

مرور سومرسور کام

هُ بُرُّتُ وَكُرِ

مُّرِيرُ: 13 وْرَرْمَرُوْ 1444 - 11 مِّرَامِوْ

مُعَرَفِينَ 178

قررة: 51

دُورِدْ سَرَسُرُهُ ثَرُ: 2022/R-124

Maldivian Civil Aviation Regulations

MCAR-Foreign Operators

وَوَّدِوْهُ مَّارِ دُسْوُهُ هُ وَيَحْ فَيْ مَا مُوْهُ مُوْهُ مُوْهُ مُوْهُ مُوْهُ مُوْهُ مُوْهُ مُوْهُ وَالْمُ

> ئۇشر: 3336211 ئۇھىرش: 7242885

www.gazette.gov.mv : وُصَّرِينُ

Volume: 51 Issue No: 178 Regulation No: 2022/R-124 Government Gazette



Maldivian Civil Aviation Regulations

MCAR-Foreign Operators

Foreword

Maldives Civil Aviation Authority, in exercise of the powers conferred on it under Articles 5 and 6 of the Maldives Civil Aviation Authority Act 2/2012 has adopted this Regulation.

This Regulation shall be cited as 'MCAR-Foreign Operators' and shall come in to force on 27th March 2023.

Definitions of the terms and abbreviations used in this regulation, unless stated otherwise in this regulation, or unless the context requires otherwise, are in MCAR-1 Definitions and Abbreviations.

'Acceptable Means of Compliance' (AMC) illustrate a means, or several alternative means, but not necessarily the only possible means by which a requirement can be met.

List of Amendments

Rev#	Date	Remarks	
Issue 1.00	2022-08-11	Initial issue	
_			
		_	

Issue: 1.00 iii 11 August 2022

List of Effective Pages

Part	Page	Amendment	Date
Foreword	ii	Issue: 1.00	11 Aug 2022
List of Amendments	iii	Issue: 1.00	11 Aug 2022
List of Effective Pages	iv-v	Issue: 1.00	11 Aug 2022
Table of Contents	vi-vii	Issue: 1.00	11 Aug 2022
General	1-3	Issue: 1.00	11 Aug 2022
Operator Requirements	4	Issue: 1.00	11 Aug 2022
Subpart A – General Requirements	5-6	Issue: 1.00	11 Aug 2022
Subpart B – Air Operations	7-8	Issue: 1.00	11 Aug 2022
Subpart C – Authorisation of Foreign Operators	9-11	Issue: 1.00	11 Aug 2022
Subpart D – Other Obligations of the Foreign Operators	12-13	Issue: 1.00	11 Aug 2022
Authority Requirements	14	Issue: 1.00	11 Aug 2022
Subpart A – General	15	Issue: 1.00	11 Aug 2022
Subpart B – Authorisation, Monitoring and Enforcement	16-19	Issue: 1.00	11 Aug 2022
Appendix I	20	Issue: 1.00	11 Aug 2022
Appendix II	21	Issue: 1.00	11 Aug 2022
	List of Effective Pages Table of Contents General Operator Requirements Subpart A - General Requirements Subpart B - Air Operations Subpart C - Authorisation of Foreign Operators Subpart D - Other Obligations of the Foreign Operators Authority Requirements Subpart A - General Subpart B - Authorisation, Monitoring and Enforcement	Foreword ii List of Amendments iii List of Effective Pages iv-v Table of Contents vi-vii General 1-3 Operator Requirements 4 Subpart A - General 8-4 Subpart B - Air Operations 7-8 Subpart C - Authorisation of Foreign Operators 9-11 Subpart D - Other Obligations of the Foreign Operators 12-13 Authority Requirements 14 Subpart A - General 15 Subpart B - Authorisation, Monitoring and Enforcement 16-19 Appendix I 20	Foreword ii Issue: 1.00 List of Amendments iii Issue: 1.00 List of Effective Pages iv-v Issue: 1.00 Table of Contents vi-vii Issue: 1.00 General 1-3 Issue: 1.00 Operator Requirements 4 Issue: 1.00 Subpart A – General Requirements 5-6 Issue: 1.00 Subpart B – Air Operations 7-8 Issue: 1.00 Subpart C – Authorisation of Foreign Operators Subpart D – Other Obligations of the Foreign Operators Authority Requirements 14 Issue: 1.00 Authority Requirements 14 Issue: 1.00 Subpart A – General 15 Issue: 1.00 Subpart B – Authorisation, Monitoring and Enforcement 16-19 Issue: 1.00 Appendix I 20 Issue: 1.00

