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1.0 INTRODUCTION

The European Regulation (EU) 1178/2011, as amended, details the rules for the licensing of aircrew subject to EASA regulation. Part-ORA contains information with regards to the approval of Approved Training Organisations for training of pilots and Part-FCL the licensing of pilots including courses of training.

1.1 Purpose of This Document

This document has been established to serve the following purposes:

- Give guidance to new Organisations to ensure that an application made for the initial approval will satisfy EASA Part-ORA requirements;
- Give guidance of administrative arrangements and legal matters particular to Malta;
- Ensure the process and procedures are understood by the Organisation TMCAD regulates and to ensure continued compliance.

1.2 General

All Organisations offering courses to which information in this document relates must be approved as an Approved Training Organisation (ATO).

Organisations seeking approval are to be in possession of the latest version of Aircrew Regulation Part-FCL, Part-ARA, Part-ORA and the Basic Regulation.

1.3 Who can apply

An Organisation must be an Approved Training Organisation (ATO) in order to provide training for the issue or renewal of European professional pilot's licences (e.g. CPL, MPL, ATPL) and the associated ratings (e.g. IR and type ratings). Organisations that wish to achieve a Malta ATO must have their Principal Place of Business located in Malta.

<u>Definition of Principal Place of Business (PPoB)</u>

Commission Regulation No. 1178/2011 defines what constitutes an Organisation's principal place of business as follows. Principal Place of Business of an Organisation means the head office or registered office of the Organisation within which the principal financial functions and operational control of the activitiesreferred to in this Regulation are exercised.

TMCAD's interpretation of the meaning of the above provision is set out below.

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For TMCAD to assume responsibility for regulatory safety oversight as the Competent Authority, the Organisation will need to meet the following criteria regarding corporate structure and effective operational and financial control to constitute evidence of their principal place of business being established in Malta:

1. It must be evident that matters affecting existing operational and financial control, relevant to the Organisation's activities in accordance with the applicable requirements, are controlled, decided and directed by the appointed nominated post holders, including the accountable manager, as a result of management meetings held in Malta as often as effective relevant decision-making requires; (Refer to Appendix 3 for GUIDANCE MATERIAL)
2. Organisation must be registered within the Malta Business Register;
3. Organisation must be in possession of a Malta VAT number;
4. Operational correspondence must be processed at the Organisation's Malta head office address; (Refer to Appendix 3 for GUIDANCE MATERIAL)
5. Pricing of services must be processed at the Organisation's Malta head office address;
6. Necessary human resources must be present at the Organisation's Malta head office address, to ensure compliance with the Organisation requirements and to meet the safety objectives; (Refer to Appendix 3 for GUIDANCE MATERIAL)
7. All records regarding the operational and financial decisions affecting the direction, control and coordination of the Organisation's activities and operations, within the scope of the applicable regulation, must be capable of on-site inspection at the Malta head office.

It should be noted that the Principal Place of Business may not necessarily be where the approved activity itself takes place, such as where the training facilities, production lines or maintenance facilities are located.

Note: In the case where the activity takes place in a country other than that in which the Principal Place of Business is located, to ensure effective oversight of the Organisation, co-operative oversight arrangements may be made between Competent Authorities.

For Organisations that have their Principal Place of Business outside of the member states of the European Union, the approval must be issued by EASA.

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2.0 PREPARATION FOR INITIAL APPROVAL OR VARIATION TO AN EXISTING APPROVAL

2.1 Prior to Application

The following information shall be considered prior to application:

- The Organisation must first determine if the application of the ATO is for a complex or non-complex Organisation according to AMC1 ORA.GEN.200(b).
- Where training is conducted at multiple locations, all sites will be subject to approval and on-site inspections/oversight (including contracted Organisations)

2.2 Applying

The process flow chart in Appendix 1 shall be followed for the initial application. In detail guidance shall be provided by TMCAD PEL department upon application.

