



Government Notice /2019

Notice of Intention to Make Regulations

CIVIL AVIATION ACT, 2016 (ACT NO. 6 OF 2016)

NAMCAR PART 34: ENGINE EMISSION CERTIFICATION

FOR PUBLIC COMMENT

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SUBPART 1: GENERAL

34.01.1 Applicability

This Part applies –

- (a) in respect of fuel venting, to turbine engine powered aircraft manufactured after 18 February 1982; and
- (b) in respect of engine emissions, to aircraft with –
 - (i) turbo-jet and turbofan engines intended for propulsion only at subsonic speeds; and
 - (ii) turbo-jet and turbofan engines intended for propulsion at supersonic speeds, of which the date of manufacture is on or after 18 February 1982.

34.01.2 Safety inspections and audits

(1) An applicant for the issuing of a fuel venting certificate or an engine emission certificate in terms of the regulations in this part, must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this part.

(2) The holder of a fuel venting certificate or an engine emission certificate issued under this part, must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits,

including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

34.01.3 Register of certificates

(1) The Executive Director must maintain a current register of fuel venting certificates and engine emission certificates issued in terms of the regulations in this Part.

(2) The register must contain the following particulars:

- (a) The full name of the holder of the fuel venting certificate or engine emission certificate;
- (b) the postal address of the holder of the fuel venting certificate or engine emission certificate;
- (c) the date on which the fuel venting certificate or engine emission certificate was issued;
- (d) the number of the fuel venting certificate or engine emission certificate issued;
- (e) the date on which the fuel venting certificate or engine emission certificate is suspended, if applicable; and
- (f) in the case of a transfer of an aircraft –
 - (i) the date on which the fuel venting certificate or engine emission certificate was transferred;
 - (ii) the full name and the trade name of the transferee, if any; and
 - (iii) the postal address of the transferee.

(3) The particulars referred to in sub-regulation (2) must be recorded by the Executive Director in the register within seven days from the date on which the fuel venting certificate or engine emission certificate is issued, transferred or suspended, as the case may be.

(4) The register must be kept in a safe place at the office of the Executive Director.

(5) Information from the register must be furnished by the Executive Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requires such information.

34.01.4 Suspension and cancellation of certificate and appeal

(1) An authorised officer, inspector or authorised person may suspend a any fuel venting certificate or engine emission certificate issued under this Part, if-

- (a) after a safety inspection and audit carried out in terms of regulation 34.01.2, it is evident that the holder of the fuel venting certificate or engine emission certificate does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so;
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the fuel venting certificate or engine emission certificate, or any of its partners or subcontractors, from carrying out a safety inspection and audit in terms of regulation 34.01.2; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a fuel venting certificate or engine emission certificate in terms of subregulation (1), must deliver a report in writing to the Executive Director, stating the reasons why the certificate or engine emission certificate was suspended.

(3) The authorised officer, inspector or authorised person concerned must submit a copy of the report referred to in subregulation (2), to the holder of the fuel venting certificate or engine emission certificate which has been suspended, and must furnish proof of such submission for the information of the Executive Director.

(4) The holder of a fuel venting certificate or engine emission certificate may appeal against such suspension to the Executive Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant must deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal must include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Executive Director must acknowledge receipt of an appeal.

(7) The Executive Director must, within 14 days, and subject to such conditions which the Executive Director may determine, confirm, vary or set aside the suspension referred to in sub-regulation (1), or cancel the fuel venting certificate or engine emission certificate.

SUBPART 2: FUEL VENTING CERTIFICATES

34.02.1 Fuel venting standards

Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

must comply with fuel venting standards as prescribed in Document NAM-CATS 34.

34.02.2 Recognition of foreign fuel venting certificate

The Executive Director may recognise a fuel venting certificate or an equivalent document issued by an appropriate authority, if the standards under which the fuel venting certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards as prescribed in Document NAM-CATS 34.

34.02.3 Application for fuel venting certificate

An application for the issuing of a fuel venting certificate must be –

- (a) made in the form and manner prescribed by the Executive Director; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) Evidence satisfactory to the Executive Director that the aircraft concerned complies with the fuel venting standards referred to in regulation 34.02.1.

34.02.4 Issuing of fuel venting certificate

An application in terms of regulation 34.02.3 must be granted and a fuel venting certificate issued in the appropriate form prescribed by the Executive Director, if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

34.02.5 Period of validity

(1) A fuel venting certificate is valid –

- (a) for the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the fuel venting certificate is valid, and such holder complies with the appropriate fuel venting standards referred to in regulation 34.02.1;

- (b) until the fuel venting certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director.

(2) The holder of a fuel venting certificate which is suspended, must forthwith produce the fuel venting certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a fuel venting certificate which is cancelled, must immediately following the date on which the fuel venting certificate is cancelled, surrender such fuel venting certificate to the Executive Director.

34.02.6 Transfer of fuel venting certificate

A fuel venting certificate must be transferred with the aircraft.

SUBPART 3: ENGINE EMISSION CERTIFICATE

34.03.1 Engine emission standards

Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

must comply with the appropriate engine emission standards as prescribed in Document NAM-CATS 34.

34.03.2 Recognition of foreign engine emission certificate

The Executive Director may recognise an engine emission certificate or an equivalent document issued by an appropriate authority, if the standards under which the engine emission certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards as prescribed in Document NAM-CATS 34.

34.03.3 Application for engine emission certificate

An application for the issuing of an engine emission certificate must be –

- (a) made in the form and manner prescribe by the Executive Director; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) Evidence satisfactory to the Executive Director that the engine concerned complies with the engine emission standards referred to in regulation 34.03.1.

34.03.4 Issuing of engine emission certificate

An application in terms of regulation 34.03.3 must be granted and an engine emission certificate issued in the appropriate form as prescribed by the Executive Director, if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

34.03.5 Period of validity

- (1) An engine emission certificate is valid –

- (a) for the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the engine emission certificate is valid, and so long as such holder complies with the appropriate engine emission standards referred to in regulation 34.03.1;
- (b) until the engine emission certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director.

(2) The holder of an engine emission certificate which is suspended, shall forthwith produce the engine emission certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of an engine emission certificate which is cancelled, shall, immediately after the date on which the engine emission certificate is cancelled, surrender such engine emission certificate to the Executive Director.

34.03.6 **Transfer of engine emission certificate**

An engine emission certificate must be transferred with the aircraft.