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**Namibian Civil Aviation Regulations, 2001**

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**PART 172**  
**AIR NAVIGATION SERVICES: AIR TRAFFIC SERVICES**

[Part 172 is substituted by GN 89/2020.]

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[The word “traffic” is misspelt in the Government Gazette, as reproduced above.]
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**SUBPART 1**  
**GENERAL**

**Definitions for this Part**

**172.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS- ATS.

(2) In this Part, “air traffic service (ATS)” means an air traffic service as described in regulation 172.04.3.

**Applicability**

**172.01.2** (1) This Part -

- (a) prescribes the general and operating requirements for organisations providing an air traffic service (ATS) in Namibia and in the Windhoek Flight Information Region;
  - (b) prescribes the specific technical standards for the provision of air traffic services in Namibia and in the Windhoek Flight Information Region;
  - (c) applies to the provision of air traffic services -
    - (i) at aerodromes in Namibia;
    - (ii) in the airspace over Namibia; and
    - (iii) in the airspace over the high seas administered by Namibia;
  - (d) applies to a person who wishes to become, or is, an air traffic service provider; and
  - (e) sets out certain administrative rules applying to the Executive Director in the administration of this Part;
- (2) This Part does not apply to -
- (a) a person who is providing air traffic services to military aircraft within designated military airspaces in the course of their duties, for the Namibian Defence Force; or
  - (b) any air traffic services provided to military aircraft within designated military airspaces for the Namibian Defence Force.

**Standards for provision of air traffic services**

**172.01.3** An ATS provider must provide services in full compliance with -

- (a) the general requirements prescribed in Part 170;
- (b) the requirements prescribed in this Part;
- (c) the requirements of any other Parts referred to in this Part;
- (d) the provisions set out or referred to in the current version of ICAO Annex 11;

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- (e) the standards set out or referred to in the current version of ICAO Doc 4444 and any relevant ICAO Documents;

[Note that there is no paragraph labelled (f) in the *Government Gazette*.]

- (g) any applicable standards set out in Document NAM-CATS-ATS;
- (h) the provisions of the Authority's Procedures for Air Traffic Management and any other relevant Authority documents; and
- (i) the ATS provider's manual of procedures.

## SUBPART 2 CERTIFICATION OF ATS PROVIDERS

### Requirement for certification

**172.02.1** A person may not provide an air traffic service except, under the authority of, and in accordance with the provisions of a certificate issued under this Part, the requirements prescribed in Part 170, and the standards set out in Document NAM-CATS-ATS.

### Application for certificate or amendment thereof

**172.02.2** An application for the issuing of an ATS service provider certificate, or an amendment thereof, must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-ATS; and
- (b) accompanied by the -
  - (i) manual of procedures referred to in regulation 172.03.1;
  - (ii) appropriate fee as prescribed in Part 187.

### Issue of ATS provider certificate

**172.02.3** (1) The Executive Director may issue an ATS provider certificate, if the Executive Director is satisfied that -

- (a) the applicant meets the requirements prescribed in Part 170 and this Part;
- (b) the applicant's personnel required by this Part are competent to perform their respective duties;
- (c) the applicant's senior personnel have not held a senior position in an organisation whose certificate was revoked by the Executive Director; and
- (d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The ATS provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-ATS.

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**Renewal of ATS provider certificate**

**172.02.4** (1) An application for the renewal of an ATS provider certificate, must be -

- (a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-ATS; and
- (b) accompanied by the -
  - (i) manual regulation of procedures referred to in 172.03.1; and
  - (ii) appropriate fee as prescribed in Part 187.

(2) The holder of a certificate must, if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the ATS provider certificate expires, apply to the Executive Director for the renewal of such certificate.

**Duplicate certificate**

**172.02.5** (1) An application for a duplicate certificate as contemplated in Part 170 must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ATS; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(2) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-ATS.

**Privileges of ATS provider certificate holder**

**172.02.6** The privileges of an ATS provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-ATS.

**SUBPART 3**  
**GENERAL OBLIGATIONS OF AIR TRAFFIC SERVICE PROVIDERS**

**Manual of procedures**

**172.03.1** The holder of an ATS provider certificate must at all times, maintain a manual of procedures that -

- (a) complies with the requirements of this Part and of Part 170; and
- (b) contains the information set out in Document NAM-CATS-ATS.

**ATS provider organisation**

**172.03.2** (1) An ATS provider must, at all times, maintain an appropriate organisation with sound and effective management structure to enable it to provide, in accordance with the standards set out in Document NAM-CATS-ATS, the services covered by its certificate.

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(2) An ATS provider must establish in its organisational structures, ATS systems, functions and activities and management and operational positions necessary for the safe and efficient provision of the air traffic services.

