

GOVERNMENT NOTICE No. 36

AVIATION ACT

(CAP. 70:01)

AVIATION (COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS) REGULATIONS, 2013

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IN EXERCISE of the powers conferred by section 19 of the Aviation Act, I, MOHAMMED SIDIK MIA, Minister of Transport and Public Works, make the following Regulations—

## PART I — GENERAL

## Citation and Application

1.—(1) These Regulations may be cited as the Aviation (Commercial Air Transport by Foreign Air Operators) Regulation, 2013.

(2) These regulations prescribe requirements applicable to the operation of any civil aircraft, including aeroplane or helicopter, for —

(a) the purpose of commercial air transportation operations by any air operator whose Air Operator Certificate is issued and;

(b) controlled by a civil aviation authority other than Malawi.

(3) These Regulations do not apply to aircraft when used by military, customs, and police services, which are not used for compensation or hire.

## Definitions

2.—(1) For the purpose of these Regulations, unless the context otherwise requires—

“aeroplane flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aeroplane is to be considered airworthy, and instructions and information necessary to the flight crewmembers of the safe operation of the aeroplane;

“air operator certificate” means a certificate authorizing an operator to carry out specified commercial air transport operations;

“aircraft operating manual” means a manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft;

“foreign air operator” means any operator, not being an air operator holding an Air Operator Certificate issued by Malawi under the provisions of ICAO Annex 6, Part I or Part III, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Malawi, whether on a scheduled or charter basis;

“foreign Authority” means the civil aviation authority that issues and oversees the Air Operator Certificate of the foreign operator;

“minimum equipment list” means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List (MMEL) established for the aircraft type;

“operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties; and

“rotorcraft flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy, and instructions and information necessary to the flight crewmembers of the safe operation of the rotorcraft.

3.—(1) The following abbreviations are used in these Regulations— Abbreviation

- (a) AFM — Aeroplane Flight Manual;
- (b) AOC — Air Operator Certificate;
- (c) AOM — Aeroplane Operating Manual;
- (d) MEL — Minimum Equipment List;
- (e) RFM — Rotorcraft Flight Manual.

4.—(1) A foreign air operator may not operate an aircraft in commercial air transportation operations in Malawi contrary to the requirements of— Compliance

- (a) these Regulations;
- (b) applicable regulations of the Instruments and Equipment and Operations Regulations;
- (c) applicable standards contained in the Annexes to the Convention on International Civil Aviation for the operation to be conducted; and
- (d) any other requirements that the Authority may specify.

5.—(1) A foreign air operator shall ensure that any person authorized by the Authority, will be permitted at any time, without prior notice, to board any aircraft operated for commercial air transportation to Malawi — Authority to inspect

- (a) to inspect the documents and manuals required by this Part;
- (b) to conduct an inspection of the aircraft;
- (c) to take appropriate action when necessary to preserve safety.

(2) When a State identifies a case of non-compliance or suspected non-compliance by a original operator with laws, regulations and procedures applicable within that State’s territory, or a similar serious safety issue with that operator, that State shall immediately notify the operator and, if the issue warrants it, the State of the Operator. Where the State of the Operator and the State of Registry are different, such notification shall also be made to the State

of Registry, if the issue falls within the responsibilities of that State and warrants a notification.

(3) In the case of notification to States as Specified in subreguation 5 (2), if the issue and its resolution warrant it the State in which the operation is conducted shall engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

(4) Detailed process for inspecting a foreign air operator is in IS 10:5 contained in the Schedule hereto.

#### PART II—APPROVAL TO OPERATE IN THE TERRITORY OF MALAWI

Requirements  
for application  
by foreign air  
operation for  
approval to  
operate into the  
territory of  
Malawi

6.—(1) A foreign air operator from the territory of another state shall not operate an aircraft in Malawi unless it is so authorized by the Authority and holds an associated Document of Authorizations, Conditions, and Limitations issued to it by the Authority.

