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NOTICE TO AIRCRAFT OPERATORS

Subject: Application for an Air Operator's Certificate	Number: 01/2011
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Background

The Civil Aviation Regulations (CAR) require that *'an aircraft shall not fly for the purpose of public transport unless the operator of the aircraft is the holder of an air operator's certificate'*. 'public transport' is defined as *'the carriage of persons by aircraft for remuneration'*. It is therefore necessary that anyone planning to operate aircraft for public transport must apply to the Director of Civil Aviation (DCA) for the grant of an air operators certificate (AOC).

Before an AOC can be granted the CAR require that the DCA must be satisfied that the applicant is competent to secure the safe operation of aircraft, this shall be based on:

- a) The applicant's previous conduct and experience;
- b) The applicant's equipment, organisation and staffing;
- c) The arrangements which the applicant proposes to make in relation to the maintenance of his aircraft, including the minimum equipment list and
- d) The applicants flight crew, cabin crew and dangerous goods training programmes.

CAR also specify that the applicant must satisfy the authority that it has a management organisation capable of exercising operational control and supervision, and has nominated an accountable manager acceptable to the DCA. Such a management organisation will need to comply with the requirements of the Air Operators Certification Requirements (AO CR) and as such will include nomination of senior staff acceptable to the authority, an effective quality system and an accident prevention and flight safety programme. The management structure and systems required will vary in scale according to the complexity of the proposed operation; nevertheless all of the requirements must be complied with for every operation.

Before an AOC can be granted DCA officers will make detailed investigations in order to assess the competence of the operator. This will require formal examination of all aspects of the proposed operation. The applicant's proposed operation should comply with all the requirements of the CAR

DCA Notice to Aircraft Operators 01/2011

and the AOCR. Where guidance is not available on any particular topic then compliance with European standards ('EU-OPS' and associated guidance) will be considered acceptable to the DCA.

The application for an AOC and the assessment of that application is a lengthy process. As such the following five-stage procedure has been developed to ensure that an applicant is able to make the required information and evidence available to DCA officers in a timely manner.

Application Procedure

The DCA has adopted a five-stage process for the systematic and timely handling of AOC applications. The five stages are as follows:

1. Pre-Application discussion
2. Initial Application
3. Full Application
4. Demonstration
5. Award of AOC

1. Pre-Application discussion

A promoter who intends to apply for an AOC should contact the DCA and request a meeting. The primary objective of this meeting will be to ensure that the promoter understands the application process and has access to all regulatory and guidance material relevant to his application. The promoter will be invited to give a brief outline of his proposal, and DCA officers will be able to provide general advice on the regulations applicable. This meeting does not form part of the assessment of the operator's competence, although the promoter may be invited to discuss any previous experience relevant to the proposal.

No charge will normally be made for this initial meeting.

2. Initial Application

An initial application must be submitted to allow the Government to understand what is involved in the project and to make an assessment of its likely impact. A decision will then be made as to whether the promoter may proceed with the project. The initial application should be made a minimum of six months before the intended date of first operation.

In order to make an initial application the promoter will be asked to submit a written synopsis of his proposal to the DCA. This synopsis should include at least the following information:

- a) The name and address of the applicant;
- b) A description of the proposed organisation and corporate structure including ownership and sources of finance;
- c) The proposed nature of operations including category of aircraft (aeroplanes, balloons, helicopters etc.) proposed routes and traffic type (scheduled or charter, passenger or freight etc.);
- d) A description of the proposed management organisation and job specifications for key staff members;

DCA Notice to Aircraft Operators 01/2011

- e) Evidence to demonstrate that the proposal constitutes a realistic business proposition including market research and financial analysis as appropriate.
- f) Detailed information on flight operations under the following headings:
 - i. Type of aircraft and other equipment to be used;
 - ii. Arrangements for maintenance and inspection of aircraft and equipment;
 - iii. Leasing arrangements (if applicable);
 - iv. Information about crew, e.g. numbers, qualifications;
 - v. Arrangements for training of crew and other operations personnel;
 - vi. Route information, e.g. proposed area of operations destinations, alternates etc.;
 - vii. Methods of maintaining operational control and supervision;

The objective of this submission is to demonstrate the viability of the project and to explain how the applicant will satisfy the regulatory requirements, but not to describe management processes in detail. Description of management posts might therefore describe the broad areas of responsibility of posts and the minimum qualifications required. It may not be possible, at this stage, to nominate individuals for all of the proposed management positions.

The level of financial information required will depend on the complexity of the proposed operation. For example a promoter planning to commence scheduled services to Europe will be required to present sufficient research and financial data to demonstrate that the operation has sufficient funding to sustain operations for a considerable period even in the absence of the forecast traffic; whereas a promoter intending to conduct pleasure flights in a light aircraft would only need to demonstrate that he had sufficient resource to avoid any compromise in safety standards.

On receipt of the synopsis of proposal the DCA will conduct an initial review. If there are any aspects of the proposed operation that appear to be contrary to regulatory requirements then the promoter will be advised and invited to submit an amended application; alternatively if further information is required in order to conduct an initial assessment of the proposal then the promoter may be asked to provide such further information.

Once the initial review has been conducted the promoter will be invited to a meeting. The purpose of the meeting will be for the promoter to present his proposal to the DCA and to provide any clarification or additional information required. The promoter may also be asked questions to assess his understanding of the responsibilities of an AOC holder. The promoter will be expected to display a good understanding of the regulatory requirements at this stage, especially if he is to hold a management position in the organisation.

