



## **Government Notice /2019**

### **Notice of Intention to Make Regulations**

#### **CIVIL AVIATION ACT, 2016 (ACT NO. 6 OF 2016)**

#### **NAMCARS PART 148: MANUFACTURING ORGANISATION**

DRAFT REGULATIONS (2018) AND (Selected) TECHNICAL STANDARDS (2018)  
FOR PUBLIC COMMENT

**(PLEASE NOTE:** ANY NAMCATS REQUIRED TO BE ISSUED SUPPLEMENTING THE NAMCARS AS PUBLISHED  
HEREWITH FOR COMMENTS ARE AVAILABLE ON THE NCAA'S PRELIMINARY WEBSITE –  
<http://www.ncaa.com.na/res-legislation.htm>)

**PART 148: MANUFACTURING ORGANISATIONS**

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### SUBPART 1: GENERAL

#### Applicability

**148.01.1** (1) This Part applies to the approval and operation of manufacturing organisations that –

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

(2) This Part also prescribes rules governing the holders of such approvals for showing conformity of products, parts or appliances with the applicable approved data.

#### Eligibility

**148.01.2** The Director shall accept an application for a manufacturing organisation approval if –

- (a) he or she agrees that for a defined scope of work, such an approval is appropriate for the purpose of showing conformity with a specific design; and
- (b) the applicant -
  - (i) holds, or has applied for, an approval of such a design; or
  - (ii) has a suitable arrangement with a holder of, or an applicant for, an approval of such a design; that ensures satisfactory co-ordination between production and design.

### **Display of manufacturing organisation approval**

**148.01.3** The holder of a manufacturing organisation approval shall display the approval in a prominent place at such holder's principal place of business, generally accessible to the public, 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 as may be necessary to verify the validity of any application made in terms of regulation 148.02.2.

(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.

(3) Inspection and audit fees, as prescribed in Part 187, shall be payable in respect of the inspections referred to in sub-regulation (1), and for any inspection considered necessary by the Director in order to adjudicate on the suspension of an approval issued in terms of this Part.

### **Ratings**

**148.01.6** The ratings for a manufacturing organisation approval are –

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

### **Register of approvals**

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

(2) The register shall contain the following particulars –

- (a) full names of the holder of the approval;
- (b) postal address of the holder of the approval;
- (c) the date on which the approval was issued or renewed;
- (d) particulars of the rating issued to the holder of the approval; and
- (e) the nationality of the holder of the approval.

(3) The particulars, referred to in sub-regulation (2), shall be recorded in the register within seven days from the date on which the approval is issued by the Director.

(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.

## **SUBPART 2: APPROVAL OF MANUFACTURING ORGANISATION**

### **Approval requirements**

**148.02.1** The applicant for a manufacturing organisation approval must show, on the basis of the information submitted in the manual of procedures, requested in terms of regulation 148.02.5, that he or she meets the following requirements:

(a) General:

The facilities, working conditions, equipment and tools, processes and associated materials, personnel numbers and competence, and general organisation have to be of such a nature as to ensure that manufacturing organisations are able to discharge the responsibilities in terms of regulation 148.02.13.

(b) Data:

(i) The manufacturing organisation –

(aa) is in receipt of all approved data from the Director and from the holder of, or an applicant for, the approval of the type design, as appropriate, to determine conformity with the applicable design data; and

(bb) has a procedure to ensure that approved data are correctly incorporated in its production data;

(ii) keeps above data up to date and has made it available to all personnel who need access to such data to perform their duties.

(c) Organisation:

- (i) A manager, accountable to the Director, has been nominated; with responsibility within the organisation to ensure that all production is performed to the required standards and that the production organisation is continuously in compliance with the data and procedures identified in the manual of procedures.
- (ii) A manager or group of managers has been nominated to ensure that the organisation is in compliance with the requirements of this Subpart, and who has or have been identified together with the extent of his, her or their authority. In this respect, such person or persons must be directly responsible to the manager identified in sub-paragraph (i) of this paragraph.
- (iii) Staff at all levels have been given appropriate authority to be able to discharge their allocated responsibilities with full and effective co-ordination within the production organisation in respect of airworthiness matters.

