

	REPUBLIC OF SOUTH AFRICA CIVIL AVIATION AUTHORITY	SACAA Private Bag X 73 Halfway House 1685
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LIMITATIONS ASSOCIATED WITH MAINTENANCE ACTIVITIES ALLOWED PER GOVERNMENT GAZETTE NUMBER 43271 WHILST THE COUNTRY IS UNDER COVID-19 NATIONAL LOCKDOWN; IN ADDITION TO THE REQUIREMENTS OF THE REGULATIONS; PART 145.1.8(2)

1. PREAMBLE

The Minister of Cooperative Governance and Traditional Affairs designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster, published in Government Gazette No. 43096 on 15 March 2020.

This meant that South Africa as country would thus be subject to Lockdown regulations published by various spheres of Government and each Entity must adopt these regulations that had been gazette in compliance thereof.

The South African Civil Aviation Authority (SACAA) is the regulatory body vested with the responsibility for the Enforcement and Regulatory oversight of all Aviation related activities in the Republic. To this end, the SACAA is again vested with additional responsibility by the Department of Transport (DOT) as contemplated in Gazette number No. 43271 dated 4 May 2020.

This applies to Organisations that intend to perform Maintenance during the current Lockdown. This general notice applies to all organisations that perform maintenance on Aircraft that are South African Registered (Airframe, Airframe Systems, Components, Parts, Engines, Specialized Activities and Supporting Continuing Airworthiness activities).

This notice is issued as a result of the Department of transport Gazette No. 43271 dated 4 May 2020 wherein it states in part as follows:

- (1) *Aircraft Maintenance Organizations are allowed to conduct aircraft maintenance.*

This Notice is revised as a result of the Department of transport Gazette No. 43375 dated 29 May 2020 because operation of Aircraft requires Maintenance.

2. DETAILS OF THIS NOTICE

The SACAA has received the Government Gazette No 43271 from the Department of Transport wherein under Paragraph 7; Aircraft Maintenance Organisations are allowed to conduct aircraft maintenance during the Lockdown period. This notice expands on the Limitations under CAR 145.01.8(2) with respect to Facilities, Personnel, Tools and Equipment when considering other concurrent requirements published and Gazetted during the Lockdown period. This notice is Guidance to this effect. The relevant legislative provisions are stated below:

“Part 1.01.1 DEFINITION

“aircraft maintenance organisation” means an organisation designated by the Director in terms of Part 145, or by a Contracting State, to perform maintenance of aircraft or parts thereof, and operating under supervision of the appropriate authority;

“company” means a company as defined in section 1 of the Companies Act, 2008;

“condition” means, a condition—

- (a) which is clear, reasonable, practically executable and appropriate to the relevant matter;
- (b) which is calculated to achieve the particular objectives of the relevant empowering provision, read with the Act and these regulations and any other relevant and appropriate law, and, in general, the promotion of civil aviation safety and the public interest; and
- (c) which is to be reduced to writing, delivered to the other person, body or institution in a manner ensuring proper receipt thereof, and recorded by the functionary imposing the condition in an appropriate manner;

“COVID -19” means the Novel Coronavirus (2019- nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during 2019 and was declared a global pandemic by the World Health Organisation in 2020;

“ensure”, in relation to any person, body or institution and in respect of any matter, activity, process, condition, requirement or other person, or anything else, means to take, considering the nature and context of the provision requiring the ensuring, and any other appropriate legal provisions, in good faith, all necessary, and all reasonably incidental and practically executable preliminary, precedent and precautionary steps in order to be able and prepared to take, and afterwards to take, all necessary and reasonably incidental and practically executable steps, to substantially achieve the clear particular objectives of the provision requiring the ensuring and, in general, the promotion of civil aviation safety and the public interest;

“maintenance” means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

“operation” means an activity or group of activities which are subject to the same or similar hazards and which requires a set of equipment to be specified, or the achievement and maintenance of a set of pilot competencies, to eliminate or mitigate the risk of such hazards;

“organisation”, for the purpose of Part 185, excludes a natural person, a partnership and a sole proprietorship;

“policy” means a document or a statement containing the organisation’s position or stance regarding a specific issue;

“safety management system” means a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures;

“safety programme” means an integrated set of regulations and activities aimed at improving safety;

Limitations on approved AMO

CAR 145.01.8(1) The holder of an AMO approval may only maintain an aircraft or aircraft component for which it is approved.

