



Date : 2023/11/07 التاريخ :

Ref : 2023/176/SUPDT-R/41 الإشارة :

All KCASR Stakeholders and Users

Sub.: Regulatory Circular No. 2023-11.  
Revision Number 3 to Kuwait Civil Aviation Safety Regulations - KCASR 00 -  
BASIC REGULATIONS.

Dear Sir,

Please find enclosed herewith the regulatory circular No. 2023-11 regarding the issuance of KCASR 00 - BASIC REGULATIONS Rev. 3. This is for your information and distribution to all concerned departments.

Up to date KCASR Parts are published on the DGCA/ASD website (<https://kcasr.dgca.gov.kw>).

If required, the DGCA/Aviation Safety Department personnel are available to answer your questions on the interpretation and intended implementation of the proposed amendments.

KCASR 00 - BASIC REGULATIONS Rev. 3 will be in effect from 17/Dec/2023.

Yours Sincerely,

President of Civil Aviation.

**Engr. Emad F. Al-Jelwi**  
Deputy Director General of Civil Aviation  
For Aviation Safety & Air Transport Affairs

CC: Director General of Civil Aviation.  
Dy. Dir. Gen. Kuwait. Intel. Airport Affairs.  
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Head of Technical Office.  
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Date : 2023/11/07 التاريخ :

Ref : 2023/175/SUPDT-R/41 الإشارة :

**REGULATORY CIRCULAR (NO. 2023-11)**

**Subject:**

Notice of Amendment to Kuwait Civil Aviation Safety Regulations KCASR (issue 4).

**Purpose:**

The purpose of this Regulatory Circular No. **2023-11** is to Amend KCASR 00 - BASIC REGULATIONS (issue 4) .

This Regulatory Circular No. **2023-11** is based on (NPA) No. 2023-09 dated on 11/Sep/2023

**Revisions:**

This amendment will be included in revision (**03**) of KCASR 00 - BASIC REGULATIONS.

**Regulatory Requirements:**

This amendment shall apply to the following Organizations approved by the Directorate General of Civil Aviation (DGCA) or authorized to operate within the State of Kuwait:

1. Airport Operators;
2. Air Navigation Service Providers;
3. Air Operator Certificate (AOC);
4. Approved Maintenance Organizations (AMO) Holders;
5. Ground Handling Service Providers;
6. Flying Training Organizations;
7. All users of KCASRs.

**Effective Date:**

This new revision will be in effect from **17/Dec/2023**.

**Required Action:**

All users of KCASR are required to comply with the provisions contained within this amendment from the effective date.

President of Civil Aviation

  
**Engr. Emad F. Al-Jelwi**  
Deputy Director General of Civil Aviation  
For Aviation Safety & Air Transport Affairs



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Rev. 04

**EM**



الطيران المدني  
Civil Aviation  
دولة الكويت - State of Kuwait

## **Kuwait Civil Aviation Safety Regulations**

### **KCASR 00 - BASIC REGULATIONS**



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## **Control of this Document**

### **DC.1 Introduction**

DC.1.1 Pursuant to Law No (30) of the year 1960 and subsequent Ministerial Decisions No (3) of the year 1986, No (18) of the year 1990, and No (3) of the year 1996, based upon that Law, the President of the Kuwait Directorate General of Civil Aviation is empowered to adopt and amend Kuwait Civil Aviation Safety Regulations. In accordance herewith, the following regulation is hereby established for compliance by all persons concerned. This regulation shall be known as KCASR 00 - Basic Regulations and any reference to this title shall mean referring to these regulations governing the basic requirements to be met for civil aviation in the State of Kuwait.

### **DC.2 Authority for this Regulation**

DC.2.1 This KCASR 00 - Basic Regulations is issued on the authority of the President of the Kuwait Directorate General of Civil Aviation.

### **DC.3 Applicability**

DC.3.1 This KCASR 00 - Basic Regulations is applicable to the aviation industry of the State of Kuwait.

### **DC.4 Scope**

DC.4.1 KCASR 00 Basic Regulation contains the basic requirements to be met for civil aviation in the State of Kuwait, and shows compliance with all ICAO Annexes. The regulations are separated into the following civil aviation safety regulations with cross references where applicable.

#### **KCASR 00 – Basic Regulations**

KCASR 1 – Personnel Licensing

KCASR 2 – Rules of the Air

KCASR 3 – Meteorological Service for International Air Navigation

KCASR 4 – Aeronautical Charts

KCASR 5 – Units of Measurement

KCASR 6 – Operation of Aircraft

KCASR 7 – Aircraft Registration and Cancellation

KCASR 8 – Airworthiness of Aircraft and Continuous Airworthiness

KCASR 9 – Facilitation

KCASR 10 – Aeronautical Telecommunications



- KCASR 11 – Air Traffic Services
- KCASR 12 – Search and Rescue
- KCASR 13 – Aircraft Accident and Incident Investigation
- KCASR 14 – Aerodromes
- KCASR 15 – Aeronautical Information Services
- KCASR 16 – Environmental Protection
- KCASR 17 – Aviation Security
- KCASR 19 – Safety Management
- KCASR 22 – Unmanned Aircraft Systems
- KCASR 23 – Light Sport Aircraft
- KCASR 25 – Special Aviation Regulations
- KCASR 26 – Enforcement and Sanctions
- KCASR 27 – Charges and Fees

## **DC.5 Definitions**

DC.5.1 Terms not defined shall have the meaning given to them in the relevant legal instruments or international legal instruments in which they appear, especially as they appear in KCASR 00 definition attachment and the Convention and its Annexes.





## **Chapter I - Principles**

### **Article 1 - Scope**

1. This regulation shall apply to:
  - (a) the design, production, maintenance and operation of aeronautical products, parts and appliances, as well as personnel and organisations involved in the design, production and maintenance of such products, parts and appliances;
  - (b) personnel and organisations involved in the operation of aircraft;
  - (c) the design, maintenance and operation of aerodromes, as well as personnel and organisations involved therein and, without prejudice to community and national legislation on environment and land-use planning, the safeguarding of surroundings of aerodromes;
  - (d) the design, production and maintenance of aerodrome equipment, as well as personnel and organisations involved therein;
  - (e) the design, production and maintenance of systems and constituents for air traffic management and air navigation services (ATM/ANS), as well as personnel and organisations involved therein;
  - (f) ATM/ANS, as well as personnel and organisations involved therein.
2. This regulation shall not apply to:
  - (a) products, parts, appliances, personnel and organisations referred to in paragraph 1(a) and (b) while carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services. The State of Kuwait shall undertake to ensure that such activities or services have due regard as far as practicable to the objectives of this regulation;
  - (b) aerodromes or part thereof, as well as equipment, personnel and organisations, referred to in paragraph 1(c) and (d), that are controlled and operated by the military;
  - (c) ATM/ANS, including systems and constituents, personnel and organisations, referred to in paragraph 1(e) and (f), which are provided or made available by the military. The State of Kuwait shall undertake to ensure that aircraft referred to in paragraph (a) of this paragraph are separated, where appropriate, from other aircraft.
3. The State of Kuwait shall, as far as practicable, ensure that any military facilities open to public use referred to in paragraph 2(b) or services provided by military personnel to the public referred to in paragraph 2(c), offer a level of safety that is at least as effective as that required by the essential requirements as defined in Annexes VI and VII.

### **Article 2 - Objectives**

1. The principal objective of these regulations is to establish and maintain a high uniform level of civil aviation safety in the State of Kuwait.
2. Additional objectives are, in the fields covered by these regulations, as follows:
  - (a) to ensure a high uniform level of environmental protection;



- (b) to promote cost-efficiency in the regulatory and certification processes and to avoid duplication of effort;
  - (c) to assist the State of Kuwait in fulfilling its obligations under the Chicago Convention, by providing a basis for a common interpretation and uniform implementation of its provisions, and by ensuring that its provisions are duly taken into account in these regulations;
  - (d) to promote safety, security standards and rules throughout the world by establishing appropriate cooperation with countries other than the State of Kuwait and international organisations;
  - (e) to provide a level playing field for all actors in the internal aviation market.
3. The means of achieving the objectives set out in paragraphs 1 and 2 shall be:
- (a) the preparation, adoption and uniform application of all necessary laws and regulations;
  - (b) the recognition, without additional requirements, of certificates, licences, approvals or other documents granted to products, personnel and organisations in accordance with these regulations;

### **Article 3 - Definitions**

For the purposes of this regulation:

- (a) **aerodrome** shall mean a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- (b) **aerodrome equipment** shall mean any equipment, apparatus, appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome;
- (c) **AOSP** Aircraft Operator Security Program
- (d) **air navigation services** means air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; and aeronautical information services;
- (e) **air taxi operation** means for the purpose of flight time and duty time limitations, a non-scheduled on demand commercial air transport operation with an aeroplane with a maximum operational passenger seating configuration ("MOPSC") of 19 or less.'
- (f) **air traffic management (ATM)** means the aggregation of the airborne and ground-based functions (air traffic services, airspace management and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations; 'continuing oversight' shall mean the tasks to be conducted to verify that the conditions under which a certificate has been granted continue to be



- fulfilled at any time during its period of validity, as well as the taking of any safeguard measure;
- (g) **aircrew** means flight crew and cabin crew;
- (h) **apron** shall mean a defined area intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;
- (i) **airworthy** means the status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition for safe operation;
- (j) **apron management service** shall mean a service provided to manage the activities and the movement of aircraft and vehicles on an apron;
- (k) **ATM/ANS** shall mean the air traffic management functions as defined in (a), air navigation services defined in (b), and services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation;
- (l) **ATM/ANS system** shall mean the aggregation of airborne and ground-based constituents, as well as space-based equipment, that provides support for air navigation services for all phases of flight;
- (m) **certificate** shall mean any approval, licence or other document issued as the result of certification;
- (n) **certification** shall mean any form of recognition that a product, part or appliance, organisation or person complies with the applicable requirements including the provisions of these regulations, as well as the issuance of the relevant certificate attesting such compliance;
- (o) **Chicago Convention** shall mean the Convention on International Civil Aviation and its Annexes, signed in Chicago on 7 December 1944;
- (p) **commercial air transport (CAT) operation** means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration;
- (q) **commercial operation** shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;



- (r) **complex motor-powered aircraft**  
**an aeroplane:**
- shall mean:  
with a maximum certificated take-off mass exceeding 5700 kg, or  
certificated for a maximum passenger seating configuration of more than nineteen, or  
certificated for operation with a minimum crew of at least two pilots, or  
equipped with (a) turbojet engine(s) or more than one turboprop engine, or
- a helicopter certificated:**
- for a maximum take-off mass exceeding 3175 kg, or  
or a maximum passenger seating configuration of more than nine, or  
for operation with a minimum crew of at least two pilots, or  
a tilt rotor aircraft;
- (s) **constituents**
- means tangible objects such as hardware and intangible objects such as software upon which the interoperability of the State of Kuwait air traffic management organisation depends;
- (t) **flight information service**
- shall mean a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights.
- (u) **flight simulation training device**
- shall mean any type of device in which flight conditions are simulated on the ground; they include flight simulators, flight training devices, flight and navigation procedures trainers and basic instrument training devices;
- (v) **Kuwait DGCA**
- means and applies to the functions and activities performed by the Aviation Safety Department (ASD) and Civil Aviation Security Department (CAsED) of the Kuwait Directorate General of Civil Aviation
- (w) **NCASP**
- National Civil Aviation Security Program
- (x) **operation in performance class 1**
- means an operation that, in the event of failure of the critical engine, the helicopter is able to land within the rejected take-off distance available or safely continue the flight to an appropriate landing area, depending on when the failure occurs.



- (y) **operator** shall mean any legal or natural person, operating or proposing to operate one or more aircraft or one or more aerodromes;
- (z) **parts and appliances** shall mean any instrument, equipment, mechanism, part, apparatus, appurtenance, software or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight; it shall include parts of an airframe, engine or propeller, or equipment used to manoeuvre the aircraft from the ground;
- (aa) **performance class B aeroplanes** means aeroplanes powered by propeller engines with a maximum operational passenger seating configuration of nine or less and a maximum take-off mass of 5700 kg or less;
- (bb) **performance-based navigation (PBN)** means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;
- (cc) **product** shall mean an aircraft, engine or propeller;
- (dd) **public interest site (PIS)** means a site used exclusively for operations in the public interest;
- (ee) **qualified entity** shall mean a body which may be allocated a specific certification task by, and under the control and the responsibility of, the Kuwait DGCA;
- (ff) **rating** shall mean a statement entered on a licence, setting forth privileges, special conditions or limitations pertaining thereto.



## **Chapter II – Substantive Requirements**

### **Article 4 - Basic principles and applicability**

1. Aircraft, including any installed product, part and appliance, which are:
  - (a) registered in the State of Kuwait, unless their regulatory safety oversight has been delegated to a country other than the State of Kuwait and they are not used by a State of Kuwait operator; or
  - (b) registered in a country other than the State of Kuwait and used by an operator for which Kuwait DGCA ensures oversight of operations or used into, within or out of the State of Kuwait by an operator established or residing in the State of Kuwait; or
  - (c) registered in a country other than the State of Kuwait, or registered in the State of Kuwait which has delegated their regulatory safety oversight to a country other than the State of Kuwait, and used by a country other than the State of Kuwait operator into, within or out of the State of Kuwait;shall comply with this regulation.
2. Personnel involved in the operations of aircraft referred to in paragraph 1(a), (b) or (c) shall comply with this regulation.
3. Operations of aircraft referred to in paragraph 1(a), (b) or (c) shall comply with this regulation.
4. Aerodromes, including equipment, located in the territory of the State of Kuwait, open to public use and which serve commercial air transport and where operations using instrument approach or departure procedures are provided shall comply with this regulation. Personnel and organisations involved in the operation of these aerodromes shall comply with this regulation.
5. ATM/ANS provided in the airspace of the State of Kuwait shall comply with this regulation. Systems and constituents, personnel and organisations involved in the provision of these ATM/ANS shall comply with this regulation.
6. Paragraph 1 shall not apply to aircraft referred to in Annex II.
7. Paragraphs 2 and 3 shall not apply to aircraft referred to in Annex II, with the exception of aircraft referred to in paragraphs (a) (ii), (d) and (h) thereof when used for commercial air transportation.
8. This regulation shall not affect the rights of countries other than the State of Kuwait as specified in international conventions, in particular the Chicago Convention.
9. No entity or operator or training organisation or individual is permitted to conduct any type of training without an approval granted by Kuwait DGCA.
10. Any person authorised to do so by the Kuwait DGCA may, at any reasonable time, inspect or request any documentation intended to be incorporated in or used in any type of training related to an aviation approval.



## **Article 5 - Airworthiness**

1. Aircraft referred to in Article 4 (1) (a) and (b) shall comply with the essential requirements for airworthiness laid down in Annex I.
2. Compliance of aircraft referred to in Article 4 (1) (a), and of products, parts and appliances mounted thereon shall be established in accordance with the following:
  - (a) products shall have a type acceptance certificate. The type acceptance certificate, and certification of changes to that type acceptance certificate, including supplemental type acceptance certificates, shall be issued when the applicant has shown that the product complies with a type acceptance certification basis as specified in Article 23, established to ensure compliance with the essential requirements referred to in paragraph 1, and when it has no feature or characteristic making it unsafe for operation. The type acceptance certificate shall cover the product, including all parts and appliances fitted thereon;
  - (b) the measures referred to in paragraph 4 may lay down a requirement for certification in respect of parts and appliances;
  - (c) no aircraft shall be operated, unless it has a valid certificate of airworthiness. The certificate shall be issued when the applicant has shown that the aircraft conforms to the type design approved in its type acceptance certificate and that relevant documentation, inspections and tests demonstrate that the aircraft is in condition for safe operation.
  - (d) **Certificate of Airworthiness**

An aircraft registered in the State of Kuwait for which a certificate of airworthiness is in force shall not fly unless:

    - (1) the continuing airworthiness of the aircraft and of any component part fitted to the aircraft meets the specified requirements;
    - (2) the aircraft's maintenance and continued airworthiness (including that of its engines, equipment and radio station) is managed by a person or an organization approved by the Kuwait DGCA in accordance with the specified requirements;
    - (3) all mandatory airworthiness or equivalent directives issued by the State responsible for the certification standard of the aircraft have been complied with;
    - (4) all inspections required in respect of the aircraft under the provisions if these regulations have been completed;
    - (5) a flight manual or equivalent document is available for use by the flight crew containing;
      - (i) the limitations within which the aircraft is considered airworthy; and
      - (ii) such additional instructions and information as may be necessary to secure compliance with the specified performance and operational requirements relating to that aircraft.
    - (6) The specified requirements referred to in Article 5 (d) (1) are the Kuwait KCASR 8, Part M.





- (7) The operator of an aircraft registered in the State of Kuwait that is operated under an air operator certificate issued under Article 8 shall:
- (i) be approved as a continuing airworthiness management organisation in accordance with KCASR 8, Part M, Subpart G; and
  - (ii) be approved as a maintenance organisation in accordance with KCASR 8, Part 145 or contract such maintenance.

**(e) Certificate of airworthiness ceasing to be in force**

- (1) This certificate of airworthiness ceases to remain in force:
- (i) whilst the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is being or has been overhauled, repaired, replaced, modified or maintained;
  - (ii) if maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft is required by a maintenance programme approved by the Kuwait DGCA for that aircraft under Article 5 (d) (1);
  - (iii) if any part of the aircraft or of such equipment is modified, is removed or is replaced, otherwise than in a manner and with material of a type approved by the President of the Kuwait Directorate General of Civil Aviation for the purpose either generally or in relation to a class of aircraft or to the particular aircraft;
  - (iv) until the satisfactory completion of any inspection for the purpose of ascertaining whether the aircraft remains airworthy which is or has been:
    - (A) made mandatory by the Kuwait DGCA;
    - (B) required by a maintenance programme approved by the Kuwait DGCA for that aircraft;
  - (v) until the satisfactory completion of any modification of the aircraft or of any of its equipment that is made mandatory by the President of the Kuwait Directorate General of Civil Aviation for the purpose of ensuring that the aircraft remains airworthy.
- (2) A certificate of airworthiness that has ceased to be in force under Article 5 (e) (1) becomes valid again on the issue of a certificate of release to service under these regulations relating to the overhaul, repair, replacement, modification, maintenance or inspection.
- (3) A certificate of airworthiness ceases to be in force if the aircraft, its engines or propellers or such equipment as is necessary for the airworthiness of the aircraft are modified or repaired unless the modification or repair has been approved by the Kuwait DGCA.
- (4) A certificate of airworthiness that would not be in force by reason of Article 5 (e) (1) remains in force if the aircraft is flying in the circumstances specified in Article 5 (f) (3) and (4).

**(f) Requirement for a certificate of release to service**

- (1) This regulation applies to any aircraft registered in the State of Kuwait for which a certificate of airworthiness has been, or is to be, issued under Article 5 (c).