2.3 Fees

Fees and charges are published under the Malta ANA (Cap 641), together with its associated regulatory instruments issued pursuant to Article 5 and are payable upon application. Thereafter a continuation charge is made on the 1st week of each year of initial approval date. Please note that for reasons of security, only e-banking transfers to our account are accepted.

2.4 Timescale

When making an application for initial approval, or to vary an existing approval, an ATO shall ensure that any documents provided are compliant to the EASA regulation, manufacturer documentation (if applicable) and to TMCAD procedures. Applications are processed in order of receipt. If documentation is not compliant, this will delay the approval process.

2.5 Language

TMCAD will only approve courses and documentation in the English language.

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2.6 Items Required for Submission for Applications

INITIAL

- 3-year Business plan
- Application Form TM/CAD/0159 completed and signed
- ATO Manuals (OMM, OM and TM) including detailed syllabus of the courses
- Fee according to ANA and associated regulatory instruments pursuant
- Application Form TM/CAD/0143 completed and signed for each nominated person includingCVs and relevant certificates
- TMCAD completed checklists
- Hazard-log
- Proof of agreements with Contracted Organisations including with Operators for ZFTT
- Simulator qualification certificates
- NCO-IDE checklist or NCC-IDE checklist for each aircraft (refer to TMCAD website)
- List of instructors including documentation pertaining to their privileges
- Proof that the Organisation has established Malta as their principal place of business (in accordance with definition in section 1.3). Include the following documents: Malta Certificate of Registration, Malta VAT certificate, Malta Memorandum and Articles of Association, Declaration of how the organisation meets the requirements of PPoB

Additional Items Required:

- The manual shall contain a floor plan with dimensions and maximum number of studentsper room. AMC1 ORA.GEN.215
- Training material, including PPTs, handouts, and CBT access.

Note: If distance learning will be applied for, requirements of PEL Notice 78 must be adhered to.

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VARIATION

- Application Form TM/CAD/0159 completed and signed
- ATO Manuals (OMM, OM and TM) as required
- Fee according to ANA and associated regulatory instruments pursuant
- TMCAD completed checklists
- Management Of Change

If/as required the below may also need to be submitted:

- Hazard-log
- Proof of agreements with Contracted Organisations including with Operators for ZFTT
- Simulator qualification certificates
- NCO-IDE checklist or NCC-IDE checklist for each aircraft (refer to TMCAD website)
- List of instructors including documentation pertaining to their privileges
- The manual shall contain a floor plan with dimensions and maximum number of students per room. AMC1 ORA.GEN.215
- Training material, including PPTs, handouts, and CBT access.

2.7 Nominated persons

The nomination of key personnel in an Organisation must be notified to TMCAD. Refer to PEL Notice 62 for documentation needed and guidance from the EASA regulations with regard to requirements for nominated person positions. TMCAD interviews the below persons:

Accountable Manager

The requirements and qualifications for the Accountable Manager can be found in Part-ORA.GEN.210 and PEL Notice 62.

Head of Training

The requirements and qualifications for the Head of Training can be found in Part-ORA.ATO.210(a) and associated AMC and GM material.

Chief Flight Instructor

The requirements and qualifications for the Chief Flight Instructor can be found in Part-ORA.ATO.210(b) and associated AMC and GM material.

Chief Theoretical Knowledge Instructor

The requirements and qualifications for the Chief Theoretical Knowledge Instructor can be found in Part-ORA.ATO.210(c) and associated AMC and GM material.

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Safety Manager

The requirements and qualifications for the Safety Manager can be found in Part-ORA AMC1 ORA.GEN.200(a)(1);(2);(3);(5) or Part-ORA AMC1 ORA.GEN.200(a)(1) and PEL notice 62.

Compliance Manager

The requirements and qualifications for the Compliance Manager can be found in AMC1 ORA.GEN.200(a)(6) section (3)(3) and PEL Notice 62.

Deputies

Deputies shall meet the same requirements of the key persons since they will be assuming the responsibilities and duties of the concerned function.

