



# **NAMIBIAN CIVIL AVIATION AUTHORITY**

## **Advisory Pamphlet (AP)**

**ANSSO-GEN-AP170/03**

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### **GUIDANCE ON CERTIFICATION OF AIR NAVIGATION SERVICES PROVIDERS**

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## **GUIDANCE ON CERTIFICATION OF AIR NAVIGATION SERVICES PROVIDERS**

### **1. PURPOSE**

This Advisory Pamphlet (AP) provides guidance and information on the certification of air navigation service provider to meet the requirements of the NAM-CAR Part 170.

### **2. BACKGROUND**

- (a) NAM-CAR, Part 170 requires that no person shall provide an air navigation service unless that person holds a certificate issued in accordance with the provisions of NAMCAR Part 170.
- (b) NAM-CAR, Part 170 further requires that a person who seeks to be certified to provide an air navigation service must submit an application to the Executive Director in a form and manner prescribed in the regulations.
- (c) NAM-CAR, Part 170 also requires that before issuing a certificate, the Executive Director must be satisfied that the applicant meets the requirements of Parts 2, 71, 171, 172, 173, 174, 175 and 179 and the procedures specified in the ANS provider's Manual of Procedure (MoP).
- (d) Below are the extracts from the regulations to which this Advisory Pamphlet apply.

### **3. EXTRACTS FROM NAMCAR PART 170**

#### **170.02.1 Requirements for certification of air navigation services provider**

- (1) A person shall not provide air navigation services unless
  - (a) that person holds a certificate issued under this Part; and
  - (b) the services are provided in accordance with—

- (i) the requirements prescribed under this Part and under Parts 2, 71, 171, 172, 173, 174, 175 and 179; and
  - (ii) the procedures specified in the ANS provider's Manual of Procedure (MoP) in accordance with this Part.
- (2) An ANS provider shall not provide an air navigation service in those portions of airspace and the aerodromes determined by the Executive Director in terms of Part 71, except under the authority of and in accordance with the provisions of a certificate issued under this Part.

#### **170.02.2 Application for certification**

- (1) An application for the issuing of a certificate to provide air navigation services, shall be –
- (a) made to the Executive Director on the appropriate form as prescribed by the Executive Director; and
  - (b) accompanied by –
    - (i) the applicants Manual of Procedure prepared in accordance with this Part;
    - (ii) any other documentation or evidence of compliance that may be required under Sub-Part 3; and
    - (iii) the appropriate fees prescribed in Part 187 of the NAM-CARs.
- (2) An applicant for the issuing of an ANS provider certificate shall permit an ANS inspector to carry out such safety and regulatory compliance inspections and audits which may be necessary to:
- a. verify the validity of any application made in terms of this Part; and
  - b. determine compliance with the appropriate requirements prescribed in this Part and in Parts 2, 71, 171, 172, 173, 174, 175 and 179.

#### **170.02.3 Issuance of a certificate**

- (1) The Executive Director shall, before issuing a certificate, be satisfied that:

- (a) the personnel of the applicant are adequate in number and have the necessary competency to provide the service;
  - (b) the Manual of Procedure prepared and submitted with the application contains all the relevant information;
  - (c) the facilities, services and equipment are established in accordance with the relevant NAM-CARs;
  - (d) the operating procedures make satisfactory provision for the safety of aircraft;
  - (e) a safety management system acceptable to the Executive Director is in place;
  - (f) a quality management system acceptable to the Executive Director is in place;
  - (g) the applicant has approved procedures to meet the requirements of the applicable aviation security requirements;
  - (h) the applicant has financial capability to provide the service; and
  - (i) the applicant has applicable insurance policy for the services to be provided.
- (2) The issuance of a certificate to provide an air navigation service shall be subject to compliance with the relevant requirements and standards prescribed under Parts 2, 71, 171, 172, 173, 174, 175 and 179 and any other conditions as may be specified or notified by Executive Director.
- (3) Pursuant to sub-regulation (2), an applicant for an ANS provider certificate shall permit an authorised officer, inspector or authorised person to carry out such safety and regulatory compliance inspections and audits which may be necessary to verify the validity of any application made in terms of this Part.
- (4) The Executive Director may when issuing a certificate, include any conditions as may be deemed necessary in the interest of aviation safety.

