



# FOCA GM/INFO

Guidance Material / Information

## Annex III – ORO.AOC.100 – Application for an Air Operator Certificate / Operating Licence

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**Table of Contents (ToC)**

<b>0</b>	<b>Introduction .....</b>	<b>1</b>
0.1	Terms and Conditions .....	1
0.2	Purpose of this GM/INFO .....	1
0.3	Abbreviations.....	1
<b>1</b>	<b>Overview .....</b>	<b>2</b>
1.1	Introduction.....	2
1.2	The 5 Phases of Certification .....	2
1.3	Costs and Schedule .....	2
1.4	Focal Points FOCA.....	3
<b>2</b>	<b>Phase 0: Pre-application.....</b>	<b>3</b>
2.1	Step 0.1 – Informal exchange .....	3
2.2	Step 0.2 – Legal & Finance .....	3
2.3	Step 0.3 – Management Personnel.....	3
2.4	Step 0.4 – Management System.....	4
2.5	Step 0.5 – Ready for Application.....	4
<b>3</b>	<b>Phase 1: Formal application.....</b>	<b>4</b>
<b>4</b>	<b>Phase 2: Document evaluation.....</b>	<b>4</b>
<b>5</b>	<b>Phase 3: Inspection / Demonstration.....</b>	<b>5</b>
5.1	General.....	5
5.2	Certification audit.....	5
5.3	Inspections .....	6
5.4	Demonstration flight .....	6
<b>6</b>	<b>Phase 4: Certification.....</b>	<b>6</b>
<b>7</b>	<b>Phase 5: Administration / Invoice .....</b>	<b>7</b>
<b>8</b>	<b>Appendices.....</b>	<b>8</b>
8.1	Appendix 1 – Form and documents to be provided for step “legal & finance” .....	8
8.2	Appendix 2 – Form and documents for “management personell” .....	8
8.3	Appendix 3 – Form and documents for “management system” .....	8
8.4	Appendix 4 – Form, documents or items for “formal application” .....	8

## 0 Introduction

All Guidance Material/Information (GM/INFO) are intended to assist the organisation/operator in administrative matters. The administrative requirements and processes will facilitate liaising with the Federal Office of Civil Aviation (FOCA). It is to be considered a tool for the organisation/operator in order to ease processes of obtaining required and defined approvals and authorisations issued by the FOCA. Using the GM/INFO will be conducive to establishing compliance with FOCA requirements and will guide through the respective certification or variation process in regard to administrative tasks.

### 0.1 Terms and Conditions

The use of the male gender is to be understood as referring to any person regardless of gender.

The most frequent **abbreviations** used by the **EASA** are listed here:

[easa.europa.eu/abbreviations](https://easa.europa.eu/abbreviations).

When used throughout the GM/INFO the terms such as «shall, must, will, may, should, could, etc.» shall have the meaning as defined in the [English Style Guide](#) of the European Commission.

### 0.2 Purpose of this GM/INFO

This GM/INFO describes the process of applying for and obtaining an air operator certificate (AOC) and an operating license (OL) to conduct commercial air transport operations according to Commission Regulation (EU) No 965/2012 and (EC) 1008/2008.

### 0.3 Abbreviations

The following abbreviations are used within this GM/INFO.

<b>Abbreviation</b>	<b>Definition</b>
AOC	Air Operator Certificate
OL	Operating License
GM/INFO	Guidance Material / Information
MS	Management System
FOI	Flight Operations Inspector

# 1 Overview

## 1.1 Introduction

To conduct Commercial Air Transport Operations under Swiss and Council Regulations (EC) 1008/2008, an operator must be a citizen as defined in the Aviation Law.

Every commercial air transport operator has a responsibility to conduct air transport in the public interest with the highest possible level of safety. The FOCA's certification process is designed to ensure, that prospective AOC holders understand this duty and are able to fulfil it. When satisfactorily completed, the certification process should ensure that the operator is able to take responsibility for managing all essential processes to ensure safe and efficient commercial air transport.

A certified operator must also be able to comply with all applicable legal requirement, e.g. Swiss aviation law, EASA regulations and international standards for the operation of aircraft as published in the relevant ANNEXES to the Convention of the International Civil Aviation Organisation (ICAO).

