Sint Maarten Civil Aviation Authority
Ministry of Tourism, Economic Affairs,
Traffic and Telecommunication

Bijlage 9

SINT MAARTEN CIVIL AVIATION REGULATIONS

PART 9 — AIR OPERATOR CERTIFICATION AND ADMINISTRATION

2024

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AMENDMENTS

Location	Date	Description
Introduction	10/2024	Introduction added
Table of Contents	10/2024	Changed 9.5 to AOC Continuing Airworthiness Requirements; 9.5.1.2 to Continuing Airworthiness Responsibility; 9.5.1.8 to Continuing Airworthiness Records; and 9.5.1.9 to Aircraft Technical Log Entries – Continuing Airworthiness Records Section
9.1.1.1	10/2024	Revised paragraphs
9.1.1.2	10/2024	Revised paragraph
9.1.1.3	10/2024	Included additional abbreviations: AC; ACAS; AD; AFM; AMT; AOM; ATC; ATPL; ATS; CAST; CAT I; CAT II; CAT III; EFB; EVS; FDAP; FDR; FOO; FRMS; HUD; ICAO; IS; MCM; OM; PBN; RNP; SMM; SOP; ULD
9.1.1.4	10/2024	New subsection added and moved subsections 9.1.1.4 - 9.1.1.11 to section 9.2.
9.2.1.1	10/2024	Edited paragraph for clarification
9.2.1.2	10/2024	New subsection added and revised paragraphs (formerly 9.1.1.4)
9.2.1.2	10/2024	Deleted note
9.2.1.2(b)	10/2024	Changed “maintenance requirements” to “continuing airworthiness requirements”
9.2.1.3	10/2024	New subsection added and revised paragraphs (formerly 9.1.1.7)
9.2.1.3	10/2024	Added specific approval
9.2.1.3	10/2024	c)(6) (Note)Replaced “limitations and approvals” with “specific approvals and limitations”, (e) Removed “type”
9.2.1.4	10/2024	New subsection added
9.2.1.5	10/2024	New subsection added and edited paragraphs for clarification (formerly 9.1.1.5)
9.2.1.6	10/2024	New subsection added and edited paragraphs for clarification (formerly 9.1.1.6)
9.2.1.7	10/2024	New subsection added and edited paragraphs for clarification (formerly 9.1.1.8)
9.2.1.7	10/2024	Replaced 60 days to 90 days
9.2.1.8	10/2024	New subsection added
9.2.1.9	10/2024	New subsection added and revised paragraphs (formerly 9.1.1.10)
9.2.1.10	10/2024	New subsection added; revised title and edited paragraphs for clarification (formerly 9.1.1.11), (b) Replaced “special limitations and specific approvals” with “specific approvals, conditions, and limitations”
9.2.1.11	10/2024	New subsection added (formerly 9.1.1.9)
9.3	10/2024	New title added
9.3.1	10/2024	New subsection added
9.3.2	10/2024	New title added
9.3.2.1	10/2024	Revised title and edited paragraphs for clarification (formerly 9.2.2.1)
9.3.2.2	10/2024	Edited paragraphs for clarification (formerly 9.2.2.2), (b) (5) Added Quality Control Inspector

Location	Date	Description
9.3.2.3	10/2024	Edited paragraphs for clarification (formerly 9.2.2.3)
9.3.2.4	10/2024	Edited paragraphs for clarification (formerly 9.2.2.4)
9.3.2.5	10/2024	Revised paragraphs and new note added per ICAO amendment change. (formerly 9.2.2.5)
9.3.2.5(a)(5)(ii) and (6)	10/2024	Changed “maintenance records” to “continuing airworthiness records”
9.3.2.5(a)(6)(v)	10/2024	Added item
9.3.2.6	10/2024	Edited paragraphs for clarification and new note added per ICAO amendment change. (formerly 9.2.2.6)
9.3.2.6(a)	10/2024	Changed “maintenance records” to “continuing airworthiness records” in note
9.3.2.7	10/2024	Edited paragraphs for clarification (formerly 9.2.2.7), (a) Added specific approval
9.3.2.8	10/2024	Revised references in paragraph
9.3.2.8	10/2024	Changed “maintenance records” to “continuing airworthiness records”
9.3.2.9	10/2024	Edited paragraphs for clarification (formerly 9.2.2.9)
9.3.2.10	10/2024	New paragraph (c) added; revised note per ICAO amendment change; edited paragraphs for clarification (formerly 9.2.2.10)
9.3.2.11	10/2024	Edited paragraphs for clarification (formerly 9.2.2.11)
9.3.3	10/2024	Renumbered section
9.3.3.1	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.2.3.1)
9.3.3.2	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.2.3.2)
9.3.3.2	10/2024	Note added referencing the Aircraft leasing policy and guidelines
9.3.3.3	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.2.3.3)
9.3.3.4	10/2024	Renumbered subsection and edited paragraphs for clarification formerly 9.2.3.4)
9.3.3.4	10/2024	Note added referencing the Aircraft leasing policy and guidelines, (a) Replaced “special limitations and specific approvals” with “specific approvals, conditions, and limitations”
9.3.3.5	10/2024	Renumbered subsection and edited paragraphs for clarification formerly 9.2.3.5)
9.3.3.5	10/2024	sentence reworded “written petition” changed to “request in writing”
9.3.3.6	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.2.3.6)
9.4	10/2024	Renumbered section
9.4.1.1	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.1)
9.4.1.2	10/2024	Renumbered subsection; revised paragraph (g)(3) per ICAO amendment; and edited paragraphs for clarification (formerly 9.3.1.2)
9.4.1.3	10/2024	Renumbered subsection; revised title; and edited paragraphs for clarification (formerly 9.3.1.3)
9.4.1.4	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.4)
9.4.1.5	10/2024	Renumbered subsection and revised note per ICAO amendment (formerly 9.3.1.5)
9.4.1.5	10/2024	Changed “maintenance records” to “continuing airworthiness records”

Location	Date	Description
9.4.1.6	10/2024	Renumbered subsection and revised title (formerly 9.3.1.6)
9.4.1.7	10/2024	Renumbered subsection; new paragraph (b) added; and edited paragraphs for clarification (formerly 9.3.1.7)
9.4.1.8	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.8)
9.4.1.9	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.9)
9.4.1.11	10/2024	Renumbered subsection; revised title; and edited paragraphs for clarification (formerly 9.3.1.11)
9.4.1.11(c)	10/2024	Edited to remove gender-specific pronouns
9.4.1.12	10/2024	Renumbered subsection; revised note; and edited paragraphs for clarification (formerly 9.3.1.12)
9.4.1.13	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.13)
9.4.1.13	10/2024	Changed references in note to ICAO Docs 9976 and 10064
9.4.1.14	10/2024	Renumbered subsection
9.4.1.15	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.15)
9.4.1.17	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.17)
9.4.1.18	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.18)
9.4.1.19	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.19)
9.4.1.20	10/2024	Renumbered subsection; revised title per ICAO amendment; and edited paragraphs for clarification (formerly 9.3.1.11)
9.4.1.21	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.21)
9.4.1.22	10/2024	Renumbered and reformatted subsection; edited paragraph (b) for clarification (formerly 9.3.1.22)
9.4.1.23	10/2024	Renumbered subsection; revised title; new paragraph (b) added; and edited paragraphs for clarification (formerly 9.3.1.23)
9.4.1.24	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.24)
9.4.1.25	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.25)
9.4.1.26	10/2024	Renumbered subsection and edited paragraphs for clarification (formerly 9.3.1.26)
9.4.1.27	10/2024	Renumbered subsection; revised note per ICAO amendment; and edited paragraphs for clarification (formerly 9.3.1.27)
9.4.1.28	10/2024	New subsection added
9.5	10/2024	Renumbered section and new note added per ICAO Annex amendments
9.5	10/2024	Changed title to AOC Continuing Airworthiness Requirements; deleted note

Location	Date	Description
9.5.1.1	10/2024	Renumbered subsection and revised paragraph per ICAO amendment (formerly 9.4.1.1), (a) Removed as the date has passed
9.5.1.1(a)	10/2024	Changed “maintenance requirements” to “continuing airworthiness requirements”
9.5.1.2	10/2024	Renumbered subsection and revised paragraph (f) per ICAO amendment (formerly 9.4.1.2)
9.5.1.2	10/2024	Changed title to Continuing Airworthiness Responsibility
9.5.1.2(f)	10/2024	Added reference to 9.5.1.10 and deleted (1) and (2)
9.5.1.3	10/2024	Renumbered subsection and revised paragraph (a) per ICAO amendment (formerly 9.4.1.3)
9.5.1.3(a)	10/2024	Removed applicability dates; editorial changes
9.5.1.4	10/2024	Renumbered subsection; revised paragraph (a)(6) and notes per ICAO amendment; and edited for clarification (formerly 9.4.1.4), (a) Added ”using human factors principles”
9.5.1.4(b)(6)	10/2024	Changed “maintenance records” to “continuing airworthiness records”
9.5.1.5	10/2024	Renumbered subsection; revised paragraph (b)(1) per ICAO amendment; and edited for clarification (formerly 9.4.1.5)
9.5.1.5(b)	10/2024	Deleted (1); editorial changes
9.5.1.5(c)	10/2024	Changed “maintenance requirements” to “continuing airworthiness requirements”
9.5.1.8	10/2024	Changed title to Continuing Airworthiness Records, deleted notes 1 and 2 and renumbered remaining notes
9.5.1.9	10/2024	Renumbered subsection and edited for clarification (formerly 9.4.1.9)
9.5.1.9	10/2024	Note adjusted, changed “may” to “shall” making it a mandatory provision. (b) Sentenced adjusted, “the deferred item list” added to sentence
9.5.1.9	10/2024	Changed title to Aircraft Technical Log Entries – Continuing Airworthiness Records Section
9.5.1.9(a), (c)	10/2024	Changed “maintenance records” to “continuing airworthiness records”
9.5.1.10	10/2024	Renumbered subsection; revised paragraph (a)(1)(i) per ICAO amendment; and edited for clarification (formerly 9.4.1.10)
9.5.1.10	10/2024	Changed “maintenance records” to “continuing airworthiness records”
9.5.1.10(a)(1)(i)	10/2024	Removed applicability dates; editorial changes
9.5.1.11	10/2024	Renumbered subsection; revised paragraph (b)(2)(i) per ICAO amendment; and edited for clarification (formerly 9.4.1.11)
9.5.1.11(b)	10/2024	Deleted applicability date; revised to reflect Annex wording
9.5.1.12	10/2024	Renumbered subsection; new paragraph (d) added per ICAO amendment; and edited for clarification (formerly 9.4.1.12)
9.5.1.13	10/2024	Renumbered subsection and edited for clarification (formerly 9.4.1.13)

Location	Date	Description
9.5.1.14	10/2024	Renumbered subsection; revised title; revised paragraphs (b) and (c) per ICAO amendment; and edited for clarification (formerly 9.4.1.14)
9.5.1.14(b), (c)	10/2024	Removed applicability date
9.5.1.15	10/2024	Renumbered subsection; revised paragraphs (a) per ICAO amendment; and edited for clarification (formerly 9.4.1.15)
9.5.1.15(a)	10/2024	Removed applicability date
9.5.1.16	10/2024	Renumbered subsection and edited for clarification (formerly 9.4.1.16)
9.6	10/2024	Renumbered section
9.6	10/2024	Removed note
9.6.1.1	10/2024	Renumbered subsection and edited for clarification (formerly 9.5.1.1)
9.6.1.2	10/2024	Renumbered subsection; new paragraph (b) added; revised paragraph (c) per ICAO amendment; and edited for clarification (formerly 9.5.1.2)
9.6.1.3	10/2024	Renumbered subsection and edited for clarification (formerly 9.5.1.3)
9.6.1.4	10/2024	Renumbered subsection and edited for clarification (formerly 9.5.1.4)
9.6	10/2024	Removed note
9.6.1.5	10/2024	Renumbered subsection and edited for clarification (formerly 9.5.1.5)
9.6.1.6	10/2024	Renumbered subsection and edited for clarification (formerly 9.5.1.6)
9.6.1.7	10/2024	Renumbered subsection; reformatted; and edited for clarification (formerly 9.5.1.7)
9.6.1.8	10/2024	Renumbered subsection and edited for clarification (formerly 9.5.1.8)
9.7	10/2024	Renumbered section and new notes added per ICAO amendment
9.7.1.1	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.1)
9.7.1.2	10/2024	Renumbered subsection, (a) Added specific approval
9.7.1.3	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.3)
9.7.1.4	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.4)
9.7.1.5	10/2024	Renumbered subsection
9.7.1.6	10/2024	Renumbered subsection; revised title; reformatted paragraphs; and edited for clarification (formerly 9.6.1.6)
9.7.1.7	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.7)

Location	Date	Description
9.7.1.8	10/2024	Renumbered subsection
9.7.1.9	10/2024	Renumbered subsection; new paragraph (c) and notes added per ICAO amendment; and edited for clarification (formerly 9.6.1.9)
9.7.1.10	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.10)
9.7.1.11	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.11)
9.7.1.12	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.12)
9.7.1.13	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.13)
9.7.1.14	10/2024	Renumbered subsection; new paragraphs (a), (c), (d) added per ICAO amendment; and edited for clarification (formerly 9.6.1.14)
9.7.1.15	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.15)
9.7.1.16	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.16)
9.7.1.17	10/2024	Renumbered subsection and edited for clarification (formerly 9.6.1.17)
9.8	10/2024	Added new Section – Cargo Compartment Safety. Also 9.8.1.1 and 9.8.1.2
9.8.1.2	10/2024	Added subsections (c), (d), (e), and (f) and revised note to reflect Annex 8 update
IS: 9.2.1.3	10/2024	(B)Renumbered IS subsection; removed paragraphs; and edited for clarification (formerly IS 9.1.1.7(c), (c) Renumbered IS subsection; revised form and notes per ICAO amendment; and edited for clarification (formerly IS 9.1.1.7 (E)), Added EFB as needing specific approval; replaced “CAT IIIA, IIIB, and IIIC” with “CAT III”; added “or the equivalent horizontal visibility if RVR is not used”; revised the Notes below the table.
IS 9.2.1.3(C)	10/2024	Editorial changes in footnotes
IS 9.3.2.2	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.2.2)
IS 9.3.2.3	10/2024	Renumbered IS subsection; reformatted IS subsection; new paragraphs added; and edited for clarification (formerly IS 9.2.2.3)
IS 9.3.2.3: 1.8.1	10/2024	Edited to remove gender-specific pronouns
IS 9.3.2.5	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.2.5)
IS 9.3.2.5(a)	10/2024	Changed “maintenance records” to “continuing airworthiness records”
IS 9.3.2.8	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.2.8)
IS 9.3.2.11	10/2024	Renumbered IS subsection; reformatted IS subsection; new paragraphs added; and edited for clarification (formerly IS 9.2.2.11)
IS 9.3.3.2	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.3.2)

Location	Date	Description
IS 9.3.3.2	10/2024	Note added referencing the Aircraft leasing policy and guidelines
IS 9.3.3.3	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.3.3)
IS 9.3.3.3(a)(6)	10/2024	Editorial changes
IS 9.3.3.4	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.3.4)
IS 9.3.3.4	10/2024	Note added referencing the Aircraft leasing policy and guidelines
IS 9.3.3.5	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.3.5)
IS 9.3.3.6	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.2.3.6)
IS 9.4.1.2	10/2024	(G)Renumbered IS subsection; reformatted IS subsection; new paragraphs added and paragraphs revised per ICAO amendment; and edited for clarification (formerly IS 9.3.1.2(G)), Replaced “special limitations and specific approvals” with specific approvals, conditions, and limitations”
IS 9.4.1.2(G)	10/2024	Editorial changes to 1.0, 2.3.1, 2.4.1, 2.5.1, 6.1.1, 9.1.3, and 13.1.1
IS 9.4.1.3	10/2024	Renumbered IS subsection; revised IS title; reformatted IS subsection; new paragraphs added and paragraphs revised; and edited for clarification (formerly IS 9.3.1.3)
IS: 9.4.1.4	10/2024	Renumbered IS subsection; revised IS title; reformatted IS subsection; new paragraphs added and paragraphs revised per ICAO amendments; and edited for clarification (formerly IS 9.3.1.4)
IS 9.4.1.4(a)	10/2024	Editorial changes to 3.2(a)
IS: 9.4.1.18	10/2024	Renumbered IS subsection; revised IS title; reformatted IS subsection; new paragraph (a)(2)(i) added; and edited for clarification (formerly IS 9.3.1.18)
IS 9.4.1.18(a)(1) and (2)	10/2024	Edited to remove gender-specific pronouns and include minimum age of passenger of 15 years of age
IS: 9.4.1.19	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.3.1.19)
IS: 9.4.1.20	10/2024	Renumbered IS subsection; revised IS title; new paragraphs (b)(4)-(5) added per ICAO amendments; and edited for clarification (formerly IS 9.3.1.20)
IS: 9.4.1.21	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.3.1.21)
IS: 9.4.1.22	10/2024	Renumbered IS subsection and edited for clarification (formerly IS 9.3.1.22)
IS: 9.4.1.24	10/2024	Renumbered IS subsection; reformatted IS subsection; and edited for clarification (formerly IS 9.3.1.24)
IS 9.5.1.4	10/2024	Renumbered IS subsection; reformatted IS subsection; and edited for clarification (formerly IS 9.4.1.4)
IS 9.5.1.4(a): 3.3	10/2024	Changed “Maintenance Records” to “Continuing Airworthiness Records”

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INTRODUCTION

Part 9 of the Sint Maarten Civil Aviation Regulations (SMCARs) presents the regulatory requirements for persons or organizations to be granted an air operator certificate (AOC) by [Sint Maarten] and includes regulations concerning flight operations management, continuing airworthiness requirements, security management, and dangerous goods management and shipping.

Part 9 is supplemented by sections from Title 14 of the United States (U.S.) Code of Federal Regulations (14 CFR) and/or the European Joint Aviation Regulations (JARs). Supplementation by 14 CFR or the JARs allows for more efficient implementation of the basic International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs), based upon the experience gained by the Federal Aviation Administration (FAA), the Joint Aviation Authorities (JAA), and now the European Union Aviation Safety Agency (EASA).

This part of the SMCARs is based on the SARPs in ICAO Annex 18, *The Safe Transport of Dangerous Goods by Air,* to the Convention on International Civil Aviation (Chicago Convention), Amendment 12; Annex 6, Part I, *International Commercial Air Transport – Aeroplanes,* Amendment 48; Annex 6, Part III, *International Operations – Helicopters,* Amendment 24; Annex 8, *Airworthiness of Aircraft,* Amendment 109; Annex 17, *Aviation, Security,* Amendment 18; and Annex 19, *Safety Management,* Amendment 1.

CONTENTS

Part 9— Air Operator Certification and Administration

9.1 GENERAL

9.1.1.1 APPLICABILITY

(a) This part prescribes the requirements for the carriage by air of passengers, cargo, or mail for remuneration or hire by persons or organizations whose principal place of business or permanent residence is located in Sint Maarten.

(b) Except where specifically noted, this Part applies to all commercial air transport operations by AOC holders for which Sint Maarten is the State of the Operator under the definitions provided in Annex 6 to the Convention on International Civil Aviation.

9.1.1.2 DEFINITIONS

(a) Definitions are contained in Part 1 of these regulations.

9.1.1.3 ABBREVIATIONS

(a) The following abbreviations are used in this Part.

(1) **AC-** Advisory Circular

(2) **ACAS-** airborne collision avoidance systems

(3) **AD-** Airworthiness Directive

(4) **AFM-** Aircraft Flight Manual

(5) **AMO –** Approved Maintenance Organization

(6) **AMT-** aviation maintenance technician

(7) **AOC –** Air Operator Certificate

(8) **AOM-** Aircraft Operating Manual

(9) **ATC-** air traffic control

(10) **ATPL-** air transport pilot license

(11) **ATS-** air traffic service

(12) **CAST-** Commercial Aviation Safety Team

(13) **CAT I-** Category I

(14) **CAT II-** Category II

(15) **CAT III-** Category III

(16) **CDL –** Configuration Deviation List

(17) **DH –** Decision Height

(18) **EDTO –** Extended Diversion Time Operation

(19) **EFB-** electronic flight bag

(20) **EVS-** enhanced vision system

(21) **FDAP-** flight data analysis programme

(22) **FDR-** flight data recorder

(23) **FOO –** flight operations officer

(24) **FRMS –** fatigue risk management system

(25) **HUD –** head-up display

(26) **ICAO –** International Civil Aviation Organization

(27) **IMC –** Instrument Meteorological Conditions

(28) **IS –** Implementing Standard

(29) **MCM –** Maintenance Control Manual

(30) **MEL –** Minimum Equipment List

(31) **OM –** Operations Manual

(32) **PBN –** performance-based navigation

(33) **PIC –** Pilot-In-Command

(34) **RFFS –** Rescue and Fire Fighting Service

(35) **RNP-** required navigation performance

(36) **RVR –** Runway Visual Range

(37) **SMM-** Safety Management Manual

(38) **SMS –** Safety Management System

(39) **SOP –** standard operating procedures

(40) **ULD-** unit load device

(41) **VFR –** Visual Flight Rules

9.1.1.4 EXEMPTION AUTHORITY

(a) The Authority may, upon consideration of the circumstances of a particular operator, issue an exemption providing relief from specified sections of this part, provided that the Authority finds that the circumstances presented warrant the exemption and that a level of safety will be maintained equal to that provided by the rule from which the exemption is sought.

(b) The Authority may terminate or amend an exemption at any time.

(c) A request for exemption shall be made in accordance with the requirements of Part 1 of these regulations.

(d) Each operator that receives an exemption shall have a means of notifying the appropriate management and personnel of the exemption.

9.2 AIR OPERATOR CERTIFICATE

9.2.1.1 APPLICABILITY

(a) This subpart prescribes the requirements for the certification of an air operator and the continued validity of the AOC issued by Sint Maarten.

9.2.1.2 GENERAL

(a) No person or organization may operate as a certificated air operator without, or in violation of, an AOC and its associated operations specifications issued under this part.

(b) Each certificated air operator shall, at all times, continue in compliance with the AOC terms, conditions of issuance, and continuing airworthiness requirements in order to hold that certificate. Failure to comply may result in the revocation or suspension of the AOC.

(c) Each certificated air operator shall develop policies and procedures for third parties that perform work on its behalf.

9.2.1.3 CONTENTS OF AN AOC

(a) The AOC issued to an air operator by Sint Maarten will consist of two documents—

(1) A one-page certificate for public display signed by the Authority; and

(2) Operations specifications signed by the accountable manager of the Authority.

(b) The certificate will contain the following items and will be issued on a form and in a manner as prescribed in IS 9.2.1.3(B): —

(1) The State of the Operator and the issuing authority;

(2) The AOC number and its expiration date;

(3) The operator's name, trading name (if different) and address of the principal place of business;

(4) Telephone, facsimile, and email;

(5) The location, in a controlled document carried on board, where the contact details of operational management can be found; and

(6) The date of issue and the name, signature, and title of the Authority representative.

(c) The operations specifications will contain the following and will be issued on a from and in a manner as prescribed in IS 9.2.1.3(C)

(1) The Issuing Authority contact details;

(2) The operator's name, trading name (if different), and AOC number;

(3) The date of issue and signature of the Authority representative;

(4) The make, model, and series of each aircraft in the operator's fleet;

(5) Types and areas of operation; and

(6) The special limitations and specific approvals.

Note: If the limitations and approvals are identical for two or more models, these models may be grouped in a single list.

Note: If the specific approvals and special limitations are identical for two or more models, these models may be grouped in a single list

(d) When the AOC and associated operations specifications are issued by the State of the Operator in a language other than English, an English translation will be included.

(e) Each AOC holder shall carry on board its aircraft a certified true copy of the AOC and a copy of the associated operations specifications relevant to the aircraft type.

9.2.1.4 ADVERTISING

(a) No person or organization may advertise as a certificated air operator under this part until the Authority of St. Maarten has issued an AOC and associated operations specifications to that person or organization.

(b) No certificated air operator may make, either orally or in writing, any statement about itself that is false or designed to mislead any person.

(c) Whenever the advertising of an air operate indicates that the air operator is certificated under this part, the advertisement shall clearly state the AOC number.

9.2.1.5 APPLICATION FOR AN AOC

(a) An application for an AOC shall be made in a form and manner prescribed by the Authority.

