



FOCA GM/INFO

Guidance Material / Information

Nomination of Management Personnel

Guidance for organisations to nominate and notify management personnel as required by EU regulations for Air Operations and Air Crew.



Source: imago GmbH, 13127 Berlin

Scope	Nomination and notification of management personnel
Applies to	AOC and ATO
Valid from	24 April 2019
Purpose	Information

Process No	58-14, 42-07/08/15, 54-01
Document Reference	COO.2207.111.4.4231095
Registration No	033.1-00001/00048
Prepared by	M. Mayer, D. Bieli, F. Rhy/SBFL; R. Wellauer/SBOC; N. Garovi/SBHE
Released by	SB AFS / 18 December 2018
Distribution	Internal / External

LEFT BLANK

Log of Revision (LoR)

Date	Issue	Revision	Highlight of Revision
25.01.2019	1	0	First Issue
27.03.2019	1	1	1.1 Notification to FOCA changed from at least 10 to 20 days 4.1 Acknowledgement of receipt within 10 working days deleted
24.04.2019	1	2	4.2 Notification to FOCA changed from 10 to 20 days (except ATO)

List of Effective Chapters

CP	ISS1 / REV 2 / 24.04.2019
LoA	ISS 1 / REV 0 / 25.01.2019
ToC	ISS 1 / REV 0 / 25.01.2019
Ch. 0	ISS 1 / REV 0 / 25.01.2019
Ch. 0.1	ISS 1 / REV 0 / 25.01.2019
Ch. 0.2	ISS 1 / REV 0 / 25.01.2019
Ch. 0.3	ISS 1 / REV 0 / 25.01.2019
Ch. 1	ISS 1 / REV 0 / 25.01.2019
Ch. 1.1	ISS 1 / REV 1 / 27.03.2019
Ch. 1.2	ISS 1 / REV 0 / 25.01.2019
Ch. 2	ISS 1 / REV 0 / 25.01.2019
Ch. 2.1	ISS 1 / REV 0 / 25.01.2019
Ch. 2.2	ISS 1 / REV 0 / 25.01.2019
Ch. 2.3	ISS 1 / REV 0 / 25.01.2019
Ch. 3	ISS 1 / REV 0 / 25.01.2019
Ch. 3.1	ISS 1 / REV 0 / 25.01.2019
Ch. 3.2	ISS 1 / REV 0 / 25.01.2019
Ch. 3.3	ISS 1 / REV 0 / 25.01.2019
Ch. 4	ISS 1 / REV 0 / 25.01.2019
Ch. 4.1	ISS 1 / REV 1 / 27.03.2019
Ch. 4.2	ISS 1 / REV 2 / 24.04.2019

List of Abbreviations

LoA ISS 1 / REV 0 / 25.01.2019

The following abbreviations are within this GM/INFO:

Abbreviation	Definition	Abbreviation	Definition
ACM	Accountable Manager	OM	Operations Manual
ADMIN	Administration	PRA	Proposed Revision / Amendment Form
AMC	Acceptable Means of Compliance	REV	Revision
AOC	Air Operator Certificate	SM	Safety Manager
ATO	Approved Training Organisation	TM	Training Manual
CFI	Chief Flight Instructor	ToC	Table of Contents
Ch.	Chapter		
CL	Certification Leaflet		
CMM	Compliance Monitoring Manager		
CP	Cover Page		
CTKI	Chief Theoretical Knowledge Instructor		
CV	Curriculum Vitae		
DER	Document Evaluation Report		
EASA	European Aviation Safety Agency		
EC	European Commission		
EU	European Union		
FOCA	Federal Office of Civil Aviation		
GM/INFO	Guidance Material / Information		
HT	Head of Training		
ISS	Issue		
LECR	List of Effective Chapters		
LoA	List of Abbreviations		
LoR	Log of Revision		
MS	Management System		
No	Number		
NPCT	Nominated Person Crew Training		
NPFO	Nominated Person Flight Operations		
NPGO	Nominated Person Ground Operations		

Table of Contents (ToC)

ToC ISS 1 / REV 0 / 25.01.2019

0	Introduction	1
0.1	Legal References	1
0.2	Purpose and Scope of this GM/INFO	1
0.3	Terms and Conditions	2
1	Change of Management Personnel	3
1.1	Nomination / Notification	3
1.2	Written Résumé	3
2	Concerned Management Personnel.....	4
2.1	All Organisations	4
2.2	Air Operator Certificate.....	4
2.3	Approved Training Organisation	4
3	Deputy Functions	4
3.1	All Organisations	4
3.2	Air Operator Certificate.....	5
3.3	Approved Training Organisation	5
4	Administration.....	6
4.1	Changes to Management Personnel Requiring FOCA Approval.....	6
4.2	Changes to Management Personnel not Requiring FOCA Approval.....	6

0 Introduction

Ch. 0 ISS 1 / REV 0 / 25.01.2019

All Guidance Material / Information (GM/INFO) are intended to assist the organisations in administrative matters. The administrative requirements and processes will facilitate liaising with the Federal Office of Civil Aviation (FOCA). Using the GM/INFO will be conducive to establishing compliance with applicable regulation and will lead through the respective process in regard to administrative tasks.