(d) Certifying staff:

- (i) Certifying staff is defined as those personnel who are authorised by the manufacturing organisation to sign the documents issued under the scope or terms of its approval. The knowledge, background (including other functions in the organisation), and experience of the certifying staff shall be appropriate to discharge their allocated responsibilities.
- (ii) The manufacturing organisation maintains a record of all certifying staff that shall include details of the scope of their authorisation.
- (iii) Certifying staff is provided with evidence of the scope of their authorisation.

## **Application**

**148.02.2** An application for the issuing, renewal or amendment of a manufacturing organisation approval shall:

- (a) be made to the Director in the appropriate form as prescribed by the Director and shall include –
  - (i) an outline of the information required by regulation 148.02.5;
  - (ii) the terms of approval requested to be issued under regulation 148.02.9; and
- (b) be accompanied by the appropriate fee as prescribed in Part 187.

## **Issuing of approval**

**148.02.3** (1) The Director shall issue a manufacturing organisation approval if the applicant complies with the requirements of regulation 148.02.1.

(2) The approval with the relevant rating shall be issued on the appropriate form as prescribed by the Director.

### **Quality System**

**148.02.4** (1) The manufacturing organisation shall show that it has established and can maintain a quality system, which has to be documented.

(2) This quality system shall be such as to enable the organisation to ensure that –

- (a) each product, part or appliance produced by the organisation or by its partners, or supplied from or subcontracted to outside parties, conforms to the applicable design data and is in a condition for safe operation;
- (b) the processing of products, parts or appliances is controlled and supervised to ensure conformation with the conditions of the approval; and
- (c) the testing of products, parts or appliances is controlled and supervised to ensure conformation with the conditions of the approval; and thus may exercise the privileges set forth in regulation 148.02.12.

(3) The quality system shall include, as applicable within the scope of approval, control procedures for those elements shown in document NAM-CATS 148.

### **Manual of procedure**

**148.02.5** (1) An applicant for the issuing of a manufacturing organisation approval shall provide the Director with his or her manual of procedure, which shall –

- (a) comply with the requirements prescribed in this Subpart;
- (b) contain the information prescribed in Document NAM-CATS 148; and
- (c) be amended, as necessary to remain an up-to-date description of the organisation. Two copies of amendments shall be supplied to the Director.

### **Changes to the Organisation**

**148.02.6** (1) If the holder of a manufacturing organisation approval desires to make any change to the organisation, which is significant to the showing of compliance with the appropriate requirements prescribed in this Subpart, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 148.02.2 shall apply with the necessary changes to an application for the approval of a change to the organisation.

(3) An approval of a change to the organisation shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure that he or she will continue to comply with the provisions of regulation 148.02.1 after the implementation of such approved change.

## **Changes in location**

**148.02.7** A change in the location of the manufacturing, processing or testing facilities of the approved manufacturing organisation shall be regarded as a change of significance to the organisation which shall, therefore, comply with the provisions of regulation 148.02.6.

## **Transferability**

**148.02.8** (1) Subject to the provisions of sub-regulation (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 to the organisation, referred to in regulation 148.02.6.

## **Terms of Approval**

**148.02.9** The terms of approval shall –

- (a) be issued as part of the manufacturing organisation approval;
- (b) specify the rating(s) relevant for the activity of the organisation; and
- (c) specify the products or the categories of parts and appliances to be manufactured, processed or tested.

## **Changes to the terms of approval**

**148.02.10** (1) Application for a change to the terms of approval –

- (a) shall be made in a manner acceptable to the Director, as prescribed in document NAM-CATS 148; and
- (b) be accompanied by the appropriate fee as prescribed in Part 187.