(b) Each applicant shall submit an application for the initial issue of an AOC at least 90 days before the date of intended operations.

(c) At the time of application, the applicant shall provide all the information and manuals required under this part, the SMS documentation required by Part 1 of these regulations, and any additional information the Authority requires the applicant to submit.

9.2.1.6 ISSUANCE OR DENIAL OF AN AOC

(a) The issue of an AOC by Sint Maarten will be dependent upon the operator demonstrating compliance with the requirements of this part and the relevant safety management requirements of Part 1 of these regulations, and any additional information required by the Authority.

(b) The Authority may issue an AOC if, after investigation, the Authority finds that the applicant:

(1) Is a residence of Sint Maarten with the Dutch nationality;

(2) Has its principal place of business and its registered office, if any, located in Sint Maarten

(3) Meets the applicable regulations and standards for the holder of an AOC;

(4) Is properly and adequately equipped for safe operations in commercial air transport and maintenance of its aircraft; and

(5) Holds the economic permit issued by Sint Maarten under the provisions of the Government Decree of Scheduled and Unscheduled Air Transport, as amended.

(c) The Authority may deny an application for an AOC if it finds that:

(1) The applicant is not properly or adequately equipped, is not able to conduct safe operations in commercial air transport, or is not able to maintain its aircraft;

(2) The applicant previously held an AOC that was revoked; or

(3) A person who contributed to the circumstances causing the revocation process of an AOC obtains a substantial ownership in the applicant or is employed by the applicant in a position required by this part.

9.2.1.7 DURATION AND RENEWAL OF AN AOC

(a) An AOC, or any portion of an AOC, issued by the Authority is effective for up to 36 months:

(1) The Authority amends, suspends, revokes, or otherwise terminates the certificate;

(2) The AOC holder surrenders the certificate to the Authority; or

(3) The AOC holder suspends operations for not more than 90 days

(b) An AOC holder shall make application for renewal of an AOC at least 30 days before the end of the existing period of validity.

9.2.1.8 CONTINUED VALIDITY OF AN AOC

(a) Unless an AOC has previously been surrendered, superseded, suspended, or revoked, or has expired by virtue of exceeding any expiration date that may be specific in the certificate, the continued validity of the AOC issued by Sint Maarten shall depend on:

(1) The operator maintaining the requirements of the original certification, as amended, under the supervision of Sint Maarten; and

(2) The operator remaining in compliance with the requirements of this part and the relevant safety management requirements of Part 1 of these regulations, and any additional information required by the Authority.

9.2.1.9 ACCESS FOR INSPECTION

(a) At any time or place, the Authority may conduct an inspection or test to determine whether an AOC holder certificated under this part is in continued compliance with the Government Decree on Aviation Oversight, as amended, the applicable regulations, the AOC, or the AOC holder's operations specifications.

(b) Each AOC holder shall:

(1) Grant the Authority access to and cooperation with any of the AOC holder's organizations, facilities, and aircraft;

(2) Ensure that the Authority is granted access to and cooperation with any organization, or facilities that the AOC holder has contracted for services associated with commercial air transport operations or maintenance; and

(3) Grant the Authority free and uninterrupted access to the flight deck of the aircraft during flight operations.

(c) Each AOC holder shall provide to the Authority a forward observer's seat on each of the AOC holder's aircraft, from which the flight crew's actions and conversations may be easily observed.

Note: The suitability of the seat location and the ability to monitor crew member actions, conversations, and radio communication will be determined by the Authority.

9.2.1.10 AUTHORITY TO INSPECT

(a) This Authority will conduct ongoing validation of the AOC holder's continued eligibility to hold its AOC and associated operations specifications.

(b) The Authority may conduct tests and inspections, at any time or place, to determine the AOC holder's continued compliance with the Government Decree on Aviation Oversight, as amended, and these regulations and the specific approvals, conditions, and limitations issued the AOC holder.

(c) The AOC holder shall make available at its main base of operations:

(1) All portions of its current AOC;

(2) All portions of its OM and MCM; and

(3) A current listing that includes the location of, and the person(s) responsible for, each record, document, and report required to be kept by the AOC holder under the National Ordinance Aviation, as amended, and these regulations.

(d) Failure by any AOC holder to make available to the Authority, upon request, all portions of the AOC, OM, MCM, and any required record, document, or report is grounds for suspension of all or part of the AOC.

9.2.1.11 AMENDMENT OF AN AOC

(a) The Authority may amend any AOC if:

(1) The Authority determines the safety in commercial air transport and the public interest require the amendment, or

(2) The AOC holder applies for an amendment and the Authority determines that safety in commercial air transport and the public interest allow the amendment.

(b) If the Authority stipulates in writing that an emergency exists requiring immediate amendment of the AOC in the public interest with respect to safety in commercial air transport, such an amendment is effective without stay on the AOC holder receives notice.

(c) An AOC holder may appeal an amendment but shall operate in accordance with the amendment unless it is subsequently withdrawn.

(d) Amendments proposed by the Authority, other than emergency amendments, become effective 30 days after notice to the AOC holder, unless the AOC holder appeals the proposal in writing prior to the effective date. The filing of an appeal stays the effective date until the appeal process is completed.

(e) Amendments proposed by the AOC holder shall be made at least 30 days prior to the intended date of any operation under that amendment.

(f) No person or organization may perform a commercial air transport operation for which an AOC amendment is required unless that person or organization has received notice of the approval from the Authority.

9.3 AOC ADMINISTRATION

9.3.1 APPLICABILITY

(a) This subpart prescribes the requirements for the administration of an AOC holder, including the AOC holder's organizational structure, policy and procedures, facilities, management personnel, aircraft to be used, quality system, SMS, record keeping and documents systems, and operational or emergency demonstrations.

9.3.1.1 GENERAL

9.3.1.2 MAIN BASE OF OPERATIONS

(a) Each AOC holder that is not authorized to conduct maintenance under its AOC shall maintain a main base of operations.

(b) Each AOC holder that is authorized to conduct maintenance under its AOC shall maintain a main base of operations and a main base of maintenance.

(c) An AOC holder may establish a main base of operations and a main base of maintenance at the same location or at separate locations.

(d) Each AOC holder shall provide written notification of intent to the Authority at least 30 days before it proposes to establish or change the location of either base.

9.3.1.3 MANAGEMENT PERSONNEL REQUIRED FOR COMMERCIAL AIR TRANSPORT OPERATIONS

(a) Each AOC holder shall have an accountable manager, acceptable to the Authority, who has corporate authority for ensuring that all flight operations and maintenance activities can be financed and carried out to the highest degree of safety required by the Authority.

(b) Each AOC holder shall have qualified personnel, with proven competency in civil aviation, available and serving full-time in the following positions or their equivalent:

(1) Director of Operations;

(2) Chief pilot;

(3) Director of Safety;

(4) Director of Maintenance; and

(5) Chief inspector/ Quality Control Inspector

Note 1: "Competency in civil aviation" means that a person shall have a technical qualification and management experience acceptable to the Authority for the position served.

Note 2: The chief inspector is responsible for quality control, as opposed to quality assurance, and is not to be confused with the quality manager under the quality system.

(c) The Authority may approve positions or numbers of positions other than those listed in paragraph 9.3.2.2(b) of this subsection if the AOC holder is able to show that it can perform the operations with the highest degree of safety under the direction of fewer or different categories of management personnel due to:

(1) The types of operation involved;

(2) The number and type of aircraft used; and

(3) The areas of operation.

(a) Additional management personnel requirements are contained in IS 9.3.2.2.

(b) The persons who serve in the positions required or approved under this subsection and any person in a position to exercise control over operations conducted under the AOC shall:

(1) Be qualified through training, experience, and expertise;

(2) Discharge their duties to meet applicable legal requirements and to maintain safe operations; and

(3) To the extent of their responsibilities, have a full understanding of the following materials with respect to the AOC holder's operation:

(i) Aviation safety standards and safe operating practices;

(ii) These regulations;

(iii) The AOC holder's operations specifications;

(iv) All appropriate maintenance and airworthiness requirements of this part; and

(v) The manuals required by this part.

(c) Each AOC holder shall:

(1) State in the general policy provisions of its OM the duties, responsibilities, and authority of the positions required by this subsection;

(2) List in its OM the names and business addresses of the persons assigned to those positions; and

(3) Notify the Authority within 10 days of any change in personnel or any vacancy in any position listed.

9.3.1.4 QUALITY SYSTEM

(a) Each AOC holder shall establish a quality system and designate a quality manager to monitor compliance with, and the adequacy of, procedures required to ensure safe operational practices and airworthy aircraft. Compliance monitoring shall include a feedback system to the accountable manager to ensure corrective action as necessary.

(b) Each AOC holder shall ensure that the quality system includes a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards, and procedures.

(c) The quality system and the quality manager shall be acceptable to the Authority.

(d) Each AOC holder shall describe its quality system in relevant documentation, as prescribed in IS 9.3.2.3.

(e) Notwithstanding paragraph 9.3.2.3(a) of this subsection, the Authority may accept the nomination of two quality managers, one for operations and one for maintenance, provided that the AOC holder has designated one Quality Management Unit to ensure that the quality system is applied uniformly throughout the entire operation.

(f) Where the AOC holder is also an AMO, the AOC holder's quality system may be combined with the requirements of an AMO and submitted for acceptance to the Authority and, for aircraft not registered in Sint Maarten], to the State of Registry.

9.3.1.5 SUBMISSION AND REVISION OF POLICY AND PROCEDURE MANUALS

(a) Each manual required by this part shall:

(1) Include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;

(2) Be in a form that is easy to revise;

(3) Contain a system that allows personnel to determine the current revision status of each manual;

(4) Have the date of the last revision on each page concerned;

(5) Not be contrary to any applicable Sint Maarten regulations or the AOC holder's operations specifications; and

(6) Include references to appropriate regulations.

(b) No person may cause the use of any policy or procedure for flight operations or airworthiness functions prior to coordination with the Authority.

(c) The AOC holder shall submit each proposed policy or procedure to the Authority at least 30 days prior to the date of intended implementation.

9.3.1.6 RETENTION OF RECORDS

(a) Each AOC holder shall retain the following records for the period prescribed in IS 9.3.2.5:

(1) Flight crew records, including:

(i) Flight, duty, and rest time;

(ii) License and medical certificate;

(iii) Ground and flight training (all types);

(iv) Route and aerodrome/heliport qualification training;

(v) Dangerous goods training;

(vi) Security training; and

(vii) Proficiency and qualification checks (all types).

(2) Cabin crew records, including:

(i) Flight, duty, and rest time;

(ii) License, if applicable;

(iii) Ground and flight training (all types) and qualification checks;

(iv) Dangerous goods training;

(v) Security training; and

(vi) Competency checks.

(3) AOC holder personnel records, including:

(i) Training and qualification of other personnel for whom an approved training programme is required in these regulations;

(ii) License, if required, and medical certificate, if required; and

(iii) Proficiency or competency checks, if required.

(4) Flight preparation forms, including:

(i) Completed load manifests;

(ii) Mass and balance reports;

(iii) Dispatch releases;

(iv) Flight plans;

(v) Passenger manifests; and

(vi) Weather reports.

(vii) An aircraft technical log, including a:

(viii) Journey records section;

(ix) Continuing airworthiness records section; and

(x) Flight recorder records:

(A) Cockpit voice recordings; and

(B) Flight data records.

(5) Aircraft continuing airworthiness records, including:

(i) The total time in service (hours, calendar time, and cycles, as appropriate) of the aircraft and all life-limited parts;

(ii) The current status of compliance with all mandatory continuing airworthiness information;

(iii) Appropriate details of modifications and repairs to the aircraft and aeronautical products;

(iv) The total time in service (hours, calendar time, and cycles, as appropriate) since the last overhaul of the aircraft or aeronautical products subject to a mandatory overhaul life; and

(v) The current status of the aeroplane's compliance with the maintenance programme; and

(vi) Detailed maintenance records to show all requirements for approval to return to service have been met.

(6) Other records, including:

(i) Operational flight plan;

(ii) Quality system records;

(iii) Dangerous goods transport documents;

(iv) Dangerous goods acceptance checklists; and

(v) Records on cosmic and solar radiation dosage, if the AOC holder operates aircraft that fly above 15 000 m.

(b) For the records identified in paragraphs 9.3.2.5(a)(1), (2), and (3) of this subsection, the AOC holder shall maintain:

(1) Current records that detail the qualifications and training of all its personnel and contract employees involved in the operational control, flight operations, ground operations, and maintenance of the air operator; and

(2) In sufficient detail to determine whether the persons meet the experience and qualification requirements for duties in commercial air transport operations, record for those employees performing crew member or FOO duties.

(c) Each AOC holder shall maintain records in a manner acceptable to the Authority.

9.3.1.7 COCKPIT VOICE RECORDER AND FLIGHT DATA RECORDER RECORDS

(a) Each AOC holder shall retain:

(1) The most recent FDR calibration, including the recording medium from which this calibration is derived; and

(2) The FDR correlation for one aircraft of any group of aircraft operated by the AOC holder:

(i) That are of the same type;

(ii) On which the model flight recorder and its installation are the same; and

(iii) On which there is no difference in type design with respect to the original installation of instruments associated with the recorder.

Note 1: The FDR calibration and the FDR correlation will be kept as part of the continuing airworthiness *records for the aircraft and aeronautical products.*

(b) In the event of an accident or incident requiring immediate notification to the Authority, the AOC holder shall remove and keep recorded information from the cockpit voice recorder and FDR for at least 60 days or, if requested by the Authority, for a longer period.

9.3.1.8 AIRCRAFT OPERATED BY THE AOC HOLDER

(a) The AOC holder shall list in its operations specifications the following:

(1) Issuing Authority contact details;

(2) Operator name and AOC number;

(3) Date of issue and signature of the Authority representative;

(4) Aircraft make, model, and series;

(5) Types and areas of operation; and

(6) The special limitations and specific approvals issued.

(b) Each AOC holder shall apply to the Authority for an amendment to its operations specifications in advance of any intended change of aircraft.

(c) Aircraft of another certificate holder operated under an interchange agreement shall be incorporated into the AOC holder's operations specifications as required by paragraph 9.3.2.7(a) of this subsection.

9.3.1.9 AIRCRAFT TECHNICAL LOG

(a) Each AOC holder shall have an aircraft technical log that is carried on the aircraft and contains a journey records section and an aircraft continuing airworthiness records section. The journey records section is further described in 9.4.1.5 of this part, and the aircraft continuing airworthiness

records section is further described in 9.5.1.9 of this part.

Note: The aircraft technical log may be computerized. The journey records section and the continuing airworthiness *records section may be combined.*

9.3.1.10 COMPANY PROCEDURES INDOCTRINATION

(a) No person may serve in an AOC holder's employ, nor may any AOC holder use a person in its employ, unless that person has completed the approved company indoctrination curriculum appropriate to that person's duties and responsibilities.

(b) The indoctrination curriculum shall include training in knowledge and skills related to human performance, including coordination with other air operator personnel.

Note: Indoctrination, initial, recurrent, and other training required for crew members and FOOs/flight dispatchers are contained in Part 8 of these regulations.

9.3.1.11 SAFETY MANAGEMENT SYSTEM

(a) An AOC holder shall implement an SMS acceptable to the Authority as outlined in 1.6 of these regulations.

(b) An AOC holder operating an aeroplane with a maximum certificated take-off mass over 27 000 kg (44 092 lbs.) shall establish and maintain an FDAP for the use and guidance of operational personnel as part of its SMS.

(c) An AOC holder operating a helicopter with a maximum certificated take-off mass over 7 000 kg or having a passenger seating configuration of more than nine and fitted with an FDR shall establish and maintain an FDAP for the use and guidance of operational personnel as part of its SMS.

(d) The AOC holder's FDAP shall be non-punitive and shall contain adequate safeguards to protect the source(s) of data.

Note 1: An operator may contract the operation of an FDAP to another party while retaining overall responsibility for the maintenance of such a programme.

9.3.1.12 FLIGHT SAFETY DOCUMENTS SYSTEM

(a) An AOC holder establish a fight safety documents systems for the use guidance of operational personnel as part of its SMS

(b) An AOC holder's flight safety documents system shall contain the minimum elements of the outline prescribed in IS 9.3.2.11.

9.3.2 AIRCRAFT

9.3.2.1 AUTHORIZED AIRCRAFT

(a) No person shall operate an aircraft in commercial air transport unless that aircraft has an appropriate current certificate of airworthiness, is in an airworthy condition, and meets the applicable airworthiness requirements for these operations, including those related to identification and equipment.

(b) No person shall operate any specific type of aircraft in commercial air transport until that aircraft has completed satisfactory initial certification, which includes the issuance of operations specifications to the AOC holder listing that type of aircraft.

(c) No person shall operate additional or replacement aircraft of a type for which the AOC holder is currently authorized unless it can show that each aircraft has completed an evaluation process for

inclusion in the AOC holder's fleet.

9.3.2.2 DRY LEASING OF FOREIGN-REGISTERED AIRCRAFT

(a) An AOC holder may dry lease a foreign-registered aircraft for commercial air transport as authorized by the Authority.

(b) No person may be authorized to operate a foreign-registered aircraft unless:

(1) There is in existence a current agreement between the Authority and the State of Registry that, while the aircraft is operated by the Sint Maarten AOC holder, the operations regulations of Sint Maarten are applicable; and

(2) There is in existence a current agreement between the Authority and the State of Registry acknowledging that:

(i) While the aircraft is operated by the AOC holder, the airworthiness regulations of the State of Registry are applicable; or

(ii) If the State of Registry agrees to transfer some or all of the responsibility for airworthiness to the Authority of Sint Maarten under Article 83 bis of the Chicago Convention, the airworthiness regulations of Sint Maarten shall apply to the extent agreed upon by the Authority and the State of Registry.

(3) The Authority of the State of Registry shall have free and uninterrupted access to the aircraft at any place and at any time.

(c) Additional requirements for dry leasing of foreign-registered aircraft are prescribed in IS 9.3.3.2.

Note 1: More guidance on dry leasing arrangements with foreign operators can be found in the Aircraft leasing policy and guidelines

9.3.2.3 AIRCRAFT INTERCHANGE

(a) No AOC holder may interchange aircraft with another AOC holder without the approval of the Authority.

(b) Requirements pertaining to aircraft interchange agreements approved by the Authority are prescribed in IS 9.3.3.3.

9.3.2.4 WET LEASING

(a) No person or organization may conduct wet lease operations on behalf of another AOC holder except in accordance with the applicable laws and regulations of the country in which the operation occurs and in accordance with the specific approvals, conditions, and limitations imposed by the Authority of Sint Maarten.

(b) No person or organization may allow another AOC holder to conduct wet lease operations on its behalf unless:

(1) That person or organization holds an AOC or its equivalent from a Contracting State that authorizes those operations; and

(2) The AOC holder advises the Authority of Sint Maarten of such operations and provides a copy of the AOC under which the operation is to be conducted.

(c) Additional requirements for wet leasing aircraft are prescribed in IS 9.3.3.4.

Note 1: More guidance on wet leasing arrangements with foreign operators can be found in the Aircraft leasing policy and guidelines

9.3.2.5 EMERGENCY EVACUATION DEMONSTRATION

(a) No person shall use an aircraft type and model in passenger-carrying commercial air transport operations unless that person has first conducted for the Authority an actual full-capacity emergency evacuation demonstration for the configuration in 90 seconds or less.

(b) The actual full-capacity emergency evacuation demonstration may not be required if the AOC holder provides a request in writing for deviation with evidence that:

(1) A satisfactory full-capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another air operator; and

(2) There is an engineering analysis that shows that an evacuation is still possible within the 90-second standard if the AOC holder's aircraft configuration differs with regard to the number of exits or the exit type or the number of cabin crew members or the location of the cabin crew members.

(c) If a full-capacity emergency evacuation demonstration is not required, no person may use an aircraft type and model in passenger-carrying commercial air transport operations unless that person has first demonstrated to the Authority that its available personnel, procedures, and equipment will provide sufficient open exits for evacuation in 15 seconds or less.

(d) No person shall use a land aeroplane in extended overwater operations unless that person has first conducted a ditching evacuation demonstration to the Authority showing that it has the ability and equipment to efficiently carry out its ditching procedures.

(e) Additional requirements concerning emergency evacuation demonstrations are prescribed in IS 9.3.3.5

9.3.2.6 DEMONSTRATION FLIGHTS

(a) No person may operate an aircraft type in commercial air transport unless that person first conducts satisfactory demonstration flights for the Authority in that aircraft type.

(b) No person may operate an aircraft in a designated special area, or using a specialized navigation system, unless that person conducts a satisfactory demonstration flight for the Authority.

(c) Demonstration flights required by paragraph 9.3.3.6(a) of this subsection shall be conducted in accordance with the regulations applicable to the type of operation and aircraft used.

(d) The number of hours and the type of demonstration flights shall be conducted in accordance with IS 9.3.3.6.

9.3.3 FACILITIES AND OPERATIONS SCHEDULES

9.3.3.1 FACILITIES

(a) Each AOC holder shall maintain operational and airworthiness support facilities at its main base of operations, appropriate for the type(s) and area(s) of operation.

(b) Each AOC holder shall arrange appropriate ground handling facilities at each aerodrome used to ensure the safe servicing and loading of its flights.

(c) No AOC holder may commence a flight unless it has ascertained by every reasonable means available that the ground and/or water facilities available and directly required on such flight, for the safe operation of the aircraft and the protection of the passengers, are adequate for the type of operation under which the flight is to be conducted and are adequately operated for this purpose.

Note: "Reasonable means" is intended to denote the use, at the point of departure, of information available to the AOC holder either through official information published by the aeronautical information services or readily available from other sources.

(d) Each AOC holder shall ensure that any inadequacy of facilities observed in the course of operations is reported to the authority responsible without delay.

(e) Each AOC holder shall, as part of its SMS, assess the level of RFFS protection available at any aerodrome intended to be specified in the operational flight plan in order to ensure that an acceptable level of protection is available for the aircraft intended to be used.

(f) Each AOC holder shall include in its OM information related to the level of RFFS protection that is deemed acceptable.

9.3.3.2 OPERATIONS SCHEDULES

(a) In establishing flight operations schedules, each AOC holder conducting scheduled operations shall allow enough time for the proper servicing of aircraft at intermediate stops and shall consider the prevailing winds en route and the cruising speed of the type of aircraft used. This cruising speed may not be more than that resulting from the specified cruising output of the engines.

9.4 AOC FLIGHT OPERATIONS MANAGEMENT

9.4.1.1 APPLICABILITY

(a) This subpart provides those certification requirements that apply to the management of flight operations personnel and their functions.

9.4.1.2 OPERATIONS MANUAL

(a) Each AOC holder shall issue, to crew members and persons assigned operational control functions, an OM acceptable to the Authority.

(b) The OM shall contain the overall (general) company policies and procedures regarding the flight operations the AOC holder conducts.

(c) Each AOC holder shall prepare and keep current an OM that contains the AOC holder's policies and procedures for the use and guidance of its personnel.

(d) Each AOC holder shall issue the OM or pertinent portions of the OM, together with all amendments and revisions, to all personnel that are required to use it.

(e) No AOC holder may provide for use by its personnel in commercial air transport any OM or portion of an OM that has not been reviewed and found acceptable or approved for the AOC holder by the Authority.

(f) Each AOC holder shall ensure that the contents of the OM include at least those subjects designated by the Authority that are applicable to the AOC holder's operations.

(g) The OM shall contain the specific areas listed below and may be issued in separate parts:

(1) General, as prescribed in IS 9.4.1.2(G);

(2) AOM, as prescribed in 9.4.1.4 of this part and in IS 9.4.1.4;

(3) Route Guide – Areas, Routes, Aerodromes, and Heliports, as prescribed in 9.4.1.20 of this part and in IS 9.4.1.20; and

(4) Training Manual, as prescribed in 9.4.1.3 of this part and in IS 9.4.1.3.

9.4.1.3 TRAINING MANUAL

(a) Each AOC holder shall ensure that all operations personnel are property instructed in their duties and responsibilities and the relationship of such duties to the operation as a whole.

(b) Each AOC holder shall have a Training Manual approved by the Authority containing the general training, checking, and record keeping policies

(c) Each AOC holder shall have approval of the Authority prior to using a training curriculum for the purpose of qualifying a crew member, or a person performing operational control functions, for duties in commercial air transport.

(d) Each AOC holder shall submit to the Authority any revision to an approved training programme and shall receive written approval from the Authority before that revision may be used.