## **GUIDANCE ON CERTIFICATION OF AIR NAVIGATION SERVICES PROVIDERS**

### **1. CHAPTER 1: GENERAL**

- 1.1 This advisory pamphlet (AP) provides guidance and information to organisations providing or intending to provide air navigation services under Part 170 of the Namibia civil aviation regulations (NAMCARs). The AP applies to any application for the provision of:
- b) aeronautical telecommunication services under Part 171 of the civil aviation regulations;
  - c) air traffic services under Part 172 of the civil aviation regulations;
  - d) flight procedure design services under Part 173 of the civil aviation regulations;
  - e) meteorological services for air navigation under Part 174 of the civil aviation regulations;
  - f) aeronautical information services under Part 175 of the civil aviation regulations;
  - g) search and rescue services under Part 179 of the civil aviation regulations.
- 1.2 This AP describes the 5-Phase certification process and also provides guidance on the renewal, amendment, suspension or revocation of a certificate. Applicants for an air navigation service provider certificate shall use the guidance in this AP to enable them meet the requirements for certification and understand their obligations under NAMCAR Part170.
- 1.3 Applicants will be briefed in as much detail as necessary regarding the preparation required manuals and other documents during meetings with the Air Navigation Service Safety Oversight (ANSSO) personnel. However, it is the responsibility of the applicant to ensure an understanding of all the certification requirements and the certification process. The information in this AP and the reading material referenced will assist the provider in completing the process with minimal delays.

- 1.4 The certification process will be carried out in five phases as described in this AP. Organisations currently providing ANS may be exempted from certain processes, particularly in the demonstration phase, if ANSSO considers that such requirement has already been complied with.
- 1.5 The applicant will be audited for compliance with the provisions of NAMCAR Part 170 and the relevant Part as applicable to the services provided or to be provided (e.g. Part 172 for air traffic services, Part 174 for meteorological services, Part 171 for aeronautical telecommunication services and Part 175 for aeronautical information services).
- 1.6 The key areas of compliance that will be examined as part of the certification process are:
- a) Compliance with regulations and technical standards including compliance with;
    - o Operational requirements;
    - o Safety Management System (where required);
    - o Quality Management System;
    - o Personnel requirements;
    - o Training requirements; and
    - o Any licensing requirements as applicable
    - o Any other area as may be deemed necessary for the purpose of safety.
  - b) Compliance with the procedures and practices specified in the service provider's manual of procedure and other related documentation.
- 1.7 Following the issuance of a certificate, the service provider shall be subject to on-going surveillance to ensure the continued compliance with the certification requirements and any conditions as may be attached to the certificate. The documentation that was provided by the ANS entity to demonstrate regulatory compliance shall provide the baseline and the basis for ongoing safety and regulatory compliance monitoring by ANSSO.
- 1.8 A sample flow chart of the ANS certification process is shown in Annex 1 to this Advisory Pamphlet.

## 2. CHAPTER 2: CERTIFICATION PHASES

### 2.1 Phase 1 – Pre-application

2.1.1 During this phase, the applicant will formally express an intention to provide one or more air navigation services by sending a written letter of application to the Executive Director. The eligibility by the applicant to apply for a certificate under Part 170 will be determined.

#### **Pre-application meeting**

2.1.2 Where the eligibility has been determined, the applicant will be invited to meet with the ANSSO personnel to discuss basic information and the general certification requirements including but not limited to:

- a) A review of any documents already submitted by the applicant;
- b) A review of the applicable regulations or standards; recommended practices or procedures;
- c) A review of the approval process, including a review of the approval questionnaire and other ANSSO procedures, to ensure that the applicant understands what is expected;
- d) A review of what is required on the application and what is to be submitted with the application;
- e) Determination of an approval team leader and point of contact in the applicant's organisation;
- f) An indication of which ANSSO inspectors will be involved in, and in which parts of, the approval process.

#### **End of Pre-Application Phase**

2.1.3 Where, following the pre-application meeting, it is determined that the applicant is not ready, the applicant will be advised on steps to be taken to progress the application.

- 2.1.4 Where the meeting determines that the applicant is ready, the applicant will be requested to submit an application form using form ANSSO-GEN-FORM001. This form can be accessed from the NCAA website.
- 2.1.5 In case of the refusal of an application, ANSSO will notify this decision in writing to the applicant together with the reasons.