Section	Part	Page	Amendment	Date
				_
-				
-				
-				
-				
-				

Table of Contents

Foreword	ii
List of Amendments	iii
List of Effective Pages	iv
Table of Contents	vi

Section A — GEN	IERAL	1
		_
MCAR-FO.GEN.01	Subject matter and scope	
MCAR-FO.GEN.05	Entry into force	
MCAR-FO.GEN.10	Definitions	2
Section B — OPE	RATOR REQUIREMENTS	4
Subpart A — GENER	AL REQUIREMENTS	5
MCAR-FO.OR.01	Scope	5
MCAR-FO.OR.10	Means of compliance	5
MCAR-FO.OR.15	Mitigating measures	5
MCAR-FO.OR.20	Access	5
Subpart B — AIR OP	ERATIONS	7
MCAR-FO.OR.30	General requirements	7
MCAR-FO.OR.35	Navigation. Communication and surveillance equipment	7
MCAR-FO.OR.40	Documents, manuals and records to be carried	8
MCAR-FO.OR.45	Production of documentation, manuals and records	8
Subpart C — AUTHO	PRISATION OF FOREIGN OPERATORS	9
MCAR-FO.OR.50	Application for an authorisation	9
MCAR-FO.OR.55	One-off Approvals (non-scheduled and general aviation flights)	10
MCAR-FO.OR.60	Privileges of an authorisation holder	10
MCAR-FO.OR.65	Changes	10
MCAR-FO.OR.70	Continued validity	10
MCAR-FO.OR.75	Findings	11
Subpart D — OTHER	OBLIGATIONS OF THE FOREIGN OPERATORS	12
MCAR-FO.OR.80	Filing of schedule	12
MCAR-FO.OR.85	Code-share arrangement	12
MCAR-FO.OR.90	Provision of Statistics	13
MCAR-FO.OR.95	Airport Taxes and Fees	13

Section C — AU	THORITY REQUIREMENTS	14
Subpart A — GENER	AL	15
MCAR-FO.AR.01	Scope	15
MCAR-FO.AR.05	Alternative means of compliance	15
Subpart B — AUTHO	DRISATION, MONITORING AND ENFORCEMENT	16
MCAR-FO.AR.20	Initial evaluation procedure — general	16
MCAR-FO.AR.25	Initial evaluation procedure — Foreign Operators subject to an operating ba	an - 16
MCAR-FO.AR.30	Issue of an authorisation	16
MCAR-FO.AR.45	Changes	17
MCAR-FO.AR.50	Findings and corrective actions	17
MCAR-FO.AR.55	Limitation, suspension and revocation of authorisations	18
MCAR-FO.AR.60	Obligations under bilateral Air Services Agreements	19
Appendix I		20
Appendix II		21

Section A — GENERAL

Issue: 1.00 1 11 August 2022

MCAR-FO.GEN.01 Subject matter and scope

- (a) This Regulation lays down detailed rules for Foreign Operators of aircraft engaged in commercial air transport operations into, within or out of Maldives, including conditions for issuing, maintaining, amending, limiting, suspending or revoking their authorisations, the privileges and responsibilities of the holders of authorisations as well as conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety.
- (b) Subject to paragraph (c), Foreign Operators shall only engage in commercial air transport operations within, into or out of Maldives if they comply with the requirements of Section B and hold an authorisation issued by MCAA in accordance with Section C to this Regulation.
- (c) This regulation does not apply to
 - 1. Foreign Operators flying over the territory of Maldives, or
 - 2. Foreign Operators who have diplomatic clearance from the Government of Maldives to land an aircraft in Maldives.
- (d) MCAA shall, from time to time, publish a list of airlines on which it has imposed an operating ban or operational restrictions.

MCAR-FO.GEN.05 Entry into force

- (a) This issue of MCAR Foreign Operators shall enter into force on 27th March 2023.
- (b) By way of derogation from paragraph (a), at the date of entry into force of this Regulation Foreign Operators shall comply with the scope and privileges defined in the authorisation or equivalent document already granted by MCAA, until MCAA has taken a decision regarding the respective authorisation or document in accordance with Section C of this Regulation.