**Personnel requirements**

**172.03.3** (1) An ATS provider must engage, employ or contract sufficient, competent and qualified personnel as required under Part 170, to provide the air traffic services.

(2) An ATS provider must establish a procedure for determining the required number of air traffic service personnel and the procedures for their recruitment and progression.

(3) An ATS provider must establish procedures to -

- (a) ensure the competence of those personnel who are authorised by the ATS provider to provide the air traffic services, and training and assessment for those services, listed in its manual of procedures;
- (b) provide those authorised personnel with written evidence of the scope of their authorisation;
- (c) ensure that those authorised personnel hold appropriate current licences and ratings issued under the Act and in accordance with Part 65;
- (d) ensure, where practicable, that authorised personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information;
- (e) facilitate, for rated air traffic service licence holders, compliance with the current experience requirements of Part 65; and
- (f) ensure, where practicable, that an air traffic controller does not exercise the privileges of his or her rating or ratings -
  - (i) unless he or she complies with any endorsements on his or her medical certificate; and
  - (ii) when any decrease in his or her medical fitness might render him or her unable to safely exercise those privileges.

**Training and competency of ATS personnel**

**172.03.4** (1) An ATS provider may not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides unless the person -

- (a) holds an ATS licence with a rating issued in terms of Part 65 for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function; or
- (b) performs the function under the supervision of another person who holds an ATS licence with a rating issued in terms of Part 65 for the function and an endorsement

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for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function.

(2) An ATS provider may not give to a person the responsibility for providing an air traffic control function in connection with any air traffic service that it provides, if the person is subject to a direction in terms of Part 65.

(3) An ATS provider may not give to a person responsibility for an air traffic control function, unless that person undergoes regular competency training in accordance with Parts 65 and 170, and any requirements set out in Document NAM-CATS-ATS.

(4) An ATS provider must have in place a training policy and programme with basic, specialisation, and continuation trainings to ensure that all air traffic service activities can be performed.

(5) An ATS provider must maintain individual training records for each of its staff in accordance with the provisions of Part 170.

**ATS facilities and equipment**

**172.03.5** (1) An ATS provider must, at all times, make available for use by its personnel the equipment and facilities necessary for providing, in accordance with the standards set out in Document NAM-CATS-ATS, the air traffic services covered by its certificate.

(2) An ATS provider must establish ATS systems, including facilities and equipment, accommodation and all types of communications, navigation and surveillance equipment required to accomplish the air traffic service objectives.

(3) The equipment and facilities required by this regulation must be in accordance with the standards set out in Document NAM-CATS-ATS.

(4) If the ATS provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the standards set out in Document NAM-CATS-ATS.

**Agreements with aeronautical telecommunications service providers**

**172.03.6** (1) An ATS provider, other than an ATS provider that is also an aeronautical telecommunications service provider, must have an agreement with an ATEL service provider for the provision of any aeronautical telecommunication services provided to it by the aeronautical telecommunications service provider.

(2) An agreement, required under subregulation (1), must be in accordance with standards set out in Document NAM-CATS-ATS.

**Agreements with aerodrome operators**

**172.03.7** (1) An ATS provider, other than an ATS provider that is also an aerodrome operator, providing an air traffic service for a controlled aerodrome, must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.

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(2) An agreement, under subregulation (1), must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Arrangements for transfer of information**

**172.03.8** (1) An ATS provider must have, at all times, adequate arrangements to ensure that it gets, and will continue to get, the services and information necessary to provide the air traffic services covered by its certificate.

(2) An ATS provider must have, at all times, adequate arrangements to ensure that it is able, and will continue to be able, to provide information in connection with any of those air traffic services to another person whose duties or functions reasonably require that information.

**Quality management system**

**172.03.9** An ATS provider must establish a quality management system in accordance with the -

- (a) requirements of Part 170; and
- (b) standards set out in Document NAM-CATS-ATS.

**Fatigue management system**

**172.03.10** (1) If required to do so, an ATS provider must have, and put into effect, a system that includes the policies, procedures and rostering practices necessary to facilitate the management of fatigue among operational staff, and in particular, those staff providing air traffic control services.

- (2) An ATS provider must either -
  - (a) comply with all of the duty period limitations and rest requirements; or
  - (b) implement a comprehensive fatigue risk management system (FRMS) that provides an equivalent level of safety to the duty period and rest requirements.
- (3) The the maximum and minimum duty hours or days and rest periods are prescribed in Part 65.

[The word “the” is repeated in the *Government Gazette*, as reproduced above.]

(4) The ATS provider when establishing a system for the management of fatigue related safety risks must follow the requirements set out in Document NAM-CATS-ATS.