Obtaining an AOC and an operating license is a time consuming and extensive work. This work is very often underestimated. The FOCA will certify an operator in accordance with Commission Regulation (EU) No 965/2012 and all applicable standards. All application forms must be duly signed.

## 1.2 The 5 Phases of Certification

The air operator certification process is defined by five (plus one) phases. Each phase is described to provide a general understanding of the entire certification process. The phases are:



The red phases mainly reflect formal processes, whereas the green phases represent verification phases.

The five phases are to be seen as a sequence. In order to continue the certification process, the previous phase shall be completed. Therefore no continuation of the certification process will be undertaken if not all points, articles and individual tasks are completed in the previous certification phase. However, in some cases, the guidance and defined sequence of events in this GM/INFO may not be entirely appropriate. In such situations, the FOCA will consider these circumstances and search together with the operator for the best possible solutions. Nevertheless, the FOCA will in any case only certify an operator when there is sufficient evidence that it is able to comply with the Swiss Aviation Law, the Civil Aviation Ordinance and the applicable EU regulations in an appropriate and continuous manner.

## 1.3 Costs and Schedule

A complete certification process is time consuming for the applicant and the authority. The costs and the time schedule vary depending on the quality of the submitted manuals and the resources available with the FOCA and the applicant. The Swiss Aviation Decree for Charges (SR 748.112.11), paragraph 6, article 40 ff indicates a maximal charge of CHF 250'000 for the first issue of an AOC and an operating license.

An additional amount of maximum CHF 50'000 may be charged for the certification tasks regarding Continuing Airworthiness Management Organisation CAMO. Likewise, the Airworthiness Section will charge separately for the technical assessment and registration of the aircraft.

Intermediate payments on a monthly basis may be invoiced to the applicant upon its request. Otherwise invoicing takes place after completion of the project in phase 5.

## 1.4 Focal Points FOCA

The following focal points of contact shall be used

- For helicopter operator: [heli@bazl.admin.ch](mailto:heli@bazl.admin.ch)
- For aeroplane operator: [sboc@bazl.admin.ch](mailto:sboc@bazl.admin.ch)

## 2 Phase 0: Pre-application

The pre-application phase is sequenced by the following steps.



The Phase 0 consists of 5 steps in a sequence. It starts with an informal exchange, followed by 3 pre-verification steps. Each step shall be completed before the next one starts.

For an operator, this phase is one of the most important and the most challenging phase. During this phase a huge amount of preparation work has to be completed, e.g. establishment of an organisation as an acceptable legal body; development of business plan and its financing; description of the management functions incl. required skills, knowledge and experience; definition of their roles and responsibilities; nomination of the management personell; development and documentation of the essential management processes in compliance with the applicable requirements etc.

Each step is further described below.

### 2.1 Step 0.1 – Informal exchange

After having contacted us with your request, we will exchange information on an informal level. The aim is to get familiar with the planned project and your ideas, and to explain the certification process. An informal meeting is usually held for this purpose. During this first step, a flight operations inspector (FOI) of FOCA will be nominated as the focal point for the certification process.

### 2.2 Step 0.2 – Legal & Finance

To start the certification process, economic viability need's to be verified first.

The economic viability of an operator is an important prerequisite to obtain and maintain a Swiss operating licence for performing commercial flights according to EU 1008/2008 and Swiss civil aviation law. Therefore, the FOCA conducts an initial financial audit before granting an operating licence. Further information is provided on the FOCA website "[economic viability](#)".

Note 1: Once an operating licence has been granted, the FOCA monitors the financial and economic state of licenced air carriers by means of a regular financial reporting system and verifies that the air carriers meet the financial requirements.

Note 2: Until and including step 0.2, the process is free of charge. After completion of step 0.2, an applicant will be asked, if the process shall continue. By starting step 0.3, the certification process starts to be subject to charge.

### 2.3 Step 0.3 – Management Personnel

As a first step after formation of a company and development of a business plan, the management personell shall be appointed. For further information refer to [FOCA GM/INFO – Management Personnel](#).

## 2.4 Step 0.4 – Management System

The nominated management personell shall now define their policies and processes in compliance with the applicable regulation, called the management system (MS). As soon as the MS is verified for compliance by the applicant, it shall be submitted to FOCA for review and acceptance (including a compliance statement). For further information refer to [FOCA GM/INFO CL Management System](#).