Following this meeting the promoter may be requested to provide further information in writing and will then, in due course, be advised whether the application will be allowed to proceed to a full application. In the event of a refusal to allow the project to proceed the promoter will be advised, in writing, of the reasons for refusal.

A charge will be made for the initial assessment in accordance with the DCA scheme of charges. The amount charged will be dependant on the time spent by DCA officers on the assessment.

DCA Notice to Aircraft Operators 01/2011

3. Full Application

A full application may be made only after the initial application process described above has been completed and the promoter has been advised in writing that the application may proceed. The application is made by the applicant submitting the following documents to the Authority:

- a) Completed application form (DCA AWF 12);
- b) All parts of the proposed operations manual formatted according to the requirements of EU-OPs;
- c) Maintenance exposition and associated airworthiness documentation
- d) Minimum Equipment List for all aircraft;
- e) Curricula Vitae of proposed accountable manager and nominated management personnel;
- f) Proposed aircraft technical log;
- g) Details of aircraft to be operated.

Where any of the above documents are not available at the time of submission the applicant will submit a schedule detailing when all required documents will be submitted. All required documents must be submitted a minimum of 60 days prior to the commencement of operations. The applicant should specify which operational and navigational approvals will be required.

The DCA will conduct a preliminary review of the submission to confirm that all the required information and attachments have been submitted. The applicant's management team will then be invited to a meeting to present the detail of the proposed management systems to the DCA. At this meeting DCA officers will explain the inspections to be conducted to assess the application as well as the format of reports to be produced and the responses required from the applicant. A schedule of events for the evaluation of the submission, conduct of inspections and training of DCA officers on the proposed aircraft type (at the applicant's expense) will be agreed.

Following this meeting, and in accordance with the agreed schedule of events, DCA officers will check all parts of the operational and maintenance documentation and interview the proposed accountable manager and nominated management personnel. The applicant will be made aware of any shortcomings and given the opportunity to take corrective action as required.

If a significant deficiency is revealed at any stage of this process that cannot be resolved by the interaction between the Authority and the applicant then the Authority will advise the applicant in writing of nature of the deficiency and the actions required. Should such action not be forthcoming then the Authority will take no further action to process the application.

When all the required inspections have been completed and all non-conformities addressed then the application will proceed to the demonstration phase.

A charge will be made for the assessment of the application in accordance with the DCA scheme of charges. The amount charged will be dependant on the time spent by DCA officers on the assessment.

DCA Notice to Aircraft Operators 01/2011

4. Demonstration Phase

Once the submitted documentation has been examined and found acceptable, and all nominated managers have been found acceptable to the DCA then the demonstration phase will commence. This phase will potentially involve the applicant in considerable expense and thus the DCA will endeavour to ensure that it is conducted as expeditiously as possible.

The applicant will need to demonstrate that the training of their crew and operational staff is in accordance with the requirements, and thus DCA officers will observe parts of the training programme and check all of the materials and facilities used. The applicant should not commence crew training before the preceding phase is complete without specific authorisation from the DCA.

DCA officers will inspect applicant's premises and operational facilities at the proposed main operating base. Where significant operations are proposed from another base then it may be necessary for these to be inspected as well.

When operational staff are available then DCA officers will conduct audits to confirm that the required management systems are in place for operational control, planning and recording of crew training, ground handling, accident prevention and flight safety, quality etc.

When the operator's aircraft are available and fully prepared for service these will be inspected to confirm that they are properly equipped, carry the required documentation and appear to be airworthy.

Once the applicant is ready to commence operations a documentation check will be conducted to confirm that all required training has been documented and that adequate flight and duty records are in place.

When all of the above inspections have been completed and all non-compliances satisfactorily addressed and when the DCA are satisfied with the maintenance arrangements and condition of the aircraft then the operator will be invited to conduct a series of proving flights.

The nature of the proving flights and the number required will be determined by the DCA. The routes chosen and the crew operating the flights must be representative of the proposed operations; so for example the crew should not consist of all senior crewmembers or instructors. No passengers may be carried on these flights except for DCA officers and employees of the applicant; nevertheless the applicant should ensure that a sufficient number of passengers are carried to allow an assessment of the cabin safety procedures (if applicable). DCA officers will travel on these flights and observe every aspect of the operation, which must be conducted in accordance with the applicant's manuals and documentation as reviewed in the preceding phase.

Any non-conformities observed during these flights will be drawn to the attention of the applicant, who will then be required to take corrective action. Depending on the nature of any non-conformities identified it may be necessary to conduct further proving flights once remedial action has been taken.

The applicant will be required to meet any travel and associated costs incurred by DCA officers during the course of the demonstration phase.

DCA Notice to Aircraft Operators 01/2011

5. Award of AOC

Once the demonstration phase has been completed and any identified non-conformities have been addressed the DCA will make a final assessment of the application.

The decision whether to grant an AOC rests with the Director of Civil Aviation and in certain circumstances the DCA may require additional evidence of the applicant's competence before a final determination can be made. In the event that the AOC is granted the applicant may commence commercial operations only once he is in physical possession of the AOC document.

A charge will be made for the issue of the AOC in accordance with the DCA scheme of charges.

In order to meet the continuing requirement to be satisfied that the operator is competent to secure the safe operation of aircraft DCA officers will continue to conduct inspections and audits of the operator once operation has commenced. A likely schedule for such inspections and audits will be discussed with the operator.

Authority:

This notice is issued as guidance to aircraft operators and supersedes any previous guidance issued. Issued by the Director of Civil Aviation.



Captain Andrew McKechnie.
for Director of Civil Aviation