



MEDIA STATEMENT

18 DECEMBER 2018

CemAir forced to comply with its operating licence conditions

[Johannesburg]. The South African Civil Aviation Authority (SACAA) is pleased to state that Cemair (Pty) Ltd will finally comply with its operating certificates conditions, paving the way for the airline to operate within approved safety requirements. This may come as good news for the airline's clients who were left stranded for several days, when the SACAA, as a last resort to get the airline to comply with its certification conditions, took a decision to suspend Cemair's Air Operator Certificates (AOCs) pertaining to Part 121 (large aircraft) and Part 135 (small aircraft) operations. Consistent with its mandate, the SACAA will always make its decisions in the interest of the safety and security of the passengers and crew.

Contrary to the announcement by the airline declaring a court victory; the SACAA is of the view that aviation safety is the true winner in this regard. This is because the court did not exonerate the airline from complying with its licence conditions. The parties reached a settlement, which was made an order of the court. The court granted an interim order pending final determination of an appeal to be lodged by Cemair to the Director of Civil Aviation. Suspension of Cemair's Part 121 and 135 Air Operating Certificates was temporarily lifted with conditions.

Even though the court order temporarily lifts the SACAA's decision, it compels the airline to comply with the regulations. The SACAA believes that the time spent going to court could have been used gainfully by the airline to ensure compliance with civil aviation regulations.

In summary, and in order to address SACAA's safety concerns, Cemair was called upon:

- a) To develop a procedure for monitoring and accounting for undeclared hand luggage and submit it to the SACAA for approval on 19 December 2018.
- b) To immediately comply with the weight and balance requirements.
- c) Furthermore, the airline has been ordered to stop deducting kilogram allowances from passengers until a weight plan is approved by the SACAA.

Most crucially, the court order paves the way for the SACAA to continue and finalise its annual renewal audit without unnecessary hindrances. As part of finalising the audit, the SACAA will review and consider all compliance matters including the status of post-holders such as the Responsible Person: Flight Operations.

It is important to note that matters of civil aviation safety and security are very serious and what may seem like administrative decisions in other industries may lead to loss of life in the aviation industry.

Events leading to the suspension

The operator submitted a Corrective Action Plan (CAP), which was an indication of the acceptance of the findings and an attempt to close the findings raised by the SACAA. The CAP or proposed remedial actions by CemAir were found to be unsatisfactory and did not adequately address the findings that were initially raised, consistent with civil aviation legislation. This led to the suspension of the airline's AOCs. Therefore, it is incorrect for the airline to misrepresent facts and create the impression that the issue of the weight and balance, even though very crucial, was the only key cause of the suspension.

What is more worrying, is the fact that despite being issued with a Prohibition Order, CemAir knowingly continued to fly their aircraft in contravention of the applicable regulatory prescripts. This constituted a material contravention that threatens aviation safety, and shows a total disregard for the roles and responsibilities of the regulator.

-ENDS-

About the SACAA:

The South African Civil Aviation Authority (SACAA) is a Schedule 3A public entity reporting to the Department of Transport established in terms of the Civil Aviation Authority Act, 2009 (Act No 13 of 2009) (the Act). In terms of mandate, the SACAA is tasked with promoting and maintaining a safe, secure and sustainable civil aviation environment, by regulating and overseeing the functioning and development of the industry in an efficient, cost-effective, and customer-friendly manner according to international standards.

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