

	<p>Aeronautical Services</p> <p>Advisory Memorandum</p> <p>(ASAM)</p> <p>Focal Point: ANSP</p>	<p>ASAM</p> <p>No: 39</p> <p>Issue 3.0</p> <p>Date 22.11.24</p>
<p>Title</p>	<p>Changes by a service provider certified in accordance with the requirements of Commission Regulation (EU) 2017/373 that does not affect the functional system</p>	

1.0 Introduction

This material outlines the procedures to enable a Service Provider (SP) to implement a change to the SPs provision of service, the SPs management system and/or SPs safety management system, that does not affect the functional system, (termed as the non-functional system), with or without prior competent authority (CA) approval in accordance with the regulatory requirements of 'ATM/ANS.OR.A.040 Changes — general' and 'ATM/ANS.AR.C.025 Changes' of Commission Regulation (EU) 2017/373.

1.1. Scope

This ASAM applies to all SPs certified by the Irish CA in accordance with the requirements of Commission Regulation (EU) 2017/373.

Changes that affect the functional system are covered under a separate CA ASAM publication 'ASAM No 38' found on the IAA website.

1.2. Responsible Person

The Irish Aviation Authority (IAA) is the Competent Authority (CA) for Ireland in respect to Regulation (EU) 2018/1139 and Commission Implementing Regulation (EU) 2017/373.

The manager Air Navigation Services Division (ANSND), IAA, has overall responsibility for this advisory material.

2.0 References

- European Regulation (EU) 2018/1139
- European Commission Regulation (EU) 2017/373.

3.0 Changes Non-Functional System - General

3.1 In accordance with ATM/ANS.OR.A.040, for changes that do not affect the functional system, SPs shall document their notification and management of change procedures for changes to

- the provision of service, • the management system and/or
- the safety management system.

- 3.2 Therefore, all non-FS (NFS) changes shall require prior approval before implementation, unless such a change is notified and managed in accordance with a change management procedure approved by the competent authority (see ATM/ANS.AR.C.025(c)).
- 3.3 Depending on the change the approval may take the form of a new or amended certificate, a new or amended approval letter, or an electronic mail, setting out terms of approval if appropriate.
- 3.4 Where the CA has issued such approval, the SP shall follow those approved change management procedures and the hereunder as follows,
- for [planned changes](#), section 4.
 - for [unplanned changes](#), section 5.
 - for [nominated person\(s\) changes](#), section 6.
- 3.5 Where the SP has not submitted a change management procedure, or it has but has not received CA approval, the SP shall follow the procedure as outlined hereafter at section 7 for '[No CA approval](#)'.
- 3.6 In respect to the aforementioned, hereunder are changes that shall require prior CA approval and shall be notified no later than 35 working days (7 weeks) in advance of the change:
- (1) change to the name of the SP;
 - (2) change of legal entity;
 - (3) the SP's type(s) of service provision;
 - (4) the SP's principal place of operation;
 - (5) additional locations of the SP;
 - (6) the accountable manager;
 - (7) for any changes to the SP's procedure describing how changes requiring prior approval will be managed and notified to the competent authority
 - (8) for any changes to the SP's procedure describing how changes not requiring prior approval will be managed and notified to the competent authority
 - (9) Changes to regulatory approved operations and documents/manuals.
- 3.7 To notify the CA of changes under point 3.6, the SP shall use the online form¹ on the IAA website. For the 'Type of Notification' (under section 1 of the form) the SP shall select either 'Complex' or 'Non-complex' change. The SP shall also forward their OPS.ANS.F.243 compliance matrix* and other applicable compliance matrixes* with each management system document that is created or amended².

(*or alternative SP compliance tracking document(s) agreed for use by the CA)

- 3.8 Where the SP is given a choice to select 'Complex' or a 'Non-complex' change its decision will depend on the complexity and/or amount of material the CA will be required to review and/or the amount or location of new installations to inspect.

- 3.9 To meet their date of implementation, the SP should ensure all changes are complete, correct, and timely in notification to allow for optimal regulatory review time. Where the SP is unsure of the impact on the CA and its resources it is advised to consult in advance of the change.

4.0 CA approved SP change management procedures - Planned changes

4.1 In accordance with AMC2 ATM/ANS.OR.A.040(b)(a), the SP shall document a change management procedure(s) that includes the scope of planned change(s) describing how such changes will be managed and notified to the CA.