2.8 Flight Instructors general requirements and pre-requisites

Reference for the requirements and pre-requisites for Flight Instructors can be found in Commission Regulation 1178/2011 Part-FCL as listed below:

Instructor	Reference
FI certificate requirements	Part-FCL.900
FI prerequisite and general requirements	Part-FCL.915
MPL Instructor additional requirements	Part-FCL.925 AMC1 & GM1 FCL.925
FI specific requirements	Part-FCL.905.FI FCL.910.FL
FI revalidation and renewal	Part-FCL.940
TRI specific requirements	Part-FCL.905.TRI; FCL.910.TRI
TRI revalidation and renewal	Part-FCL.940.TRI
CRI specific requirements	Part-FCL.905.CRI
CRI revalidation and renewal	Part-FCL.940.CRI
IRI specific requirements	Part-FCL.905.IRI
IRI revalidation and renewal	Part-FCL.940.IRI
SFI specific requirements	Part-FCL.905.SFI; FCL.910.SFI; FCL.915.FSI
SFI revalidation and renewal	Part-FCL.940.SFI
MCCI specific requirements	Part-FCL.905.MCCI
MCCI revalidation and renewal	Part-FCL.940.MCCI
STI specific requirements	Part-FCL.905.STI; FCL.910.STI
STI revalidation and renewal	Part-FCL.940.STI
MI specific requirements	Part.FCL.905.MI
MI validity	Part-FCL.940.MI
FTI specific requirements	Part-FTI.905FTI
FTI revalidation and renewal	Part-FCL.940FTI

2.9 Theoretical Knowledge Instructors

The regulatory requirements concerning theoretical knowledge instructors are established in ORA.ATO.110(c) and its associated AMC, which require theoretical knowledge instruction to be provided by appropriately qualified and experienced personnel.

AMC1.ORA.ATO.210 and its associated AMC further establish requirements for theoretical knowledge instructors involved in the conduct of type rating training.

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With regard to the Teaching and Learning component of the TRI course, it is TMCAD's interpretation that this training may be conducted by suitably qualified personnel with recognised expertise in instructional techniques and learning methodologies, such as educators, teachers or psychologists. This interpretation is based on the provisions of AMC1.ORA.ATO.110(c), which requires theoretical knowledge instructors to be appropriately qualified and experienced for the subject being taught.

Such personnel should have successfully completed a recognised Teaching and Learning course themselves before being assigned to deliver this training.

2.10 Flight Time Limitations

The ATO shall detail the flying duty periods and limitations of instructors and students as per PEL Notice 92 which shall be approved by TMCAD.

2.11 Records

Records shall be maintained in Malta and these shall be easily accessible for inspections, including for any ad-hoc or unannounced inspections.

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3.0 PROGRESS OF APPLICATION

3.1 Review of Manuals, Examinations and Supporting Documentation

Manuals submitted for initial approval shall be in electronic format and uploaded to the TMCAD platform Centrik (Access codes will be provided once the application is received). Refer to PEL notice 85 for guidance on the use of the system.

3.2 On-site Inspection of Facilities

Prior to the approval of the ATO, an inspection of the facilities shall be conducted to ensure full compliance with the applicable requirements. When more than one facility is applied for, then the inspection of these facilities shall also be conducted.

3.3 Inspection of Training

Once an ATO approval is given, the Organisation shall keep TMCAD informed of the first training planned and TMCAD has the authority to attend this training as part of the approval process.

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4.0 CONTINUED OVERSIGHT

Once an ATO has been issued with an approval, it is subject to continued oversight of the management system, documentation, training and other areas required by TMCAD.

4.1 Oversight Planning Cycle

The frequency of the audit is based on a risk-based concept. Nevertheless, the first oversight inspection will be conducted after 12 months of the issue date of the ATO.

4.2 Desktop audits, ad-hoc/unannounced inspections

TMCAD may, at any point, conduct unannounced or ad-hoc inspections as required by the oversight program.

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

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

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

The means of access to the above shall be agreed upon by TMCAD with the Organisation. If access cannot be given, a non-compliance shall be issued.