- (2) The holder of an approval shall not maintain an aircraft or aircraft component for which it is approved unless such holder has available all the facilities, equipment, tooling, airworthiness data and certifying personnel necessary to maintain the aircraft or aircraft component in accordance with its manual of procedure and the requirements prescribed in this Part.

3. BACKGROUND

On 15 March 2020, the President of the Republic of South Africa declared a national state of disaster regarding the COVID-19 outbreak. In this regard, the President also put in place several measures with the intention of limiting exposure and the potential spread of the virus. On 23 March 2020, in furtherance of the management of

the state of disaster, the President declared a 21-day national lockdown effective 26 March 2020 at midnight. On 9 April the President further announced an extension of the lockdown up to 30 April 2020.

Furthermore, on 23 April 2020, the President announced the easing of restrictions of the lockdown to Level 4 from 01 May 2020, which would allow businesses to open the workplaces for a limited number of employees to return to work. The objectives under Level 4 means taking “extreme precautions to limit community transmissions and outbreaks, while allowing some activity to resume”. To this effect, the office of the Presidency published a summary of the alert levels linked to the different. The phases stipulate the objectives for each phase and the sectors permitted to operate under each phase.

4. CONSIDERATION

The lockdown as contemplated in **Gazette No 43271** and many others are additional Regulations published from time to time by the various Ministries of Government through their respective Ministers. These Gazetted regulations are in fact Law and all citizens are to comply with regulations while they remain in force.

5. CONCURRENT REQUIREMENTS

Organisations that intend to operate while the country remains under Lockdown as contemplated under Par 1, must take into consideration those Regulations that will be Gazetted by the respective Governmental Departments that affect the conditions of operations and/or areas of operations. The following references are hereby provided but not Limited to: -

- a. Disaster Management Act, 2002 (Act No. 57 of 2002)
- b. Gazette No. 43096; when read with related gazettes and amendments (Cooperative Governance and Traditional Affairs)
- c. Gazette No. 43107; when read with related gazettes and amendments (Cooperative Governance and Traditional Affairs)
- d. Gazette No. 43160; when read with related gazettes and amendments (Transport)
- e. Gazette No. 43271; when read with related gazettes and amendments (Transport)
- f. Gazette No. 43272; when read with related gazettes and amendments (Transport)
- g. Gazette No. 43257; when read with amendments (Employment and Labour)
- h. Gazette No. 43375; when read with related gazettes and amendments (Transport)

6. COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC) CERTIFICATE

Businesses (Company) that are allowed to provide **essential** services are required to seek approval from the Department of Trade, Industry and Competition (the dtic) in order for them to trade during the period of the lockdown. The registration portal is only for registered companies operating in South Africa.

Such businesses are required to apply to the Companies and Intellectual Property Commission (CIPC) Bizportal website at www.bizportal.gov.za and obtain a certificate from the Commission that allows them to continue trading. The Bizportal website will contain a menu icon listed as “Essential Service Businesses” through which an application can be made to the CIPC.

Other business that are not Essential Services should observe and provide to the SACAA when required their substantiation in terms of operations during the National Lockdown.

