



Tuvalu

**TUVALU CIVIL AVIATION RULE PART 3 -
FOREIGN AIR OPERATOR
CERTIFICATION**



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Rule 3.2

- (3) Each applicant shall, if required by the Director, perform proving flights or tests to satisfy the Director that the applicant can operate safely within Tuvalu.
- (4) The flights or tests shall be conducted in a manner acceptable to the Director.

3.2 Letter of recognition

- (1) An applicant is entitled to a Letter of Recognition of the foreign document if the Director is satisfied that –
 - (a) information provided by the applicant in Rule 3.1 is true and accurate; and
 - (b) if the application is for recognition of a foreign air operator certificate, the Applicant meets the requirements set out in Subpart B; and
 - (c) the Applicant, or if the Applicant is an organisation, the Applicant's Senior Persons are of good character and abide by the laws of Tuvalu and elsewhere; and
 - (d) the ICAO contracting State that issued the foreign document is maintaining its functions in respect of the document in accordance with the Chicago Convention; and
 - (e) the granting of the Letter of Recognition is not contrary to the interests of aviation safety.
- (2) The letter of recognition may include:
 - (a) an expiry date for the permit; and
 - (b) the privileges that the holder may exercise which must not be greater than the privileges associated with the holder's foreign document.

3.3 Privileges of holder of the Letter of Recognition

- (1) The holder of a current Letter of Recognition:
 - (a) may operate within the Tuvalu territory; and
 - (b) may only exercise the privileges within the Tuvalu territory specified in the Letter of Recognition.

3.4 Duration of Letter of Recognition

- (1) The letter of recognition remains in force until the expiry date specified in the letter unless:
 - (a) it is suspended or revoked by the Director; or
 - (b) the applicants document, or is suspended, or revoked by the issuing State.

3.5 Suspension or revocation of Letter of Recognition

- (1) The Director may suspend or revoke a letter of recognition if the Director determines that the Applicant:
 - (a) is not in compliance with Tuvalu Rules; or
 - (b) is not in compliance with the Rules of the original State of Certification; or
 - (c) presents an unacceptable risk to aviation safety or security in Tuvalu.
- (2) The holder of a foreign air operator certificate that expires or is suspended or revoked shall forthwith cease operating in Tuvalu territory.

3.6 Renewal of letter of recognition

- (1) An application for a renewal of a Letter of Recognition shall be made in accordance with Rule 3.1 no less than 60 days before the expiry date of the letter of recognition.

3.7 Notification of termination of operations

- (1) Each holder of a Letter of Recognition who terminates operations to which this Part applies shall notify the Director in writing within 7 days of the date of termination.

3.8 Transferability documents

- (1) A Letter of Recognition shall not be transferable.
- (2) A Letter of Recognition that has been transferred shall confer no privileges on the person to whom it is transferred.

SUBPART B — FOREIGN AIR TRANSPORT OPERATOR: RECOGNITION REQUIREMENTS

3.9 Foreign air transport operator exposition

- (1) Each applicant for the issue of a Letter of Recognition of a foreign air operator certificate shall, in addition to the information required by Rule 3.1 submit an exposition to the Director that contains the following details –
- (a) the principal place of operation in its country of domicile and, where applicable, its main operations base and main maintenance base; and
 - (b) appropriate contacts within the ICAO contracting State that issued the foreign certification that have principal oversight of the applicant's organisation; and
 - (c) the titles and names of its senior person or persons who have responsibility for ensuring that the certificate holder meets the requirements of this or any other Part; and
 - (d) the location, duties and responsibilities of the senior person or persons specified under paragraph (1)(c) including matters for which they have responsibility to deal directly with the Director on behalf of the applicant's organisation; and
 - (e) a summary of the scope of activities at each location within Tuvalu where operational personnel are based for the purpose of providing the foreign air transport operations; and
 - (f) an organisation chart showing lines of responsibility of the senior persons specified under paragraphs (1)(c) and extending to each location listed under paragraph (1)(e); and
 - (g) a summary of the applicant's staffing structure at each location listed under paragraph (1)(e); and
 - (h) the procedures required in Rules 3.10 to 3.13 and
 - (i) a comparison between the Tuvalu rules and the general operating rules of the original state of certification with any differences identified, and proposals for addressing differences; and
 - (j) the procedures by which the exposition is authorised, controlled, distributed, amended, and reviewed; and
 - (k) such other information that is required by the Director to satisfactorily conduct operations to which this Part applies.

- (2) The Director may specify conditions on any of the details identified in paragraph (1) that the Director considers necessary in the interests of aviation safety or security.
- (3) The Director shall not issue the applicant with a Letter of Recognition under Rule 3.2 unless the applicant's exposition is acceptable to the Director.