(2) When an air operator wishes to apply to operate in Malawi it shall—

(a) make such application to the Authority in the form and manner prescribed;

(b) for the Foreign Operator's Application Form, see IS 10: 6 (1) contained in the Schedule hereto.

(3) An application for approval to operate into the territory of Malawi shall be accompanied by—

(a) a certified true copy of a valid AOC and associated operations specifications issued to the foreign air operator by the Foreign Authority;

(b) a copy of the approval page for a Minimum Equipment List for each aircraft type intended to be operated by the air operator in Malawi;

(c) a copy of the current aircraft Certificate of Registration and airworthiness certificate issued for the aircraft types proposed to be operated by the air operator in Malawi;

(d) a copy of the insurance certificate;

(e) a copy of the operational procedures and practices of the operator;

(f) a copy of a document identifying the maintenance checks that are required to be carried out for aircraft of the air operator while they are operated in Malawi;

(g) a copy of the maintenance contract between the air operator and the Approved Maintenance Organization, where the maintenance under, is carried out by an Approved Maintenance Organization approved by the Foreign Authority;

(h) a copy of the air service agreement, with safety clause, allowing the foreign air operator to operate in Malawi. See IS: 10: 6 (2) for an example of the referenced air service agreement safety clause;

(i) in the cases of wet-leased aircraft: a copy of the approval of the CAA of the State of the operator, with identification of the operator that exercises operational control of the aircraft;

(j) a proposed Aircraft Operator Security Programme for the foreign air operator who does not hold an Air Operator Certificate issued by the Authority which meets the requirements of the Civil Aviation Regulations, for the acceptance and subsequent approval of the Authority; and

(k) any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.

(4) an applicant under these Regulations shall apply for the initial issue of a foreign air operator Operations Specifications at least ninety days before the date of commencement of intended operation.

7.—(1) The Director may recommend that the Authority issue a Document of Authorizations, Conditions and Limitations to a foreign air operator to conduct commercial air operations in Malawi where the Director is satisfied and has confidence in —

Conditions for the issuance of Document of Authorization, Conditions, and Limitations

(a) the validity of the certificates and licences associated with the operator;

(b) the operator's personnel and aircraft;

(c) the operational capabilities of the operator; and

(d) the level of certification and oversight applied to the activities of the foreign air operator by the Foreign Authority.

(2) For the process to be used for evaluating the conditions stipulated under subregulation (1) (a) to (d), see IS 10:7 contained in the Schedule hereto.

(3) No foreign air operator may commence commercial air transport operations in and to Malawi until the Operations Specifications have been issued.

8.—(1) The authority may issue a Document of Authorization, Conditions and Limitations to a foreign air operator applicant —

Issuance of a Document of Authorization, Conditions, and Limitations

(a) following approval of the foreign air operator's application form to operate into the territory of Malawi;

(b) upon a satisfactory administrative review of the documentation provided by the foreign air operator under regulation 6 (3) and (4); and

(c) when it has established bilateral or multilateral agreements with the State of the Operator that includes in the agreement the safety clause referenced under subregulation 6 (3) (e); or

(d) when it has not established bilateral or multilateral agreements with the State of the Operator, the Authority receives no significant safety findings or major deficiencies from available safety related information relevant to the foreign air operator.

Contents of a Document of Authorizations, Conditions, and Limitations

9.—(1) A Document of Authorization, Conditions and Limitations is issued to foreign air operators for elements not listed in the operator's AOC and associated operations specifications but considered necessary for compatible operations within Malawi.

(a) a Document of Authorizations, Conditions and Limitations issued under this section shall contain—

(i) the foreign air operator's full name;

(ii) the foreign air operator's principal business address and contact details for operational management;

(iii) the foreign air operator's business address and contact details in Malawi;

(iv) the date of issuance and expiry (if any) of the foreign air operator's AOC;

(v) a statement that: this Document authorizes [name of foreign air operator] to operate in the territory of Malawi;

(vi) a statement that: this Document is issued to [name of foreign air operator] on the basis of it holding a valid AOC. Any changes to the AOC made by the Foreign Authority that issued and oversees the AOC of [name of foreign air operator] shall be submitted by [name of foreign air operator] in writing to the Authority within 30 days of such change;

(vii) a statement that: this Document ceases to have effect upon expiry, suspension, revocation, cancellation or equivalent action in respect of the foreign air operator's AOC; and

(viii) any additional authorizations, conditions or limitations considered necessary by the Authority.

