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AUTORIDADE DE AVIAÇÃO CIVIL DE MOZAMBIQUE

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ADVISOR

HOW TO COMPLY WITH LOCAL CONTENT REQUIREMENTS IN AVIATION SECTOR

1. PURPOSE

This AIC is issued to indicate an acceptable mean of compliance with local content requirements for aviation entities with view to the need for balanced numbers between local and foreign staff employed by such local and foreign aviation companies, as established under Labour Law.

2. APPLICABILITY

This AIC is applicable to local or foreign registered air operators and other aviation service providers, including prospective entities, performing their activities within the Republic of Mozambique and employing or intending to employ foreign citizens.

3. REFERENCES

Lei Nº 23/2007 de 1 de Agosto – Lei do Trabalho

Decreto Nº 37/2016 de 31 de Agosto – Regulamento dos Mecanismos e Procedimentos para contratação de Cidadãos de Nacionalidade Estrangeira

MOZCAR/MOZCATS 61.01.10- Licenciamento de Pilotos – Validação de Licenças;

MOZCAR/MOZCATS 61.01.12- Licenciamento de Pilotos – Conversão de Licenças;

MOZCAR/MOZCATS 63.01.03- Licenciamento de Engenheiros de Voo – Validação de Licenças;

MOZCAR/MOZCATS 65.07.8 - Licenciamento de Pessoal de Terra – Conversão de Licenças;

MOZCAR/MOZCATS66.01.10-Licenciamento de Técnicos de Manutenção – Conversão de Licenças;

DSO-06-2018 – Validação e Conversão de Licenças aeronáuticas; e

DSO-07-2018 – Licenciamento de Pessoal Navegante de Cabine.

4. GENERAL REQUIREMENTS

- 4.1 Article 31 of the Law nr. 23/2007 of 01 August (Labor Law) determines under paragraph 01 that the employers shall undertake their best efforts in creating conditions for integration of qualified Mozambican employees in job functions of major technical complexity and in management and administration positions.
- 4.2. Under paragraph 5 of the article 31 the law establishes, according the size of the company, the number of foreign employees to be contracted, as follow:
- a) Major companies employing more than 100 people – 5% of expatriates
 - b) Medium sized companies employing 10 to 100 people – 8% of expatriates
 - c) Small companies of less than 10 Employees – 10% of expatriates
- 4.3. The employment within the limits specified in 4.2 above can be effected pursuant communication to the Minister of Labor or his designee up to 15 days after entry.
- 4.4. Any staffing levels outside the limits above shall be authorized by the Minister of Labor in consultation with relevant Authorities, unless approved by the government within an investment project, where the staffing levels for foreign employees may differ from the one specified under 4.2 above and where the communication procedure as outlined in 4.3 above applies.
- 4.5. In addition, any employment involving specialized technical assistance in terms of article 19 of Decree Nr. 37/2016 of 31 of August, shall also be subject to prior authorization of the Minister of Labor in consultation with oversight Authorities of sector concerned.
- 4.6. Article 33 of the labor law refers that a foreign employee shall hold academic or professional qualifications needed for the job position to be filled and his employment should only be considered where no Nationals holding such qualifications exist or their number is not sufficient.
- 4.7. Paragraph 2 of Article 33 of the Labor law states: The contracting of a foreign employee in such cases where an authorization from the Minister of Labor is required, is done thru an application, indicating amongst other's professional qualifications duly confirmed by appropriate authorities....

- 4.8. Further, Article 3 of “*Regulamento dos Mecanismos e Procedimentos para contratação de cidadãos de Nacionalidade Estrangeira - Decreto nº 37/2016 de 31 de Agosto*” underlines that if there is a need to employ foreign Citizens, the Employing entity shall ensure the transfer of knowledge based on a dedicated training program and a succession plan aiming a gradual replacement of the Expatriates by Nationals commencing tree year after starting activity.
- 4.9. Under specific parts of MOZCARs 61, 65 and 66 and Directives DOS-06-2018 and DOS-07-2018, the Authority may validate a foreign licence issued by another Contracting State, by issuing a validation certificate which will be carried with the foreign licence, with limitations or restrictions imposed as appropriate.
- 4.10. Under specific parts of MOZCAR’s Parts 61, 65 and 66 and Directives DOS-06-2018 and DOS-07-2018 the Authority may convert a licence issued by another Contracting State, issuing an equivalent licence to an applicant who holds a valid foreign licence, with limitations and restrictions imposed as appropriate.
- 4.11. The MOZCAR 61.01.10 (7) establishes 24 months as a maximum validity period of any validation certificate issued by the Authority.

5. INTERPRETATION

In the Civil Aviation Context the General requirements above shall have the following interpretation:

- a) Job functions of major technical complexity as provide under 4.1 shall include:
- i) Aeronautical personnel (Pilots, Cabin Crew Members, Flight Engineers, Maintenance Engineers, Air Traffic Controllers and Flight Operations Officers)
 - ii) Other technical/operational personnel (Load master, Traffic agent, Continuing Airworthiness Engineer or officer, unlicensed mechanics (apprenticeship), Quality officer, Safety officer, Documentation/Record Keeping officer, etc.)
- b) Management and Administration Positions as provided under 4.1 shall include:
- i) Management positions subject to prior acceptance by the Authority as applicable for Air Operators or other Aviation Service providers such as AMO’s, ATO’s, ANSP’s, Aerodrome Operator’s, Ground handling operator’s, (example of Management positions: Accountable Manager, Operations Manager, Maintenance Manager, Quality/Safety Manager, Training Manager, Training Manager, Chief Pilot etc.)