- (2) If an aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been:
- (i) overhauled, repaired, replaced, modified or maintained; or
  - (ii) inspected as provided in Article 5 (e) (iv);
- that aircraft shall not fly unless a certificate of release to service issued under these regulations is in force for the aircraft.
- (3) In the circumstances specified in Article 5 (f) (4), a certificate of release to service is not required to be in force for an aircraft for which a certificate of airworthiness is in force if:
- (i) the maximum certificated take-off mass does not exceed 2700kg; and
  - (ii) it is not operated for the purpose of commercial air transport or aerial work.
- (4) The circumstances referred to in Article 5 (f) (3) are:
- (i) the only repairs or replacements for which a certificate of release to service is not in force are of a description specified by the Kuwait DGCA;
  - (ii) such repairs or replacements have been carried out personally by the holder of a pilot's licence, granted or rendered valid under these regulations, who is the owner or operator of the aircraft;
  - (iii) the person carrying out the repairs or replacements enters in the aircraft log book, kept for the aircraft under Annex IV, 6.e., a record which identifies the repairs or replacement and sign and date the entries; and
  - (iv) any equipment or parts used in carrying out such repairs or replacements are of a type approved by the Kuwait DGCA either generally for a class of aircraft or for the particular aircraft.
- (5) Neither:
- (i) equipment provided in compliance with Annex IV 5.; nor
  - (ii) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not the apparatus is provided in compliance with these regulations,
- shall be installed or placed on board for use in an aircraft to which this regulation applies after being maintained, overhauled, repaired, modified or inspected, unless a certificate of release to service issued under these regulations is in force for it at the time when it is installed or placed on board.
- (6) A certificate of release to service issued under these regulations shall certify that the aircraft or any part of it or its equipment has been inspected, overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Kuwait DGCA either generally or in relation to the particular aircraft or class of aircraft and include particulars of the work done.
- (7) A certificate of release to service issued under these regulations may be issued only by an approved organisation, a licensed engineer or a person authorised by the Kuwait DGCA either generally or in a particular case or class of cases, in accordance with the specified requirements.



- (g) organisations responsible for the maintenance of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their privileges. Unless otherwise accepted these capabilities and means shall be recognised through the issuance of an organisation approval. The privileges granted to the approved organisation and the scope of the approval shall be specified in the terms of approval;  
in addition:
- (h) personnel responsible for the release of a product, part or appliance after maintenance may be required to hold an appropriate certificate (personnel certificate);
- (i) the capability of maintenance training organisations to discharge the responsibilities associated with their privileges in relation to the issuance of the certificates referred to in paragraph (h) may be recognised by the issuance of an approval.
3. By way of derogation from paragraphs 1 and 2:
- (a) a permit to fly may be issued when it is shown that the aircraft is capable of performing safely a basic flight when a certificate of airworthiness is not in force. It shall be issued with appropriate limitations, in particular to protect third parties' safety;
4. The measures designed to amend non-essential elements of this Article, by supplementing it, shall be adopted in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation. Those measures shall specify in particular:
- (a) conditions for establishing and notifying to an applicant the type-certification basis applicable to a product;
- (b) conditions for establishing and notifying to an applicant the detailed airworthiness specifications applicable to parts and appliances;
- (c) conditions for establishing and notifying to an applicant the specific airworthiness specifications applicable to aircraft eligible for a restricted certificate of airworthiness;
- (d) conditions for issuing and disseminating mandatory information in order to ensure the continuing airworthiness of products;
- (e) conditions for issuing, maintaining, amending, suspending or revoking type-certificates, restricted type-certificates, approval of changes to type-certificates, individual certificates of airworthiness, restricted certificates of airworthiness, permits to fly and certificates for products, parts or appliances, including:
- (i) conditions on the duration of these certificates, and conditions to renew certificates when a limited duration is fixed;
- (ii) restrictions applicable to the issue of permits to fly. These restrictions should in particular concern the following:
- purpose of the flight,
  - airspace used for the flight,
  - qualification of flight crew,
  - carriage of persons other than flight crew;



- (iii) aircraft eligible for restricted certificates of airworthiness, and associated restrictions;
  - (iv) the minimum syllabus of maintenance certifying staff type rating training to ensure compliance with paragraph (2) (h);
  - (v) the minimum syllabus of pilot type rating and the qualification of associated simulators to ensure compliance with Article 7;
  - (vi) the master minimum equipment list as appropriate and additional airworthiness specifications for a given type of operation to ensure compliance with Article 8;
  - (f) conditions to issue, maintain, amend, suspend or revoke organisation approvals required in accordance with paragraph 2 (g) and (i) and conditions under which such approvals need not be requested;
  - (g) conditions to issue, maintain, amend, suspend or revoke personnel certificates required in accordance with paragraph 2 (h);
  - (h) responsibilities of the holders of certificates;
  - (i) how aircraft referred to in paragraph 1 which are not covered by paragraphs 2 or 3 are to show compliance with the essential requirements;
  - (j) how aircraft referred to in Article 4 (1) (c) are to show compliance with the essential requirements.
5. When adopting the measures referred to in paragraph 4, the Kuwait DGCA shall take specific care that they:
- (a) reflect the state of the art and the best practices in the field of airworthiness;
  - (b) take into account worldwide aircraft experience in service, and scientific and technical progress;
  - (c) allow for immediate reaction to established causes of accidents and serious incidents;
  - (d) do not impose on aircraft referred to in Article 4 (1) (c) requirements which would be incompatible with the International Civil Aviation Organization (ICAO).

## **Article 6 - Essential requirements for environmental protection**

1. Products, parts and appliances shall comply with the environmental protection requirements contained in Volume I and Volume II of Annex 16 to the Chicago Convention as amended, except for the Appendices to Annex 16.
2. The measures designed to amend non-essential elements of the requirements referred to in paragraph 1 in order to bring them into line with subsequent amendments to the Chicago Convention and its Annexes which enter into force after the adoption of this regulation and which become applicable in the State of Kuwait, shall, in so far as such adaptations do not broaden the scope of this regulation, be adopted in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation.
3. The measures designed to amend non-essential elements of the requirements referred to in paragraph 1, by supplementing them, shall, using as necessary the content of the Appendices referred to in paragraph 1, be adopted in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation.



## **Article 7 - Pilots**

1. Pilots involved in the operation of aircraft referred to in Article 4 (1) (b) and (c), as well as flight simulation training devices, persons and organisations involved in the training, testing, checking or medical assessment of these pilots, shall comply with the relevant 'essential requirements' laid down in Annex III.
2. Except when under training, a person may only act as a pilot if he or she holds a licence and a medical certificate appropriate to the operation to be performed.
  - (a) A person shall only be issued a licence when he or she complies with the rules established to ensure compliance with the essential requirements on theoretical knowledge, practical skill, language proficiency and experience as set out in Annex III.
  - (b) A person shall only be issued a medical certificate when he or she complies with the rules established to ensure compliance with the essential requirements on medical fitness as set out in Annex III. This medical certificate may be issued by aero-medical examiners or by aero-medical centres.
  - (c) The privileges granted to the pilot and the scope of the licence and the medical certificate shall be specified in such licence and certificate.
  - (d) The requirements of the (a) and (b) may be satisfied by the acceptance of licences and medical certificates issued by or on behalf of a country other than the State of Kuwait as far as pilots involved in the operation of aircraft referred to in Article 4 (1) (c) are concerned.
3. The capability of pilot training organisations and of aero-medical centres to discharge the responsibilities associated with their privileges in relation to the issuance of licenses and medical certificates shall be recognised by the issuance of an approval.

Pilot training organisations or aero-medical centres shall be issued an approval when they comply with the rules established to ensure compliance with the relevant essential requirements as laid down in Annex III.

The privileges granted by the approvals shall be specified thereon.
4. A certificate shall be required in respect of each flight simulation training device used for the training of pilots. The certificate shall be issued when the applicant has shown that the device complies with the rules established to ensure compliance with the relevant essential requirements as set out in Annex III.
5. Persons responsible for providing flight training or flight simulation training, or for assessing pilots' skill, and aero-medical examiners shall hold an appropriate certificate. Such certificate shall be issued when it is shown that the person concerned complies with the rules established to ensure compliance with the relevant essential requirements as laid down in Annex III.

The privileges granted by the certificate shall be specified therein.
6. The measures designed to amend non-essential elements of this Article by supplementing it, shall be adopted in accordance with procedures to be published by the President of the Kuwait Directorate General of Civil Aviation Those measures shall specify in particular:
  - (a) the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed;



- (b) the conditions for issuing, maintaining, amending, limiting, suspending or revoking licences, ratings for licences, medical certificates, approvals and certificates referred to in paragraphs 2, 3, 4 and 5, and the conditions under which such certificates and approvals need not be requested;
  - (c) the privileges and responsibilities of the holders of licences, ratings for licences, medical certificates, approvals and certificates referred to in paragraphs 2, 3, 4 and 5;
  - (d) the conditions for the conversion of existing national pilots' licences and of national flight engineers' licences into pilots' licences as well as the conditions for the conversion of national medical certificates into commonly recognised medical certificates;
  - (e) without prejudice to the provisions of bilateral agreements concluded in accordance with Article 13, the conditions for the acceptance of licences from countries other than the State of Kuwait;
  - (f) how pilots of aircraft referred to in paragraphs (a) (ii), (d) and (f) of Annex II, when used for commercial air transportation, comply with the relevant essential requirements of Annex III.
7. When adopting the measures referred to in paragraph 6, the Kuwait DGCA shall take specific care that they reflect the state of the art, including best practices and scientific and technical progress, in the field of pilot training.

Such measures shall also include provisions for the issuance of all types of pilot licences and ratings required under the Chicago Convention, and of a light aircraft pilot licence covering non-commercial activities involving aircraft with a maximum certificated take off mass of 2000 kg or less and which do not meet any of the criteria referred to in Article 3(q).

## **Article 8 - Air operations**

1. The operation of aircraft referred to in Article 4 (1) (b) and (c) shall comply with the essential requirements set out in Annex IV and, if applicable, Annex VII.
2. Unless otherwise determined in the regulations, operators engaged in commercial operations shall demonstrate their capability and means of discharging the responsibilities associated with their privileges. These capabilities and means shall be recognised through the issuance of a certificate. The privileges granted to the operator and the scope of the operations shall be specified in the certificate.
3. Unless otherwise determined in the regulations, operators engaged in the non-commercial operation of complex motor-powered aircraft shall declare their capability and means of discharging the responsibilities associated with the operation of that aircraft.
4. Operators shall only operate an aircraft for the purpose of commercial air transport (hereinafter 'CAT') operations as specified in Part ORO and Part CAT.
5. Operators shall comply with the relevant provisions of Part SPA when operating:
  - (a) aeroplanes and helicopters used for:
    - (i) operations using performance-based navigation (PBN);





- (ii) operations in accordance with minimum navigation performance specifications (MNPS);
  - (iii) operations in airspace with reduced vertical separation minima (RVSM);
  - (iv) low visibility operations (LVO);
  - (b) aeroplanes, helicopters, balloons and sailplanes used for the transport of dangerous goods (DG);
  - (c) two-engined aeroplanes used for extended range operations (ETOPS) in commercial air transport;
  - (d) helicopters used for commercial air transport operations with the aid of night vision imaging systems (NVIS);
  - (e) helicopters used for commercial air transport hoist operations (HHO); and
  - (f) helicopters used for commercial air transport emergency medical service operations (HEMS).
6. Operators of complex motor-powered aeroplanes and helicopters involved in non-commercial operations shall declare their capability and means to discharge their responsibilities associated with the operation of aircraft and operate the aircraft in accordance with the provisions specified in Part ORO and Part NCC.
7. Operators of other-than-complex motor-powered aeroplanes and helicopters as well as balloons and sailplanes involved in non-commercial operations shall operate the aircraft in accordance with the provisions specified in Part NCO.
8. Training organisations having their principle place of business in the State of Kuwait and approved in accordance with Part ORA when conducting flight training into, within or out of the State of Kuwait shall operate:
- (a) complex motor-powered aeroplanes and helicopters in accordance with the provisions specified in Part NCC;
  - (b) other-than-complex motor-powered aeroplanes and helicopters as well as balloons and sailplanes in accordance with the provisions specified in Part NCO.
9. Flight and cabin crew training
- (a) Operators shall ensure that flight crew and cabin crew members who are already in operation and have completed training in accordance with Subparts FC and CC of Part ORO which did not include the mandatory elements established in the relevant operational suitability data, undertake training covering those mandatory elements not later than 31 January 2018 or two years after the approval of the operational suitability data, whichever is the latest;
10. Cabin crew involved in the operation of aircraft referred to in Article 4 (1) (b) and (c) shall comply with the essential requirements laid down in Annex IV. Cabin crew shall hold an attestation as initially set out in Part CC Subpart CCA CC.CCA.100 at the discretion of the Kuwait DGCA, such attestation may be issued by approved operators or training organisations.
11. The measures designed to amend non-essential elements of this Article, by supplementing it, shall be adopted in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation. Those measures shall specify in particular:





- (a) conditions to operate an aircraft in compliance with the essential requirements set out in Annex IV and, if applicable, Annex VII;
  - (b) conditions for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in paragraph 2 and the conditions under which a certificate shall be replaced by a declaration of the capability and means of the operator to discharge the responsibilities associated with the operation of the aircraft;
  - (c) privileges and responsibilities of the holders of certificates;
  - (d) conditions and procedures for the declaration by, and for the oversight of, operators referred to in paragraph 3 and the conditions under which a declaration shall be replaced by a demonstration of capability and means to discharge the responsibilities associated with the privileges of the operator recognised by the issuance of a certificate;
  - (e) conditions for issuing, maintaining, amending, limiting, suspending or revoking the cabin crew attestation referred to in paragraph 10;
  - (f) conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety;
  - (g) how operations of aircraft referred to in paragraph (a) (ii) and paragraphs (d) and (h) of Annex II, when used for commercial air transportation, comply with the relevant essential requirements set out in Annex IV and, if applicable, Annex VII.
12. The measures referred to shall:
- (a) reflect the state of the art and the best practices in the field of air operations,
  - (b) define different types of operations and allow for related requirements and compliance demonstrations proportionate to the complexity of operations and the risk involved,
  - (c) take into account worldwide aircraft experience in service, and scientific and technical progress,
  - (d) with regard to commercial transportation by aeroplane, and without prejudice to the previous indent, be developed initially on the basis of the Air Operations regulations.
  - (e) be based on a risk assessment and shall be proportional to the scale and scope of the operation,
  - (f) allow for immediate reaction to established causes of accidents and serious incidents,
  - (g) not impose on aircraft referred to in Article 4 (1) (c) requirements which would be incompatible with the ICAO obligations of the State of Kuwait,
  - (h) take into account the safety aspects related to ATM/ANS.
13. Minimum equipment lists
- (a) Minimum equipment lists (“MEL”) approved by the Kuwait DGCA before the application of this regulation, are deemed to be approved in accordance with this regulation and may continue to be used by the operator.



- (b) After the entry into force of this regulation any change to the MEL referred to in the first subparagraph for which a Master Minimum Equipment List (“MMEL”) is established as part of the operational suitability data in accordance with Part 21 shall be made in compliance with paragraph ORO.MLR.105 of Section 2 of Part ORO to this regulation at the earliest opportunity and not later than 31 January 2018 or two years after the operational suitability data was approved, whichever is the latest.
  - (c) Any change to an MEL referred to in the first subparagraph, for which an MMEL has not been established as part of the operational suitability data, shall continue to be made in accordance with the MMEL accepted by the State of Operator or Registry as applicable.
14. Flight time limitations
- (a) CAT operations shall be subject to Subpart FTL of Part ORO.
  - (b) By way of derogation from paragraph (a), air taxi, emergency medical service and single pilot CAT operations shall be subject to Subpart Q of Part ORO and to exemptions based on safety risk assessments carried out by the Kuwait DGCA.
  - (c) By way of derogation from paragraph (a), Kuwait DGCA may apply the Kuwait DGCA FTL regulations.
15. Air operator certificates
- (a) Air operator certificates (AOCs) issued by the Kuwait DGCA to CAT operators before this regulation applies in accordance with national law shall be deemed to have been issued in accordance with this regulation.  
However, no later than 31 January 2018:
    - (i) operators shall adapt their management system, training programmes, procedures and manuals to be compliant with Part ORO, Part CAT and Part SPA, as relevant;
    - (ii) the AOC shall be replaced by certificates issued in accordance with Part ARO.

## **Article 9 - Aerodromes**

1. Aerodromes and aerodrome equipment as well as the operation of aerodromes shall comply with the essential requirements set out in Annex VI and, if applicable, Annex VII.
2. The compliance of aerodromes, aerodrome equipment and operation of aerodromes with the essential requirements shall be established in accordance with the following:
  - (a) a certificate shall be required in respect of each aerodrome. The certificate and certification of changes to that certificate shall be issued when the applicant has shown that the aerodrome complies with the aerodrome certification basis set out in paragraph (b), and that the aerodrome has no feature or characteristic making it unsafe for operation. The certificate shall cover the aerodrome, its operation and its safety-related equipment;
  - (b) the certification basis for an aerodrome shall consist of the following:
    - (i) the applicable certification specifications related to the type of aerodromes;



- (ii) the provisions for which an equivalent level of safety has been accepted; and
  - (iii) the special detailed technical specifications necessary when the design features of a particular aerodrome or the experience in operation render any of the specifications referred to in paragraph (i) inadequate or inappropriate to ensure conformity with the essential requirements set out in Annex VI;
- (c) the measures referred to in paragraph 5 may lay down a requirement of certification in respect of safety-critical aerodrome equipment. The certificate for such equipment shall be issued when the applicant has shown that the equipment complies with the detailed specifications established to ensure compliance with the essential requirements referred to in paragraph 1;
- (d) organisations responsible for the operation of aerodromes shall demonstrate their capability and means to discharge the responsibilities associated with their privileges. These capabilities and means shall be recognised through the issuance of the certificate referred to in paragraph (a). They may also be recognised through the issuance of a separate certificate if the Kuwait DGCA so decides. The privileges granted to the certified organisation and the scope of the certificate, including a list of aerodromes to be operated, shall be specified in the certificate;
- (e) by way of derogation from paragraph (d), Kuwait DGCA may decide that providers of apron management services shall be allowed to declare their capability and means of discharging the responsibilities associated with the services provided.
3. Kuwait DGCA shall ensure that provisions are in place to safeguard aerodromes against activities and developments in their surroundings which may cause unacceptable risks to aircraft using the aerodrome.
4. Aerodrome operators shall monitor activities and developments which may cause unacceptable safety risks to aviation in the aerodrome surroundings and take, within their competence, mitigating measures as appropriate.
5. The measures designed to amend non-essential elements of the requirements referred to in this Article, by supplementing it, shall be adopted in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation.