7. AMO MAINTENANCE AND SERVICING OF AIRCRAFT AT THEIR FACILITY

The Organisation (AMO) must: -

- a. Have the pre-requisite certificate issued by CIPC; and

- b. Have a valid Organisational Approval Certificate as well the appropriate Rating on approved Operations Specifications form CA 145-19a; and
- c. Maintenance Activities are subject to Curfews that will be published from time to time through the Appropriate Government Ministries; and
- d. Notify the Director in writing of changes in terms of CAR 145.02.4 and per CAR 145.02.12; and
- e. Compliance in the form and manner will be prescribed by the SACAA and will be required at any time
- f. Note that all **Test Flights** required per CAR 43.02.16 must conform to General Notice AIR-2020/001 (Special Flight Permit).

8. ADDITIONAL PROCEDURES FOR MAINTENANCE AND SERVICING OF AIRCRAFT AT THEIR FACILITY

- a. The AMO must submit a procedural document that has been approved by the Accountable Manager to the SACAA as per the Department of transport Gazette No 43271; and
- b. All organisations are hereby notified that compliance in the form and manner prescribed by the SACAA will be required; and
- c. The Entity must remain compliant in terms of the requirements of CAR 145 before conducting all operations; and
- d. Maintenance Activities are subject to all curfews that will be published from time to time through the Appropriate Government Ministries – Government Gazette.
- e. The AMO must send confirmation that they indeed are allowed to be in their premises for carrying out of Aircraft Maintenance; if the SACAA is to conduct an audit. (document review will be done at SACAA offices only); and
- f. The AMO must supply proof of sanitisation and Disinfection prior to SACAA entering their facility

9. DISINFECTION AND PREVENTATIVE MEASURES

The Organisation (AMO) that intends to operate during the Lockdown shall: -

- a. Appoint in writing a Senior Person in the organisation who will be responsible to address the requirements of **Gazette No 43257** issued by the Department of Employment and Labour; and
- b. Conduct Risk Assessments and mitigate Risks prior to any activities being undertaken; and
- c. Have a Policy in place to Ensure Staff Numbers within the Organisation do not exceed national guidelines; and
- d. Have a Policy to provide PPE to every person on the premises to prevent the spread of Covid-19. This will be a Mask, Gloves, Sanitiser and appropriate protective Suit where necessary; and
- e. Ensure all work Areas have been disinfected and evidence of disinfection is made available prior to commencement of next shift; and
- f. Put in place Screening of Staff and Visitors; and
- g. Have a Safety Policy that allows for adoption of promulgated regulations from time to time; and

- h. Ensure that its personnel wear PPE at all times and practice social distancing of no less than 1,5 meters apart; and
- i. Allow the use of own cloth mask for a period not longer than the time needed for its personnel to obtain issue/replacement company PPE (Only PPE should be used to work); and
- j. Subject themselves to checks by the CAA and relevant Government Departments; and
- k. Implement a Roster(s) and a Register which must be made available to SACAA Officials for the purpose of verification; and
- l. Ensure Procedures meet concurrent requirements under paragraph 5 ; and
- m. Procedures & Policies have been approved the Accountable Manager; and
- n. Harmonise these additional steps with Safety Management System and Safety Management program; and
- o. Adopt as far as practicable other means of communications available: -
 - That internal communication is electronic
 - That external submissions by clients must be electronic.
 - An Electronic sign off of all documents,
 - An official policy on electronic signature.

10. INSPECTIONS AND AUDITS BY THE SACAA

- a. All existing operators/owners intending to renew their approval certificates must submit applications and proof of payment electronically to the relevant officials.
- b. All **Renewal** Applications where Inspections/Audits on companies which fall within the scope of the Minister's regulations (**Gazette No 43271**) dated 04 May 2020 may continue during **Level 4** however, with conditions permitting (limited to walk around inspections) dependent on measures in place; and
- c. The AMO must supply proof of sanitisation and Disinfections prior to SACAA entering their facility
- d. No **on-site** review of any documentation will be allowed during the **Renewal Audit** (b); and
 - All Documentation (Renewal) must be submitted to the CAA electronically for review and such a document review activity will form part of the Inspection/Audit in terms of all fees applicable thereto; and
 - The organisation will be required to submit in addition to their application for Renewal of approval proof from CIPC as well as proof of disinfection prior to commencement of Inspection/ Audit.
- e. New applications (**Initial Issue** of AMO Approval); Document Reviews will commence during **Level 2** of the lock down period for Prospective Maintenance Organisations that have submitted supporting documents;
- f. Applications for a **Renewal, Issue of an Approval** or an **Amendment** are still subject to the current CAA communique dated 26 March 2020; The following will commence during the Lockdown: -
 - Application that have been submitted for either **Renewal** will be processed as far as practicable in terms of all document reviews however, physical **Renewal** audits will be conducted during **Level 4**