0.1 Legal References

Ch. 0.1 ISS 1 / REV 0 / 25.01.2019

Reference (legal document)	Issue (date)	Subject (brief description of the content)
Basic Regulation (EC) No 216/2008 amended	20.02.2008	Common rules in the field of civil aviation and establishing a European Aviation Safety Agency
Commission Regulation (EU) No 1178/2011 amended	03.11.2011	Technical requirements and administrative procedures related to civil aviation aircrew, including Acceptable Means of Compliance (AMC) and Guidance Material (GM)
Commission Regulation (EU) No 965/2012 amended	05.10.2012	Technical requirements and administrative procedures related to air operations, including Acceptable Means of Compliance (AMC) and Guidance Material (GM)

0.2 Purpose and Scope of this GM/INFO

Ch. 0.2 ISS 1 / REV 0 / 25.01.2019

The purpose of this GM/INFO is to provide an applicant or holder of an Approved Training Organisation (ATO) certificate or Air Operator Certificate (AOC) on how to notify management personnel to FOCA.

0.3 Terms and Conditions

Ch. 0.3 ISS 1 / REV 0 / 25.01.2019

When used throughout the GM/INFO the following terms shall have the meaning as defined below:

Term	Meaning	Reference
<i>shall, must, will</i>	These terms express an obligation, a positive command.	EC English Style Guide: Ch. 7.19
<i>may</i>	This term expresses a positive permission.	EC English Style Guide: Ch. 7.21
<i>shall not, will not</i>	These terms express an obligation, a negative command.	EC English Style Guide: Ch. 7.20
<i>may not, must not</i>	These terms express a prohibition.	EC English Style Guide: Ch. 7.20
<i>need not</i>	This term expresses a negative permission.	EC English Style Guide: Ch. 7.22
<i>should</i>	This term expresses an obligation when an acceptable means of compliance should be applied .	EASA Acceptable Means of Compliance publications FOCA policies and requirements
<i>could</i>	This term expresses a possibility.	http://oxforddictionaries.com/definition/english/could
<i>ideally</i>	This term expresses a best possible means of compliance and/or best experienced industry practice.	FOCA recommendation

Note: To highlight information or an editorial note a specific note box is used.

- The use of the male gender should be understood to include male and female persons.

1 Change of Management Personnel

Ch. 1 ISS 1 / REV 0 / 25.01.2019

It is the sole responsibility of the organisation to assess, evaluate, nominate and notify specific management personnel in compliance with the applicable regulations. The organisation/operator shall establish an organisational structure according to its size, scope of activity and complexity, and in compliance with the applicable regulation. For the resulting structure, the organisation/operator shall evaluate and document the required qualification criteria for each function in regard to skills, knowledge and experience. This process should not focus on legal requirements only but on all aspects of qualification criteria for the intended management position (leadership, methodical competence, social skills, etc.). It is the management's responsibility to review those requirements each time the company changes in size or complexity or at any time deemed necessary (e.g. changes in environment).

1.1 Nomination / Notification

Ch. 1.1 ISS 1 / REV 1 / 27.03.2019

The nomination and notification procedure should be described within the management of change process. When notifying FOCA about a change, the organisation shall provide FOCA with a written résumé (see 1.2). The persons nominated by the holder of an AOC should not be nominated by another holder of an AOC unless agreed with the competent authorities concerned.

The organisation shall notify FOCA about any changes of management personnel at least 20 days before the date of the proposed change. Unforeseen changes should be notified at the earliest opportunity, in order to enable FOCA to determine continued compliance with the applicable requirements and to amend, if necessary, the organisation certificate and related terms of approval. The organisation may expect an acknowledgement of the receipt by FOCA within 10 working days.

1.2 Written Résumé

Ch. 1.2 ISS 1 / REV 0 / 25.01.2019

The «written résumé» shall not be the CV of the candidate only but the arguments of the organisation based on their assessment process; i.e. why does this person meet the required qualification for the function and how and by whom was it assessed. Results of the assessment(s) may be included in the résumé. It is possible to nominate a candidate with gaps to the required qualification however, the legal requirements shall be met. In this case, an action plan shall be provided to FOCA demonstrating how the gaps will be closed timely.

2 Concerned Management Personnel

Ch. 2 ISS 1 / REV 0 / 25.01.2019

The chapters below show the management functions requiring a nomination and state the requirement of a prior approval for an organisation holding different certificates. Further information to each function are provided in the relevant guidance material provided by FOCA (i.e. GM/INFO Certification Leaflet Management System (CL MS) or for ATO GM/INFO Certification Leaflet OM/TM (CL OM/TM) .

2.1 All Organisations

Ch. 2.1 ISS 1 / REV 0 / 25.01.2019

A change in the following function is subject to FOCA approval:

- ACM (Accountable manager)

A change of the following function(s) shall be notified to FOCA but are not subject to FOCA approval:

- SM (Safety manager)
- CMM (Compliance monitoring manager)

Note: If the organisation has to comply with EASA Part-M (CAMO) or EASA Part-145, the organisation shall additionally comply with the specific FOCA procedure for nomination of CMM for CAMO/Part-145.