Those measures shall specify in particular:

- (a) the conditions for establishing and notifying to an applicant the certification basis applicable to an aerodrome;
- (b) the conditions for establishing and notifying to an applicant the detailed specifications applicable to aerodrome equipment;
- (c) the conditions for issuing, maintaining, amending, suspending or revoking certificates for aerodromes and certificates for aerodrome equipment, including operating limitations related to the specific design of the aerodrome;
- (d) the conditions for operating an aerodrome in compliance with the essential requirements set out in Annex VI and, if applicable, Annex VII;
- (e) the conditions for issuing, maintaining, amending, suspending or revoking the certificates referred to in paragraph 2 (d);
- (f) the responsibilities of the holders of certificates;



- (g) the conditions for the acceptance and for the conversion of aerodrome certificates issued by Kuwait DGCA, including measures which are already authorised by the Kuwait DGCA on the basis of notified deviations from Annex 14 of the Chicago Convention before the entry into force of this regulation;
  - (h) the conditions for the decision not to permit exemptions referred to in Article 4(3b), including criteria for cargo aerodromes, the notification of exempted aerodromes and for the review of granted exemptions;
  - (i) the conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety;
  - (j) the conditions and procedures for the declaration by and for the oversight of service providers referred to in paragraph 2(e).
6. The measures referred to in paragraph 5 shall:
- (a) reflect the state of the art and the best practices in the field of aerodromes and take into account the applicable ICAO Standards and Recommended Practices;
  - (b) be proportionate to the size, traffic, category and complexity of the aerodrome and nature and volume of operations thereon;
  - (c) take into account worldwide aerodrome operation experience, and scientific and technical progress;
  - (d) allow for immediate reaction to established causes of accidents and serious incidents;
  - (e) provide for the necessary flexibility for customised compliance.

## **Article 10 - ATM/ANS**

- 1. Provision of ATM/ANS shall comply with the essential requirements set out in Annex VII and, as far as practicable, Annex VI.
- 2. ATM/ANS providers shall be required to hold a certificate. The certificate shall be issued when the provider has demonstrated its capability and means of discharging the responsibilities associated with the provider's privileges. The privileges granted and the scope of the services provided shall be specified in the certificate.
- 3. The measures necessary for the implementation of this Article shall be adopted within KCASR 1 to 27 and specify in particular:
  - (a) the conditions for the provision of ATM/ANS in compliance with the essential requirements set out in Annex VII and, if applicable, in Annex VI;
  - (b) the conditions for establishing and notifying to an applicant the detailed specifications applicable to ATM/ANS systems and constituents;
  - (c) the conditions for issuing, maintaining, amending, suspending or revoking the certificates referred to in paragraphs 2 and 4;
  - (d) the responsibilities of the holders of certificates;
  - (e) the conditions and procedures for the declaration by, and for the oversight of service providers referred to in paragraph 3;



- (f) the conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety.
4. The measures referred to in paragraph 6 shall:
  - (a) reflect the state of the art and the best practices in the field of ATM/ANS;
  - (b) be proportionate to the type and complexity of the services provided;
  - (c) take into account worldwide ATM/ANS experience, and scientific and technical progress;
  - (d) allow for immediate reaction to established causes of accidents and serious incidents.

## **Article 11 - Air traffic controllers**

1. Air traffic controllers as well as persons and organisations involved in the training, testing, checking or medical assessment of air traffic controllers, shall comply with the relevant essential requirements set out in Annex VII.
2. Air traffic controllers shall be required to hold a licence and a medical certificate appropriate to the service provided.
3. The licence referred to in paragraph 2 shall only be issued when the applicant for the licence demonstrates that he or she complies with the rules established to ensure compliance with the essential requirements regarding theoretical knowledge, practical skill, language proficiency and experience as set out in Annex VII.
4. The medical certificate referred to in paragraph 2 shall only be issued when the air traffic controller complies with the rules established to ensure compliance with the essential requirements on medical fitness as set out in Annex VII. The medical certificate may be issued by aero medical examiners or by aero medical centres.
5. The privileges granted to the air traffic controller and the scope of the licence and the medical certificate shall be specified in such licence and certificate.
6. The capability of air traffic controller training organisations, aero medical examiners and aero medical centres to discharge the responsibilities associated with their privileges in relation to the issuance of licences and medical certificates shall be recognised by the issuance of a certificate.
7. A certificate shall be issued to training organisations, aero medical examiners and aero medical centres for air traffic controllers that have demonstrated that they comply with the rules established to ensure compliance with the relevant essential requirements as set out in Annex VII. The privileges granted by the certificate shall be specified therein.
8. Persons responsible for providing practical training or for assessing air traffic controllers' skill shall hold a certificate. The certificate shall be issued when the person concerned has demonstrated that he or she complies with the rules established to ensure compliance with the relevant essential requirements as set out in Annex VII. The privileges granted by the certificate shall be specified therein.
9. Synthetic training devices shall comply with the relevant essential requirements set out in Annex VII.
10. The measures designed to amend non-essential elements of this Article by supplementing it, shall be adopted in KCASR 1 – Part ATCO License and Medical and shall specify in particular:



- (a) the different ratings and endorsements for air traffic controllers' licences;
  - (b) the conditions for issuing, maintaining, amending, limiting, suspending or revoking licences, ratings and endorsements for licences, medical certificates, approvals and certificates, and the conditions under which such certificates and approvals need not be requested, while providing for transitional mechanisms to ensure the continuity of approvals and certificates already granted;
  - (c) the privileges and responsibilities of the holders of licences, ratings and endorsements for licences, medical certificates, approvals and certificates;
  - (d) the conditions for the acceptance and for the conversion of air traffic controllers' licences as well as the conditions for the acceptance and for the conversion of national medical certificates into commonly recognised medical certificates.
11. The measures referred to in paragraph 10 shall reflect the state of the art, including best practices and scientific and technical progress, in the field of air traffic controller training.

## **Article 12 - Protection of Aircrew from cosmic radiation**

1. An operator of aircraft shall take appropriate measures to:
  - (a) assess the exposure to cosmic radiation when in flight of those aircrew who are liable to be subject to cosmic radiation in excess of 1 milli Sievert per year;
  - (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed aircrew; and
  - (c) inform the workers concerned of the health risks their work involves.
2. An operator of aircraft shall ensure that in relation to a pregnant aircrew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milli Sievert during the remainder of the pregnancy.
3. Nothing in paragraph (2) requires the undertaking concerned to take any action in relation to an aircrew member until she has notified the undertaking in writing that she is pregnant.

## **Article 13 - Acceptance of countries other than the State of Kuwait certification**

By way of derogation from the provisions of this regulation, the Kuwait DGCA may issue certificates on the basis of certificates issued by aeronautical authorities of countries other than the State of Kuwait, as provided for in recognition agreements between the State of Kuwait and that other country.

## **Article 14 - Qualified entities**

1. When allocating a specific certification task to a qualified entity, the Kuwait DGCA shall ensure that such entity comply with the criteria laid down in Annex V.
2. Qualified entities shall not issue certificates.





## **Article 15 - Flexibility provisions**

1. The provisions of this regulation shall not prevent the Kuwait DGCA from reacting immediately to a safety or security problem/issue which involves a product, person or organisation subject to the provisions of this regulation.
2. The Kuwait DGCA shall assess whether the safety or security problem/issue can be addressed within the powers conferred on it. In this case it shall, within one month of being notified pursuant to paragraph 1, take the appropriate decision.
3. If the Kuwait DGCA concludes that the safety or security problem/issue cannot be addressed in accordance with paragraph 2), it shall, within the period referred to in that point, issue a recommendation as to whether this regulation or its KCASRs should be amended and whether the notified measures should be withdrawn or maintained.
4. The measures designed to amend non-essential elements of this regulation, inter alia, by supplementing it, and relating to whether an inadequate level of safety or security or a shortcoming in this regulation justify initiating their amendment and whether the measures adopted pursuant to paragraph 1 may be continued, shall be adopted in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation. If the measures are found not to be justified, they shall be revoked by the Kuwait DGCA.
5. Kuwait DGCA may grant exemptions from the substantive requirements laid down in this regulation in the event of unforeseen urgent operational circumstances or operational needs of a limited duration, provided the level of safety is not adversely affected.
6. Where an equivalent level of protection to that attained by the application of the KCASRs implementing this regulation can be achieved by other means, Kuwait DGCA may grant an approval derogating from those regulations.

## **Article 16 - Information network**

1. The Kuwait DGCA shall exchange any information available to them in the context of the application of this regulation. Entities entrusted with the investigation of civil aviation accidents and incidents, or with the analysis of occurrences, are entitled to access to that information.
2. Kuwait DGCA shall adopt, in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation, measures for the dissemination to interested parties on its own initiative of the information referred to in paragraph 1 of this Article. These measures, which may be generic or individual, shall be based on the need:
  - (a) to provide persons and organisations with the information they need to improve aviation safety and security;
  - (b) to limit the dissemination of information to what is strictly required for the purpose of its users, in order to ensure appropriate confidentiality of that information.
3. The Kuwait DGCA shall, in accordance with State of Kuwait national legislation, take necessary measures to ensure appropriate confidentiality of the information received by them pursuant to paragraph 1.





4. In order to inform the public of the general safety level, a safety review shall be published annually by the Kuwait DGCA. This safety review shall contain an analysis of all information received pursuant to Article 19. This analysis shall be simple and easy to understand and shall indicate whether there are increased safety risks. In this analysis, the sources of information shall not be revealed.

## **Article 17 - Protection of the source of information**

1. Where the information referred to in Article 16 (1) is provided by a natural person on a voluntary basis to the Kuwait DGCA, the source of such information shall not be revealed. When the information has been provided to the Kuwait DGCA, the source of such information shall be protected in accordance with the State of Kuwait national legislation.

2. Without prejudice to State of Kuwait rules of criminal law, Kuwait DGCA shall refrain from instituting proceedings in respect of unpremeditated or unintentional infringements of the law which come to their attention only because they have been reported pursuant to this regulation.

This rule shall not apply in cases of gross negligence.

3. Without prejudice to State of Kuwait rules of criminal law, and in accordance with the procedures set out in the State of Kuwait national law and practice, Kuwait DGCA shall ensure that employees who provide information in application of this regulation are not subject to any prejudice on the part of their employer.

This rule shall not apply in cases of gross negligence.

4. This Article shall apply without prejudice to the State of Kuwait national rules relating to access to information by judicial authorities.

## **Article 18 - Aircraft used by a country other than the State of Kuwait**

1. Aircraft referred to in Article 4 (1) (d), as well as their crew and their operations, shall comply with applicable ICAO standards. To the extent that there are no such standards, these aircraft and their operations shall comply with the requirements set out in Annexes I, III, IV and, if applicable, Annex VII, provided these requirements are not in conflict with the rights of countries other than the State of Kuwait under international conventions.

2. Operators engaged in commercial operations using aircraft referred to in paragraph 1 shall demonstrate their capability and means of complying with the requirements specified in paragraph 1.

The requirement referred to in the first subparagraph may be satisfied by acceptance of certificates issued by or on behalf of a country other than the State of Kuwait.

The capabilities and means referred to in the first subparagraph shall be recognised through the issuance of an authorisation. The privileges granted to the operator and the scope of the operations shall be specified in that authorisation.

3. Operators engaged in non-commercial operations of complex motor-powered aircraft using aircraft referred to in paragraph 1 may be required to declare their capability and means of discharging the responsibilities associated with the operation of that aircraft.



4. The measures designed to amend non-essential elements of this Article, by supplementing it, shall be adopted in accordance with the procedures to be published by the President of the Kuwait Directorate General of Civil Aviation. Those measures shall specify in particular:
  - (a) how aircraft referred to in Article 4 (1) (d), or crew, which do not hold a standard ICAO certificate of airworthiness or licence, may be authorised to operate into, within or out of the State of Kuwait;
  - (b) conditions to operate an aircraft in compliance with the provisions of paragraph 1;
  - (c) conditions for issuing, maintaining, amending, limiting, suspending or revoking the operator's authorisation referred to in paragraph 2, taking into account the certificates issued by the state of registry or the state of the operator;
  - (d) privileges and responsibilities of the holders of authorisations;
  - (e) conditions and procedures for the declaration by, and for the oversight of, operators referred to in paragraph 3;
  - (f) conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety in accordance with Article 26 (1).
5. When adopting the measures referred to in paragraph 4, the Kuwait DGCA shall take specific care that:
  - (a) use is made, as appropriate, of ICAO recommended practices and guidance documents;
  - (b) no requirement exceeds what is required from aircraft referred to in Article 4 (1) (b), and from the operators of such aircraft;
  - (c) use is made, where appropriate, of measures issued in accordance with Article 5 paragraph 4. and Article 8 paragraph 11.;
  - (d) the process by which authorisations are obtained is simple, proportionate, cost-effective and efficient in all cases, allowing for requirements and compliance demonstrations proportionate to the complexity of operations and the risk involved. The process shall in particular take account of:
    - (i) results of the ICAO Universal Safety Oversight Audit Programme;
    - (ii) information from ramp inspections and the Safety Assessment of Foreign Aircraft Programme records; and
    - (iii) other recognised information on safety aspects with regard to the operator concerned;
  - (e) safety aspects related to ATM/ANS are taken into account.

## **Article 19 - Oversight and enforcement**

1. The President of the Kuwait Directorate General of Civil Aviation shall ensure that the Kuwait DGCA has the necessary capability to ensure the oversight of all persons and organisations covered by their oversight programme, including sufficient resources to fulfil the requirements of this regulation.
2. The President of the Kuwait Directorate General of Civil Aviation shall ensure that Kuwait DGCA personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest.



3. Personnel authorised by the Kuwait DGCA to carry out certification and/or oversight tasks shall be issued with an Inspector ID as stated in the relevant Job Description manual (DGCA CAP-106), and shall be empowered to perform the following tasks but not limited to:
  - (a) Oversight function on Aircraft Operators, Maintenance Organisations, Training Organisation, Air Navigation Services, Aerodromes Operators, Ground Handling Providers, Aviation Sport Clubs, Unmanned Operators.
  - (b) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;
  - (c) take copies of or extracts or photos or videos from any records, data, procedures, logbooks, documents and any other material;
  - (d) ask for an oral explanation on site;
  - (e) enter relevant premises, operating sites or means of transport at any time;
  - (f) perform audits, investigations, assessments, inspections, including ramp inspections and unannounced inspections. Ramp inspections of aircraft of operators under the safety oversight of another State shall be carried out in accordance with KCASR 6 Part ARO Subpart RAMP;
  - (g) Ramp inspections of foreign operators under the safety oversight of another State, (SAFA) Inspections.
  - (h) take or initiate enforcement measures as appropriate.

the tasks under paragraph (e) shall be carried out in compliance with the legal provisions of the State of Kuwait.
4. For the purposes of the implementation of paragraph 1, Kuwait DGCA shall, in addition to their oversight of certificates that they have issued, conduct investigations, including ramp inspections, and shall take any measure, including the grounding of aircraft, to prevent the continuation of an infringement.
5. For the purposes of the implementation of paragraph 1, the Kuwait DGCA shall conduct investigations in accordance procedures published by the President of the Kuwait Directorate General of Civil Aviation.
6. For the purposes of the implementation of paragraph 1, the Kuwait DGCA shall insure that selection of oversight personal is accordance with the appropriate selection method and as laid down in the ASD inspectors job description manual.
7. National AVSEC Inspectors shall conduct Quality Control Activities empowered in-concordance with the National Civil Aviation Security Program (NCASP Chapter 5)

## **Article 20 - 83Bis**

1. Transfer of Certain Functions and Duties.
  - (a) Notwithstanding the previous Articles 12, 30, 31 and 32 (a) of the Chicago Convention of 1944 , when an aircraft registered in a Contracting State is operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any other similar arrangement by an operator who has his principal place of business or, if he has not such place of business, his permanent



- residence in another Contracting State, the State of Registry may, by agreement with such other State, transfer to it all or part of its functions and duties as State of Registry in respect of that aircraft under Articles 12, 30, 31 and 32 (a). The State of Registry shall be relieved of responsibility in respect of the functions and duties transferred.
- (b) The transfer shall not have effect in respect of other Contracting State before either the agreement between States in which it is embodied has been registered with the Council and made public pursuant to Article 83 of the Chicago Convention, Or the existence and scope of the agreement have been directly communicated to the authorities of the other Contracting State or States concerned by a State party to the agreement.
- (c) The provisions of paragraph (a) and (b) above shall also be applicable to cases covered by Article 77 of the Chicago Convention.
2. Where delegation of responsibility is not a viable solution, the State of Kuwait should consider the following:-
- (a) Require cancellation of registration of the aircraft leased to foreign operators when that State is unwilling to accept delegated responsibility or whose safety programmes are not considered adequate for acceptance of delegated responsibility; or
- (b) To provide that aircraft on its registry leased to foreign operators, and it shall be operated in accordance with regulations of the State of the Operator; and
- (c) Endeavour to obtain additional technical staffing and funding to maintain acceptable surveillance over the operation of leased aircraft listed on its registry.
3. For further details concerning international leasing arrangements, refer to ICAO document Doc 9642-AN/941 “Continuing Airworthiness Manual” Part VIII, and Appendixes A, B, C, and D of the same Part.
4. Operating under an Article 83 bis agreement entered into between the State of Registry and the State of the Operator, shall carry a certified true copy of the agreement summary, in either an electronic or hard copy format. When the summary is issued in a language other than English, an English translation shall be included.
- Note.** Guidance regarding the agreement summary is contained in Doc 10059.
5. The agreement summary of an Article 83 bis agreement shall be accessible to a civil aviation safety inspector, in determining which functions and duties are transferred by the State of Registry to the State of the Operator under the agreement, when conducting surveillance activities such as ramp checks.
- Note.** Guidance for the civil aviation safety inspector conducting an inspection of an aeroplane operated under an Article 83 bis agreement is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335).
6. The agreement summary shall be transmitted to ICAO together with the Article 83 bis Agreement for registration with the ICAO Council by the State of Registry or the State of the Operator.
- Note.** The agreement summary transmitted with the Article 83 bis agreement registered with the ICAO Council contains the list of all aircraft affected by the agreement. However, the certified true copy to be carried on board (as per 5 above) will need to list only the specific aircraft carrying the copy.



## **Chapter III – The Kuwait Directorate General of Civil Aviation**

### **Article 21 - Opinions, certification specifications, acceptable means of compliance, alternative means of compliance, guidance material and National AVSEC Programs**

1. In order to assist the President of the Kuwait Directorate General of Civil Aviation in the preparation of proposals for basic principles, applicability and essential requirements to be presented to the competent Minister and the adoption of the KCASRs, the Kuwait DGCA shall prepare drafts thereof. These drafts shall be submitted by the President of the Kuwait Directorate General of Civil Aviation as opinions to the competent Minister.
2. The Kuwait DGCA shall develop:
  - (a) opinions;
  - (b) certification specifications;
  - (c) acceptable means of compliance;
  - (d) alternate means of compliance and
  - (e) guidance material;
  - (f) National AVSEC Programsto be used in the certification process.

