
REQUIREMENTS FOR THE REGULATORY AUTHORITY

Date: 27.01.2017

1. PURPOSE

This SAFETY DIRECTIVE is issued to establish requirements for the regulatory Authority in its interaction with the service providers and implementing its oversight program.

2. SCOPE AND APPLICABILITY

This safety directive is applicable to all IACM inspectorate and Management and all Entities subject to IACM jurisdiction.

3. AUTHORITY

This Safety Directive is issued by the IACM in pursuance of powers vested in under paragraph 1 and 3 of Article 12, of Civil Aviation Law No. 05/2016 of 14th June.

4. REFERENCES

- Art. 12 of Law nº 05/2016 of 14th June
- MOZCAR Parte 01

5. CONTENT

REQUIREMENTS FOR THE REGULATORY AUTHORITY

5.1 - Oversight documentation

- (1) The Authority shall provide all legislative acts, standards, rules, technical publications and related documents to relevant Authority's personnel in order to allow them to perform their tasks and to discharge their responsibilities.
- (2) The Authority shall make available legislative acts, standards, rules, technical publications and related documents to aviation operators, service providers, personnel and other interested parties to facilitate their compliance with the applicable requirements.

5.2 - Immediate reaction to a safety problem

- (1) The Authority shall implement a system to appropriately collect, analyze and disseminate safety information and react in a timely manner to a safety problem involving products, parts, appliances, persons or organizations subject to these regulations.

- (2) The Authority shall appropriately analyze any relevant safety information gathered in accordance with paragraph (1) and without undue delay take adequate measures to address the safety problem.
- (3) Measures taken under (2) shall immediately be notified to all persons or organizations which need to comply with these regulations.

5.3 - Safety directives

- (1) The Authority shall issue a safety directive if it has determined the existence of an unsafe condition requiring immediate action, including the showing of compliance with any amended or additional certification specification established by these regulations, which the Authority finds is necessary.
- (2) A safety directive shall be forwarded to the organization concerned, as appropriate, and shall contain, as a minimum, the following information:
 - (a) the identification of the unsafe condition;
 - (b) the identification of the affected design, equipment, or operation;
 - (c) the actions required and their rationale, including the amended or additional certification specifications that have to be complied with;
 - (d) the time limit for compliance with the required actions; and
 - (e) its date of entry into force.
- (3) The Authority shall verify the compliance of the organization with the applicable safety directives.

5.4 - Management system

- (1) The Authority shall establish and maintain a management system, including as a minimum:
 - (a) documented policies and procedures to describe its organization, means and methods to achieve compliance with the Aviation Law, its supporting legislation and these regulations. The procedures shall be kept up-to-date and serve as the basic working documents for all related tasks;
 - (b) a sufficient number of personnel to perform its tasks and discharge its responsibilities. Such personnel shall be qualified to perform their allocated tasks and have the necessary knowledge, experience, initial, on-the-job and recurrent training to ensure continuing competence. A system shall be in place to plan the availability of personnel, in order to ensure the proper completion of all tasks;
 - (c) adequate facilities and office accommodation to perform the allocated tasks;
 - (d) a formal process to monitor compliance of the management system with the relevant requirements and adequacy of the procedures including the establishment of an internal audit process and a safety risk management process.

- (e) a person or group of persons, ultimately responsible to the senior management for the for the management of the relevant task(s).

5.5 - Record-keeping

- (1) The Authority shall establish a system of record-keeping providing for adequate storage, accessibility and reliable traceability of:
 - (a) the management system's documented policies and procedures;
 - (b) training, qualification and authorization of its personnel;
 - (c) certification processes and continuing oversight of certified organizations;
 - (d) findings, corrective actions and date of action closure, and observations;
 - (e) enforcement measures taken;
 - (f) safety information and follow-up measures; and
 - (g) exemptions issued in accordance with the Aviation Law and MOZCAR Part 11.
- (2) The competent authority shall maintain a list of all certificates, licenses and approvals/authorizations it issued.
- (3) All records shall be kept for the minimum period specified in specific guidance material. In the absence of such indication, records shall be kept for a minimum period of 5 years subject to applicable data protection law.
- (3) Without prejudice to applicable data protection law, records referred to in (1) shall be kept for a minimum period of five years.