(NOTE: MCAR-FO.OR.50 contains provision for the application for authorisation)

MCAR-FO.GEN.10 Definitions

For the purposes of this Regulation:

- (a) 'Alternative means of compliance' are those that propose an alternative to an existing Acceptable Means of Compliance (AMC) or those that propose new means to establish compliance with this Regulation for which no associated AMC have been adopted by MCAA;
- (b) 'Codeshare' means the use of the flight designator code of one air operator on a service performed by a second air operator, whose service is usually also identified (and may be required to be identified) as a service of, and being performed by, the second air operator;
- (c) **'Flight'** means a departure from a specified aerodrome towards a specified destination aerodrome;

Issue: 1.00 2 11 August 2022

- (d) **'Foreign Operator'** means any operator holding an air operator certificate issued by another State;
- (e) **'Scheduled air services'** are flights scheduled and performed for remuneration according to a published timetable, or so regular or frequent as to constitute a recognizably systematic series, which are open to direct booking by members of the public; and extra section flights occasioned by overflow traffic from scheduled flights;
- (f) **'Non-scheduled flights'** are commercial air transport services performed as other than a scheduled air service;
- (g) 'General Aviation flights' are civil aviation operations other than scheduled and nonscheduled air services for remuneration or hire. General Aviation flights are categorised as business flying, pleasure flying, instruction flying, aerial work and other flying;
- (h) **'Extra section flight'** is a revenue flight in scheduled service operated to carry overflow traffic on essentially the same schedule as that of the flight being augmented.

Issue: 1.00 3 11 August 2022

Section B — OPERATOR REQUIREMENTS

Issue: 1.00 4 11 August 2022

Subpart A — GENERAL REQUIREMENTS

MCAR-FO.OR.01 Scope

This Section establishes requirements to be fulfilled by a Foreign Operator engaged in commercial air transport operations into, within or out of Maldives.

MCAR-FO.OR.10 Means of compliance

- (a) Alternative means of compliance to the AMC adopted by MCAA may be used by a foreign operator to establish compliance with this Section, on condition that the proposed alternative means of compliance is, or is similar to, an AMC adopted by the Aeronautical Authority of another Contracting State.
- (b) When a foreign operator subject to an authorisation wishes to use an alternative means of compliance to the AMC adopted by MCAA to establish compliance with this Section, it shall, prior to implementing it, notify it to MCAA with a full description of the alternative means of compliance. The description shall include:
 - 1. the AMC adopted by the foreign State's Aeronautical Authority, based on which the alternative means of compliance is proposed;
 - 2. any revisions to manuals or procedures that may be relevant;
 - 3. an assessment demonstrating that the applicable rules are met.
- (c) The foreign operator may implement these alternative means of compliance subject to prior approval by MCAA and upon receipt of the notification as prescribed in MCAR-FO.AR.05.

MCAR-FO.OR.15 Mitigating measures

- (a) When the State of operator or the State of registry have notified differences to ICAO standards that have been identified by MCAA in accordance with MCAR-FO.AR.20(b), the foreign operator may propose mitigating measures to establish compliance with this Section.
- (b) The foreign operator shall demonstrate to MCAA that these measures ensure an equivalent level of safety to that achieved by the standard to which differences have been notified.

MCAR-FO.OR.20 Access

- (a) The foreign operator shall ensure that any person authorised by MCAA, in whose territory one of its aircraft has landed will be permitted to board such aircraft, at any time, with or without prior notice to:
 - 1. inspect the documents and manuals to be carried on board and to perform inspections to ensure compliance with this Section; or
 - 2. carry out a ramp inspection.

Issue: 1.00 5 11 August 2022

(b) The foreign operator shall ensure that any person authorised by MCAA is granted access to any of its facilities or documents related to its activities, including any subcontracted activities, to determine compliance with this Section.

Issue: 1.00 6 11 August 2022

Subpart B — AIR OPERATIONS

MCAR-FO.OR.30 General requirements

- (a) The foreign operator shall comply with:
 - (i) the applicable standards contained in the Annexes to the Convention on International Civil Aviation, in particular Annexes 1 (Personnel licensing), 2 (Rules of the Air), 6 (Operation of Aircraft, Part I (International Commercial Air Transport