These documents shall reflect the state of the art and the best practices in the fields concerned and be updated taking into account worldwide aircraft experience in service, and scientific and technical progress.

### **Article 22 - Procedures for the development of opinions, certification specifications, acceptable means of compliance, alternative means of compliance, guidance material and National AVSEC Programs**

1. As soon as possible after the entry into force of this regulation, the President of the Kuwait Directorate General of Civil Aviation shall establish transparent procedures for issuing opinions, certification specifications, acceptable means of compliance, alternative means of compliance, guidance material and National AVSEC Programs. Those procedures shall, whenever necessary, involve appropriate experts from relevant interested parties.
2. When the Kuwait DGCA develops opinions, certification specifications, acceptable means of compliance, alternative means of compliance, guidance material and National AVSEC Programs it shall establish a procedure for consulting with the aviation industry of the State of Kuwait.
3. Measures and the procedures established pursuant to paragraph 1 of this Article shall be published in an official publication of the Kuwait DGCA.



4. Special procedures shall be established to address immediate action to be taken by the Kuwait DGCA to react to a safety or security problem/issue and to inform the relevant interested parties of the action they are to take.

## **Article 23 - Airworthiness and environmental certification**

1. With regard to the products, parts and appliances referred to in Article 4 (1) (a) and (b), the Kuwait DGCA shall, where applicable and as specified in the Chicago Convention or its Annexes, carry out on behalf of the State of Kuwait the functions and tasks of the state of design, manufacture or registry when related to design approval. To that end, it shall in particular:
  - (a) for each product for which a type-certificate or a change to a type- certificate is requested, establish and notify the type-certification basis. That certification basis consists of the applicable airworthiness code, the provisions for which an equivalent level of safety has been accepted and the special detailed technical specifications necessary when the design features of a particular product or the experience in operation render any of the airworthiness code provisions inadequate or inappropriate to ensure conformity with essential requirements;
  - (b) for each product for which a restricted certificate of airworthiness is requested, establish and notify the specific airworthiness specifications;
  - (c) for each part or appliance for which a certificate is requested, establish and notify the detailed airworthiness specifications;
  - (d) for each product for which environmental certification is required in accordance with Article 6, establish and notify the appropriate environmental requirements;
  - (e) conduct, itself or through qualified entities, investigations associated with products, parts and appliances certification;
  - (f) issue the appropriate type-certificates or associated changes;
  - (g) issue certificates for parts and appliances;
  - (h) issue the appropriate environmental certificates;
  - (i) amend, suspend or revoke the relevant certificate when the conditions according to which it was issued are no longer fulfilled or if the legal or natural person holding the certificate fails to fulfil the obligations imposed on it by this regulation or its KCASRs;
  - (j) ensure the continuing airworthiness functions associated with the products, parts and appliances which are under its oversight, including reacting without undue delay to a safety problem and issuing and disseminating the applicable mandatory information;
  - (k) for aircraft for which a permit to fly is to be issued, establish airworthiness standards and procedures to comply with Article 5 (4) (a);
  - (l) issue permits to fly to aircraft for the purpose of certification.
2. With regard to organisations, the Kuwait DGCA shall:
  - (a) conduct, itself or qualified entities, inspections and audits of the organisations it certifies;
  - (b) issue and renew the certificates of:





- (i) design organisations; or
  - (ii) production organisations located within the territory of the State of Kuwait; or
  - (iii) production and maintenance organisations located outside the territory of the State of Kuwait;
- (c) Amend, suspend or revoke the relevant organisation certificate when the conditions according to which it was issued are no longer fulfilled or if the organisation concerned fails to fulfil the obligations imposed on it by this regulation or its KCASRs.

## **Article 24 - Registration and Marking of Aircraft**

### **1. Aircraft to be registered**

- (a) An aircraft shall not fly in or over the State of Kuwait unless it is registered in:
  - (1) a Contracting State; or
  - (2) some other country with which there is in force an agreement between the Government of Kuwait and the Government of that country which makes provision for the flight over the State of Kuwait of aircraft registered in that country.
- (b) Any aircraft may fly unregistered on any flight which:
  - (1) Begins and ends in the State of Kuwait without passing over any other country; and
  - (2) is in accordance with the conditions of a permit issued by the Kuwait DGCA for that purpose.
- (c) Article 24.1 does not apply to any non-powered glider, kite or captive balloon.
- (d) If an aircraft flies in or over the State of Kuwait in contravention of Article 24.1 in such manner or circumstances that if the aircraft had been registered in Kuwait an offence against these regulations would have been committed the same offence is deemed to have been committed in respect of that aircraft.

### **2. Registration of aircraft in the State of Kuwait**

- (a) The Kuwait DGCA / ASD is the authority for the registration of aircraft in the State of Kuwait and is responsible for maintaining the register in a legible form.
- (b) An aircraft shall not be registered or continue to be registered in the State of Kuwait if it appears to the Kuwait DGCA that:
  - (1) the aircraft is registered outside the State of Kuwait and that such registration does not cease by operation of law upon the aircraft being registered in the State of Kuwait;
  - (2) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share in the aircraft;
  - (3) the aircraft could more suitably be registered in some other state; or
  - (4) it would be inexpedient in the public interest for the aircraft to be, or to continue to be, registered in the State of Kuwait.





Aircraft with over 60 months old shall not be registered in the state of Kuwait. (when owned by the AOC operator)

**3. Qualifications for Registration**

- (a) The following persons are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the State of Kuwait or a share therein:
  - (1) persons ordinarily resident or domiciled in the State of Kuwait;
  - (2) bodies incorporated and having a registered office in the State of Kuwait.
- (b) If an unqualified person residing or having a place of business in the State of Kuwait holds a legal or beneficial interest by way of ownership in an aircraft or a share in an aircraft, the Kuwait DGCA may register the aircraft in the State of Kuwait upon being satisfied that the aircraft may otherwise be properly registered.
- (c) If an unqualified person has registered an aircraft under Article 24.2, that aircraft shall not be used for the purpose of commercial air transport or aerial work while it is so registered.
- (d) If an aircraft is chartered by demise to a qualified person, the Kuwait DGCA may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in the State of Kuwait in the name of the charterer by demise upon being satisfied that the aircraft may otherwise be properly registered.
- (e) Subject to the provisions of this Article, an aircraft registered under Article 24.3(d) may remain registered during the continuation of the charter.

**4. Application for Registration**

- (a) An application for registration of an aircraft in the State of Kuwait shall be made in writing to the Kuwait DGCA and shall include or be accompanied by the particulars and information specified in the Kuwait DGCA published requirements.
- (b) Upon receiving an application for the registration of an aircraft in the State of Kuwait, the Kuwait DGCA shall register the aircraft upon being satisfied that the aircraft may properly be so registered and shall include in the register such particulars that the Kuwait DGCA may specify.
- (c) The Kuwait DGCA shall supply to the registered owner a certificate of registration.

**5. Changes to the Register**

- (a) If, at any time after an aircraft has been registered in the State of Kuwait, an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share in the aircraft, the registration of the aircraft becomes void and the registered owner shall immediately return the certificate of registration to the Kuwait DGCA.
- (b) Any person who is the registered owner of an aircraft registered in the State of Kuwait shall immediately inform the Kuwait DGCA in writing of:
  - (1) any change in the information that was supplied to the Kuwait DGCA when the application was made for the registration of the aircraft;
  - (2) the destruction of the aircraft, or its permanent withdrawal from use; or



- (3) the termination of the demise charter in the case of an aircraft registered under Article 24.3 (d).
- (c) Any person who becomes the owner of an aircraft registered in the State of Kuwait shall inform the Kuwait DGCA in writing within 28 days of becoming the owner.
- (d) The Kuwait DGCA may, whenever it appears necessary or appropriate to do so for giving effect to this Part or to correct or bring the register up to date, amend the register or cancel the registration of an aircraft, and the Kuwait DGCA shall cancel that registration within two months upon being satisfied that there has been a change in the ownership of the aircraft.
6. General Provisions
- (a) The Kuwait DGCA may, by a direction in writing, adapt or modify the provisions of this Part as the Kuwait DGCA considers necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the State of Kuwait register, either generally or in relation to a particular case or class of cases.
- (b) In this Part references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of membership of a flying club and references in this Part to the registered owner of an aircraft includes, in the case of a deceased person, his or her legal personal representative, and in the case of a body corporate which has been dissolved, its successor.
- (c) Nothing in this Article requires the Kuwait DGCA to cancel the registration of an aircraft if the Kuwait DGCA does not consider it in the public interest to do so.
7. Aircraft subject to a mortgage
- The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept in the State of Kuwait under legislation in force in State of Kuwait relating to the mortgaging of aircraft, does not become void by virtue of this Part, nor without prejudice to the Kuwait DGCA powers under Article 24.2 (b) and 24.5 (d) may the Kuwait DGCA cancel the registration of such an aircraft under this Part unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.
8. Provision of information
- When requested to do so the Kuwait DGCA shall transmit to the International Civil Aviation Organisation particulars of all registrations, and of changes in or cancellations of registrations, entered in the register in such form as the International Civil Aviation Organisation specifies.
9. Nationality and registration marks
- (a) An aircraft (other than an aircraft permitted by or under these regulations to fly without being registered) shall not fly unless it has painted or fixed on it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.
- (1) The nationality mark to be borne by aircraft registered in the State of Kuwait shall be the Arabic numeral "9" and the Roman capital letter "K", and the registration mark shall be a group of three or more capital letters



in Roman character, to be assigned by the Kuwait DGCA on the registration of the aircraft. A hyphen shall be placed between the nationality mark and registration mark.

- (2) Both the nationality mark and the registration mark shall comply with requirements published by the Kuwait DGCA.
- (3) An aircraft shall not bear any marks which would indicate:
  - (i) That the aircraft is registered in a country in which it is not in fact registered; or
  - (ii) that the aircraft is a state aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

#### 10. Leased Aircraft

- a. Kuwait Operators are prohibited from leasing an aircraft that is older than 120 months at the beginning of the lease.
- b. Operators may continue their lease of aircraft that are over 120 months old if they were already leased before the implementation of this regulation.
- c. The lease shall not be renewed if the aircraft exceeds 120 months in age.

## Article 25 - Pilot certification

1. With regard to the personnel and organisations referred to in Article 7 (1), the Kuwait DGCA shall:
  - (a) Conduct, itself or through qualified entities, investigations and audits of the organisations it certifies and, where relevant, their personnel;
  - (b) issue and renew the certificates of pilot training organisations and aero-medical centres and, where relevant, their personnel;
  - (c) amend, limit, suspend or revoke the relevant certificate when the conditions according to which it was issued by it are no longer fulfilled or if the legal or natural person holding the certificate fails to fulfil the obligations imposed on it by this regulation or its KCASRs.
2. With regard to the flight simulation training devices referred to in Article 7 (1), the Kuwait DGCA shall:
  - (a) Conduct, itself or through qualified entities, technical inspections of the devices it certifies;
  - (b) Issue and renew the certificates of:
    - (i) flight simulation training devices used by training organisations certified by the Kuwait DGCA; or
    - (ii) flight simulation training devices located outside the territory of the State of Kuwait;
  - (c) Amend, limit, suspend or revoke the relevant certificate when the conditions according to which it was issued are no longer fulfilled or if the legal or natural



person holding the certificate fails to fulfil the obligations imposed on it by this regulation or its KCASRs.

## **Article 26 - Air operation certification**

1. The Kuwait DGCA shall react without undue delay to a problem affecting the safety of air operations by determining corrective action.
2. With regard to flight time limitations:
  - (a) The Kuwait DGCA shall issue the applicable certification specifications to ensure compliance with the regulations. Initially shall include all substantive provisions of Part ORO Subpart FTL in KCASR 6, taking into account the latest scientific and technical evidence;
  - (b) Kuwait DGCA may approve individual flight time specification schemes which deviate from the certification specifications referred to in paragraph (a). In this case, the Kuwait DGCA shall, without delay, notify the President of the Kuwait Directorate General of Civil Aviation that it intends to grant approval for such an individual scheme;
  - (c) upon notification, the Kuwait DGCA shall, within one month, assess the individual scheme on the basis of a scientific and medical evaluation. Thereafter, the Kuwait DGCA may grant the approval as notified.
  - (d) in the event of unforeseen urgent operational circumstances or operational needs of limited duration and non-repetitive nature, derogations to certification specifications may apply provisionally;

## **Article 27 - ATM/ANS**

1. With regard to ATM/ANS referred to in Article 4 (3c), the Kuwait DGCA shall:
  - (a) conduct, itself or through qualified entities, inspections, and audits of the organisations it certifies;
  - (b) issue and renew certificates of organisations located inside the territory of the State of Kuwait;
  - (c) Amend, suspend or revoke the relevant certificate, when the conditions according to which it was issued are no longer fulfilled or if the holder of the certificate fails to fulfil the obligations imposed on it by this regulation or by its KCASRs.

## **Article 28 - Air traffic controller certification**

1. With regard to the persons and organisations referred to in Article 11, paragraph 1, the Kuwait DGCA shall:
  - (a) Conduct, itself or through qualified entities, investigations and audits of the organisations it certifies and, where relevant, their personnel;
  - (b) issue and renew the certificates of air traffic controller training organisations located inside the territory of the State of Kuwait and, where relevant, their personnel;



- (c) amend, suspend or revoke the relevant certificate when the conditions according to which it was issued by it are no longer fulfilled or if the legal or natural person holding the certificate fails to fulfil the obligations imposed on it by this regulation or its KCASRs.

## **Article 29 - Conduct of decisions of the Kuwait DGCA**

1. The functions conferred on the Kuwait DGCA with respect to:
- (a) registration of aircraft;
  - (b) certification of operators of aircraft;
  - (c) certification of airworthiness of aircraft;
  - (d) noise certification;
  - (e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;
  - (f) personnel licensing;
  - (g) licensing of aerodromes;
  - (h) validation of any certificate or licence;
  - (i) All Ground Handling Activity certifications
  - (j) approval of equipment and approval or authorisation of persons;
  - (k) approval of schemes for the regulation of the flight times of aircraft crew;
  - (l) receiving reports of reportable occurrences;
  - (m) making air traffic directions;
  - (n) Approved Taring Organisation certifications
  - (o) making airspace policy directions;
- are hereby prescribed.
2. Subject to paragraphs 8. and 9. of this regulation, a decision with respect to any of the matters referred to in paragraph 1. of this regulation, being a decision to register, refuse to register, cancel or amend the registration of an aircraft or to grant, refuse to grant, validate, refuse to validate, revoke, suspend, vary or refuse to vary a certificate, licence, approval, authorisation or rating, or make an air traffic direction or an airspace policy direction may be made on behalf of the Kuwait DGCA only by a member or employee of the Kuwait DGCA - ASD or a qualified entity or body corporate so authorised by the Kuwait DGCA.
3. Subject to paragraphs 8. 9. and 10. of this regulation, where –
- (a) Kuwait DGCA decide it would be inexpedient in the public interest for an aircraft to be registered in the State of Kuwait; or
  - (b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation or rating has been refused or granted in terms other than those requested by the applicant;

the Kuwait DGCA shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the Kuwait DGCA.



4. Subject to paragraphs 8. 9. and 10. of this regulation, where it is proposed to:
- (a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the State of Kuwait; or
  - (b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating or make an air traffic direction or an airspace policy direction otherwise than on the application of the holder;
- the Kuwait DGCA shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the Kuwait DGCA a request that the case be decided by the Kuwait DGCA and not by any other person on its behalf.
5. Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days after being notified of his failure, request that the Kuwait DGCA determine whether the test or examination was properly conducted.
- 6.
- (a) The function of deciding a case where such a request as is referred to in paragraph 3. 4. or 5. of this regulation has been duly served on the Kuwait DGCA and for the purpose of making any decision in such a case a quorum of the Kuwait DGCA shall be one member.
  - (b) The Kuwait DGCA shall sit with such technical assessors to advise it as the Kuwait DGCA may appoint, but the Kuwait DGCA shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing the test or examination which is to be the subject of the Kuwait DGCA's decision.
7. Where a request under paragraph 3., 4. or 5. has been duly served, the Kuwait DGCA shall, before making a decision:
- (a) consider any representations which may have been served on it by the person concerned within 21 days after the date of service of the notice under that paragraph given by the Kuwait DGCA; and
  - (b) where the person concerned has requested the opportunity to make oral representations in his representations under sub-paragraph (a) above, afford him an opportunity to make such representations and consider them.
- 8.
- (a) Where an oral hearing is held it shall be held in public except where the Kuwait DGCA is satisfied that, in the interests of morals, public order, national security, juveniles or the protection of the private lives of the parties a private hearing is required, or where it considers that publicity would prejudice the interests of justice.
  - (b) The following persons shall be entitled to attend the hearing of an appeal, whether or not it is in private:
    - (i) a legal representative of the person concerned; and
    - (ii) any other person which the Kuwait DGCA, with the consent of the parties, permits to attend the hearing.
9. Nothing in this regulation shall:





- (a) prevent the Kuwait DGCA or any person authorised so to act on behalf of the Kuwait DGCA from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation or rating granted or having effect or making a provisional air traffic direction pending inquiry into or consideration of the case;
  - (b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness;
  - (c) apply where the Kuwait DGCA refuses to register or cancels or amends the registration of an aircraft or refuses to grant or validate, grants or validates in terms other than those requested by the applicant, revokes, suspends or varies a certificate, licence, approval, authorisation or rating pursuant to a direction given by the Minister.
10. Nothing in paragraphs 2., 3. or 4. of this regulation shall apply:
- (a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;
  - (b) the Kuwait DGCA refuses an application for the grant of an aerodrome licence or grants such an application in terms other than those requested by the applicant or proposes to revoke, suspend or vary an aerodrome licence otherwise than on the application of the holder.
11. Nothing in paragraphs 3. or 4. of this regulation shall apply where the Kuwait DGCA;
- (a) refuses an application by the holder of an aerodrome licence for the substitution of an ordinary aerodrome licence for a public use aerodrome licence; or
  - (b) proposes, otherwise than on the application of the licence holder, to substitute a public use aerodrome licence for an ordinary aerodrome licence.
12. Reasons for decisions
- Where the Kuwait DGCA makes a decision pursuant to paragraph 6., it shall be the duty of the Kuwait DGCA to serve a statement of its reasons for the decision on the person concerned.