**Security programme**

**172.03.11** An ATS provider must, if so required under the Act or these regulations, establish a security programme referred to in regulation 170.04.12, in accordance with the standards set out in Document NAM-CATS-ATS.

**ATS station standing instructions**

**172.03.12** An ATS provider must provide for each air traffic service unit listed in its manual of procedures station standing instructions which must -

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- (a) set out the procedures for the operation of the air traffic service unit concerned; and
- (b) contain the information set out in Document NAM-CATS-ATS.

**Documentation**

**172.03.13** An ATS provider must provide each air traffic service unit listed in its manual of procedures with copies of the documentation set out in Document NAM-CATS-ATS.

**Documents and records**

**172.03.14** An ATS provider must -

- (a) keep documents and records of the kinds set out in Document NAM-CATS-ATS;
- (b) retain documents or records for the periods set out in Document NAM-CATS-ATS for particular kind of document or record; and
- (c) at the request of the Executive Director or of an authorised officer, inspector or authorised person, make the documents and records, or copies of them or extracts from them, available for inspection.

**Documents and records control system**

**172.03.15** (1) An ATS provider must establish, and put into effect, a system for controlling documents and records relating to the air traffic services that it provides, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

(2) The documents and records control system must be in accordance with the requirements of Part 170 and the standards set out in Document NAM-CATS-ATS.

**Deviation from air traffic service standards**

**172.03.16** (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with this Part, the associated technical standards, the procedures for air traffic management and the procedures and practices in the provider's ATS manual of procedures.

(2) Any deviation from the standards must comply with the requirements set out in Document NAM-CATS-ATS.

**SUBPART 4**  
**ESTABLISHMENT AND PROVISION OF AIR TRAFFIC SERVICES**

**Provision of air traffic services**

**172.04.1** (1) The Executive Director must determine and publish under Part 71 -

- (a) the portions of airspace and the aerodromes which must be provided with air traffic services;

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- (b) the level and the type of air traffic services to be provided in portions of airspace or at aerodromes determined in accordance with paragraph (a).
- (2) The Executive Director, by mutual agreement, may -
  - (a) delegate to another State, the responsibility for establishment and provision of air traffic services in the flight information region, control areas or control zones extending over the territory of Namibia; and
  - (b) where such responsibility has, under paragraph (a), been delegated to another State, that State must provide the services in accordance with this Part.
- (3) Where the Executive Director in accordance with subregulation (2) has delegated to another State the responsibility for provision of air traffic services, the Executive Director -
  - (a) must establish such facilities and services as may be required by the providing State; and
  - (b) may not withdraw or modify such facilities and services without prior consultation with the providing State.
- (4) Where the provision of air traffic services has been delegated to another State in accordance with this regulation, both the Executive Director and the providing State may terminate the agreement between them at any time.
- (5) The Executive Director must, on the basis of regional air navigation agreements, establish and ensure provision of air traffic services to those portions of airspace over the high seas or in airspace of undetermined sovereignty.
- (6) The Executive Director must -
  - (a) determine the need for the provision of air traffic services in the airspace referred to in subregulation (5); and
  - (b) designate the air traffic services authority responsible for establishing and providing such services in that airspace.
- (7) The establishment and provision of air traffic services to either part or whole of a flight along a route or portion of a route must be in accordance with the standards set out in Document NAM-CATS-ATS.
- (8) Where air traffic services are established, the Executive Director must publish the information in the aeronautical information publication (AIP) as necessary to permit the utilisation of such services.

**Objectives of air traffic services**

**172.04.2** The objectives of an air traffic service are to -

- (a) prevent collisions between aircraft;
- (b) prevent collisions between aircraft on the manoeuvring area and obstruction on that area;

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- (c) maintain a safe, orderly and expeditious flow of air traffic;
- (d) provide advice and information useful for the safe and efficient conduct of flights;  
and
- (e) notify appropriate organisations regarding aircraft in need of search and rescue aid  
and assist such organisations as required.

**Divisions of air traffic services**

**172.04.3** Air traffic services comprise of the following three services:

[The word “of” after “comprise” is superfluous.]

- (a) the air traffic control service, to accomplish the objectives set out in regulation 172.04.2(1)(a), (b) and (c), and this service is divided in three parts as follows:
  - (i) area control service: the provision of air traffic control service for controlled flights, except for those parts of such flights described in subparagraphs (ii) and (iii), in order to accomplish the objectives set out in regulation 172.04.2(1)(a) and (c);
  - (ii) approach control service: the provision of air traffic control service for controlled flights associated with arrival or departure, in order to accomplish the objectives set out in regulation 172.04.2 (1)(a) and (c); and
  - (iii) aerodrome control service: the provision of air traffic control service for aerodrome traffic, except for those parts of flights described in subparagraph (ii), in order to accomplish the objectives set out regulation 172.04.2 (1)(a), (b) and (c);
- (b) flight information service: to accomplish the objective set out in regulation 172.04.2 (1)(d); and
- (c) alerting service: to accomplish the objective set out in regulation 172.04.2 (1)(e).