4.3 Changes to the Organisation

All changes requiring prior approval must be submitted to the authority for approval. For other changes not requiring prior approval, the ATO must have a procedure in the manual for these changes in accordance with ORA.GEN.130. In both cases changes must be submitted through Centrik for approval or acknowledgement.

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4.4 Procedure for Approval of Training Aircraft

The Head of Training is responsible for ensuring the fleet of aircraft is suitable for the scope of training being conducted. TMCAD also conducts inspection of the training aircraft. Items checked during an operational suitability Inspection include (but are not limited to) the below:

- Equipment
    - General Condition
    - Flight & navigational equipment
    - Flight crew interphone system
    - Seats, seat safety belts, restraint systems and child restraint devices
    - First-aid kit
    - Supplemental oxygen (if applicable)
    - Hand fire extinguishers
    - ELT
    - Life-Jackets & Other equipment (if applicable)
    - Survival Equipment
    - Radio comm equipment
    - Navigation Equipment
    - Transponder
    - Other equipment as per AFM/POH for Operation Equipment List
- External Inspection
- Documents to be carried on board

4.5 Procedure for Approval of FSTDs

See PEL Notice 87 regarding FSTD Operator Approvals.

4.6 Aerodromes and Operating Sites

Unlicensed aerodromes cannot be used for training purposes except for water operations (Seaplanes) and unless specifically approved by TMCAD when the following conditions are met:

1. A comprehensive Risk Analysis is conducted by the ATO,
2. The aerodrome is inspected by a TMCAD Flight Inspector,
3. A proving flight from the aerodrome is undertaken by a TMCAD Flight Inspector,
4. The aerodrome meets the performance requirements of the ATO aircraft to be used,
5. Adequate Rescue and Fire Fighting equipment is in place,
6. The ATO's Emergency Response Plan covers the aerodrome, and
7. Any other conditions TMCAD deems fit from time to time.

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5.0 REVOCATION, SUSPENSION OR VARIATION/LIMITATION OF AN APPROVAL

In case of any significant non-compliance with the regulations or with the terms of approval which reduces safety or seriously hazards flight safety (ARA.GEN.350(b) and/or ARA.GEN.330(b)), TMCAD will raise a Level 1 finding and thus TMCAD will prohibit, limit or suspend activities of the Organisation. When the non-compliance "could" reduce safety or hazard flight safety as indicated in ARA.GEN.350(c), the competent authority will raise a Level 2 finding.

However, 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 TMCAD, the finding shall be raised to a level 1 finding and action taken as stated in the previous paragraph.

5.1 Non-compliances

Any findings shall be issued and addressed through Centrik. Access codes shall be provided upon approval of the ATO to the Compliance Monitoring Manager.

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6.0 CONTINUATION OF APPROVAL

6.1 Approval validity period

Organisation approvals are non-expiring, however, this is subject to a continuation recommendation every 12, 24 or 36 months. This is raised by the TMCAD Inspector following the risk-based analysis calculation conducted after the audit programme has been completed.

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7.0 USEFUL INFORMATION

- Malta ANA and associated regulatory instruments
- PEL Notice 62
- PEL Notice 78
- PEL Notice 85
- PEL Notice 92