(2) Operations Specification issued to a foreign air operator by the Foreign Authority shall be supplementary to these Regulations.

Continued validity of a Document of Authorizations, Conditions, and Limitations

10.—(1) A foreign air operator shall, when conducting operations in and to Malawi, ensure that it complies at all times with the requirements of—

(a) its Operations Specifications;

(b) its approved Aircraft Operator Security Programme; and

(c) the security requirements for aircraft operators operating in Malawi.

### PART III—DOCUMENTS

Foreign air operator's aircraft technical log

11.—(1) A foreign air operator shall use an aircraft technical log system containing the following information for each aircraft—

(a) information about each flight necessary to ensure continued flight safety;

(b) the current aircraft certificate of release to service;

(c) the current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Authority agrees to the maintenance statement being kept elsewhere;

(d) all outstanding deferred defects that affect the operation of the aircraft; and

(e) any necessary guidance instructions on maintenance support.

12.—(1) A foreign air operator shall ensure that the following manuals, documents and licences are carried on flights into Malawi —

Air operator manuals, documents and flightcrew licences to be carried

(a) a certified true copy of the air operator certificate and associated operations specifications all of which shall be in the English language;

(b) a Copy of the Document of Authorizations, Conditions, and Limitations required under these Regulations;

(c) the current parts of the Operations Manual relevant to the duties of the crew are carried on each flight;

(d) those parts of the Operations Manual, which are required for the conduct of a flight and are easily accessible to the crew on board the aircraft on each flight, such as the MEL; and information and instructions relating to the interception of aircraft;

(e) the current AFM or RFM approved by the State of Registry, or AOM approved by the State of Operator is carried on the aircraft on each flight. The AFM or RFM shall be updated by implementing changes made mandatorily by the State of Registry received from the State of Design;

(f) the current certificate of registration, and airworthiness certificate in force in respect of that aircraft;

(g) the appropriate licences of the members of the flight crew and cabin crew, if a cabin crew licence is required by the Foreign Authority;

(h) appropriate approval/licence of crewmembers for aircraft radio operation.

13.—(1) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed in this regulation, the following information and forms, relevant to the type and area of operation, are carried on each flight—

Additions information and forms to be carried

(a) operational Flight Plan;

(b) aircraft Technical Log containing at least the information required in subregulation 11 (1) under these Regulations;

(c) appropriate NOTAM/AIS briefing documentation;

(d) appropriate meteorological information;

(e) passenger and Cargo manifests as appropriate for the intended flight;

(f) the mass and balance document for the aircraft certifying that the load carried is properly distributed and safely secured;

- (g) notification of special loads including any dangerous goods; and
- (h) current maps and charts for the area of operation.

(2) The Authority may authorize the information detailed in subregulation of this Regulation, or parts thereof, to be presented in a form other than on printed paper provided the information is accessible for inspection.

Production of documentation, manuals and records

14.—(1) A foreign air operator shall—

(a) give any person authorized by the Authority access to any documents, manuals and records which are related to flight operations and maintenance; and

(b) produce all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.

(2) The pilot in command shall, within a reasonable time of being requested to do so by a person authorized by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

Preservation, production and use of flight recorder recordings

15.—(1) Following an accident or incident, in Malawi involving an aircraft of a foreign operator, or when the Authority so directs, the foreign operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of not less than 60 days unless otherwise directed by the authority.

PART IV—OPERATIONS AND PERFORMANCE

Computation of passenger and baggage weights

16.—(1) A foreign air operator shall compute the mass of passengers and checked baggage using—

(a) the actual weighed mass of each person and the actual weighed mass of baggage; or

(b) the standard mass values specified by the foreign Authority.

(2) The Authority may require a foreign air operator conducting operations in Malawi to produce evidence validating any standard mass values used.