4.2 The SP shall submit these change management procedure(s) to the CA for approval.

4.3 Once approved, the SP shall notify the CA using the online notification form¹ (on the IAA web site) no later than 2 weeks (10 working days) in advance of the proposed planned change or as documented in the SP approved procedure. Under section 1 'Type of Notification' of the online form¹ the SP shall select 'Routine change' (or as documented in the SP approved procedure).

4.4 The CA shall receive from the SP

- The online notification of change form.
- Each management system document that is created or amended².
- The OPS.ANS.F.243 excel matrix* if changed because of the update, and
- other applicable compliance matrixes* if required to be updated because of the change.

(*or alternative SP compliance tracking document(s) agreed for use by the CA)

4.5 The CA will acknowledge receipt of the notification in the form of an automated email response. The organisation shall keep a copy of this email as evidence of notification to the CA. Each SP should also download and keep a copy of the notification of change form as a record of the information it submitted.

4.6 As a contingency; if for some reason the SP doesn't receive the automated email or if there are issues with the online form, the SP shall use ANSD form 'OPS.ANS.F.267' and email it to ansdinfo@iaa.ie. An ANSD inspector will acknowledge receipt within 10 working days. The change should not take place until a response is received.

4.7 The organisation may plan to implement the change on or after the date it has stated the change will take place once it has received the automated/acknowledgement email. Should the SP wish to introduce the change sooner, it should not do so until it has updated its notification with a new version number, with the new date and the reason/justification for the earlier introduction of the change. The change cannot be introduced until correspondence is received in writing directly from ANSD stating that the early introduction can proceed.

4.8 In the continuous oversight process, the competent authority shall assess the information provided in the notification to verify whether the actions taken and information supplied comply with the approved procedures and applicable requirements. In case of any issue or non-compliance, the CA shall:

- (1) notify the SP of the issues and request further changes.
- (2) in case of level 1 and level 2 findings, act in accordance with point ATM/ANS.AR.C.050.

4.9 The CA may prescribe conditions or limitations under which the SP may operate during such changes, which may include not allowing the organisation to make the change or only make a partial change whilst the regulatory check is ongoing.

4.10 The CA may, as part of the change process, conduct checks, reviews, audits and inspections including, as appropriate, unannounced inspections of the organisation prior to, during and/or after implementation of a change.

5.0 CA approved SP change management procedures - **Unplanned changes**

- 5.1 An unplanned change is a change that may arise with the need for urgent action such as the SP having to respond immediately to a safety problem as required in ATM/ANS.OR.A.060 or when an emergency arises in which the SP must take immediate action to ensure the safety of the services. Or it is because of a change being required to be made because of a change in circumstance (e.g., a contractor has indicated they can make the change sooner than indicated as staff have become available).
- 5.2 It is a change which must still follow the organisations CA approved procedure for change, but which cannot be notified to the CA in line with the minimum mandatory advance notice periods for a planned change.
- 5.3 In accordance with AMC2 ATM/ANS.OR.A.040(b)(a), the SP shall document a change management procedure(s) that includes the scope of the unplanned change(s) describing how such changes will be managed and notified.
- 5.4 The change assessment must provide an outcome that demonstrates and justifies to the SP the change as needing to be implemented in a notification period of less than 10 days i.e., as an unplanned change. This is to also rationalise to the CA why it is receiving notification that doesn't allow it sufficient time to check the change under its processes.
- 5.5 The SP shall submit these change management procedure(s) to the CA for approval.
- 5.6 Where the CA has issued a change management procedure approval the SP shall follow that procedure and as outlined hereafter.
- 5.7 The SP shall notify the CA using the online notification form¹ on the IAA web site no later than 24 hours after the change is implemented or as documented in the SP approved procedure. Under section 1 'Type of Notification' of the online form¹ the SP shall select 'Unplanned change'.
- 5.8 As a contingency, if for some reason the SP doesn't receive the automated email or if there are issues with the online form, the SP shall use ANSD form 'OPS.ANS.F.267' and email it to ansdinfo@iaa.ie .

5.9 The CA shall receive from the SP

- The online notification of change form.
- Each management system document that is created or amended².
- The OPS.ANS.F.243* matrix if changed because of the update, and
- other applicable compliance matrixes* if required to be updated because of the change.