 Aeroplanes) or Part III (International Operations- Helicopters), as applicable), 8 (Airworthiness of Aircraft), 17 (Security), 18 (The Safe Transport of Dangerous Goods by Air), and 19 (Safety Management);
 - (ii) to the extent that there are no relevant ICAO standards, with the relevant essential requirements set out in the Maldives Civil Aviation Regulations (MCARs), provided that these requirements are not in conflict with the rights of State of Operator under international conventions;
 - 2. the mitigating measures accepted by MCAA in accordance with MCAR-FO.AR.20(b); and
 - 3. the relevant requirements of this Section.
- (b) The foreign operator shall ensure that an aircraft operated into, within or out of Maldives is operated in accordance with:
 - 1. its air operator certificate (AOC) and associated operations specifications; and
 - 2. the authorisation issued in accordance with this Regulation and the scope and privileges defined in the specifications attached to it.
- (c) The foreign operator shall ensure that an aircraft operated into, within or out of Maldives has a certificate of airworthiness of the aircraft (C of A) issued or validated by:
 - 1. the State of registry; or
 - 2. the State of the operator, provided that the State of the operator and the State of registry have entered into an agreement under Article 83bis of the Convention on International Civil Aviation that transfers the responsibility for the issue of the C of A.
- (d) The foreign operator shall, upon request, provide MCAA with any information relevant for verifying compliance with this Section.
- (e) The foreign operator shall without undue delay report to MCAA any accident as defined in ICAO Annex 13, involving aircraft used under its AOC.

MCAR-FO.OR.35 Navigation, communication and surveillance equipment

When undertaking operations within the airspace above Maldives, the foreign operator shall equip its aircraft with and operate such navigation, communication and surveillance equipment as required in that airspace.

Issue: 1.00 7 11 August 2022

MCAR-FO.OR.40 Documents, manuals and records to be carried

The foreign operator shall ensure that all documents, manuals and records that are required to be carried on board are valid and-up-to-date.

MCAR-FO.OR.45 Production of documentation, manuals and records

Within a reasonable time of being requested to do so by a person authorised by MCAA, the pilot-in-command shall produce to that person the documentation, manuals and records required to be carried on board.

Issue: 1.00 8 11 August 2022

Subpart C — AUTHORISATION OF FOREIGN OPERATORS

MCAR-FO.OR.50 Application for an authorisation

- (a) Prior to engaging in commercial air transport operations under Section B the Foreign Operator shall apply for and obtain an authorisation issued by MCAA.
- (b) An application for an authorisation shall be:
 - 1. submitted at least 60 days before the intended starting date of operation; and
 - 2. made in a form and manner established by MCAA.
- (c) Without prejudice to applicable bilateral agreements, the applicant shall provide MCAA with any information needed to assess whether the intended operation will be conducted in accordance with the applicable requirements of MCAR-FO.OR.30(a). Such information shall include:
 - 1. the duly completed application;
 - 2. the official name, business name, address, and mailing address of the applicant;
 - 3. a copy of the applicant's AOC and associated operations specifications, or equivalent document, that attests the capability of the holder to conduct the intended operations, issued by the State of the operator;
 - 4. the applicant's current certificate of incorporation or business registration or similar document issued by the Registrar of Companies in the country of the principal place of business;
 - 5. the proposed start date, type and geographic areas of operation;
 - 6. the name and address of the party who will represent the airline in the territory of Maldives.
- (d) When necessary, MCAA may request any other additional relevant documentation, manuals, or specific approvals issued or approved by the State of the operator or State of registry.
- (e) For those aircraft not registered in the State of the operator MCAA may request:
 - 1. details of the lease agreement for each aircraft so operated; and
 - 2. if applicable, a copy of the agreement between the State of the operator and the State of registry pursuant to Article 83bis of the Convention on International Civil Aviation that covers the aircraft.
- (f) Notwithstanding paragraph (a) and (b)1, Foreign Operators that at the date of entry into force of this Regulation hold an authorisation or equivalent document, shall submit an application for an authorisation to MCAA no later than 3 months after entry into force of this Regulation. The application shall contain information about any authorisations granted.

Issue: 1.00 9 11 August 2022

MCAR-FO.OR.55 One-off Approvals (non-scheduled and general aviation flights)

- (a) By way of derogation from MCAR-FO.OR.50(a) a foreign operator may perform non-scheduled flight or a series of non-scheduled flights or general aviation flight(s) without obtaining an authorisation, provided that the operator:
 - 1. obtains One-off Approval from MCAA, prior to the intended date of the first flight, in a form and manner established by MCAA;
 - 2. is not being subject to an operating ban.
- (b) A foreign operator may perform up to 9 (nine) non-scheduled flights from the date of the first flight under a One-off Approval as prescribed in (a)(1) or until MCAA has taken a decision on the application in accordance with Section C, whichever comes sooner.
- (c) Applications for One-off approvals pertaining to non-scheduled flights can be filed only once every 12 months by a foreign operator.
- (d) Unless otherwise stated in the One-off approval given under (a)(1), applications to perform general aviation flights may be filed as and when required.