- ii) Other Management positions such as finance, Commercial, Human Resources Manager, etc.
- c) As funções a considerar no âmbito de assistência técnica especializada referida no ponto 4.5 incluem as descritas nos pontos 5. a), i) e 5. b), i).
- d) The consultation with relevant authorities as referred to under 4.4, includes the issuance by the Civil Aviation Authority (IACM) of a non-objection statement for the purpose of supporting an application for issuance of a work permit.
- e) Professional qualifications duly confirmed by appropriate Authorities as stated under 4.7, comprises the process of assessing the requirements applicable to validation or conversion of Licenses issued by a foreign Authority and the issuance of a validation or conversion certificate as appropriate by the CAA (IACM).
- f) The dedicated training program as outlined under 4.8 shall be developed for all Job functions/positions where no nationals or no sufficient numbers are available, specifying the training subjects, the number of personnel to be trained and the expected conclusion time.
- g) The succession plan referred to under 4.8 shall be presented in a format as shown in attachment 1, reflecting the job positions, the planned and the actual number of employees (local or expatriates) filling each job position, a planning horizon of at least 10 years and clearly showing the targets to be met.
- h) Based on the general requirements above all entities in the aviation sector shall, before they can be authorized to perform their activities, demonstrate to the Authority their willingness to keep compliance with above requirements at all times and commit themselves to recruit and train nationals to gradually replace the foreign workers in excess as authorized in terms of 4.4. in particular on the job functions highlighted under 5. a) and b) above.
- i) The non-satisfactory evidence of the above may lead to the Authority refusing the issuance of non-objection statements referred to under 5. d) Or deny any application for issuance or renewal of validation or conversion certificates submitted by the concerned Entities.

6. PROCEDURES

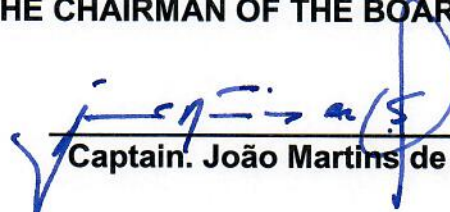
- 6.1. During the initial approval process (Certification or licencing process) the Applicants will be requested to present as part of the formal application package a succession plan as outlined under 5.g), containing a roster of all management, technical, operational and administrative personnel in employment or expected to be contracted by the Applicant in a time period of 10 years and the corresponding training program to support the qualification of Nationals as provided under paragraph 5. f).

- 6.2. Annually, during the renewal process of a certificate or licence the applicants will be deemed to provide together with the renewal package an updated roster of all personnel and evidences of implementation of the dedicated training program and the succession plan.
- 6.3. The information provided under 6.1 and 6.2 above will be assessed as to determine the commitment of the applicant in complying with relevant labour law requirements, as outlined under Point 4.0 of this AIC and form the basis for the IACM to support or not an eventual issuance of a work permit by appropriate Authorities or the validation or conversion of foreign licences requested by the concerned applicant.
- 6.4. If the IACM observes a continued violation of the provisions above after the applicant has been duly warned, the Authority reserves the right to suspend de Certificate or licence issued to it.

7. EFFECTIVITY

This AIC is effective from the date of its publication.

**CIVIL AVIATION AUTHORITY OF MOZAMBIQUE
THE CHAIRMAN OF THE BOARD AND CEO**



Captain. João Martins de Abreu

ATTACHMENT 1: SUCCESSION PLAN

			1 st year					2 nd Year					3 rd Y....	
Nr.	Description		Number of Employees			Assessment		Number of Employees			Assessment			
	Category of Professionals	Job Post/ Position	TT	NAT	EXP	Quota	Excess	TT	NAT	EXP	Quota	Excess		
			P											
1	Management Personnel	Accountable Manager	1		0	1								
2		Director Flight ops	1		0	1								
3		Quality Manager	1											
4	 etc.												
	TT CATEGORY 1													
5	Aeronautical personnel	Pilots												
6		Cabin Crew												
7		Maintenanc e Engineer												
8		Flight operations officer												
9	 etc.												
	TT CATEGORY 2													
10	Operational/ technical personnel	Safety Officer												
11		Load master												
12		Traffic Agent												
13		Continuing airworthines s officer												
14	 etc.												
	TT CATEGORY 3													
15	Administrative personnel	Commercial												
16		Human Ressources												
17		Finance												
18	 etc.												
	TT CATEGORY 4													
	TOTAL ORGANIZATION													

Legend: TT- Total, NAT- Nationals, EXP- Expatriates, P –Planned, C- Contracted

Quota is define as follow (see paragraph 4.2):

- a) Major companies employing more than 100 people – 5% of expatriates
- b) Medium sized companies employing 10 to 100 people – 8% of expatriates
- c) Small companies of less than 10 Employees – 10% of expatriates

Excess is defined as the number of foreign employees above the Quota, therefore the employees need to be addressed by the succession plan, ensuring their gradual replacement by Nationals until the quota value is reached.