(2) The applicant shall comply with the provisions of regulations 148.02.5 and 148.02.6.

## **Period of validity**

**148.02.11** (1) A manufacturing organisation approval shall be valid for the period determined by the Director, which period shall not exceed five years, calculated from the date of issuing or renewal thereof.

(2) The approval shall remain in force until –

- (a) the manufacturing organisation fails to demonstrate compliance with the applicable requirements of this Part; or
- (b) it expires or is suspended by an authorised officer, inspector, or authorised person, or cancelled by the Director; or

- (c) there is evidence that the manufacturing organisation cannot maintain satisfactory control of the manufacture, processing or testing of products, parts or appliances under the approval; or
- (d) the manufacturing organisation no longer meets the requirements of regulation 148.02.1; or the approval certificate has been revoked.

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

(3) The holder of an approval that is revoked shall, within thirty (30) days from the date on which the approval is revoked, surrender such approval to the Director.

## **Privileges**

**148.02.12** The holder of a manufacturing organisation approval may, within the terms of approval issued in accordance with regulation 148.02.9:

- (a) in the case of a complete aircraft and upon presentation of an aircraft statement of conformity in the format as prescribed by the Director, obtain a certificate of airworthiness (standard or export) in accordance with Part 21 Subpart 8 without further showing;
- (b) in the case of any other Class I product and upon presentation of a statement of conformity in the format as prescribed in Document NAM-CATS 148, obtain from the Director an authorised release certificate without further showing;
- (c) in the case of products, parts or appliances, other than a Class I product, issue authorised release certificates in the format as prescribed by the Director without further showing; and
- (d) carry out maintenance on a new aircraft produced by the organisation to the extent necessary to keep it in an airworthy condition, and that does not require an approval in terms of Part 145, and issue a certificate of release to service in respect of such maintenance in accordance with Part 43.

## **Duties of approval holders**

**148.02.13** The holder of a manufacturing organisation approval shall:

- (a) ensure that the manufacturing organisation's manual of procedure, furnished in accordance with regulation 148.02.5 and the documents to which it refers, are used as the basic working documents within the organisation;
- (b) maintain the manufacturing organisation in conformity with the data and procedures approved for the manufacturing organisation approval;
- (c) determine that –
  - (i) each completed aircraft conforms to the type design and is in condition for safe operation prior to submitting statements of conformity to the Director; or

- (ii) other products, parts or appliances are complete and conform to the approved design data and are in condition for safe operation for the issuing of authorised release certificates to certify airworthiness or conformity, as applicable;
- (d) record all details of work carried out in a form acceptable to the Director;
- (e) report to the holder of the type certificate or design approval all cases where products, parts or appliances have been released by the manufacturing organisation and subsequently identified to have deviations from the applicable design data, and investigate with the holder of the type certificate or design approval to identify those deviations that may lead to an unsafe condition;
- (f) provide assistance to the holder of the type certificate or design approval in dealing with any continuing airworthiness actions that are related to the products, parts or appliances that have been produced;
- (g) institute an archiving system incorporating requirements to its partners, suppliers and subcontractors, ensuring conservation of the data used to justify conformity of the products, parts or appliances, to be held at the disposal of the Director and be retained in order to provide the information necessary to ensure the continuing airworthiness of the products, parts or appliances; and
- (h) where under the terms of approval, a certificate of release to service is to be issued, determine that each completed aircraft has been subjected to necessary maintenance and is in a condition for safe operation, prior to the issuing of the certificate.

### **Renewal of approval**

**148.02.14** An application for the renewal of a manufacturing organisation approval to manufacture products, part or appliance , shall be –

- (a) made to the Director in the appropriate form as prescribed by the Director; and
  - (b) accompanied by –
    - (i) the appropriate fee as prescribed in Part 187; and
    - (ii) the manual of procedure referred to in regulation 148.02.5.
- (2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.