

MEMORANDUM OF UNDERSTANDING (MEMORANDUM)
BETWEEN
THE SOUTH AFRICAN CIVIL AVIATION AUTHORITY (SACAA)
AND
THE CIVIL AVIATION AUTHORITY OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND (UK CAA)
ON
ACCEPTANCE OF AVIATION TRAINING CERTIFICATES AND MAINTENANCE RELEASE TO
SERVICE CERTIFICATES (UK CAA FORM 1) ISSUED BY UK CAA APPROVED ORGANISATIONS

1. PURPOSE AND SCOPE

1.1. The purpose of this Memorandum of Understanding (Memorandum) is to outline a framework for institutional collaboration between the South African Civil Aviation Authority (SACAA) and the Civil Aviation Authority of the United Kingdom of Great Britain and Northern Ireland (UK CAA) on the acceptance and recognition of certificates issued by UK CAA Approved Training Organisations for Personnel Licencing Training (Maintenance and Pilot) together with the acceptance of Certificates of Release to Service (Form 1s) issued by UK CAA Approved Maintenance Organisations for both Class II and Class III components intended to be installed on the South African registered aircraft.

1.2. The components should comprise new and used (maintained) components as defined in the South African Civil Aviation Regulations. Part 1.01.1 of Civil Aviation Regulations, 2011 define the components as follows:

“Class II product” means –

- (a) a major component of a Class I product, including wings, fuselages, empennage assemblies, landing gears, power transmissions, control surfaces and installed equipment, the failure of which will jeopardise the safety of a Class I product: or
- (b) a part, material or appliance, approved and manufactured under the TSO system as prescribed in subpart 12 of Part 21 of the South African Civil Aviation Regulation.

“Class III product” means any part or component which is not a Class I or a Class II product.

1.3. Both Authorities have expressed the desire to further forge technical cooperation between them and to enhance cooperation and increase efficiency by reducing regulatory duplication, in matters relating to the civil aviation on the basis of equality, reciprocity and mutual benefit. Both Authorities have therefore decided to consider the development of a more comprehensive working arrangement in the future, following the conclusion of this Memorandum.

2. BACKGROUND OF THE MOC

2.1. The South African Civil Aviation Authority and the Civil Aviation Authority of the United Kingdom of Great Britain and Northern Ireland hereinafter referred to as "Authorities":

- (a) Considering the common goal of SACAA and the UK CAA in preserving high standards of aviation safety;
- (b) Considering the responsibilities of the SACAA and the UK CAA as prescribed for their respective States by the Chicago Convention and its Annexes;
- (c) Considering the high safety standards that the SACAA and the UK CAA uphold in the domain of aviation safety; and
- (d) Considering the impact of the COVID-19 pandemic on the global aviation activities and on effective regulatory oversight in particular.

2.2. South Africa is the State of Registry for a significant number of aircraft. Aviation is a global industry sharing common responsibilities of keeping the skies safe and ensuring that all the ICAO Member States satisfy the minimum compliance standards. This Memorandum is intended to assist the SACAA in effectively and efficiently carrying out its safety oversight obligations for Aviation Training Organisations and Aircraft Maintenance Organisations.

3. ICAO PROVISIONS

3.1. The following provisions as contained in the Convention on International Civil Aviation ('Chicago Convention of 1944') and other ICAO documents should be considered as the basis for this Memorandum.

CHICAGO CONVENTION

ARTICLE 1

SOVEREIGNTY

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

ARTICLE 33

RECOGNITION OF CERTIFICATES AND LICENCES

Certificates of airworthiness and certificates of competency and licences issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licences were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

ICAO ANNEX 8

ICAO Annex 8 (Thirteenth Edition, July 2022, applicable as of 3 November 2022), Part II, Chapter 4. Continuing Airworthiness, in Standard 4.2.4 defines the State of Registry Responsibilities in relation to continuing airworthiness. In particular paragraph 4.2.4.2 in combination with Chapter 6, paragraph 6.2.6. are of relevance for the purpose of this memorandum.

PART II, CHAPTER 4

4.2.4. STATE OF REGISTRY

[...]

4.2.4.2 When approving a maintenance organization or accepting the approval of a maintenance organization issued by another Contracting State, the State of Registry shall ensure compliance with the Standards of Chapter 6 of this part.

Note.— Chapter 6 provides requirements for accepting the approval of a maintenance organization issued by another Contracting State.

PART II, CHAPTER 6

6.2.6. Where a Contracting State accepts, in whole or in part, a maintenance organization approval issued by another Contracting State, it shall establish a process for the recognition of such approval and successive changes. In such a case, the recognizing Contracting State shall build an adequate liaison with the Contracting State that initially issued the maintenance organization approval.

PERSONNEL LICENSING

MANUAL OF PROCEDURES FOR ESTABLISHMENT AND MANAGEMENT OF A STATE'S PERSONNEL LICENSING SYSTEM

The extract below as included in the *ICAO Manual of Procedures for Establishment and Management of a State's Personnel Licensing System (ICAO Doc 9379, Second Edition, 2012)* further emphasises the burden experienced by States in approving entities (or prospective approval holders outside their jurisdiction).

7.4.2 Approval of foreign ATOs and their training programmes

7.4.2.1 There may be a need for a Licensing Authority to approve ATOs that are located outside the national territory. This may be driven by cost considerations or simply because the national market does not support certain types of specialized aviation training locally. However, there is no difference between the approval of training organizations based in

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the State and those based in another Contracting State. The principles and procedures that are described in both Annex 1 and Doc 9841 fully apply to foreign-based ATOs.

