



CIVIL AVIATION SAFETY AUTHORITY OF PNG

**PNG
Civil Aviation Rules
Part 129**

Foreign Air Operator - Certification

Effective 1 May 2017

DESCRIPTION

Part 129 prescribes the certification and operating requirements for persons conducting foreign air transport operations involving more than two take-offs or landings within Papua New Guinea in any consecutive 28 day period or more than eight take-offs or landings within Papua New Guinea in any consecutive 365 day period.

It does not apply to operations conducted for the purpose of medical emergencies, including evacuations, or the carriage of medical supplies or body organs.

BULLETIN

This Part first came into force on 1 January 2004 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	1 January 2011
Amendment 2	1 May 2017

Summary of amendments:

Amendment 2:
(Docket 16/129/01)

Rule 129.9(2) amended to include the correct reference to rule 129.63(a) (1) and (2).

Rule 129.13(b)(8) amended to correct the spelling of the word 'Papua'.

Rule 129.103 amended to correct the spelling of the word 'incorporated'.

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Subpart A — General

129.1 Purpose

- (a) Except as provided in paragraph (b), this Part shall apply to persons conducting foreign commercial air transport operations of—
- (1) more than two take-offs or landings within Papua New Guinea in any consecutive 28 day period; or
 - (2) more than eight take-offs or landings within Papua New Guinea in any consecutive 365 day period.
- (b) This Part shall not apply to commercial air transport operations conducted for the purpose of medical emergencies, including evacuations, or the carriage of medical supplies or body organs.

129.3 Definitions

In this Part—

Foreign commercial air transport operation means an operation to or from Papua New Guinea conducted by persons not domiciled in Papua New Guinea:

129.5 Requirement for certificate

No person shall perform an operation to which this Part applies except under the authority of, and in accordance with, a foreign air operator certificate issued under this Part.

129.7 Application for certificate

Each applicant for the grant of a foreign air operator certificate shall—

- (1) complete form CAA 129/01 and submit it to the Director with a payment of the appropriate application fee not less than 90 days before the date of intended operation, unless a shorter period is acceptable to the Director; and
- (2) provide the details required by 129.13(b) for the operations specifications; and
- (3) provide for review those parts of its exposition relevant to its operations to, from, or within Papua New Guinea, required by 129.63; and
- (4) provide evidence of its authorisation required by 129.51.

129.9 Issue of certificate

An applicant is entitled to a foreign air operator certificate if the Director is satisfied that—

- (1) the applicant meets all applicable requirements of Subpart B; and
- (2) the applicant and the applicant's senior person or persons nominated in accordance with 129.63(a)(1) and (2) are fit and proper persons; and
- (3) the ICAO contracting State or State or territory referred to in 129.51 is maintaining its functions in respect of the proposed foreign commercial air transport operation in accordance with the Convention; and
- (4) the granting of the certificate is not contrary to the interests of aviation safety.

129.10 Privileges of certificate holder

A foreign air operator certificate specifies the foreign commercial air transport operations that the holder of the foreign air operator certificate may perform.

129.13 Operations specifications

- (a) A holder of a foreign air operator certificate must comply with the operations specifications on the certificate.
- (b) The operations specifications required by paragraph (a) must contain the following—
 - (1) reference to the foreign state approval to conduct commercial air transport operations;
 - (2) a statement regarding the responsibilities for regulatory oversight;
 - (3) the location of the certificate holder's principal base of operations;
 - (4) the location of other bases of operation;
 - (5) the certificate holder's address for service in Papua New Guinea;
 - (6) other business names under which the certificate holder may operate;
 - (7) the type of commercial air transport operation authorised;
 - (8) the routes to and from Papua New Guinea and the destinations within Papua New Guinea authorised;
 - (9) the senior persons required to be nominated by rule 129.63(a)(2);
 - (10) details of the aircraft authorised to be operated;
 - (11) details of aircraft authorised for use which are leased or hired by the certificate holder;

- (12) names of PNG organisations providing services to the certificate holder in respect of the foreign commercial air transport operation:
- (13) arrangements for maintenance:
- (14) a statement regarding compliance with the security programme requirements of Part 108:
- (15) any exemption granted from any requirement of this or any other Part:
- (16) any limitation or and condition which the Director determines is necessary.

129.15 Duration of certificate

- (a) A foreign air operator certificate may be granted or renewed for a period of up to five years.
- (b) A foreign air operator certificate remains in force until it expires or is suspended or revoked by the Director.
- (c) The holder of a foreign air operator certificate that expires or is revoked shall forthwith surrender the certificate to the Director.
- (d) The holder of a foreign air operator certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

129.17 Notification of termination of operations

Each holder of a foreign air operator certificate who terminates operations to which this Part applies shall notify the Director in writing within 30 days of the date of termination.

