



NOTICE OF PROPOSED AMENDMENT (NPA)

NPA 01/2018 YCAR PART IV – FOREIGN OPERATORS REGULATION (FOR)

Release Date: 25/07/2018

The Civil Aviation and Met. Authority (CAMA) intends to amend YCAR PART IV – Foreign Operators Regulation (FOR), has decided to promulgate a new issue of this Regulation to be in line with the latest Requirements of ICAO Annex 6 and Annex 8 and to include provisions up to the best national and international standards.

The proposed initial entry into force date of the amendment is 25th July 2018.

This notice is published to announce to the public this amendment and to entitle all concerned parties to:

1. Review the attached proposed regulation; and
2. Send their comments to the below address of CAMA within 30 days from the date of this NPA.

Civil Aviation & Met. Authority (CAMA)
Aviation Safety Affairs Sector
E-mail: legislation.dir@cama.gov.ye
cc: civilaviation@y.net.ye



YEMEN CIVIL AVIATION REGULATIONS

YCAR PART IV

FOREIGN OPERATORS REGULATION (FOR)

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FOREWORD

The structure and substance of these regulations are based on the Convention of International Civil Aviation and its related Annexes, in particular but not limited to Annex 1 — Personnel Licensing, Annex 6 — Operation of Aircraft and Annex 8 — Airworthiness of Aircraft.

Pursuant to the Republic of Yemen Civil Aviation Law (Law No. 12 of 1993); and Republican Decree Law (No.444 of 2000), this YCAR lays down detailed rules for Foreign Operators and Foreign Aircraft engaged in Commercial Air Transport (CAT) operations and Non- Commercial Air Transport operations into the territory of Republic of Yemen.

FOR Numbers obtained prior the date of applicability of this YCAR remain valid until their expiry date. New FOR number shall be required as per this YCAR.

Record of Amendments / Date of Applicability

Issue/Revision No.	Date of issue/revision and date of applicability
Issue Initial rev. 00	July 2018 Date of applicability: 01 October 2019

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SCOPE

This YCAR applies to:

- Any Foreign Air Operator (hereafter called Operator) operating within Sana'a FIR and the territory of Yemen;
- Aircraft whose State of registry is not Yemen unless it is operated by a Yemen Air Operator; and
- Any person or owner of an aircraft conducting regulated activities stipulated under Section NOC.

This YCAR does not apply to:

- Any foreign Air Operator of a State aircraft; and
- State aircraft.

This YCAR prescribes the regulatory framework for:

- Operations of an aircraft by a Foreign Air Operator in Sana'a FIR and the territory of the Yemen; and
- The issuance of No Objection Certificate (NOC) to person or owner of an aircraft (refer to definition of "aircraft" under this YCAR) for any of the following activities stipulated under Section NOC.

This YCAR contains essential information to:

- ATS units certified in Yemen (e.g. aircraft, foreign air operator ban list);
- Airport Operators (e.g. registration or de-registration of aircraft taking place in the territory of Yemen); and
- Yemen Air Operators or Yemen approved maintenance organisation (e.g. dismantling or destroying an aircraft in the territory of Yemen).

ACRONYMS

ACAS	Airborne Collision Avoidance System
ADS-B	Automated Dependent Surveillance – Broadcast
AIC	Aeronautical Information Circular
AIP	Aeronautical Information Publication
AMC	Acceptable Means of Compliance
AOC	Air Operator Certificate
YCAR	Yemen Civil Aviation Regulation
CAT	Commercial Air Transport
EFB	Electronic Flight Bag
EU	European Union
FIR	Flight Information Region
FOA	Foreign Operator Affairs
FOR	Foreign Operator Registration
CAMA	Civil Aviation and Met. Authority
GM	Guidance Material
ICAO	International Civil Aviation Organisation
MAPSC	Maximum Allowed Passenger Seating Capacity
NOC	No Objection Certificate
Ops Specs	Operations Specifications
PBN	Performance Based Navigation
POC	Operator Certificate
RNAV	Area Navigation
SAFA	Safety Assessment of Foreign Aircraft
SARP	Standards and Recommended Practices
SDR	Special Drawing Rights
RVSM	Reduced Vertical Separation Minimum
TCAS	Traffic Collision Avoidance System
Yemen	Republic of Yemen