(e) The Training Manual shall conform to outline prescribed in IS 9.4.1.3.

9.4.1.4 AIRCRAFT OPERATING MANUAL

(a) Each AOC holder shall, for each type and variant of aircraft operated, submit for approval by the Authority a proposed AOM containing the normal, abnormal, and emergency procedures relating to the operation of the aircraft.

(b) Each AOM shall be based upon the aircraft manufacturer's data for the specific aircraft type and variant operated by the AOC holder and shall include specific operating parameters, details of the aircraft systems, and checklists to be used applicable to the operations of the AOC holder that are approved by the Authority. The design of the manual shall observe human factors principles.

(c) The AOM shall be issued to the flight crew members and persons assigned operational control functions to each aircraft operated by the AOC holder.

(d) The AOM shall conform to the outline prescribed in IS 9.4.1.4.

9.4.1.5 AIRCRAFT TECHNICAL LOG ENTRIES – JOURNEY RECORDS SECTION

(a) Each AOC holder shall use an aircraft technical log containing a journey records section that includes the following information for each flight:

Note: See 9.5.1.9 of this part for the continuing airworthiness records section of the aircraft technical log.

(1) Aircraft nationality and registration;

(2) Date;

(3) Names of crew members;

(4) Duty assignments of crew members;

(5) Place of departure;

(6) Place of arrival;

(7) Time of departure;

(8) Time of arrival;

(9) Hours of flight;

(10) Nature of flight (private, aerial work, scheduled, non-scheduled);

(11) Incidents, observations, if any; and

(12) Signature of person in charge.

(b) Entries in the journey records section shall be made currently and in ink or indelible pencil.

(c) Completed journey records sections shall be retained to provide a continuous record of the last 2 years of operations.

9.4.1.6 DESIGNATION OF PILOT-IN-COMMAND FOR COMMERCIAL AIR TRANSPORT

(a) The AOC holder shall, for each commercial air transport operation, designate in writing one pilot as the PIC.

9.4.1.7 REQUIRED CABIN CREW MEMBERS

(a) The AOC holder shall schedule the minimum number of required cabin crew members on board passenger-carrying flights.

(b) The PIC shall ensure that the minimum number of required cabin crew members is on board the passenger-carrying flight.

(c) The number of cabin crew members shall not be less than the minimum prescribed by the Authority in the AOC holder's operations specifications or the following, whichever is greater:

(1) For a seating capacity of 20 to 50 passengers: 1 cabin crew member; and

(2) One additional cabin crew member for each unit, or part of a unit, of 50-passenger-seat capacity.

(d) When passengers are on board a parked aircraft, the minimum number of cabin crew members shall be one-half that required for the flight operation, but never less than one cabin crew member (or another person qualified in the emergency evacuation procedures for the aircraft).

Note: Where one-half would result in a fractional number, it is permissible to round down to the next whole number.

9.4.1.8 CARRIAGE OF SPECIAL SITUATION PASSENGERS

(a) No AOC holder may allow the transport of special situation passengers except:

(1) As provided in the AOC holder's OM procedures; and

(2) With the knowledge and concurrence of the PIC.

9.4.1.9 CREW MEMBER CHECKING AND STANDARDIZATION PROGRAMME

(a) Each AOC holder shall have a progamme approved by the Authority, for the checking and standardization of crew members.

Note: A standardized process is defined to address the operator-unique fleet differences and compliance methods.

(b) An AOC holder shall check pilots' proficiency on those manoeuvres and procedures that are prescribed by the Authority for pilot proficiency checks, which shall include emergency procedures and, where applicable, instrument flight rules.

Note: See Part 8 of these regulations for specific checking requirements.

9.4.1.10 RESERVED

9.4.1.11 FLIGHT DECK CHECK PROCEDURE

(a) Each AOC holder shall issue to its flight crews, and shall make available on each aircraft, the checklist procedures approved by the Authority appropriate to the type and variant of aircraft.

(b) Each AOC holder shall ensure that approved procedures include each item necessary for flight crew members to check for safety before starting engines, taking off, or landing, and for engine and system abnormalities and emergencies.

(c) Each AOC holder shall ensure that the checklist procedures are designed so that flight crew members will not need to rely upon their memory for items to be checked.

(d) Each AOC holder shall make the approved procedures readily usable in the flight deck of each aircraft, and the flight crew shall be required to follow the approved procedures when operating the aircraft.

Note: Checklists are part of the AOM, which is a part of the AOC holder's OM and is approved by the Authority.

9.4.1.12 MINIMUM EQUIPMENT LIST AND CONFIGURATION DEVIATION LIST

(a) Each AOC holder shall provide, for the use of flight crew members, maintenance personnel, and persons assigned operational control functions during the performance of their duties, an MEL approved by the Authority.

(b) The MEL shall be specific to the aircraft type and variant and shall contain the circumstances, limitations, and procedures for the release or continuance of flight of the aircraft with inoperative components, equipment, or instruments.

(c) Each AOC holder shall provide, for the use of flight crew members, maintenance personnel, and persons assigned operational control functions during the performance of their duties, a CDL specific to the aircraft type, if one is provided and approved by the State of Design. An AOC holder's OM shall contain those procedures acceptable to the Authority for operations in accordance with the CDL requirements.

Note: The MEL constitutes an integral part of the OM.

9.4.1.13 PERFORMANCE PLANNING MANUAL

(a) Each AOC holder shall provide, for the use of flight crew members and persons assigned operational control functions during the performance of their duties, a Performance Planning Manual acceptable to the Authority.

(b) The Performance Planning Manual shall be specific to the aircraft type and variant and shall contain adequate performance information to accurately calculate the performance in all normal phases of flight operation.

9.4.1.14 PERFORMANCE DATA CONTROL SYSTEM

(a) Each AOC holder shall have a system approved by the Authority for obtaining, maintaining, and distributing to appropriate personnel current performance data for each aircraft, route, and aerodrome that it uses.

(b) The system approved by the Authority shall provide current obstacle data for departure and arrival performance calculations.

9.4.1.15 AIRCRAFT LOADING AND HANDLING MANUAL

(a) Each AOC holder shall provide, for the use of flight crew members, ground handling personnel, and persons assigned operational control functions during the performance of their duties, an Aircraft Loading and Handling Manual acceptable to the Authority.

(b) This Aircraft Loading and Handling Manual shall be specific to the aircraft type and variant and shall contain the procedures and limitations for servicing and loading the aircraft.

Note: Depending on the size and scope of the AOC holder's operations, the Aircraft Loading and Handling Manual may be a stand-alone document or may be contained in the OM.

9.4.1.16 MASS AND BALANCE DATA CONTROL SYSTEN

(a) Each AOC holder shall have a system approved by the Authority for obtaining, maintaining, and distributing to appropriate personnel current information regarding the mass and balance of each aircraft operated.

9.4.1.17 CABIN CREW MEMBER MANUAL

(a) The AOC holder shall issue to cabin crew members, and provide to passenger agents during the performance of their duties, a cabin Crew Member Manual acceptable to the Authority

(b) The Cabin Crew Member Manual shall contain those operational policies and procedures applicable to cabin crew members and the carriage of passengers.

(c) The AOC holder shall issue to the cabin crew members a manual, specific to the aircraft type and variant, which contains the details of their normal, abnormal, and emergency procedures and location and operation of emergency equipment.

Note: This manual may be combined into one manual for use by cabin crew members.

9.4.1.18 PASSENGER BRIEFING CARDS

(a) Each AOC holder shall carry on each passenger-carrying aircraft, in convenient locations for the use of each passenger, printed cards supplementing the oral briefing and containing:

(1) Diagrams and methods of operating the emergency exits;

(2) Other instructions necessary for the use of the emergency equipment; and

(3) Information regarding the restrictions and requirements associated with sitting in an exit-seat row.

(b) Each AOC holder shall ensure that each passenger briefing card contains information that is pertinent only to the type and variant of aircraft used for that flight.

(c) Specific information to be included on passenger briefing cards regarding exit seating is prescribed in IS 9.4.1.18.

9.4.1.19 AERONAUTICAL DATA CONTROL SYSTEM

(a) Each AOC holder shall have a system approved by the Authority for obtaining, maintaining, and distributing to appropriate personnel current aeronautical data for each route and aerodrome that it uses.

(b) Specific aerodrome information to be contained in the aeronautical data control system is prescribed in IS 9.4.1.19.

9.4.1.20 ROUTE GUIDE – AREAS, ROUTES, AERODROMES, AND HELIPORTS

(a) Each AOC holder shall provide, for the use of flight crew members and persons assigned operational control functions during the performance of their duties, information on areas, routes, aerodromes, and heliports as well as aeronautical charts approved by the Authority.

(b) The AOC holder shall keep the route guide and aeronautical charts current and appropriate for the proposed types and areas of operation to be conducted by the AOC holder. This information may be issued as part of, or separately from, the OM.

(c) This information shall contain at least the information prescribed in IS 9.4.1.20.

9.4.1.21 WEATHER REPORTING SOURCES

(a) Each AOC holder shall use sources approved by the Authority for the weather reports and forecasts used for decisions regarding flight preparation, routing, and terminal operations.

(b) For passenger-carrying operations, the AOC holder shall have an approved system for obtaining forecasts and reports of adverse weather phenomena that may affect the safety of flight on each route to be flown and at each aerodrome to be used.

(c) A list of weather reporting sources approved by the Authority for flight planning or for controlling flight movement are prescribed in IS 9.4.1.21.

9.4.1.22 DE-ICING AND ANTI-ICING PROGRAMME

(a) Each AOC holder planning to operate an aircraft in conditions where frost, ice, or snow may reasonably be expected to adhere to the aircraft shall:

(1) Use only aircraft adequately equipped for such conditions;

(2) Ensure the flight crew is adequately trained for such conditions; and

(3) Have an approved ground de-icing and anti-icing programme.

(b) Detailed requirements pertaining to the AOC holder's de-icing and anti-icing programme are prescribed in IS 9.4.1.22.

9.4.1.23 FLIGHT DISPATCH AND MONITORING SYSTEM

(a) Each AOC holder shall have an adequate system approved by the Authority for proper dispatch and monitoring of flights, considering the operations to be conducted.

(1) The AOC holder's dispatch and monitoring system shall have enough dispatch centers adequate for the operations to be conducted, located at points necessary to ensure adequate flight preparation, dispatch, and in-flight contact with flight operations.

(2) Each AOC holder shall provide enough qualified FOOs at each dispatch center to ensure proper operational control of each flight.

(b) An AOC holder conducting charter operations may arrange to have flight following facilities provided by persons other than its employees, but, in such a case, the AOC holder shall continue to be primarily responsible for operational control of each flight.

(1) Each AOC holder conducting charter operations using a flight following system shall show that the system has adequate facilities and personnel to provide to the following persons the information necessary for the initiation and safe conduct of each flight:

(i) The flight crew of each aircraft; and

(ii) The persons designated by the AOC holder to perform the function of operational control of the aircraft.

(2) Each AOC holder conducting charter operations shall show that the personnel required to perform the function of operational control are able to perform their duties.

9.4.1.24 FATIGUE RISK MANAGEMENT SYSTEM

(a) For the purpose of managing fatigue-related safety risks, an AOC holder shall establish either:

(1) Flight time, flight duty period, duty period, and rest period limitations that are within the prescriptive fatigue management requirements of 8.12 of these regulations;

(2) An FRMS in compliance with paragraph 8.11.1.2(e) of these regulations; or

(3) An FRMS in compliance with paragraph 8.11.1.2(e) of these regulations for part of its operations and the requirements of 8.12 of these regulations for the remainder of its operations.

(b) Where the AOC holder adopts prescriptive fatigue management requirements for part or all of its operations, the Authority may approve, in exceptional circumstances, variations to such requirements on the basis of a risk assessment provided by the operator. Approved variations shall provide a level of safety equivalent to, or better than, that achieved through the prescriptive fatigue management requirements.

(c) The Authority will approve an operator's FRMS before it may take the place of any or all of the prescriptive fatigue management requirements. An approved FRMS shall provide a level of safety equivalent to, or better than, the prescriptive fatigue management requirements.

(d) Operators using an FRMS shall adhere to the following provisions of the FRMS approval process allows the Authority to ensure that the approved FRMS meets the requirements of paragraph 8.11.1.2(d)(1) of these regulations

(1) Establish maximum values for flight times and/or flight duty period(s) and duty period(s) and minimum values for rest periods; these values shall be based upon scientific principles and knowledge, subject to safety assurance processes;

(2) Adhere to Authority mandates to decrease maximum values and increase minimum values in the event that the operator's data indicates these values are too high or too low, respectively; and

(3) Provide justification to the Authority for any increase in maximum values or decrease in minimum values based on accumulated FRMS experience and fatigue-related data before such changes will be approved by the Authority.

(e) Operators implementing an FRMS to manage fatigue-related safety risks shall, at a minimum:

(1) Incorporate scientific principles and knowledge within the FRMS;

(2) Identify fatigue-related safety hazards and the resulting risks on an ongoing basis;

(3) Ensure that remedial actions, necessary to effectively mitigate the risks associated with the hazards, are implemented promptly;

(4) Provide for continuous monitoring and regular assessment of the mitigation of fatigue risks achieved by such actions; and

(5) Provide for continuous improvement of the overall performance of the FRMS.

(f) Detailed requirements pertaining to FRMS are prescribed in IS 9.4.1.24.

9.4.1.25 COMMUNICATIONS FACILITIES

(a) Each AOC holder's flights shall be able to have two-way radio communications with all ATC

facilities along the routes and alternate routes to be used.

(b) For passenger-carrying operations, each AOC holder shall be able to have rapid and reliable radio communications with all flights over the AOC holder's entire route structure under normal operating conditions. This radio communication system shall be independent of the ATC system.

(c) Each AOC holder engaged in international air navigation shall at all times have available for immediate communication to rescue coordination centers information on the emergency and survival equipment carried on board any of its aircraft, including, as applicable:

(1) The number, color, and type of life rafts and pyrotechnics;

(2) Details of emergency water and medical supplies; and

(3) The type and frequencies of the emergency portable radio equipment.

9.4.1.26 ROUTES AND AREAS OF OPERATION

(a) An AOC holder shall conduct operations only along such routes and within such areas for which:

(1) Ground facilities and services, including meteorological services, are provided that are adequate for the planned operation;

(2) The performance of the aircraft intended to be used is adequate to comply with minimum flight altitude requirements;

(3) The equipment of the aircraft intended to be used meets the minimum requirements for the planned operation;

(4) Appropriate and current maps and charts are available;

(5) If two-engine aircraft are used, adequate aerodromes are available within the time and distance limitations; and

(6) If single-engine aircraft are used, surfaces are available that permit a safe forced landing to be executed.

(b) No person may conduct commercial air transport operations on any route or in any area of operation unless those operations are conducted in accordance with any restrictions imposed by the Authority.

9.4.1.27 NAVIGATIONAL ACCURACY

(a) Each AOC holder shall ensure, for each proposed route or area, that the navigation systems and facilities it uses are capable of navigating the aircraft:

(1) Within the degree of accuracy required for ATC; and

(2) To the aerodromes in the operational flight plan within the degree of accuracy necessary for the operation involved.

(b) In situations without adequate navigation systems reference, the Authority may authorize day VFR operations that can be conducted safely by pilotage because of the characteristics of the terrain.

(c) Except for those navigation aids required for routes to alternate aerodromes, the Authority will list in the AOC holder's operations specifications non-visual ground aids required for approval of routes outside of controlled airspace.

(d) Non-visual ground aids are not required for night VFR operations on routes that the AOC holder shows have reliably lighted landmarks adequate for safe operation.

(e) Operations on route segments where the use of celestial or other specialized means of navigation

is required shall be approved by the Authority.

Note 1: The operations specifications layout prescribed in paragraph 9.2.1.3(c) of this part and IS 9.2.1.3(C) shall be followed. The bottom row of the operations specifications provides for "other" authorizations or data. Other authorizations or data may require the preparation of multiple pages, based on the complexity of the AOC holder's operation. It would be appropriate for the Authority to list in the AOC holder's operations specifications as "other" authorizations, the non-visual ground aids required for approval of routes outside of controlled airspace.

9.4.1.28 AIRCRAFT TRACKING

(a) The AOC holder shall establish an aircraft tracking capability to track aeroplanes throughout its areas of operation.

(b) The AOC holder shall track the position of an aeroplane through automated reporting at least every 15 minutes for the portion(s) of the in-flight operation(s) under the following conditions:

(1) The aeroplane has a maximum certificated take-off mass of over 27 000 kg and a seating capacity greater than 19; and

(2) Where an ATS unit obtains aeroplane position information at greater than 15-minute intervals.

(c) The AOC holder shall track the position of an aeroplane through automated reporting at least every 15 minutes for the portion(s) of the in-flight operation(s) planned in an oceanic area under the following conditions:

Note: For the purpose of aircraft tracking, "oceanic area" is the airspace that overlies waters outside the territory of a State.

(1) The aeroplane has a maximum certificated take-off mass of over 45 500 kg and a seating capacity greater than 19; and

(2) Where an ATS unit obtains aeroplane position information at greater than 15-minute intervals.

(d) Notwithstanding the provisions in paragraphs 9.4.1.28(b) and (c) of this subsection, the Authority may, based on the results of an approved risk assessment process implemented by the AOC holder, allow for variations to automated reporting intervals. The process shall demonstrate how risks to the operation resulting from such variations may be managed and shall include at least the following:

(1) The capability of the AOC holder's operational control systems and processes, including those for contacting ATS units;

(2) The overall capability of the aeroplane and its systems;

(3) The available means to determine the position of, and to communicate with, the aeroplane;

(4) The frequency and duration of gaps in automated reporting;

(5) Human factors consequences resulting from changes to flight crew procedures; and

(6) Specific mitigation measures and contingency procedures.

(e) The AOC holder shall establish procedures, approved by the Authority, for the retention of aircraft tracking data to assist search and rescue in determining the last known position of the aircraft.

9.5 AOC CONTINUING AIRWORTHINESS REQUIREMENTS

9.5.1.1 APPLICABILITY

(a) This Subpart provides those certification and continuing airworthiness requirements that apply to an AOC holder utilizing an AMO.

9.5.1.2 CONTINUING AIRWORTHINESS RESPONSIBILITY

(a) Each AOC holder shall ensure the airworthiness of the aircraft and the serviceability of both operational and emergency equipment by ensuring the: —

(1) Accomplishment of preflight inspections;

(2) Correction of any defect and/or damage affecting safe operation of an aircraft to an approved standard, taking into account the MEL and CDL if available for the aircraft type;

(3) Accomplishment of all maintenance in accordance with the operator's approved aircraft maintenance programme;

(4) Analysis of the effectiveness of the operator's approved aircraft maintenance programme;

(5) Accomplishment of any operational directive, AD and any other continuing airworthiness requirement made mandatory by the Authority; and

(6) (Accomplishment of modifications in accordance with an approved standard and, for non-mandatory modifications, the establishment of an embodiment policy.

(b) Each AOC holder shall ensure that the Certificate of Airworthiness for each aircraft operated remains valid in respect to—

(1) The requirements in paragraph 9.5.1.2 (a) of this subsection;

(2) The expiration date of the certificate; and

(3) Any other maintenance condition specified in the certificate.

(c) Each AOC holder shall ensure that the requirements specified in paragraph 9.5.1.2 (a) of this subsection are performed in accordance with procedures approved by or acceptable to the Authority.

(d) Each AOC holder shall ensure that the maintenance, overhaul, modification, repair, and inspection of its aircraft and aeronautical products are performed in accordance with its MCM and/or current instructions for continuing airworthiness, and applicable aviation regulations.

(e) Each AOC holder may make an arrangement with another person or entity for the performance of any maintenance, overhaul, modification, repair, or inspection, but shall remain responsible of all work performed under such arrangement.

(f) Each AOC holder shall have its aircraft maintained and approved for return to service as provided for in 9.5.1.10 of this part.

9.5.1.3 APPROVAL AND ACCEPTANCE OF AOC MAINTENANCE SYSTEMS AND PROGRAMMES

(a) An AOC holder shall not operate an aircraft, except for pre-flight inspections, unless it is maintained and approved for return to service as follows.

(1) The operator shall not operate an aeroplane unless it is maintained and returned to service by an organization approved in accordance with Part 6 of these

regulations, or under an equivalent system, either of which shall be acceptable to the State of Registry.

(2) When the State of Registry accepts an equivalent system, the person signing the approval for return to service shall be licensed in accordance with Part 2 of these regulations. to certify that maintenance work performed has been completed satisfactorily and in accordance with approved data and procedures acceptable to the State of Registry.

Note: Under Part 6 of these regulations the current practice is that an AOC holder is authorized to perform its own maintenance under the AOC without being designated separately as an AMO.

9.5.1.4 MAINTENANCE CONTROL MANUAL

(a) Each Sint Maarten AOC holder shall provide to the Authority, and to the State of Registry of the aircraft, if different from the Authority, the AOC holder's MCM and subsequent amendments using human factors principles, for the use and guidance of maintenance and operational personnel concerned and containing details of the organization's structure including:

(1) The accountable manager and designated person(s) responsible for the maintenance programme as required by 9.3.2.2 of this part:

(2) Procedures to be followed, which may be included in the AMO Procedures Manual, to satisfy the maintenance responsibility of 9.5.1.2, of this part, except where the AOC holder is certificated as an AMO, and has the quality functions of 9.3.2.3.;

(3) Procedures for the reporting of failures, malfunctions, and defects in accordance with 5.4.1.5, of these regulations, to the Authority, State of Registry and the State of Design within 72 hours of discovery; in addition, items that warrant immediate notification to the Authority by telephone facsimile, or email;, with a written follow-on report as soon as possible but no later than within 72 hours of discovery, are:

(i) Primary structural failure;

(ii) Control system failure;

(iii) Fire in the aircraft;

(iv) Engine structure failure; or

(v) Any other condition considered an imminent hazard to safety.

(b) The AOC holder's MCM shall contain the following information, which may be issued in separate parts:

(1) A description of the administrative agreements between the AOC holder and the AMO, or a description of the maintenance procedures and the procedures for completing and signing an approval for return to service when maintenance is based on a system other than that of an AMO;

(2) A description of the procedures for ensuring that each aircraft they operate is in an airworthy condition;

(3) A description of the procedures for ensuring that the emergency equipment for each flight is serviceable;

(4) The names and duties of the person or persons required to ensure that all maintenance is carried out in accordance with the MCM;

(5) A reference to the maintenance programme required by 9.5.1.12 of this part;

(6) A description of the methods for completion and retention of the operator's continuing airworthiness records required by 9.5.1.8 of this part;

(7) A description of the procedures for monitoring, assessing and reporting maintenance and operational experience for all aircraft over 5,700 kg maximum certificated take-off mass;

(8) A description of the procedures for obtaining and assessing continuing airworthiness information from the organization responsible for the type design and implementing any resulting actions considered necessary by the State of Registry for all aircraft over 5,700 kg maximum certificated take-off mass;

(9) A description of the procedures for implementing mandatory continuing airworthiness as required in 9.5.1.2(a)(5) of this part;

(10) A description of the procedures for establishing and maintaining a system of analysis and continued monitoring of the performance and efficiency of the maintenance programme in order to correct any deficiency in that programme;

(11) A description of the aircraft types and models to which the AOC holder's MCM applies;

(12) A description of the procedures for ensuring that unserviceabilities affecting airworthiness are recorded and rectified; and

(13) A description of the procedures for advising the State of Registry of significant in-service occurrences.

(c) No AOC holder may provide for use by its personnel in commercial air transport any MCM or portion of this manual that has not been reviewed and approved for the AOC holder by the Authority.

(d) An outline of specific subjects to be contained as appropriate in the AOC holder's MCM is prescribed in IS 9.5.1.4.

9.5.1.5 MAINTENANCE MANAGEMENT

(a) The AOC holder certificated as an AMO, may carry out the requirements specified in paragraphs 9.5.1.2 (a)(2), (3), (5) and (6) of this part.

(b) If the AOC holder is not certificated as an AMO, the AOC holder shall meet its responsibilities under paragraphs 9.5.1.2 (a)(2), (3), (5) and (6) of this part through an arrangement with an AMO, with a written maintenance contract between the AOC holder and the contracting AMO detailing the required maintenance functions and defining the support of the quality functions approved or accepted by the Authority.

(c) Each AOC holder shall employ a person or group of persons, acceptable to the Authority, to ensure that all maintenance is carried out to an approved standard such that the continuing airworthiness requirements of 9.5.1.2 of this part and requirements of the AOC holder's MCM are satisfied, and to ensure the functioning of the quality system.