MCAR-FO.OR.60 Privileges of an authorisation holder

The privileges of the operator shall be listed in the specifications to the authorisation and not exceed the privileges granted by the State of the Operator.

MCAR-FO.OR.65 Changes

- (a) Any change, other than those agreed under MCAR-FO.AR.30(c), affecting the terms of an authorisation or associated specifications shall require prior authorisation by MCAA.
- (b) The application for prior authorisation by MCAA shall be submitted by the foreign operator at least 30 days before the date of implementation of the intended change.
 - The foreign operator shall provide MCAA with the information referred to in MCAR-FO.OR.50, restricted to the extent of the change.
 - After submission of an application for a change, the foreign operator shall operate under the conditions prescribed by MCAA pursuant to MCAR-FO.AR.45 (b).
- (c) All changes not requiring prior authorisation, as agreed in accordance with MCAR-FO.AR.30(c), shall be notified to MCAA before the change takes place.

MCAR-FO.OR.70 Continued validity

- (a) The authorisation shall remain valid subject to:
 - 1. the foreign operator remaining in compliance with the relevant requirements of Section B. The provisions related to the handling of findings, as specified under MCAR-FO.OR.75, shall also be taken into account;

Issue: 1.00 10 11 August 2022

- 2. the validity of the AOC or equivalent document issued by the State of the operator and the related operations specifications, if applicable;
- 3. MCAA being granted access to the foreign operator as specified in MCAR-FO.OR.20;
- 4. the foreign operator not being subject to an operating ban;
- 5. the authorisation not being surrendered, suspended or revoked;
- 6. the foreign operator having carried out at least one flight every 24 calendar months, into, within or out of Maldives under the authorisation.
- (b) Upon surrender or revocation, the authorisation shall be returned to MCAA.

MCAR-FO.OR.75 Findings

After receipt of a notification of findings pursuant to MCAR-FO.AR.50 raised by MCAA, the foreign operator shall:

- (a) identify the root cause of the non-compliance;
- (b) establish a corrective action plan to address the root cause of the non-compliance within an acceptable time frame and submit it to MCAA;
- (c) demonstrate corrective action implementation to the satisfaction of MCAA within the period agreed with MCAA as defined in MCAR-FO.AR.50(e)(1).

Issue: 1.00 11 August 2022

Subpart D — OTHER OBLIGATIONS OF THE FOREIGN OPERATORS

MCAR-FO.OR.80 Filing of schedule

- (a) The foreign operator, while in the course of providing air services under an Authorisation shall file flight schedules by IATA Northern Summer and Winter Scheduling season no later than 30 days before beginning of the new season for approval. MCAA will make a decision on approval or disapproval after examining the flight schedules.
- (b) Flight schedules shall include route, weekly frequency, operation days, flight number, types of aircraft, aircraft capacity (seat configuration and tonnage), flight timings and codesharing arrangements.
- (c) The foreign operator shall not make arbitrary change to flight schedules during the period of operation during a season. If a change to flight schedule is required due to commercial reasons, the foreign operator shall submit application to MCAA no later than 10 days before the date when the change is proposed to make, and such change can be made only after the approval is granted.
- (d) If a temporary change to flight schedule is required due to weather, mechanical or other operational conditions, the foreign operator shall notify MCAA immediately.
- (e) If extra section flight is required due to the market demand, the foreign operator shall submit application to MCAA no later than 3 working days before the proposed operation date. The extra section flight can be operated only after the approval is granted, unless otherwise provided in the bilateral Air Services Agreement or the relevant agreement.
- (f) If the foreign operator plans to suspend or terminate its entire operation or a part of the specified route due to commercial reasons, a written notice with reasons shall be submitted to MCAA no later than 10 day prior to the suspension/termination.