DEFINITIONS

Aerial Work

An aircraft operation in which the aircraft is used for specialized services such as: agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

Air Operator Certificate (AOC)

A certificate issued by the Competent Authority of the State of the Operator authorising an Operator to carry out specified commercial air transport operations.

Aircraft

An aircraft means any aircraft:

- a) whose State of Registry is not Yemen; or
- b) deregistered from the Aircraft Civil Registry of Yemen with the intent to be dismantled or destroyed in the territory of Yemen.

Basing

An aircraft is considered to be based in Yemen if:

- a) it has not been in the State of the Overseeing Authority for more than 60 days; and
- b) it has been parked or operated from or to airports located in Yemen more than 14 days within the 60 day period.

Commercial Air Transport

An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

Corrective Action

Action to eliminate the root cause of a defect which led to a finding.

Demonstration Flight

A demonstration flight is a flight conducted for the purpose of demonstrating an aircraft to a potential buyer.

Duty: In this YCAR, the term duty is related to duty period. It is a period which starts when flight crew or cabin crew members are required by an Operator to report for or to commence a duty and ends when that person is free from all duties.

Minimum Safety Standards

Standards as defined in Chicago Convention and its Annexes.

No Objection Certificate

A document issued on the request of an organisation which does not hold further liability on the CAMA. The document is only for the mentioned purpose, its usage apart from this subject would be considered null and void.

Operations Specifications

The authorisations, conditions and limitations associated with the operator certificate and subject to the conditions in the operations manual

Operator

A person, organisation or enterprise authorised by a foreign State to operate an aircraft. If no person, organisation, or enterprise is designated, the CAMA will consider that the Operator is the owner of the aircraft or its legal representative.

Overseeing Authority

The authority responsible for the regulatory safety oversight of the operator and/or the aircraft.

Permit to Fly

A Permit to Fly (or other designation) means a document declaring that an aircraft is not holding a valid Certificate of Airworthiness or is temporarily not meeting all airworthiness requirements, but it is declared that this aircraft is capable to perform a safe flight.

Preventive Action

Action to prevent reoccurrence of the non-compliance which led to a finding.

State Aircraft

State aircraft means any aircraft used in military, customs and police services.

Safety Assessment of Foreign Aircraft (SAFA)

Ramp Inspections performed by the CAMA to evaluate the compliance of an aircraft within the provisions of this regulation and the ICAO Minimum Safety Standards within the framework of Regulation (EC) No 216/2008.

State of the Operator

The State in which the Operator's principal place of business is located. If there is no such place of business, the operator's permanent residence.

State of Registry

The State on whose civil aircraft registry the aircraft is entered.

Standards and Recommended Practices (SARPs)

SARPs are technical specifications adopted by the Council of ICAO in accordance with Article 37 of the Convention on International Civil Aviation to achieve "the highest practicable degree of uniformity in regulations, standards, procedures and organisation in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation".

Test Flight

A flight is considered to be a test flight when conducted for the purpose of:

- certification of aircraft or equipment installed on the aircraft
- operating an aircraft beyond the limitations set by Aircraft Flight Manual or any other approved document.
- verification that the aircraft is airworthy and the scope of the flight is not defined in an approved document

Note: A flight is not considered to be a test flight if the flight is:

- a) conducted after a maintenance action,
- b) required to issue a release to service and
- c) defined in the Approved Maintenance Schedule or the scope of the flight has been approved by the Type Certificate Holder or the Overseeing Authority

True Certified Copy

True Certified Copy means the copy of a document bearing information, stamp and signature from the issuing Authority that the copy of the document conforms to the original document.

