

TECHNICAL GUIDANCE MATERIAL

for a

Part 149 Approval Process

SUBJECT: Technical Guidance Material for a Part 149 Approval Process

EFFECTIVE DATE: 22 July 2020

APPLICABILITY

This is applicable to the approval process of a prospective organisation that applies for the approval of an Aviation Recreation Organisation whose members operate for recreational purposes as per the SACAA Regulations.

PURPOSE

This document provides direction and guidance on applying for and obtaining an Aviation Recreation Organisation (ARO) approval under the Civil Aviation Regulations (CAR's). This process guides a prospective ARO towards successful compliance with the CAR's.

REQUIREMENTS

The SACAA recognizes the responsibility of Aviation Recreation Organisation to provide oversight with the highest degree of safety possible in the public interest. The approval process is designed to ensure that prospective ARO holders understand and can fulfill this function. When satisfactorily completed, the approval process should ensure that the ARO is able to comply with the CAR's and associated Technical Standards where applicable pertaining to recreation aviation activity.

Under no circumstances will an applicant be approved, until the SACAA is confident that the prospective certificate holder can fulfill the required responsibilities and willing to comply with the CAR's in an appropriate and continuing manner.

1. REFERENCE:

- i. Civil Aviation Act,
- ii. Civil Aviation Regulations (CAR) Parts 24, 44, 61, 62, 68, 69, 91, 94, 105, 149, 185, 187.

2. TERMS AND ABBREVIATIONS:

2.1. Terms

TERM	DEFINITION
Aircraft Category	Means a classification of aircraft according to specified basic characteristics, e.g. Aeroplane, helicopter, glider, free balloon;
Aviation Recreation	Means flying microlight, glider, balloon, gyroplane, hang-glider, paraglider, model aircraft, light sport aeroplane, touring motor glider, parachute or involvement in aviation events;
Compliance Statement	Statement of Compliance is a document which gives details as to how each regulation will be complied with.
Principal Base of Operations	Means the primary operating location of a certificate holder as designated by the SACAA.

Resident of The Republic

Means a person who has his or her ordinary residence in the Republic and who is a South African citizen or is in the possession of a permit for permanent residence in the Republic issued in terms of sections 26 and 27 of the Immigration Act, 2002 (Act No. 13 of 2002);

2.2. ABBREVIATIONS

ABBREVIATION	DESCRIPTION
AM	Accountable Manager and Compliance officer
ARO	Aviation Recreation Organisation
ASO	Air Safety officer
CAR	Civil Aviation Regulations
DCA	Director of Civil Aviation
E: ASO	Executive: Aviation Safety Operations
GAD	General Aviation Department
M: GA	Manager: General Aviation Organisations
MOP	Manual of Procedure
OI	Operations Inspector
PM	Project Manager
POP'S	Prospective Organisation Pre-assessment Statement
QC	Quality Control
SACAA	South African Civil Aviation Authority
SM: GA	Senior Manager: General Aviation
TGM	Technical Guidance Material

3. APPROVAL OF AVIATION RECREATION ORGANISATION PART 149

The approval process described in this chapter and the guidance material is for an applicant seeking an Aviation Recreation Organisation (ARO) under the Civil Aviation Regulations pertinent to the applicant's application, (Part 149).

4. FIVE PHASE APPROVAL PROCESS AND GATE REQUIREMENTS

There are five phases in the Part 149 approval process, the successful completion of each phase is guided by 3 gate checks. Each gate has specific requirements to be met by the approval team. The process is described below to provide a general understanding of the entire approval process.

<u>PHASE 1</u> Pre-application phase
GATE 1
<u>PHASE 2</u> Formal Application Phase
GATE 2
<u>PHASE 3</u> Document Evaluation Phase
<u>PHASE 4</u> Demonstration and Inspection Phase
GATE 3
<u>PHASE 5</u> Approval Phase

In some cases, the guidance and suggested sequence of events may not be entirely appropriate. In such situations, the SACAA and the applicant should proceed in a manner that considers existing conditions and circumstances. The applicant, however, should not expect to be approved until the SACAA is assured that the CAR's will be complied with in an appropriate and continuing manner.