## **Article 30 - Mandatory Reporting**

1. The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.
2. The sole objective of occurrence reporting is the prevention of accidents and incidents and not only to attribute blame or liability.
3. This article applies to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.
4. Without prejudice to the generality of paragraph 3, below is a list of examples of these occurrences covering aircraft operations, maintenance, repair and manufacture:
  - (A) Aircraft Flight Operations
    - (i) Operation of the aircraft
      - (a) avoidance manoeuvres:



- risk of collision with another aircraft, terrain or other object or an unsafe situation when avoidance action would have been appropriate;
  - an avoidance manoeuvre required to avoid a collision with another aircraft, terrain or other object;
  - an avoidance manoeuvre to avoid other unsafe situations.
- (b) Take-off or landing incidents, including precautionary or forced landings. Incidents such as under-shooting, overrunning or running off the side of runways. Take-offs, rejected take-offs, landings or attempted landings on a closed, occupied or incorrect runway. Runway incursions.
- (c) Inability to achieve predicted performance during take-off or initial climb.
- (d) Critically low fuel quantity or inability to transfer fuel or use total quantity of usable fuel.
- (e) Loss of control (including partial or temporary) regardless of cause.
- (f) Occurrences close to or above V1 resulting from or producing a hazardous or potentially hazardous situation (e.g. rejected take-off, tail strike, engine-power loss etc.).
- (g) Go around producing a hazardous or potentially hazardous situation.
- (h) Unintentional significant deviation from airspeed, intended track or altitude (more than 300 ft) regardless of cause.
- (i) Descent below decision height/altitude or minimum descent height/altitude without the required visual reference.
- (j) Loss of position awareness relative to actual position or to other aircraft.
- (k) Breakdown in communication between flight crew (CRM) or between flight crew and other parties (cabin crew, ATC, engineering).
- (l) Heavy landing — a landing deemed to require a 'heavy landing check'.
- (m) Exceedance of fuel imbalance limits.
- (n) Incorrect setting of an SSR code or of an altimeter subscale.
- (o) Incorrect programming of, or erroneous entries into, equipment used for navigation or performance calculations, or use of incorrect data.
- (p) Incorrect receipt or interpretation of radio-telephony messages.
- (q) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution.
- (r) Aircraft unintentionally departing from a paved surface.
- (s) Collision between an aircraft and any other aircraft, vehicle or other ground object.
- (t) Inadvertent and/or incorrect operation of any controls.



- (u) Inability to achieve the intended aircraft configuration for any flight phase (e.g. landing gear and gear doors, flaps, stabilisers, slats etc.).
- (v) A hazard or potential hazard which arises as a consequence of any deliberate simulation of failure conditions for training, system checks or training purposes.
- (w) Abnormal vibration.
- (x) Operation of any primary warning system associated with manoeuvring the aircraft e.g. configuration warning, stall warning (stick shaker), over-speed warning etc. unless:
  - 1. the crew conclusively established that the indication was false and provided that the false warning did not result in difficulty or hazard arising from the crew response to the warning; or
  - 2. operated for training or test purposes.
- (y) GPWS/TAWS 'warning' when:
  - 1. the aircraft comes into closer proximity to the ground than had been planned or anticipated; or
  - 2. the warning is experienced in instrument meteorological conditions or at night and is established as having been triggered by a high rate of descent (mode 1); or
  - 3. the warning results from failure to select landing gear or landing flaps by the appropriate point on the approach (mode 4); or
  - 4. any difficulty or hazard arises or might have arisen as a result of crew response to the 'warning' e.g. possible reduced separation from other traffic. This could include warning of any mode or type i.e. genuine, nuisance or false.
- (z) GPWS/TAWS 'alert' when any difficulty or hazard arises or might have arisen as a result of crew response to the 'alert'.
  - 1. ACAS RAs.
  - 2. Jet or prop blast incidents resulting in significant damage or serious injury.
- (ii) Emergencies
  - (a) Fire, explosion, smoke or toxic or noxious fumes, even though fires were extinguished.
  - (b) The use of any non-standard procedure by the flight or cabin crew to deal with an emergency when:
    - 1. the procedure exists but is not used;
    - 2. the procedure does not exist;
    - 3. the procedure exists but is incomplete or inappropriate;
    - 4. the procedure is incorrect;
    - 5. the incorrect procedure is used.



- (c) Inadequacy of any procedures designed to be used in an emergency, including when being used for maintenance, training or test purposes.
- (d) An event leading to an emergency evacuation.
- (e) Depressurisation.
- (f) The use of any emergency equipment or prescribed emergency procedures in order to deal with a situation.
- (g) An event leading to the declaration of an emergency ('Mayday' or 'Pan').
- (h) Failure of any emergency system or equipment, including all exit doors and lighting, to perform satisfactorily, including when being used for maintenance, training or test purposes.
- (i) Events requiring any use of emergency oxygen by any crew member.
- (iii) Crew incapacitation
  - (a) Incapacitation of any member of the flight crew, including that which occurs prior to departure if it is considered that it could have resulted in incapacitation after take-off.
  - (b) Incapacitation of any member of the cabin crew which renders them unable to perform essential emergency duties.
- (iv) Injury

Occurrences, which have or could have led to significant injury to passengers or crew but which are not considered reportable as an accident.
- (v) Meteorology
  - (a) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
  - (b) A hail strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
  - (c) Severe turbulence encounter, an encounter resulting in injury to occupants or deemed to require a 'turbulence check' of the aircraft.
  - (d) A windshear encounter.
  - (e) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any essential service.
- (vi) Security
  - (a) Act of unlawful interference as per NCASP.
  - (b) Disruptive or unruly passengers.
  - (c) Discovery of a stowaway.
- (vii) Other occurrences
  - (a) Repetitive instances of a specific type of occurrence which in isolation would not be considered 'reportable' but which due to the frequency with which they arise, form a potential hazard.
  - (b) A bird strike which resulted in damage to the aircraft or loss or malfunction of any essential service.



- (c) Wake-turbulence encounters.
  - (d) Any other occurrence of any type considered to have endangered or which might have endangered the aircraft or its occupants on board the aircraft or on the ground.
- (B) Aircraft Technical
- (i) Structural

Not all structural failures need to be reported. Engineering judgment is required to decide whether a failure is serious enough to be reported. The following examples can be taken into consideration:

    - (a) damage to a principal structural element (PSE) that has not been designated as damage-tolerant (life-limited element). PSEs are those which contribute significantly to carrying flight, ground, and pressurisation loads, and the failure of which could result in a catastrophic failure of the aircraft;
    - (b) defect or damage exceeding admissible damages to a PSE that has been designated as damage-tolerant;
    - (c) damage to or defect exceeding allowed tolerances of a structural element, the failure of which could reduce the structural stiffness to such an extent that the required flutter, divergence or control reversal margins are no longer achieved;
    - (d) damage to or defect of a structural element, which could result in the liberation of items of mass that may injure occupants of the aircraft;
    - (e) damage to or defect of a structural element, which could jeopardise proper operation of systems. See (ii) below;
    - (f) loss of any part of the aircraft structure in flight.
  - (ii) Systems

The following general criteria applicable to all systems are proposed:

    - (a) loss, significant malfunction or defect of any system, subsystem or set of equipment when standard operating procedures, drills etc. could not be satisfactorily accomplished;
    - (b) inability of the crew to control the system, for example:
      - 1. uncommanded actions,
      - 2. incorrect and/or incomplete response, including limitation of movement or stiffness,
      - 3. runaway,
      - 4. mechanical disconnection or failure;
    - (c) failure or malfunction of the exclusive function(s) of the system (one system could integrate several functions);
    - (d) interference within or between systems;
    - (e) failure or malfunction of the protection device or emergency system associated with the system;
    - (f) Loss of redundancy of the system.



- (g) Any occurrence resulting from unforeseen behaviour of a system.
- (h) For aircraft types with single main systems, subsystems or sets of equipment: loss, significant malfunction or defect in any main system, subsystem or set of equipment.
- (i) For aircraft types with multiple independent main systems, subsystems or sets of equipment: the loss, significant malfunction or defect of more than one main system, subsystem or set of equipment.
- (j) Operation of any primary warning system associated with aircraft systems or equipment unless the crew conclusively established that the indication was false, provided that the false warning did not result in difficulty or hazard arising from the crew response to the warning.
- (k) Leakage of hydraulic fluids, fuel, oil or other fluids which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or risk to occupants.
- (l) Malfunction or defect of any indication system when this results in the possibility of misleading indications to the crew.
- (m) Any failure, malfunction or defect if it occurs at a critical phase of the flight and is relevant to the system operation.
- (n) Significant shortfall of the actual performances compared to the approved performance which resulted in a hazardous situation (taking into account the accuracy of the performance-calculation method) including braking action, fuel consumption etc.
- (o) Asymmetry of flight controls; e.g. flaps, slats, spoilers etc.
- (iii) Propulsion (including engines, propellers and rotor systems) and auxiliary power units (APUs)
  - (a) Flameout, shutdown or malfunction of any engine.
  - (b) Over speed or inability to control the speed of any high-speed rotating component (for example: APU, air starter, air cycle machine, air turbine motor, propeller or rotor).
  - (c) Failure or malfunction of any part of an engine or powerplant resulting in any one or more of the following:
    1. non-containment of components/debris;
    2. uncontrolled internal or external fire, or hot gas breakout;
    3. thrust in a direction different from that demanded by the pilot;
    4. thrust-reversing system failing to operate or operating inadvertently;
    5. inability to control power, thrust or rpm;
    6. failure of the engine mount structure;
    7. partial or complete loss of a major part of the powerplant;
    8. dense visible fumes or concentrations of toxic products sufficient to incapacitate crew or passengers;
    9. inability, by use of normal procedures, to shut down an engine;





10. inability to restart a serviceable engine.
- (d) An uncommanded thrust/power loss, change or oscillation which is classified as a loss of thrust or power control (LOTTC):
1. for a single-engine aircraft; or
  2. where it is considered excessive for the application; or
  3. where this could affect more than one engine in a multi-engine aircraft, particularly in the case of a twin-engine aircraft; or
  4. for a multi-engine aircraft where the same, or similar, engine type is used in an application where the event would be considered hazardous or critical.
- (e) Any defect in a life-controlled part causing its withdrawal before completion of its full life.
- (f) Defects of common origin which could cause an in-flight shut-down rate so high that there is the possibility of more than one engine being shut down on the same flight.
- (g) An engine limiter or control device failing to operate when required or operating inadvertently.
- (h) Exceedance of engine parameters.
- (i) FOD resulting in damage.

*Propellers and transmission*

- (j) Failure or malfunction of any part of a propeller or powerplant resulting in any one or more of the following:
1. an over speed of the propeller;
  2. the development of excessive drag;
  3. a thrust in the opposite direction to that commanded by the pilot;
  4. a release of the propeller or any major portion of the propeller;
  5. a failure that results in excessive imbalance;
  6. the unintended movement of the propeller blades below the established minimum in-flight low-pitch position;
  7. an inability to feather the propeller;
  8. an inability to change propeller pitch;
  9. an uncommanded change in pitch;
  10. an uncontrollable torque or speed fluctuation;
  11. the release of low-energy parts.

*Rotors and transmission*

- (k) Damage or defect of main rotor gearbox/attachment which could lead to in-flight separation of the rotor assembly and/or malfunctions of the rotor control.
- (l) Damage to tail rotor, transmission and equivalent systems.



*APUs*

- (m) Shut down or failure when the APU is required to be available by operational requirements, e.g. ETOPS, MEL.
- (n) Inability to shut down the APU.
- (o) Over speed.
- (p) Inability to start the APU when needed for operational reasons.

(iv) Human factors

Any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.

(v) Other occurrences

- (a) Any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.
- (b) An occurrence not normally considered as reportable (e.g., furnishing and cabin equipment, water systems), where the circumstances resulted in endangering the aircraft or its occupants.
- (c) A fire, explosion, smoke or toxic or noxious fumes.
- (d) Any other event which could endanger the aircraft, or affect the safety of the occupants of the aircraft, or people or property in the vicinity of the aircraft or on the ground.
- (e) Failure or defect of the passenger address system resulting in loss of, or inaudible, passenger address system.
- (f) Loss of pilot seat control during flight.

(C) Aircraft Maintenance and Repair

- (i) Incorrect assembly of parts or components of the aircraft found during an inspection or test procedure not intended for that specific purpose.
- (ii) Hot bleed air leak resulting in structural damage.
- (iii) Any defect in a life-controlled part causing retirement before completion of its full life.
- (iv) Any damage or deterioration (e.g. fractures, cracks, corrosion, delamination, disbonding etc.) resulting from any cause (e.g. as flutter, loss of stiffness or structural failure) to:
  - (a) a primary structure or a PSE (as defined in the manufacturers' Repair Manual) where such damage or deterioration exceeds allowable limits specified in the Repair Manual and requires a repair or complete or partial replacement;
  - (b) a secondary structure which consequently has or may have endangered the aircraft;
  - (c) the engine, propeller or rotorcraft rotor system.



- (v) Any failure, malfunction or defect of any system or equipment, or damage or deterioration thereof found as a result of compliance with an airworthiness directive or other mandatory instruction issued by a regulatory authority, when:
    - (a) it is detected for the first time by the reporting organisation implementing compliance;
    - (b) on any subsequent compliance, it exceeds the permissible limits quoted in the instruction and/or published repair/rectification procedures are not available.
  - (vi) Failure of any emergency system or equipment, including all exit doors and lighting, to perform satisfactorily, including when being used for maintenance or test purposes.
  - (vii) Non-compliance or significant errors in compliance with required maintenance procedures.
  - (viii) Products, parts, appliances and materials of unknown or suspect origin.
  - (ix) Misleading, incorrect or insufficient maintenance data or procedures that could lead to maintenance errors.
  - (x) Any failure, malfunction or defect of ground equipment used for testing or checking of aircraft systems and equipment when the required routine inspection and test procedures did not clearly identify the problem, where this results in a hazardous situation.
- (D) Air Navigation Services, Facilities and Ground Services
- (i) Air navigation services (ANS)
    - (a) Near collision incidents (encompassing specific situations where one aircraft and another aircraft/the ground/a vehicle/person or object are perceived to be too close to each other):
      1. separation minima infringement;
      2. inadequate separation;
      3. near-controlled flight into terrain (near CFIT);
      4. runway incursion where avoiding action was necessary.
    - (b) Potential for collision or near collision (encompassing specific situations having the potential to be an accident or a near collision, if another aircraft is in the vicinity):
      1. runway incursion where no avoiding action is necessary;
      2. runway excursion;
      3. aircraft deviation from ATC clearance;
      4. aircraft deviation from applicable air traffic management (ATM) regulation:
        - aircraft deviation from applicable published ATM procedures;
        - unauthorised penetration of airspace;
        - deviation from aircraft ATM-related equipment carriage and operations, as mandated by applicable regulation(s).



- (c) ATM-specific occurrences (encompassing those situations where the ability to provide safe ATM services is affected, including situations where, by chance, the safe operation of aircraft has not been jeopardised). This shall include the following occurrences:
1. inability to provide ATM services:
    - inability to provide air traffic services;
    - inability to provide airspace management services;
    - inability to provide air traffic flow management services;
  2. failure of Communication function;
  3. failure of Surveillance function;
  4. failure of Data Processing and Distribution function;
  5. failure of Navigation function;
  6. ATM system security.
- (ii) Aerodrome and aerodrome facilities
- (a) Significant spillage during fuelling operations.
  - (b) Loading of incorrect fuel quantities likely to have a significant effect on aircraft endurance, performance, balance or structural strength.
- (iii) Handling of passengers, baggage and cargo
- (a) Significant contamination of aircraft structure, systems and equipment arising from the carriage of baggage or cargo.
  - (b) Incorrect loading of passengers, baggage or cargo, likely to have a significant effect on aircraft mass and/or balance.
  - (c) Incorrect stowage of baggage or cargo (including hand baggage) likely in any way to endanger the aircraft, its equipment or occupants or to impede emergency evacuation.
  - (d) Inadequate stowage of cargo containers or other substantial items of cargo.
  - (e) Carriage or attempted carriage of dangerous goods in contravention of applicable regulations, including incorrect labelling and packaging of dangerous goods.
- (iv) Aircraft ground handling and servicing
- (a) Failure, malfunction or defect of ground equipment used for the testing or checking of aircraft systems and equipment when the required routine inspection and test procedures did not clearly identify the problem, where this results in a hazardous situation.
  - (b) Non-compliance or significant errors in compliance with required servicing procedures.
  - (c) Loading of contaminated or incorrect type of fuel or other essential fluids (including oxygen and potable water).
5. Every person listed below shall report to the Kuwait DGCA any event which constitutes an occurrence for the purposes of paragraph (3) and which comes to that person's attention in the exercise of that person's functions:



- (a) the operator and the commander of a turbine-powered aircraft which has a certificate of airworthiness issued by the Kuwait DGCA;
  - (b) the operator and the commander of an aircraft operated under an air operator certificate granted by the Kuwait DGCA;
  - (c) a person who carries on the business of manufacturing a turbine-powered aircraft, a commercial air transport aeroplane or a public transport aircraft, or any equipment or part of such an aircraft, in the State of Kuwait;
  - (d) a person who carries on the business of maintaining or modifying a turbine-powered aircraft, which has a certificate of airworthiness issued by the Kuwait DGCA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
  - (e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator certificate granted by the Kuwait DGCA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
  - (f) a person who signs an airworthiness review certificate, or a certificate of release to service for a turbine-powered aircraft, which has a certificate of airworthiness issued by the Kuwait DGCA, and a person who signs an airworthiness review certificate or a certificate of release to service for any equipment or part of such an aircraft;
  - (g) a person who signs an airworthiness review certificate or a certificate of release to service for an aircraft operated under an air operator certificate granted by the Kuwait DGCA, and a person who signs an airworthiness review certificate or a certificate of release to service for any equipment or part of such an aircraft;
  - (h) a person who performs a function which requires him to be authorised by the Kuwait DGCA as an air traffic controller or as a flight information service officer;
  - (i) a licensee and a manager of a licensed aerodrome or a manager of an airport within the Kuwait DGCA;
  - (j) a person who performs a function concerning the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Kuwait DGCA;
  - (k) a person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, loading, de-icing and towing at an airport within the Kuwait DGCA.
6. Reports of occurrences shall be made within such time, by such means and containing such information as may be prescribed and shall be presented in such form as the Kuwait DGCA may in any particular case approve.
  7. A person listed in paragraph (5) shall make a report to the Kuwait DGCA within such time, by such means, and containing such information as the Kuwait DGCA may specify in a notice in writing served on the person, being information which is in that person's possession or control and which relates to an occurrence which has been reported by that person or another person to the Kuwait DGCA in accordance with this article.
  8. A person shall not make any report under this article if the person knows or has reason to believe that the report is false in any particular.
  9. The Kuwait DGCA shall put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraphs (5) to (7).