7.4.2.2 In practice, there are difficulties linked to the fact that States may not have the necessary means to ensure proper oversight of ATOs located abroad. To overcome these difficulties, many States have found it convenient to rely on the approval and oversight system of the host State to issue the approval using a process that is similar to the validation of pilot licences. This approach is efficient but requires the States that accept the approval given by another State to fully understand the conditions and the regulatory basis of the original approval. This may lead to the establishment of supplementary conditions. Guidance for this approach is contained in Doc 9841.

4. REVIEW OF UK CAA COMPLIANCE TO INTERNATIONAL STANDARDS AND PROCESS OF ACCEPTANCE

4.1. Considering the previous full participation of the UK CAA in the European Union Aviation Safety Agency (EASA), including in its Management Board, until it withdrew from the European Union and the EASA system, the SACAA recognises that the UK CAA regulatory framework and system have been fully based on the EASA regulatory framework and system.

- The United Kingdom (UK) formally withdrew from the European Union (EU) on 31 January 2020 and subsequently the EASA system on 31 December 2020. The UK's European Union (Withdrawal) Act 2018 (a UK statute) adopted all EU legislation that was in force and effective on 31 December 2020 in UK legislation. This is "UK retained EU legislation." That legislation was then amended by UK secondary legislation to become legally operable in the UK – by substituting references for example to "EU Member States", "the Commission", "EASA" and so forth, with references to "the UK", "the Department of Transport (DfT)" and "the CAA". Those corrections aside, the substantive safety requirements then remained virtually unchanged and remain substantially unchanged up to the present day.

4.2. There are no changes to the extent of UK's continuing compliance with ICAO SARPs arising from withdrawal from the EU and EASA system. The UK will continue to address compliance through the UK Basic Regulation, the Civil Aviation Act 1982 and Air Navigation Orders made under it. The UK CAA will ensure through its own policy and rule-making programme that SARPs are implemented where EASA were previously responsible for policy development and rulemaking.

4.3. Considering the above legislative and regulatory framework of the UK and its retention of almost all relevant elements from the EASA system, the SACAA has reviewed both the final report of the USOAP CMA audit of the civil aviation system of EASA dated 20 to 27 November 2017, together with the Mandatory Information Request (MIR) EASA report dated (June 2019). The audit encompassed all eight audit areas resulting in an overall Effective Implementation (EI) of 97.46 per cent for the eight Critical Elements (CEs)

of the safety oversight system of EASA. The review of the reports did not reveal any concerns regarding the adequacy of the regulatory framework or significant safety concerns.

4.4. Recognising that SACAA has determined that implementation of the EASA safety oversight system is compliant with international Standards, SACAA expresses full confidence that consequently the UK CAA system remains compliant with those international Standards.

4.5. SACAA has further evaluated the current UK CAA organisation, systems, processes and procedures relevant to the scope of this Memorandum, and has assured itself of the safety of the outputs of the UK CAA system of oversight.

5. PROCESS OF ACCEPTANCE

5.1. All applicants possessing training certificates from UK CAA Approved Training Organisations, as referred to in paragraph 1.1., will be accepted upon presentation to the SACAA for the issuance of a type rating, subject to the ATO still holding UK CAA issued approval.

5.2. All components maintained by UK CAA approved AMO, as referred to in paragraph 1.2., will be accepted by the SACAA. Should a need arise the SACAA will request verification of the validity of the relevant maintenance organisation's certificate.

COMMUNICATION RESPONSIBILITIES

6.1. The Authorities will engage in regular bilateral exchanges of information on the subject of this Memorandum and to further forge technical cooperation between them.

6.2. SACAA will continue to monitor UK CAA compliance with the international standards as published from time to time by the International Civil Aviation Organisation.

6.3. UK CAA undertakes to inform or update the SACAA should it suspend, limit or revoke the approval granted to any AMO or ATO whom they have certified or approved.

6.4. UK CAA will notify SACAA of relevant changes to UK legislation, to its policies and procedures, and of any significant organisational changes.

6.5. The Authorities will nominate a contact person or office relating to matters encompassed in this Memorandum.

6.6. All communication between the Authorities will be in English.

6.7. SACAA will share any concerns related to the UK CAA approved organisations within the borders of South Africa.

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7. COMING INTO EFFECT

7.1. This Memorandum will come into effect on the date of the last signature of the Authorities duly authorised representatives.

8. DISPUTE RESOLUTION

8.1. Any issues raised by either Authority related to this Memorandum will be amicably resolved by the two Authorities. Should the need arise, this Memorandum will be reviewed and amended by approval of both Authorities.

9. DURATION AND TERMINATION

9.1. This Memorandum will remain in force for up to 60 months after it is signed. Subsequent review may lead to this memorandum being renewed or superseded by an enduring and more broadly scoped arrangement between the Authorities. Should either Authority decide to terminate this Memorandum, the terminating Authority will provide a 90 days' written notice to the other Authority to allow for necessary alternative arrangements to be concluded.

For SACAA



Ms Poppy Khoza
Director Civil Aviation Authority

Date: 23 March 2023

For UK CAA



Mr Robert Bishton
Group Director – Safety and Airspace Regulation
Group (SARG)
UK Civil Aviation Authority
Date: 16th March 2023

Annex 1

Contact Person

For SACAA	For UK CAA
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