129.19 Renewal of certificate

- (a) An application for the renewal of a foreign air operator certificate shall be made by the holder on form CAA 129/01.
- (b) The application required by paragraph (a) shall be submitted to the Director before the application renewal date specified in the certificate or, if no such date is specified, not less than 60 days before the certificate expires.

Subpart B — Foreign Air Operator — Certification Requirements

129.51 Authorisation

Each applicant for the grant of a foreign air operator certificate shall be the holder of a valid air operator certificate or equivalent document issued by an ICAO contracting State or a State or a territory that is acceptable to the Director that authorises the holder to conduct proposed commercial air transport operations to, from, or within Papua New Guinea.

129.53 Proving flights or tests

- (a) Each applicant for the grant or amendment of a foreign air operator certificate shall, if required by the Director, perform proving flights or tests to satisfy the Director that it can meet any relevant prescribed requirement.
- (b) The flights or tests shall be conducted in a manner acceptable to the Director.

129.55 Reporting of accidents and incidents

Each applicant for the grant of a foreign air operator certificate shall establish procedures for notifying any accident or incident involving its aircraft and occurring within Papua New Guinea to the Director, in accordance with Part 12.

129.57 Records – personnel

Each applicant for the grant of a foreign air operator certificate shall establish procedures to ensure that—

- (1) an accurate record is maintained, in Papua New Guinea, of each person employed, contracted, or otherwise engaged by it who is based in Papua New Guinea if that person in the performance of their duties is—
 - (i) required to hold an aviation document; or
 - (ii) exercising any delegation of the Director's functions or powers; or
 - (iii) exercising any authorisation granted by the certificate holder.
- (2) the record includes details of—
 - (i) the relevant experience, qualifications, and training of each person listed under subparagraph (1); and
 - (ii) the scope, validity, and currency of any licence or rating referred to in subparagraph (1)(i); and
 - (iii) the delegations referred to in subparagraph (1)(ii) ; and
 - (iv) authorisations referred to in subparagraph (1)(iii).
- (3) the record is retained in Papua New Guinea for two years from the date that employee—
 - (i) ceases to perform duties requiring a licence or rating; or
 - (ii) exercises any delegation or authorisation.

129.59 Records – resources

Each applicant for the grant of a foreign air operator certificate shall—

- (1) establish procedures to ensure details are recorded of testing, checking, and calibration of any safety-critical resources used in carrying out the operations specified on the certificate; and
- (2) retain in Papua New Guinea the record of details required by subparagraph (1) for 2 years from the date the details are recorded.

129.60 Air operator security programme

Each applicant for the grant of a foreign air operator certificate that proposes to conduct an commercial air transport operation to which this Part applies, that is carrying ten or more passengers shall establish an air operator security programme that meets the requirements of Part 108.

129.63 Foreign air operator exposition

- (a) An applicant for the grant of a foreign air operator certificate must ensure that its exposition contains the following details—
 - (1) the titles and names of its senior person or persons based in Papua New Guinea:
 - (2) the titles and names of its senior person or persons who have responsibility for the following:
 - (i) commercial air transport operations:
 - (ii) control of airworthiness and maintenance:
 - (iii) the safety management system:
 - (iv) the quality management system:
 - (v) security.
 - (3) the duties and responsibilities of the senior person or persons specified under paragraphs (a)(1) and (2), including matters for which they have responsibility to deal directly with the Director on behalf of the applicant's organisation:
 - (4) a summary of the scope of activities at each location within Papua New Guinea where operational personnel are based for the purpose of providing the foreign commercial air transport operations:
 - (5) an organisation chart showing lines of responsibility of the senior persons specified

- under paragraphs (a)(1) and (2), and extending to each location listed under paragraph (a)(4):
- (6) a summary of the applicant's staffing structure at each location listed under paragraph (a)(4):
 - (7) the principal place of operation in its country of domicile and, where applicable, its main operations base and main maintenance base:
 - (8) appropriate contacts within the civil aviation authority that have principal oversight of the applicant's organisation:
 - (9) the procedures required by—
 - (i) 129.55 regarding accidents and incidents:
 - (ii) 129.57 regarding personnel records:
 - (iii) 129.59 regarding resource records:
 - (10) where required by 129.61, the air operator security programme:
 - (11) the procedures by which the exposition is authorised, controlled, distributed, amended, and reviewed:
 - (12) such other information that is required by it to satisfactorily conduct operations to which this Part applies.
- (b) The Director shall not issue the applicant with a foreign air operator certificate unless the applicant's exposition as it relates to foreign commercial air transport operations is acceptable to the Director.

