

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

PART 148
ORGANISATIONS: MANUFACTURING ORGANISATIONS

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SUBPART 1
GENERAL

Applicability

148.01.1 (1) This Part shall apply to the approval and operation of manufacturing organisations which -

- (a) manufacture specified products, parts or appliances;
- (b) apply specified processes to products, parts or appliances; and
- (c) carry out specified tests on products, parts or appliances.

(2) This Part shall not apply in respect of any organisation which manufactures, applies processes to, or carries out tests on, amateur-built aircraft or production-built aircraft.

Requirement for approval

148.01.2 No organisation other than an aircraft maintenance organisation approved in terms of Part 145, shall manufacture, process or test any product, part or appliance except under the authority of~ and in accordance with the provisions of, a manufacturing organisation approval issued under this Subpart.

Display of approval

148.01.3 The holder of a manufacturing organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

148.01.4 Any advertisement by an organisation indicating that it is a manufacturing organisation, shall reflect the number of the manufacturing organisation approval issued by the Director.

Safety inspections and audits

148.01.5 (1) An applicant for the issuing of a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 148.02.5.

(2) The holder of a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of approval and appeal

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148.01.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a manufacturing organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 148.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 148.01.5; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, deliver a report in writing to the Director.

[The comma after the word "shall" is superfluous.]

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended.

(4) The holder of an approval that has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) The Director may within 14 days, subject to such conditions which he or she may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

Register of approvals

148.01.7 (1) The Director shall maintain a register of all manufacturing organisation approvals issued or renewed in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the telephone and telefax numbers of the holder of the approval;
- (d) the date on which the approval was issued or renewed;

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- (e) the number of the approval issued;
- (f) particulars of the scope of approval;
- (g) the nationality of the holder of the approval; and
- (h) the date on which the approval was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the approval was issued, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Repeal of existing regulations

148.01.8 Subject to the provisions of regulation 183.00.2, the regulations in Chapters 23 and 24 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

SUBPART 2
APPROVAL OF MANUFACTURING ORGANISATION

Manual of procedure

148.02.1 An applicant for the issue of a manufacturing organisation approval shall provide the Director with its manual of procedure which shall -

- (a) comply with the requirements prescribed in this Subpart; and
- (b) contain the information as prescribed in Document NAM-CATS-MORG.

Quality assurance system

148.02.2 (1) The applicant shall establish a quality assurance system for the control and supervision of the manufacturing, processing or testing of products, parts or appliances, covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-MORG.

Personnel requirements

148.02.3 (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:

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- (i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
 - (ii) full rights of consultation with any such person in respect of such compliance by him or her;
 - (iii) powers to order cessation of any activity where such compliance is not effected;
 - (iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and
 - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
- (c) adequate personnel to plan, perform, supervise and inspect the manufacturing, processing or testing of products, parts or appliances, undertaken by the manufacturing organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising or inspecting the manufacturing, processing or testing of products, parts or appliances, undertaken by the manufacturing organisation.

- (3) The applicant shall ensure that -
- (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and
 - (b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

Accommodation, facilities and equipment

148.02.4 The applicant shall satisfy the Director that it has -

- (a) adequate accommodation, facilities and equipment to enable the personnel to manufacture, process or test the products, parts or appliances for which the approval is required;
- (b) the technical literature, equipment, materials and facilities necessary to perform adequately all functions appropriate to the approval required;

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- (c) suitable accommodation for the proper storage, segregation and protection of the products, parts or appliances concerned and for the materials and supplies to be used;
- (d) established a procedure to control and, where necessary, calibrate tools and other equipment at a frequency and to a standard to ensure serviceability, accuracy and traceability; and
- (e) adequate accommodation, facilities and equipment to enable the personnel to perform all phases of manufacturing, processing or testing satisfactorily.

Application for approval or amendment thereof

148.02.5 An application for the issue of a manufacturing organisation approval, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-MORG; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the manual of procedure referred to in regulation 148.02.1.

Issue of approval

148.02.6 (1) The Director shall issue a manufacturing organisation approval if the applicant complies with the requirements prescribed in regulations 148.02.1 to 148.02.4 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-MORG.

Scope of approval

148.02.7 A manufacturing organisation approval shall specify -

- (a) the products, parts or appliances, or combinations thereof; and
- (b) the location of manufacturing, processing or testing,

for which the approval is held.

Privileges

148.02.8 The holder of a manufacturing organisation approval shall be entitled to -

- (a) manufacture, process or test the products, parts or appliances for which the approval is held; and
- (b) provide the Director with such statements of conformity which may be required under Part 21.

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Period of validity

148.02.9 (1) A manufacturing organisation approval shall be valid for 12 months, calculated from the date of issue or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector of authorised person, or cancelled by the Director, in terms of regulation 148.01.6.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

Transferability

148.02.10 (1) Subject to the provisions of subregulation (2), a manufacturing organisation approval shall not be transferable.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance referred to in regulation 148.02.11.

Changes in quality assurance system

148.02.11 (1) If the holder of a manufacturing organisation approval desires to make any change in the quality assurance system referred to in regulation 148.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager and compliance **officer**;
- (c) the identity of the person referred to in regulation 148.02.3(1)(b); and
- (d) the scope of approval,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 148.02.5 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 148.02.1 to 148.02.4 inclusive, after the implementation of such approved change.

Duties of holder of approval

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148.02.12 The holder of a manufacturing organisation approval shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 148.02.1, at each work location specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties;
- (d) continue to comply with the appropriate requirements prescribed in this Part;
- (e) have a suitable arrangement with a design organisation approved in terms of Part 147, for the purpose of complying with the appropriate requirements prescribed in terms of Part 21; and
- (f) keep records of the calibrations and the standards referred to in regulation 148.02.4(d) for a period of at least five years calculated from the date of the last entry made in such records.

Documentation

148.02.13 (1) The holder of a manufacturing organisation approval shall supply the owner of an aircraft with -

- (a) a certificate of airworthiness for the aircraft, or an export airworthiness approval, as the case may be;
- (b) a copy of the flight manual, approved by the Director; and
- (c) such other documents as such holder or the Director deems necessary for the safe operation of the aircraft.

(2) Subsequent to the issue of any statement of conformity which may be required under Part 21, the holder of the approval shall institute a system whereby maintenance and operational shortcomings and corrective measures are drawn to the attention of the Director and, after the Director has granted approval, made available to aircraft owners.

Production acceptance test procedure

148.02.14 (1) The holder of a manufacturing organisation approval shall establish a production acceptance test procedure and every product, part or appliance manufactured, processed or tested shall be subjected to a test flight in accordance with that procedure.

(2) The procedure referred to in subregulation (1) shall be approved by the Director before it is implemented by the holder of the approval.

Renewal of approval

148.02.15 (1) An application for the renewal of a manufacturing organisation approval shall be -

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- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-MORG; and
 - (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the manual of procedure referred to in regulation 148.02.1.
- (2) The holder of the approval shall at least 30 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.