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1) Introduction

This material outlines the procedures to enable a Service Provider (SP) to implement a change to the SP's provision of service, the SP's management system and/or safety management system, that does not affect the functional system, (hereafter referred to 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.

2) 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', that can be found on the Irish Aviation Authority (IAA) website.

3) Responsible Person

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

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


4) References

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


5) Changes to the Non-Functional System (NFS) - General

5.1 In accordance with ATM/ANS.OR.A.040, the SP shall notify and manage the following changes to their NFS -

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

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- 5.2 Therefore, all 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)).
- 5.3 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.
- 5.4 Where the CA has issued such approval, the SP shall follow those approved change management procedures and the following sections of this document :
- for **planned changes**, section 6.
 - for **unplanned changes**, section 7.
 - for **nominated person(s) changes**, section 8.
- 5.5 Where the SP has not submitted a change management procedure, or it has but CA approval has not been received, the SP shall follow the procedure as outlined hereafter in section 9 - '**No CA approval**'.
- 5.6 In respect to the aforementioned, the following changes require prior CA approval and shall be notified no later than 35 working days (seven 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) Any changes to the SP's procedure(s) describing how changes requiring prior approval will be managed and notified to the competent authority
 - (8) Any changes to the SP's procedure describing how changes not requiring prior approval will be managed and notified to the competent authority
 - (9) Any changes to regulatory approved operations and associated documents/manuals.
- 5.7 To notify the CA of changes under point 5.6, 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 include in the NOC submission, all relevant draft documentation which is affected by the planned change, clearly identifying where change(s) have been made.
- 5.8 For changes to the name of an SP (point 5.6 refers), upon receipt of the notification and the relevant parts of the SP's documentation as required by Part-ATM/ANS.OR, if

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all is deemed to be in order, the CA will reissue the SP's certificate.


- 5.9 **For all NFS changes**, where the planned change includes an update to documentation that is cited as providing evidence to demonstrate compliance with Regulation (EU) 2017/373 requirements, the SP shall submit an updated version of each impacted compliance matrix document* (or applicable extracts thereof) to reflect the planned change, which assists in tracking organisational compliance with the regulatory requirements. In such instances, the SP shall also ensure that the 'Doc list' tab in each compliance matrix is updated accordingly and in advance of submitting as part of the NOC.

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

- 5.10 Where the SP is given a choice to select 'Complex' or a 'Non-complex' change, its decision should also consider 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.
- 5.11 To meet the planned 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.


6) CA approved SP change management procedures - **Planned changes**

- 6.1 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 changes, describing how such changes will be managed and notified to the CA.
- 6.2 The SP shall submit these change management procedure(s) to the CA for approval.
- 6.3 Once approved, the SP shall notify the CA using the online notification form¹ no later than two weeks (10 working days) in advance of the notified planned implementation change, or as documented in the SP approved procedure. Under section 1 'Type of Notification' of the online form¹, the SP shall select 'Common change' (or as documented in the SP approved procedure).
- 6.4 The SP shall submit the following to the CA:
- The online notification of change (NOC) form.
 - Each management system document that is created or amended².
 - If applicable, an updated compliance matrix as per section 5.9 instruction.


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- 6.5 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.
- 6.6 As a contingency, where there are issues with the online form, an SP may use the PDF form 'OPS.ANS.F.267' available on the IAA NOC portal, attach it to an email and send to <mailto:ansdinfo@iaa.ie> to notify of the planned change, providing information regarding the issues experienced when attempting to use the online NOC form. An ANSD inspector will acknowledge receipt within 10 working days and the SP shall not implement the planned change until a response is received.
- 6.7 The organisation may plan to implement the change on or after the notified planned implementation date, once it has received the CA 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, a revised planned implementation date and the reason/justification for the earlier introduction of the planned change. The SP must receive confirmation from the CA that the planned change may be introduced earlier than initially notified, before proceeding with implementation.
- 6.8 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.
- 6.9 The CA may prescribe conditions or limitations under which the SP may operate during such changes, which may include not permitting the organisation to implement the change or only permit partial implementation of the change whilst the regulatory review is ongoing.
- 6.10 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.