5.6 - Oversight

- (1) The Authority shall verify:
 - (a) compliance with the requirements applicable to organizations prior to the issue of an organization certificate or approval, as applicable;
 - (b) continued compliance with the applicable requirements of organizations it has certified;
 - (c) implementation of appropriate safety measures determined as defined in paragraphs 5.2 (2) and (3).
- (2) This verification shall:
 - (a) be supported by documentation specifically intended to provide personnel responsible for safety oversight with guidance to perform their functions;
 - (b) provide the persons and organizations concerned with the results of safety oversight activity;
 - (c) be based on audits and inspections, including ramp and unannounced inspections; and
 - (d) provide the Authority with the evidence needed in case further action is required, including the measures foreseen by paragraphs 5.10 and 5.11.

- (3) The scope of oversight defined in (1) and (2) shall take into account the results of past oversight activities and the safety priorities identified.
- (4) The Authority shall collect and process any information deemed useful for oversight, including unannounced inspections, as appropriate.

5.7 - Oversight programme

- (1) The Authority shall, for each certified organization:
 - (a) establish and maintain an oversight programme covering the oversight activities required by 5.6;
 - (b) apply an appropriate oversight planning cycle, not exceeding 24 months.
- (2) The oversight planning cycle referred in (1) (b) may be reduced if there is evidence that the safety performance of the organization has decreased. The oversight planning cycle may be extended to a maximum of 36 months if the Authority has established that, during the previous 24 months:
 - (a) the organization has demonstrated an effective identification of aviation safety hazards and management of associated risks;
 - (b) the organization has continuously demonstrated under paragraph 6.5 that it has full control over all changes;
 - (c) no level 1 findings have been issued; and
 - (d) all corrective actions have been implemented within the time period accepted or extended by the competent authority as defined in 5.10 (4) (b).
- (3) The oversight programme referred in (1) (a) shall include within each oversight planning cycle audits and inspections, including unannounced inspections as appropriate.
- (4) For persons holding a license, certificate, rating, or authorization issued by the Authority the oversight programme shall include inspections, including unannounced inspections, as appropriate.
- (5) The oversight programme and planning cycle shall reflect the safety performance and risk exposure of the organization.
- (6) The oversight programme shall include records of the dates when audits, inspections are due and when such audits, inspections have been carried out.

5.8 - Initial certification procedure — organizations

- (1) Upon receiving an application for the initial issuance of a certificate, the Authority shall assess the application and shall verify the organization's compliance with the applicable requirements.
- (2) When satisfied that the organization is in compliance with the applicable requirements, the Authority shall issue the certificate(s), as established in the specific Part. The privileges and scope of the activities that the organization is

approved to conduct shall be specified in the terms of approval attached to the certificate(s).

- (b) In case of an existing aerodrome or air navigation service provider, the Authority shall prescribe the conditions under which the aerodrome operator or air navigation service provider shall operate during the certification period, unless the Authority determines that the operation of the aerodrome or the service provided needs to be suspended. The Authority shall inform the aerodrome operator and air navigation service provider of the expected schedule for the certification process and conclude the certification within the shortest time period practicable.

5.9 - Changes — organizations

- (1) Upon receiving an application for a change that requires prior approval, the Authority shall assess the application and shall verify the organization's compliance with the applicable requirements before issuing the approval. The Authority shall prescribe the conditions under which the organization may operate during the change, unless the Authority determines that the organization's certificate needs to be suspended. When satisfied that the organization is in compliance with the applicable requirements, the Authority shall approve the change.
- (2) Without prejudice to any additional enforcement measures, when the organization implements changes requiring prior approval without having received Authority approval as defined in (1), the Authority shall consider the need to suspend, limit or revoke the organization's certificate.
- (3) To enable an organization to implement changes without prior Authority approval in accordance with paragraph 5.1, the Authority shall approve the procedure submitted by the organization defining the scope of such changes and describing how such changes will be managed and notified.
- (4) For changes not requiring prior approval, the Authority shall assess the information provided in the notification sent by the organization in accordance with paragraph 5.1 to verify compliance with the applicable requirements, and in case of any non-compliance, the Authority shall:
 - (a) notify the organization about the non-compliance and request further changes;
 - (a) in case of level 1 or level 2 findings, act in accordance with 5.10.