(d) Each AOC holder shall provide suitable office accommodation at appropriate locations for the personnel specified in paragraph 9.5.1.5 (c) of this subsection.

(e) Each AOC holder shall establish for the maintenance of aircraft an SMS that is accordance with 9.3.2.10 of this part and is acceptable to the Authority.

9.5.1.6 RESERVED

9.5.1.7 RESERVED

9.5.1.8 CONTINUING AIRWORTHINESS RECORDS

(a) Each AOC holder shall ensure that a system has been established to keep, in a form acceptable to the Authority, the following records:

(1) The total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life-limited parts;

(2) The current status of compliance with all mandatory continuing airworthiness information;

(3) Appropriate details of modifications and repairs to the aircraft or aeronautical products;

(4) The time in service (hours, calendar time and cycles, as appropriate) since last overhaul of the aircraft or aeronautical products subject to mandatory overhaul life;

(5) The current aircraft status of compliance with the maintenance programme; and

(6) The detailed maintenance records to show that all requirements for signing of an approval for return to service have been met.

(b) Each AOC holder shall ensure that the records in paragraphs 9.5.1.8 (a)(1) through (5) of this subsection shall be kept for a minimum of 90 days after the unit to which they refer has been permanently withdrawn from service and that the records in paragraph 9.5.1.8 (a)(6) of this subsection shall be kept for a minimum of 1 year after the signing of the approval for return to service.

(c) Each AOC holder shall ensure that in the event a temporary change of operator, the records specified in paragraph 9.5.1.8 (a) of this subsection shall be made available to the new operator.

(d) Each AOC holder shall ensure that when an aircraft is permanently transferred from one operator to another operator, the records specified in paragraph 9.5.1.8 (a) of this subsection are also transferred.

9.5.1.9 AIRCRAFT TECHNICAL LOG ENTRIES— CONTINUING AIRWORTHINESS RECORD SECTION

(a) Each AOC holder shall use an aircraft technical log that includes an aircraft continuing airworthiness records section containing the following information for each aircraft:

Note: See 9.4.1.5 of this part for the journey records section of the aircraft technical log.

(1) Information about each previous flight necessary to ensure continuing flight safety.

(2) The current aircraft maintenance release and/or an airworthiness release.

(3) The current inspection status of the aircraft, to include inspections due to be performed on an established schedule and inspections due to be performed that are not on an established schedule, except that the Authority may agree to the maintenance statement being kept elsewhere.

(4) The current maintenance status of the aircraft, to include maintenance due to be

performed on an established schedule and maintenance due to be performed that is not on an established schedule except that the Authority may agree to the maintenance statement being kept elsewhere; and

(5) All deferred defects that affect the operation of the aircraft.

Note: Defects that are not airworthiness items shall be deferred to a later date for rectification. When this is done, there shall be a method for recording such a deferral, and normally the aircraft technical log has a section solely for this purpose. Some operators have a system of classifying deferred defects to allow different lengths of time, either in hours flown, number of sectors, or on return to a maintenance base, until a defect shall be rectified before further flight.

(b) The aircraft technical log, including deferred items list and any subsequent amendment shall be approved by the Authority.

(c) Each person who takes action in the case of a reported or observed failure or malfunction of an aircraft or aeronautical product, that is critical to the safety of flight shall make, or shall have made, a record of that action in the continuing airworthiness records section of the aircraft technical log.

(d) Each AOC holder shall have a procedure for keeping copies of required records to be carried on board, in a place readily accessible to each flight crewmember and shall put that procedure in the AOC holder's OM.

9.5.1.10 RETURN TO SERVICE

(a) No AOC holder shall operate an aircraft unless the aircraft has both an approval for return to service, if maintenance has been performed prior to the flight, and a valid logbook entry in the continuing airworthiness records section of the aircraft technical log, as follows.

(1) Approval for return to service:

(i) An AOC holder shall not operate an aircraft unless the aircraft is maintained and approved for return to service as follows

(A) The operator shall not operate an aeroplane unless it is maintained and returned to service by an organization approved in accordance with Part 6 of these regulations, or under an equivalent system, either of which shall be acceptable to the State of Registry.

(B) When the State of Registry accepts an equivalent system, the person signing the approval for return to service shall be licensed in accordance with Part 2 of these regulations to certify that maintenance work performed has been completed satisfactorily and in accordance with approved data and procedures acceptable to the State of Registry.

(ii) An AOC holder using an AMO shall not operate an aircraft after return to service paragraph 9.5.1.10(a)(1)(i) of this subsection unless an approval for return to service has been prepared in accordance with the AOC's MCM procedures and a logbook entry has been made in the continuing airworthiness records section of the aircraft technical log.

(iii) An AOC holder using an equivalent system shall not operate an aircraft after return to service under paragraph 9.5.1.10(a) (1)(i) of this subsection unless a logbook entry in the continuing airworthiness records section of the aircraft technical log is prepared or caused to be prepared by an appropriately licensed and rated person in accordance with Part 2 of these regulations, as appropriate. This approval for return to service shall be made in accordance with the AOC

holder's MCM procedures.

(iv) The AOC holder shall ensure that the PIC of the aircraft has reviewed the continuing airworthiness records section of the aircraft technical log and has determined that any maintenance performed has been appropriately documented.

(2) Aircraft technical log – continuing airworthiness records section:

(i) An AOC holder shall not operate an aircraft unless the PIC is in possession of a valid logbook entry in the continuing airworthiness records section of the aircraft technical log to indicate that any maintenance performed on the aircraft has been satisfactorily performed and appropriately documented.

9.5.1.11 MODIFICATIONS AND REPAIRS

(a) All modifications and repairs shall comply with airworthiness requirements acceptable to the State of Registry. Procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained. However, in the case of a major repair or major modification, the work shall have been performed in accordance with technical data approved by the Authority of Sint Maarten.

(b) An AOC holder may be authorized to perform maintenance, overhaul, modifications, repairs, and inspections on of any aircraft, or aeronautical product under the AOC provided:

(1) It is performed under a maintenance system, acceptable to the State of Registry, that is equivalent to that of an AMO established in accordance with Part 6 of these regulations, and

(2) It is performed in accordance with the approved AOC holder's operations specifications

(i) An AOC holder using a maintenance system acceptable to the State of Registry or an equivalent to that of an AMO that wishes to approve for return to service, after major repairs or major modifications, an aircraft registered in Sint Maarten shall use a current and valid licensed AMT with an airframe and powerplant rating and shall be qualified in accordance with Part 2 of these regulations and following procedures acceptable to the State of Registry.

(c) Each AOC holder shall, promptly upon completion, prepare a report of each major modification or major repair of an, aircraft or aeronautical product.

(d) The AOC holder shall submit to the Authority a copy of each report of a major modification and shall keep available for inspection a copy of each report of a major repair.

(e) The Authority issuing an approval for the design of a modification, repair or replacement part shall do so on the basis of satisfactory evidence that the aircraft is in compliance with airworthiness requirements used for the issuance of the Type Certificate, its amendments or later requirements when determined by the State of Registry.

9.5.1.12 AIRCRAFT MAINTENANCE PROGRAMME

(a) Each AOC holder's aircraft maintenance programme and any subsequent amendment shall be submitted to the State of Registry for approval; acceptance by the Authority of Sint Maarten will be conditioned upon prior approval by the State of Registry, or where appropriate, upon the AOC holder complying with recommendations provided by the State of Registry.

(b) The Authority of Sint Maarten will require an AOC holder to include a reliability programme when the Authority determines that such a reliability programme is necessary. When such a

determination is made by the Authority the AOC holder shall provide such procedures and information in the AOC holder's MCM.

(c) Each AOC holder shall ensure that each of its aircraft is maintained in accordance with the AOC holder's approved maintenance programme as required by 9.5.1.2 of this part, which shall include—

(1) Maintenance tasks and the intervals in which these are to be performed, taking into account the anticipated utilization of the aircraft;

(2) When applicable, a continuing structural integrity programme;

(3) Procedures for changing or deviating from paragraphs 9.5.1.12 (c)(1) and (2) of this subsection and

(4) When applicable, condition monitoring a reliability programme for aircraft systems, components, and powerplants.

(d) The design and application of the AOC holder's maintenance programme shall observe Human Factors principles.

(e) Repetitive maintenance tasks that are specified in mandatory intervals as a condition of approval of the type design shall be identified as such.

Note: The maintenance programme should be based on maintenance programme information made available by the State of Design or by the organization responsible for the type design, and any additional applicable experience.

(f) No AOC holder may provide for use by its personnel in commercial air transport a Maintenance Programme or portion thereof that has not been reviewed and approved for the AOC holder by the Authority of Sint Maarten.

(g) Approval by the Authority of an AOC holder's maintenance programme and any subsequent amendments shall be noted in the operations specification certificate pursuant to paragraph 9.2.1.3(c) of this part

(h) Each AOC holder shall have an inspection programme and a programme covering other maintenance, overhaul, modifications, repairs, and inspections to ensure that—

(1) Maintenance, overhaul, modifications, repairs, and inspections performed by it, or by other persons, are performed in accordance with the AOC holder's MCM;

(2) Each aircraft returned to service is airworthy and has been properly maintained for operation.

(i) The Authority may amend any specifications issued to an AOC holder to permit deviation from those provisions of this Subpart that would prevent the return to service and use of aeronautical products because those items have been maintained, modified, or inspected by persons employed outside Sint Maarten who do not hold a Sint Maarten technician's license. Each AOC holder that is granted authority under this deviation shall provide for surveillance of facilities and practices to ensure that all work performed on these products is accomplished in accordance with the AOC holder's MCM.

9.5.1.13 RELIABILITY PROGRAMME

(a) A maintenance programme for each aeroplane shall contain when applicable, condition monitoring and reliability programme descriptions for aircraft systems, components and powerplants.

(b) A reliability programme shall be developed for the aircraft maintenance programme if the

maintenance programme is based upon Maintenance Steering Groups logic, that include condition monitored components, or that does not contain overhaul time periods for all significant system components.

(c) A reliability programme need not be developed for aircraft not considered as large aircraft or that contain overhaul time periods for all significant aircraft system components.

(d) The purpose of a reliability programme is to ensure that the aircraft maintenance programme tasks are effective and their periodicity is adequate.

(e) A reliability programme may result in the escalation or deletion of maintenance tasks, as well as de-escalation or addition of maintenance tasks.

(f) A reliability programme provides an appropriate means of monitoring the effectiveness of the maintenance programme.

9.5.1.14 AUTHORITY TO PERFORM AND APPROVE MAINTENANCE, OVERHAUL, MODIFICATIONS, REPAIRS, AND INSPECTIONS

(a) An AOC holder that is not certificated as an AMO may perform maintenance, overhaul, modifications, repairs, inspections, and approvals for return to service of any aircraft or, aeronautical product, if approved by the State of Registry of the aircraft and listed in the operations specifications, as provided in its maintenance programme, and accepted by the State of the Operator.

(b) An AOC holder may make arrangements with an appropriately rated AMO for the performance of maintenance, overhaul, modifications, repairs, and inspections of any aircraft or aeronautical product, as provided in its maintenance programme and MCM. The activities listed shall be performed by an AMO approved by the State of Registry or approved by another Authority that is accepted by the State of Registry.

(c) An AOC holder that is not certified as an AMO shall use an appropriately licensed and rated person in accordance with Part 2 of these regulations, as appropriate, to approve for the return to service any maintenance, overhaul, modifications, repairs, and inspection of any aircraft or aeronautical product after performing or supervising in accordance with technical data approved by the State of Registry. The activities listed shall be performed by a person licensed by the State of Registry.

9.5.1.15 LICENCE REQUIREMENTS FOR A TECHNICIAN —AOC HOLDER USING EQUIVALENT SYSTEM

(a) Each person who is directly in charge of the maintenance, overhaul, modification or repair or of or aeronautical product and each person who performs required inspections and approves for return to service the work performed shall be an appropriately licensed and rated technician or repair specialist in accordance with SMCAR Part 2, as appropriate, and shall be acceptable to the Authority. The activities listed shall be performed by a person licensed by the State of Registry.

(b) A person who is directly in charge shall be on site and need not physically observe and direct each worker constantly, but shall be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

9.5.1.16 REST AND DUTY LIMITATIONS FOR PERSONS PERFORMING MAINTENANCE FUNCTIONS ON AOC HOLDER AIRCRAFT

(a) No person may assign, nor shall any person perform maintenance functions for aircraft certificated for commercial air transport, unless that person has had a minimum rest period of 8 hours prior to the beginning of duty.

(b) No person may schedule a person performing maintenance functions for aircraft certificated for commercial air transport for more than 12 consecutive hours of duty.

(c) In situations involving unscheduled aircraft unserviceability, persons performing maintenance functions for aircraft certificated for commercial air transport may be continued on duty for—

(1) Up to 16 consecutive hours; or

(2) 20 hours in 24 consecutive hours.

(d) Following unscheduled duty periods, the person performing maintenance functions for aircraft shall have a mandatory rest period of 10 hours.

(e) The AOC holder shall relieve the person performing maintenance functions from all duties for 24 consecutive hours during any 7 –consecutive- day period.

9.6 AOC SECURITY MANAGEMENT

9.6.1.1 APPLICABILITY

(a) This subpart provides those certification requirements that apply to the AOC holder's protection of aircraft, facilities and personnel from unlawful interference.

9.6.1.2 SECURITY REQUIREMENTS

(a) Each AOC holder shall ensure that all appropriate personnel are familiar with, and comply with, the relevant requirements of the national security programmes of the State of the operator.

9.6.1.3 SECURITY TRAINING PROGRAMMES

(a) Each AOC holder shall establish, maintain and conduct approved security training programmes that enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur.

(b) Each AOC holder that is responsible for aerodrome screening of passengers, baggage, and cargo shall include screening training in its security training programme.

(c) Each AOC holder's security training programme shall include the items as listed in 8.10.1.11 of these regulations.

Note: If the AOC is responsible for airport screening of passengers, baggage and cargo, then screening training must be included in the security training programme.

9.6.1.4 REPORTING ACTS OF UNLAWFUL INTERFERENCE

(a) Following an act of unlawful interference on board an aircraft the PIC or, in the PIC's absence, the AOC holder shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator.

9.6.1.5 AIRCRAFT SEARCH PROCEDURE CHECKLIST

(a) Each AOC holder shall ensure that all its aircraft carry a checklist of the procedures to be followed for that of type aircraft in searching for concealed weapons, explosives, or other dangerous devices.

(b) The aircraft search procedure checklist shall be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and by information on the least-risk bomb location specific to the aircraft.

9.6.1.6 FLIGHT CREW COMPARTMENT DOORS, IF INSTALLED—SECURITY PROCEDURES

(a) The flight crew compartment door on a passenger-carrying aircraft shall be capable of being locked from within the compartment in order to prevent unauthorized access.

(b) Each AOC holder shall have an approved means by which the cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(c) All passenger carrying aeroplanes shall be equipped with an approved flight crew compartment door, where practicable, that is designed to resist penetration by small arms fire and grenade shrapnel and to resist forcible intrusion by unauthorized persons. This door shall be capable of being locked and unlocked from either pilot's station.

(1) The door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and

(2) Means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behavior or potential threat.

9.6.1.7 FLIGHT CREW COMPARTMENT DOORS, LARGE AEROPLANES—SECURITY PROCEDURES

(a) All aeroplanes with a maximum certificated take-off mass in excess of 45 500 kg or with a passenger seating capacity greater than 60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms fire and grenade shrapnel, and to resist forcible intrusions by unauthorized persons. This door shall be capable of being locked and unlocked from either pilot's station.

(1) The door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and

(2) Means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behavior or potential threat.

9.6.1.8 CARRIAGE OF WEAPONS

(a) Where an operator accepts the carriage of weapons removed from passengers, the aeroplane shall have provision for stowing such weapons in a place so that they are not accessible to any person during flight time.

9.7 AOC DANGEROUS GOODS MANAGEMENT

Note 1: The carriage of dangerous goods is included in the scope of the operator's SMS.

9.7.1.1 APPLICABILITY

(a) This subpart provides those certification requirements that apply to the management and transport of dangerous goods by air.

9.7.1.2 APPROVAL TO TRANSPORT DANGEROUS GOODS

(a) No AOC holder may transport dangerous goods unless given specific approval to do so by the Authority.

9.7.1.3 SCOPE

(a) Each AOC holder shall comply with the provisions contained in the ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air, hereinafter referred to as "Technical Instructions" on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside the territory of Sint Maarten. Where dangerous goods are to be transported outside the territory of Sint Maarten, the AOC holder shall review and comply with the appropriate variations noted by contracting states contained in Attachment 3 to the Technical Instructions.

(b) Articles and substances that would otherwise be classified as dangerous goods are excluded from the requirements of this subpart, to the extent specified in the Technical Instructions, provided they are—

(1) Required to be on aboard the aircraft for operating reasons;

(2) Carried as catering or cabin service supplies;

(3) Carried for use in flight as a veterinary aid or as a humane killer for an animal; or

(4) Carried for use in flight for medical aid for a patient, provided that—

(i) Gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;

(ii) Drugs, medicines and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;

(iii) Equipment containing wet cell batteries is kept and, when necessary secured, in an upright position to prevent spillage of the electrolyte; and

(iv) Proper provision is made to stow and secure all the equipment during take-off and landing and at all other times when deemed necessary by the PIC in the interests of safety; or

(v) They are carried by passengers or crewmembers.

(c) Articles and substances intended as replacements for those described in paragraph 9.7.1.3 (b)(1) of this subsection shall be transported on an aircraft as specified in the Technical Instructions.

9.7.1.4 LIMITATIONS ON THE TRANSPORT OF DANGEROUS GOODS

(a) Each AOC holder shall take all reasonable measures to ensure that articles and substances that are specifically identified by name or generic description in the Technical Instructions as being forbidden for transport under any circumstances are not carried on any aircraft.

(b) Each AOC holder shall take all reasonable measures to ensure that articles and substances or other goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances or infected live animals are transported only when—

(1) They are exempted by the States concerned under the provisions of the Technical Instructions; or

(2) The Technical Instructions indicate that they may be transported under an approval issued by the State of Origin.

9.7.1.5 CLASSIFICATION

(a) Each AOC holder shall ensure that articles and substances are classified as dangerous goods as specified in the Technical Instructions.

9.7.1.6 PACKAGINGS

(a) Each AOC holder shall ensure that dangerous goods are packaged as specified in the Technical Instructions.

(b) Packagings used for the transport of dangerous goods by air shall:

(1) Be of good quality and shall be constructed and securely closed so as to prevent leakage that might be caused in normal conditions of transport, by vibration, or by changes in temperature, humidity or pressure:

(2) Be suitable for the contents. Packagings in direct contact with dangerous goods shall be resistant to any chemical or other action of such goods;

(3) Meet the material and construction specifications in the Technical Instructions: and

(4) Be tested in accordance with the provisions of the Technical Instructions.

(c) Packagings for which retention of a liquid is a basic function, shall be capable of withstanding, without leaking, the pressure stated in the Technical Instructions.

(d) Inner packaging shall be so packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the outer packaging(s) during normal conditions of air transport. Cushioning and absorbent materials shall not react dangerously with the contents of the packagings.

(e) No packaging shall be reused until it has been inspected and found free from corrosion or other damage. Where a packaging is re-used, all necessary measures shall be taken to prevent contamination of subsequent contents.

(f) If because of the nature of their former contents, uncleaned empty packagings may present a hazard, they shall be tightly closed and treated according to the hazard they constitute.

(g) No harmful quantity of a dangerous substance shall adhere to the outside of packagings.

9.7.1.7 LABELING AND MARKING

(a) Each AOC holder shall ensure that packagings, overpacks and freight containers are labeled as specified in the Technical Instructions.

(b) Each AOC holder shall ensure that packagings, overpacks and freight containers are marked with:

(1) The proper shipping name of its contents;

(2) The United Nations number, when assigned, and

(3) Other such markings as may be specified in the Technical Instructions.

(c) Each AOC holder shall ensure that packagings manufactured to a specification contained in the Technical Instructions shall be so marked in accordance with the Technical Instructions.

(d) Where dangerous goods are carried on a flight that takes place wholly or partly outside the territory of Sint Maarten, the AOC holder shall ensure that labeling and marking are in the English language in addition to any other language requirements.

9.7.1.8 DANGEROUS GOODS TRANSPORT DOCUMENT

(a) Each AOC holder shall ensure that, except when otherwise specified in the Technical Instructions, dangerous goods are accompanied by a dangerous goods transport document.

(b) Where dangerous goods are carried on a flight that takes place wholly or partly outside the territory

of Sint Maarten, the AOC holder shall ensure that the English language is used for the dangerous goods transport document in addition to any other language requirements.

9.7.1.9 ACCEPTANCE OF DANGEROUS GOODS

(a) No AOC holder may accept dangerous goods for transport until the packaging, overpack or freight container has been inspected in accordance with the acceptance procedures in the Technical Instructions.

(b) Each AOC holder, or its handling agent, shall use an acceptance check list that:

(1) Shall allow for all relevant details to be checked; and

(2) Shall be in such a form as will allow for the recording of the results of the acceptance check by manual, mechanical or computerized means.

(c) Each designated postal operator shall have the procedure for controlling the introduction of dangerous goods in mail into air transport approved by the Authority where the mail is accepted.

9.7.1.10 INSPECTION FOR DAMAGE, LEAKAGE OR CONTAMINATION

(a) Each AOC holder shall ensure that:

(1) Packagings, overpacks and freight containers are inspected for evidence of leakage or damage immediately prior to loading on an aircraft or into a ULD, as specified in the Technical Instructions.

(2) A ULD is not loaded on an aircraft unless it has been inspected as required by the Technical Instructions and has been found free from any evidence of leakage from, or damage to, the dangerous goods contained therein.

(3) Leaking or damaged packagings, overpacks or freight containers are not loaded on an aircraft.

(4) Any packaging of dangerous goods that is found on an aircraft and appears to be damaged or leaking is removed or arrangements made for its removal by an appropriate authority or organization.

(5) After removal of any leaking or damaged goods, the remainder of the consignment is inspected to ensure it is in a proper condition for transport and that no damage or contamination has occurred to the aircraft or its load; and

(6) Packagings, overpacks and freight containers are inspected for signs of damage or leakage upon unloading from an aircraft or a ULD and, if there is evidence of damage or leakage, the area where the dangerous goods were stowed is inspected for damage or contamination.

9.7.1.11 REMOVAL OF CONTAMINATION

(a) Each AOC holder shall ensure that—

(1) Any contamination found as a result of the leakage or damage of dangerous goods is removed without delay; and

(2) An aircraft that has been contaminated by radioactive materials is immediately taken out of service and not approved for return to service until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

9.7.1.12 LOADING RESTRICTIONS AND STOWAGE OF DANGEROUS GOODS

(a) Each AOC holder shall ensure that packagings and overpacks containing dangerous goods and freight containers containing radioactive materials are loaded and stowed in accordance with the Technical Instructions.

(1) Passenger Cabin and Flight Deck. Each AOC holder shall ensure that dangerous goods are not carried in an aircraft cabin occupied by passengers or on the flight deck, unless otherwise specified in the Technical Instructions.

(2) Cargo Compartments. Each AOC holder shall ensure that dangerous goods are loaded, segregated, stowed and secured on an aircraft as specified in the Technical Instructions.

(3) Dangerous Goods Designated for Carriage Only on Cargo Aircraft. Each AOC holder shall ensure that packagings of dangerous goods bearing the "Cargo Aircraft Only" label are carried on a cargo aircraft and loaded as specified in the Technical Instructions, and in a manner that a crew member or other authorised person can see, handle and, where size and weight permit, separate such packagings from other cargo in flight.

(b) Packagings containing dangerous goods shall be separated when stowing as follows:

(1) Those packagings containing dangerous goods that may react dangerously with other packagings shall not be stowed next to each other, on an aircraft, or in aposition that may allow interaction between them in the event of a leakage.

(2) Those packagings containing toxic and infectious substances shall be stowed on an aircraft in accordance with the Technical Instructions.

(3) Those packagings containing radioactive materials shall be stowed on an aircraft so that they are separated from persons, live animals and undeveloped film, and secured in flight in accordance with the Technical Instructions.

(c) The AOC holder shall protect and secure any dangerous goods in such a manner that will prevent any movement in flight that might change the orientation of the packagings.