SECTION GEN - GENERAL REQUIREMENTS

FOR.GEN.001 Applicable Standards

- (a) No Operator shall undertake a flight within Sana'a FIR unless the State of the Operator and State of Registry are ICAO Contracting States; and it remains in compliance with the provisions/limitations of:
- 1) Chicago Convention and its Annexes;
 - 2) Yemen - Civil Aviation Law;
 - 3) Air Service Agreement (relevant agreement between Yemen and the State of the Operator);
 - 4) Applicable Yemen publications in particular but not limited to:
 - i. this YCAR or any other applicable YCAR;
 - ii. Part VII (Aviation Security Regulations);
 - iii. Civil Aviation Regulations Part VI (Transport of Dangerous Goods by Air);
 - iv. Yemen AIP;
 - v. Safety Alerts; and
 - vi. Information Bulletins published by CAMA.
- (b) The Operator shall notify the CAMA any non-compliance with (a).
- (c) Notwithstanding point (a), the CAMA may authorise an Operator whose State of Registry or State of the Operator is not an ICAO Contracting State.

FOR.GEN.005 ICAO three letter operator designators

No operator conducting non-scheduled flights from or to Yemen shall use three letter operator designator and call sign other than those assigned by the State of the Operator unless permitted by the CAMA.

GM1 FOR.GEN.005 ICAO three letter operator designators

Further details can be found in Yemen AIP GEN 1.5.7

FOR.GEN.010 Access to aircraft, documents, manuals and crew licences

- (a) The Operator shall ensure that any person authorised by the CAMA will be permitted to board an aircraft which has landed in the territory of Yemen, at any time, with or without prior notice to:
- 1) inspect the documents and manuals to be carried on board and to perform inspections to ensure compliance with this YCAR;
 - 2) inspect the crew licences; or
 - 3) carry out a ramp inspection.
- (b) The Operator shall ensure that all documents, manuals and records that are required to be carried on board are valid and up-to-date.

GM1 FOR.GEN.010(a)(3) Access to aircraft, documents, manuals and crew licences

Ramp Inspections will be entered in EU SAFA Database. Follow up of Ramp Inspections should be done by using provisions of the database by accessing <https://safa.easa.europa.eu/site/login>.

FOR.GEN.015 Production of documentation, manuals and records

Within a reasonable time of being requested to do so by a person authorized by the CAMA, the pilot-in-command shall produce to that person the documentation, manuals and records required to be carried on board.

FOR.GEN.020 Findings and corrective actions

- (a) When a CAT 2 or CAT 3 finding has been detected during a ramp inspection, the CAMA shall inform the Operator and the Overseeing Authority in writing with the request to perform corrective action and preventive action.
- (b) The CAMA shall notify the State of the Operator and/or the State of Registry, as applicable, of all findings it has raised.

GM1 FOR.GEN.020 Findings and corrective actions

The State of the Operator and/or State of Registry should be registered to the EU SAFA Database. In exceptional cases corrective action may be forwarded to civilaviation@y.net.ye

FOR.GEN.025 CAMA actions to a Safety Concern

- (a) In case of finding(s) having a major impact to the safety of the operation, the CAMA has the right to:
 - 1) Restrict operation of the aircraft;
 - 2) Impose corrective actions before next flight;
 - 3) Ground the aircraft;
 - 4) Ban the operation; or
 - 5) Prosecution.
- (b) No aircraft that has been grounded shall be allowed to operate within Sana'a FIR unless the grounding order has been lifted by the CAMA.
- (c) No aircraft, aircraft type, or Operator that has been banned shall be allowed to operate within the Sana'a FIR unless authorised by the CAMA.

GM1 FOR.GEN.025(a)(3) CAMA actions to a Safety Concern

The CAMA will inform the Operator and its Overseeing Authority and all concerned stakeholders of a grounding.