& 3 of the Lockdown (Walk Around Inspection, Onsite Audits and Discretionary Desktop per Par 11).

- Application that have been submitted for either **Initial** or **Amendment** will be processed as far as practicable in terms of all document reviews however, no physical audits will be conducted during **Level 4** of the Lockdown (Certification Process will be incomplete).
 - Application that have been submitted for an **Amendment** of the scope of approval, will be conducted at **Level 3**. Document review (Phase 3 as per the technical guidance material) can be conducted with some audits (Phase 4 as per the technical guidance material) (please refer to paragraph 11). This would exclude applications for certification and amendments outside of South African Borders.
 - All other application submitted for **Initial certification of Organisation(s)**, will be conducted at **Level 2** of the Lockdown, as far as practically possible. This would exclude applications for certification outside of South African Borders.
- g.** Use of Hotels and Lodges by the SACAA Inspectorate is prohibited for now under Level 4 & 5 of the Lockdown. All Oversight activities should limit overnights in this regard unless advised otherwise through official SACAA policy.
- h.** As usual, approvals will only be granted when payments are cleared;
- i.** Collection of approvals from the SACAA is not allowed. All organisations are to make arrangements with the assigned inspectors and use courier services.
- j.** Exceptional circumstances may require the SACAA to conduct desktop inspections and may request additional evidence where necessary

11. AUDITS

The SACAA has reviewed the audit philosophy during level 3 and below, and different circumstances have dictated that the following is designed to handle renewals. The Inspectorate have the prerogative to elect one audit method or any combination of the three audit methods while handling renewals and amendments. The following should be noted:

- a. Desk top audits** – when an inspector elects to utilize this method, the AMO will be sent a request via email on which documents to submit, and this will be followed by further emails should there be a need for clarity. The inspector will review and conclude the audit and inform the AMO of findings raised if there are any.
- b. Virtual audits** – the SACAA inspectorate has also the option to conduct some audits utilizing on-line tools (at the moment this will be limited to Microsoft Teams). When this mechanism is utilized, the SACAA will run the audit
- c. On site audits** – the SACAA inspectorate will conduct these when all relevant legislation has been met and confirmation as stipulated in 8.f. This should be read in line with Government Gazette 43257 mentioned above and Gazette 41186 dealing with specifications for chemical disinfectants.

12. FEES

All fees relating to SACAA approval process apply and can be viewed under Civil Aviation regulation Part 187. All Audits conducted whether remotely (Desktop) or onsite or a combination thereof; will be subject to fees as applicable.

13. EFFECTIVE DATE:

This Notice is effective from the date of issue as indicated above.

14. PERIOD OF THIS NOTICE

This document shall Automatically become invalid at the time that the national Lockdown due to Covid-19 is lifted and or is withdrawn by the SACAA; whichever occurs first.

Queries

Any queries or requests for further guidance as a result of this communication should be sent to:

The Manager, AMO Section; e-mail address: mbanjwan@caa.co.za or amo@caa.co.za (Tel: 011 545 1651)

Issued by the South African Civil Aviation Authority		
	Ndumiso Mbanjwa	10 June 2020
SIGNATURE OF MANAGER: AIRCRAFT MAINTENANCE ORGANISATION	NAME IN BLOCK LETTERS	DATE