4.1. PRE-APPLICATION PHASE

4.1.1. Initial Inquiries

Initial inquiries about approval may come in various formats from individuals or in the form of meetings with SACAA personnel. Requests for applications may come from inexperienced and poorly prepared individuals, from well-prepared and financially sound organisation's, or from organisation's and individuals ranging between these extremes.

4.1.2. Applicant Orientation

Upon initial contact, the SACAA inspector will provide the applicant with an information package that will include the following:

DOCUMENT / FORM	DOCUMENT NUMBER
Technical Guidance Material for approval Part 149	CA-GAD-001
Prospective Organisation Pre-assessment Statement (POPS)	CA 149-04
Proposed Schedule of Events	CA 149-07
Quality Assurance System	CA-GAD-002
Statement of Compliance	CA 149-04

Note: The PM should advise applicants to complete the application form and POPS in accordance with the instructions in CA-GAD-001 and to submit the completed POPS to the SACAA office. The PM might include other documentation and information that is not listed above.

Note: All documentation relevant to the approval process for use by prospective applicant will be accessible on the SACAA website: <http://www.caa.co.za>

After the applicant has reviewed CA-GAD-001: "Technical Guidance Material for approval of "Part 149", the assigned SACAA inspector should briefly explain the requirements of the SACAA that the applicant must meet in the approval process. The inspector will ask the applicant to schedule an appointment for further discussions, allowing enough time for the applicant to thoroughly review and understand the requirements of CA-GAD-001.

4.2. Prospective operator's pre-assessment statement (POPS) CA 149-04

4.2.1. Purpose of a POPS

The prospective organisation will request information about the approval as an Aviation Recreation Organisation, but the prospective organisation is not fully aware of the regulatory requirements and the costs involved. The completed POPS denote intent by the applicant to continue the approval process. It also allows the SACAA to plan activities and prepare to commit resources

4.2.2. Processing the POPS

The SACAA uses the POPS to evaluate the nature of the proposed ARO and to determine the level, experience and availability of inspectors to approve the applicant. The POPS is used by the SACAA to record the pre-approval number assigned to the applicant. A pre-approval, number is assigned to an applicant for tracking the progress of the ARO approval project.

4.2.3. CAA Review of the POPS

The POPS is used by the SACAA to assess SACAA office workload and forecast staffing and training needs. The assessment at this time also determines the capability of the SACAA office to conduct the approval project.

Upon receipt of a signed POPS, the SACAA will review the form to ensure that there is sufficient information to further process the pre-application. The SACAA will ascertain that the proposed ARO is consistent with CAR Part 149 under which the applicant will be required to conduct oversight.

Unacceptable POPS. If the POPS is unacceptable, the reasons for its unacceptability will be described in section 2 of the form and returned to the applicant. The SACAA shall notify the applicant, either verbally or by letter, that the POPS is unacceptable for the reasons detailed in section 2 of the form and that a new POPS is required. A copy of the rejected POPS shall be retained in the SACAA office files.

Acceptance of a POPS. When the POPS is acceptable, the SACAA shall complete the relevant section of the form. The SACAA shall process the POPS within 7 working days of receipt.

4.3. Assignment of the approval team

4.3.1. Selection of Team Members

When a pre-approval ARO number is established, the SACAA Manager: General Aviation Organisations will select a team for the approval project. The team shall consist of at least one Flight Operations and one Airworthiness Inspector. Generally, these inspectors will be the SACAA inspectors that will be assigned to the applicant once the approval process is completed.

4.3.2. Designation of approval Project Manager (PM)

The SACAA Manager: General Aviation Organisations will designate one member of the approval team to serve as the PM. The person designated as PM will have previous experience in the approval of an organisation under the CAR's.