GM2 FOR.GEN.025(a)(3);(a)(4) CAMA actions to a Safety Concern

The CAMA will inform all concerned stakeholders of banned Operator(s), aircraft type(s) and individual aircraft by sending an updated ban and grounding list.

GM1 FOR.GEN.025(b) CAMA actions to a Safety Concern

The grounding will be lifted if acceptable corrective actions have been submitted and accepted by CAMA.

GM1 FOR.GEN.025(c) CAMA actions to a Safety Concern

The ban can be lifted if acceptable level of compliance with this regulation or conformance with the applicable Minimum Safety Standards has been demonstrated. The ban cannot be lifted unless 6 months have elapsed. The banned party needs to submit a formal request containing with appropriate corrective and preventive actions to be lifted. The application form can be found on the CAMA Website.

FOR.GEN.030 Occurrence Reporting

An Operator shall immediately report to the CAMA any safety-related occurrence qualified as reportable by its Overseeing Authority and which had happened within Sana'a FIR or the territory of Yemen.

GM1 FOR.GEN.030 Occurrence Reporting

A copy of the Occurrence Report should be forwarded to civilaviation@y.net.ye. Further details can be found in Yemen AIP GEN 1.2.7.

SECTION OPS – FLIGHT OPERATIONS

FOR.OPS.001 Operator Registration

- (a) No Operator shall engage an aircraft in CAT operations from or to airports located in the territory of Yemen unless the operator is registered with CAMA and holds a valid FOR number granted by the CAMA.
- (b) A FOR number shall be valid for one year.
- (c) The FOR number shall be entered on each individual ATC flight plan required to be submitted as per YCAR PART III – Chapter 2 or other applicable requirement, unless permitted by the CAMA.

AMC1 FOR.OPS.001(a) Operator Registration

The application for a FOR number should be:

- 1) submitted no later than 10 days before the intended starting date of operation; and
- 2) made in a form and manner established by the CAMA.

GM1 FOR.OPS.001(a) Operator Registration

Required information can be found in Yemen AIP ENR 1.10.

GM1 FOR.OPS.001(c) Operator Registration

FOR.OPS.005 Documents to be carried onboard

- (a) No Operator shall engage an aircraft in CAT operations unless the aircraft carries all documents as defined by Chicago Convention and the original or a true certified copy of the AOC or equivalent document issued by the State of the Operator together with a copy the Operation Specifications (OPS Specs).
- (b) No Operator shall engage an aircraft in CAT operations unless the aircraft carries a valid insurance certificate meeting at minimum Yemen insurance

FOR.OPS.010 Performance Based Navigation (PBN)

- (a) No Operator shall undertake a flight above 10500 ft within Sana'a FIR unless it is equipped with RNAV equipment meeting RNAV 5 requirements set out in ICAO Doc 9613 Performance Based Navigation (PBN).
- (b) If an Aeronautical Navigation Database is used for Navigation, the commander of the flight shall be able to determine that the on-board aeronautical database and software version in use is valid for the duration of the intended flight.

GM1 FOR.OPS.010(b) Performance Based Navigation (PBN)

Detailed information as published in Yemen AIP GEN 1.5.

FOR.OPS.015 Carriage of Airborne Collision Avoidance System (ACAS II)

- (a) No Operator shall undertake a flight with a turbine engine aircraft involved in CAT operations of a maximum certificated take-off mass in excess of 5,700 kg or with MAPSC more than 19 passengers unless the aircraft is fitted with ACAS II equipment.
- (b) No Operator shall undertake a flight with a turbine engine aircraft involved in non-CAT operations of a maximum certificated take-off mass in excess of 15,000 kg or with MAPSC more than 30 passengers unless the aircraft is fitted with ACAS II equipment.
- (c) The ACAS II equipment shall be fitted with software TCAS version 7.1.
- (d) Notwithstanding (c), the CAMA may authorise operation with TCAS version 7.0.

GM1 FOR.OPS.015 Carriage of Airborne Collision Avoidance System (ACAS II)

Further details and requirements are published in Yemen AIP GEN 1.5.2.