Subpart C — Foreign Air Operator — Operating Requirements

129.101 Continued compliance

- (a) A holder of a foreign air operator certificate must comply with the operations specifications required by rule 129.13.
- (b) A holder of a foreign air operator certificate must—
 - (1) continue to meet the standards and comply with the requirements of Subpart B; and
 - (2) hold at least one current copy of those parts of the certificate holder's exposition required to be provided by 129.7(3) and the operations specifications relevant to the Foreign Air Operator Certificate at each major location in Papua New Guinea specified in the exposition; and
 - (3) comply with every procedures detailed in the certificate holder's exposition; and

- (4) make each applicable part of the certificate holder's exposition and the operations specifications issued by the Director under this Part available to personnel who require those parts to carry out their duties.
- (c) When requested by the Director to do so, a holder of a foreign air operator certificate must make available to the Director the certificate holder's exposition containing the details required by 129.63.

129.103 Changes to certificate holder's organization

- (a) A holder of a foreign air operator certificate must—
 - (1) ensure that the exposition is amended to reflect changes to the organization and changes to the procedures for conducting commercial air transport operations to or from Papua New Guinea; and
 - (2) provide the Director with a copy of every amendment to its exposition as soon as practicable after the amendment is incorporated into its exposition.
- (b) Where the holder of a foreign air operator certificate proposes to make a change to any of the information required by rule 129.13(b) to be in the operations specifications, notification to, and approval in writing by the Director is required before the changes takes effect.
- (c) Changes to the exposition required under rule 129.63 as a consequence of a change proposed under paragraph (b) must not take effect until the Director has issued revised operations specifications approving the change.
- (d) The Director may specify in writing conditions under which the foreign air operator may operate during or following any of the changes specified in paragraph (b).
- (e) A certificate holder must comply with any conditions prescribed under paragraph (d).
- (f) A certificate holder must amend the exposition for the holder's organisation as the Director may consider necessary in the interests of aviation safety or security.

129.105 Airborne Collision Avoidance System (ACAS II)

A holder of a foreign air operator certificate must ensure that a turbine-powered aeroplane, with a MCTOW greater than 5700kg or a certificated passenger seating capacity greater than 19 seats, operated to or from Papua New Guinea under that certificate is equipped with an ACAS II that meets the requirements of FAA TSO-C119b.

129.107 Use of Aerodromes

A holder of a foreign air operator certificate must ensure that an aeroplane conducting a foreign air transport operation under the authority of the certificate after 1 October 2009 does not use an aerodrome within Papua New Guinea for landing or taking-off unless-

- (1) the runway to be used at the aerodrome is provided with a RESA at each end of the runway in accordance with the requirements of Part 139 Appendix A.1; or

- (2) if the runway does not have a RESA as required in paragraph (1), the certificate holder ensures that the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90 metre RESA at the overrun end of the runway strip.

129.109 Emergency Locator Transmitter

- (a) A holder of a foreign air operator certificate conducting a foreign air transport operation with an aeroplane is not required to comply with rule 91.529(a).
- (b) Despite paragraph (a), a holder of a foreign air operator certificate must not conduct a foreign air transport operation using an aeroplane after 1 October 2009 unless the aeroplane is equipped in accordance with the following:
 - (1) if the aeroplane is authorised to carry more than 19 passengers and the individual airworthiness certificate for the aeroplane was first issued before 1 October 2009, the aeroplane must be equipped with at least 1 automatic ELT or 2 ELTs of any type:
 - (2) if the aeroplane is authorised to carry more than 19 passengers and the individual airworthiness certificate for the aeroplane is first issued after 1 October 2009, the aeroplane must be equipped with at least 2 ELTs, one of which must be automatic:
 - (3) if the aeroplane is authorised to carry 19 passengers or less and the individual airworthiness certificate for the aeroplane was first issued before 1 October 2009, the aeroplane must be equipped with at least one ELT of any type:
 - (4) if the aeroplane is authorised to carry 19 passengers or less and the individual airworthiness certificate for the aeroplane is first issued after 1 October 2009, the aeroplane must be equipped with at least 1 automatic ELT:
 - (5) every ELT installed or carried in the aeroplane must-
 - (i) meet the requirements of FAA TSO C-126; and
 - (ii) transmit on both frequencies of 406MHz and 121.5MHz.

Subpart D — RESERVED