## **2.2 Phase 2 – Formal Application**

- 2.2.1 When the applicant has assembled the required documentation, a formal application for approval should be submitted to the Executive Director using the prescribed application form (ANSSO-GEN-FORM001). Applicants shall be required to submit the formal application at least 180 days prior to the date the applicant intends to commence the provision of the service.
- 2.2.2 The application form should be accompanied by the following;
- a) A copy of the applicant's Manual of Air Procedures (MoP) developed in accordance with the guidelines in Sub-Part 3 of Part 170;
  - b) A written statement setting out the scope of services to be provided and the physical locations at which these services will be provided;
  - c) A written statement of how the applicant intends to comply with the regulations applicable to the services for which a certificate is sought (compliance matrix).
  - d) The applicable fees as specified in Part 187;
  - e) Applicable attachments to the Manual of Procedures including, but not limited to:
    - (i) documents containing the service provider's instructions to personnel;
    - (ii) service providers policies and procedures;
    - (iii) training manuals for technical staff including training policy to support initial, on-the-job-training, currency, re-currency and specialised training;
    - (iv) training programmes for technical staff including initial, on-the-job-training, currency, re-currency and specialised training;
    - (v) Safety management system manual where applicable;
    - (vi) Quality management system manual
    - (vii) Security programme

(viii) Evidence of financial capability for new applicants who are not already providing an air navigation service.

2.2.3 The application should in addition include the following if these have not been included in the applicant's manual of procedure:

- a) a statement signed by the senior executive (Chief Executive Officer or equivalent position) confirming that the applicant's submission – including any associated referenced documentation - define the applicant's compliance with the regulations and that they will be complied with at all times - and agreeing to supply any information needed for its evaluation;
- b) the title(s) and name(s) of the applicant's senior managers;
- c) the duties and responsibilities of the senior managers as regards the implementation of the regulations;
- d) an organisation chart showing the chain of responsibility in the areas covered by the regulations;
- e) a general description of human resources and general description of the applicant's facilities;
- f) a complete description of the means and arrangements established by the applicant to meet the regulations, including detailed references to the main documents and manuals which document them and appropriate cross references to the regulations.

2.2.4 The applicant should ensure that the submitted documentation are up-to-date and reflect the current situation. The submission of a formal application will be interpreted by the ANSSO to mean that the applicant is aware of the regulations applicable to the proposed service, is prepared to show the method of compliance and is prepared for an in-depth evaluation, demonstration and inspection related to the required manuals, training programmes, operational and maintenance facilities, equipment, recordkeeping, security programme, and key management personnel, including the functioning of the administrative and operational organization.

- 2.2.5 Applicants should be aware that the submission of a statement of compliance will not be considered as sole and exclusive proof of compliance with applicable regulations and the application will still be subject to further investigation by means of audit/inspection in order to confirm the accuracy of the information and effective implementation of the regulatory requirements
- 2.2.6 ANSSO will review the application to determine that it contains the required information and attachments. If there are omissions or errors, the formal application and all attachments will be returned with a letter outlining the reasons for its return. If the applicant has a good understanding of the requirements, the formal application should be of sufficient quality to allow any omission, deficiency or open question to be resolved during the formal application meeting described in 2.2.5 below.
- 2.2.7 The applicant will be required to attend a formal application meeting organised by ANSSO. The service provider's key management personnel should attend the formal application meeting. The purpose of the meeting is to discuss the formal application and resolve omissions, deficiencies or answer questions from either party. The meeting will also agree on a schedule of events required to accomplish the certification process.
- 2.2.8 Following the formal application meeting the applicant will be provided with a letter acknowledging receipt and acceptance of the package, within ten working days of its receipt. The ANSSO acceptance of a formal application does not constitute approval or acceptance of individual attachments. These documents will be subject to evaluation and/or audit during subsequent phases of the certification process. If the formal application is not accepted, it will be returned with a written explanation of the reasons for its return.