MCAR-FO.OR.85 Code-share arrangement

The Foreign Operator intending to perform a code-share operation with other foreign operators shall seek prior approval from MCAA. An application shall be filed with MCAA at least 30 days before the first flight. The operating carrier may file application on behalf of the marketing carrier(s). The application must include the following:

- (a) the name of the operating carrier;
- (b) the name of the marketing carrier;
- (c) evidence that:
 - 1. the marketing carrier is designated to operate the agreed services under a bilateral Air Services Agreement;
 - 2. the marketing carrier has appropriate authority to exercise traffic rights over the route or segment concerned;

Issue: 1.00 12 11 August 2022

- (d) operating and marketing carrier's flight numbers;
- (e) the frequency of service; and
- (f) the period covered by the proposed service.

MCAR-FO.OR.90 Provision of Statistics

The foreign operator while in the course of providing air services, shall provide MCAA with the statistical data of the route traffic volume carried in the previous month by the 15th day of each month using the Form established for that purpose by MCAA. The foreign operator shall be responsible for the accuracy, authenticity and completeness of the statistical data.

MCAR-FO.OR.95 Airport Taxes and Fees

The foreign operator shall fulfil its obligations under the Airport Taxes and Fees Act (29/2016). These obligations include, inter alia, collecting the relevant charges, fees, taxes etc. from passengers departing Maldives, filing the monthly return and making full payment to the Maldives Inland Revenue Authority (MIRA).

MCAR-FO.OR.100 Compliance with Maldives Civil Aviation Regulations

The Foreign Operator shall comply with the applicable requirements in the MCARs, associated Air Transport Circulars and Directives issued by the Chief Executive during the airline's operation into, within and out of Maldives.

Issue: 1.00 13 11 August 2022

${\bf Section} \; {\bf C} - {\bf AUTHORITY} \; {\bf REQUIREMENTS}$

Issue: 1.00 14 11 August 2022

Subpart A — GENERAL

MCAR-FO.AR.01 Scope

- (a) This Section establishes administrative requirements that will be followed by MCAA, specifically regarding:
 - 1. the issuance, maintenance, change, limitation, suspension or revocation of authorisations of Foreign Operators engaging in commercial air transport operations; and
 - 2. the monitoring of these operators.

MCAR-FO.AR.05 Alternative means of compliance

MCAA will evaluate all alternative means of compliance proposed by Foreign Operators in accordance with MCAR-FO.OR.10(b) by analysing the documentation provided and, if considered necessary, conducting an inspection of the foreign operator.

When MCAA finds that the alternative means of compliance are in accordance with Section B it will without undue delay notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the authorisation of the applicant accordingly.

Issue: 1.00 15 11 August 2022

Subpart B — AUTHORISATION, MONITORING AND ENFORCEMENT

MCAR-FO.AR.20 Initial evaluation procedure — general

- (a) Upon receiving an application for an authorisation in accordance with MCAR-FO.OR.50, MCAA will assess the foreign operator's compliance with applicable requirements in Section B.
- (b) MCAA will, identify those ICAO standards for which it may accept mitigating measures in case the State of the operator or the State of registry has notified a difference to ICAO. MCAA will accept the mitigating measure when it is satisfied that these measures ensure an equivalent level of safety to that achieved by the standard to which differences have been notified.

MCAR-FO.AR.25 Initial evaluation procedure — Foreign Operators subject to an operating ban or an operational restriction

- (a) Upon receiving an application for an authorisation from an operator subject to an operating ban or an operational restriction, MCAA will apply the relevant assessment procedure as described in MCAR-FO.AR.20.
- (b) When the operator is subject to an operating ban due to the State of the operator not performing adequate oversight, MCAA will inform the State of Operator.
- (c) MCAA may perform an audit when:
 - 1. the foreign operator agrees to be audited;
 - 2. the outcome of the assessments referred to in (a) indicates that there is a possibility that the audit will have a positive result; and
 - 3. the audit can be performed at the foreign operator's facilities without the risk of compromising the security of MCAA's personnel.
- (d) The audit of the foreign operator may include an assessment of the oversight conducted by the State of the operator when there is evidence of major deficiencies in the oversight of the applicant.