3.10 Records - personnel

- (1) Each applicant for a Letter of Recognition of a foreign air operator certificate shall establish procedures to ensure that –
 - (a) an accurate record is maintained, in Tuvalu, of each person employed, contracted, or otherwise engaged by it who is based in Tuvalu and to whom any of the following applies:
 - (i) the person, in the performance of their duties, is required to hold an aviation licence or rating; or
 - (ii) the person is exercising any delegation of the Director's functions or powers; or
 - (iii) the person is exercising any authorisation granted by the certificate holder.
 - (b) the record includes details, where applicable, of –
 - (i) the relevant experience, qualifications, and training of each person listed under subparagraph (1)(a); and
 - (ii) the scope, validity, and currency of any licence or rating referred to in subparagraph (1)(a)(i); and
 - (iii) the delegations referred to in subparagraph (1)(a)(ii); and
 - (iv) authorisations referred to in subparagraph (1)(a)(iii).
 - (c) the record is retained in Tuvalu for one year, or such longer period as may be required by the Director, from the date that the person –
 - (i) ceases to perform duties requiring a licence or rating; or
 - (ii) ceases to exercise any delegation or authorisation.

3.11 Records - resources

- (1) Each applicant for a Letter of Recognition of a foreign air operator certificate shall –

- (a) establish procedures to ensure details are recorded of testing, checking, and calibration of any safety-critical resources used in carrying out the operations specified on the certificate; and
- (b) retain in Tuvalu the record of details required by subparagraph (a) for 2 years from the date the details are recorded.

3.12 General Requirements

- (1) Each applicant for Letter of Recognition of a foreign air operator certificate shall:
 - (a) establish procedures to comply with any differences between the rules of the ICAO contracting State that issued the foreign certificate and the Tuvalu rules; and
 - (b) establish procedures for notifying any accident or incident involving its aircraft and occurring within Tuvalu to the Director, in accordance with Tuvalu Rule Part 5; and
 - (c) demonstrate compliance with any air operator security programme approved by the ICAO contracting State that issued the foreign certificate; and
 - (d) demonstrate compliance with all airworthiness requirements of the ICAO contracting State that issued the foreign certificate; and
 - (e) ensure continuing competence, currency and medical fitness of all licenced personnel; and
 - (f) establish procedures to ensure the safety of passengers and staff during prisoner transport operations.

3.13 Changes to certificate holder's organisation

- (1) A holder of a Letter of Recognition of a foreign air operator certificate must establish procedures to –
 - (a) ensure that the holder's exposition is amended so as to remain a current description of the certificate holder's operations to, from, or within Tuvalu; and
 - (b) ensure that each amendment made to the holder's exposition meets the applicable requirements of this Part and complies with the amendment procedures contained in the exposition.
- (2) If the holder of a Letter of Recognition of a foreign air operator certificate proposes to make a change to any of the details set out in Rule 3.9 prior application to and acceptance by the Director is required:

- (3) If any of the changes referred to in paragraph (2) involves an amendment to the air operator certificate issued by the foreign ICAO Contracting state, the holder of the certificate must forward the certificate to the Director within 5 days of issue.

3.14 Operations specifications

- (1) A Letter of Recognition of a foreign air operator certificate issued by the Director in accordance with this Part must be accompanied by the operations specifications specified in paragraph (2).
- (2) Operations specifications must contain –
- (a) the specific location of the certificate holder's principal base of operations; and
 - (b) if different, the address that must serve as the primary point of contact for correspondence between the Director and the certificate holder; and
 - (c) the certificate holder's Tuvalu address for service; and
 - (d) other business names under which the certificate holder may operate; and
 - (e) the type of aircraft authorised for use; and
 - (f) the kinds of operations authorised; and
 - (g) the authorisation and limitations for routes and areas of operations; and
 - (h) the names of aerodromes and alternates to be used; and
 - (i) any exemption granted from any requirement of this or any other Part; and
 - (j) any other item the Director determines is necessary.

3.15 Continued compliance

- (1) The holder of a Letter of Recognition of a foreign air operator certificate must comply with the operations specifications required by Rule 3.14 in addition to any other privileges allocated under Rule 3.3.

- (2) A holder of a Letter of Recognition of a foreign air operator certificate must –
- (a) hold at least 1 current copy of those parts of the certificate holder's exposition required to be provided by Rule 3.9 and its operations specifications at each major location in Tuvalu specified in the exposition; and
 - (b) comply with every procedure detailed in the holder's exposition; and
 - (c) make each applicable part of the holder's exposition and the operations specifications issued by the Director under this Part available to personnel who require those parts to carry out their duties; and
 - (d) a holder of a Letter of Recognition of a foreign air operator certificate must, on request by the Director, make available to the Director the certificate holder's exposition containing the details required by Rule 3.9.

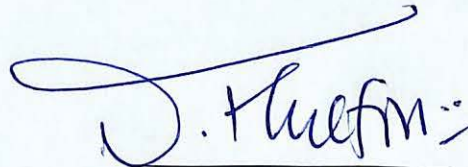
Made under my hand this 25th day of February, 2022.



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