9.7.1.13 PROVISION OF INFORMATION

(a) *Information to Ground personnel*. Each AOC holder shall ensure that:

(1) Information is provided to enable ground personnel to carry out their duties with regard to the transport of dangerous goods, including the actions to be taken in the event of incidents and accidents involving dangerous goods; and

(2) Where applicable, the information referred to in paragraph 9.7.1.13 (a)(1) of this subsection is also provided to the handling agent.

(b) *Information to Passengers*. Each AOC holder shall ensure that information is promulgated as required by the Technical Instructions so that passengers are warned as to the types of goods that they are forbidden from transporting on aboard an aircraft.

(c) *Information to Shippers*. Each AOC holder shall ensure that information is promulgated as required by the Technical Instructions so that shippers of dangerous goods are provided with the information as required by the Technical Instructions to enable them to carry out their responsibilities with regard to the transport of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods.

(d) *Information to Acceptance Points Personnel*. Each AOC holder and, where applicable, the

handling agent shall ensure that notices are provided at acceptance points for cargo giving information about the transport of dangerous goods, including the actions to be taken in the event of emergencies arising involving dangerous goods.

(e) *Information to Crew Members*. Each AOC holder shall ensure that information is provided in the OM to enable crew members to carry out their responsibilities with regard to the transport of dangerous goods, including the actions to be taken in the event of emergencies arising involving dangerous goods.

(f) *Information to the PIC.* Each AOC holder shall ensure that the PIC is provided, as early as is practicable before the departure of the flight, with written information, as specified in the Technical Instructions.

(g) *Information in the Event of an In-Flight Emergency*. If an in-flight emergency occurs, the PIC shall, as soon as the situation permits, inform the appropriate ATS unit, for the information of the aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in the Technical Instructions.

(h) *Information in the Event of an Aircraft Incident or Accident*. Each AOC holder that is involved in an aircraft incident or accident shall:

(1) As soon as possible, inform the appropriate authority of the State in which the aircraft incident or accident occurred of any dangerous goods carried; and

(2) On request, provide any information required to minimize the hazards created by any dangerous goods carried.

9.7.1.14 DANGEROUS GOODS TRAINING PROGRAMME AND MANUAL

(a) Each AOC holder shall have a dangerous goods training programme approved by the Authority, whether or not the AOC holder is approved to transport dangerous goods.

(b) Crew members, passenger-handling personnel, and security personnel employed by the AOC holder that deal with the screening of passengers and their baggage and cargo shall receive initial and recurrent training that covers at a minimum, the areas identified in Part 8 of these regulations to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify dangerous goods, and what requirements apply to the carriage of such goods by passengers.

(c) At a minimum, the dangerous goods training programme shall include the items as listed in 8.10.1.10 of these regulations.

(d) The AOC holder shall provide such information in the OM as will enable the flight crew to carry out its responsibilities with regard to the transport of dangerous goods and shall provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

9.7.1.15 DANGEROUS GOODS INCIDENT AND ACCIDENT REPORTS

(a) Each AOC holder shall report dangerous goods incidents and accidents to the Authority within 72 hours of the events, unless exceptional circumstances prevent this.

(b) Each AOC holder shall report undeclared or misdeclared dangerous goods discovered in cargo or passenger's baggage to the Authority within 72 hours of the discovery unless exceptional circumstances prevent this.

9.7.1.16 SHIPPER'S RESPONSIBILITIES

(a) No person shall offer a packaging, overpack or freight container containing dangerous goods for

shipment by air unless that person has, in accordance with the Technical Instructions, ensured that the dangerous goods are:

(1) Properly classified, packed, marked, and labelled and in the proper condition for transport by air in accordance with the relevant regulations; and

(2) Accompanied by a properly executed dangerous good transport document.

(b) In completing the dangerous goods transport document for the AOC holder, the shipper shall, in accordance with the Technical Instructions and any other regulations of Sint Maarten:

(1) Declare that the dangerous goods are fully and accurately described by their proper shipping names;

(2) Declare that the dangerous goods are classified, packed, marked and labelled and in the proper condition for transport;

(3) Complete the form in both the language of Sint Maarten and in English when the dangerous goods are to be carried either wholly or partly outside Sint Maarten; and

(4) Sign the form.

9.7.1.17 DANGEROUS GOODS SECURITY PROVISIONS

(a) Each shipper and operator and other persons engaged in the transport of dangerous goods by air shall establish security measures, consistent with these regulations, to minimize theft or misuse of dangerous goods that may endanger persons, property or the environment.

9.8 CARGO COMPARTMENT SAFETY

9.8.1.1 TRANSPORT OF ITEMS IN THE CARGO COMPARTMENT

(a) The AOC holder shall establish policy and procedures for the transport of items in the cargo compartment, which include the conduct of a specific safety risk assessment. The risk assessment shall include at least the:

(1) Hazards associated with the properties of the items to be transported;

(2) Capabilities of the operator;

(3) Operational considerations (e.g., area of operations, diversion time);

(4) Capabilities of the aeroplane and its systems (e.g., cargo compartment fire suppression capabilities);

(5) Containment characteristics of ULDs;

(6) Packing and packaging;

(7) Safety of the supply chain for items to be transported; and

(8) Quantity and distribution of dangerous goods items to be transported.

Note 1: Additional operational requirements for the transport of dangerous goods are contained in 9.7 of this part.

9.8.1.2 FIRE PROTECTION

(a) The elements of the cargo compartment(s) fire protection system as approved by the State of Design or State of Registry, and a summary of the demonstrated cargo compartment fire protection

certification standards, shall be provided in the AFM or other documentation supporting the operation of the aeroplane.

(b) The AOC holder shall establish policy and procedures that address the items to be transported in the cargo compartment. These shall ensure to a reasonable certainty that in the event of a fire involving those items, it can be detected and sufficiently suppressed or contained by the elements of the aeroplane design associated with cargo compartment fire protection, until the aeroplane makes a safe landing.

(c) Each cargo compartment within aircraft operated by AOC holders shall be equipped with a built-in fire detection system, and a means to suppress a fire, except when the presence of a fire would be easily discovered by a crew member while at the crew member's station and the crew member has a means to extinguish it rapidly.

(d) The means to suppress a fire for each cargo compartment not accessible to a crew member shall include a built-in fire suppression system.

(e) For aeroplanes of a maximum certificated take-off mass in excess of 45 000 kg or with a passenger seating capacity greater than 60, cargo compartment fire suppression systems, including their extinguishing agents, shall be designed so as to take into account a sudden and extensive fire such as could be caused by an explosive or incendiary device.

(f) For those aeroplanes for which the individual certificate of airworthiness is first issued on or after 1 January 2025, the elements of the aeroplane design associated with cargo compartment fire protection, and a summary of the demonstrated standards that were considered in the process of aeroplane certification, shall be included in the required aeroplane documentation and made available to the operator.

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SINT MAARTEN CIVIL AVIATION REGULATIONS

PART 9 — IMPLEMENTING STANDARDS

2024

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PART 9 — IMPLEMENTING STANDARDS

IS 9.2.1.3(B) CONTENTS OF AN AOC

The AOC will be based on the following template:

<table>
<tr><th colspan="3">AIR OPERATOR CERTIFICATE</th></tr>
<tr><td rowspan="2">1</td><td>[State of the Operator][1]</td><td rowspan="2">2</td></tr>
<tr><td>[Issuing Authority][3]</td></tr>
<tr><td rowspan="4">AOC#: [4]

Expiry date: [5]</td><td>Operator name: [6]</td><td rowspan="4">Operational points of contact: [10]
Contact details, at which operational management can be contacted without undue delay, are listed in_____.[11]</td></tr>
<tr><td>DBA trading name: [7]</td></tr>
<tr><td>Operator address: [8]</td></tr>
<tr><td>Telephone: [9]</td></tr>
<tr><td colspan="2">This certificate certifies that _____[12] is authorized to perform commercial air transport operations, as defined in the attached operations specifications, in accordance with the Operations Manual and the _____.[13]</td><td>Facsimile:</td></tr>
<tr><td colspan="2">Date of issue[14]:</td><td>E-mail:</td></tr>
<tr><td colspan="3">Name and signature[15]:

Title:</td></tr>
</table>

Description of numbers

1. *Replace with the name of the State of the Operator.*
2. *For use by the State of the Operator.*
3. *Replace with the identification of the Issuing Authority of the State of the Operator.*
4. *Insert the unique AOC number, as issued by the State of the Operator.*
5. *Insert the date after which the AOC ceases to be valid (dd-mm-yyyy).*
6. *Insert the operator's registered name.*
7. *Insert the operator's trading name, if different from its registered name. Insert "DBA" before the trading name (for "doing business as").*
8. *Insert the operator's principal place of business address.*
9. *Insert the operator's principal place of business telephone and facsimile details, including the country code. Provide the operator's email, if available.*

10. Insert the contact details. Include the telephone and facsimile numbers, including the country code, and the email address (if available) at which 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.

11. Insert the controlled document, carried on board, in which the contact details are listed, with the appropriate paragraph or page reference (e.g., "Contact details are listed in the OM. Gen/Basic, Chapter 1, 1.1" or "… are listed in the operations specifications, page 1" or "… are listed in an attachment to this document").

12. Insert the operator's registered name.

13. Insert references to the appropriate regulations.

14. Insert the issuance date of the AOC (dd-mm-yyyy).

15. Insert the name, signature, and title of the Authority representative. In addition, an official stamp may be applied on the AOC (identification of the Issuing Authority of the State of the Operator).

IS 9.2.1.3(C) CONTENTS OF OPERATIONS SPECIFICATIONS

The operations specifications layout shall be as follows:

OPERATIONS SPECIFICATIONS

(subject to the approved conditions in the Operations Manual)

Issuing Authority Contact Details[1]

Telephone:	Facsimile:	E-mail:	
AOC#[2]:	Operator name[3]:	Date[4]:	Signature:
DBA trading name:			
Aircraft model[5]:			

Types of Operation: □Passengers □Cargo □Other[6]:				
Area of operation[7]:				
Special Limitations[8]:				
Special approval:	**Yes**	**No**	**Description9**	**Remarks**
Dangerous goods	□	□		
Low visibility operations				
Approach and landing	□	□	CAT[10]: ____, RVR: _____m,DH: ___ft	
Take-off	□	□	RVR[11]: _____m	
Operational credit(s)	□	□	12	
RVSM[13] □ N/A	□	□		
EDTO[14] □N/A	□	□	Threshold time[15] : ____ minutes Maximum diversion time[15]: __ minutes	
AR navigation specifications for PBN Operations	□	□	[16]	

Continuing airworthiness	**X**	**X**	[17]	
EFB	**X**	**XD**	[18]	
Other[9]	□	□		

IS: 9.3.2.2 MANAGEMENT PERSONNEL REQUIRED FOR COMMERCIAL AIR TRANSPORT OPERATIONS

(a) Each AOC holder shall make arrangements to ensure continuity of supervision if operations are conducted in the absence of any required management personnel.

(b) Required management personnel shall be contracted to work sufficient hours such that the management functions are fulfilled.

(c) A person serving in a required management position for an AOC holder may not serve in a similar position for any other AOC holder, unless an exemption is issued by the Authority.

(d) The minimum initial qualifications for a Director of Operations are—

(1) An ATPL; and

(2) 3 years' experience as PIC in commercial air transport operations—

(i) Of large aircraft if the AOC holder operates large aircraft, or

(ii) Of either large or small aircraft if the AOC holder operates only small aircraft.

(e) The minimum qualifications for a chief pilot are—

(1) An ATPLL with the appropriate ratings for at least one of the aircraft used in the AOC holder's operations; and

(2) 3 years' experience as PIC in commercial air transport operations—

(i) In large aircraft if the AOC holder operates large aircraft, or

(ii) In either large or small aircraft if the AOC holder operates only small aircraft.

Note: The Authority may accept a commercial pilot license with instrument rating in lieu of the ATPL if the PIC requirements for the operations conducted require only a commercial certificate.

(f) The minimum qualifications for a Director of Maintenance are—

(1) An AMT license with airframe and powerplant ratings;

(2) 3 years' experience in maintaining the same category and class of aircraft used by the AOC holder including 1 year in the capacity of returning aircraft to service; and

(3) 1 year of supervisory experience maintaining the same category and class of aircraft used by the AOC holder.

(g) The minimum qualifications for a chief inspector are—

(1) An AMT license with airframe and powerplant ratings;

(2) 3 years experience in maintaining the same category and class of aircraft used by the AOC holder including 1 year in the capacity of returning aircraft to service.

(h) (h) An AOC holder may employ a person who does not meet the appropriate airman

qualifications or experience if the Authority issues an exemption finding that that person has comparable experience and can effectively perform the required management functions.

IS: 9.3.2.3 QUALITY SYSTEM

(a) In order to show compliance with 9.3.2.3 of this part, an AOC holder shall establish its quality system in accordance with the instruction and information contained in the following paragraphs.

1.0. General.

1.1 Terminology.

1.1.1 The terms used in the context of the requirement for an operator's quality system have the following meaning:

(a) **Accountable Manager**. The person acceptable to the Authority who has corporate authority for ensuring that all operations and maintenance functions can be financed and performed to the standard required by the Authority, and any additional requirements defined by the operator.

(a) **Quality assurance**. Quality assurance, as distinguished from quality control, involves activities in the business, systems, and technical audit areas. A set of predetermined, systemic actions which are required to provide adequate confidence that a product or service satisfies quality requirements.

1.2 Purpose of the Quality System.

1.2.1 The quality system shall enable an operator to monitor compliance with these regulations, the operator's manual system, and any other standards specified by the operator, or the Authority, to ensure safe operations and airworthy aircraft and aeronautical products

1.3 Organizational Structure.

1.3.1 The operator may specify the basic structure of the quality system according to the size and complexity of the operation to be monitored.

1.3.2 References to large and small operators elsewhere in these regulations are governed by aircraft capacity (i.e., more or less than 20 seats) and by mass (i.e., greater or less than 10 000 kg (10 tonnes) maximum certificated take-off mass). Such terminology is not relevant when considering the scale of an operation and the quality system required. In **the context of** quality systems, therefore, operators shall be categorized according to the number of full-time personnel.

1.3.3 An operator shall be categorized according to the number of full-time personnel. Operators that employ 5 or fewer full-time employees are considered to be "very small" operations, while those employing between 6 and 20 full-time employees are regarded as "small" operations, as far as quality systems are concerned. Full time in this context means employed for not less than 35 hours per week, excluding vacation periods.

1.3.4 Complex quality systems may be inappropriate for a small or very small operation, and the clerical effort required to develop manuals and quality procedures for a complex system may stretch that operator's resources. It is therefore accepted that such an operator may tailor its quality system to suit the size and complexity of the operation and allocate resources accordingly.

1.3.5 For small and very small operators, it may be appropriate to develop a quality assurance programme that employs a checklist. The checklist shall have a supporting schedule that requires completion of all checklist items within a specified timescale, together with a statement

acknowledging completion of a periodic review by top management. An occasional independent overview of the checklist content and achievement of the quality assurance should be undertaken.

1.3.6 A small operator may decide to use internal or external auditors or a combination of the two. In these circumstances it would be acceptable for external specialists and/or qualified organizations to perform the quality audits on behalf of the quality manager.

1.4 Scope.

1.4.1 As a minimum, the quality system shall address the following:

(a) Relevant terminology;

(b) The applicable requirements of these regulations;

(c) Any additional standards and practices of the operator;

(d) A description of the operator, including the operational structure;

(e) Identification of those persons responsible for the development, establishment, and management of the quality assurance programme, including a description of their duties and responsibilities;

(f) Relevant portions of manuals, reports, and records, including a distribution list of all controlled copies;

(g) The operator's quality policy;

(h) Quality procedures;

(i) A quality assurance programme, including:

(1) The schedule of the monitoring process;

(2) Audit procedures;

(3) Reporting procedures;

(4) Follow-up and corrective action procedures; and

(5) A recording system.

(j) The required financial, material, and human resources; and

(k) Training requirement

1.5 Safety Attributes**.**

1.5.1 Where appropriate, an operator shall incorporate the following safety attributes into its policies, procedu5res, and processes:

(a) Authority:

(b) Responsibility;

(c) Procedures;

(d) Controls;

(e) Process measurements; and

(f) Interfaces.

1.6 Relevant Documentation

1.6.1 The required quality system may be documented in the OM or in a separate Quality Manual. In either instance, the documentation shall:

(a) Contain instructions and information to allow the personnel concerned to perform their duties with a high degree of safety;

(b) Be easy to revise;

(c) Allow personnel to determine the current revision status;

(d) Have the date of the last revision on each page;

(e) Not be contrary to any applicable regulation or the operator's operations specifications; and

(f) Reference applicable regulations.

1.6.2 Each document defined within the structure of an operator's quality system shall be subject to document control. Document control procedures shall ensure that the documents are:

(a) Authorized;

(b) Adequate:

(c) Security classified;

(d) Standardized when completed;

(e) Revised and amended when required;

(f) Appropriately distributed;

(g) Appropriately stored;

(h) Periodically reviewed; and

(i) Appropriately disposed of.

1.7 Quality Policy

1.7.1 An operator shall establish a formal, written quality policy statement that is a commitment by the accountable manager as to what the quality system is intended to achieve.

1.7.2 The quality policy shall reflect initial and continued compliance with these regulations, the operator's manual system, and any additional requirements defined by the operator or the Authority.

1.7.3 The quality policy shall clearly define the operator's purpose, structure, principal and objectives, and all the services rendered by the operator.

1.8 Quality Management

1.8.1 With regard to the text in paragraph 9.3.2.2(a) of this part, the term "accountable manager" is intended to mean the chief executive/president/managing director/general manager, etc., of the operator's organization who, by virtue of that position, has overall responsibility (including financial) for managing the organization.

1.8.2 The accountable manager shall have overall responsibility for the operator's quality system, including the frequency, format, and structure of the internal management evaluation activities as prescribed in paragraph 2.11 of the IS.

1.8.3 The function of the quality manager is to monitor compliance with, and the adequacy of, procedures required to ensure safe practices and airworthy aircraft and aeronautical products as required by these regulations.

1.8.4 The quality manager shall be responsible for ensuring that the quality assurance programme is properly established, implemented, and maintained.

1.8.5 The quality manager shall:

(a) Report to the accountable manager;

(b) Not be one of the required management personnel; and

(C) Have access to all parts of the operation and, as necessary, to any contractor's or subcontractor's operation.

1.8.6 In the case of a very small or small operator, as defined in 1.3.3 of the IS, the positions of the accountable manager and quality manager may be combined.

1.9 Feedback System.

1.9.1 The quality system shall include a feedback system to the accountable manager to ensure that corrective action is identified and promptly addressed.

1.9.2 The feedback system shall specify who is required to rectify discrepancies and non-compliance in each particular case, and the procedure to be followed if corrective action is not completed within an appropriate timescale.

2.0 Quality Assurance Programme

2.1 Introduction.

2.1.1 The quality assurance programme shall include all planned and systematic actions necessary to provide confidence that operational and maintenance functions are conducted in accordance with all applicable requirements, standards, and procedures.

2.2 Quality Assurance Programme Plan.

2.2.1 An operator shall describe its quality assurance duties, responsibilities, and procedures in a programme plan.

2.2.2 Terms and elements defined in the plan shall be consistent with those outlined in the operator's manual system.

2.2.3 Copies of the programme plan shall be distributed to all personnel concerned.

2.2.4 Revisions shall be made as necessary to ensure the plan continues to reflect the operator's current quality assurance duties, responsibilities, and procedures.

2.3 Monitoring

2.3.1 The purpose of monitoring within the quality system is primarily to investigate and judge the effectiveness of the quality system and thereby to ensure that defined policy and operational and maintenance standards are continuously complied with.

2.3.2 Monitoring activity is based upon;

(a) Quality inspections;

(b) Quality audits;

(C) Correction action; and

(d) Follow-up.

2.3.3 The operator shall establish and publish a quality procedure to monitor regulatory compliance on a continuing basis. This monitoring activity shall be aimed at eliminating the causes of unsatisfactory performance.

2.3.4 Any non-compliance identified as a result of monitoring shall be communicated to the manager responsible for taking corrective action or, if appropriate, to the accountable manager, such non-compliance shall be recorded, for the purpose of further investigation, in order to determine the cause and to enable the recommendation of appropriate corrective action.

2.4 Quality Inspection.

2.4.1 The primary purpose of a quality inspection is to observe a particular event/action/document, etc. in order to verify whether established operational procedures and requirements are followed during the accomplishment of that event and whether the required standard is achieved.

2.4.2. Typical subject areas for quality inspections are:

(a) Actual flight operations;
(b) Ground deicing/anti-icing;
(c) Flight support services;
(d) Load control;
(e) Maintenance;
(f) Technical standards; and
(g) Training standards.

2.4.3 Typical methods used for quality inspections for maintenance include:

(a) Product sampling - the monitoring of a representative sample of aeronautical;
(b) Defect sampling - the monitoring of defect rectification performance;
(c) Concession sampling - the monitoring of any concession to not carry out maintenance on time;
(d) On time maintenance sampling - the monitoring of when (flying hours/ calendar time/flight cycles, etc.) aircraft and aeronautical are brought in for maintenance; and
(e) Sample reports of unairworthy conditions and maintenance errors on aircraft and components.

2.5 Quality Audit.

2.5.1 A quality audit is a systematic and independent examination to determine whether quality activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives

2.5.2 Audits shall include at least the following quality assurance procedures and processes:

(a) A statement explaining the scope of the audit;
(b) Planning and preparation;
(c) Gathering and recording evidence; and
(d) Analysis of the evidence.

2.5.3 Techniques that contribute to an effective audit are:

(a) Interviews or discussions with personnel;
(b) A review of published documents;
(c) The examination of an adequate sample of records;
(d) The witnessing of the activities that make up the operation; and
(e) The preservation of documents and the recording of observations.

2.6. Auditors.

2.6.1 An operator should decide, depending upon the complexity of the operations, whether to make use of a dedicated audit team or a single auditor. In any event, the auditor or audit team should have relevant operational and/or maintenance experience.

2.6.2 The responsibilities of the auditors should be clearly defined in the relevant documentation.

2.7 Auditor's Independence.

2.7.1 Auditors shall not have any day-to-day involvement in the area of the operation and/or maintenance activity that is to be audited. An operator may, in addition to using the services of full-time dedicated personnel belonging to a separate quality department, undertake the monitoring of specific areas or activities by the use of part-time auditors. An operator whose structure and size does not justify the establishment of full-time auditors, may undertake the audit function by the use of part-time personnel from within its own organization or from external sources under the terms of an agreement acceptable to the Authority. In all cases, the operator shall develop suitable procedures to ensure that persons directly responsible for the activities to be audited are not selected as part of the auditing team. Where external auditors are used, it is essential that any external specialist is familiar with the type of operation and/or maintenance conducted by the operator.

2.7.2 The operator's quality assurance programme shall identify the persons within the company who have the experience, responsibility and authority to:

(a) Perform quality inspections and audits as part of ongoing quality assurance;
(b) Identify and record any concerns or findings, and the evidence necessary to substantiate such concerns or findings;
(c) Initiate or recommend solutions to concerns or findings through designated reporting channels;
(d) Verify the implementation of solutions within specific timescales;
(e) Report directly to the quality manager.

2.8 Audit Scope.

2.8.1 An operator shall monitor compliance with the operational and maintenance procedures it has designed to ensure safe operations, airworthy aircraft and aeronautical products, and the serviceability of both operational and safety equipment. In doing so it shall, as a minimum and where appropriate, monitor:

(a) Plans and company objectives;
(b) Operational and maintenance procedures;
(c) Flight safety
(d) Operator's certification, including operations specifications;
(e) Supervision;
(f) Aircraft performance;

(g) All-weather operations;
(h) Mass, balance, and aircraft loading;
(i) Instruments and safety equipment;
(j) Manuals, logs, and records;
(k) Flight and duty time limitations, rest requirements, and scheduling;
(l) Aircraft maintenance – operations interface;
(m) Use of the MEL;
(n) Maintenance programmes and continuing airworthiness;
(o) AD management;
(p) Maintenance accomplishment;
(q) Defect deferral;
(r) Dangerous goods;
(s) Security; and
(t) Training

2.8.2 Whatever arrangements are made, an operator shall retain the ultimate responsibility for the quality system and for the completion and follow-up of corrective action.