MCAR-FO.AR.30 Issue of an authorisation

- (a) MCAA will issue the authorisation, including the associated specifications, as established in Appendices I and II, when:
 - 1. it is satisfied that the foreign operator holds a valid AOC or equivalent document and associated operations specifications issued by the State of the operator;
 - 2. it is satisfied that the foreign operator is authorised by the State of the operator to conduct operations into Maldives;
 - 3. it is satisfied that the foreign operator has established:
 - (i) compliance with the applicable requirements of Section B;

Issue: 1.00 16 11 August 2022

- (ii) transparent, adequate and timely communication in response to a further assessment and/or an audit of MCAA, if applicable; and
- (iii) a timely and successful corrective action submitted in response to an identified non-compliance, if any.
- 4. there is no evidence of major deficiencies in the ability of the State of the operator or the State of registry, as applicable, to certify and oversee the operator and/or aircraft in accordance with the applicable ICAO standards; and
- 5. following the completion of the process in MCAR-FO.AR.25, MCAA is satisfied of the operation's safety.
- (b) The authorisation will be issued for an unlimited duration.
 - The privileges and the scope of the activities that the foreign operator is authorised to conduct will be specified in the specifications attached to the authorisation.
- (c) MCAA will agree with the foreign operator the scope of changes to the foreign operator not requiring prior authorisation.

MCAR-FO.AR.45 Changes

- (a) Upon receiving an application for a change that requires prior authorisation, MCAA will apply the relevant procedure as described in MCAR-FO.AR.20, restricted to the extent of the change.
- (b) MCAA will prescribe the conditions under which the foreign operator may operate within the scope of its authorisation during the change, unless MCAA determines that the authorisation needs to be suspended.
- (c) For changes not requiring prior authorisation, MCAA will assess the information provided in the notification sent by the foreign operator in accordance with MCAR-FO.OR.65 to verify compliance with the applicable requirements. In case of any non-compliance, MCAA will:
 - 1. notify the foreign operator about the non-compliance and request a revised proposal to achieve compliance; and
 - 2. in case of level 1 or level 2 findings, act in accordance with MCAR-FO.AR.50 and MCAR-FO.AR.55, as appropriate.

MCAR-FO.AR.50 Findings and corrective actions

- (a) MCAA will have a system to analyse findings for their safety significance.
- (b) A level 1 finding will be issued by MCAA when any significant non-compliance is detected with the applicable requirements of Section B, or with the terms of the authorisation that lowers safety or seriously hazards flight safety.

The level 1 findings will include, but are not limited to:

Issue: 1.00 17 11 August 2022

- 1. failure to give MCAA access to the foreign operator's facilities as defined in MCAR-FO.OR.20(b) during normal operating hours and after a written request;
- 2. implementing changes requiring prior authorisation without having received an authorisation as defined in MCAR-FO.AR.30;
- 3. obtaining or maintaining the validity of the authorisation by falsification of documentary evidence;
- 4. evidence of malpractice or fraudulent use of the authorisation.
- (c) A level 2 finding will be issued by MCAA when any non-compliance is detected with the applicable requirements Section B, or with the terms of the authorisation which could lower safety or hazard flight safety.
- (d) When a finding is detected, MCAA will, without prejudice to any additional action required by MCARs, communicate the finding to the Foreign Operator in writing and request corrective action to eliminate or mitigate the root cause in order to prevent recurrence of the non-compliance(s) identified.
- (e) In the case of level 2 findings, MCAA will:
 - grant the foreign operator a corrective action implementation period appropriate to the nature of the finding. At the end of the period, and subject to the nature of the finding, MCAA may extend the period subject to a second satisfactory corrective action plan agreed by MCAA; and
 - 2. assess the corrective action and implementation plan proposed by the foreign operator. If the assessment concludes that it contains root cause(s) analysis and course(s) of action to effectively eliminate or mitigate the root cause(s) to prevent recurrence of the non-compliance(s), the corrective action and implementation plan will be accepted.

Where a foreign operator fails to submit an acceptable corrective action plan referred to in MCAR-FO.AR.50(e)(1), or to perform the corrective action within the time period accepted or extended by MCAA, the finding will be raised to a level 1 finding and action taken as laid down in MCAR-FO.AR.55(a).

MCAR-FO.AR.55 Limitation, suspension and revocation of authorisations

- (a) Without prejudice to any additional enforcement measures, MCAA will take action to limit or suspend the authorisation in case of:
 - 1. a level 1 finding; or
 - 2. verifiable evidence that the State of operator or State of registry, as applicable, is not capable to certify and oversee the operator and/or aircraft in accordance with the applicable ICAO standard.
- (b) An authorisation will be suspended for a maximum period of 6 months. At the end of the 6-month period MCAA may extend the suspension period for an additional 3 months.