SMS related documents

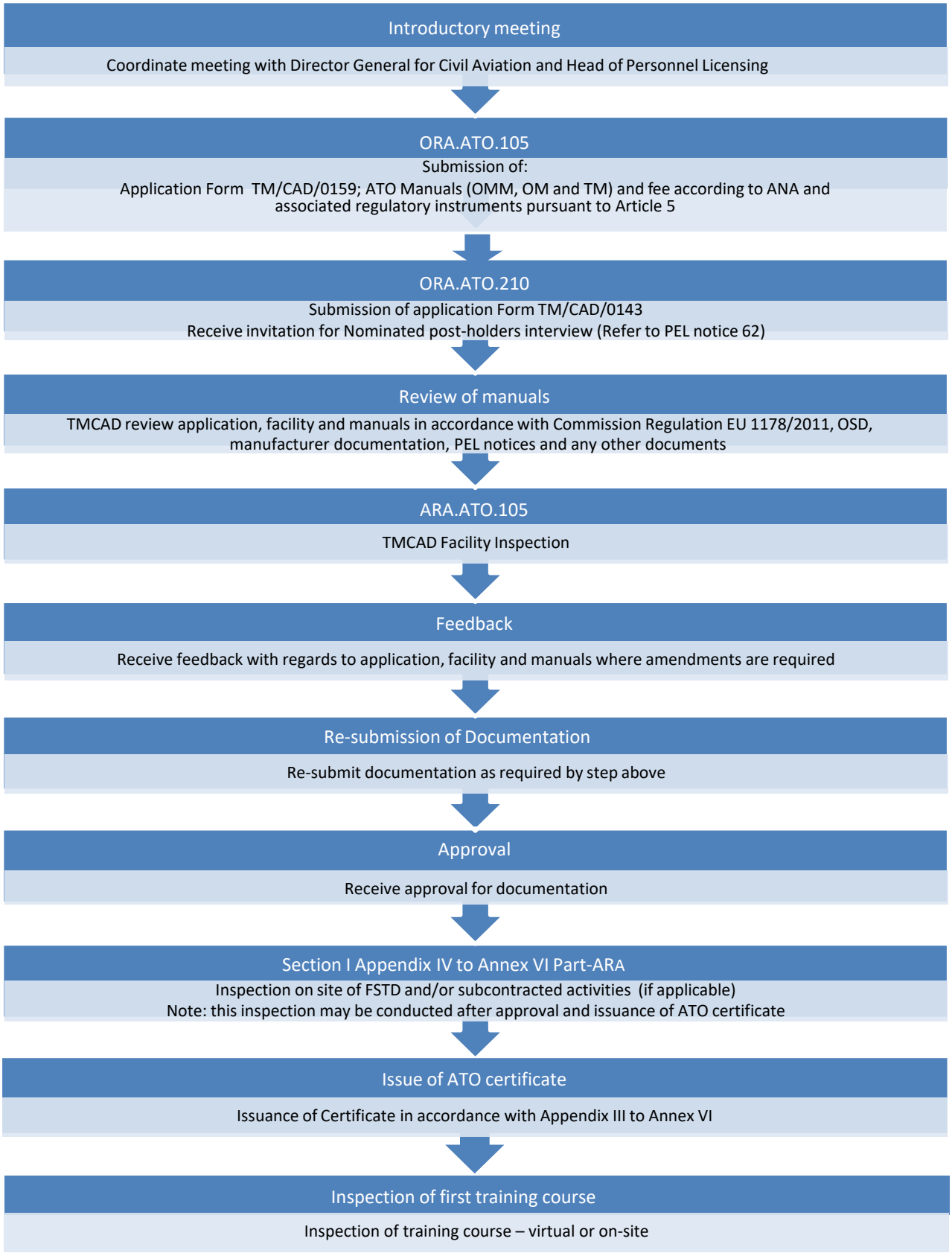
- Malta ERP - PEL Notice 56
- EPAS and CAD SSP – analyse the items and add relevant ones to your Hazard log https://www.transport.gov.mt/aviation/safety-management-2280
- CAD-OR.01 - procedure for occurrence reporting https://www.transport.gov.mt/aviation/safety-management/occurrence-reporting-3287

Contact us on:
Civil Aviation Directorate
Malta Transport Centre,
Pantar Road,
Lija LJA 2021
Malta

Email: cadpel.tm@transport.gov.mt
Telephone: +356 2555 5611

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APPENDIX 1



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APPENDIX 2
Summary Table of References

LAPL (General)	Aeroplanes	Helicopters
FCL.100	-	-
FCL.105	FCL.105.A	FCL.105.H
FCL.110	FCL.110.A	FCL.110.H
FCL.115	-	-
FCL.120	-	-
FCL.125	-	-
-	FCL.135.A	FCL.135.H
-	FCL.140.A	FCL.140.H