## 2.5 Step 0.5 – Ready for Application

Once, the MS is accepted by FOCA, the applicant is considered to be ready for application, i.e. the company is legally constituted and a business plan including its financing as well as the nominated management personnel and the management processes are accepted. Thus, the applicant is ready and in a position to systematically carry out the remaining work (e.g. developing all required policies, processes, manuals etc.).

In this step, FOCA will coordinate and ensure, that the formal application procedure is understood and all information and forms to be provided to FOCA are well known. For this purpose, a “ready for application” meeting will usually take place.

## 3 Phase 1: Formal application

The formal application phase is a very short phase. It only consists of submitting the required documents as an official application. For details about the required forms and information refer to the Appendices below.

When entering this phase, FOCA expects the operator to work according their MS Processes as far as practicable. It is of utmost importance for the success of the process to manage the project professionally and to coordinate the time planning with the assigned FOI. Furthermore, each applicant should focus on its compliance management process, i.e. any documentation provided to the FOCA must be reviewed for compliance by the respective MS process. A statement of compliance must be incorporated into each provision of documentation. This is already valid for the formal application package.

If the formal application is successful, FOCA will formally accept the application by Email. Acceptance of a formal application by the FOCA does not imply approval or acceptance of individual attachments or successful completion of the certification process. ”

If the applicant intends to operate scheduled flights, the FOCA traffic rights section ([trafficrights@bazl.admin.ch](mailto:trafficrights@bazl.admin.ch)) should be contacted at this stage of the certification process regarding the requirements and application process for a route licence.

## 4 Phase 2: Document evaluation

After the formal application has been accepted, FOCA inspectors will begin a detailed evaluation of all submitted manuals, forms and documents. The review of the operations manual system may, depending on the size and complexity of the operation, be done on the whole manual or on different parts at different times with different experts.

The FOCA will endeavour to complete these evaluations in accordance with the agreed schedule of events. If a manual or document is incomplete or deficient, or if non-compliance with the regulations or unsafe operating practices are detected, the manual or document will be returned for rectification.

If the manuals and documents are satisfactory, the content and the structure will be formally accepted, as required. That acceptance means, that the manual or the accepted process(es) may be used for continuation of the project (e.g. training may take place based on accepted OM-B and OM-D and will be granted). Therefore, once a process or manual has been accepted, it can only be changed after consultation with the assigned FOI by using the approved MS change process.

Phase 2 is completed with the formal acceptance of the whole operations manual system with its content and structure. The completion of phase 2 is also a prerequisite for proceeding with phase 3, the inspection and demonstration phase.

## **5 Phase 3: Inspection / Demonstration**

### **5.1 General**

Prior conducting the inspection and demonstration phase, it is essential, that the applicant for an AOC has implemented all the procedures and operating practices as described in the operations manual and that the compliance monitoring function has successfully reviewed all different fields of operation by the means of audits and inspections. As soon as the applicant feels ready, a “ready for audit” message shall be provided to the assigned FOI.

The inspection and demonstration phase involves the actual performance of activities and/or operations under observation by FOCA inspectors. This includes on-site evaluations of the CAMO. During these demonstrations and inspections, the FOCA will assess the implementation of the policies, methods, procedures and instructions described in the operator's manuals and other documents, as far as practicable.

Although the document evaluation and the demonstration and inspection phases have been discussed separately in this GM/INFO, these phases may overlap, or may be accomplished simultaneously in actual practice. Therefore, it is of utmost importance to announce and coordinate all activities with the assigned FOI. If, for example, training takes place without prior notice and coordination with the assigned FOI, the training cannot be inspected and thus cannot be granted for certification.

Especially during this phase, the FOCA will also focus on the management team and its performance. Deficiencies will be brought to the attention of the operator and corrections must be implemented and verified before entering the certification phase.