2.2 Air Operator Certificate

Ch. 2.2 ISS 1 / REV 0 / 25.01.2019

A change in the following function(s) shall be notified to FOCA but are not subject to FOCA approval:

- NPFO Nominated Person Flight Operations
- NPCT Nominated Person Crew Training
- NPGO Nominated Person Ground Operations

Note: The persons nominated by the holder of an AOC should not be nominated by another holder of an AOC unless agreed with the competent authorities concerned.

2.3 Approved Training Organisation

Ch. 2.3 ISS 1 / REV 0 / 25.01.2019

A change in the following function(s) shall be notified to FOCA but are not subject to FOCA approval:

- HT Head of Training
- CFI Chief Flight Instructor
- CTKI Chief Theoretical Knowledge Instructor

Note: Refer also to FOCA Certification Leaflet «OM/TM, Chapter 3.1.2 Administration – Organisational Structure»

3 Deputy Functions

Ch. 3 ISS 1 / REV 0 / 25.01.2019

If an organisation decides to nominate deputies, they shall be notified to FOCA. Any nominated deputy shall meet the qualification criteria set by the organisation. If an organisation requires the deputy to take over accountabilities, duties and responsibilities of the concerned function of the nominee, the deputy shall meet the required qualification criteria.

3.1 All Organisations

Ch. 3.1 ISS 1 / REV 0 / 25.01.2019

In case of a lack of an Accountable Manager (ACM), FOCA is forced by regulatory requirements to rise a Level 1 Finding. Therefore, FOCA strongly recommends to nominate and notify a deputy accountable manager for all organisations/operators.

3.2 Air Operator Certificate

Ch. 3.2 ISS 1 / REV 0 / 25.01.2019

There is no legal requirement to nominate deputies. However, the holder of an AOC should make arrangements to ensure continuity of supervision in the absence of nominated persons. Therefore, FOCA recommends to nominate deputies for any management function.

3.3 Approved Training Organisation

Ch. 3.3 ISS 1 / REV 0 / 25.01.2019

With the exception of the function of the Head of Training (HT), there is no legal requirement to nominate deputies for required nominated persons. In an ATO providing training courses for different aircraft categories, the HT shall be assisted by one or more Deputy/-ies HT for certain flight training courses.

4 Administration

Ch. 4 ISS 1 / REV 0 / 25.01.2019

For the initial certification of an organisation/operator, FOCA shall be notified regarding the nomination of management personnel and any changes thereafter.

4.1 Changes to Management Personnel Requiring FOCA Approval

Ch. 4.1 ISS 1 / REV 1 / 27.03.2019

1	Nomination/Selection	Evaluation and recruitment procedure including management of change shall be applied as specified in the organisation's/operator's management system.
2	Application for change	A timely information of FOCA about the proposed change is crucial in order to coordinate the assessment date with FOCA. For application <ul style="list-style-type: none"> • an ATO shall use Form 105 • any other organisation shall use Form 4 – Air Operations* In addition, apply the manual revision process for change requiring FOCA approval.
3	Compliance verification	Upon reception of the application, FOCA will invite the proposed nominee for an assessment and may call for additional evidence of her/his suitability before deciding upon her/his acceptability. <ul style="list-style-type: none"> • An ACM will be interviewed by the head of safety division «flight operations» • Any other function will be assessed by the appropriate section of FOCA.
4	Completion	FOCA will return the signed Form 4 to the organisation applied for change and complete the manual revision process accordingly.

4.2 Changes to Management Personnel not Requiring FOCA Approval

Ch. 4.2 ISS 1 / REV 2 / 24.04.2019

1	Nomination/Selection	Evaluation and recruitment procedure including management of change shall be applied as specified in the organisation's/operator's management system.
2	Notification	All organisations/operators: <ul style="list-style-type: none"> • Apply the manual revision process • Notify FOCA about the nomination at least 20 days (for ATO 10 days) before the change becomes effective • An ATO shall use Form 105 • Any other organisation shall use Form 4 – Air Operations* and attach a written résumé
3	Acknowledgement of receipt	FOCA will acknowledge the reception of the submission within 10 working days.
4	Compliance verification	FOCA reserves the right to interview the nominee or call for additional evidence of her/his suitability before deciding upon her/his acceptability. If regulatory requirements for the intended change are not met (i.e. lack of qualification, lack of adherence to internal assessment process by the organisation, lack of traceable evidence), FOCA will intervene by not accepting the organisation's assessment/nomination process and therefore not accepting the nomination itself. This will be accomplished by raising a finding against the respective organisation, followed by the regular formal treatment of findings.
5	Completion	FOCA will complete the manual revision process.

* If the organisation has (also) to comply with EASA Part-M (CAMO) or EASA Part-145, specific FOCA procedures require that the [EASA Form 4](#) must be filled in (additionally) for the function of Accountable Manager (ACM) and Compliance Monitoring Manager (CMM).