2.9 Audit Scheduling

2.9.1 A quality assurance programme shall include a defined audit schedule and a periodic review cycle area by area.

2.9.2 An operator shall establish a schedule of audits to be completed during a specified calendar period. All aspects of the operation shall be reviewed within every 12-month period accordance with the quality assurance programme unless an extension to the audit period is accepted as explained below. An operator may increase the frequency of audits at its discretion but shall not decrease the frequency without the agreement of the Authority. Audit frequency shall not be decreased beyond a 24-month-period interval.

2.9.3 When an operator defines the audit schedule, significant changes to the management, operation, technologies, or these regulations shall be considered.

2.9.4 The schedule shall be flexible and shall allow unscheduled audits when trends are identified.

2.9.5 If the independent quality audit function is being conducted by external auditors, the audit schedule shall be shown in the relevant documentation.

2.10 Corrective Action and Follow-Up.

2.10.1 Corrective Action Plans

(a) The quality assurance programme shall include procedures to ensure that corrective action plans are developed in response to findings. These procedures shall monitor corrective actions to verify their effectiveness and ensure their completion. Operational responsibility and accountability for the implementation of corrective action shall reside with the department cited in the report identifying the finding. The accountable manager shall have the ultimate responsibility for resourcing the corrective action and ensuring, through the quality manager, that the corrective action and ensuring, through the quality manager, that the corrective action has re-established compliance with the requirements of the Authority and any additional requirements defined by the operator.

2.11 Management Evaluation.

2.11.1 A management evaluation is a comprehensive, systematic, documented review by management of the quality system and the operator's policies and procedures. The management evaluation shall consider;

(a) The results of quality inspections, audits, and any other indicators; and

(b) The overall effectiveness of the management organization in achieving stated objective

2.11.2 A management evaluation shall identify and correct trends and shall prevent, where possible, future nonconformities. Conclusion and recommendations made as a result of an evaluation shall be submitted in writing to the responsible manager for action. The responsible manager shall be a person who has the authority to resolve deficiencies or discrepancies and taken action.

2.11.3 The accountable manager shall decide upon the frequency, format, and structure of internal management evaluation activities.

2.12 Recording.

2.12.1 The operator shall maintain accurate, complete, and readily accessible records documenting the results of its quality assurance programme. Records are essential data that enable an operation to analyze and determine the root causes of non-compliance so that areas of non-compliance can be identified and addressed.

2.12.2 The following records shall be retained for a period of 5 years:

(a) Audit schedules;

(b) Quality inspection and audit reports;

(c) Special evaluation reports, including trends or other reasons associated with scheduling of special evaluation;

(d) Responses to findings or concerns contained in the reports;

(e) Corrective action plans and reports submitted in response to findings;

(f) Follow-up and closure reports; and

(g) Management evaluation reports.

2.12.3 An operator shall maintain and secure the records on its premises.

2.12.4 All records shall be made available to the Authority for review.

2.12.5 Proprietary information shall be protected in accordance with applicable laws and regulations

3.0 Quality Assurance Responsibility for Contractors

3.1 Contractors

3.1.1 An operator may decide to contract certain functions to external organizations for the provision of services related to areas such as:

(a) Ground de-icing/ anti-icing;

(b) Ground handling;

(c) Maintenance;

(d) Flight support (including performance calculations, flight planning Navigation database, and dispatch);

(e) Training; and

(f) Manual preparation.

3.1.2 The ultimate responsibility for the product or service provided by the subcontractor shall remain with the operator. A written agreement shall exist between the operator and the contractor clearly defining the safety-related services and quality to be provided. The contractor's safety-related activities relevant to the agreement shall be included in the operator's quality assurance programme

3.1.3 The operator shall ensure that the subcontractor has the necessary authorization or approval when required and the resource and competent personnel to undertake the task.

4.0 Quality-Related Briefings and Training

4.1 General.

4.1.1 An operator shall establish effective, well-planned, well-resourced, quality-related briefings for all personnel.

4.1.2 Those responsible for managing the quality system shall receive training covering:

(a) An introduction to the concept of the quality system;

(b) Quality management;

(c) The concept of quality assurance;

(d) Quality manuals;

(e) Audit techniques;

(f) Reporting and recording; and

(g) The way in which the quality system functions in the operation.

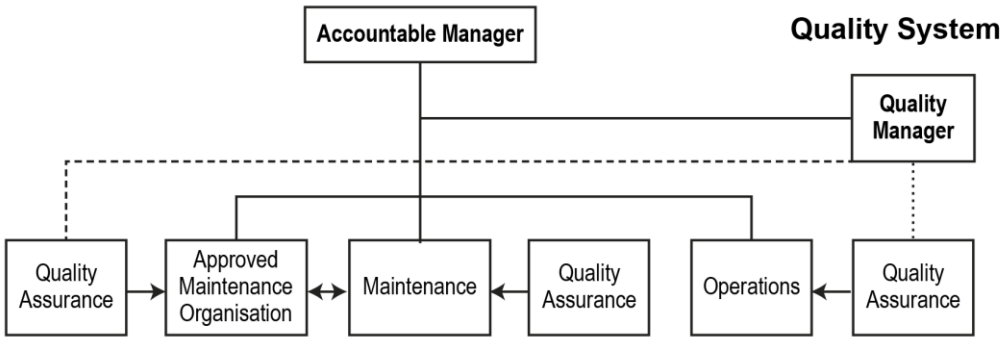
4.1.3 Time shall be provided to train every person involved in quality management and to brief those not responsibility for managing the quality system. The allocation of time and resources may be governed by the size and complexity of the operation.

4.2 Sources of Training.

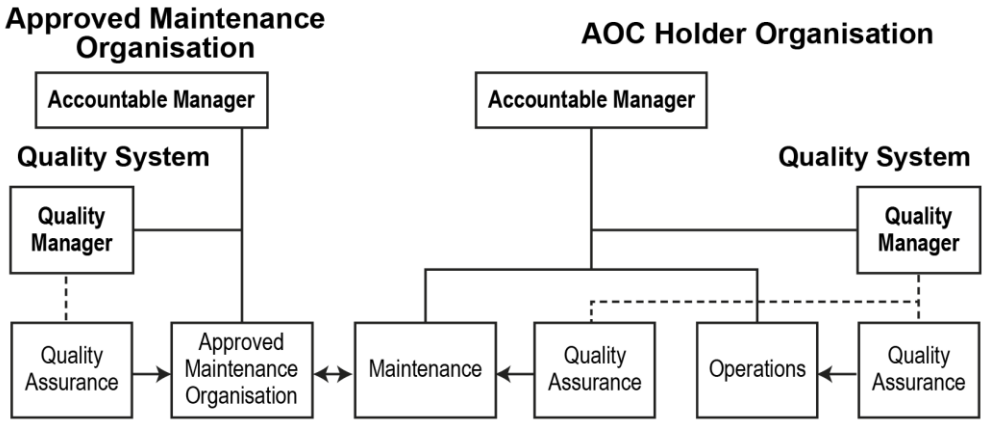
4.2.1 Quality management courses are available from the various National or International Standards Institutions, and an operator may consider whether to offer such courses to those likely to be involved in the management of quality systems. An operator with sufficient and appropriately qualified personnel may consider conducting in-house training.

(b) The following diagrams illustrate two typical examples of Quality organizations.

(a) A Quality System within the AOC holder's organization when the AOC holder also holds an approval for maintenance.



Quality Systems related to an AOC holder's organization where aircraft maintenance is contracted out to an AMO that is not integrated with the AOC holder.



IS: 9.3.2.5 RETENTION OF RECORDS

(a) An operator shall ensure that the following information or documentation is retained for the periods shown in the table below.

Table of Record Retention

Flight Crew Records	Retention Period
Flight, duty and rest time	2 years
License and medical certificate	Until 12 months after the flight crew member has left the employ of the operator
Ground and flight training (all types)	Until 12 months after the flight crew member has left the employ of the operator
Route and aerodrome/heliport qualification training	Until 12 months after the flight crew member has left the employ of the operator
Dangerous good training	Until 12 months after the flight crew member has left the employ of the operator
Security training	Until 12 months after the flight crew member has left the employ of the operator
Proficiency and qualification checks (all types)	Until 12 months after the flight crew member has left the employ of the operator
Cabin Crew Records	
Flight, duty and rest time	2 years
License, if applicable	Until 12 months after the cabin crew member has left the employ of the operator
Ground and flight training (all types) and qualification checks	Until 12 months after the cabin crew member has left the employ of the operator
Dangerous good training	Until 12 months after the cabin crew member has left the employ of the operator
Security training	Until 12 months after the cabin crew member has left the employ of the operator
Competency checks	Until 12 months after the cabin crew member has left the employ of the operator
Other AOC Holder Personnel Records	
Training/qualification of other personnel for whom an approved training programme is required in these regulations	Until 12 months after the employee has left the employ of the operator
License, if required, and medical certificate if required	Until 12 months after the employee has left the employ of the operator
Proficiency or competency checks, if required	Until 12 months after the employee has left the employ of the operator
Flight Preparation Forms	
Completed load manifest	3 months after completion of the flight

Table of Record Retention

Mass and balance reports	3 months after completion of the flight
Dispatch releases	3 months after completion of the flight
Flight plans	3 months after completion of the flight
Passenger manifests	3 months after completion of the flight
Weather reports	3 months after completion of the flight
Flight Recorder Records	
Cockpit voice recordings	Preserved after an accident or incident for 60 days or longer if requested by the Authority
Flight data recordings	Preserved after an accident or incident for 60 days or longer if requested by the Authority
Aircraft Technical Log	
Journey records section	2 years
Continuing airworthiness records section	2 years
Aircraft Continuing airworthiness Records	
Total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life-limited parts	3 months after the unit to which they refer has been permanently withdrawn from service
Current status of compliance with all mandatory continuing airworthiness information	3 months after the unit to which they refer has been permanently withdrawn from service
Appropriate details of modifications and repairs to the aircraft and aeronautical products	3 months after the unit to which they refer has been permanently withdrawn from service
Total time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aircraft or aeronautical products subject to a mandatory overhaul life	3 months after the unit to which they refer has been permanently withdrawn from service
The detailed Continuing airworthiness records to show all requirements for a maintenance release have been met	1 year after signing of the maintenance release
Other Records	
Operational flight plan	3 months after completion of the flight
Quality system records	5 years
Dangerous goods transport document	6 months after completion of the flight
Dangerous goods acceptance checklist	6 months after completion of the flight
Records on cosmic and solar radiation dosage, if the AOC holder operates aircraft that fly above 15 000 m (49 000 ft)	Until 12 months after the crew member has left the employ of the AOC holder

Note: See 9.4.1.5 of this part for details of the journey records section and 9.5.1.8 of this part for details of the continuing airworthiness records section of the aircraft technical log.

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IS: 9.3.2.8 AIRCRAFT TECHNICAL LOG

(a) The following are two examples of an aircraft technical log:

Name of the Operator[1]	**Flight Log**[2]	Name of PIC:	Registration:	Sheet No[3]:
Address of the operator	PIC's Signature[4]:	Name and duty of other Crew Member(s):	Aircraft Type:	Date:

FLIGHT[5]				**CHECK**	**BLOCK TIME**			**AIRBORNE TIME**			**LOAD**		**FUEL ON BOARD**		
Nature of Flight:[6]	From:	To	No. of Ldg.: [7]	Flight Preparation:[8]	Off:	On:	Time:	Take-off:	Ldg:	Time:	No. of Pax/Cargo (kg/lbs):	Take-off mass (kg/lbs):	Uplift:	Take-off[9] (ltrs/kg/lbs):	Ldg:

FLIGHT DATA **BLOCK TIME** REPORT			**INCIDENTS/OCCURRENCES/OBSERVATIONS REPORT/DEFECTS NOTED**[10]	
	Block Time:	Landings:	State type of report: Operation/Technical/Other[11]. Also note any de-/anti-icing as instructed[12]	
Total per Day:				
Total Previous Report:				
Total to Report:				
FLIGHT DATA **FLIGHT TIME** REPORT			**RETURN TO SERVICE**	**ACTIONS TAKEN**[13]
	Flight Time:	Next Maintenance Due:	Name of certifying staff and applicable regulations	
Total this sheet:		Hours	Certifies that the work specified, except as otherwise specified, was carried out in accordance with applicable regulations and that, with respect to that work, the aircraft/aeronautical product is considered ready for return to service.	
Total from previous sheet:		Landings	Signature	
Total to Report:		Date		

---

1 The operator's name and address shall be preprinted or printed by hand

2 The flight log shall be filled for:

- Each day; and
- Each flight crew

3 The sheet number (e.g. yy-nn) shall be pre-printed or printed by hand. All sheets shall be identifiable and numbered according to a continuous system that offers the same security when hand printed as when pre-printed.

[4] The PIC's signature states that everything on this sheet is correct

[5] For flights from A to A, a summary entry may be made. All other flights such as from A to B, an entry shall be made for each flight.

[6] Such as Private, Commercial, Technical, Training, Sailplane towing, etc.

[7] Number of landings if summary entry

[8] Flight Preparation according to the Operations Manual (commander's initials) state that"

1. Weight and Balance is within Limit
2. Pre-flight check is done
3. Technical status is checked and aeroplane accepted by the commander
4. Passengers manifest/documentation performed

[9] Total Fuel on board (state the units unless pre-printed)

[10] Incidents/Occurrences/Observations Report (Operation, Technical, Others):

- If no report needs to be made state "-NIL-"
- If a report must be made state (mark) the type of report

[11] Number each observation sequentially for each log sheet

[12] If de- or anti-icing has been applied, state time and amount and kind of fluid applied or other action take, e.g. mechanical removal of snow or ice, if oil has been filled, state the time and amount

[13] Use the same number as the corresponding observation to link report and response.

Address of Operator:	Date:	**CREW**	**LOAD**	**OIL**	**GROUND DEICING**	**Sheet Number 00000001**
	Aeroplane Type: Registration:	Name of Commander: _____ Name and duty of crew member _____	No. of Pax: _____ Mass (kg/lbs) Cargo:_____ Take-off:_____	Engine 1 / Engine 2 Refilled: _____/_____ Total: _____/_____	Type of fluid: _____ Mixture: _____ **Time of Deicing** Commenced: _____ Finished: _____	Last release: _____ Total aeroplane hours: _____ Total aeroplane landing: _____ **Next Maintenance Due:** In hours: _____ In landing: _____

FLIGHT				**PRE-FLIGHT**	**BLOCK TIME**		**AIRBORNE TIME**			**FUEL ON BOARD (LTRS/KG/LBS)**				
Flight Nb:	From:	To:	No. of Ldg:	Name/Signature:	Off:	On:	Time:	Take-off:	Ldg:	Time:	Uplift:	Take-off:	Ldg:	

Defects	**Signature**	**Actions Taken**	**AMO Release to Service**
00000001-1			Agreement number: Date: Place:
		PN: **sn off:** **sn on:**	Time: Name: Signature:
00000001-2			Agreement number: Date: Place:
		PN: **sn off:** **sn on:**	Time: Name: Signature:
00000001-3			Agreement number: Date: Place:
		PN: **sn off:** **sn on:**	Time: Name: Signature:
MEL DEFERRED DEFECT Item MEL Open Date Category Limit Date _____ _____	Captain's Acceptance	Daily Check/Maintenance done:	Agreement number: Date: Place: Time: Name: Signature:

JAR OPS 1: Attachment 1 to ACJ to Appendix 1 to JAR-OPS 1.005(a)

IS: 9.3.2.11 FLIGHT SAFETY DOCUMENTS SYSTEM

(a) The following outline addresses the major elements of an AOC holder's flight safety documents system development process~~,~~ with the aim of ensuring compliance with these regulations.

1. 0 Organization

1.1 A flight safety documents system shall be organized according to criteria that ensure easy access to information, required for flight and ground operations contained in the various operational documents composing the system and that facilitate management of the distribution and revision of operational documents.

1.2 Information contained in a flight safety documents system shall be grouped according to the importance and use of the information, as follows:

1.2.1 Time critical information, e.g., information that can jeopardize the safety of the operation if not immediately available;

1.2.2 Time sensitive information, e.g., information that can affect the level of safety or delay the operation if not available in a short time period;

1.2.3 Frequently used information;

1.2.4 Reference information, e.g., information that is required for the operation but does not fall under b) or c) above; and

1.2.5 Information that can be grouped based on the phase of operation in which it is used.

1.3 Time critical information shall be placed early and prominently in the flight safety documents system.

1.4 Time critical information, time sensitive information, and frequently used information shall be placed in cards and quick-reference guides.

2.0 Validation.

A flight safety documents system shall be validated before deployment, under realistic conditions. Validation shall involve the critical aspects of the information use, in order to verify its effectiveness. Interactions that can occur among all groups during operations shall also be included in the validation process.

3.0 Design

3.1 A flight safety documents system shall maintain consistency in terminology and in the use of standard terms for common items and actions.

3.2 Operational documents shall include a glossary of terms, abbreviations and their standard definitions, updated on a regular basis to ensure access to the most recent terminology. All significant terms and abbreviations included in the flight documents system shall be defined.

3.3 A flight safety documents system shall ensure standardization across document types, including writing style, terminology, use of graphics and symbols, and formatting. This includes a consistent location for specific types of information and the consistent use of units of measurement and consistent and codes.

3.4 A flight safety documents system shall include a master index to locate, in a timely manner, information included in more than one operational document.

Note: The master index shall be placed in the front of each document and shall consist of no more than three levels of indexing. Pages containing abnormal and emergency information shall be tabbed for direct access.

3.5 A flight safety documents system shall comply with the requirements of the operator's quality system, if applicable.

4.0 Deployment.

Operators shall monitor deployment of the flight safety documents system, to ensure appropriate and realistic use of the documents, based on the characteristics of the operational environment and in a way that is both operationally relevant and beneficial to operational personnel. This monitoring shall include a formal feedback system for obtaining input from operational personnel.

5.0 Amendment.

5.1 Operators shall develop an information gathering, review, distribution and revision control system to process information and data obtained from all sources relevant to the type of operation conducted, including, the State of the Operator, State of design, State of Registry, manufacturers and equipment vendors.

Note: Manufacturers provide information for the operation of specific aircraft that emphasizes the aircraft systems and procedures under conditions that may not fully match the requirements of operators. Operators shall ensure that such information meets their specific needs and those of the Authority.

5.2 Operators shall develop an information gathering, review and distribution system to process information resulting from changes that originate within the operator, including:

5.2.1 Changes resulting from the installation of new equipment;
5.2.2 Changes in response to operating experience;
5.2.3 Changes in an operator's policies and procedures;
5.2.4 Changes in an operator's certificate; and
5.2.5 Changes for purposes of maintaining cross fleet standardization.

Note: Operators shall ensure that crew coordination philosophy, policies and procedures are specific to their operation.

5.3 A flight safety documents system shall be reviewed:

5.3.1 On a regular basis (at least once a year);
5.3.2 After major events (e.g., mergers, acquisitions, rapid growth, downsizing, etc.);
5.3.3 After technological changes (e.g. Introduction of new equipment); and
5.3.4 After changes in safety regulations.

5.4 Operators shall develop methods for communicating new information. The specific methods shall be responsive to the degree of communication urgency.

Note: As frequent changes diminish the importance of new or modified procedures, it is desirable to minimize changes to the flight safety documents system.

5.5 New information shall be reviewed and validated considering its effects on the entire flight safety documents system.

5.6 The method for communicating new information shall be complemented by a tracking system to ensure currency by operational personnel. The tracking system shall include a procedure to verify that operational personnel have the most recent updates.

IS: 9.3.3.2 DRY LEASING OF FOREIGN REGISTERED AIRCRAFT

(a) An AOC holder may dry lease an aircraft for the purpose of commercial air transportation from any AOC holder of a State that is signatory to the Chicago Convention provided that the following conditions are met:

(1) The aircraft carries an appropriate certificate of airworthiness issued, by the State of Registry in accordance with ICAO Annex 8and meets the registration and identification requirements of that State of Registry;

(2) The aircraft is of a type design that complies with all of the requirements that would be applicable to that aircraft were it registered in Sint Maarten, including the requirements that shall be met for issuance of a Sint Maarten standard certificate of airworthiness (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements).

(3) The aircraft is maintained according to an approved maintenance programme; and

(4) The aircraft is operated by Sint Maarten-licensed airmen with additional license authorization by the State of Registry, employed by the AOC holder.

(b) Each AOC holder shall provide the Authority with a copy of the dry lease to be executed.

(c) Operational control of any dry leased aircraft rests with the AOC holder operating that aircraft.

(d) The Authority will list the dry leased aircraft on the lessor AOC holder's operations specifications.

(e) AOC holder engaged in dry leasing aircraft shall make the dry lease agreement explicit concerning the maintenance programme and MEL to be followed during the term of the dry lease.

Note 1: More guidance on dry leasing arrangements with foreign operators can be found in the Aircraft leasing policy and guidelines.

IS: 9.2.3.3 AIRCRAFT INTERCHANGE

(a) Before operating under an interchange agreement, each AOC holder shall show that—

(1) The procedures for the interchange operation conform with safe operating practices;

(2) Required crew members and FOOs meet the approved training requirements for the aircraft and equipment to be used and are familiar with the communications and dispatch procedures to be used;

(3) Maintenance personnel meet training requirements for the aircraft and equipment, and are familiar with the maintenance procedures to be used;

(4) Flight crew members and FOOs meet appropriate route and airport qualifications;

(5) The aircraft to be operated are essentially similar to the aircraft of the AOC holder with whom the interchange is effected; and

(6) The arrangement of flight instruments and controls that are critical to safety are essentially similar to the aircraft of the AOC holder with whom the interchange is effected, unless the Authority determines that the AOC holder has adequate training programmes to ensure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarization.

(b) Each AOC holder conducting an interchange agreement shall include the pertinent provisions and procedures of the agreement in its manuals.

(c) The AOC holder shall amend its operations specifications to reflect an interchange agreement.

(d) The AOC holder shall comply with the applicable regulations of the State of Registry of an aircraft involved in an interchange agreement while it has operational control of that aircraft.

IS: 9.3.3.4 WET LEASING

(a) Each AOC holder shall provide the Authority with a copy of the wet lease to be executed.

(b) The Authority will determine which party to a wet lease agreement has operational control considering the extent and control of certain operational functions such as:

(1) Initiating and terminating flights.

(2) Maintenance and servicing of aircraft.

(3) Scheduling crewmembers.

(4) Paying crewmembers; and

(5) Training crewmembers.

(c) Each AOC holder engaged in a wet leasing arrangement shall amend its operations specifications to contain the following information:

(1) The names of the parties to the agreement and the duration of the agreement.

(2) The make, model, and series of each aircraft involved in the agreement.

(3) The type of operation.

(4) The expiration date of the lease agreement.

(5) A statement specifying the party deemed to have operational control; and

(6) Any other item, condition, or limitation the Authority determines necessary.

Note 1: More guidance on wet leasing arrangements with foreign operators can be found in the Aircraft leasing policy and guidelines

IS: 9.3.3.5 EMERGENCY EVACUATION DEMONSTRATION

(a) Each AOC holder shall conduct a partial emergency evacuation and ditching evacuation demonstration, observed by the Authority, that demonstrates the effectiveness of its crew member emergency training and evacuation procedures.

(b) Prior to conducting an emergency evacuation demonstration, the AOC holder shall apply for and obtain approval from the Authority.

(c) Cabin crew members used in the emergency evacuation demonstrations shall—

(1) Be selected at random by the Authority;

(2) Have completed the AOC holder's approved training programme for the type and model of aircraft; and

(3) Have passed the drills and competence check on the emergency equipment and procedures.

(d) To conduct the partial emergency evacuation demonstration, the AOC holder's assigned

cabin crew members shall, using the AOC holder's line operating procedures—

(1) Demonstrate the opening of 50 percent of the required floor-level emergency exits and 50 percent of the required non-floor-level emergency exits (the opening of which by a cabin crew member is defined as an emergency evacuation duty) and deployment of 50 percent of the exit slides, selected by the Authority; and

(2) Prepare for use those exits and slides within 15 seconds.

(e) To conduct the ditching evacuation demonstration, the AOC holder's assigned cabin crew members shall—

(1) Demonstrate their knowledge and use of each item of required emergency equipment;

(2) Prepare the cabin for ditching within 6 minutes after the intention to ditch is announced;

(3) Remove each life raft from storage (one life raft, selected by the Authority, shall be launched and properly inflated or one slide life raft properly inflated); and

(4) Enter the raft, which shall include all required emergency equipment and shall completely set it up for extended occupancy.

