



**Aeronautical Services**  
**Advisory Memorandum**  
**(ASAM)**  
**Focal Point: ANSP**

**ASAM**  
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**Title**

**Changes by a service provider certified in accordance with the requirements of Commission Regulation (EU) 2017/373 that does not affect the functional system**

**1. Introduction**

This material outlines the procedures to enable a Service Provider (SP) to implement a change to the provision of service, the SP's management system and/or safety management system, that does not affect the 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. Hereunder is a link to the IAA website where it can be found

[ASAMs.](#)

**1.2. Responsible Person**

The Safety Regulation Division (SRD) of the Irish Aviation Authority (IAA) is the Competent Authority (CA) for Ireland regarding Regulation (EU) 2018/1139, and Commission Implementing Regulation (EU) 2017/373.

The Assistant Director, Aeronautical Services Department (ASD) of SRD has overall responsibility for this advisory material.

**2. References**

- Regulation (EU) No. 2017/373;
- Regulation (EU) 2018/1139;

**3. Planned changes – non-functional system**

3.1 In accordance with ATM/ANS.OR.A.040, SPs shall document the notification and management of changes procedures for changes to

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

3.2 With respect to 3.1, hereunder are changes that affect the certificate or the terms of approval of the SP or the SP's management system and will require prior CA approval:

- (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.

3.3 Any change as referred to in point 3.1 and 3.2 above shall require prior approval before implementation, unless such a change is notified and managed in accordance with a procedure approved by the competent authority as laid down in point ATM/ANS.AR.C.025(c).

3.4 Once the SP has documented the scope and management of changes procedures not requiring prior approval within their management system they shall submit and receive CA approval before implementation.

3.5 Where the CA approval has not been received the SP shall follow the procedure as outlined hereafter at section 4.

3.6 Where the CA has issued an approval the SP shall follow the procedure as outlined hereafter at section 6.

#### **4. Changes without prior approval**

4.1 For changes where the SP has no CA approved procedure that covers the change, the SP shall notify the CA using the form on the IAA web site ([online form](#)) **no later than 6 weeks (30 working days) in advance of the proposed change**. As a contingency, where there are issues with the online form an organisation may use the form ASD.F.254 also on the website ([ASD.F.254 form](#)) and attach it to an email and send to [ansdinfo@iaa.ie](mailto:ansdinfo@iaa.ie). to notify of the change.

4.2 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 ASD.F.243 and other relevant affect matrixes, which assists in tracking organisational compliance with the regulatory requirements, shall be updated where appropriate and forwarded to the CA. Where a management system/ organisational document changes 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 ASD.F.243 etc. shall be updated.

4.3 The CA shall therefore receive from the SP;

- A completed online notification of change

- Each management system document that is amended, and
  - An updated ASD.F.243 compliance matrix; and
  - any other compliance matrix if required to be updated because of the change.
- 4.4 In accordance with 'AMC1 ATM/ANS.OR.A.040(b)', the change shall only be implemented upon receipt of formal written approval by the CA (point 5.9 hereafter refers).
- 4.5 SPs shall operate under the conditions prescribed by the CA during such changes, unless the CA determines that the change cannot be implemented.
- 4.6 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.
- 4.7 SPs shall notify the CA when they cease their activities.

## **5. Action by the CA for planned changes requiring prior approval**

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

- 5.1 The CA shall 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 the notification of change form as a record of the information it submitted.
- 5.2 Upon receiving a notification for a change in accordance with point ATM/ANS.OR.A.040(a)(2) that requires prior approval, the CA shall assess the proposed change within 30 working days "**after the receipt of all the evidence**" supporting the proposed change.
- 5.3 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 the receipt of all the 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 when it deals with more than one submission from more than one SP at a time.
- 5.4 The CA will verify the change with the SP's compliance with
- the SP's certificate; or
  - the conditions attached; or
  - management system of it, and
  - the applicable requirements of Part-ATM/ANS.OR,
  - as well as any other applicable requirements

before issuing the change approval.