5.10 – Findings, observations, corrective actions and enforcement measures — organizations

- (1) For oversight in accordance with paragraph 5.6 (a) the Authority shall have a system to analyze findings for their safety significance.
- (2) A level 1 finding shall be issued by the Authority when any significant non-compliance is detected with the applicable requirements of the MOZ-CAR's, with the organization's procedures and manuals or with the terms of an approval or certificate which lowers or seriously hazards safety. The level 1 findings shall include:

- (a) Failure to give the Authority access to the organization's facilities as defined in specific Regulations during normal operating hours and after two written requests;
 - (b) Obtaining or maintaining the validity of the organization certificate by falsification of submitted documentary evidence;
 - (c) Evidence of malpractice or fraudulent use of the organization certificate; and
 - (d) The lack of an accountable manager.
- (3) A level 2 finding shall be issued by the Authority when any non-compliance is detected with the applicable requirements of the MOZ-CAR's, with the organization's procedures and manuals or with the terms of an approval or certificate which could lower or possibly hazard safety.
- (4) When a finding is detected during oversight or by any other means, the Authority shall, without prejudice to any additional action required by these regulations, communicate the finding to the organization in writing and request corrective action to address the non-compliance(s) identified. Where relevant, the Authority shall inform the State in which the aircraft is registered.
- (a) In the case of level 1 findings the Authority shall take immediate and appropriate action to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate or specific approval or to limit or suspend the certificate or approval in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken by the organization.
 - (b) In the case of level 2 findings, the Authority shall:
 - (i) Grant the organization a corrective action implementation period included in an action plan appropriate to the nature of the finding that in any case initially shall not be more than 3 months. At the end of this period, and subject to the nature of the finding, the Authority may extend the 3 month period subject to a satisfactory corrective action plan agreed by the Authority; and
 - (ii) Assess the corrective action and implementation plan proposed by the organization and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.
 - (c) Where an organization fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the Authority, the finding shall be raised to a level 1 finding and action taken as laid down in (4)(a).
 - (d) The Authority shall record all findings it has raised and where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.
 - (e) For those cases not requiring level 1 or level 2 findings, the Authority may issue observations.

5.11 - Findings and enforcement measures — persons

- (1) If, during oversight in accordance with 5.6 (a) or by any other means, evidence is found that shows a non-compliance with the applicable requirements by a person holding a license, certificate, rating or authorization issued in accordance with these regulations, the Authority shall take any enforcement measures necessary to prevent the continuation of that non-compliance.
- (2) If, during oversight or by any other means, evidence is found showing a non-compliance with the applicable requirements by a person subject to the requirements laid down in these regulations and not holding a license, certificate, rating or authorization issued in accordance with a specific Part and associated Technical Standards, the Authority shall take any enforcement measures necessary to prevent the continuation of that non-compliance.

6. SUPERSIDINGS AND DEROGATIONS

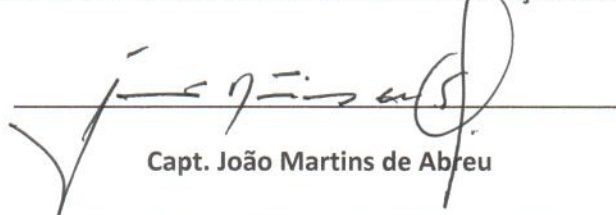
It is superseded any document/form used for the same purpose that contradict or is not in accordance with the content of this Safety Directive.

7. ENTRY INTO FORCE AND CONTINUED VALIDITY

- 7.1 This Safety Directive will entry into the force the following day after it is issued.
- 7.2 This Safety Directive will remain in force until such time when the revised MOZ-CAR PART 01 adopting the requirements as described in this Directive will be published.

Maputo, January 27, 2017

O PRESIDENTE DO CONSELHO DE ADMINISTRAÇÃO DO IACM



Capt. João Martins de Abreu

MOZAMBIQUE CIVIL AVIATION AUTHORITY