IS: 9.3.3.6 DEMONSTRATION FLIGHTS

(a) Each AOC holder shall conduct demonstration flights for each type of aircraft, including those aircraft materially altered in design, and for each type of operation the AOC holder intends to conduct.

(b) Each AOC holder shall conduct demonstration flights for at least the following:

(1) Initial airplane proving tests of newly manufactured aircraft, or aircraft not yet demonstrated for use in a type of operation under this part.

(i) A minimum of 100 hours shall be flown, in addition to the airplane certification tests, including a representative number of flights into en route airports.

(ii) The Authority may reduce the requirement of at least 100 hours of proving tests if the Authority determines that a satisfactory level of proficiency has been demonstrated to justify the reduction. This requirement applies to either new aircraft manufactured in Sint Maarten or to any foreign manufactured aircraft that a Sint Maarten. certificate holder has not previously operated;

(iii) Ten (10) hours shall be flown at night and may not be reduced.

(2) Type of aircraft and type of operations:

(i) For each type of aircraft, at least 50 hours of demonstration flights acceptable to the Authority shall be flown for each type of operation the AOC holder intends to conduct, including a representative number of flights into en route aerodromes.

(3) Materially altered aircraft.

(i) For each type of aircraft that is materially altered in design, at least 50 hours of demonstration flights acceptable to the Authority shall be flown for each type of operations the AOC holder intends to conduct with that aircraft, including a representative number of flights into en route aerodromes.

(c) No person may carry passengers in an aircraft during demonstration flights, except for those

persons necessary to make the demonstration flight and those designated by the Authority.

(d) For those AOC holders of aircraft of less than 5700 kg, the necessity and extent of demonstration shall be at the option of the Authority.

IS: 9.4.1.2(G) OPERATIONS MANUAL- GENERAL

(a) The general part or section of the OM shall contain at least the following:

1.0 Administration and Control of the Operations Manual

1.1 Introduction

1.1.1 A statement that the manual complies with all applicable rules and regulations with the specific approvals, conditions, and limitations of the applicable air operator operations specifications.

1.1.2 A statement that the manual contains operational instructions that are to be complied with by the relevant personnel in the performance of their duties.

1.1.3 A list and brief description of the various OM parts and their contents, applicability and use.

1.1.4 Explanations and definitions of terms and words used in the manual.

1.2 System of Amendment and Revision

1.2.1 A description who is responsible for the issuance and insertion of amendments and revisions.

1.2.2 A record of amendments and revisions with insertion dates and effective dates is required.

1.2.3 A statement that hand-written amendments and revisions are not permitted except in situations requiring immediate amendment or revision in the interest of safety.

1.2.4 A description of the system for the annotation of pages and their effective dates.

1.2.5 A list of effective pages and their effective dates.

1.2.6 Annotation of changes (on text pages and as practicable, on charts and diagrams).

1.2.7 A system for recording temporary revisions.

1.2.8 A description of the distribution system for the manuals, amendments and revisions.

1.2.9 A statement of who is responsible for notifying the Authority of proposed changes and working with the Authority on changes requiring Authority approval.

2.0 Organization and Responsibilities

2.1 Organizational Structure

2.1.1 A description of the organizational structure, including the general company organization and the operations department organization.

2.1.2 The relationship between the operations department and the other departments of the organization.

2.1.3 In particular, the subordination and reporting lines of all divisions, departments etc.that pertain to the safety of flight operations..

2.1.4 Instructions outlining the responsibilities of operations personnel pertaining to the conduct of flight operations.

2.2 Responsible Manager

2.2.1 The name of each manager responsible for flight operations, the maintenance system, crew training and ground operations.

2.2.2 A description of the function and responsibilities of each manager.

2.3 Authority, Duties, and Responsibilities of Operations Management Personnel.

2.3.1 A description of the authority, duties, and responsibilities of operations management personnel pertaining to the safety of flight operations and compliance with applicable regulations.

2.4 Authority, Duties and Responsibilities of a PIC

2.4.1 A description of the authority, duties and responsibilities of the PIC.

2.5 Authority, Duties, and Responsibility of Crew Members Other Than the PIC

2.5.1 A description of the authority, duties, and responsibilities of all required aircraft crew members.

3.0 Operational Control And Supervision

3.1 Supervision of the Operation by the AOC Holder

3.1.1 A description of the system for supervision of the operation by the AOC holder This description shall show how the safety of flight operations and the qualifications of personnel involved in all such operations are supervised and monitored. In particular, the procedures related to the following items shall be described:

(a) Specifications for the operational flight plan
(b) Competence of operations personnel; and
(c) Control, analysis and storage of records, flight documents, additional information, and safety related data.

3.2 System of Promulgation of Additional Operational Instructions and Information

3.2.1 A description of any system for promulgating information that may be of an operational nature but is supplementary to the information OM, including the applicability of this information and the responsibilities for its promulgation shall be included

3.3 Safety Management System (SMS)

3.3.1 A description of the main aspects of the SMS programme required by 1.6 of these regulations. including:

(a) Safety policy: general expectations;
(b) Safety risk management: general expectations;
(c) Safety assurance: general expectations; and
(d) Safety promotion: general expectations.

3.4 Operational Control

3.4.1 A description of the objectives, procedures, and responsibilities necessary to exercise operational control with respect to flight safety.

4.0 Quality System

4.1 A description of the quality system adopted.

5.0 Flight Crew

5.1 Crew Composition

5.1.1 An explanation of the method for determining crew compositions taking into account of the following:

(a) Experience (total and type), recency and qualification of the crew members; and
(b) The designation of the PIC and, if required by the duration of the flight, the procedures for the relief of the PIC or other members of the flight crew.

(c) The flight crew for each type of operation including the designation of the succession of command.

5.2 PIC Designation

5.2.1 The rules applicable to the designation of a PIC.

5.3 Crew Incapacitation

5.3.1 Instructions on the succession of command in the event of flight crew incapacitation.

6.0 Flight Crew, Cabin Crew, Flight Operations Officer, and Other Operations Personnel Qualifications

6.1 Qualifications

6.1.1 A description of the required license, rating(s), qualification/competency (e.g., for routes and airports), experience, training, checking and recency of experience for operations personnel to conduct their duties. Consideration shall be given to the aircraft type, kind of operation, and composition of the crew.

6.2 Flight Crew

6.2.1 Operation on more than one type or variant.

6.3 Cabin Crew

6.3.1 Operation on more than one type or variant

6.4 Flight Operations Officer/ Flight Dispatcher

6.5 Other Operations Personnel

7.0 Fatigue Management

7.1 Flight time, Flight Duty Periods, Duty Periods Limitations and Rest Requirements

7.1.1 Flight crew

7.1.2 Cabin crew; and

7.1.3 FOO/ flight dispatcher

7.2 **FRMS** (if authorized by the Authority)

8.0 Crew Health

8.1 Crew Health Precautions

8.1.1 The relevant regulations and guidance for crew members concerning health including:

(a) Alcohol and other intoxicating liquor;
(b) Narcotics;
(c) Drugs;
(d) Sleeping tablets;
(e) Pharmaceutical preparations;
(f) Immunizations;
(g) Scuba diving;
(h) Blood donation;
(i) Meal precautions prior to and during flight;
(j) Sleep and rest; and
(k) Surgical operations.

9.0 Operating Procedures

9.1 Flight Preparation Instructions

9.1.1 As applicable to the operation:

(a) Criteria for determining the usability of airports
(b) The method for determining minimum flight altitudes
(c) The method for determining aerodrome operating minima
(d) En route Operating Minima for VFR Flights

(1) A description of en route operating minima for VFR flights or VFR portions of a flight and, where single-engine aircraft are used, instructions for route selection with respect to the availability of surfaces that permit a safe forced landing.

(e) Presentation and Application of aerodrome and En route Operating Minima

(f) Interpretation of Meteorological Information.

(1) Explanatory material on the decoding of meteorological forecasts and meteorological reports relevant to the area of operations, including the interpretation of conditional expressions.

9.1.2 Determination of the Quantities of Fuel, Oil, and Water Methanol Carried.

(a) This section shall include the specific instructions and methods by which the quantities of fuel, oil and water methanol to be carried are determined and monitored in flight. It shall also include instructions on the measurement and distribution of the fluid carried on board. Such instructions shall take account of all circumstances likely to be encountered on the flight, including the possibility of in-flight replanning, the failure of one or more of the aircraft's power plants, and possible loss of pressurization. The system for maintaining fuel and oil records shall also be described.

(b) The general principles of mass and center of gravity including:

(1) The policy for using either standard and/or actual masses;
(2) The method for determining the applicable passenger, baggage and cargo mass;
(3) The applicable passenger and baggage masses for various types of operations and aircraft;
(4) General instruction and information necessary for verification of the various types of mass and balance documentation in use;
(5) Last minute changes to procedures;
(6) Seating policy and procedures; and
(7) A list of documents, forms, and additional information to be carried during a flight.

9.1.3 The general principles of mass and centre of gravity, including:

(a) The policy for using standard and/or actual masses;
(b) The method for determining the applicable passenger, baggage, and cargo mass;
(c) The applicable passenger and baggage masses for various types of operations and aircraft;

(d) General instruction and information necessary for verification of the various types of mass and balance documentation in use;

(e) Last-minute changes to procedures;

(f) Seating policy and procedures; and

(g) A list of documents, forms, and additional information to be carried during a flight.

9.2 Ground Handling Arrangements and Procedures

9.2.1 Fuelling Procedures.

(a) A description of fuelling procedures, including:

(1) Safety precautions during refuelling and defueling including when an auxiliary power unit is in operation or when a turbine engine is running and, if applicable, when the propeller brakes are on;
(2) Refuelling and defueling when passengers are embarking, on board or disembarking;
(3) Precautions to be taken to avoid mixing fuels; and
(4) A method to ensure the required amount of fuel is loaded.

9.2.2 Aircraft, Passengers, and Cargo Handling Procedures Related To Safety.

(a) A description of the handling procedures to be used when allocating seats and embarking and disembarking passengers and when loading and unloading the aircraft. Further procedures, aimed at achieving safety whilst the aircraft is on the ramp, shall also be given. Handling procedures shall include:

(1) Sick passengers and persons with reduced mobility;
(2) The permissible size and weight of hand baggage;
(3) The loading and securing of items in the aircraft;
(4) Special loads and classification of load compartments (i.e., dangerous goods, live animals, etc.);
(5) The positioning of ground equipment;
(6) The operation of aircraft doors;
(7) Safety on the ramp, including fire prevention, blast and suction areas;
(8) Start-up, and ramp departure and arrival procedures;
(9) Servicing of aircraft;
(10) Documents and forms; and
(11) Multiple occupancy of aircraft seats.

9. 3 Procedures for the Refusal of Embarkation.

9.3.1 Procedures to ensure that persons who appear to be intoxicated or who demonstrate by manner or physical indications that they are under the influence of alcohol or drugs, except medical patients under proper care, are refused embarkation.

9. 4 Deicing and Anti-Icing on the Ground.

9.4.1 Instructions for the conduct and control of ground de-icing/anti-icing operations. A description of the deicing and anti-icing policy and procedures for aircraft on the ground. These shall include descriptions of the types and effects of icing and other contaminants on aircraft while stationary, during ground movements and during take-off. In addition, a description of the fluid types used shall be given including:

(a) Proprietary or commercial names;
(b) Characteristics;
(c) Effects on aircraft performance; and

(d) Precautions during usage.

9.5 Helicopter refuelling procedures

9.5.1 A description of procedures for helicopter refuelling, including:

(a) The doors on the refuelling side shall remain closed;
(b) The door on the non-refuelling side shall remain open;
(c) Firefighting facilities of the appropriate scale shall be immediately available in the case of a fire;
(d) The presence of fuel vapor, if detected, shall cease the refuelling process;
(e) The ground or deck area beneath the exits intended for emergency evacuation shall be kept clear;
(f) Seat belts shall be unfastened to facilitate rapid egress; and
(g) With rotors turning, only ongoing passengers shall remain on board.

9.6 Flight Procedures and Flight Navigation Equipment

9.6.1 A description of flight procedures, including:

(a) SOPs for each phase of flight.
(b) Instructions on the use of normal checklists and the timing of their use.
(c) Departure contingency procedures
(d) Instructions on the maintenance of altitude awareness and the use of automated or flight crew altitude call-outs.
(e) Instructions on the use of autopilots and auto-throttles in IMC.
(f) Instructions on the clarification and acceptance of ATC clearances, particularly where terrain clearance is involved.
(g) Departure and approach briefings
(h) Procedures for familiarization with areas, routes, and aerodromes
(i) Stabilized approach procedure
(j) Limitation on high rates of descent near the surface
(k) Conditions required to commence or to continue an instrument approach.
(l) Instructions for the conduct of precision and non-precision instrument approach procedures.
(m) The allocation of flight crew duties and procedures for the management of crew workload during night and IMC instrument approach and landing operations.
(n) The circumstances in which a radio listening watch is to be maintained; and
(o) Instructions and training requirements for the use of HUD and (EVS) equipment as applicable.

9.6.2 Navigation Equipment

(a) A list of the navigational equipment to be carried including any requirements relating to operations where PBN is prescribed.

9.6.3 Navigation Procedures

(a) A description of all navigation procedures relevant to the type(s) and area(s) of operation. Consideration shall be given to:

(1) Standard navigational procedures including policy for carrying out independent cross-checks of keyboard entries where these affect the flight path to be followed by the aircraft,
(2) In-flight replanning,
(3) Procedures in the event of system degradation,

(4) Where relevant to the operations, long range navigation procedures, the engine failure procedure for EDTO and the nomination and utilization of diversion aerodromes

(5) Instructions and training requirements for the avoidance of controlled flight into terrain and policy for the use of the ground proximity warning system;

(6) Policy, instructions, procedures and training requirements for the avoidance of collisions and the use of the (ACAS).

(7) Information and instructions relating to the interception of civil aircraft including:

(i) Procedures, as prescribed in IS 8.8.1.28 of these regulations for PIC of intercepted aircraft; and

(ii) Visual signals for use by intercepting and intercepted aircraft, as contained in IS 8.8.1.28 of these regulations; and.

(b) For aeroplanes intended to be operated above 15,000 m (49, 000 ft).

(1) Information that will enable the pilot to determine the best course of action to take in the event of exposure to solar cosmic radiation; and

(2) Procedures in the event that a decision to descend is taken, covering:

(i) The necessity of giving the appropriate ATS unit prior warning of the situation and of obtaining a provisional descent clearance; and

(ii) The action to be taken in the event that communication with an ATS unit cannot be established or is interrupted.

9.6.4 Policy and Procedures for In-flight Fuel Management

9.6.5 Adverse and Potentially Hazardous Atmospheric Conditions.

9.6.6 Procedures for operating in, and/or avoiding, potentially hazardous atmospheric conditions including:

(a) Thunderstorms;
(b) Icing conditions;
(c) Turbulence,
(d) Wind shear;
(e) Jet stream;
(f) Volcanic ash clouds;
(g) Heavy precipitation;
(h) Sand storms;
(i) Mountain waves; and
(j) Significant Temperature inversions.

9.6.7 Operating Restrictions

(a) Cold weather operations
(b) Take-off and landing in turbulence
(c) Low-level wind shear operations
(d) Cross-wind operations (including tail wind components)
(e) High temperature operations
(f) High altitude operations

9.6.8 Incapacitation of Crew Members.

(a) Procedures to be followed in the event of the incapacitation of crew members in flight. Examples of the types of incapacitation and the means for recognizing them shall be included.

9.6.9 Cabin Safety Requirements.

(a) Procedures covering:

(1) Cabin preparation for flight, in-flight requirements and preparation for landing including procedures for securing cabin and galleys.
(2) Procedures to ensure that passengers are seated where, in the event that an emergency evacuation is required, they may best assist and not hinder evacuation from the aircraft;
(3) Procedures to be followed during passenger embarkation and disembarkation; and
(4) Procedures for fuelling with passengers on board, embarking, or disembarking.
(5) Smoking on board; and
(6) The use of portable electronic equipment and cellular telephones

9.6.10 Passenger Briefing Procedures.

(a) The contents, means, and timing of passenger briefing.

9.6.11 Procedures for Use of Cosmic or Solar Radiation Detection Equipment - Aeroplanes.

(a) Procedures for the use of cosmic or solar radiation detection equipment and for recording its readings including actions to be taken in the event that limit values specified in the OM are exceeded. In addition, the procedures, including ATC procedures, to be followed in the event that a decision to descend or re-route is taken.

9.7 All Weather Operations

9.8 Use of the Minimum Equipment and Configuration Deviation List(s)

9.9 Non Revenue Flights

9.9.1 Procedures and limitations for:

(a) Training flights;
(b) Test flights;
(c) Delivery flights,
(d) Ferry flights;
(e) Demonstration flights; and
(f) Positioning flights, including the kind of persons who may be carried on such flights.

9.10 Oxygen Requirements

9.10.1 An explanation of the conditions under which oxygen shall be provided and used.

10.0 Dangerous Goods And Weapons

10.1 Transport of Dangerous Goods

10.1.1 Information, instructions and general guidance on the transport of dangerous goods including:

(a) The AOC holder's policy on the transport of dangerous goods;
(b) Guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods;
(c) Procedures and actions to be taken for responding to emergency situations involving dangerous goods;
(d) Duties of all personnel involved; and
(e) Instructions on the carriage by the AOC holder’s employees

10.2 Transport of Weapons

10.2.1 The conditions under which weapons, munitions of war and sporting weapons may be carried.

11.0 Security

11.1 Security Policies and Procedures

11.1.1 A description of security policies and procedures for handling and reporting crime (e.g., as unlawful interference, sabotage, bomb threats, and hijacking) on board. .

11.2 Security Instructions and Guidance

11.2.1 Security instructions and guidance of a non-confidential nature that shall include the authority and responsibilities of operations personnel.

11.3 Preventive Security Measures and Training

11.3.1 A description of preventative security measures and training.

Note: Parts of the security instructions and guidance may be kept confidential.

12.0 Handling of Accidents and Incidents

12.1 Procedures for the Handling, Notifying, and Reporting of Accidents and Incidents.

12.1.1 This section shall include:

(a) Definitions of accidents and incidents and the relevant responsibilities of all persons involved;

(b) Descriptions of the company departments, authorities or other institutions that shall be notified by which means and in which sequence in case of an accident;

(c) Special notification requirements in the event of an accident or incidents when dangerous goods are being carried;

(d) A description of the requirements to report specific occurrences and accidents;

(e) The forms used for reporting accidents and incidents and the procedure for submitting such form to the Authority;

(f) If the AOC holder develops additional safety related reporting procedures for its own internal use, a description of the applicability and related forms to be used.

(g) Procedures for pilots-in-command observing an accident.

13.0 Rules of the Air

13.1 Rules of the Air including:

13.1.1 Territorial application of the rules of the air;

13.1.2 The circumstances during which a radio listening watch shall be maintained;

13.1.3 ATC clearances, adherence to flight plan and position reports;

13.1.4 The ground/air visual codes for use by survivors, description and use of signal aids; and

13.1.5 Distress and urgency signals.

IS: 9.4.1.3 TRAINING MANUAL

(a) Each AOC holder and AOC applicant, as part of its OM, shall submit and maintain training programmes based on the following outline:

1.0 Training Syllabi and Checking Programmes

1.1 General Requirements.

1.1.1 Training syllabi and checking programmes for all operations personnel assigned to operational duties in connection with the preparation and/or conduct of a flight shall be developed to meet the respective requirements of the Authority. An AOC holder may not use, nor may any person serve in a required crewmember capacity or operational capacity unless that person meets the training and currency requirements established by the Authority for that respective position.

1.2 Flight Crew.

1.21 The training syllabi and checking programmes for flight crew members shall include:

(a) A written training programme acceptable to the Authority that provides for basic indoctrination, initial, transition, difference, and recurrent training, as appropriate, for flight deck crew members for each type of aircraft flown by that crew member. This written training programme shall include both normal and emergency procedures training applicable for each type of aircraft flown by the crewmember

(b) Adequate ground and flight training facilities and properly qualified instructors required to meet training objectives and needs

(c) A current list of approved training materials, equipment, training devices, simulators, and other required training items needed to meet the training needs for each type and variation of aircraft flown by the AOC holder

(d) Adequate number of ground check personnel and flight check pilots to ensure adequate training and checking of flight crew members

(e) A record system acceptable to the Authority to show compliance with appropriate training and currency requirements

1.3 Cabin Crew

1.3.1 The training syllabi and checking programmes for cabin crew members shall include:

(a) Basic initial ground training covering duties and responsibilities

(b) Appropriate Authority rules and regulations

(c) Appropriate portions of the AOC holder's OM;

(d) Appropriate emergency training as required by the Authority and the AOC holder's OM;

(e) Appropriate flight training;

(f) Appropriate recurrent, transition or difference training, as required, to maintain currency in any type and variance of aircraft the crew member may be required to work in

(g) A current list of approved training materials, equipment, training devices, simulators, and other required training items needed to meet the training needs for each type and variation of aircraft flown by the AOC holder

(h) An adequate number of ground check personnel and flight check personnel to ensure adequate training and checking of crew members, and

(i) Maintain a training record system acceptable to the Authority to show compliance with all required training.

1.4 All Crew Members

1.4.1 A written training programme shall be developed for all crew members in the emergency procedures appropriate to each make and model of aircraft flown or by the crew member. Areas shall include:

(a) Individual instruction in the use of onboard emergency equipment such as fire extinguishers, emergency breathing equipment, first aid equipment, emergency exits and evacuation slides, and the aircraft's oxygen system including the use of portable emergency oxygen bottles. Flight crew members shall also practice using the emergency equipment designed to protect them in case of a flight deck fire or smoke

(b) Instruction in potential emergencies such as rapid decompression, ditching, firefighting, aircraft evacuation, medical emergencies, hijacking, and disruptive passengers; and

(c) Scheduled recurrent training to meet Authority requirements

1.5 All Operations Personnel

1.5.1 The training syllabi and checking programmes for all operations personnel shall include:

(a) Training in the safe transportation and recognition of all dangerous goods permitted by the Authority to be shipped by air, training shall include the proper packaging, marking, labelling, and documentation of dangerous articles and magnetized materials

(b) All appropriate security training required by the Authority, and

(c) A method of providing any required notification of an accident or incident involving dangerous good

1.6 Operations Personnel Other Than Crew Members

1.6.1 For operations personnel other than crew members (e.g., FOO, handling personnel etc.), a written training programme shall be developed that pertains to their respective duties. The training programme shall provide for initial, recurrent, differences, specialized and any other training required by the Authority.

2.0 Procedures for Training and Checking

2.1 Proficiency Checking Procedures

2.1.1 Procedures to be applied in the event that personnel do not achieve or maintain the required standards.

2.2 Procedures Involving the Simulation of Abnormal or Emergency Situations

2.2.1 Procedures to ensure that abnormal or emergency situations requiring the application of part or all the abnormal or emergency procedures, and simulation of IMC by artificial means, are not simulated during commercial air transportation flights.

3.0 Document Retention

3.1 Documentation be Stored and Storage Periods

3.1.1 An AOC holder shall retain all documentation required by the appropriate Authority, or the Authority of another State in which the AOC holder is operating for the time specified by the respective Authority, or for the time period needed to show compliance with appropriate regulations or this OM, whichever is longer.

IS: 9.4.1.4 AIRCRAFT OPERATING MANUAL

(a) Each AOC applicant and AOC holder shall submit and maintain an AOM as part of its OM, containing at least the following.

1.0 General Information and Units of Measurement

1.1 General Information (e.g., aircraft dimensions), including a description of the units of measurement used for the operation of the aircraft type concerned and conversion tables.

2.0 Limitations

2.1 Certification and Operational Limitations

2.1.1 A description of the applicable operational limitations, including:

(a) Certification status;
(b) Passenger seating configuration for each aircraft type including a pictorial presentation;
(c) Types of operation that are approved (e.g. AMO/IMC/VFR, CAT II/III, flights in known icing conditions etc.);
(d) Crew composition;
(e) Operation within mass and center of gravity limitations;
(f) Speed limitations;
(g) Flight envelopes;
(h) Wind limits including operations on contaminated runways;
(i) Performance limitations for applicable configurations;
(j) Runway slope;
(k) Limitations on wet or contaminated runways;
(l) Airframe contamination; and
(m) Post landing

3.0 Procedures

3.1 Normal Procedures

3..1.1 The normal procedures and duties assigned to the crew, the appropriate checklists, the system for use of the checklists and a statement covering the necessary co-ordination procedures between flight and cabin crew. The following normal procedures and duties shall be included:

(a) Pre-flight;
(b) Pre-departure and loading;
(c) Altimeter setting and checking;
(d) Taxi, Take-off and Climb;
(e) Noise abatement;
(f) Cruise and descent;
(g) Approach, landing preparation and briefing;
(h) VFR approach;
(i) Instrument approach;
(j) Visual approach and circling:
(k) Missed approach;
(l) Normal landing;
(m) Post landing; and
(n) Operation on wet and contaminated runways.

