



Namibia Civil Aviation Authority

Aviation Directive

Reference Number: 1/2/3/12

Flight Operations

December 2021

**SPECIALISED OPERATIONS: ALTERNATE MEANS OF COMPLIANCE WITH NAMCARs
121.01.13(2)e, 127.01.13(2)e, 135.01.13(2)e**



1. Legal Authority

Pursuant to Section **46** of the Civil Aviation Act 2016 (Act no 6 of 2016 – hereinafter “the Act”), the Executive Director, if he or she considers it appropriate, and upon such conditions as he or she considers appropriate, may exempt any person, aircraft, aeronautical product, aerodrome, or aviation related service from any specified requirement in any regulation made under section 54, 56, 57 or 58.

2. Background

- 2.1. NAMCARs 121.01.13(1), 127.01.13(1) and 135.01.13(1) requires that a Namibian operator who intends to wet lease a foreign registered aircraft for operations under the relevant Part, shall obtain prior approval from the Director to operate such aircraft.
- 2.2. Given the small size of the Namibian aviation industry, there is frequently a lack of capacity among local operators for specialised operations, particularly when they are of a temporary nature, for example servicing oil and gas exploration rigs at sea.
- 2.3. NAMCARs Parts 121.01.13(2)(e), 127.01.13(2)(e) and 135.01.13(2)(e) state that such aircraft will be operated in terms of the Namibian operator’s air operating certificate.
- 2.4. It is possible for a local operator to wet lease in the equipment and crew of a foreign operator which has the required certification from their own Civil Aviation Authority and the relevant experience. However, for the Namibian operator to be certified for the specialised operation is a lengthy and costly process.
- 2.5. A wet lease arrangement allows for such specialised operations to be conducted by foreign operators that have extensive operational experience in the specialised field.

3. Purpose

- 3.1 The purpose of this directive is to exempt local Namibian operators from compliance with the Parts listed in 2.3, subject to the conditions of this directive.
- 3.2 This exemption will allow a Namibian operator to wet lease foreign registered aircraft for specialised operations, without holding approval for that special operation on their own AOC.



4. Applicability

This Directive applies to all wet leases intended for the conduct of specialised operations of a temporary nature, where the Namibian operator does not have the relevant specific approval and/or experience.

5. Approval Process

- 5.1. Namibian operators wishing to apply for the approval of a wet lease in terms of 4 above must include in their AOC amendment application package a letter requesting exemption under the conditions of this Directive.
- 5.2. The AOC amendment approval will be in the form of an appendix to the Namibian operator's AOC.

6. Conditions

- 6.1. The applicable appendix validity period will be limited to the period of the wet lease, not exceeding a total of 12 months.
- 6.2. If the Namibian operator and the foreign operator wish to renew or extend a wet lease whose original contract period was less than 12 months, a new application must be submitted to the Director for approval. No specialised operation in terms of wet leases approved under the conditions of this Directive, whether continuous or seasonal, will be approved for more than a total of 12 months.
- 6.3. This directive is intended to be used as a stopgap in the absence of capacity in the country. If the Namibian operator wishes to conduct a specialised operation on a repetitive or long-term basis, they must indicate their intention to apply for the certification of that operation on their own AOC.
- 6.4. As soon as practicable, the Executive Director will announce any exemption granted under the conditions of this Directive by notice in the Gazette and the NCAA website.

7. Effective Date

The Directive shall be in effect from 24 December 2021 and shall remain in effect until superseded by amendment or withdrawn.

For further guidance, please contact email sos.ops@ncaa.com.na.



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Alternate Means of Compliance with
NAMCARs
121.01.13(2)e, 127.01.13(2)e, 135.01.13(2)e

8. Issued By


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Interim Executive Director of Civil Aviation