PPL (General)	Aeroplanes	Helicopters
FCL.200	-	-
FCL.205	FCL.205.A	FCL.205.H
FCL.210	FCL.210.A	FCL.210.H
FCL.215	-	-
FCL.235	-	-

CPL (General)	Aeroplanes	Helicopters
FCL.300	-	-
FCL.310	-	-
FCL.315	FCL.315.A	-
FCL.320	-	-
-	FCL.325.A	-

MPL(A)
FCL.400.A
FCL.405.A
FCL.410.A
FCL.415.A

ATPL (General)	Aeroplanes	Helicopters
FCL.500	-	-
FCL.505	FCL.505.A	-
-	FCL.510.A	FCL.510.H
FCL.515	-	-
-	FCL.520.A	FCL.520.H

IR (General)	Aeroplanes	Helicopters
FCL.600	-	-
FCL.605	-	-
FCL.610	-	-
FCL.615	-	-
FCL.620	-	-
FCL.625	FCL.625.A	FCL.625.H
-	-	FCL.630.H

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Class and Type Ratings (General)	Aeroplanes	Helicopters
FCL.700	-	-
FCL.705	-	-
FCL.710	-	-
-	FCL.720.A	FCL.720.H
FCL.725	FCL.725.A	-
-	FCL.730.A	-
-	FCL.735.A	FCL.735.H
FCL.740	FCL.740.A	FCL.740.H

Instructor Certificates (General)	FI	TRI	CRI	IRI	SFI	MCCI
FCL.900	-	-	-	-	-	-
-	FCL.905.FI	FCL.905.TRI	FCL.905.CRI	FCL.905.IRI	FCL.905.SFI	FCL.905.MCCI
-	FCL.910.FI	FCL.910.TRI	FCL.910.CRI	FCL.910.IRI	FCL.910.SFI	FCL.910.MCCI
FCL.915	FCL.915.FI	FCL.915.TRI	FCL.915.CRI	FCL.915.IRI	FCL.915.SFI	FCL.915.MCCI
FCL.920	-	-	-	-	-	-
FCL.925	-	-	-	-	-	-
FCL.930	FCL.930.FI	FCL.930.TRI	FCL.930.CRI	FCL.930.IRI	FCL.930.SFI	FCL.930.MCCI
FCL.935	-	FCL.935.TRI	-	-	-	-
FCL.940	FCL.940.FI	FCL.940.TRI	FCL.940.CRI	FCL.940.IRI	FCL.940.SFI	FCL.940.MCCI

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APPENDIX 3

THE BELOW IS GUIDANCE MATERIAL

Principal financial functions

The principal financial functions of an Organisation comprise of all financial activities which are required to operate and maintain an Organisation. These include receiving funds and profits, provide the dividends to shareholders, conduct due payments (salaries, employment benefits, debtors, investments, etc), pay tax or any other financial obligations and so forth.

Principal operational control of its activities

The principal operational control of its activities entails managing operational decisions of the company on a regular basis, as required by the Organisation. The determination of the place of operational control of an Organisation requires a case-by-case assessment by the authority.

Human Resources

The accountable manager, as the ultimate person responsible for safety and compliance should either reside permanently in the country where the PPoB is or demonstrate to the satisfaction of the Authority that there are suitable means in place for him/her to remain responsible for safety and compliance where he/she resides.

Operational Correspondence

The Organisation's key personnel (Head of Training, Chief Flight Instructor, Safety Manager, Compliance Monitoring Manager, etc.) are responsible to hold operational management meetings and processing of operational correspondence, that ultimately lead to meeting the safety objectives of the EU aviation safety. If those nominated persons are not permanently at the PPoB, the coordination and processing of operational correspondence may be delegated to a responsible person/s, however the ultimate responsibility shall lie with the nominated person/s.

PERSONNEL LICENSING SECTION