(*or alternative SP compliance tracking document(s) agreed for use by the CA)

5.10 The CA will acknowledge receipt of the notification in the form of an automated email response. The organisation shall keep a copy of this email as evidence of notification to the CA. Each SP should also download and keep a copy of the notification of change form as a record of the information it submitted.

5.11 In the continuous oversight process, the competent authority shall assess the information provided in the notification to verify whether the actions taken, and information supplied, comply with the approved procedures and applicable requirements. In case of any issue or non-compliance, the CA shall:

- (1) notify the SP of the issues and request further changes.
- (2) in case of level 1 and level 2 findings, act in accordance with point ATM/ANS.AR.C.050.

5.12 The CA may prescribe conditions or limitations under which the SP may operate during such changes, which may include not allowing the organisation to make the change or only make a partial change whilst the regulatory review is ongoing.

5.13 The CA may, as part of the change process, conduct checks, reviews, audits and inspections including, as appropriate, unannounced inspections of the organisation prior to, during and/or after implementation of a change.

5.14 The CA may monitor the amount of SP unplanned changes as an excessive amount may indicate issues with the proper functioning of the SP management system.

6.0 CA approved SP change management procedures - **Nominated Persons.**

6.1 'AMC1 ATM/ANS.AR.C.025(c) Changes'

“(a) When the SP submits the name of the nominee for the nominated persons in accordance with AMC2 ATM/ANS.OR.A.040(b), the competent authority should consider his or her qualification.”

AMC2 ATM/ANS.OR.A.040(b)

“(b) The SP should inform the competent authority of any changes to nominated persons specified in ATM/ANS.OR.B.020(b) and ATS.OR.200(1)(iii), as applicable.”

6.2 Those persons specified in ATM/ANS.OR.B.020(b) and ATS.OR.200(1)(iii), are management personnel in charge of safety, quality, security, finance, and human resources-related functions (i.e., Director, manager or equivalent grade with accountabilities and/or responsibilities for recruitment appointments) and

as applicable, a safety person who is accountable and/or responsible for the implementation and maintenance of an effective SMS (unit safety managers or equivalent and above).

- 6.3** The SP shall document a management of personnel change procedure that describes how such changes will be managed and notified to the CA.
- 6.4** For the competent authority to consider a person's qualification for a nominated position, the SP shall submit these change management procedure(s) to the CA for approval.
- 6.5** Where the CA has issued a change management procedure approval, the SP shall follow that procedure and as outlined hereafter.
- 6.6** The SP shall notify the competent authority at least 35 working days (7 weeks), in advance of that person taking up the position they are nominated for using the online form¹ on the IAA website. The SP shall select either 'Complex' or 'Non-complex' change under section 1 'Type of Notification' or as documented in the SP approved procedure.
- 6.7** The CA will acknowledge receipt of the notification in the form of an automated email response. The organisation shall keep a copy of this email as evidence of notification to the CA. Each SP should also download and keep a copy of the notification of change form as a record of the information it submitted.
- 6.8** As a contingency, if for some reason the SP doesn't receive the automated email or if there are issues with the online form, the SP shall use ANSD form 'OPS.ANS.F.267' and email it to ansdinfo@iaa.ie. An ANSD inspector will acknowledge receipt within 10 working days. The change should not take place until a response is received.
- 6.9** The organisation may plan to implement the change on or after the date it has stated the change will take place once it has received the automated/acknowledgement email. Should the SP wish to introduce the change sooner, it should not do so until it has updated its notification with a new version number, with the new date and the reason/justification for the earlier introduction of the change. The change cannot be introduced until correspondence is received in writing directly from ANSD stating that the early introduction can proceed.
- 6.10** In the continuous oversight process, the competent authority shall assess the information provided in the notification to verify whether the actions taken, and information supplied comply with the approved procedures and applicable requirements. In case of any issue or non-compliance, the CA shall:
 - (1) notify the SP of the issues and request further changes.
 - (2) in case of level 1 and level 2 findings, act in accordance with point ATM/ANS.AR.C.050.
- 6.11** The CA may prescribe conditions or limitations under which the SP may operate during such changes, which may include not allowing the organisation to make the change or only make a partial change whilst the regulatory review is ongoing.

6.12 The CA may, as part of the change process, conduct checks, reviews, audits and inspections including, as appropriate, unannounced inspections of the organisation prior to, during and/or after implementation of a change.