GM1 FOR.OPS.015(d) Carriage of Airborne Collision Avoidance System (ACAS II)

An operator to be authorised to operate with TCAS version 7.0 instead of 7.1 should provide the CAMA with mitigation measures established to address the design deficiencies of TCAS version 7.0 and rectified in TCAS version 7.1 along with an action plan to achieve compliance TCAS Version 7.1.

FOR.OPS.020 Carriage of Transponder

- (a) No Operator of an aircraft fitted with ACAS II equipment shall undertake a flight unless equipped with a mode S transponder compliant with Annex 10, Volume IV within Sana'a FIR.
- (b) No Operator of an aircraft shall undertake an IFR flight within Sana'a FIR unless it is equipped with a SSR transponder having Mode A, 4096 codes, and Mode C

GM1 FOR.OPS.020 Carriage of Transponder

Further information can be found in Yemen AIP GEN 1.5.4.

FOR.OPS.025 ADS-B

No Operator of an aircraft shall undertake an IFR flight within Sana'a FIR after 01 January 2020, unless it is equipped with ADS-B OUT.

AMC1 FOR.OPS.025 ADS-B

ADS-B capability should comply with AMC to YCAR-OPS.1.867.

FOR.OPS.030 Use of EFB

No Operator shall conduct a flight with the use of an EFB unless it holds a special approval issued by the Overseeing Authority.

FOR.OPS.035 Transport of Dangerous Goods

No Operator engaged in CAT shall transport Dangerous Goods by air unless:

- (a) It is approved by the State of the Operator
- (b) It complies with the provisions of YCAR PART VI Chapter-2 (Transport of Dangerous Goods by Air).

GM1 FOR.OPS.035 Transport of Dangerous Goods

Further instructions and guidance can be found on in Yemen AIP GEN 1.4.2 and IATA dangerous goods regulations with regards to Yemen variations.

FOR.OPS.040 Transport of Weapons and Ammunition of War

No Operator shall transport weapons and ammunition of war by air unless:

- (a) It is approved for Transport of Dangerous Goods by the State of the Operator
- (b) It complies with the provisions of YCAR PART VI Chapter-2 (Transport of Dangerous Goods by Air) and the following provisions:
 - 1) the cargo manifest accurately describes the type and the quantity of weapons; and
 - 2) the transport has been authorised by the Ministry of Foreign Affairs.

GM1 FOR.OPS.040 Transport of Weapons and Ammunition of War

Further instructions and guidance can be found on in Yemen AIP GEN 1.4.2 and IATA dangerous goods regulations with regards to Yemen variations.

FOR.OPS.045 Use of Psychoactive substances

- (a) No person shall act as a crew member while drunk or under the influence of any substance which may impair his/her capacity to effectively perform his/her duties. In all circumstances, he/she shall not use any such substance while on duty.
- (b) A crew member can be subject to Psychoactive substances testing at any time test whilst on duty within Yemen.
- (c) Any positive test or refusal to submit to a test shall be subject to actions stated under FOR.GEN.025.

AMC1 FOR.OPS.045 (a) Use of Psychoactive substances

Alcohol

A crew member is considered to be acceptable to the CAMA if:

- 1) the crew member has not consumed alcohol 12 hours prior to the specified reporting time for flight duty or the commencement of standby;
- 2) the crew member has not commenced a flight duty period with a blood alcohol level in excess of 0.2 promille;
- 3) the crew member has not consumed alcohol during the flight duty period or whilst on standby.

SECTION THREE NOC – NO OBJECTION FOR SPECIAL ACTIVITIES WITH A FOREIGN REGISTERED AIRCRAFT

FOR.NOC.001 Registration of an aircraft located in the territory of Yemen

No operator shall register an aircraft located in the territory of Yemen into a foreign state civil aircraft registry unless it holds a No Objection Certificate issued by the CAMA. This is not applicable to aircraft which have been de-registered from Yemen Civil Aircraft Registry.