Single-engine aeroplanes at night in IMC

17.—(1) A foreign air operator may not operate a single-engine, non-turbine aircraft—

(a) at night; or

(b) in Instrument Meteorological Conditions except under Special Visual Flight Rules.

(2) A foreign air operator may operate a single-engine turbine aircraft at night and in IMC provided the State of the Operator has ensured—

(a) the reliability of the turbine engine;

(b) the foreign operator’s maintenance procedures, operating practices, flight dispatch procedures and crew training programmes are adequate;



(c) the aeroplane is appropriately equipped for flight at night and in IMC;

(d) for aeroplanes issued a certificate of airworthiness before 1 January 2005—an engine trend monitoring system; and

(e) for aeroplanes issued a certificate of airworthiness after 1 January 2005—an automatic trend monitoring system.

18.—(1) A foreign air operator shall not operate an aeroplane under IFR or at night by a single pilot unless approved by the State of the Operator and the aeroplane meets the following conditions —

Single pilot operations under IFR or at night

(a) the flight manual does not require a flightcrew of more than one pilot;

(b) the aeroplane is propeller-driven;

(c) the maximum approved passenger seating configuration is not more than nine;

(d) the maximum certificated take-off mass does not exceed 5,700 kg;

(e) the aeroplane is equipped with—

(i) a serviceable autopilot that has at least altitude hold and heading select modes;

(ii) a headset with a boom microphone or equivalent; and

(iii) a means of displaying charts that enables them to be readable in all ambient light conditions.

(f) the PIC has satisfied the requirements of experience, training, checking and recency.

19.—(1) Within the territorial boundaries of Malawi, foreign air operator shall comply with the flight rules and limitations contained in the Operations Regulations.

Flights rules within Malawi

(2) Foreign air operators shall ensure that their flight crew have available and have become familiar with the flight rules in the Operations regulations.

PART V—FLIGHT CREWMEMBER QUALIFICATIONS

20.—(1) Foreign air operators shall ensure that their flightcrews have the appropriate licences and ratings for the operations to be conducted in Malawi.

General

21.—(1) Foreign air operators shall ensure that the required PIC engaged in single pilot operations on aircraft operating in Malawi shall be less than 60 years of age.

Age limitations

(2) Foreign air operators shall ensure, for aircraft engaged in operations in Malawi requiring more than one pilot as flight crewmembers, that if one pilot is between the age of 60 and up to age 65, the other pilot shall be less than age 60.

Language  
proficiency

22.—(1) As of March 5, 2008, foreign air operators shall ensure that flight-crew operating aircraft in Malawi meet the language proficiency requirement of at least the operational level 4 as contained in ICAO Annex 1 for the English language and that such proficiency is endorsed on the licence.

#### PART VI—SECURITY

Aircraft  
security

23.—(1) A foreign air operator shall—

(a) ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programmes of the State of the operator;

(b) establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur;

(c) following an act of unlawful interference on board an aircraft the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator;

(d) ensure that all aircraft carry a checklist of the procedures' to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices; and

(e) if installed, the flightcrew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorized access.

Unauthorized  
carriage

24.—(1) A foreign air operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

#### PART VII—DANGEROUS GOODS

Offering  
dangerous  
goods for  
transport by  
air

25.—(1) No foreign air operator may accept dangerous goods for transport by air in Malawi unless the foreign air operator—

(a) has been authorized to do so by the Foreign Authority; and

(b) has conducted the required personnel training.

(2) The foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the operator's dangerous goods programme as approved by the foreign Authority.

(3) When the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods programme authorized by the foreign Authority, the foreign operator shall file a copy of its dangerous goods programme with the Authority.

26.—(1) A foreign air operator conducting commercial air transportation operations to Malawi shall—

Carriage of weapons of war and munitions of war

(a) not transport weapons of war and munitions of war by air unless an approval to do so has been granted by all States concerned;

(b) ensure that weapons of war and munitions of war are—

(i) stowed in the aircraft in a place which is inaccessible to passengers during flight; and

(ii) in the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by all States concerned that such weapons of war and munitions of war may be carried in circumstances that differ in part or in total from those indicated in this subregulation;

(c) ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapons of war and munitions of war that are intended to be carried.

27.—(1) A foreign air operator conducting commercial air transportation operations to Malawi shall take all measures necessary to ensure that any sporting weapons intended to be carried by air are reported.

Carriage of sporting weapons and ammunition

(2) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are—

(a) stowed in a place on the aircraft which is inaccessible to passengers during flight unless the Authority has determined that compliance is impracticable and has approved other procedures; and

(b) in the case of firearms or other weapons that can contain ammunition, unloaded.

(3) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in passenger’s checked baggage, as approved by the Authority.

SCHEDULE

IMPLEMENTING STANDARDS FOR COMMERCIAL AIR TRAINING BY FOREIGN AIR OPERATORS WITHIN MALAWI

IS 10: 5 AUTHORITY TO INSPECT

(1) Authorized Inspectors—

(a) authorized inspectors assigned to conduct inspections of foreign aircraft shall be experienced inspectors who understand the difference between ramp inspections conducted on their own (national) operators as part of their AOC management responsibilities and surveillance inspections conducted on aircraft of foreign (international) operators;

- (b) these inspectors shall be specifically trained and authorized to conduct such inspections and possess appropriate credentials identifying them as authorized inspectors employed by the Authority of foreign air operator;
  - (c) ramp inspections of foreign air operators should be carried out in a similar manner to the ramp inspections of national operators, with some important differences, as the standards applied to foreign operators would be based primarily on international standards and national regulations derived from international standards;
  - (d) authorized inspectors shall have demonstrated a language proficiency in English of ICAO operational level 4 or higher;
  - (e) authorized inspectors shall have in their personal training records evidence they have been trained and are knowledgeable in the following areas—
    - (i) ICAO Convention and its Annexes 1, 6, 7 and 8;
    - (ii) differences between ICAO standards and national regulations, which may be more detailed or restrictive;
    - (iii) diplomacy, including dealing with potential language difficulties and cultural differences;
    - (iv) sovereignty of foreign aircraft, which means that inspector authority is limited to document, communicate and report findings, except as provided in (3)(a) of this IS;
    - (v) observing, recording and reporting procedures during inspections of foreign air operators; and
    - (vi) surveillance activities, which are not linked to the certification process of the operator.
- (2) Pre-Inspection Planning—
- (a) authorized inspectors shall prepare for inspections of foreign operators by updating themselves on recent changes to national regulations with respect to operations by operators from other States;
  - (b) Malawi and to operate the particular aircraft concerned, i.e. issuance of a Document of Authorisations, Conditions and Limitations by the Authority;
  - (c) the record of the foreign air operator's history in Malawi should be examined, including records of past aircraft inspections and, in particular, those of the specific aircraft concerned in the inspection to be conducted, to check for any outstanding actions or recurring trends that might warrant particular attention;
  - (d) ramp (or Apron) inspections involve the aircraft and its crew, line station operations, servicing and maintenance and the ramp and gate area condition and activity: time constraints may apply only to the inspection of the aircraft and crew: determination should be made of

the number of authorized inspectors and the specializations to be involved, the distribution of tasks and the time to be allocated to each task;

- (e) as the inspection plan includes comprehensive inspections, it will not be possible to cover all the desired elements in the time available for a particular inspection without causing unreasonable delay to the foreign air operator;
- (f) as inspections on aircraft of any one operator may be conducted at different airports by different authorized inspectors, the overall inspection plan will need to take this into account: some elements should be covered at every inspection; others can be covered over a number of inspections: thus, comprehensive records shall be maintained of all inspections of aircraft of a particular operator in a central database, in either paper or electronic format that is accessible to, and updated by, the authorized inspectors concerned;
- (h) from these records it is necessary to plan the content of inspections so that a complete inspection of the aircraft of any one operator is undertaken over a defined period;
- (i) selection of a particular aircraft to inspect should normally be done at random, in a non- discriminatory manner: however, the principles of risk management to identify operations perceived to present a higher safety risk and, as a result, conduct additional inspection activities aimed at those operations, which can be linked to a specific—
  - (i) state of the Operator;
  - (ii) aircraft type;
  - (iii) nature of operations (scheduled, non-scheduled, cargo, air taxi, etc.);
  - (iv) foreign operator; or
  - (v) individual aircraft.

(3) Inspections—

Types—

Areas to be checked during a Ramp (Apron) Check are—

- (i) Flight Deck;
- (ii) Cabin / Safety;
- (iii) Aircraft External Condition;
- (iv) Cargo; and
- (v) general.

- (4) Scope of a foreign operator ramp (Apron) inspection—
  - (i) it is not possible to cover all items on the checklist at every ramp inspection: inspections should be planned to cover high risk items and to cover all other items over a series of inspections;
  - (ii) it is essential that adequate records are kept, and that there is complete coordination between all authorized inspectors involved in ramp inspections for any one operator.

**Foreign Operator Ramp Inspection Checklist**

MALAWI CIVIL AVIATION FOREIGN OPERATOR RAMP INSPECTION – PAGE 1

Inspector Name:	AOC Name	State of the Operator:
Inspection Result:  <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory	Action Taken Under regulation 5 (1) (c) of these Regulations  <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:

**I. Documents to be covered on any one inspection of a foreign operator include the following:**

Items	S/U
• certificate of registration	
• certificate of airworthiness	
• certificates of competency, licences and medical assessment of the flight crew	
• air operator certificate and associated operations specifications relevant to the aircraft type, which are required information to be carried on board until an international register of AOCs may eventually provide an alternative way to access this information	
• flight manual or other document containing performance data	
• radio station licence	
• journey logbook or technical log or general declaration	
• maintenance release	
• fuel and oil records	
• document attesting noise certification	
• certificate of registration	
• certificate of airworthiness	
• certificates of competency, licences and medical assessment of the flightcrew	
• air operator certificate and associated operations specifications relevant to the aircraft type, which are required information to be carried on board until an international register of AOCs may eventually provide an alternative way to access this information	
• flight manual or other document containing performance data	
• radio station licence	
• ourney logbook or technical log or general declaration	
• maintenance release	
• fuel and oil records and	
• document attesting noise certification.	

Remarks:

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II. The overall condition of the aircraft should be covered at every inspection:

Items	S/U
• out-of-tolerance leakage of fuel, engine oil or hydraulic fluid	
• landing gear and wheel well areas	
• fuselage and pylons (as applicable)	
• wings and pylons (as applicable)	
• engines, their intakes, exhaust cones and reverser systems	
• propellers (as applicable) and	
• empennage or tail assembly.	

Remarks:

III. Documents that should be covered annually per/AOC include:

Items	S/U
• adequate oxygen supply for crew and passengers	
• passenger briefing cards and contents	
• portable fire extinguishers – flight crew compartment and cabin	
• life rafts and life jackets or individual flotation devices (as applicable)	
• pyrotechnical distress signalling devices (as applicable)	
• first-aid kits and medical kits (as applicable)	
• penetration resistant cockpit door (as applicable)	
• emergency exit signs and lighting.	

Remarks:

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MALAWI CIVIL AVIATION FOREIGN OPERATOR RAMP INSPECTION – PAGE 3

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IV. Aircraft equipment that should be covered over a defined number of inspections:

Items

S/U

- adequate oxygen supply for crew and passengers
- passenger briefing cards and contents
- portable fire extinguishers – flightcrew compartment and cabin
- life rafts and life jackets or individual flotation devices (as applicable)
- pyrotechnical distress signalling devices (as applicable)
- first-aid kits and medical kits (as applicable)
- penetration resistant cockpit door (as applicable)
- emergency exit signs and lighting.

