



Johannesburg, 13 May 2019

CAA GROUNDING OF CEMAIR OVERTURNED AS IRRATIONAL AND FACTUALLY WRONG

CemAir Airline is pleased to announce that all actions taken by the South African Civil Aviation Authority (CAA) to ground and suspend the airline were overturned by the Civil Aviation Appeal Committee (CAAC) on 29 April 2019.

This significant judgement comprehensively addressed the CAA's notices which halted CemAir's service in the peak December 2018 and January 2019 holiday season, needlessly inconveniencing tens of thousands of travelers and ultimately resulting in hundreds of job losses. In addition, the cost to the South African economy from the lost flights to transport tourists over the busy year-end, and in the loss of air connectivity to support the economies of regional towns, is inestimably large.

The Appeal Committee's 82-page judgement described the CAA's decision as containing "**material errors**" rendering it "... **irrational, arbitrary, unreasonable and procedurally unfair.**" The decision to ground the entire fleet and suspend the operating certificate is described as "...**grossly unfair administrative conduct both procedurally and substantively.**". A further paragraph states, "**This entire approach adopted by the SACAA to suspend the Appellant's (CemAir) AOC....was legally and factually wrong.**". The judgement went so far as to name certain CAA inspectors and officials when it overturned their decisions confirming that the action "**....is strongly suggestive of a closed mind and thus actual bias**"

This landslide victory for CemAir completely vindicates the airline and is a clear and unequivocal confirmation that no valid safety concern exists or existed at the airline. The hearing took place over five days allowing for in-depth consideration of hundreds of pages of evidence. After three weeks of consideration the Committee found in CemAir's favour on all points.

CemAir has an unwavering commitment to aviation safety and in the pursuit of excellence voluntarily aligned the company to the stringent IATA operation safety audit (IOSA) program and United Nations inspections, all of which it has passed on many occasions.

The victory however does not allow us to resume operations just yet. During the nearly four-month duration of the appeal, our air operating certificate expired through the ordinary passage of time. CemAir is working with the CAA on the renewal of the AOC however this has reached an impasse as the CAA intends to assign the same inspectors castigated for bias and incompetence in the CAAC judgement. We are amazed that the CAA staff concerned have not been suspended and investigated. Inspectors acting beyond the regulations pose a safety and commercial risk to this key industry and the CAA's approach to the matter fails to recognize the seriousness of the issue.



We take this opportunity to apologise to all our customers who have been inconvenienced by the suspension of our service. We also apologise to customers affected by the slower than expected refund process. Unfortunately, every refund claim has to be thoroughly investigated as some have been found to be fake claims and others have already been refunded through partner channels. CemAir remains a committed aviation partner and we look forward to emerging from this difficult time as a stronger organization.

The CAA's mandate is the safety oversight of the South African civil aviation Industry. In the absence of any substantive safety findings against CemAir we can only wonder what the real motivation is for the grounding. It is of course no secret that the airline industry in South Africa has been tough for newcomers since the mid 1990's. Of the last sixteen airlines to launch scheduled services only one is still flying today. It cannot be true that this bloodbath 94% failure rate is as a result of these airlines getting their business model wrong, so it is safe to assume that there is an issue with the regulatory environment.

The CAA's inflammatory press statements made within minutes of issuing the grounding and suspension orders, highlight a further major misdirection. Not only are statements such as these prohibited in terms of the Civil Aviation Act but the CAA's actions suggest that their focus is not on safety but publicity instead. These statements remain on the CAA website at the time of writing, notwithstanding the fact that they cannot be supported by fact. Our calls to have these statements retracted have been ignored.

We share the travelling public's concern that the CAA could be found to be acting outside the law and against the Constitution of South Africa. We expect the Board of the CAA to suspend all involved pending the outcome of an impartial investigation into the matter. It is in the interest of the flying public and South Africa at large that the CAA effectively and efficiently implement objective global aviation safety standards. We further call on the Minister of Transport to launch an investigation into the matter.

For reference, the full 82-page judgement is accessible for download on the link provided below:

http://www.flycemair.co.za/general/latestnews/20190429_JUDGEMENT.pdf