



NAMIBIAN CIVIL AVIATION AUTHORITY

Advisory Pamphlet (AP)

ANSSO-SAR-AP179/03

**MODEL AGREEMENT (MOU) FOR THE DIVISION OF
RESPONSIBILITY BETWEEN THE SAR AUTHORITY AND THE AIR
TRAFFIC SERVICES PROVIDER IN PROVIDING EMERGENCY
RESPONSE
SERVICES TO AIRCRAFT**

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Advisory Pamphlets are intended to provide information and guidance to illustrate a means but not necessarily the only means of complying with the Regulations, or to explain certain Regulatory requirements by providing interpretative and explanatory material. Where an AP is referred to in a 'Note' below the regulation, the AP remains as guidance material.

APs should always be read in conjunction with the referenced regulations

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3. **Effective date:** 13 May 2020




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**MODEL AGREEMENT (MOU) FOR THE DIVISION OF RESPONSIBILITY
BETWEEN THE SAR AUTHORITY AND THE AIR TRAFFIC SERVICES
PROVIDER IN PROVIDING EMERGENCY RESPONSE SERVICES TO
AIRCRAFT**

1. PURPOSE

This Advisory Pamphlet (AP) provides model arrangement for co-operation between the SAR coordinating agency and air traffic services provider. It provides a model agreement for the division of responsibility between the SAR coordinating agency and the air traffic services provider in providing emergency response services to aircraft in order to comply with the requirements of NAMCARs, Part 179.

2. BACKGROUND

- (a) NAM-CARs Part 179 requires the SAR coordinating agency to conclude agreements concerning the provision of assistance with local public authorities and suitable private agencies or persons for the purpose of search and rescue operations.
- (b) NAM-CARs Part 179 further requires the SAR coordinating agency to make formal arrangements for cooperation with air traffic services to assist aircraft known or believed to be subject to unlawful interference or undergoing various phases of emergency and to notify the associated air traffic services unit, when the information on the emergency has been received from another source.
- (c) NAM-CARs Part 179 also requires RCC to cooperate to the utmost with air traffic services units to ensure that incoming reports concerning aircraft in distress are speedily evaluated.
- (d) Below are the extracts from the Civil Aviation Regulations Part 179 – Search and Rescue, to which this Advisory Pamphlet apply.

3. EXTRACTS FROM NAM-CARS, PART 179 – SEARCH AND RESCUE

179.02.2 Provision of search and rescue services

(3) The Minister may conclude agreements concerning the provision of assistance with –

- (a) local and regional government authorities;
- (b) suitable private agencies or persons; or
- (c) search and rescue authorities of other States,

for the purpose of search and rescue operations.

4. EXTRACTS FROM DOCUMENT NAM-CATS-SAR

179.02.4 Establishment of Rescue Coordination Centres (RCC) and Rescue Sub Centres

1.5 The search and rescue coordinating agency must:

- (a) make formal arrangements for cooperative and appropriate use of public and private search and rescue units that are suitably located, equipped and crewed for search and rescue operations throughout the search and rescue region;

179.05.2 Search and Rescue Plan of operation

1.5 The search and rescue plans of operation must contain details regarding actions to be taken by those persons engaged in search and rescue, including:

- (k) cooperative actions to be taken in conjunction with air traffic services units and other authorities concerned to assist aircraft known or believed to be subject to unlawful interference.

179.06.2 Procedures for rescue coordination centre during emergency phases

Uncertainty phase

- 2.1 Upon the occurrence of an uncertainty phase, the RCC must cooperate to the utmost with air traffic services units and other appropriate agencies and services in order that incoming reports may be speedily evaluated.

Distress phase

- 1.3 Upon the occurrence of a distress phase, the RCC must:
 - (e) Notify the associated air traffic services unit, when the information on the emergency has been received from another source;

EXTRACTS FROM NAMCATS, PART 172

172.06.2 Notification of rescue coordination centres

- (1) Air traffic services units must, without prejudice to any other circumstances that may render such notification advisable, notify the rescue coordination centre immediately an aircraft is considered to be in a state of emergency.