10. The Kuwait DGCA shall store in its databases the reports which it has collected of occurrences, accidents and serious incidents.
11. The Kuwait DGCA should make all relevant safety-related information stored in the databases mentioned in paragraph (10) available to the competent authorities of the other States.
12. The Kuwait DGCA, having received an occurrence report, shall enter it into its databases and notify, whenever necessary: the competent authority of the State where the occurrence took place; where the aircraft is registered; where the aircraft was manufactured, and where the operator's air operator's certificate was granted.
13. The Kuwait DGCA shall provide any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents within the State of Kuwait with access to information on occurrences collected and exchanged in accordance with paragraphs (9) to (13) to enable it to draw the safety lessons from the reported occurrences.
14. The Kuwait DGCA and the Competent Minister responsible for the investigation of air accidents shall use any information received in accordance with the terms of this article solely for the purposes set out in this article.
15. The names or addresses of individual persons shall not be recorded on the databases referred to in paragraph (10).
16. Without prejudice to the rules of criminal law, no proceedings may be instituted in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported under this article, except in cases of gross negligence.
17. The provisions in paragraphs (15) to (17) apply without prejudice to the right of access to information by judicial authorities.
18. The Kuwait DGCA shall put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.
19. Voluntary reports presented to the Kuwait DGCA under paragraph (19) shall be subjected to a process of disidentification by it where the person making the report requests that his or her identity is not recorded on the databases.
20. The Kuwait DGCA shall ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

## **Article 31 - Mandatory reporting of bird strikes**

1. Subject to the provisions of this article, the commander of an aircraft shall make a report to the Kuwait DGCA of any bird strike occurrence which occurs whilst the aircraft is in flight in or over the State of Kuwait.
2. The report shall be made within such time, by such means and contain such information as may be prescribed and it shall be presented in such form as the Kuwait DGCA may in any particular case approve.





3. Nothing in this article requires a person to report any occurrence which that person has reported under Article 30 or which that person has reason to believe has been or will be reported by another person to the Kuwait DGCA in accordance with that article.
4. A person shall not make any report under this article if that person knows or has reason to believe that the report is false in any particular.
5. In this article 'bird strike occurrence' means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more birds.

## **Article 32 - Aviation Safety Department (ASD) Investigations:**

- 1- All Incidents, serious incidents and accidents shall be reported Immediately with any means possible to the Aviation safety Department, to be followed with a written report within 72 Hours.

*Note: The Incidents and serious incidents list in KCASR 13 can be used as a guide.*

- 2- ASD shall investigate all accidents and should investigate all serious incidents. Other types of incidents may be investigated based on risk analysis and/or instructions from DGCA management.
- 3- The purpose of ASD investigations:
  - a. Find the root cause of the accident or serious incident, in order to prevent future incidents.
  - b. Raise safety standards within the aviation sector, by identifying and addressing any safety hazards.
  - c. Identify violations of safety procedures or regulations, and take appropriate disciplinary action.
- 4- ASD may accept the investigation results and/or recommendations of the involved organization, but is not bound by them.
- 5- ASD investigations shall be conducted in a fair and impartial manner.
- 6- Investigation records shall be kept confidential, except as required by law,
- 7- Investigation final report shall be kept for 5 years, in a soft or a hard copy format.
- 8- ASD Investigations procedure:
  - a. ASD director shall issue directives to temporarily suspend involved staff, pending investigation completion.
  - b. An investigation team of at least three inspectors including the team leader shall be appointed by ASD director or DDG of Aviation Safety.



- c. All Team members shall be qualified and experienced inspectors, and at least one team member shall be a subject matter expert in the same field of the event being investigated, and insuring no conflict of interest.
  - d. The investigation team shall submit a preliminary report within two weeks of its appointment. A final report with recommendations should be submitted upon completion of the investigation.
  - e. After investigation is completed a final report together with the recommendations shall be raised to the ASD director for approval.
  - f. The relevant division shall communicate the ASD's final decision including any disciplinary action to the relevant organisation. In case of license suspension or revocation of personal licences, the Licencing divisions shall be the responsible division to communicate.
- 9- The investigation Team is empowered to use any methods to gather information, including but not limited to the following:
- a. Call and conduct Interviews,
  - b. Reviewing procedure manuals,
  - c. Reviewing organisation document,
  - d. Request, listen and review all types of recordings (CVR, ATC, DFDR, FDMs ... etc),
  - e. Reviewing of Diagrams,
  - f. Analyse Pictures and videos,
  - g. Review Reports,
  - h. Interviews Witnesses,
  - i. Examining physical evidence
  - j. Obtaining expert opinions.
- 10-KCASR 26 is used as a guide lines for the sanctions that ASD may impose on violations and misconduct. (reference Legal Advice & Legislation Council letter No. 201700000110 dated 4-4-2017)
- 11-Individuals or organisations may appeal the ASD's disciplinary decision in writing to the president of the DGCA, insuring:
- a. The appeal shall be in writing and filed within 30 days of the decision, and
  - b. A clear reason for disputing the decision, and
  - c. Introducing new evidence that was not previously presented to the investigating team during the investigation.
1. The DGCA will review the appeal and decide on its eligibility.



## **Article 33 - Violation of the Rules of the Air**

In the case of a violation of the rules of the air, the following actions shall be taken by the State of Kuwait:

- (a) If foreign operator violates the Rules of the Air over the territory of the state of Kuwait, the (DGCA/ASD) shall contact the appropriate authorities in the state of registration of the aircraft and request that they investigate the violation and provide Kuwait with the results of the investigation.
- (b) If the violation is committed by a foreign operator in international airspace in which Kuwait has delegated administrative responsibilities, The DGCA/ASD shall contact the State of registration of the aircraft and request that they investigate the violation and furnish Kuwait with the results of the investigation. In addition, the Kuwait DGCA/ASD shall inform the International Civil Aviation Organization (ICAO) of the violation.
- (c) If the violation is committed by an operator of the state of Kuwait in another State, the Kuwait DGCA/ASD shall contact the State in which the violation occurred and request that they investigate the violation and furnish Kuwait DGCA/ASD with the results of the investigation. In addition, the Kuwait DGCA/ASD may conduct its own investigation and take disciplinary action against the operator.



## **Annex I – Essential requirements for airworthiness referred to in Article 5**

1. Product integrity: product integrity shall be assured for all anticipated flight conditions for the operational life of the aircraft. Compliance with all requirements shall be shown by assessment or analysis, supported, where necessary, by tests.
  - 1.a. Structures and materials: the integrity of the structure shall be ensured throughout, and sufficiently beyond, the operational envelope for the aircraft, including its propulsion system, and maintained for the operational life of the aircraft.
    - 1.a.1. All parts of the aircraft, the failure of which could reduce the structural integrity, shall comply with the following conditions without detrimental deformation or failure. This includes all items of significant mass and their means of restraint.
      - 1.a.1.a All combinations of load reasonably expected to occur within, and sufficiently beyond, the weights, centre of gravity range, operational envelope and life of the aircraft shall be considered. This includes loads due to gusts, manoeuvres, pressurisation, movable surfaces, control and propulsion systems both in flight and on the ground.
      - 1.a.1.b Consideration shall be given to the loads and likely failures induced by emergency landings either on land or water.
      - 1.a.1.c Dynamic effects shall be covered in the structural response to these loads.
    - 1.a.2. The aircraft shall be free from any aeroelastic instability and excessive vibration.
    - 1.a.3. The manufacturing processes and materials used in the construction of the aircraft shall result in known and reproducible structural properties. Any changes in material performance related to the operational environment shall be accounted for.
    - 1.a.4. The effects of cyclic loading, environmental degradation, accidental and discrete source damage shall not reduce the structural integrity below an acceptable residual strength level. All necessary instructions for ensuring continued airworthiness in this regard shall be promulgated.
  - 1.b. Propulsion: the integrity of the propulsion system (i.e. engine and, where appropriate, propeller) shall be demonstrated throughout, and sufficiently beyond, the operational envelope of the propulsion system and shall be maintained for the operational life of the propulsion system.
    - 1.b.1. The propulsion system shall produce, within its stated limits, the thrust or power demanded of it at all required flight conditions, taking into account environmental effects and conditions.
    - 1.b.2. The fabrication process and materials used in the construction of the propulsion system shall result in known and reproducible structural behaviour. Any changes in material performance related to the operational environment shall be accounted for.



- 1.b.3. The effects of cyclic loading, environmental and operational degradation and likely subsequent part failures shall not reduce the integrity of the propulsion system below acceptable levels. All necessary instructions for ensuring continued airworthiness in this regard shall be promulgated. 1.b.4. All necessary instructions, information and requirements for the safe and correct interface between the propulsion system and the aircraft shall be promulgated.
- 1.c. Systems and equipment
- 1.c.1. The aircraft shall not have design features or details that experience has shown to be hazardous.
- 1.c.2. The aircraft, including those systems, equipment and appliances required for type-certification, or by operating rules, shall function as intended under any foreseeable operating conditions, throughout, and sufficiently beyond, the operational envelope of the aircraft, taking due account of the system, equipment or appliance operating environment. Other systems, equipment and appliance not required for type-certification, or by operating rules, whether functioning properly or improperly, shall not reduce safety and shall not adversely affect the proper functioning of any other system, equipment or appliance. Systems, equipment and appliances shall be operable without needing exceptional skill or strength.
- 1.c.3. The aircraft systems, equipment and associated appliances, considered separately and in relation to each other, shall be designed such that any catastrophic failure condition does not result from a single failure not shown to be extremely improbable and an inverse relationship shall exist between the probability of a failure condition and the severity of its effect on the aircraft and its occupants. With respect to the single failure criterion above, it is accepted that due allowance shall be made for the size and broad configuration of the aircraft and that this may prevent this single failure criterion from being met for some parts and some systems on helicopters and small aeroplanes.
- 1.c.4. Information needed for the safe conduct of the flight and information concerning unsafe conditions shall be provided to the crew, or maintenance personnel, as appropriate, in a clear, consistent and unambiguous manner. Systems, equipment and controls, including signs and announcements shall be designed and located to minimise errors which could contribute to the creation of hazards.
- 1.c.5. Design precautions shall be taken to minimise the hazards to the aircraft and occupants from reasonably probable threats, both inside and external to the aircraft, including protecting against the possibility of a significant failure in, or disruption of, any aircraft appliance.
- 1.d. Continuing airworthiness
- 1.d.1. Instructions for continuing airworthiness shall be established to ensure that the aircraft type certification airworthiness standard is maintained throughout the operational life of the aircraft.



- 1.d.2. Means shall be provided to allow inspection, adjustment, lubrication, removal or replacement of parts and appliances as necessary for continuing airworthiness.
  - 1.d.3. The instructions for continuing airworthiness shall be in the form of a manual, or manuals, as appropriate for the quantity of data to be provided. The manuals shall cover maintenance and repair instructions, servicing information, trouble-shooting and inspection procedures, in a format that provides for a practical arrangement.
  - 1.d.4. The instructions for continuing airworthiness shall contain airworthiness limitations that set forth each mandatory replacement time, inspection interval and related inspection procedure. 2. Airworthiness aspects of product operation
- 2.
- 2.a. The following shall be shown to have been addressed to ensure a satisfactory level of safety for those on-board or on the ground during the operation of the product:
    - 2.a.1. The kinds of operation for which the aircraft is approved shall be established and limitations and information necessary for safe operation, including environmental limitations and performance, shall be established.
    - 2.a.2. The aircraft shall be safely controllable and manoeuvrable under all anticipated operating conditions including following the failure of one or, if appropriate, more propulsion systems. Due account shall be taken of pilot strength, flight deck environment, pilot workload and other human-factor considerations and of the phase of flight and its duration.
    - 2.a.3. It shall be possible to make a smooth transition from one flight phase to another without requiring exceptional piloting skill, alertness, strength or workload under any probable operating condition.
    - 2.a.4. The aircraft shall have such stability as to ensure that the demands made on the pilot are not excessive taking into account the phase of flight and its duration.
    - 2.a.5. Procedures for normal operations, failure and emergency conditions shall be established.
    - 2.a.6. Warnings, or other deterrents intended to prevent exceedance of the normal flight envelope, shall be provided, as appropriate to type.
    - 2.a.7. The characteristics of the aircraft and its systems shall allow a safe return from extremes of the flight envelope that may be encountered.
  - 2.b. The operating limitations and other information necessary for safe operation shall be made available to the crew members.
  - 2.c. Product operations shall be protected from hazards resulting from adverse external and internal conditions, including environmental conditions.
    - 2.c.1. In particular, no unsafe condition shall occur from exposure to phenomena such as, but not limited to, adverse weather, lightning, bird strike, high frequency radiated fields, ozone, etc., reasonably expected to occur during product operation.





- 2.c.2. Cabin compartments shall provide passengers with suitable transport conditions and adequate protection from any expected hazard arising in flight operations or resulting in emergency situations, including fire, smoke, toxic gases and rapid decompression hazards. Provisions shall be made to give occupants every reasonable chance of avoiding serious injury and quickly evacuating the aircraft and to protect them from the effect of the deceleration forces in the event of an emergency landing on land or water. Clear and unambiguous signs or announcements shall be provided, as necessary, to instruct occupants in appropriate safe behaviour and the location and correct use of safety equipment. Required safety equipment shall be readily accessible.
- 2.c.3. Crew compartments shall be arranged in order to facilitate flight operations, including means providing situational awareness, and management of any expected situation and emergencies. The environment of crew compartments shall not jeopardise the crew's ability to perform their tasks and its design shall be such as to avoid interference during operation and misuse of the controls.
3. Organisations (including natural persons undertaking design, manufacture or maintenance)
- 3.a. Organisation approvals shall be issued when the following conditions are met:
- 3.a.1. the organisation shall have all the means necessary for the scope of work. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;
- 3.a.2. the organisation shall implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system;
- 3.a.3. the organisation shall establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness;
- 3.a.4. the organisation shall establish an occurrence reporting and/or handling system, which shall be used by the management system under paragraph 3.a.2 and the arrangements under paragraph 3.a.3, in order to contribute to the aim of continuous improvement of the safety of products.
- 3.b. In the case of maintenance training organisations, the conditions under paragraphs 3.a.3 and 3.a.4 do not apply.



## **Annex II – Aircraft**

Article 4 (1), (2) and (3) do not apply to aircraft falling in one or more of the categories set out below:

- (a) historic aircraft meeting the criteria below:
  - (i) non-complex aircraft whose:
    - initial design was established before 1 January 1955, and
    - production has been stopped before 1 January 1975; or
  - (ii) aircraft having a clear historical relevance, related to:
    - a participation in a noteworthy historical event, or
    - a major step in the development of aviation, or
    - a major role played into the armed forces of a Member State;
- (b) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers;
- (c) aircraft of which at least 51 % is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective;
- (d) aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the Kuwait DGCA;
- (e) replicas of aircraft meeting the criteria of (a) or (d) above, for which the structural design is similar to the original aircraft;
- (f) unmanned aircraft with an operating mass of no more than 150 kg; these aircraft will be subject to separate State of Kuwait requirements as published.
- (g) any other aircraft which has a maximum empty mass, including fuel, of no more than 70 kg; these aircraft will be subject to separate State of Kuwait requirements as published.



## **Annex III – Essential requirements for pilot licensing referred to in Article 7**

### **1. Training**

#### **1.a. General**

1.a.1. A person undertaking training to fly an aircraft shall be sufficiently mature educationally, physically and mentally to acquire, retain and demonstrate the relevant theoretical knowledge and practical skill.

#### **1.b. Theoretical knowledge**

1.b.1. A pilot shall acquire and maintain a level of knowledge appropriate to the functions exercised on the aircraft and proportionate to the risks associated to the type of activity. Such knowledge shall include at least the following:

- (i) air law;
- (ii) aircraft general knowledge;
- (iii) technical matters related to the category of the aircraft;
- (iv) flight performance and planning;
- (v) human performance and limitations;
- (vi) meteorology;
- (vii) navigation;
- (viii) operational procedures, including resource management;
- (ix) principles of flight;
- (x) communications; and
- (xi) non-technical skills, including the recognition and management of threats and errors.

#### **1.c. Demonstration and maintenance of theoretical knowledge**

1.c.1. The acquisition and retention of theoretical knowledge shall be demonstrated by continuous assessment during training, and where appropriate, by examinations.

1.c.2. An appropriate level of competence in theoretical knowledge shall be maintained. Compliance shall be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks shall be proportionate to the level of risk associated with the activity.

#### **1.d. Practical skill**

1.d.1. A pilot shall acquire and maintain the practical skills as appropriate to exercise his/her functions on the aircraft. Such skills shall be proportionate to the risks associated to the type of activity and shall cover, if appropriate to the functions exercised on the aircraft, the following:



- (i) pre-flight and in-flight activities, including aircraft performance, mass and balance determination, aircraft inspection and servicing, fuel planning, weather appreciation, route planning, airspace restrictions and runway availability;
- (ii) aerodrome and traffic-pattern operations;
- (iii) collision avoidance precautions and procedures;
- (iv) control of the aircraft by external visual reference;
- (v) flight manoeuvres, including in critical situations, and associated 'upset' manoeuvres, as technically achievable;
- (vi) normal and cross-wind take-offs and landings;
- (vii) flight by reference solely to instruments, as appropriate to the type of activity;
- (viii) operational procedures, including team skills and resource management, as appropriate to the type of operation, whether single or multi-crew;
- (ix) navigation and implementation of rules of the air and related procedures, using as appropriate, visual reference or navigation aids;
- (x) abnormal and emergency operations, including simulated aircraft equipment malfunctions;
- (xi) compliance with air traffic services and communications procedures;
- (xii) aircraft type or class specific aspects;
- (xiii) additional practical skill training that may be required to mitigate risks associated with specific activities; and
- (xiv) non-technical skills, including the recognition and management of threats and errors, using an adequate assessment methodology in conjunction with the technical skills assessment.

1.e. Demonstration and maintenance of practical skill

1.e.1. A pilot shall demonstrate the ability to perform the procedures and manoeuvres with a degree of competence appropriate to the functions exercised on the aircraft, by:

- (i) operating the aircraft within its limitations;
- (ii) completing all manoeuvres with smoothness and accuracy;
- (iii) exercising good judgement and airmanship;
- (iv) applying aeronautical knowledge;
- (v) maintaining control of the aircraft at all times in a manner such that the successful outcome of a procedure or manoeuvre is assured; and
- (vi) non-technical skills, including the recognition and management of threats and errors, using an adequate assessment methodology in conjunction with the technical skills assessment.



1.e.2. An appropriate level of competence in practical skill shall be maintained. Compliance shall be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks shall be proportionate to the level of risk associated with the activity.

**1.f. Language Proficiency**

A pilot shall have demonstrated language proficiency to a degree appropriate to the functions exercised on the aircraft. Such demonstrated proficiency shall include:

- (i) the ability to understand weather information documents;
- (ii) the use of aeronautical en-route, departure and approach charts and associated aeronautical information documents; and
- (iii) the ability to communicate with other flight crew and air navigation services during all phases of flight, including flight preparation.