### **2.3 Phase 3 – Document Evaluation**

- 2.3.1 After the application has been accepted, ANSSO will carry out a detailed evaluation of all the manuals and documents. ANSSO will endeavour to complete these evaluations in accordance with an agreed schedule of

events. If a manual or document is incomplete or deficient, or if non-compliance with the regulations or safe operating practices is detected, the manual or document will be returned to the applicant's corrective action. If the manuals and the documents are satisfactory, they will be approved, as required by the regulations. ANSSO will communicate an certificate by letter as appropriate, or by approval of Manual of Procedures. Acceptance of information that does not require formal approval will be indicated by letter to the applicant.

2.3.2 The time taken to complete the document evaluation will depend on the complexity of the planned operation. It is therefore necessary that this period be discussed and agreed on at the commencement of the evaluation.

2.3.3 Upon completion of the evaluation phase, a date for the on-site-inspection will be arranged with the applicant to verify that the arrangements described in the documentation are actually being used and are effectively implemented within the applicant's organisation.

## **2.4 Phase 4 – Demonstration and Inspection**

2.4.1 Once the documentation review has been performed, the arrangements described in the manual of procedure and other documentation will need to be verified by ANSSO. This verification will involve one or more on-site audit visits to the relevant site(s) of the applicant. At least one on-site audit visit will be conducted at each of the applicant's locations. However, in the case of a CNS provider with multiple remote communications, navigation and/or surveillance facilities across Namibia, or a MET service provider with multiple remote meteorological sensing stations, it is not intended that the audit team visit each facility site and an identified representative sample of those facilities will be considered to be sufficient.

2.4.2 It is necessary for the applicant to demonstrate the ability to comply with regulatory requirements and safe operating practices. Demonstrations of ability include actual performance of activities and/or operations while being observed by the ANSSO inspectors. During this phase, the ANSSO will evaluate

the effectiveness of the policies, processes, procedures and instructions as described in the applicant's manual of procedure and associated documents. Emphasis is placed on the applicant's safety and management effectiveness. Identified deficiencies will be brought to the attention of the applicant for corrective action.

- 2.4.3 It should be noted that both Phases 3 and 4 of the certification process involve assessment of the applicant's compliance involving document review and inspection/audit respectively. They involve the assessment and investigation of documentation and facilities at different locations. Since these phases overlap, they may in actual practice be undertaken simultaneously.
- 2.4.4 The on-site audit/inspection will be carried out on the basis of information obtained during the documentation review. The sampling of the areas to be subjected to on-site audit/inspection will depend on the processes being verified and the level of confidence obtained from the documentation review.
- 2.4.5 Non-conformities identified during this phase will be raised in relation to the regulations applicable to the services for which certificate is requested. Once the assessment (review of documentation and/or on site audit) is completed, the applicant will be given a report by ANSSO including as a minimum the following information, if appropriate:
- a) General information about the audit including date, auditor(s), observer/specialists accompanying the auditors, objectives and scope of the audit and audit schedule;
  - b) Details of identified non-conformities, including their perceived significance;
  - c) Response of the service-provider to identified non-conformities during the audit;
  - d) A request for the determination of corrective actions, and their subsequent implementation, including a timeframe identified on the basis of the significance and impact on safety of the audit findings;
  - e) Considerations for further investigations wherever applicable (relating to auditor(s) general observations);

- f) Intended audit follow-up actions;
  - g) Conclusions of the assessment as regards the overall approval process.
- 2.4.6 The report will be forwarded within 14 days following the completion of an on-site audit. The applicant will be responsible for determining and initiating the actions needed to correct the identified non-conformities or to correct the cause(s) of the non-conformities. Corrective actions and subsequent follow-up audits/inspections will be completed within the time period agreed between the applicant and the ANSSO inspectors.
- 2.4.7 Where necessary, the applicant should modify the relevant documentation including the applicant's submission or equivalent document to incorporate recommendations made by the ANSSO following document review and/or on-site audit/inspections.
- 2.4.8 The demonstration and inspection phase described herein will only be applicable to the initial certification of an air navigation service provider. Where an air navigation service provider was already providing the service during the initial certification, the demonstration and inspection phase may be conducted only where the ANSSO deems it necessary for safety reasons. This is because deficiencies should have been identified and resolved on an on-going basis as part of continuous surveillance and resolution of safety concerns.

