

GAMBIA CIVIL AVIATION ACT, 2018

GAMBIA CIVIL AVIATION REGULATIONS, 2018

PART 10 – COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS

ARRANGEMENT OF SECTIONS

CHAPTER I - GENERAL

1. Applicability
2. Definitions
3. Abbreviations
4. Compliance
5. Authority to Inspect

CHAPTER II - APPROVAL TO OPERATE IN THE GAMBIA

6. Air Service Licence
7. Application for an Air Service Licence
8. Application for an Air Service Licence
9. Issuance of an Air Service Licence and Associated Operations Specifications
10. Contents of an Air Service Licence
11. Continued validity of an Air Service Licence
12. Foreign Air Operator's Aircraft Technical Log
13. Air Operator Manuals, Documents and Flight Crew Licences to be Carried
14. Additional Information and Forms to be Carried
15. Production of Documentation, Manuals and Records
16. Preservation, Production and use of Flight Recorder Recordings

CHAPTER III - OPERATIONS AND PERFORMANCE

17. Computation of Passenger and Baggage Weights
18. Single-Engine Aeroplanes at Night or in IMC
19. Single Pilot Operations under IFR or at Night
20. Flight rules within The Gambia
21. Approach and Landing Conditions

CHAPTER IV - FLIGHT CREW MEMBER QUALIFICATIONS

22. Flight Crew Licenses
23. Age Limitations
24. Language Proficiency

CHAPTER V - SECURITY

- 25. Aircraft Security
- 26. Unauthorised Carriage

CHAPTER VI - DANGEROUS GOODS

- 27. Carriage of Weapons of war and Munitions of war
- 28. Carriage of Sporting Weapons and Ammunition

CHAPTER VII - APPROVAL TO OPERATE REMOTELY PILOTED AIRCRAFT IN THE GAMBIA

- 29. Requirements for Application by Foreign Persons or Operators for Approval to Operate Remotely Piloted Aircraft into The Gambia

SCHEDULE

GAMBIA CIVIL AVIATION REGULATIONS, 2018

CHAPTER I – GENERAL

1. Applicability

(1) This Part prescribes the 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 the Authority.

(2) This Part does not apply to aircraft when used by military, customs, and police services, which are not used for compensation or hire.

2. Definitions

The definitions contained in Part 1 shall also apply in this Part.

3. Abbreviations

In this Part, the following abbreviations have the meanings ascribed-

AFM means Aeroplane Flight Manual;

AOC means Air Operator Certificate;

AOM means Aeroplane Operating Manual;

MEL means Minimum Equipment List;

RFM means Rotorcraft Flight Manual; and

RPA means Remotely Piloted Aircraft.

4. Compliance

(1) Unless otherwise authorised by the Authority, a foreign airline shall not

operate into The Gambia without-

- (a) being in possession of an air operator certificate issued by a Contracting State;
- (b) being subject to a safety evaluation by the Authority; and
- (c) being in possession of an Air Service Licence.

(2) A foreign air operator shall not operate an aeroplane or helicopter in commercial air transport operations contrary to the requirements of-

- (a) these Regulations;
- (b) standards contained in Annex 6, Parts I and III, of the Chicago Convention; and
- (c) applicable economic regulations that may be issued by the Authority, from time to time; and

(3) Paragraph (2) of this regulation applies also to a person who engages in an operation governed by this Part without the appropriate certificate and operations specification or similar document required as part of the certification.

5. Authority to Inspect

(1) A foreign air operator shall ensure that any person authorised by the Authority, is permitted at any time, without prior notice, to board any aircraft operated for commercial air transportation to The Gambia-

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

(2) When the Authority identifies a case of non-compliance or suspected non-compliance by a foreign air operator with the laws, regulations and procedures applicable within The Gambia, or a similar serious safety issue with the operator, the Authority shall immediately notify the operator and, if the issue warrants it, the State of the Operator.

(3) 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.

(4) In the case of notification to States as Specified in sub-regulation (3), if the issue and its resolution warrant it, the Authority 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.

(5) Inspections shall be conducted in accordance with the requirements contained in Schedule 10.1.

CHAPTER II - APPROVAL TO OPERATE IN THE GAMBIA

6. Air Service Licence

(1) The Authority shall direct, by means of an air service licence, which specific operations shall be authorised, prohibited, limited or subject to certain conditions, in the interest of public safety.

(2) Air service licences are supplementary to the provisions of this Part.

7. Application for an Air Service Licence

(1) An applicant for an air service licence shall apply on a form and in a manner prescribed by the Authority.

(2) An application for air service licence 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 current aircraft certificates of Registration, Airworthiness, Noise and Radio issued for the aircraft types proposed to be operated by the air operator in The Gambia;
- (c) a copy of the insurance including third party liability;
- (d) a copy of the approval page for a Minimum Equipment List for each aircraft type intended to be operated by the air operator in The Gambia;
- (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 The Gambia;
- (g) a copy of the proposed Aircraft Operator Security Programme which meets the requirements of these Regulations, for the acceptance and subsequent approval of the Authority; and
- (h) any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.

