

 <p>NCAA NAMIBIA CIVIL AVIATION AUTHORITY</p>	<p>REPUBLIC OF NAMIBIA</p> <p>NAMIBIA CIVIL AVIATION AUTHORITY</p> <p>AERONAUTICAL INFORMATION CIRCULAR</p>	<p>Executive Director Namibia Civil Aviation Authority Private Bag 12003 Ausspannplatz WINDHOEK</p>
<p>Tel: +264 61 702082/2203 Fax +264 61 702088</p> <p>e-mail: aip@ncaa.na</p>		<p>AIC</p> <p>Series A</p> <p>08/22</p> <p>14 July 2022</p>

IMPLEMENTATION OF PART 108 OF NAMCARS

1. Validity

1.1 This circular shall come into force from date of publication and remains in force until further notice.

2. Applicability

2.1 This Circular is applicable to all persons engaged in acceptance, forwarding, storage and carriage by air of cargo, mail and in-flight supplies, airport supplies including cargo agents, aircraft operators, freight forwarders and cargo terminal operators.

3. Purpose

3.1 The purpose of this circular is to direct airline operators to only accept cargo consignment from a regulated agents who have applied approved security measures as stipulated in Part 108 of NAMCARS 2001 as amended and to improve the standard of air cargo secure supply chain and recommended practices of the International Civil Aviation Organization (ICAO).

4. Legal Authority

4.1 Pursuant to regulations 111.01.1 of Namibia Civil Aviation Regulations (NAMCARS) 2001, as amended, *“the Executive Director may issue orders, circulars or directives regarding any aviation security matter”*.

5. Background

5.1 The Namibia Civil Aviation Authority (NCAA) recognizes the importance of promoting a healthy aviation industry in Namibia. Due to the complexity and the nature of cargo, NCAA sees the need to enhance cargo security through the implementation of the regulated agent regime.

5.2 In terms of sections 54 to 57 of the Civil Aviation Act of 2016 (No. 6 of 2016), the Minister of Works and Transport made regulations, relating to the acceptance, forwarding, storage and carriage by air of cargo, mail, and in-flight supplies, in particular Part 108 of NAMCARS 2001 as amended,

which came into effect/force on 8 November 2018, which is the date of publication of the Government Notice No. 293 of 2018.

5.3 The said regulations require a person engaged in the acceptance, forwarding, storage and carriage of cargo, mail, and in-flight supplies by air to be in possession of the Regulated Agent Certificate or known Consignor certificate and Regulated Supplies' Certificate, respectively.

6. Action Required by Airport Operators, Cargo Agents, Aircraft Operators, Freight Forwarders and Cargo Terminal Operators, In-flight Supplies, Ground Handlers

6.1 All persons engaged in acceptance, forwarding, storage and carriage by air of cargo, mail and in-flight supplies must comply with the requirements of Part 108 of NAMCARs.

6.2 A regulated agent engaged in the acceptance or storage or the forwarding or handling of cargo or in-flight supplies to be carried by air must hold a regulated agent's certificate which is an aviation document and is issued by the Executive Director.

6.3 A regulated agent shall provide security controls that are required or accepted by the Authority for aviation security with respect to cargo, courier, express parcels and mail, which may include the screening of cargo, courier, express parcels and mail in accordance with requirements outlined in the National Civil Aviation Security Programme (NCASP) and the provision of appropriate security awareness training to staff members of the agent. To this end, a written Regulated Agent Security Programme, indicating how cargo, courier, express parcels and mail are processed and submitted to security measures, shall be submitted for review and approval by the Authority.

6.3.1 Regulated Agents and Known Consignors are required to appoint a Designated Official who will be responsible for the implementation, application and supervision of the security controls as prescribed under Part 108. Regulated Agents and Known Consignors are also required to draw up a security Programme that sets out the way they will operate. The requirements of the security Programme include the signing of a compliance undertaking by the entities. The security Programme must be approved by the Namibia Civil Aviation Authority.

6.4 Known Consignor shall ensure that during production, packing, storage, despatch, or transportation of identifiable air cargo is protected and that the level of security on site is sufficient.

6.5 Duties of Aircraft operator are to ensure that appropriate security controls have been carried out, to not accept cargo or mail that has not undergone security controls and accounted for by a regulated agent or entity approved by the Authority.

6.6 In terms of Part 108.01.1 (1) (d) *"The operator of security designated aerodrome, an air carrier or aircraft operator, a regulated agent, a known consignor and a regulated supplier of in-flight supplies or airports supplies are each respectively responsible, according to the applicable requirements of this Part, for the implementation of the measures set out in this Part"*.