3.2 Flight Deck Procedures

(a) Obtain a flight release;
(b) Initial flight deck preparation
(c) SOPs;
(d) Flight deck discipline;
(e) Standard call-outs;
(f) Communications;
(g) Flight safety;
(h) Push-back and towing procedures;
(i) Taxi guidelines and ramp signals;
(j) Take-off and climb out procedures;
(k) Choice of runway;
(l) Take-off in limited visibility;
(m) Take-off in adverse weather;
(n) Use and limitations of weather radar;
(o) Use of landing lights;
(p) Monitoring of flight instruments;
(q) Power settings for take-off
(r) Malfunctions during take-off
(s) Rejected take-off decision
(t) Climb, best angle, best rate
(u) Sterile flight deck procedures
(v) En route and holding procedures
(w) Cruise control
(x) Navigation log book
(y) Descent, approach and landing procedures
(z) Reporting of maintenance problems; and
(aa) How to obtain maintenance and service en route

3.3 Abnormal And Emergency Procedures

3.3.1 A listing of abnormal and emergency procedures assigned to crew members with appropriate check-lists that include a system for use of the check-lists and a statement covering the necessary co-ordination procedures between flight and cabin crew. The following abnormal and emergency procedures and duties shall be included:

(a) Crew incapacitation;
(b) Fire and smoke drills;
(c) Unpressurised and partially pressurized flight; as applicable
(d) Exceeding of structural limits such as overweight landing;
(e) Exceeding of cosmic radiation limits; as applicable
(f) Lightning strikes
(g) Distress communications and alerting ATC to emergencies;
(h) Engine failure;
(i) System failures;
(j) Guidance for diversion in case of serious technical failure;
(k) Ground proximity warning;
(l) ACAS;
(m) Wind shear;
(n) Emergency landing/ditching;
(o) Aircraft evacuation

(p) Fuel Jettisoning precautions (as applicable) and Overweight Landing:
(q) General considerations and policy

(r) Emergency Procedures:
(s) Emergency descent
(t) Low fuel
(u) Dangerous goods incident or accident
(v) Interception procedures
(w) Emergency signal for cabin crew members
(x) Communication Procedures; and
(y) Radio listening watch

4.0 Performance Data, Supplementary Performance Data, and Other Acceptable

4.1 General.

4.1.1 Performance data shall be provided in a form in which it can be used without difficulty.

4.2 Performance Data

4.2.1 Performance material that provides the necessary data to allow the flight crew to comply with the approved AFM performance requirements shall be included to allow the determination of-

(a) Take-off climb limits - Mass, Altitude, Temperature;
(b) Take-off field length limits (dry, wet, contaminated);
(c) Net flight path data for obstacle clearance calculation or, where applicable, take-off flight path;
(d) Gradient losses for banked climb outs;
(e) En route climb limits;
(f) Approach climb limits;
(g) Landing climb limits;
(h) Landing field length limits (dry, wet, contaminated) including the effects of an in-flight failure of a system or device, if it affects the landing distance;
(i) Brake energy limits; and
(j) Speeds applicable for the various flight stages (also considering wet or contaminated runways).

4.3 Supplementary Performance Data

4.3.1 Supplementary data covering:

4.3.2 Flights in icing conditions

4.3.3 The maximum crosswind and tailwind components for each aircraft type operated and the reductions to be applied to these values having regard to gust, low visibility, runway surface conditions, crew experience, use of autopilot, abnormal or emergency circumstances, or any other relevant operational factors; and

4.3.4 Any certified performance related to an allowable configuration, or configuration deviation, such as anti-skid inoperative, shall be included.

4.4 Other Acceptable Performance Data.

4.4.1 If performance data, as required for the appropriate performance class, is not available in the approved AFM, then other data acceptable to the Authority

shall be included. Alternatively, the OM may contain cross-reference to the approved data contained in the AFM where such data is not likely to be used often or in an emergency.

4.5 Additional Performance Data

4.5.1 Additional performance data where applicable including:

(a) All engines operating climb gradients;
(b) Drift-down data;
(c) The effect of deicing/anti-icing fluids;
(d) Flight with landing gear down;
(e) For aircraft with three or more engines, one -engine -inoperative ferry flights; and
(f) Flights conducted under the provisions of a (CDL).

5.0 Flight Planning

5.1 Flight Planning Data

5.1.1 Specific data and instructions necessary for pre-flight and in-flight planning including factors such as speed schedules and power settings. Where applicable, procedures for engine(s) out operations, EDTO and flights to isolated airports shall be included for the flight plan and the operational flight plan.

5.2 Fuel and Oil Calculations

5.2.1 The method for calculating fuel needed for the various stages of flight.

6.0 Mass and Balance

6.1 Calculating Mass and Balance

6.1.1 Instructions and data for calculating mass and balance including:

(a) The calculation system (e.g. Index system);
(b) Information and instructions for the completion of mass and balance documentation, including manual and computer generated types;
(c) Limiting mass and center of gravity of the various versions; and
(d) Dry operating mass and corresponding center of gravity or index.

7.0 Loading

7.1 Loading Procedures

7.1.1 Instructions for loading and securing the load in the aircraft;

(a) Use of aircraft systems and associated controls.

7.2 Loading Dangerous Goods.

7.2.1 A method to notify the PIC when dangerous goods are loaded in the aircraft.

8.0 Survival and Emergency Equipment Including Oxygen

8.1 List of Survival Equipment to be Carried.

8.1.1 A list of the survival equipment to be carried for the routes to be flown and the procedures for checking the serviceability of this equipment prior to take-off.

8.1.2 Instructions regarding the location, accessibility and use of survival and emergency equipment and its associated check list(s).

8.2 Ground - Air Visual Signal

8.2.1 Instructions illustrating the ground-air visual signal code for use.

8.3 Oxygen Usage

8.3.1 The procedure for determining the amount of oxygen required and the quantity that is available, taking into consideration the flight profile, number of occupants and possible cabin decompression.

8.3.2 The information provided shall be in a form in which it can be used without difficulty.

8.4 Emergency Equipment Usage

8.4.1 A description of the proper use of the following emergency equipment, if applicable:

(a) Life jackets;
(b) Life rafts;
(c) Medical kits/first aid kits;
(d) Survival kits;
(e) Emergency locator transmitter (ELT);
(f) Visual signalling devices;
(g) Evacuation slides; and
(h) Emergency lighting

9.0 Emergency Evacuation Procedures

9.1 Instructions for Emergency Evacuation

9.1.1 Instructions for preparing for emergency evacuation including crew co-ordination and emergency station assignment.

9.2 Emergency Evacuation Procedures

9.2.1 A description of the duties of all members of the crew for the rapid evacuation of an aircraft and the handling of the passengers in the event of a forced landing, ditching or other emergency.

10.0 Aircraft Systems

10.1 A description of the aircraft systems, related controls and indications and operating instructions.

11.0 Minimum Equipment List and Configuration Deviation List

11.1 The MEL and CDL for the aircraft types operated and specific operations authorised, including any requirements relating to operations where PBN is prescribed.

12.0 Route and Aerodrome Instructions and Information (optional for this manual)

13.0 Instructions and Information

13.1 Communications, navigation, and aerodrome.

13.1.1 Instructions and information relating to communications, navigation and airports, including:

(a) Minimum flight level/altitude for each route to be flown;
(b) Operating minima for departure, destination and alternate airports;
(c) Communication facilities and navigation aids;
(d) Runway data and airport facilities;
(e) Approach, missed approach and departure procedures including noise abatement procedures;
(f) Communications-failure procedures;
(g) Search and rescue facilities in the area over which the aircraft is to be flown;
(h) A description of the aeronautical charts that shall be carried on board in relation to the type of flight and the route to be flown, including the method for checking their validity;
(i) Availability of aeronautical information and meteorological services;
(j) En route COM/NAV procedures, including holding;
(k) Aerodrome categorization for flight crew competence qualification.

IS: 9.4.1.18 PASSENGER BRIEFING CARDS

(a) Each AOC holder shall, at each exit seat, provide passenger briefing cards that include the following information in the primary language in which emergency commands are given by the crew:

(1) Functions required of a passengers in the event of an emergency in which a crew member is not available to assist, including how to—

(i) Locate the emergency exit;

(ii) Recognize the emergency exit opening mechanism;

(iii) Comprehend the instructions for operating the emergency exit;

(iv) Operate the emergency exit;

(v) Assess whether opening the emergency exit will increase the hazards to which passengers may be exposed;

(vi) Follow oral directions and hand signals given by a crew member;

(vii) Stow or secure the emergency exit door so it will not impede the use of the exit;

(viii) Assess the condition of an escape slide, activate the slide, and stabilize the slide after deployment to assist others in getting off the slide;

(ix) Pass expeditiously through the emergency exit; and

(x) Assess, select, and follow a safe path away from the emergency exit; and

(2) A request that passengers identify themselves f to allow being reseated if they—

(i) Are less than 15 years of age or lack the capacity to perform one or more of the applicable functions listed in paragraph (a)(1) of this IS without the assistance of an adult companion, parent, or other relative;

(ii) Cannot perform the emergency functions stated in the information card;

(iii) Have a discernible condition that will prevent them from performing the emergency functions;

(iv) May suffer bodily harm as a result of performing one or more of the emergency functions;

(v) Do not wish to perform the emergency functions; or

(vi) Lack the ability to read, speak, or understand the language or the graphic form in which instructions are provided by the AOC holder.

IS: 9.4.1.19 AERONAUTICAL DATA CONTROL SYSTEM

(a) Each AOC holder shall provide aeronautical data about each airport used by the AOC holder which includes the following:

(1) Aerodromes/heliports.

(i) Facilities.

(ii) Public protection.

(iii) Navigation and communications aids.

(iv) Construction affecting take-off, landing, or ground operations; and

(v) Air traffic facilities.

(2) Runways, clearways, and stopways:

(i) Dimensions.

(ii) Surface.

(iii) Marking and lighting systems; and

(iv) Elevation and gradient.

(3) Displaced thresholds:

(i) Location.

(ii) Dimensions; and

(iii) Take-off or landing or both.

(4) Obstacles—

(i) Those affecting take-off and landing performance computations, and

(ii) Controlling obstacles.

(5) Instrument flight procedures.

(i) Departure procedure.

(ii) Approach procedure; and

(iii) Missed approach procedure.

(6) Special information:

(i) RVR measurement equipment; and

(ii) Prevailing winds under low visibility conditions

IS: 9.41.20 ROUTE GUIDE - AREAS, ROUTESAND AERODROMES

(a) Each AOC applicant and AOC holder shall submit and maintain as part of its OM a route guide containing information on areas, routes, aerodromes, and heliports. The route guide shall contain at least the information in IS 9.4.1.20 (c).

(b) The route guide shall ensure that the flight crew l have for each flight, information relating to communication facilities, navigation aids, aerodromes, heliports, instrument approaches, instrument arrivals and instrument departures as applicable for the operation, and such other information as the operator may deem necessary in the proper conduct of flight operations.

(c) Each route guide shall contain at least the following information:

(1) The minimum flight altitudes for each aircraft to be flown

(2) Aerodrome operating minima for each of the aerodromes that are likely to be used as aerodromes of intended landing or as alternate aerodromes.

(3) The increase of aerodrome operating minima in case of degradation of approach or aerodrome facilities

(4) Heliports operating minima for each of the heliports that are likely to be used as heliports of intended landing or as alternate heliports;

(5) The increase of heliport operating minima in case of degradation of approach or heliport facilities; and

(6) The necessary information for compliance with all flight profiles required by regulations, including the determination of:

(i) Take-off runway length requirements for dry, wet and contaminated conditions, including those dictated by systems failures that affect the take-off distance;

(ii) Take-off climb limitations:

(iii) En-route climb limitations;

(iv) Approach climb limitations and landing climb limitations;

(v) Landing runway length requirements for dry, wet and contaminated conditions, including systems failures that affect the landing distance; and

(vi) Supplementary information, such as tire speed limitations

IS: 9.4.1.21 WEATHER REPORTING SOURCES

(a) The Authority approves the following sources of weather reports and considers the reporting from these sources satisfactory for flight planning or for controlling flight movement:

(1) Sint Maarten Meteorological Department;

(2) Sint Maarten-operated automated surface observation stations;

Note: Some automated systems cannot report all required items for a complete surface aviation weather report.

(3) Sint Maarten-operated supplemental aviation weather reporting stations;

(4) Observations taken by airport traffic control towers;

(5) Sint Maarten-contracted weather observatories;

(6) Any active meteorological office operated by a foreign state that subscribes to the ICAO Standards and Practices;

Note: These meteorological offices are normally listed in the MET tables located in ICAO Regional Air Navigation Plans.

(7) Any military weather reporting sources approved by the Authority;

Note: Use of military sources is limited to control of those flight operations which use military airports as departure, destination, alternate, or diversionary airports.

(8) Near real time reports such as pilot reports, radar reports, radar summary charts, and satellite imagery reports made by commercial weather sources or other sources specifically approved by the Authority.

(9) A weather reporting system holder operated and maintained by the AOC holder and approved by the Authority.

IS: 9.4.1.22 DEICING AND ANTI-ICING PROGRAMME

(a) (The AOC holder's ground deicing and anti-icing programme shall include a detailed description of;

(1) How the AOC holder determines that conditions are such that frost, ice, or snow may reasonably be expected to adhere to the aircraft and that ground deicing and anti-icing operational procedures shall be in effect;

(2) Who is responsible for deciding that ground deicing and anti-icing operational procedures shall be in effect;

(3) he procedures for implementing ground deicing and anti-icing operational procedures; and

(4) The specific duties and responsibilities of each operational position or group responsible for getting the aircraft safely airborne while ground deicing and anti-icing operational procedures are in effect.

(b) Initial and annual recurrent ground training for flight crew and all other affected personnel (e.g. flight dispatchers/FOOs, ground personnel, contract personnel) shall cover the specific requirements of the approved de-icing and anti-icing programme and each person's responsibilities and duties under the approved programme including:

(1) The use of holdover times;

(2) Aircraft deicing/anti-icing procedures including inspection and check procedures and responsibilities;

(3) Communication procedures;

(4) Aircraft surface contamination (e.g., adherence of frost, ice or snow) and critical area identification, and how contamination adversely affects aircraft performance and flight characteristics;

(5) Types and characteristics of deicing/anti-icing fluids;

(6) Cold weather pre-flight inspection procedures; and

(7) Techniques for recognizing contamination on the aircraft.

(c) The AOC holder's de-icing and anti-icing programme shall include procedures for flight crew members to increase or decrease the determined holdover time in changing conditions. The holdover time shall be supported by data acceptable to the Authority. If the maximum holdover time is exceeded, take-off is prohibited unless at least one of the following conditions exists—

(1) A pre-take-off contamination check is conducted outside the aircraft (within 5 minutes prior to beginning take-off) to determine that the wings, control surfaces, and other critical surfaces, as defined in the AOC holder's de-icing and anti-icing programme, are free of frost, ice, or snow;

(2) It is otherwise determined by an alternate procedure, approved by the Authority and in accordance with the AOC holder's approved de-icing and anti-icing programme, that the wings, control surfaces, and other critical surfaces are free of frost, ice, or snow; or

(3) The wings, control surfaces, and other critical surfaces, as defined in the AOC holder's de-icing and anti-icing programme are de-iced again and a new holdover time is determined.

IS: 9.4 1. 24 FATIGUE RISK MANAGEMENT SYSTEM

(a) A (FRMS) shall contain, at a minimum:

(1) FRMS policy and documentation;

(2) Fatigue risk management processes;

(3) FRMS safety assurance process; and

(4) FRMS promotion processes;

(b) The operator shall define its FRMS policy, with all elements of the FRMS clearly identified

(c) The FRMS policy shall require that the scope of FRMS operations be clearly defined in the OM.

(d) The FRMS policy shall:

(1) Reflect the shared responsibility of management, flight and cabin crews' members, and all other involved personnel;

(2) Clearly state the safety objectives of the FRMS;

(3) Be signed by the accountable manager of the organizations;

(4) Be communicated, with visible endorsement, to all the relevant areas and levels of the organization;

(5) Declare management commitment to effective safety reporting;

(6) Declare management commitment to the provision of adequate resources for the FRMS;

(7) Declare management commitment to continuous improvement of the FRMS;

(8) Require that clear lines of accountability for management, flight and cabin crews, and all other involved personnel are identified; and

(9) Require periodic reviews to ensure it remains relevant and appropriate.

(e) FRMS documentation

(1) An operator shall develop and keep current FRMS documentation that describes and records:

(i) FRMS policy and objectives;

(ii) FRMS processes and procedures;

(iii) Accountabilities, responsibilities and authorities for these processes and procedures;

(iv) Mechanisms for ongoing involvement of management, flight and cabin crew members, and all other involved personnel;

(v) FRMS training programmes, training requirements and attendance records;

(vi) Scheduled and actual flight times, duty periods and rest periods with significant deviations and reasons for deviations noted; and

(vii) FRMS outputs including findings from collected data, recommendations, and actions taken.

(f) FATIGUE RISK MAANGEMENT PROCESSES – IDENTIFICATION OF HAZARDS.

(1) An operator shall develop and maintain three fundamental and documented processes for fatigue hazard identification:

(i) PREDICTIVE – The predictive process shall identify fatigue hazards by examining crew scheduling and taking into account factors known to affect sleep and fatigue and their effects on performance. Methods of examination may include but are not limited to:

(A) Operator or industry operational experience and data collected on similar types of operations;

(B) Evidence-based scheduling practices; and

(C) Bio-mathematical models.

(ii) PROACTIVE – The proactive process shall identify fatigue hazards within current flight operations. Methods of examination may include but are not limited to:

(A) Self-reporting of fatigue risks;

(B) Crew fatigue surveys;

(C) Relevant flight and cabin crew performance data;

(D) Available safety databases and scientific studies; and

(E) Analysis of planned versus actual time worked.

(iii) REACTIVE – The reactive process shall identify the contribution of fatigue hazards to reports and events associated with potential negative safety consequences in order to determine how the impact of fatigue could have been minimized. At a minimum, the process may be triggered by any of the following:

(A) Fatigue reports;

(B) Confidential reports;

(C) Audit reports;

(D) Incidents; and

(E) Flight data analysis events.

(g) RISK ASSESSMENT

(1) An operator shall develop and implement risk assessment procedures that determine the probability and potential severity of fatigue-related events and identify when the associated risks require mitigation. The risk assessments procedures shall review identified hazards and link them to:

(i) Operational processes;

(ii) Their probability;

(iii) Possible consequences; and

(iv) The effectiveness of existing safety barriers and controls.

(h) RISK MITIGATION

(1) An operator shall develop and implement risk mitigation procedures that:

(i) Select the appropriate mitigation strategies;

(ii) Implement the mitigation strategies; and

(iii) Monitor the implementation and effectiveness of the strategies.

(i) FRMS SAFETY ASSURANCE PROCESS –

(1) The operator shall develop and maintain a FRMS safety assurance process to:

(i) Provide for continuous FRMS performance monitoring, analysis of trend, and measurement to validate the effectiveness of the fatigue safety risk controls. The sources of data may:

(A) Hazard reporting and investigations;

(B) Audits and surveys; and

(C) Reviews and fatigue studies;

(ii) Provide a formal process for the management of change which shall include:

(A) Identification of changes in the operational environment that may affect FRMS;

(B) Identification of changes within the organization that may affect FRMS; and

(C) Consideration of available tools that could be used to maintain or improve FRMS performance prior to implementing changes.

(iii) Provide for the continuous improvement of the FRMS, which shall include :

(A) The elimination and/or modification of risk controls have had unintended consequences or that are no longer needed due to changes in the operational or organizational environment;

(B) Routine evaluations of facilities, equipment, documentation and procedures; and

(C) The determination of the need to introduce new processes and procedures to mitigate emerging fatigue-related risks.

(j) FRMS PROMOTION PROCESS –

(1) An operator shall develop an FRMS promotion process that support the ongoing development of the FRMS, the continuous improvement of its overall performance, and attainment of optimum safety levels. The following shall be established and implemented by the operator as part of its FRMS:

(i) Training programmes to ensure competency commensurate with the roles and responsibilities of management, flight and cabin crew, and all other involved personnel under the planned FRMS; and

(ii) An effective FRMS communications plan that:

(A) Explains FRMS policies, procedures and responsibilities to all relevant stakeholders; and

(B) Describes communication channels used to gather and disseminate FRMS-related information.

IS: 9.5.1.4 MAINTENANCE CONTROL MANUAL

(a) Each AOC applicant and AOC holder shall submit and maintain an MCM containing at least the following.

Note: The manual may be arranged in any subject order and the subjects may be combined so long as all applicable subjects are covered in the manual.

1.0 Administration and Control of the Maintenance Control Manual

1.1 Introduction

1.1.1 A statement that the manual complies with all applicable Authority regulations and requirements and with the terms and conditions of the applicable AOC;

1.1.2 A statement that the manual contains maintenance and operational instructions with which the relevant personnel are comply in the performance of their duties.

1.1.3 A list and brief description of the various MCM parts and their contents, applicability and use; and

1.1.4 Explanations and definitions of terms and words used in the manual.

1.2 System of Amendment and Revision

1.2.1 A description of who is responsible for the issuance and insertion of amendments and revisions.

1.2.2 A required record of amendments and revisions with insertion dates and effective dates;

1.2.3 A statement that hand-written amendments and revisions are not permitted except in situations requiring immediate amendment or revision in the interest of safety.

1.2.4 A description of the system for the annotation of pages and their effective dates.

1.2.5 A list of effective pages and their effective dates.

1.2.6 Annotation of changes (on text pages and as practicable, on charts and diagrams).

1.2.7 A system for recording temporary revisions.

1.2.8 A description of the distribution system for the manuals, amendments and revisions; and

1.2.9 A statement of who is responsible for notifying the Authority of proposed changes and for working with the Authority on changes requiring Authority approval.

2.0 General Organization

2.1 Corporate Commitment by the AOC Holder

2.2 General Information.

2.2.1 A brief description of the organization;

2.2.2 A description of the organization's relationship with other organizations

2.2.3 Fleet composition;

2.2.4 The type of operation; and

2.2.5 Line station locations.

2.3 Maintenance Management Personnel

2.3.1 Accountable manager;

2.3.2 Nominated post holder;

2.3.3 Maintenance co-ordination;
2.3.4 Duties and responsibilities;
2.3.5 Organization chart(s); and
2.3.6 Manpower resources and training policy;

2.4 Notification Procedure to the Authority Regarding Changes to the Maintenance Arrangements Locations, Personnel, Activities, or Approval

3.0: Maintenance Procedures

3.1 Aircraft Logbook Utilization and MEL Application

3.2 Aircraft Maintenance Programme Development and Amendment

3.3 Time and **Continuing Airworthiness** Records, Responsibilities, and Retention

3.4 Accomplishment and Control of Mandatory Continuing Airworthiness Information (Airworthiness Directives)

3.5 Analysis of the Effectiveness of the Maintenance Programme

3.6 Non-Mandatory Modification Embodiment Policy

3.7 Major Modification Standards

3.8 Defect Reports:

3.8.1 Analysis
3.8.2 Liaison with manufacturers and Regulatory Authorities;
3.8.3 Deferred defect policy

3.9 Engineering Activity

3.10 Reliability Programmes

3.10.1 Airframe
3.10.2 Propulsion; and
3.10.3 Components

3.11 Pre Flight Inspection.

3.11.1 Preparation of aircraft for flight
3.11.2 Subcontracted ground handling functions
3.11.3 Security of cargo and baggage loading
3.11.4 Control of refuelling, Quantity/Quality; and
3.11.5 Control of snow, ice, dust and sand contamination to an approved aviation standard

3.12 Aircraft Weighing.

3.13 Flight Test Procedures.

3.14 Sample of Documents, Tags and Forms Used.

3.15 Appropriate Portions of the AOC Holder's operations manual**.**

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