7) CA approved SP change management procedures - **Unplanned changes**

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- 7.1 An 'unplanned change' is a change that may arise when the need for urgent action is identified by the SP, for example:
- SP having to respond immediately to an identified safety problem as required in ATM/ANS.OR.A.060.
 - When an emergency arises in which the SP must take immediate action to ensure the safety of the services.
 - An urgent change required to be made due to an unforeseen change in circumstances (e.g., a contractor has indicated they can make the urgent change sooner than initially indicated, as staff have become available).
- 7.2 It is a change which must still follow the organisation's CA approved procedure for change, but which cannot be notified to the CA in line with the mandatory notification period for a planned change.
- 7.3 In accordance with AMC2 ATM/ANS.OR.A.040(b)(a), the SP shall document a change management procedure(s) that addresses within its scope, how such unplanned changes will be managed and notified.
- 7.4 As part of the SP management and notification of the change, a rationale must be provided that demonstrates and justifies a valid urgent need for the SP to implement the change within the minimum notification period of 10 days i.e. as an unplanned change. This also provides a rationale to the CA as to why the SP cannot adhere to the minimum notification periods, as such scenarios provide the CA with insufficient time to assess the NOC under its processes.
- 7.5 The SP shall submit these change management procedure(s) to the CA for approval.
- 7.6 Where the CA has issued a change management procedure approval, the SP shall follow that procedure and as outlined hereafter.
- 7.7 The SP shall notify the CA using the online notification form¹ on the IAA website, 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'.
- 7.8 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 complete ANSD form 'OPS.ANS.F.267' and email it to ansdinfo@iaa.ie.
- 7.9 The CA shall receive from the SP

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- The online notification of change form.
- Each management system document that is created or amended².
- If applicable, an updated compliance matrix as per section 5.9 instruction.


- 7.10 The CA will acknowledge receipt of the online 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.
- 7.11 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.
- 7.12 The CA may prescribe conditions or limitations under which the SP may operate during such changes, which may include not permitting the organisation to implement the change or only permit partial implementation of the change whilst the regulatory review is ongoing.
- 7.13 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.
- 7.14 The CA may monitor the number of unplanned changes submitted by the SP, as an excessive amount may indicate issues with the proper functioning of the SP management system.

8) CA approved SP change management procedures - **Nominated Persons**.

- 8.1 ‘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.”

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The nominated postholders 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 (safety manager or equivalent and above).

- 8.2 The SP shall document a management and notification of personnel change procedure that describes how such changes will be managed and notified to the CA.
- 8.3 For the competent authority to consider a person's qualifications for a nominated postholder position, the SP shall submit the associated change management procedure(s) addressing the management and notification of nominated postholders, to the CA for approval.
- 8.4 Where the CA has issued a change management procedure approval, the SP shall follow that procedure and as outlined hereafter.
- 8.5 The SP shall notify the competent authority at least 35 working days (seven 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.
- 8.6 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.
- 8.7 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 IAA form 'OPS.ANS.F.267' and email it to ansdinfo@iaa.ie. A CA inspector will acknowledge receipt within 10 working days and the SP shall not implement the planned change until a response is received.
- 8.8 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

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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 from the CA stating that the early introduction can proceed.

- 8.9 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.

- 8.10 The CA may prescribe conditions or limitations under which the SP may operate during such changes, which may include not permitting the organisation to implement the change or only permit partial implementation of the change whilst the regulatory review is ongoing.

- 8.11 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.

9) SP change management procedures - No CA approval

- 9.1 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 seven weeks (35 working days) in advance of the proposed change. The SP shall select either 'Complex Change' or 'Non-complex' change under NOC form section 1 'Type of Notification'.
- 9.2 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.
- 9.3 SPs shall provide the CA with all relevant documentation which is affected by the change. The SP's most recent version of the compliance matrix OPS.ANS.F.243* and other relevant affected matrixes*, which assist 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

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updated.

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


- 9.4 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.
 - An updated version of each impacted compliance matrix document* (or applicable extracts thereof) to reflect the planned change, which assists in tracking organisational compliance with the regulatory requirements.
- 9.5 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 5.3 refers).
- 9.6 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.
- 9.7 Changes to the elements referred to in point 5.6 due to unforeseen circumstances, shall be notified to the CA without delay to obtain approval as necessary.
- 9.8 SPs shall notify the CA when they cease their activities.

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

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

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 formally acknowledge receipt of the notification in writing within 10 working days and assess the proposed change within 30 working days "**after the receipt of all the evidence**" supporting the proposed change.

- 10.1 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 may 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 multiple submissions from more than one SP at any given time.

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10.2 Before issuing a change approval (point 5.3 refers), the CA will verify the SP's compliance with the following:

- the SP's certificate and the conditions attached;
- its management system,
- the applicable requirements of Regulation (EU) 2017/373,
- as well as any other applicable European, ICAO and National requirements.

10.3 If the change management procedure submission is complete, the CA will notify the SP of its approval/rejection as soon as is practicable.

10.4 When notifying a rejection, the competent authority will also inform the SP of the right of appeal.

10.5 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.

10.6 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.

10.7 The CA may prescribe the conditions and/or limitations under which the SP may operate during such changes, which may include permitting partial implementation of the change whilst the regulatory review is ongoing.

11) 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 the 'Commercial Aviation' tab (top of the home page) and subsequently selecting the 'Aeronautical Services' link.

Note²: The excel sheet titled 'Doc list' in the submitted compliance (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 and before submitting as part of the NOC.

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