4.3.3. Responsibilities of the PM

The PM and other team members will conduct themselves in a professional and responsive manner with the applicant. Responsibilities of the PM:

- a. The PM will serve as the primary spokesperson for the SACAA throughout the approval process.
- b. The PM will co-ordinate all matters with all other SACAA Inspectors assigned to the approval project.
- c. The PM will be responsible for ensuring that all project functions are completed.
- d. The PM will be responsible for all correspondence, both to and from the applicant.
- e. The PM will notify the SACAA (E: ASO / SM: GAD / Manager: General Aviation Organisations) of any information that may significantly affect or unduly delay the approval.
- f. The PM will ensure that Inspectors involved with the approval project, and the SACAA (E: ASO / SM: GA / Manager: GA), are kept fully informed of the status of the approval. The schedule of events and job aids will be used as guides for the conduct of these status updates.

4.3.4. Responsibilities of the Approval Team Members

Each team member shall respond to requests for assistance made by the PM. Responsibilities include:

- a. Keeping the PM informed of the status of the approval process that has been assigned to him/her.
- b. Advising the PM of any discrepancy that may delay the approval effort.

4.3.5. Responsibilities of the Applicant

The applicant must proficiently develop all required documents for submission with the formal application, and successfully complete all requirements for approval.

4.4. Pre-application meeting

The POPS will be reviewed and discussed such as the type of recreation activity oversight, geographic areas of oversight, and location of facilities. When changes to this information occur, the applicant must annotate the changes on the POPS. If the changes significantly affect the anticipated scope and/or type of oversight, a copy of the revised POPS shall be forwarded to the SACAA. Specific aspects of the applicant's proposed oversight will be discussed. The PM will discuss the approval process in depth with the emphasis being placed on the expectations of the SACAA, what the applicant should expect from the SACAA, and the sequence of events. Specific aspects of the approval will be covered and the proposed schedule of events as a guide to facilitate the discussion and to ensure that all elements of the approval process are covered. The applicant must demonstrate a comprehensive understanding of the regulations and relevant rules which are applicable to the proposed approval. The applicant will be briefed on the documentation required as per point 1.1.1 above. The approval team will brief the applicant on Phase 2, the formal application. It is essential during the pre-application meeting that the applicant has a clear understanding of the form, content, and documents required for the formal application at this meeting, the applicant must show an understanding of the processes to follow. The PM is able to provide all other documentation to assist the applicant in the approval process

#	Document/Form/checklist	Number
	Application for issue, renewal, amendment of or notification of changes to Aviation Recreation Certificate	CA 149-06
	Personal Required Acceptance Checklist	CA 149-03
	Manual of Procedure Approval Checklist	CA 149-05
	Part 149 Annual Audit Checklist	CA 149-02

Key management personnel of the applicant must attend the pre-application meeting and should be prepared to discuss in general terms, specific aspects of the applicant's proposed oversight.

At the close of the pre-application meeting, the approval team should determine whether the applicant is prepared to proceed with the approval process.

If it is evident that the applicant is not adequately prepared to proceed with the approval process, the approval team will advise the applicant of the reasons for concern. When it is apparent the applicant will not be able to prepare an adequate formal application, the PM should advise the applicant to request another pre-application meeting after more complete preparation on the applicant's part.

5. INSTRUCTIONS TO THE APPLICANT ON THE FORMAL APPLICATION.

5.1. General

The formal application must be submitted to the PM and, after initial review, notification of its acceptance or rejection will be provided by letter within 10 working days. The formal application shall consist of the following:

- a. Formal Application Letter
- b. Management Qualification Resumes
- c. Proposed schedule of Events

- d. Statement of Compliance
- e. Manual of Procedure
- f. Contracts/Agreements as per CAR 149.02.4(1)(a)

Note: Whilst SACAA inspectors will provide guidance and advice during the preparation of required documents and manuals, the production of acceptable documents and manuals is solely the responsibility of the applicant.