Applications can be found on CAMA Website: cama.gov.ye

FOR.NOC.005 De-registration of an aircraft located in the territory of Yemen

No operator shall de-register an aircraft located in the territory of Yemen unless it holds a No Objection Certificate issued by CAMA. This is not applicable to aircraft de-registered and under a registration process into Yemen Civil Aircraft Registry.

FOR.NOC.010 Basing of an aircraft in the territory of Yemen

No operator shall base an aircraft in the territory of Yemen unless:

- (a) it holds an authorisation issued by the CAMA;
- (b) the aircraft is under a registration process into Yemen civil aircraft registry; or
- (c) the Operator is under a certification process for an AOC or POC with the CAMA.

AMC1 FOR.NOC.010(a) Basing of an aircraft in the territory of Yemen

The CAMA will review the safety performance of the Operator and will not authorise an operator if:

- (a) the demonstration report provided by the Operator and the SAFA inspections conducted by the CAMA exhibit an unacceptable safety performance; or
- (b) its Overseeing Authorities of the Operator and aircraft are not in the capability to carry out an acceptable level of safety oversight activities during the period of basing.

FOR.NOC.015 Demonstration Flight with an aircraft

No operator shall conduct a demonstration within Sana'a FIR unless it holds a No Objection Certificate issued by the CAMA.

GM1 FOR.NOC.015 Demonstration Flight with an aircraft

Further instructions and guidance can be found on in Yemen AIP GEN 1.2.5.

FOR.NOC.020 Test Flight of an aircraft

No person or organisation shall conduct a test flight within Sana'a FIR unless a No Objection

Certificate has been issued by CAMA.

GM1 FOR.NOC.020 Test Flight of an aircraft

Further instructions and guidance can be found on in Yemen AIP GEN 1.2.

FOR.NOC.025 Flight of an aircraft with Permit to fly or equivalent document

No operator shall operate an aircraft with a Permit to Fly or equivalent document within Yemen FIR unless it holds a No Objection Certificate issued by CAMA.

GM1 FOR.NOC.025 Flight of an aircraft with Permit to fly or equivalent document

Further details can be found in Yemen AIP GEN 1.2.

FOR.NOC.030 Return to service of an aircraft after long term parking

No operator shall operate an aircraft parked in the territory of Yemen for a period of more than six consecutive months unless it holds a No Objection Certificate issued by CAMA.

FOR.NOC.035 Dismantling or destroying of an aircraft in the territory of Yemen

No person or organisation shall dismantle or destroy an aircraft in the territory of Yemen regardless of its previous nationality marks unless it holds a No Objection Certificate issued by the CAMA.

FOR.NOC.040 Conduct aerial work activities with an aircraft

No operator shall operate an aircraft for aerial work activities within Sana'a FIR unless it holds a No Objection Certificate issued by CAMA.

GM1 FOR.NOC.040 Conduct aerial work activities with an aircraft

Further instructions and guidance can be found on in Yemen AIP GEN 1.2.

NPA COMMENT-RESPONSE TOOL (CRT)

CRT Terms of use

NPA 01/2018 RESPONSE SHEET

Please return this response sheet by E-mail: legislation.dir@cama.gov.ye and cc to civilaviation@y.net.ye Please indicate your acceptance or otherwise of the proposal by ticking [✓] the appropriate box below. Any additional constructive comments, suggested amendments or alternative action will be welcome and may be provided on this response sheet or by separate correspondence.

[] The proposals are **acceptable without change**.

[] The proposals are **acceptable but would be improved if the following changes were made:** (Please provide explanatory comment).

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[] The proposals are **not acceptable but would be acceptable if the following changes were made:** (Please provide explanatory comment).

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[] The proposals are **not acceptable under any circumstances.** (Please provide explanatory comment).

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Name.....Orgnaisation:.....

Address/Contact No:.....

Signed: Date: