



Namibia Civil Aviation Authority

Amendment of Aviation Directive

Reference Number: 1/2/6-1

ANS Safety Oversight

February 2021


**Implementation Namibia Civil Aviation
Regulations (2020) related to Air Navigation
Services Provisioning.**



**Namibia Civil Aviation Authority -
Safety Division**

**AVIATION DIRECTIVE 1/2/6-1
Implementation Namibia Civil Aviation
Regulations (2020) related to the ANS Parts**

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 <p>NCAA NAMIBIA CIVIL AVIATION AUTHORITY</p>	<p align="center">Namibia Civil Aviation Authority - Safety Division</p>	<p align="center">AVIATION DIRECTIVE 1/2/6-1</p> <p align="center">Implementation Namibia Civil Aviation Regulations (2020) related to the ANS Parts</p>
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1. AVIATION DIRECTIVE (AD)

1.1 Issued by the Executive Director for Civil Aviation pursuant to section 38 (6), read with Part 6, of the Civil Aviation Act, 2016, (Act no. 6 of 2016 – hereinafter, “the Act”), and the Namibia Civil Aviation Regulations, 2001 (as amended by Government Notice (GN) 89 in Government Gazette No. 7157 dated 27th March 2020 (hereinafter “the Regulations”) on air navigations services provisioning in Parts 170,171,172,173,174,175 and 179. Pursuant to this provision, the Executive Director may issue a permission, approval or procedure, or the imposition of a condition, restriction or prohibition which the Executive Director believes on reasonable grounds to be –

(a) consistent with the objectives of applicable regulatory requirements, procedures or documents; and

(b) necessary and expedient to better achieve the objects of the Act.

1.2 In this AD, unless the context otherwise indicates, the reference to “Part” (or Sub-Part) stands in relation to the numbering in the Regulations, or NAMCAR/CATS, 2020.

2. EFFECTIVE DATE

This AD is replacing AD/NCAA/004/2020 (ANSS0), is applicable from the date of issue by the Executive Director and remains valid until repealed in part or wholly by an AD or other notice.


3. PURPOSE

3.1 With a view to ensuring that the Executive Director will effectively administer the ANS Parts in the Regulations at the required compliance levels, this AD provides for the actions by the specified categories of ANS providers within indicative periods set out hereinbelow and as enabled by the exemption in Part 170.06.

3.2 As a regulatory instrument this AD requires compliance to the extent set out in Parts 13, 170 and 185 of the NAMCARS.

4. INDICATIVE PERIODS: APPLICANTS for TRANSITIONAL CERTIFICATE

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4.1 As set out in para. (b) of the GN89 preceding the Regulations the ANS Parts set out in the Schedule take effect 90 days after the date of promulgation. The Regulations in the GN89 thus commenced on **16th July 2020 (“the effective date”)**.

5. APPLICABILITY

The provisions of this AD apply to where, before the commencement of the PART 170 referred to in GN 89, an applicant for a certificate required under this Part was already lawfully providing an air navigation service whether in terms of any repealed law or, one or more of the following services:

- (i) an aeronautical telecommunications (ATEL) service in accordance with Part 171;
 - (ii) an air traffic service (ATS) in accordance with Part 172;
 - (iii) a flight procedure design (FPD) service in accordance with Part 173;
 - (iv) an aviation meteorological (A-MET) service in accordance with Part 174;
 - (v) provision of aeronautical charts service in accordance with Part 175;
 - (vi) an aeronautical information service (AIS) in accordance with Part 175; and
 - (vii) a search and rescue (SAR) service in accordance with Part 179;
- within Namibia.

6. REQUIREMENTS FOR PRE-APPLICATIONS/TRANSITIONAL CERTIFICATE.

A person providing **Air Navigation Services** within Namibia and seeking to continue providing such service as prescribed in NAMCAR 170.06.1(b) (Transitional Certificate), until formal certification is achieved as prescribed under Part 170 and relevant ANS Part must meet the following transitional requirements:

- 6.1 Within 30 calendar days of issuance of this AD, submit a letter of intent to the Executive Director to commence the pre-application phase.
 - 6.1.1 In the letter of intent referred to in para 6.1 the applicant must indicate:
 - 6.1.1.1 the scope of services to be provided;
 - 6.1.1.2 the number and location of units or stations where the service is provided (how many and where).


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- 6.1.1.3 the current Organisational Structure clearly indicating all positions and reporting lines, including how many positions are filled versus how many are vacant (and plans pertaining to its filling);
 - 6.1.1.4 a list of key personnel as well as a copy of their appointment letters, job descriptions and their CVs clearly stating qualifications, competencies, and work experience;
 - 6.1.1.5 the annual budgetary resources availed or to be availed for the ANSP; and
 - 6.1.1.6 evidence on how the services are safely provided.
- 6.2 The Executive Director may consider issuance of a transitional certificate after successful assessment of:
- 6.2.1 the factors listed in para 6.1.1 above, and
 - 6.2.2 identified key position holders as fit and proper persons in terms of section 69 of the Act.
- 6.3 The transitional certificate referred to in para 6.2 will be issued as prescribed in NAMCAR 170.06.1.
- 6.4 Any person(s) who does not meet the requirements for the issuance of a transitional certificate by the 30th of June 2021 or fails to submit a letter of intent referred to in para 6.1 will be deemed to have forfeited his/her right to continue providing such service under the transitional certificate and must ceased providing Air Navigation Services until such time he or she has been fully certified under the regulations.
- 6.5 A formal application for certification must be submitted within 30 calendar days of the issuance of the transitional certificate.
- 6.6 A certification plan must be submitted to the Executive Director for approval within 90 calendar days of the acceptance of the formal application.
- 6.7 Should an applicant which was issued with a transitional certificate referred to in para. 6.2:
- 6.7.1 fail to meet the conditions under which such certificated was issued; or
 - 6.7.2 fail to submit a formal application as required in para. 6.5; or

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6.7.3 fail to submit a certification plan or attain approval for the certification plan as required in para. 6.6,

the Executive Director may cancel the transitional certificate in line with NAMCAR 170.06.1.

7. Reference

- (i) Government Gazette no. 7159 dated 27th March 2020 (Parts 170 - 175 and 179).
- (ii) Technical Standards respective to para. 5 above.
- (iii) Technical Guidance Material issued by the NCAA
- (iv) Guidelines and related information – to be communicated by the NCAA

8. Contact

Service Providers requiring further information should contact the Senior Manager, Mrs. Sarafina Maxwanu e-mail maxwanus@ncaa.na.

9. ISSUED BY:



 Gordon Elliott
Interim Executive Director

DATE

26 Feb 2021



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