**1.g. Flight simulation training devices**

When a flight simulation training device (FSTD) is used for training, or for demonstration that practical skill is acquired or maintained, this FSTD shall be qualified to a given level of performance in those areas, which are relevant to completing the related task. In particular, the replication of configuration, handling qualities, aircraft performance, and systems behaviour shall adequately represent the aircraft.

**1.h. Training course**

1.h.1. Training shall be executed through a training course.

1.h.2. A training course shall meet the following conditions:

- (i) a syllabus shall be developed for each type of course; and
- (ii) the training course shall comprise a breakdown of theoretical knowledge and practical flight instruction (including synthetic training), if applicable.

**1.i. Instructors**

**1.i.1. Theoretical instruction**

Theoretical instruction shall be given by appropriately qualified instructors. They shall:

- (i) have appropriate knowledge in the field where instruction is to be given; and
- (ii) be capable of using appropriate instructional techniques.

**1.i.2. Flight and flight simulation instruction**

Flight and flight simulation instruction shall be given by appropriately qualified instructors, who have the following qualifications:

- (i) meet the theoretical knowledge and the experience requirements appropriate for the instruction being given;
- (ii) be capable of using appropriate instructional techniques;



- (iii) have practised instructional techniques in those flight manoeuvres and procedures in which it is intended to provide flight instruction;
- (iv) have demonstrated the ability to instruct in those areas in which flight instruction is to be given, including pre-flight, post-flight and ground instruction; and
- (v) receive regular refresher training to ensure that the instructional standards are maintained up to date.

Flight instructors shall also be entitled to act as pilot in command on the aircraft for which instruction is being given, except for training on new aircraft types.

1.j. Examiners

1.j.1. Persons responsible for assessing the skill of pilots shall:

- (i) meet the requirements for flight or flight simulation instructors;
- (ii) be capable of assessing pilot performance and conducting flight tests and checks.

2. Experience requirements

2.a.

2.a.1. A person acting as flight crew member, instructor or examiner shall acquire and maintain sufficient experience for the functions being exercised, unless the implementing rules provide for competence to be demonstrated in accordance with paragraph 1.e.

3. Training organisations

3.a. Training organisation requirements

3.a.1. A training organisation providing pilot training shall meet the following requirements:

- (i) have all the means necessary for the scope of responsibilities associated with their activity. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;
- (ii) implement and maintain a management system relating to safety and the standard of training, and aim for continuous improvement of this system; and
- (iii) establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with the above requirements.

4. Medical fitness

4.a. Medical criteria

4.a.1. All pilots shall periodically demonstrate medical fitness to satisfactorily execute their functions, taking into account the type of activity. Compliance shall be shown by appropriate assessment based on aero-medical best practice, taking into account the type of activity and the possible mental and physical degradation due to age.





Medical fitness, comprising physical and mental fitness, means not suffering from any disease or disability, which makes the pilot unable:

- (i) to execute the tasks necessary to operate an aircraft; or
- (ii) to perform assigned duties at any time; or
- (iii) to perceive correctly his/her environment.

4.a.2. Where medical fitness cannot be fully demonstrated, mitigation measures that provide equivalent flight safety may be implemented.

4.b. Aero - medical examiners

4.b.1. An aero-medical examiner shall:

- (i) be qualified and licensed in the practice of medicine;
- (ii) have received training in aviation medicine and regular refresher training in aviation medicine to ensure that assessment standards are maintained;
- (iii) have acquired practical knowledge and experience of the conditions in which pilots carry out their duties.

4.c. Aero-medical centres

4.c.1. Aero-medical centres shall meet the following conditions:

- (i) have all the means necessary for the scope of responsibilities associated with their privileges. These means comprise, but are not limited to, the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;
- (ii) implement and maintain a management system relating to safety and the standard of medical assessment, and aim for continuous improvement of this system;
- (iii) establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these requirements.



## **Annex IV – Essential requirements for air operations referred to in Article 8**

### **1. General**

- 1.a. A flight shall not be performed if the crew members and, as appropriate, all other operations personnel involved in its preparation and execution are not familiar with applicable laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes planned to be used and the air navigation facilities relating thereto.
- 1.b. A flight shall be performed in such a way that the operating procedures specified in the Flight Manual or, where required the Operations Manual, for the preparation and execution of the flight are followed. To facilitate this, a checklist system shall be available for use, as applicable, by crew members in all phases of operation of the aircraft under normal, abnormal and emergency conditions and situations. Procedures shall be established for any reasonably foreseeable emergency situation.
- 1.c. Before every flight, the roles and duties of each crew member shall be defined. The pilot in command shall be responsible for the operation and safety of the aircraft and for the safety of all crew members, passengers and cargo on board.
- 1.d. Articles or substances, which are capable of posing a significant risk to health, safety, property or the environment, such as dangerous goods, weapons and ammunition, shall not be carried on any aircraft, unless specific safety procedures and instructions are applied to mitigate the related risks.
- 1.e. All necessary data, documents, records and information to record the respect of the conditions specified in paragraph 5.c shall be retained for each flight and kept available for a minimum period of time compatible with the type of operation.

### **2. Flight preparation**

- 2.a. A flight shall not be commenced unless it has been ascertained by every reasonable means available that all the following conditions are complied with:
  - 2.a.1. Adequate facilities directly required for the flight and for the safe operation of the aircraft, including communication facilities and navigation aids, are available for the execution of the flight, taking into account available Aeronautical Information Services documentation.
  - 2.a.2. The crew shall be familiar with and passengers informed of the location and use of relevant emergency equipment. Sufficient related information regarding emergency procedures and use of cabin safety equipment shall be made available to crew and passengers using specified information.
  - 2.a.3. The pilot in command shall be satisfied that:
    - (i) the aircraft is airworthy as specified in paragraph 6. ;
    - (ii) if required, the aircraft is duly registered and that appropriate certificates with respect thereto are aboard the aircraft;



- (iii) instruments and equipment as specified in paragraph 5. required for the execution of that flight are installed in the aircraft and are operative, unless waived by the applicable Minimum Equipment List (MEL) or equivalent document;
- (iv) the mass of the aircraft and centre of gravity location are such that the flight can be conducted within limits prescribed in the airworthiness documentation;
- (v) all cabin baggage, hold luggage and cargo is properly loaded and secured; and
- (vi) the aircraft operating limitations as specified in paragraph 4. will not be exceeded at any time during the flight.

2.a.4. Information regarding meteorological conditions for departure, destination and, where applicable, alternate aerodromes, as well as en-route conditions, shall be available to the flight crew. Special attention shall be given to potentially hazardous atmospheric conditions.

2.a.5. In case of flight into known or expected icing conditions, the aircraft shall be certified, equipped and/or treated to operate safely in such conditions.

2.a.6. For a flight based on visual flight rules, meteorological conditions along the route to be flown shall be such as to render compliance with these flight rules possible. For a flight based on instrument flight rules a destination and where applicable alternate aerodrome(s) where the aircraft can land shall be selected, taking into account in particular the forecasted meteorological conditions, the availability of air navigation services, the availability of ground facilities and the instrument flight procedures approved by the State in which the destination and/or alternate aerodrome is located.

2.a.7. The amount of fuel and oil on board shall be sufficient to ensure that the intended flight can be completed safely, taking into account the meteorological conditions, any element affecting the performance of the aircraft and any delays that are expected in flight. In addition, a fuel reserve shall be carried to provide for contingencies. Procedures for in-flight fuel management shall be established when relevant.

### 3. Flight operations

3.a. With regard to flight operations, all the following conditions shall be complied with:

3.a.1. where relevant for the type of aircraft, during take-off and landing, and whenever deemed necessary by the pilot in command in the interest of safety, each crew member shall be seated at their crew station and shall use the provided restraint systems, taking into account the type of aircraft;

3.a.2. where relevant for the type of aircraft, all flight crew members required to be on flight deck duty shall be and remain at their station, with their seatbelts fastened except en-route for physiological or operational needs;



- 3.a.3. where relevant for the type of aircraft and the type of operation, before take-off and landing, during taxiing and whenever deemed necessary in the interest of safety, the pilot in command shall ensure that each passenger is properly seated and secured;
- 3.a.4. a flight shall be performed in such a way that appropriate separation from other aircraft is maintained and that adequate obstacle clearance is ensured, during all phases of the flight. Such separation shall at least be those required by the applicable rules of the air;
- 3.a.5. a flight shall not be continued unless known conditions continue to be at least equivalent to those in paragraph 2. Furthermore, for a flight based on instrument flight rules, an approach toward an aerodrome shall not be continued below certain specified heights or beyond a certain position, if prescribed visibility criteria are not met;
- 3.a.6. in an emergency, the pilot in command shall ensure that all passengers are instructed in such emergency action as may be appropriate to the circumstances;
- 3.a.7. a pilot in command shall take all necessary measures so as to minimise the consequences on the flight of disruptive passenger behaviour;
- 3.a.8. an aircraft shall not be taxied on the movement area of an aerodrome, or its rotor shall not be turned under power, unless the person at the controls is appropriately competent;
- 3.a.9. the applicable in-flight fuel management procedures shall be used, when relevant.
4. Aircraft performance and operating limitations
- 4.a. An aircraft shall be operated in accordance with its airworthiness documentation and all related operating procedures and limitations as expressed in its approved flight manual or equivalent documentation, as the case may be. The flight manual or equivalent documentation shall be available to the crew and kept up to date for each aircraft.
- 4.b. The aircraft shall be operated in accordance with the applicable environmental documentation.
- 4.c. A flight shall not be commenced or continued unless the aircraft's scheduled performance, considering all factors which significantly affect its performance level, allows all phases of flight to be executed within the applicable distances/areas and obstacle clearances at the planned operating mass. Performance factors which significantly affect take-off, en-route and approach/landing are, particularly:
- (i) operating procedures;
  - (ii) pressure altitude of the aerodrome;
  - (iii) temperature;
  - (iv) wind;
  - (v) size, slope and condition of the take-off/landing area; and



(vi) the condition of the airframe, the power plant or the systems, taking into account possible deterioration.

4.c.1. Such factors shall be taken into account directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data, as appropriate to the type of operation.

**5. Instruments, data and equipment**

5.a. An aircraft shall be equipped with all navigation, communication and other equipment necessary for the intended flight, taking account of air traffic regulations and rules of the air applicable during any phase of the flight.

5.b. When relevant, an aircraft shall be equipped with all necessary safety, medical, evacuation and survival equipment, taking account of the risks associated to the areas of operation, the routes to be flown, the flight altitude and the duration of the flight.

5.c. All data necessary for the execution of the flight by the crew shall be updated and available on board the aircraft taking account of applicable air traffic regulations, rules of the air, flight altitudes and areas of operation.

**6. Continuing airworthiness**

6.a. The aircraft shall not be operated unless:

- (i) the aircraft is in an airworthy condition;
- (ii) the operational and emergency equipment necessary for the intended flight is serviceable;
- (iii) the airworthiness document of the aircraft is valid; and
- (iv) the maintenance of the aircraft is performed in accordance with its maintenance programme.

6.b. Before each flight or consistent series of consecutive flights, the aircraft shall be inspected, through a pre-flight check, to determine whether it is fit for the intended flight.

6.c. The maintenance programme shall contain in particular, maintenance tasks and intervals, especially those that have been specified as mandatory in the instructions for continuing airworthiness.

6.d. The aircraft shall not be operated unless it is released to service by qualified persons or organisations, after maintenance. The signed release to service shall contain in particular, the basic details of the maintenance carried out.

6.e. All records demonstrating the airworthiness of the aircraft shall be kept until the information contained has been superseded by new information equivalent in scope and detail but not less than 24 months in the case of detailed maintenance records. When the aircraft is leased, all records demonstrating the airworthiness of the aircraft shall be kept at least for the length of the lease.

6.f. All modifications and repairs shall comply with the essential requirements for airworthiness. The substantiating data supporting compliance with the airworthiness requirements shall be retained.

**7. Crew members**



- 7.a. The number and composition of the crew shall be determined taking into account:
- (i) the certification limitations of the aircraft, including if applicable, the relevant emergency evacuation demonstration;
  - (ii) the aircraft configuration; and
  - (iii) the type and duration of operations.
- 7.b. Cabin crew members shall:
- (i) be trained and checked on a regular basis to attain and maintain an adequate level of competency in order to perform their assigned safety duties; and
  - (ii) be periodically assessed for medical fitness to safely exercise their assigned safety duties. Compliance shall be shown by appropriate assessment based on aero-medical best practice.
- 7.c. The pilot in command shall have the authority to give all commands and take any appropriate actions for the purpose of securing the operation and the safety of the aircraft and of persons and/or property carried therein.
- 7.d. In an emergency situation, which endangers the operation or the safety of the aircraft and/or persons on board, the pilot in command shall take any action he/she considers necessary in the interest of safety. When such action involves a violation of local regulations or procedures, the pilot in command shall be responsible for notifying the appropriate local authority without delay.
- 7.e. Emergency abnormal situations shall not be simulated when passengers or cargo are being carried.
- 7.f. No crew member shall allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, inter alia, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods shall provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.
- 7.g. A crew member shall not perform allocated duties on board an aircraft when under the influence of psychoactive substances or alcohol or when unfit due to injury, fatigue, medication, sickness or other similar causes.
8. Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft
- 8.a. The operation for commercial purposes and the operation of complex motor-powered aircraft shall not be undertaken unless the following conditions are met:
- 8.a.1. the operator shall have directly or indirectly through contracts the means necessary for the scale and scope of the operations. These means comprise but are not limited to the following: aircraft, facilities, management structure, personnel, equipment, documentation of tasks, responsibilities and procedures, access to relevant data and record keeping;





- 8.a.2. the operator shall use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the crew members and other relevant personnel;
- 8.a.3. the operator shall establish a MEL or equivalent document, taking account of the following:
- (i) the document shall provide for the operation of the aircraft, under specified conditions, with particular instruments, items of equipment or functions inoperative at the commencement of the flight;
  - (ii) the document shall be prepared for each individual aircraft, taking account of the operator's relevant operational and maintenance conditions; and
  - (iii) the MEL shall be based on the Master Minimum Equipment List (MMEL), if available, and shall not be less restrictive than the MMEL;
- 8.a.4. the operator shall implement and maintain a management system to ensure compliance with these essential requirements for operations and aim for continuous improvement of this system; and
- 8.a.5. the operator shall establish and maintain an accident prevention and safety programme, including an occurrence reporting programme, which shall be used by the management system in order to contribute to the aim of continuous improvement of the safety of operations.
- 8.b. The operation for commercial purposes and the operation of complex motor-powered aircraft shall only be undertaken in accordance with an operator's operations manual. Such manual shall contain all necessary instructions, information and procedures for all aircraft operated and for operations personnel to perform their duties. Limitations applicable to flight time, flight duty periods and rest periods for crew members shall be specified. The operations manual and its revisions shall be compliant with the approved flight manual and be amended as necessary.
- 8.c. The operator shall establish procedures, as appropriate, so as to minimise the consequences to safe flight operations of disruptive passenger behaviour.
- 8.d. A) The operator shall develop and maintain AOSP approved by Kuwait DGCA in compliance with NCASP which shall include: :
- (i) security of the flight crew compartment;
  - (ii) aircraft security check.
  - (iii) aircraft security search guidance and checklist;
  - (iv) AVSEC training programme, AVSEC quality system program,
  - (v) protection of electronic and computer systems to prevent intentional system interference and corruption; and
  - (vi) reporting acts of unlawful interference.

When security measures may adversely affect the safety of operations, the risks shall be assessed in accordance with NCASP to mitigate the safety risks.

B) Airport operator, Air Traffic Services provider, Cargo agent and all entities at Kuwait International Airport shall develop an approved Aviation Security Program



in compliance with the National Civil Aviation Security Program (NCASP) requirements to comply with KCASR 17 standards.

- 8.e. The operator shall designate one pilot amongst the flight crew as the pilot in command.
- 8.f. The prevention of fatigue shall be managed through a rostering system. For a flight, or series of flights, such a rostering system needs to address flight time, flight-duty periods, duty and adapted rest periods. Limitations established within the rostering system shall take into account all relevant factors contributing to fatigue such as, in particular, number of sectors flown, time-zone crossing, sleep deprivation, disruption of circadian cycles, night hours, positioning, cumulative duty time for given periods of time, sharing of allocated tasks between crew members, and also the provision of augmented crews.
- 8.g. The tasks specified in paragraph 6.a and those described in paragraphs 6.d and 6.e shall be controlled by an organisation responsible for the continuing airworthiness management that shall meet, in addition to those requirements of Annex I paragraph 3.a, the following conditions:
  - (i) the organisation shall be qualified for the maintenance of products, parts and appliances under its responsibility or have established a contract with such a qualified organisation for these products, parts and appliances; and
  - (ii) the organisation shall establish an organisation manual providing, for use and guidance of personnel concerned, a description of all continuing airworthiness procedures of the organisation including when applicable a description of administrative arrangements between the organisation and the approved maintenance organisation.



## **Annex V – Criteria for qualified entities referred to in Article 14 ('qualified entity' or 'entity')**

1. The entity, its Director and the staff responsible for carrying out the checks, may not become involved, either directly or as authorised representatives, in the design, manufacture, marketing or maintenance of the products, parts, appliances, constituents or systems or in their operations, service provision or use. This does not exclude the possibility of an exchange of technical information between the involved organisations and the qualified entity.
2. The entity and the staff responsible for the certification tasks shall carry out their duties with the greatest possible professional integrity and the greatest possible technical competence and shall be free of any pressure and incentive, in particular of a financial type, which could affect their judgment or the results of their investigations, in particular from persons or groups of persons affected by the results of the certification tasks.
3. The entity shall employ staff and possess the means required to perform adequately the technical and administrative tasks linked with the certification process; it should also have access to the equipment needed for exceptional checks.
4. The staff responsible for investigation shall have:
  - sound technical and vocational training,
  - satisfactory knowledge of the requirements of the certification tasks they carry out and adequate experience of such processes,
  - the ability required to draw up the declarations, records and reports to demonstrate that the investigations have been carried out.
5. The impartiality of the investigation staff shall be guaranteed. Their remuneration shall not depend on the number of investigations carried out or on the results of such investigations.
6. The entity shall take out liability insurance unless its liability is assumed by Kuwait DGCA in accordance with its national law.
7. The staff of the entity shall observe professional secrecy with regard to all information acquired in carrying out their tasks under this regulation.



