




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

Document: NCAA/004/2020 (ANSS0)

ISSUE DATE 29th May 2020

 <p>NCAA NAMIBIA CIVIL AVIATION AUTHORITY</p>	<p align="center">Namibia Civil Aviation Authority - Safety Division</p>	<p align="center">AVIATION DIRECTIVE 3/2020</p> <p align="center">Implementation Namibia Civil Aviation Regulations (2020) related to the ANS Parts</p>
-------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1. AVIATION DIRECTIVE (AD) ISSUE

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 NAMCARs, 2001 (as amended).

2. PURPOSE


2.1 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.

2.2 The AD is applicable from its date of issue by the Executive Director and remains valid until repealed in part or wholly by an AIC or other notice. As a regulatory instrument this AD requires compliance to the extent set out in Parts 13, 170 and 185 of the NAMCARS.

3. INDICATIVE PERIODS: APPLICANTS for TRANSITIONAL CERTIFICATE UNDER EXEMPTION

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

3.2 In accordance with the Transitional Provisions in Part 170.06.1 the Executive Director may “(1) where, before the commencement of this Part, *an applicant for a certificate required under this Part was already lawfully providing an air navigation*

 <p>NCAA NAMIBIA CIVIL AVIATION AUTHORITY</p>	<p align="center">Namibia Civil Aviation Authority - Safety Division</p>	<p align="center">AVIATION DIRECTIVE 3/2020</p> <p align="center">Implementation Namibia Civil Aviation Regulations (2020) related to the ANS Parts</p>
------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

service whether in terms of any repealed law or not, the applicant may be exempted from certain requirements of this Part for a specified period as may be determined by the Executive Director. The exemption granted at the request of the designated head of safety of the Authority is set out in this AD.

3.3 As set out in Part 170.06.1(2) an applicant for a certificate will, subject to compliance with this AD, and the related requirements set out in the Technical Standards and/or guidelines, if any, be issued with a transitional certificate by the **specified date** (cf. para. 3.5 below) to provide the category of air navigations service.

3.4 The application for a transitional certificate (cf. Part 170.02.2) will be in alignment with the criteria for an ANS certificate (generally) under Part 170.02.3 noting in particular the provision in sub-regulation Part 170.06.1(4) that this will be “ subject to the changes required by the context to a transitional certificate” for issue. Accordingly, the issue of the transitional certificate will be the completion of the **pre-application stage** of the prescribed process for the certification of the ANSP under the relevant ANS Parts.

3.5 With a view to the issue of a transitional certificate an applicant referred to in para. 3.2. must submit and complete its pre-application **by 30 September 2020 (the specified date)**, and subject to the requirements under para. 6 below.


3.6 As set out in Regulation Part 170.06.1(2) an application for a transitional certificate received after the effective date and issued by the specified date will enable the ANSP concerned to provide “the services for a period... not exceeding 18 months” **(the specified period) until a certificate is issued by the Executive Director**”. (It should be noted that “the context” of the exemption (cf. para. 3.4) may require that the validity of the transitional certificate be subject to the provisions generally of Sub-Part 170.2.)

4. APPLICABILITY

The provisions of this AD apply to all ANSPs “lawfully providing an air navigations service” (cf. para. 3.2) within Windhoek FIR and airspace delegated to Namibia.

5. INTERVENING EVENTS

5.1 Notwithstanding the directives set out in this AD, its further application up to its specified date and under a transitional certificate may be affected to the one or other extent by the State of Emergency (COVID-19) declared in Namibia under Proclamation No. 7/2020 of 18 March 2020 (Government Gazette no. 7148) and subsequent proclamations with relevant regulations

	Namibia Civil Aviation Authority - Safety Division	AVIATION DIRECTIVE 3/2020 Implementation Namibia Civil Aviation Regulations (2020) related to the ANS Parts
-----------------------------------------------------------------------------------	---------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------

5.2 It should be noted that the COVID-19 proclamations categorize ANS as critical services which require the performance of essential services.

