

Matters Arising:

Malaysia - Validation of Foreign Air Operators Certificate

Civil Aviation Authority of Malaysia Flight Operations Directive	
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Directive No: FOD 001/2019	Issue Office: Flight Operations Sector Civil Aviation Authority of Malaysia Level 2, Podium Block B, No. 27, Persiaran Perdana Precinct 4 62618 PUTRAJAYA Malaysia
Issue Date: 01 March 2019	
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Affected Reg: Regulation 114 of the Civil Aviation Regulations 2016	
Affected ICAO Annex: Annex 1, Annex 6, Annex 7, Annex 8, Annex 13 and Annex 18 to the Chicago Convention	
Status: New Issue	

VALIDATION OF FOREIGN AIR OPERATOR CERTIFICATE

1 Introduction

In exercise of the powers conferred by section 24O of the Civil Aviation Act 1969 [Act 3], the Chief Executive Officer makes this Flight Operations Directive ('Directive').



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2 Interpretation

In this Directive, unless the context otherwise requires—

"CAAM" means Civil Aviation Authority of Malaysia;

"Certificate of Validation" means a Certificate of Validation issued by the CAAM under regulation 114 of the Civil Aviation Regulations 2016;

"FAOC" means a foreign air operator certificate granted under the law of any State; and

"Operations specifications" means the authorisations, conditions and limitations associated with the FAOC and subject to the conditions in the operations manual.

3. Application

3.1 The following persons shall be subject to this Directive—

- (a) an applicant for a Certificate of Validation who is a holder of a FAOC; and



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- (b) a holder of a Certificate of Validation.
- 3.2 A holder of FAOC shall submit an application for a Certificate of Validation latest by 30 June 2019.
- 4. Application for the issuance of a Certificate of Validation**
- 4.1 A holder of FAOC shall—
 - (a) ninety days (90) prior to the intended starting date of operation, submit an application form contained in Appendix A (Malaysian Foreign Air Operator Application Form) and Appendix C (Foreign Air Operator Compliance Matrix) which can be obtained from www.caam.gov.my and accompanied by the prescribed fees as specified in the Civil Aviation (Fees and Charges) Regulations 2016; (Sectors & Divisions – Flight Operations – Forms – Foreign Air Operator Certificate [FAOC]); and
 - (b) submit the following documents to the CAAM—
 - (i) its FAOC and associated operations specifications;
 - (ii) Carrier's Liability Insurance Certificate;
 - (iii) in the case of lease, approval of civil aviation authorities of the State of the Operator of the lessee, with identification of the operator that exercises operational control on the aircraft;



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- (iv) document authorizing the specific traffic rights, issued by appropriate department or resulting from a bilateral air transport agreement; and
- (v) any other document the CAAM considers necessary to ensure that the intended operations will be conducted safely.

5. Application for the renewal of a Certificate of Validation

- 5.1 A holder of a Certificate of Validation shall—
 - (a) thirty days (30) prior to the expiry date of a Certificate of Validation, submit an application form contained in Appendix A (Malaysian Foreign Air Operator Application Form) which can be obtained from www.caam.gov.my; and
 - (b) accompanied by the prescribed fees as specified in the Civil Aviation (Fees and Charges) Regulations 2016.

6. Application for the variation of a Certificate of Validation

- 6.1 A holder of a Certificate of Validation shall submit—



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- (a) an application form contained in Appendix A (Malaysian Foreign Air Operator Application Form) which can be obtained from www.caam.gov.my and accompanied by the prescribed fees as specified in the Civil Aviation (Fees and Charges) Regulations 2016; and
- (b) an approval from the relevant civil aviation authority pertaining to the proposed variation.

6.2 In the event the FAOC was amended, the holder of a Certificate of Validation shall within fourteen days from the date of the amended FAOC, submit an application for the variation of its Certificate of Validation to the CAAM under paragraph 6.1.

7. Issuance of a Certificate of Validation

- 7.1 CAAM may issue a Certificate of Validation, renewal or validation, if the CAAM is satisfied that the applicant has fulfilled all required requirements under this Directive and met all of the safety and regulatory requirements.
- 7.2 The Certificate of Validation shall be valid for a period of one year or consistent with the validity period of FAOC, whichever is earlier.
- 7.3 A holder of FAOC who has been granted a Certificate of Validation or a holder FAOC whose Certificate of Validation has been renewed or varied shall be subject to such terms and conditions as may be imposed by the CAAM which are not stated in FAOC and its associated operations specifications.



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- 8. Safety regulatory oversight**
 - 8.1 CAAM may conduct safety regulatory oversight to determine compliance with this Directive under section 24Q of Civil Aviation Act 1969 which include regular ramp checks and documentation reviews.
 - 8.2 In case any significant negative finding/major deficiency is detected during this process, the CAAM may take appropriate measures, to ensure significant negative findings/major deficiencies are rectified.
- 9 Obligations of a holder of FAOC**
 - 9.1 A holder of Certificate of Validation shall –
 - (a) comply with the required requirements as specified under the Civil Aviation Act 1969, its subsidiary legislations and this Directive;
 - (b) comply with the Certificate of Validation issued by the CAAM and terms and conditions attached to the Certificate of Validation;



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- (c) comply with the applicable standards contained in the Chicago Convention and its Annexes, to the extent that they do not conflict with the provisions of Civil Aviation Act 1969, its subsidiary legislations and this Directive;
- (d) if intends to enter into any lease arrangement, notify the CAAM of such lease arrangement not more than 72 hours prior to the lease arrangement;
- (e) ensure all its operated aircraft have a Certificate of Airworthiness and certificate of Registration as required under the Civil Aviation Regulations 2016; and
- (f) within a reasonable time after being requested by the CAAM, cause to be produced any documents or information for purposes of this Directive.



AHMAD NIZAR BIN ZOLFAKAR
Chief Executive Officer
Civil Aviation Authority of Malaysia