## **Annex VI – Essential requirements for aerodromes**

- A Physical characteristics, infrastructure and equipment
1. Movement area
- (a) Aerodromes shall have a designated area for the landing and take-off of aircraft, which satisfies the following conditions:
- (i) the landing and take-off area shall have dimensions and characteristics suitable for the aircraft intended to use the facility;
  - (ii) the landing and take-off area, where applicable, shall have a bearing strength sufficient to support repetitive operations of the intended aircraft. Those areas not intended for repetitive operations only need to be capable of supporting the aircraft;
  - (iii) the landing and take-off area shall be designed to drain water and to prevent standing water becoming an unacceptable risk to aircraft operations;
  - (iv) the slope and slope changes of the landing and take-off area shall not create an unacceptable risk to aircraft operations;
  - (v) the surface characteristics of the landing and take-off area shall be adequate for use by the intended aircraft; and
  - (vi) the landing and take-off area shall be free from objects which might create an unacceptable risk to aircraft operations.
- (b) Where there are several designated landing and take-off areas, they shall be such that they do not create an unacceptable risk to aircraft operations.
- (c) The designated landing and take-off area shall be surrounded by defined areas. These areas are intended to protect aircraft flying over them during take-off or landing operations or to mitigate the consequences of undershooting, running off the side or overrunning the take-off and landing area and shall satisfy the following conditions:
- (i) these areas shall have dimensions appropriate to the aircraft operations anticipated;
  - (ii) the slope and slope changes in these areas shall not create an unacceptable risk to aircraft operations;
  - (iii) These areas shall be free from objects which might create an unacceptable risk to aircraft operations. This should not preclude frangible equipment to be located in those areas if required to assist aircraft operations and
  - (iv) each of these areas shall have a bearing strength sufficient to serve its purpose.
- (d) Those areas of an aerodrome, with their associated immediate surroundings that are to be used for taxiing or parking aircraft, shall be designed to permit the safe operation of the aircraft expected to use the particular facility under all the conditions planned for and shall satisfy the following conditions:
- (i) These areas shall have a bearing strength sufficient to support repetitive operations of the intended aircraft, except for areas which are expected for only occasional use and only need to be capable of supporting the aircraft;



- (ii) these areas shall be designed to drain water and prevent standing water from becoming an unacceptable risk to aircraft operations;
  - (iii) the slope and slope changes in these areas shall not create an unacceptable risk to aircraft operations;
  - (iv) the surface characteristics of these areas shall be adequate for use by the intended aircraft, and
  - (v) these areas shall be free from objects which might create an unacceptable risk to the aircraft. This should not preclude parking equipment required for that area in specifically identified positions or zones.
- (e) Other infrastructure intended for use by aircraft shall be so designed that use of that infrastructure does not create an unacceptable risk to aircraft using it.
- (f) Constructions, buildings, equipment or storage areas shall be located and designed so as not to create an unacceptable risk for aircraft operations.
- (g) Suitable means shall be provided to prevent unauthorised persons, unauthorised vehicles or animals large enough to create an unacceptable risk to aircraft operations from entering the movement area, without prejudice to national and international animal protection provisions.
2. Obstacle clearances
- (a) To protect aircraft proceeding to an aerodrome for landing, or for their departure from an aerodrome, arrival and departure routes or areas shall be established. Such routes or areas shall provide aircraft with the required clearance from obstacles located in the area surrounding the aerodrome taking due account of the local physical characteristics.
- (b) Such obstacle clearance shall be appropriate to the phase of flight and type of operation being conducted. It shall also take into account the equipment being used for determining the position of the aircraft.
3. Visual and non-visual aids and aerodrome equipment
- (a) AIDS shall be fit for purpose, recognisable and provide unambiguous information to users under all intended operational conditions.
- (b) Aerodrome equipment shall function as intended under the foreseen operating conditions. Under operating conditions or in case of failure, aerodrome equipment shall not cause an unacceptable risk to aviation safety.
- (c) The aids and their electrical power supply system shall be so designed that failures do not result in inappropriate, misleading or insufficient information being given to users or in interruption of an essential service.
- (d) Suitable means of protection shall be provided to avoid damage or disturbance to such aids.
- (e) Sources of radiation or the presence of moving or fixed objects shall not interfere with or adversely affect the performance of aeronautical communications, navigation and surveillance systems.
- (f) Information on the operation and use of aerodrome equipment shall be made available to relevant staff, including clear indications of the conditions which may create unacceptable risks to aviation safety.



4. Aerodrome data
  - (a) Data relevant to the aerodrome and the available services shall be established and kept up to date.
  - (b) The data shall be accurate, readable, complete and unambiguous. Appropriate integrity levels shall be maintained.
  - (c) The data shall be made available to the users and the relevant ANS providers in a timely manner, using a sufficiently secure and expeditious method of communication.
- B Operations and management
  1. The aerodrome operator is responsible for the operation of the aerodrome. The responsibilities of the aerodrome operator are as follows:
    - (a) The aerodrome operator shall have, directly or under contract, all the means necessary to ensure the safe operation of aircraft at the aerodrome. These means shall include, but are not limited to, facilities, personnel, equipment and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;
    - (b) The aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner;
    - (c) the aerodrome operator shall establish and implement an appropriate aerodrome wildlife risk management programme;
    - (d) the aerodrome operator shall ensure that movements of vehicles and persons in the movement area and other operational areas are coordinated with movements of aircraft in order to avoid collisions and damage to aircraft;
    - (e) the aerodrome operator shall ensure that procedures to mitigate risks related to aerodrome operations in winter operation, adverse weather conditions, reduced visibility or at night, if applicable, are established and implemented;
    - (f) the aerodrome operator shall establish arrangements with other relevant organisations to ensure continuing compliance with these essential requirements for aerodromes. These organisations include but are not limited to, aircraft operators, air navigation service providers, ground handling service providers and other organisations whose activities or products may have an effect on aircraft safety;
    - (g) the aerodrome operator, either by itself or by means of contracts with third parties, shall ensure that procedures exist to provide aircraft with fuel which is uncontaminated and of the correct specification;
    - (h) manuals for maintenance of aerodrome equipment shall be available, applied in practice and cover maintenance and repair instructions, servicing information, troubleshooting and inspection procedures;
    - (i) the aerodrome operator shall establish and implement an aerodrome emergency plan, covering emergency scenarios that may occur at the aerodrome or in its surroundings. This plan shall be coordinated, as appropriate, with the local community emergency plan;





- (j) the aerodrome operator shall ensure that adequate aerodrome rescue and fire fighting services are provided. Such services shall respond to an incident or accident with due urgency and shall include at least equipment, extinguishing agents and a sufficient number of personnel;
- (k) the aerodrome operator shall use only trained and qualified personnel for aerodrome operations and maintenance and shall implement and maintain training and check programmes to ensure the continuing competence of all relevant personnel;
- (l) the aerodrome operator shall ensure that any person permitted unescorted access to the movement area or other operational areas is adequately trained and qualified for such access;
- (m) the rescue and fire fighting personnel shall be properly trained and qualified to operate in the aerodrome environment. The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of this personnel, and
- (n) all rescue and fire fighting personnel potentially required to act in aviation emergencies shall periodically demonstrate their medical fitness to execute their functions satisfactorily, taking into account the type of activity. In this context, medical fitness, comprising both physical and mental fitness, means not suffering from any disease or disability which could make this personnel unable:
  - (i) to execute the tasks necessary to operate in aviation emergencies;
  - (ii) to perform their assigned duties at any time or
  - (iii) to perceive their environment correctly.

## 2. Management systems

- (a) The aerodrome operator shall implement and maintain a management system to ensure compliance with these essential requirements for aerodromes and to aim for continuous and proactive improvement of safety. The management system shall include organisational structures, accountability, responsibilities, policies and procedures.
- (b) The management system shall include an accident and incident prevention programme, including an occurrence-reporting and analysis scheme. The analysis shall involve the parties listed in paragraph 1(f) above, as appropriate.
- (c) The aerodrome operator shall develop an aerodrome manual and operate in accordance with that manual. Such manuals shall contain all necessary instructions, information and procedures for the aerodrome, the management system and for operations personnel to perform their duties.

## C Aerodrome surroundings

- 1. The airspace around aerodrome movement areas shall be safeguarded from obstacles so as to permit the intended aircraft operations at the aerodromes without creating an unacceptable risk caused by the development of obstacles around the aerodrome. Obstacle monitoring surfaces shall therefore be developed, implemented and continuously monitored to identify any infringing penetration.
  - (a) Any infringement of these surfaces will require an assessment to identify whether or not the object creates an unacceptable risk. Any object posing an unacceptable risk shall be removed or appropriate mitigating action shall be taken to protect aircraft using the aerodrome.



- (b) Any remaining such obstacles shall be published and, depending on the need, shall be marked and, where necessary, made visible by means of lights.
2. Hazards related to human activities and land use, such as, but not limited to, items on the following list, shall be monitored. The risk caused by them shall be assessed and mitigated as appropriate:
- (a) any development or change in land use in the aerodrome area;
  - (b) the possibility of obstacle-induced turbulence;
  - (c) the use of hazardous, confusing and misleading lights;
  - (d) the dazzling caused by large and highly reflective surfaces
  - (e) the creation of areas that might encourage wildlife activity in the surroundings of the aerodrome movement area;
  - (f) Sources of non-visible radiation or the presence of moving or fixed objects which may interfere with or adversely affect, the performance of aeronautical communications, navigation and surveillance systems.
3. A local community emergency plan shall be established for aviation emergency situations occurring in the aerodrome local area.
- D Others
- Except for aircraft emergency situations, when diverting to an alternate aerodrome, or under other conditions specified in each case, an aerodrome or parts thereof shall not be used by aircraft for which the aerodrome design and operating procedures are not normally intended.



## **Annex VII – Essential requirements for ATM/ANS and Air Traffic Controllers**

1. Use of the airspace
  - (a) All aircraft, excluding those engaged in the activities referred to in Article 1 (2) (a), in all phases of flight or on the movement area of an aerodrome, shall be operated in accordance with standard general operating rules and any applicable procedure specified for the use of that airspace.
  - (b) All aircraft, excluding those engaged in the activities referred to in Article 1 (2) (a), shall be equipped with the required constituents and operated accordingly. Constituents used in the ATM/ANS system shall also comply with the requirements in paragraph 3.
2. Services
  - (a) Aeronautical information and data for airspace users for the purpose of air navigation
    - (i) The data used as a source for aeronautical information shall be of sufficient quality, complete, current and provided in a timely manner.
    - (ii) Aeronautical information shall be accurate, complete, current, unambiguous and be of adequate integrity in a suitable format for users.
    - (iii) The dissemination of such aeronautical information to airspace users shall be timely and use sufficiently reliable and expeditious means of communication protected from interference and corruption.
  - (b) Meteorological information
    - (i) The data used as a source for aeronautical meteorological information shall be of sufficient quality, complete and current.
    - (ii) To the extent possible, aeronautical meteorological information shall be precise, complete, current, and of adequate integrity and unambiguous in order to meet the needs of airspace users.
    - (iii) The dissemination of such aeronautical meteorological information to airspace users shall be timely and use sufficiently reliable and expeditious means of communication protected from interference and corruption.
  - (c) Air traffic services
    - (i) The data used as a source for the provision of air traffic services shall be correct, complete and current.
    - (ii) Air traffic services shall be sufficiently precise, complete, current, and unambiguous to meet the safety needs of users.
    - (iii) Automated tools providing information or advice to users shall be properly designed, manufactured and maintained to ensure that they are fit for their intended purpose.
    - (iv) Air traffic control services and related processes shall provide for adequate separation between aircraft and, where appropriate, assist in protection from obstacles and other airborne hazards and shall ensure prompt and timely coordination with all relevant users and adjacent volumes of airspace.



- (a) Design of systems and constituents
- (i) Systems and constituents shall be designed to meet applicable safety requirements.
  - (ii) Systems and constituents, considered collectively, separately and in relation to each other, shall be designed in such a way that an inverse relationship exists between the probability that any failure can result in a total system failure and the severity of its effect on the safety of services.
  - (iii) Systems and constituents, considered individually and in combination with each other, shall be designed taking into account limitations related to human capabilities and performance.
  - (iv) Systems and constituents shall be designed in a manner that protects them from unintended harmful interactions with external elements.
  - (v) Information needed for manufacturing installation, operation and maintenance of the systems and constituents as well as information concerning unsafe conditions, shall be provided to personnel in a clear, consistent and unambiguous manner.
- (b) Continuing level of service
- Safety levels of systems and constituents shall be maintained during service and any modifications to service.
3. Qualification of air traffic controllers
- (a) General
- A person undertaking training as an air traffic controller or as a student air traffic controller shall be sufficiently mature educationally, physically and mentally to acquire, retain and demonstrate the relevant theoretical knowledge and practical skills.
- (b) Theoretical knowledge
- (i) An air traffic controller shall acquire and maintain a level of knowledge appropriate to the functions exercised and proportionate to the risks associated with the type of service.
  - (ii) Acquisition and retention of theoretical knowledge shall be demonstrated by continuous assessment during training or by appropriate examinations.
  - (iii) An appropriate level of theoretical knowledge shall be maintained. Compliance shall be demonstrated by regular assessments or examinations. The frequency of examinations shall be proportionate to the level of risk associated with the type of service.
- (c) Practical skill
- (i) An air traffic controller shall acquire and maintain the practical skills appropriate to exercise his/her functions. Such skills shall be proportionate to the risks associated with the type of service and shall cover at least, if appropriate to the functions exercised, the following items:
    - i. operational procedures;
    - ii. task specific aspects;
    - iii. abnormal and emergency situations; and



- iv. human factors.
  - (ii) An air traffic controller shall demonstrate the ability to perform the associated procedures and tasks with a level of competence appropriate to the functions exercised.
  - (iii) A satisfactory level of competence in practical skills shall be maintained. Compliance shall be verified by regular assessments. The frequency of these assessments shall be proportionate to the complexity and the level of risk associated with the type of service and the tasks performed.
- (d) Language proficiency
- (i) An air traffic controller shall demonstrate proficiency to speak and understand English to the extent he/she is able to communicate effectively in voice-only (telephone/radiotelephone) and in face-to-face situations on concrete and work-related topics, including in emergency situations.
  - (ii) Whenever necessary in a defined volume of airspace for ATS service provision purposes, an air traffic controller shall also have proficiency to speak and understand the national language(s) to the extent described above.
- (e) Synthetic training devices (STD)
- When an STD is used for practical training on situational awareness and human factors or to demonstrate that skills are acquired or maintained, it shall have a level of performance that allows adequate simulation of the working environment and operational situations appropriate to the training provided.
- (f) Training course
- (i) Training shall be given by a training course, which may comprise theoretical and practical instruction, including training on an STD, if applicable.
  - (ii) A course shall be defined and approved for each type of training.
- (g) Instructors
- (i) Theoretical instruction shall be given by appropriately qualified instructors. They shall:
    - i. Have appropriate knowledge in the field where instruction is to be given; and
    - ii. Have demonstrated the ability to use appropriate instructional techniques.
  - (ii) Instruction on practical skills shall be given by appropriately qualified instructors who have the following qualifications:
    - i. meet the theoretical knowledge and the experience requirements appropriate to the instruction being given;
    - ii. have demonstrated the ability to instruct and to use appropriate instructional techniques;
    - iii. have practised instructional techniques in those procedures in which it is intended to provide instruction; and
    - iv. receive regular refresher training to ensure that the instructional competences are maintained.



- (iii) Instructors on practical skills shall also be or have been entitled to act as an air traffic controller.
  - (h) Examiners
    - (i) Persons responsible for assessing the skill of air traffic controllers shall:
      - i. have demonstrated the ability to assess the performance of, and conduct tests and checks on air traffic controllers; and
      - ii. receive regular refresher training to ensure that the assessment standards are maintained up to date.
    - (ii) Examiners on practical skills shall also be or have been entitled to act as an air traffic controller in those areas in which assessment is to be made.
  - (i) Medical fitness of an air traffic controller
    - (i) Medical criteria
      - i. All air traffic controllers shall periodically demonstrate medical fitness to satisfactorily execute their functions. Compliance shall be shown by appropriate assessment taking into account the possible mental and physical degradation due to age;
      - ii. Demonstration of medical fitness, comprising physical and mental fitness, shall include the demonstrated absence of any disease or disability which makes the person providing an air traffic control (ATC) service unable:
        - to execute properly the tasks necessary to provide an ATC service,
        - to perform assigned duties at any time or
        - to perceive correctly his/her environment.
    - (ii) Where medical fitness cannot be fully demonstrated, mitigation measures that provide equivalent safety may be implemented.
4. Service providers and training organisations
- (a) Service provision shall not be undertaken unless the following conditions are met:
    - (i) The service provider shall have directly or indirectly, through contracts, the means necessary for the scale and scope of the service. These means shall comprise but are not limited to the following: systems, facilities, including power supply, management structure, personnel, equipment and its maintenance, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;
    - (ii) the service provider shall develop and keep up-to-date management and operations manuals relating to the provision of its services and operate in accordance with those manuals. Such manuals shall contain all necessary instructions, information and procedures for the operations, the management system and operations personnel to perform their duties;
    - (iii) the service provider shall implement and maintain a risk-based management system to ensure compliance with the essential requirements in this Annex and aim for continuous proactive improvement of this system;





- (iv) the service provider shall use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the personnel;
  - (v) the service provider shall establish formal interfaces with all the other contributors to the service provision to ensure compliance with these essential requirements;
  - (vi) the service provider shall develop and implement a contingency plan covering emergency and abnormal situations that may occur in relation to its services;
  - (vii) the service provider shall establish and maintain an accident and incident prevention and safety programme, including an occurrence reporting and analysis programme, which shall be used by the management system in order to contribute to the aim of continuous improvement of safety and
  - (viii) the service provider shall make arrangements to verify that the safety performance requirements of any system and constituent they operate are met at any time.
- (b) ATC service provision shall not be undertaken unless the following conditions are met:
- (i) The prevention of fatigue of personnel providing an ATC service shall be managed through a rostering system. Such a rostering system needs to address duty periods, duty time and adapted rest periods. Limitations established within the rostering system shall take into account relevant factors contributing to fatigue such as, in particular, sleep deprivation, disruption of circadian cycles, night hours, cumulative duty time for given periods of time and also the sharing of allocated tasks between personnel;
  - (ii) the prevention of stress of personnel providing an ATC service shall be managed through education and prevention programmes;
  - (iii) the ATC service provider shall have in place procedures to verify that the cognitive judgement of personnel providing ATC services is not impaired or their medical fitness insufficient;
  - (iv) the ATC service provider shall take into account operational and technical constraints as well as human factor principles in its planning and operations.
- (c) Communication, navigation and/or surveillance service provision shall not be undertaken unless the following condition is met:
- The service provider shall keep relevant airspace users and ATS units informed on a timely basis of the operational status (and changes thereof) of their services provided for ATS purposes.
- (d) Training organisations
- A training organisation providing training for personnel providing an ATC service shall meet the following requirements:



- (i) have all the means necessary for the scope of responsibilities associated with their activity. These means comprise, but are not limited to, the following: facilities, personnel, equipment, methodology, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping;
- (ii) implement and maintain a management system relating to safety and the standard of training, and aim for continuous improvement of this system; and
- (iii) establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements.



## **Attachment 1 (Aviation Definitions)**

Available as a separate document

**END**