EXTRACTS FROM NAM-CATS-ATS, PART 172

172. 07 REQUIREMENTS FOR ALERTING SERVICE

172.07.1 APPLICATION

- 1.1 An ATS provider must provide alerting service:

- (a) for all aircraft provided with ATC service;
 - (b) in so far as practicable, to all other aircraft having filed a flight plan or otherwise known to the air traffic services; and
 - (c) to any aircraft known or believed to be the subject of unlawful interference.
- 1.2 Area control centres or flight information centres must serve as the central point for collecting all information relevant to a state of emergency of an aircraft operating within the FIR or control area concerned and for forwarding such information to the appropriate Rescue Coordination Centre (RCC).
- 1.3 An aerodrome control tower or approach control unit handling a state of emergency to an aircraft under its control must:
- (a) notify immediately the flight information centre or area control centre responsible which must in turn notify the rescue coordination centre, except that notification of the area control centre, flight information centre, or rescue coordination centre must not be required when the nature of the emergency is such that the notification would be superfluous.
 - (b) Notwithstanding paragraph (a) above, whenever the urgency of the situation so requires, first alert and take other necessary steps to set in motion all appropriate local rescue and emergency organizations which can give the immediate assistance required.

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PROVIDER IN PROVIDING EMERGENCY RESPONSE SERVICES TO
AIRCRAFT.**

1. Purpose

- 1.1 The purpose of this MOU is to outline the division of responsibilities between the SAR Authority and Air Traffic Services (ATS) provider as component organizations contributing to the national emergency response system for aircraft, and to propose a model arrangement for co-operation between the parties.

2. Background

- 2.1 The responsibility for the various aspects of the national emergency response system required under the Convention on International Civil Aviation may fall within two or more agencies of the national government. The SAR Authority has broad responsibilities under Part 179 for SAR response (and ancillary functions are described in Parts 171 and 175) and the ATS provider has broad responsibilities under Part 172 for aviation SAR alerting. ATS also provides in-flight emergency response services for aircraft and assists Rescue Coordination Centres (RCCs) with their SAR response task by providing access to its aeronautical expertise and resources.

3. Duration and amendment

- 3.1 This Memorandum of Understanding (MoU) shall be in force for a period of five years from the date of commencement and may be extended for a further period or periods as agreed by the parties in accordance with the following principles:

- (1) No variation is to be made to either the MoU or the agreed operational procedures dealing with inflight emergencies or SAR alerting procedures without the consent of both parties.
- (2) Where the parties agree to an alteration to this MoU, the alteration must be expressed in writing and be ratified by the signatories of both parties to this MoU, with sufficient notice to allow adoption of any agreed amended practice.

4. Scope

- 4.1 This MoU and associated operational information contained in the associated procedures is designed to facilitate a system for effective operational interface, and to positively manage the transfer of operational responsibility, between the ATS provider and the RCC during aircraft emergency phases.
- 4.2 This MoU does not alter the respective statutory, administrative or other obligations of the parties and any specific requirement under this MoU shall not involve any alteration to those obligations.

5. Management arrangements

- 5.1 There shall be regular consultation between the agency managers to review the operational procedures to which this document applies.
- 5.2 Such consultation shall occur whenever either of the parties considers changes to the procedures to be appropriate to meet operational commitments, and at least once every 12 months from the commencement of this MoU.

6. Operational principles

- 6.1 The overriding principle governing the relationship of the agencies and the performance of activities covered by this MoU is that the safety of life is paramount.

6.2 All services related to this MoU are to be provided in accordance with the agreed practices laid down in this MoU and the agreed operational procedures. Such services may include the provision of assistance to aircraft in distress in the State's Search and Rescue Region (SRR).

6.3 When handling an aircraft emergency or responding to a SAR incident, the RCC and the ATS provider shall work co-operatively and effectively together. It is important that there be no ambiguity with respect to the agency taking the lead and the agency providing support as an incident progresses. The lead agency role is determined by mutual agreement according to the division of responsibilities at paragraph 9.

7. Recorded operational information

7.1 RCCs may access information held by ATS units. For SAR purposes, ATS will provide the RCC, as soon as practicable, all information relevant to a state of emergency of an aircraft, including copies of journals, flight plans, audio tape records, recorded radar data plots and all other relevant documentation.

7.2 Both parties acknowledge that telephone conversations regarding operations or exercises between the two agencies may be recorded with or without prior warning.

8. Provision of information

8.1 Subject to their legal obligations relating to privacy and protection of commercial in-confidence information, each party agrees that the agencies will exchange information as necessary to successfully execute emergency response actions. Each agency shall use such information only for the purpose of properly meeting its legal obligations.

11. Signature

11.1 In signing this MoU, both parties agree to abide by its provisions.

Signed:

Signed

Agency A

Agency B

Date:DayMonth(Year)