Note: Application for an Aviation Recreation Organisation approval certificate: CAR 149.02.6 An application for an Aviation Recreation Organisation approval certificate shall be made to the DCA in the appropriate form as prescribed in the applicable SACATS and shall be accompanied by the appropriate fee as prescribed in Part 187.

5.2. Formal Application Letter

The formal application shall include a letter containing the following:

- a. Full and official name of the applicant.
- b. The purpose of the application.
- c. The physical location address of the applicant's intended primary location.
- d. The applicant's mailing address if different than its letterhead and domicilium citandi et executandi,
- e. The full name and address of the applicant's agent for service if applicable. The identity of key management personnel as per regulations CAR 149.02.4.
- f. When or if a request for deviation from the qualification requirements of management personnel is anticipated. (The request for the deviation and the justification for that deviation shall be made in a separate letter).

5.3. SAMPLE OF FORMAL APPLICATION LETTER

[Name of applicant]
[Appropriate address]

[Date]
South African Civil Aviation Authority
ATT: [Name of General Aviation Manager]
[Appropriate address]

Dear [Name]

This letter serves as formal application for a South African Civil Aviation Authority (SACAA) for an Aviation Recreation Organisation. [Name of applicant] We intend to oversight [Number of Disciplines] and will be operating in [location of operation]. Our organisation will have a principal base of operation and corporate offices located [appropriate address].

Our management personnel are as follows:

Accountable Manager (AM): [Full name and surname]
Quality Control (QC): [Full name and surname]
Other Management: [Full name and surname] (if applicable)

Also enclosed is the revised Schedule-of-Events and Initial Statement of Compliance which was agreed to at our-last meeting with your representatives. We have retained the services of [Full name and surname] [appropriate address] as our agent for service. (if applicable)

Also enclosed please find the relative completed approval documents and attachments:

Management Qualification Resumes
Proposed schedule of Events
Statement of Compliance
Manual of Procedure

Contracts/Agreements as per CAR 149.02.4(1)(a) (if applicable)

Regards

[Signature]

[Full name and surname]

5.4. Management Qualification Resumes

This attachment shall include resumes that contain information on the qualifications, certificates, ratings, and experience of personnel required for the following positions:

- a. Accountable Manager
- b. Quality Control (QC)
- c. Other Management (if applicable)

A description of their functions and responsibilities must be included.

The effectiveness of the management personnel will be observed throughout the approval process. If during the process it becomes apparent that a proposed management candidate does not meet the required experience outlined in the appropriate CAR, the applicant will be informed that they may apply for an exemption. This request for an exemption must be made to the Director soonest practical to enable the individual who will hold the position to be involved early in the approval process.

If an applicant intends to request approval for a exemption from the required management personnel (fewer or different personnel), the request must be made by in an official manner. The applicant must be able to demonstrate that it is able to perform oversight safely under the fewer or different positions requested. Consideration will be taken into account of the size and scope and complexity of the ARO as well as the qualifications of intended personnel. It must also be demonstrated that the persons can be reasonably expected to effectively perform the functions associated with the subject positions in accordance with the CAR and the procedures outlined in the proposed manual of procedure.

5.5. Schedule of Events (CA 149-07)

The Proposed schedule of events CA 149-07 is a key document that needs to be presented with the formal application.

- a. The Proposed schedule of events is a list of items, activities, programs or actions that the applicant will accomplish or make ready for SACAA inspection before approval.
- b. The Proposed schedule of events will include the applicant's best estimate of the date the item, activity, program or actions will be accomplished.
- c. The schedule of events must be constructed in a logical and sequential manner.
- d. The schedule of events must also provide for a reasonable amount of time for the SACAA to review and accept or approve each item or event, before scheduling other items or events that are dependent on such acceptance or approval.
- e. Failure to accomplish an item or event in a satisfactory or timely manner in accordance with the schedule of events could result in a delay in approval.
- f. If deficiencies are detected during the review of manual of procedure and other documents, they will be returned for amendment or correction. Such action may also cause additional delays in the approval process.