## **2.5 Phase 5 – Certification**

- 2.5.1 For initial certification, all non-conformities should be satisfactorily addressed by the applicant prior to a certificate being issued. Where ANSSO considers allowing the applicant a period of time to comply after issuance of a certificate, this will be entered as a condition on the certificate.
- 2.5.2 When the full approval process is satisfactorily completed, the approval team leader will prepare an approval report and forward it to the General Manger Safety, through the Senior Manager.

2.5.3 The approval report will include as a minimum the following information:

a) General information about the investigations conducted, including:

- (i) The date(s) of the audit(s);
- (ii) The name(s) of the members of team and the audits in which they participated;
- (iii) The names and addresses of all sites audited;

b) The assessed scope of certification, including reference to the applicable requirements considered;

c) Reference to the main service provider documents reviewed;

d) Details on identified non-compliance, corrective actions determined by the applicant organisation and accepted by the APM as sufficient and their implementation and closure;

e) Conclusions and recommendations based on the findings of the audit process including, if applicable, proposals for any condition to be attached to the certificate, and the initial plan of audits for on-going compliance;

f) Copy of the applicant's updated organisation submission.

2.5.4 The Certificates will be signed by the Executive Director on recommendation of the General Manager: Safety. Negative decisions will also be endorsed by the Executive Director.

2.5.5 The certificate will be issued using the prescribed Form FSS-ANSSO-FORM002/16.

### 3. **CHAPTER 3: RELATED MATTERS**

### **3.1 Validity of the Certificate**

3.1.1 Any Certificate issued will be valid for a maximum period of 5 years but, not less than 3 months.

3.1.2 In case of a newly established or approved organisation, ANSSO may decide to allow a period to verify the effective implementation of certain arrangements or corrective actions after issuing the initial certificate. This may include verification that a quality or safety management system, or other conditional approval item has been fully implemented. That period will not normally be longer than one year. If that verification is successful, restrictions on a certificate will be lifted and a full certificate issued.

3.1.3 90 days prior to the expiry of the certificate, ANSSO will issue a reminder to the affected ANS entity that they need to re-apply for approval in accordance with the requirements of the relevant civil aviation regulation.

3.1.4 After receipt of the renewal application, and if the ongoing safety and compliance assessment activity does not reveal an unsafe situation or a lack of compliance with the regulations, ANSSO will normally issue a new certificate equivalent to the one held by the organisation without the need to complete the full approval process outlined in Chapter 2.

3.1.5 A certificate is only valid whilst the organisation remains compliant with the applicable regulations and any conditions attached to the certificate. In exceptional circumstances, ANSSO may reduce the validity period if objective evidence reveals a critical safety issue.

### **3.2 Changes within the Applicant's Organisation**

3.2.1 As a general principle, the introduction of changes to the organisation does not modify the validity period once a certificate has been issued unless the change requires a full initial oversight investigation leading to issuing of a new certificate.

3.2.2 As part of the approval process, however, agreement should be reached with the applicant on a procedure to notify ANSSO of:

- a) planned changes to its provision of services, which may affect its compliance with the applicable regulations or with the conditions attached to the certificate; and/or
- b) planned safety related changes to the provision of air navigation services.

### **3.3 On-going compliance**

3.3.1 Continuing safety oversight of an ANSP is an essential responsibility of the ANSSO to ensure that the required standards are maintained. ANSSO will regularly monitor the on-going compliance of the service providers which it has approved on the basis of the evidence at its disposal.

3.3.2 Required surveillance and the related inspections should be planned and conducted by ANSSO inspectors with credentials identifying them as inspectors employed by the NCAA. ANSSO will establish and update annually an inspection program covering all the providers it has certified. This is covered in more detail in Document ANSSO-Oversight-04: Audit Procedures for ANS Safety Oversight.

3.3.3 The program will indicate the planned interval of the inspections of the different sites and based on an assessment of the risks associated with the different operations constituting the services provided as well as the results of the initial approval and the ongoing supervision.

3.3.4 The areas to be covered in the surveillance activities over a period of time should be similar to those examined during the original certification process. They should include at least a re-evaluation of the ANSP's organization, management effectiveness and control, facilities, equipment, supervision, maintenance of the ANS systems, operational procedures, security procedures, operational and personnel records, training, manuals, records keeping and control, compliance with the associated equipment specifications and the applicable regulations and standards.

