejudice to any additional action required by LYCARs and its Implementing Rules, communicate the finding to the organisation in writing and request corrective action to address the non-compliance(s) identified.
- 7.3. In the case of level 2 findings, LYCAA shall:
  - 7.3.1. Grants the organisation a corrective action implementation period appropriate to the nature of the finding that in any case initially shall not be more than three months. At the end of this period, and subject to the nature of the finding, LYCAA may extend the three month period subject to a satisfactory corrective action plan agreed by the competent authority; and
  - 7.3.2. Recording of more than one Level 2 may result in a major comprise in safety standards in this case urgency in dealing with such finding is required and may result in more severe reaction taken by LYCAA
  - 7.3.3. After assessing the corrective action and the implementation plan proposed by the organisation and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.

- 7.4. Where an organisation fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the competent authority, the finding shall be raised to a level 1 finding and action taken as laid above.
- 7.5. LYCAA records all findings it has raised or that have been communicated to it and, where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.

## **8. List of cases where LYCAA takes Enforcement Actions**

- 8.1. LYCAA shall take an enforcement actions in the following cases (the following list is indicative and not exhausting):
  - Has Level 1 finding(s) which affect the terms the AOC has been granted and cannot be resolved immediately,
  - Fails to submit corrective actions, for findings issued, by the resolution dates,
  - Fails to implement LYCAA “accepted” corrective actions, or
  - There are findings raised in a repetitive basis, or similar findings are raised again in short period after the previous ones have been rectified,
  - The accountable manager is denied sufficient funds, manpower or influence to rectify deficiencies,
  - The Management System fails to assess safety risks related to identified hazards,
  - The Compliance Monitoring System fails to show compliance of the Operator with LYCARs and its Implementing Rules, etc., the AOC cannot remain valid and must be varied, suspended or revoked since LYCAA can no longer be satisfied that the operator can maintain safe operation according to the requirements under which the AOC was granted.
- 8.2. When safety concern arises the inspector(s) assigned to monitor the operator or/and the Head of Flight Operations or/and the Head of Airworthiness section may trigger the procedure shown in Figure 3.
- 8.3. It is in any case intelligible that Inspector(s) and Head of Flight Operations Section are expected, after due inquiry and consideration of the case, to exercise good judgment and obtain evidence to support their findings (Photocopies, photographs, statements etc).

## **9. AOC restrict/suspend/revoke Procedure.**

- 9.1. When decision reached to restrict/suspend/revoke an AOC The restriction/suspension/revocation note shall be issued by official letter signed by the DGCA and shall be in two copies one signed by the receiver and kept in the Operator file.
  - 9.1.1. the reasons for the restriction/suspension/revocation
  - 9.1.2. the conditions time limit for which they may be rectified
  - 9.1.3. the obligation of the Operator to return the original copies of the AOC to LYCAA.
  - 9.1.4. The effective date, if applicable, and
  - 9.1.5. Effective date of the AOC restriction/suspension/revocation.

## **10. non-compliance has a major impact on safety**

- 10.1. In case the non-compliance has a major impact on safety:
  - 10.1.1. all relevant parties must be informed immediately (official letter or Email) and suspension letter stating the restriction/suspension elements will be send, to the Operator, by fax or registered e-mail, as well as, to the other above mentioned recipients.

- 10.1.2. The official letter of the AOC restriction/suspension/revocation will follow signed by the LYCAA in due time.
- 10.1.3. The decision to restrict, suspend, or revoke an AOC can be the result of any particular inspection occurring during the year.

## **11. AOC Restrictions**

- 11.1. Restriction means that the scope of operations as specified in the AOC Operations Specifications could be restricted with a variation to the AOC.
- 11.2. Restriction can be used by LYCAA, as a tool, to ensure continuance of safe operations when the findings' nature is such that it does not affect the aggregation of operations, but the safety issue it raises is limited to a particular area that can be rectified by restriction to the Operation Specifications of the AOC.
- 11.3. This, for example, could take the form of removing an authorisation; such as Low Visibility Operations or carriage of Dangerous Goods, if it is determined that these parts of the operation are no longer conducted safely.
- 11.4. The Director of Flight Safety Department sends a restriction letter to the Operator and new Operations Specifications are issued according to the said procedures. The Director General must also notified in written for any such actions are taken.
- 11.5. The operator must inform LYCAA, in writing, of the corrective actions taken, once accomplished, to satisfy the lifting of the restriction. Operations should not resume until the necessary inspections have taken place and corrective actions satisfactorily implemented. In particular checks on staffing, compliance system, and crew recency, also a maintenance state of the aircraft by the Airworthiness Section, should be carried out.
- 11.6. Once the assigned Inspector(s) satisfied with the inspections outcome, a recommendation by the inspector(s) needs to be forwarded to the FSD through the Section Heads. The AOC Holder may not resume full operations until the Ops Specs is amended with the restricted item(s) lifted.

## LYCAA Enforcement Action Process