(3) An applicant under these Regulations shall apply for the initial issue of an Air Service Licence at least ninety days before the date of commencement of intended operation.

8. Conditions for the Issuance of an Air Service Licence

(1) The Director General shall recommend for issuance of an Air Service Licence to a foreign air operator to conduct commercial air operations in The Gambia when the Director General is satisfied and has confidence in-

- (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) The process to be used for evaluating the conditions stipulated in this regulation are prescribed in Schedule 10.2.

(3) A foreign air operator shall not commence commercial air transport operations in The Gambia until the Air Service Licence and associated Operations Specifications have been issued or a temporal authorization is received from the Authority.

9. Issuance of an Air Service Licence and Associated Operations Specifications

The Authority may issue an air service licence to a foreign air operator

applicant-

- (a) following approval of the foreign air operator's application package to operate into The Gambia;
- (b) upon satisfactory operational base inspection by the Authority;
- (c) upon a satisfactory administrative review of the documentation provided by the foreign air operator these Regulations; and
- (d) when it has established bilateral or multilateral agreements with the State of the Operator that includes in the agreement the safety clause referenced these Regulations; or
- (e) 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.

10. Contents of an Air Service Licence

(1) An Air Service Licence and its associated operations specifications issued to a foreign air operator shall contain the following information-

- (a) the foreign air operator's full name;
- (b) the foreign air operator's principal business address and contact details for operational management;
- (c) the foreign air operator's business address and contact details in The Gambia;
- (d) the date of issuance and expiry of the Air Service Licence;
- (e) the reason for the issuance;
- (f) authorised routes;
- (g) authorised aircraft;
- (h) en-route authorisations and limitations; and
- (i) aerodrome authorisations;

- (j) a statement that: “This Document ceases to have effect upon expiry, unless suspended, cancelled or revoked”; and
- (k) any additional authorisations, 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.

11. Continued Validity of an Air Service Licence

A foreign air operator shall, when conducting operations in and to The Gambia, ensure that it complies at all times with the requirements of -

- (a) Air Service Licence,
- (b) its AOC and associated Operations Specifications; and
- (c) its approved Aircraft Operator Security Programme;

12. Foreign Air Operator’s Aircraft Technical Log

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.

13. Air Operator Manuals, Documents and Flight Crew Licences to be Carried

A foreign air operator shall ensure that the following manuals, documents and

licences are carried on flights into The Gambia-

- (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 Air Service Licence;
- (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 mandatory by the State of Registry received from the State of Design;
- (f) the current certificates of registration, airworthiness and insurance 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; and
- (h) appropriate approval or licence of crewmembers for aircraft radio operation.

14. Additional Information and Forms to be Carried

(1) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed in these Regulations and, the following information and forms, relevant to the type and area of operation, are carried on a flight-

- (a) certificate of registration;
- (b) certificate of airworthiness;
- (c) copy of insurance cover, including third party liability;
- (d) copy of air operator certificate and applicable specific operating

provisions;

- (e) operational flight plan;
- (f) aircraft technical log containing at least the information required in these Regulations;
- (g) appropriate notice to airmen or aeronautical information services briefing documentation;
- (h) appropriate meteorological information;
- (i) the mass and balance documentation for the aircraft certifying that the load carried is properly distributed and safely secured;
- (j) passenger and cargo manifests, as appropriate, for the intended flight;
- (k) notification of special loads including any dangerous goods; and
- (l) current maps and charts for the area of operation.

(2) The Authority may authorise the information detailed in sub-regulation (1) or parts thereof, to be presented in a form, other than on printed paper provided the information is accessible for inspection.

15. Production of Documentation, Manuals and Records

(1) A foreign air operator shall -

- (a) grant to any person authorised 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 authorised by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

16. Preservation, Production and use of Flight Recorder Recordings

Following an accident incident in The Gambia 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.

CHAPTER III - OPERATIONS AND PERFORMANCE

17. Computation of Passenger and Baggage Weights

(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 The Gambia to produce evidence validating any standard mass values used.

18. Single-Engine Aeroplanes at Night or in IMC

(1) A foreign air operator shall not operate a single-engine, non-turbine-

- (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 conditions 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.

19. Single Pilot Operations under IFR or at Night

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 –

- (a) the flight manual does not require a flight crew 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.

20. Flight rules within The Gambia

(1) A foreign air operator shall, within the territorial boundary of The Gambia, comply with the flight rules and limitations contained in Part 8.

(2) A foreign air operator shall ensure that their flight crew have available and have become familiar with the flight rules in Part 8 of this regulation.

21. Approach and Landing Conditions

Before initiating an approach to land, the pilot-in-command must determine that, according to the information available-

- (a) weather at the aerodrome and the conditions of the runway are safe for the approach and landing; and
- (b) in the case of missed approach, being able to meet the performance requirements contained in the operations manual.

CHAPTER IV - FLIGHT CREW MEMBER QUALIFICATIONS

22. Flight Crew Licenses

A foreign air operator shall ensure that their flight crews have the appropriate licences and ratings for the operations to be conducted in The Gambia.