- 5.5 If the request for change submission is complete the CA will notify the SP of its approval/rejection as soon as is practicable.
- 5.6 When notifying a rejection, the competent authority will also inform the SP of the right of appeal.
- 5.7 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.
- 5.8 The CA may prescribe the conditions under which the SP may operate during such changes, which may include allowing the organisation to make a partial change whilst the regulatory review is ongoing.
- 5.9 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.
- 5.10 The CA may, as part of the change process, conduct audits and inspections including, as appropriate, unannounced inspections of the SP prior to, during and/or after implementation of a change.
- 5.11 Where it is found that the SP implements changes requiring prior approval without having received CA approval, referred to in ATM/ANS.OR.A.040(a)(1), the CA will take immediate and appropriate action, without prejudice to any additional enforcement measures. Note; Appropriate action by the competent authority may include suspension, limitation or revocation of the SP's certificate.
- 5.12 Upon receipt of the notification of change of name of the SP and the relevant parts of the SP's documentation as required by Part-ATM/ANS.OR, the competent authority will reissue the certificate.

## **6. Planned changes not requiring prior approval**

### **6.1 'ATM/ANS.AR.C.025 Changes'**

*"(c) To enable a SP to implement changes to its management system and/or safety management system, as applicable, without prior approval in accordance with point ATM/ANS.OR.A.040(b), the competent authority shall approve a procedure defining the scope of such changes and describing how such changes will be notified and managed."*

- 6.2 In accordance with AMC2 ATM/ANS.OR.A.040(b)(a), the SP shall document the scope of changes not requiring prior approval and the notification and management of change procedures within their management system which the competent authority shall approve.
- 6.3 Where the CA has issued an approval the SP shall follow the procedure as outlined hereafter.
- 6.4 The SP shall notify the CA using the form on the IAA web site no later than **2 weeks (10 working days) in advance** of the proposed change. As a contingency, where there are issues with the online form an organisation may use the form ASD.F.254

also on the website ([ASD.F.254 form](#)) and attach it to an email and send to [ansdinfo@iaa.ie](mailto:ansdinfo@iaa.ie) .

- 6.4 The CA shall receive from the SP;
- The online notification of change form
  - Each management system document that is amended, and
  - An updated ASD.F.243 and other compliance matrixes as applicable if required to be updated because of the change.
- 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.
- 6.6 If for some reason it doesn't receive the automated email the SP should contact ANSD directly via email at [ansdinfo@iaa.ie](mailto:ansdinfo@iaa.ie) for a response. ANSD shall reply within 10 working days from the date it receives the notification. The change should not take place until a response is received.
- 6.7 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 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.
- 6.8 In the continuous oversight process, the competent authority shall assess the information provided in the notification to verify whether the actions taken comply with the approved procedures and applicable requirements. In case of any non-compliance, the competent authority shall:
- (1) notify the SP of the non-compliance 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 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.
- 6.10 The CA may, as part of the change process, conduct audits and inspections including, as appropriate, unannounced inspections of the organisation prior to, during and/or after implementation of a change.

## **7. 'AMC1 ATM/ANS.AR.C.025(c) Changes'**

- 7.1 *"(a) When the SP submits the name of the nominee for the nominated persons in accordance with AMC2 ATM/ANS.OR.A.040(b)<sup>2</sup>, the competent authority should consider his or her qualification."*

7.2 For the competent authority to consider a person's qualification for a nominated position, the SP shall carry out the assessment of change under its regulatory approved management of personnel change process and shall notify the competent authority of any planned new or acting changes at least ten working days (two weeks) in advance of that person taking up the position they are nominated for.

7.3 Note<sup>2</sup> - 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.”*

7.4 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 as applicable (i.e. Director, manager or equivalent grade with responsibilities for recruitment appointments) and as applicable, a safety manager who is responsible for the implementation and maintenance of an effective SMS (Unit safety managers or equivalent and above).

## **8. Unplanned changes - general**

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. It is a change which still must follow the organisations process for change, but which cannot be notified to the CA in line with the minimum mandatory regulatory advance notice periods i.e. 6 weeks for prior approval and 2 weeks for non-prior approval.

The procedure for an unplanned change must be proposed by the SP and approved by the competent authority.

## **9. Further Information**

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

The online form and the PDF ASD.F.254 Form can be found on the IAA website under 'Aeronautical Services' under the 'Commercial Aviation' tab (top of the home page) [www.iaa.ie/](http://www.iaa.ie/)