7.0 SP change management procedures - No CA approval

7.1 Where the SP has no CA approval for its change management procedure(s), the SP shall notify the CA using the form¹ on the IAA web site no later than 7 weeks (35 working days) in advance of the proposed change. The SP shall select either 'Complex Change' or 'Non-complex' change under section 1 'Type of Notification'.

7.2 As a contingency, where there are issues with the online form an organisation may use form OPS.ANS.F.267 (also on the website) and send it via email to ansdinfo@iaa.ie.

7.3 SPs shall provide the CA with all relevant documentation which are affected by the change. The SP's most recent version of the compliance matrix OPS.ANS.F.243* and other relevant affect matrixes*, which assists in tracking organisational compliance with the regulatory requirements, shall where appropriate be updated and forwarded to the CA. Where a management system/ organisational document changes² it shall be submitted also clearly showing where the change(s) have been made, and the excel sheet titled 'Doc list' in the compliance matrix OPS.ANS.F.243 etc. shall be updated.

7.4 The CA shall therefore receive from the SP the following,

- The online notification of change form.
- Each management system document that is created or amended².
- The OPS.ANS.F.243* matrix if changed because of the update, and
- other applicable compliance matrixes* if required to be updated because of the change.

(*or alternative SP compliance tracking document(s) agreed for use by the CA)

7.5 In accordance with 'AMC1 ATM/ANS.OR.A.040(b)', the change shall only be implemented upon receipt of formal approval by the CA (point 3.3 refers).

7.6 SPs shall operate under the conditions or limitations prescribed by the CA during such changes, unless the CA determines that the change cannot be implemented.

7.7 Changes to the elements referred to in point 3.1 due to unforeseen circumstances shall be notified to the CA without delay to obtain approval as necessary.

7.8 SPs shall notify the CA when they cease their activities.

8.0 Action by the CA for SP changes with no CA change management approval

(AMC1 ATM/ANS.AR.C.025(b) Changes)

8.1 Upon receiving a notification for a change in accordance with point ATM/ANS.OR.A.040(a)(2) that requires approval before introduction, the CA shall

assess the proposed change within 30 working days “**after the receipt of all the evidence**” supporting the proposed change.

- 8.2 If the submission for proposed change is lacking or requires action on behalf of the SP this will be relayed as soon as practicable by the CA and could affect the planned implementation of the change. The 30-day assessment period may be reset every time a submission is incomplete as the requirement on the CA is to assess the proposed change within 30 working days after receipt of all evidence supporting the proposed change. It is important to note that the CA cannot be expected to continually readjust its personnel’s duties and timelines for submissions which are not complete or correct when it deals with more than one submission from more than one SP at a time.
- 8.3 Before issuing a change approval (point 3.3 refers), the CA will verify the SP’s compliance with
- the SP’s certificate and the conditions attached; and
 - its management system, and
 - the applicable requirements of Part-ATM/ANS.OR,
 - as well as any other applicable European, ICAO and National requirements.
- 8.4 If the request for change submission is complete the CA will notify the SP of its approval/rejection as soon as is practicable.
- 8.5 When notifying a rejection, the competent authority will also inform the SP of the right of appeal.
- 8.6 The CA may not allow a change to proceed until it is satisfied that it can proceed safely and in compliance with the regulatory requirements.
- 8.7 The CA may, as part of the change process, conduct checks, reviews, audits, and inspections including, as appropriate, unannounced inspections of the SP prior to, during and/or after implementation of a change.
- 8.8 The CA may prescribe the conditions and/or limitations under which the SP may operate during such changes, which may include allowing the organisation to make a partial change whilst the regulatory check or review is ongoing.
- 8.9 Upon receipt of the notification of change of name of the SP (point 3.6 refers) and the relevant parts of the SP’s documentation as required by Part-ATM/ANS.OR, if all being in order, the competent authority will reissue the certificate.

9.0 Further Information

Any queries or requests for further information should be addressed to the following CA email address: ansdinfo@iaa.ie

Note¹: The online notification form and the contingency form OPS.ANS .F.267 can be found on the IAA website under ‘Aeronautical Services’ under the ‘Commercial Aviation’ tab (top of the home page) www.iaa.ie/

Note²: The excel sheet titled ‘Doc list’ in the compliance matrix OPS.ANS.F.243 / OPS.ANS.F.244 etc. shall be updated when each management system document referred to in the compliance matrix is created or amended.