

Airworthiness Procedure

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REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU
 民航局
AUTORIDADE DE AVIAÇÃO CIVIL
CIVIL AVIATION AUTHORITY

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SUBJECT: *Procedures for the Revocation, Suspension or Limitation of the MAR-66 Aircraft Maintenance Engineer Licence or MAR-145 Certification Authorisation*

1. Introduction

- 1.1 Paragraph 59 of the Air Navigation Regulation of Macao (ANRM) states that the Civil Aviation Authority may provisionally suspend or on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any certificate, licence, approval, permission, authorisation, exemption or other document issued or granted under ANRM pending investigation of the case.
- 1.2 The revocation, suspension or limitation of a MAR-66 aircraft maintenance engineer licence or a direction regarding the MAR-145 certification authorisation is a decision for the Civil Aviation Authority, based upon the recommendation of the supervising surveyor/officer.
- 1.3 The Civil Aviation Authority will ensure that all reasonable actions have been thoroughly carried out to establish the facts and circumstances of the particular issue. All parties will be given a fair hearing before confirming the Civil Aviation Authority action.
- 1.4 The best assurance for a fair hearing between the affected person or organisation and the Civil Aviation Authority is a transparent technical appeal procedure which should be followed. It should be noted that this procedure does not cover the normal day to day validity requirements such as, but not limited to, remaining in current maintenance practice, for which failure to comply automatically invalidates the MAR-66 aircraft maintenance engineer licence and MAR-145 certification authorisation during the period of non-compliance.
- 1.5 It should be noted that the prosecution of licence holders, in terms of fines and custodial sentences, is a separate issue for the Macao SAR legislation and not part of this procedure.

2. Notification Procedure

- 2.1 When Civil Aviation Authority has established evidence that meets the criteria of MAR 66.65(b) and has determined the need for revocation or limitation of the MAR-66 aircraft maintenance engineer licence, a letter should be sent by a means that ensures delivery to the affected person informing that person about the intended action. The letter should clearly specify the evidence on which action is being taken, identify any intermediate actions, such as correspondence or meetings, taken by the Civil Aviation Authority to resolve the issue, and, except where stated otherwise in Paragraph 2.2, give 28 days notice of intent and advise of the right to appeal in accordance with MAR 66.65(a)(1).
- 2.2 When Civil Aviation Authority has established evidence that meets the criteria of MAR 66.65(b) but also determines that it affected safe operation of the aircraft or could affect safe operation of the aircraft, then Civil Aviation Authority may issue a letter to the affected person to immediately provisionally suspend the MAR-66 aircraft maintenance engineer licence pending 28 days notice to revoke or limit the licence. The letter should be sent by a means that ensures delivery to the affected person and contain the information stated in Paragraph 2.1.
- 2.3 In the case of the Civil Aviation Authority needing to direct the MAR-145 approved maintenance organisation to revoke, suspend or limit the MAR-145 certification authorisation, the procedure of Paragraph 2.1 or 2.2 should be used appropriately except that the MAR-145 organisation should receive the letter with a copy sent to the affected person. Both the MAR-145 organisation and the affected person should be given the right to appeal in accordance with MAR 66.65(a)(1).
- 2.4 If the affected person or organisation decides to appeal against the decision of the Civil Aviation Authority, they should submit such a request for appeal in writing to the Authority within the 28-day period stating the reasons why they believe the Authority is wrong to proceed with its proposed decision. In this case, Civil Aviation Authority should proceed in accordance with Paragraph 3.
- 2.5 If the affected person or organisation decides not to appeal, then Civil Aviation Authority should proceed by confirming the revocation or limitation in writing and request that the original MAR-66 aircraft maintenance engineer licence be returned to Civil Aviation Authority or the original MAR-145 certification authorisation be returned to the MAR-145 organisation, whichever is appropriate.

3. The 28 Day Appeal Procedure

- 3.1 On receipt of a written request for an appeal, Civil Aviation Authority should form an Appeal Board consisting of at least 2 persons from the Authority to hear the arguments presented by both the affected person and/or organisation and the involved Civil Aviation Authority staff.
- 3.2 The 2 or more persons forming the Appeal Board should be the persons who were not involved in any way with the decision to proceed with revocation etc., and should hold

management positions in the Civil Aviation Authority such that their decision is accountable and binding on the Authority.

- 3.3 The Appeal Board should be prepared to meet within 28 days of receiving the written request for appeal or it may delay the appeal hearing to a later date at the request of the affected person or organisation, subject to the Civil Aviation Authority being given not less than 14 days notice of the proposed delayed date by the affected person and the appeal process being completed within 56 days of the issue date of the original letter specifying the intent to revoke or limit the licence.
- 3.4 At the appeal hearing, the affected party and the involved staff of Civil Aviation Authority should each present arguments to support their case to the Appeal Board and be prepared to answer questions and provide evidence to each other and the Board under the direction of the Board.
- 3.5 At the conclusion of the appeal hearing, the Appeal Board should rule on the appeal in writing stating the reason for its decision.
- 3.6 If the affected person or organisation is not satisfied with the Appeal Board decision, they will need to use the legal process to proceed further to court. However, the affected person or organisation should be aware that Civil Aviation Authority will act upon the decision of the Appeal Board until such time as the relevant court rules otherwise.

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