23. Age Limitations

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

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

24. Language Proficiency

A foreign air operator shall ensure that flight crew operating aircraft in The Gambia meet the language proficiency requirement of least the operational level 4 as contained in ICAO Annex 1 for the English language and that such proficiency is endorsed on the licence or evidence of it carried along with the licence.

CHAPTER V - SECURITY

25. Aircraft Security

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 minimise 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 flight crew 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 unauthorised access.

26. Unauthorised Carriage

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

CHAPTER VI - DANGEROUS GOODS

27. Offering Dangerous Goods for Transport by Air

(1) A foreign air operator shall not accept dangerous goods for transport by air in The Gambia unless the foreign air operator-

- (a) has been authorised to do so by the by the Authority and State of the Operator; 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 authorised by the foreign Authority, the foreign operator shall file a copy of its dangerous goods programme with the Authority.

28. Carriage of Weapons of war and Munitions of war

A foreign air operator conducting commercial air transportation operations to The Gambia shall-

- (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 regulation;
- (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.

29. Carriage of Sporting Weapons and Ammunition

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

(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.

CHAPTER VII - APPROVAL TO OPERATE REMOTELY PILOTED AIRCRAFT IN THE GAMBIA

30. Requirements for Application by Foreign Persons or Operators for Approval to Operate Remotely Piloted Aircraft into The Gambia

(1) A foreign operator shall not operate a RPA in The Gambia unless it is so authorised by the Authority and holds the associated approvals, conditions and limitations issued to it by the Authority.

(2) When a foreign operator wishes to apply to operate RPA in The Gambia, it shall-

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

(b) make such application in a form and manner prescribed by the Authority.

(3) An application for approval to operate into The Gambia shall be accompanied by a copy of the following, in English translation if the original documents are not in the English language, for each RPA proposed to be operated in The Gambia-

(a) certified true copy of a valid RPA operator certificate;

(b) certificate of aircraft registration;

(c) certificate of airworthiness;

(d) remote pilot(s) licence and medical certificate(s);

(e) aircraft radio station licence, if applicable;

(f) insurance certificate;

(g) noise certificate issued in accordance with ICAO Annex 16 aircraft operator security programme; and

(h) 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 RPA approval at least 90 days before the date of commencement of the proposed operation.

(5) Once authorization has been granted by the Authority, the operator shall –

(a) file a flight plan prior to operation of a RPA;

(b) follow the operational rules for RPA in Part 8;

(c) notify the Authority and ATC immediately in the event of a flight cancellation, and

(d) in the case of changes to the proposed flight, submit such changes to

the Authority for consideration.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO PART 10

(Regulations 5 and 8)

10.1 Authority to Inspect

(1) In respect of authorised Inspectors -

- (a) authorised 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) the inspectors shall be specifically trained and authorised to conduct such inspections and possess appropriate credentials identifying them as authorised inspectors employed by the Authority.
- (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) authorised inspectors shall have demonstrated a language proficiency in English of ICAO operational level 4 or higher; and
- (e) authorised inspectors shall have in their personal training records, evidence that 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 these Regulations,
- (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) In respect of pre-Inspection Planning-

- (a) authorised 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) a check should be made of the authority for the foreign operator to operate in The Gambia 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 The Gambia 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 authorised 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 authorised 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 authorised inspectors concerned;

- (g) 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; and
- (h) 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) The following are applicable for inspections-

(a) Types- Areas to be checked during a Ramp (Apron) Check are –

- (i) Flight Deck,
- (ii) Cabin or Safety,
- (iii) Aircraft External Condition,
- (iv) Cargo, and
- (v) General;

(b) Scope of a foreign operator ramp (Apron) inspection is–

- (i) 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, or
- (ii) essential that adequate records are kept, and that there is complete coordination between all authorised inspectors involved in ramp inspections for any one operator.

10.2 Conditions for the issuance of an Air Service Licence

(1) The Authority shall, when evaluating an application by a foreign air operator to operate in The Gambia–

10.2.1 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

10.2.2 the operational procedures and practices of the foreign air operator itself.

(2) The Authority may obtain information on the safety oversight capabilities, and the level of compliance with ICAO Standards, of the State of the Operator by accessing information from the ICAO Universal Safety Oversight Audit Programme (USOAP) through the ICAO website <http://www.icao.int/icaonet/>.

(3) The Authority may also obtain and evaluate information on the foreign air operator by directly requesting–

(a) from the State of the Operator for reports of any inspections that may have been conducted; and

(b) for access to reports of audits of a foreign air operator, conducted by independent aviation audit organisations 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) The Authority shall in the case of significant negative findings or major deficiencies relevant to its-

(a) review of the safety oversight capabilities and the level of compliance with ICAO Standards of the State of the Operator, engage in discussions with the State of the Operator seeking resolution of the deficiencies prior to deciding whether to approve or reject the Air Service Licence application; and

(b) evaluation of the foreign air operator, the Authority, reject the Air Service Licence application.