### **5.2 Certification audit**

FOCA will conduct a certification audit in order to verify that the organisation has implemented all policies, processes and tools required for planning and operating the foreseen aircraft. The following items may be subject to that audit:

- Facilities and Infrastructure
- Station facilities (equipment, procedures, personnel, fuelling/defuelling, de-icing, technical data).
- Policies
- Manual System
- Flight planning
- Crew planning
- Document control (control, analysis and storage of records, flight documents, additional information and data).
- Company communications procedures
- Safety Management (Risk management, Reporting, FDM, etc.)
- Contracted activities
- Compliance Monitoring System
- Emergency Response Plan
- CAMO

### 5.3 Inspections

The following items may be subject to inspection during the certification process:

- Training and checking (classroom, simulators, aircraft, flight and ground personnel training)
- Training Facilities and Infrastructure

### 5.4 Demonstration flight

The applicant shall demonstrate its ability to operate a complete flight independently, safely and in accordance with all applicable requirements, including en-route diversions and/or landings in exceptional and simulated emergency situations. For this reason, the applicant is requested by the FOCA to organise a real flight, which is then observed by several FOCA inspectors. The following items may be subject to this inspection:

- Aircraft
- Facilities and Infrastructure
- Station facilities (equipment, personnel, fuelling/defuelling, de-icing, technical data)
- Flight planning / Dispatch
- SOP
- Company communications procedures
- Operational control and supervision
- Effectiveness of Emergency Response
- Document control; logs and records
- Interface Operation - CAMO-Maintenance

## 6 Phase 4: Certification

After all non-compliances from the demonstration and inspection phase are corrected and implementation is verified, FOCA will conduct an internal certification meeting to ensure all participants in the certification give their "go" (green light) for the certification.

If during that meeting "go" for certification is received, the Certificate and all the supporting documents will be prepared by FOCA.

The following documents will be provided by FOCA:

- Air Operator Certificate AOC
- Operating License
- Certified true copy of AOC for each aircraft
- Operations Specification for each aircraft
- Signed PRA's of all manuals
- Signed compliance list with all required approvals
- Crew Member Certificates CMC, if applied for

The freshly printed and signed documents may be picked up at the FOCA, or the FOCA will send them to the applicant.

As of this date, the applicant is certified as a CAT operator holding an AOC and an operating license. The new CAT operator is now fully responsible for ensuring safe operation and compliance with all applicable regulations in accordance with its approvals, authorisations, limitations and specifications. The process for changes to these is similar to the certification process.

The FOCA is responsible for conducting regular inspections and audits of the certificate holder's operations to verify continued compliance, safe operating practices and aircraft airworthiness.

## **7 Phase 5: Administration / Invoice**

With this Phase FOCA closes the project “initial certification” and the oversight process will start. For the applicant, this final phase will lead to the (final) invoice.

## 8 Appendices

The following Appendices list the required forms and documents to be provided for each phase. The list may be used as checklist. Forms and documents to be provided

### 8.1 Appendix 1 – Form and documents to be provided for step “legal & finance”

- Copy from the chamber of commerce with the appropriate signature rights
- Statute (including the purpose of the company -> commercial air transport operation)
- Copy from the shareholder register (list of shareholders)
- Business plan over 3 years on a monthly basis (Balance Sheet, Profit and Loss Statement, Cash Flow Statement)
- Proof, that all fixed and operational costs incurred by the operations according to the business plan can be met for the first 3 months of operation without income
- The latest balance sheet and profit and loss account and, if available, the audited accounts for the preceding financial year.
- Information on the financing of the purchase / leasing of aircraft, in the case of leasing including contract terms.
- Information on existing and planned funding sources.

### 8.2 Appendix 2 – Form and documents for “management personell”

- FOCA Form 330 – *Changes at Aircraft Operator* (specify management personnel only)

### 8.3 Appendix 3 – Form and documents for “management system”

- OM-A (required chapters) or OMM
- Compliance list to the Manual

### 8.4 Appendix 4 – Form, documents or items for “formal application”

- Project plan to be coordinated with assigned FOI
- Schedule for provision of delayed documents, if applicable
- FOCA Form 330 – *Changes at Aircraft Operator*
- Required operations manuals including compliance list
- Security program
- CAME
- Maintenance contract
- Leasing contracts or letter of intend for all aircraft
- Proof of own crew members
- (\*) Letter to FOCA signed by ACM applying for operating license
- (\*) Proposal for ICAO Designator (3 letter code and call sign, if desired)
- Process for required airworthiness approvals of aircraft has started / is ongoing or already completed

As applicable

- Cabin Safety Procedure Manual CSPM
- Ground operations manual GOM
- (\*) Application for route licences

(\*) may be provided later in the process upon agreement with assigned FOI