5.3 The impact of the application of the AD will be communicated to the ANSPs by the Head: Safety as the circumstances may dictate.

6. OPERATIONAL REQUIREMENTS FOR PRE-APPLICATIONS/TRANSITIONAL CERTIFICATE.

All entities providing **Air Navigation Services mentioned in para. 3.2** within Windhoek FIR and airspace delegated to Namibia and seeking certification under the Regulations in the manner indicated under para. 3.4 (i.e., Transitional Certificate), or for a certificate under the relevant ANS Part must meet the following requirements:

6.1 Within 21 days of the effective date submit to the NCAA a letter of intent in a format acceptable to the Executive Director to commence the pre-application phase.

6.2 Upon receipt of the letter in para. 6.1 the Executive Director will respond within a reasonable period and require of the applicant:

6.2.1 an indication of the scope of services intended to be provided with a reference to the applicable Part/s;

6.2.2 further indicating:


6.2.2.1 the number and location of units or stations where the service would be provided (how many and where);

6.2.2.2 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);

6.2.2.3 a list of key personnel as well as a copy of their job descriptions and their CVs clearly stating qualifications, competencies and work experience; and

6.2.2.4 The annual budgetary resources availed or to be availed for the ANSP.

6.3 Upon receipt of the documentation in 6.2 the Authority would commence its review.

 <p>NCAA NAMIBIA CIVIL AVIATION AUTHORITY</p>	<p>Namibia Civil Aviation Authority - Safety Division</p>	<p>AVIATION DIRECTIVE 3/2020</p> <p>Implementation Namibia Civil Aviation Regulations (2020) related to the ANS Parts</p>
-------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------

6.4 Upon determining the acceptability of key post holders and the successful completion of their Fit and Proper Person tests (FPPT's) the Executive Director will consider issuing a transitional certificate.

6.5 Within 60 days of completion of the pre-application phase (Phase 1) (i.e., leading to issue of the transitional certificate) the service provider must submit an Implementation Plan containing the roadmap with timeframes and target dates detailing the implementation of the requirements set out in Part 170.06.1.

6.6 At the end of the Pre-application Phase under the transitional certificate the certification process in accordance with the respective Parts will proceed within the period of 24 months as follows:

6.6.1 **Air Traffic Services (ATS)** – the completion of the planned certification under Parts 170 and 172;

6.6.2 **Aeronautical Information Services (AIS)** - the completion of the planned certification under Parts 170 and 175;

6.6.3 **Aeronautical Telecommunication Service (ATEL)** - the completion of the planned certification under Parts 170 and 171;

6.6.4 **Aeronautical Meteorological Service (A-MET)** - the completion of the planned certification under Parts 170 and 174;


6.6.5 **Search and Rescue (SAR) Services** - the completion of the planned certification under Parts 170 and 179; and

6.6.6 entities applying to provide **Flight Procedures Design (FPD) services** must comply with the requirements set out in the Parts 170 and 173.

6.7 **IMPORTANT** : Relevant ANSPs are required to continue to provide services, if any, lawfully from the effective date and during and up to the specified date and including the specified periods set out in this AD in the manner acceptable to the Executive Director and as required of a participant under the Act. See appendix 1 for the flowchart indicating the process to reach full compliance.

7. Reference

- (i) Government Gazette no. 7159 dated 27th March 2020 (Parts 170-175 and 179).
- (ii) Technical Standards respective to para. 7(i) above – see www.ncaa.com.na. If not already available technical standards will be made available within 14 days of the publication date of this Directive.

	<p align="center">Namibia Civil Aviation Authority - Safety Division</p>	<p align="center">AVIATION DIRECTIVE 3/2020</p> <p align="center">Implementation Namibia Civil Aviation Regulations (2020) related to the ANS Parts</p>
-----------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- (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.com.na.



APPENDIX 1