Issue: 1.00 18 11 August 2022

- (c) The limitation or suspension will be lifted when MCAA is satisfied that successful corrective action has been taken by the foreign operator and/or the State of the operator.
- (d) In considering the lifting of a suspension MCAA will conduct an audit of the foreign operator when the conditions in MCAR-FO.AR.25(c) are met. In case the suspension is due to major deficiencies in the oversight of the applicant by the State of the operator or State of registry, as applicable, the audit may include an assessment with the aim to verify if these oversight deficiencies have been corrected.
- (e) MCAA will revoke the authorisation when:
 - 1. the period referred to in (b) has expired; or
 - 2. the foreign operator becomes subject to an operating ban.
- (f) If following a limitation referred to in (a) an operational restriction is imposed on the foreign operator, MCAA will maintain such limitation until the operational restriction has been withdrawn.

MCAR-FO.AR.60 Obligations under bilateral Air Services Agreements

MCAA will ensure that the services are undertaken in accordance with the traffic rights and conditions provided under the air service arrangements the Maldives has negotiated with the state where the Foreign Operator is registered, while evaluating the requirements prescribed in Section B Subpart D.

Issue: 1.00 19 11 August 2022

Appendix I

AUTHORISATION

Types of operation: Commercial air transport (CAT)				
Authorisation ¹ :	Operator Name: Dba Trading Name ² : State of the operator ³ : AOC or equivalent document number: Addreess of the principal place of business ⁴ : Address in the Maldives ⁵ :			
This authorisation conf	firms that ⁶ has complied with the requirements of Section B.			
This authorisation is va	lid whilst the authorised operator remains in compliance with Section B.			
	with the foregoing condition, this authorisation will remain valid unless the air ued by the state of the operator has been surrendered, suspended or revoked.			
Date of issue ^{7:}	Name and Signature ⁸ Title:			

Issue: 1.00 20 11 August 2022

¹ Authorisation reference as issued by MCAA.

Operator trading name, if it is different. Insert "DBA" (for "doing business as") before the trading name.

³ Insert the name of the State of the Operator.

⁴ Insert postal address of the principal place of business.

Insert the Operator's address in the Maldives and/or the name and address of their local representative

⁶ Operator's registered name.

⁷ Issue date of the Authorisation (dd-mm-yyyy).

⁸ Title, name and signature of MCAA's representative.

Appendix II

SPECIFICATION associated to FO Authorisation (subject to the approved conditions in the AOC and associated operations specifications						
Operator name ¹¹ :			Date ¹⁰ : Specifications:			
Trading nameSignature:						
Aircraft model ¹² :						
Types of operation: Commercial air transportation □ Passengers □ Cargo □ Other ¹³ :						
Special limitations ¹⁴						
SPECIAL AUTHORISATIONS	YES	NO	SPECIFICATION ¹⁵	REMARKS		
Dangerous goods						
Low visibility operations Take Off Approach and Landing			RVR ¹⁶ : m CAT ¹⁷ : DH: ft RVR:m			
RVSM ¹⁸ □N/A						
ETOPS ¹⁹ □N/A			Maximum diversion time ²⁰ : min			
Navigation specifications for PBN operations						
Other ²¹						

Issue: 1.00 21 11 August 2022

⁹ Insertion of associated operator's authorisation number.

¹⁰ Issuance date of the operations specifications (dd-mm-yyyy).

Operator's registered name and the operator's trading name, if different.

Insert the Commercial Aviation Safety Team (CAST)/ICAO designation of the aircraft make, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232). The CAST/ICAO taxonomy is available at http://www.intlaviationstandards.org/

Other type of transportation to be specified (e.g. emergency medical service).

List the applicable special limitations (e.g. VFR only, day only)

List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).

Insert the approved minimum take-off RVR in metres. One line per approval may be used if different approvals are granted.

Insert the applicable precision approach category (CAT II, IIIA, IIIB or IIIC). Insert the minimum RVR in metres and decision height in feet. One line is used per listed approach category.

^{18 &}quot;Not applicable (N/A)" box may be checked only if the aircraft maximum ceiling is below FL 290.

Extended range operations (ETOPS) currently applies only to twin-engined aircraft. Therefore the "Not applicable (N/A)" box may be checked if the aircraft model has more than 2 engines.

The threshold distance may also be listed (in NM), as well as the engine type.

Other authorizations or data can be entered here, using one line (or one multi-line block) per authorization (e.g. special approach authorization, MNPS, approved navigation performance).