5.6. Statement of Compliance (CA 149-04)

Preparation of the Statement of Compliance CA 149-04 benefits the applicant by systematically ensuring that all applicable regulatory aspects are appropriately addressed during the approval process.

- a. The compliance statement shall be in the form of a complete listing of all appropriate CAR sections pertinent to the oversight the applicant is proposing.
- b. This list should reference any applicable subpart and each relevant section of the subpart.
- c. Next to each subparagraph, the applicant must provide a specific reference to the relevant section in the MOP,

- or other document, and may provide a brief narrative description that describes how the applicant will comply with each regulation.
- d. Where the compliance information has been developed (for example, the manual material submitted with the formal application), a manual reference or a description of the method of compliance must be entered next to the applicable regulatory section.
 - e. This statement also serves as a master index to the applicant's manual system to expedite the SACAA's review and approval of the oversight and manual of procedure.

The compliance statement is an important source document during the approval process. After the approval process is completed, the compliance statement should be kept current as changes are incorporated in the applicant's system.

5.7. Manual of Procedure

The structure for the manual of procedure and content is per CAR 149.02.2. You may refer to the ARO MOP Technical Guidance Material for compilation of a MOP. The SACAA is further able to provide an electronic template in Microsoft Word to assist applicants in the development of a Part 149 MOP.

6. DOCUMENT EVALUATION PHASE

After the formal application has been accepted, inspectors will begin a thorough evaluation of all the manuals and documents that are required by regulation to be submitted to the SACAA. The SACAA Authority will endeavor to complete these evaluations in accordance with the organisation schedule of events. If a manual or document is incomplete or deficient, or if non-compliance with the regulations or safe operating practices is detected, the manual or document will be returned for corrective action. If the manuals and documents are satisfactory, they will be approved or accepted

The complexity of the information which must be addressed in the organisation manual of procedure and other documents depends on the complexity of the planned oversight. The following list provides examples of information that must be provided by the organisation and evaluated by the SACAA during this phase:

- a. Management personnel resume outlining proposed management qualifications and civil aviation compliance history.
- b. Manual of procedure (a system of manuals, may be in one or more parts).
- c. Fully completed Statement of Compliance.

The fully completed Statement of Compliance is the final evaluation, the completed Statement of Compliance ensures each applicable regulatory requirement has been adequately addressed in the appropriate manuals, programs, and/or procedures.

7. DEMONSTRATION AND INSPECTION PHASE

Civil Aviation Regulations require an organisation to demonstrate its ability to comply with regulations and safe operating practices before beginning oversight. These demonstrations include:

- a. If required, the performance of certain activities and/or oversight while being observed by SACAA inspectors.
- b. Evaluations of equipment and support facilities.
- c. Evaluation of the effectiveness of the policies, methods, procedures, and instructions as described in the organisation manuals and other documents.
- d. Emphasis is placed on the organisation's management effectiveness.
- e. Deficiencies will be brought to the attention of the organisation and corrective action must be taken before a certificate is issued.




The approval team will provide constant feedback on any deficiencies during the evaluation process. The team will furnish guidance and advice during the evaluation and inspection during this phase.

If any changes need to be made it will be the responsibility of the applicant to rectify or make the necessary changes before the approval process can be continued.

8. APPROVAL PHASE

After the document compliance and the demonstration and inspection phases have been completed satisfactorily, the SACAA will prepare an Aviation Recreation Certificate).

The certificate holder is responsible for continued compliance with CARs and all other rules. The SACAA is will conduct periodic inspections of the certificate holder to ensure continued compliance with the CAR and safe oversight practice.

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