Remarks:

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V. The following additional aircraft equipment should also be covered annually per/AOC as applicable to the aircraft and the operation:

Items

S/U

- airborne
- emergency
- flight
- ground

Remarks:

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## IS 10: 6 (1) REQUIREMENTS FOR THE APPLICATION BY FOREIGN AIR OPERATORS FOR APPROVAL TO OPERATE INTO THE TERRITORY OF STATE

## (a) Foreign Operator's Application Form (Page 1 of 2)

Application Form for Commercial Air Transport Operations by a Foreign Operator

*(To be completed by a foreign air operator for an approval to conduct operations in Malawi)*

## Section 1A. To be completed by all applicants

1. Company registered name and trading name if different. Address of company: mailing address; telephone; fax; and e-mail.	2. Address of the principal place of business including: telephone; fax; and e-mail.
3. Proposed start date of operations: (dd/mm/yy):	4. ICAO 3-letter designator for aircraft operating agency:

## 5. Operational management personnel

Name	Title	Telephone, fax and e-mail
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## Section 1B. Type of approval requested – To be completed by all applicants, checking applicable boxes

6. 1 <input type="checkbox"/> Air operator intends to conduct commercial flights to and from aerodromes in Malawi 2 <input type="checkbox"/> Air operator intends to only conduct overflights and technical stops in Malawi	7. Air operator proposed types of operation:  <input type="checkbox"/> Passengers and cargo <input type="checkbox"/> Cargo only <input type="checkbox"/> Scheduled operations <input type="checkbox"/> Charter flight operations <input type="checkbox"/> Dangerous goods
8. Geographic areas of intended operations and proposed route structure:	

## Section 1C on Page 2 – To be completed by the air operator

Signature:	Date (dd/mm/yy):	Name and title:
Evaluated by (name and office):		CAA decision: <input type="checkbox"/> Approval granted <input type="checkbox"/> Not approved

Remarks:

Signature of CAA representative:	Date (dd/mm/yy):
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(b) Foreign Operator’s Application Form (Page 2 of 2)

Section 1C. To be completed by air operator

8. Provide location on board or provide separate documentation where individual aircraft nationality and registration marks are listed as part of the aircraft fleet operated under the air operator certificate:

Provide following information—

Aircraft type (make, model and series, or master series)	RVSM2 Approval	ETOPS <sup>3</sup>	Noise <sup>3</sup> certification (Annex 16 Ch.)	Remarks
[Aircraft type 1]	<input type="checkbox"/>	<input type="checkbox"/>		
[Aircraft type 2]	<input type="checkbox"/>	<input type="checkbox"/>		
[Aircraft type 3]	<input type="checkbox"/>	<input type="checkbox"/>		
[Aircraft type 4]	<input type="checkbox"/>	<input type="checkbox"/>		
etc.	<input type="checkbox"/>	<input type="checkbox"/>		

Attach copies of—

- Proof of Economic Authority;
- Air operator certificate and associated operations specifications;
- Insurance certificate;
- In case of wet-lease of aircraft: approval of CAA of the State of the Operator, with identification of the operator that exercises operational control on the aircraft; and
- Document authorizing the specific traffic rights, issued by Air Transport Licensing Division or resulting from a bilateral air transport agreement (if required by the State to which the operator is flying to).

## IS 10: 6(2) SAFETY CLAUSE EXAMPLE

Example of Safety Clause (Extracted from ICAO Document 8335) that must be inserted into Air Service Agreements that allows operators to provide service to another State and *vice versa*.

- (a) each party may request consultations at any time concerning the safety standards maintained by the other Party in areas relating to aeronautical facilities, flightcrew, aircraft and the operation of aircraft: such consultations shall take place within thirty days of that request;
- (b) if, following such consultations, one Party finds that the other Party does not effectively maintain and administer safety standards in the areas referred to in paragraph 1 that meet the Standards established at that time pursuant to the Convention on International Civil Aviation (Doc 7300), hereinafter referred to as: the Convention, the other Party shall be informed of such findings and of the steps considered necessary to conform with the ICAO Standards: the other Party shall then take appropriate corrective action within an agreed time period;
- (c) pursuant to Article 16 of the Convention, it is further agreed that any aircraft operated by, or on behalf of an airline of one Party, on service to or from the territory of another Party, may, while within the territory of the other Party be the subject of a search by the authorized representatives of the other Party, provided this does not cause unreasonable delay in the operation of the aircraft. Notwithstanding the obligations mentioned in Article 33 of the Convention, the purpose of this search is to verify the validity of the relevant aircraft documentation, the licensing of its crew, and that the aircraft equipment and the condition of the aircraft conform to the Standards established at that time pursuant to the Convention;
- (d) when urgent action is essential to ensure the safety of an airline operation, each Party reserves the right to immediately suspend or vary the operating authorization of an airline or airlines of the other Party;
- (e) any action by one Party in accordance with paragraph 4 above shall be discontinued once the basis for the taking of that action ceases to exist;
- (f) with reference to paragraph 2 above, if it is determined that one Party remains in non-compliance with ICAO Standards when the agreed time period has lapsed, the Secretary General of ICAO should be advised thereof: the latter should also be advised of the subsequent satisfactory resolution of the situation.

## IS 10: 7 CONDITIONS FOR THE ISSUANCE OF A DOCUMENT OF AUTHORIZATIONS, CONDITIONS AND LIMITATIONS

- (1) The Authority shall, when evaluating an application by a foreign air operator to operate within the territory of Malawi—
  - (a) examine both the safety oversight capabilities and record of the Foreign Authority of the State of the Operator, and if different, the State of Registry; and
  - (b) the operational procedures and practices of the foreign air operator itself.

NOTE: This is necessary in to have confidence in the validity of the certificates and licences associated with the foreign air operator, its personnel and aircraft, the operational capabilities of the foreign air operator and in the level of certification and oversight applied to the activities of the foreign air operator by the Foreign Authority of the State of the Operator.

- (2) The Authority shall obtain information on the safety oversight capabilities, and the level of compliance with ICAO Standards, of the Foreign Authority of the State of the Operator by accessing information from the ICAO Universal Safety Oversight Audit Programme (USOAP). This information is available—
  - (a) on the ICAO website <http://www.icao.int> and accessible through the Flight Safety Information Exchange (FSIX) – Safety Oversight Information – Audit Reports (1999-2004) or Audit Reports (Comprehensive Systems Approach);
  - (b) on the ICAO Safety Oversight Audit (SOA) Secure Site which is accessible, subject to a password available only to the Authority from ICAO, through the FSIX home page; and
  - (c) subject to a password available only to the Authority of from ICAO, by accessing audit summary reports from the USOAP audits available to the Authority on the ICAO-Net <http://www.icao.int/icaonet/>.
- (3) The Authority shall obtain and evaluate information on the foreign air operator. This information is available—
  - (a) by applying to the Foreign Authority of the State of the Operator for reports of any inspections that may have been conducted; and
  - (b) by requesting access to reports of audits of a foreign air operator, conducted by independent aviation audit organizations and / or by other air operators, such as code- sharing partners: such non-regulatory audits should be used in conjunction with other information such as a report from the ICAO Universal Safety Oversight Audit Programme (USOAP) or other inspection results to evaluate the application.
- (4) Foreign Air Operator’s Application Form, Section 2 to be completed by the CAA—
  - (a) in the case of significant negative findings and/or major deficiencies relevant to its review of the safety oversight capabilities and the level of compliance with ICAO Standards of the Foreign Authority of the State of the Operator, the Authority of will engage in discussions with the Foreign Authority of the State of the Operator seeking resolution of the deficiencies prior to deciding whether to approve or not to approve the Foreign Air Operator Application Form and whether to approve or not to approve a Document of Authorizations, Conditions and Limitations;
  - (b) in the case of significant negative findings and/or major deficiencies relevant to its evaluation of the foreign air operator, the Authority shall not approve the foreign air operator’s Foreign Air Operator Application Form and shall not issue a Document of Authorizations, Conditions and Limitations to the foreign air operator.

Made this 26th day of June, 2013.

MOHOMMED SIDIK MIA  
*Minister of Transport and  
Public Works*