**Determination of need for air traffic services**

**172.04.4** The Executive Director must determine the need for the provision of an air traffic service in a given area or location in accordance with the standards set out in Document NAM-CATS-ATS.

**Designation of portions of airspace and controlled aerodromes for provision of air traffic services**

**172.04.5** Subject to compliance with the provisions of Part 71, the Executive Director must designate particular portions of the airspace and controlled aerodromes in accordance with the standards set out in Document NAM-CATS-ATS.

**Classification of airspace**

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**172.04.6** Subject to compliance with the provisions in Part 71, the Executive Director must classify and designate ATS airspaces appropriate to the needs of Namibia in accordance with the standards set out in Document NAM-CATS-ATS.

**Performance-based navigation (PBN) operations**

**172.04.7** (1) The Executive Director must determine navigation specifications for use in the application of performance-based navigation as required under Part 90 and in accordance with the standards set out in Document NAM-CATS-ATS.

(2) Where it is determined that performance-based navigation operations are required in a specified airspace or at an aerodrome, the ATS provider responsible for the provision of air traffic services within that airspace, or at that aerodrome, must implement performance based navigation in accordance with requirements determined by the Executive Director.

**Performance-based communication (PBC) operations**

**172.04.8** An ATS provider must ensure that the requirements for, and application of performance-based communication (PBC) operations are in accordance with the standards set out in Document NAM-CATS-ATS.

**Performance-based surveillance (PBS) operations**

**172.04.9** An ATS provider must ensure that the requirements for, and application of performance-based surveillance (PBS) operations are in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment and designation of units providing air traffic services**

**172.04.10** An ATS provider must establish and designate units providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Specifications for flight information regions, control areas and control zones**

**172.04.11** (1) The delineation of the airspace wherein air traffic services are to be provided, and the specifications thereof must be in accordance with the standards set out in Document NAM-CATS-ATS.

(2) The Executive Director may enter into agreements with neighbouring States to permit the delineation of airspace lying across national boundaries to facilitate the provision of air traffic services.

**Identification of air traffic service units and airspaces**

**172.04.12** An ATS provider must establish and identify air traffic services units and airspaces in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment and identification of air traffic service routes**

**172.04.13** An ATS provider must establish and identify air traffic service routes in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment of change-over points**

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**172.04.14** An ATS provider establish change-over points on air traffic service route segments in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment and identification of significant points**

**172.04.15** An ATS provider must establish and identify significant points in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment and identification of standard routes for taxiing aircraft**

**172.04.16** An ATS provider must establish and identify standard routes for taxiing aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between air traffic services and operators**

**172.04.17** An ATS provider must establish procedures for coordination between air traffic services and aircraft operators in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between air traffic services and military authorities**

**172.04.18** An ATS provider must establish procedures for coordination between air traffic services and military authorities in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination of activities potentially hazardous to civil aircraft**

**172.04.19** An ATS provider must establish procedures for coordination of activities potentially hazardous to civil aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Determination and reporting of ATS related aeronautical data**

**172.04.20** An air traffic service provider must determine and report air traffic services-related aeronautical data in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between meteorological and air traffic services authorities**

**172.04.21** An ATS provider must establish procedures for coordination between the meteorological services and a unit providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between aeronautical information services and air traffic services authorities**

**172.04.22** An ATS provider must establish procedures for coordination between aeronautical information services and a unit providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Minimum flight altitudes**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

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**172.04.23** An ATS provider must determine and establish minimum flight altitudes for each air traffic services route and control area in accordance with the standards set out in Document NAM-CATS-ATS.

**Service to aircraft in case of emergency**

**172.04.24** An ATS provider must establish procedures to guide air traffic services units to assist aircraft in a state of emergency in accordance with the standards set out in Document NAM-CATS-ATS.

**In-flight contingencies: strayed or unidentified aircraft**

**172.04.25** An ATS provider must establish procedures in accordance with the standards set out in Document NAM-CATS-ATS, for use by air traffic services units to enable them to assist and safeguard the flight of strayed or unidentified aircraft.

**In-flight contingencies: interception of civil aircraft**

**172.04.26** An ATS provider must establish procedures for use by an air traffic services unit, on becoming aware that an aircraft is being intercepted either within or outside its area of responsibility in accordance with the standards set out in Document NAM-CATS-ATS.

**Time in air traffic services**

**172.04.27** An ATS provider must establish procedures to ensure that air traffic services units use Coordinated Universal Time (UTC) in accordance with the standards set out in Document NAM-CATS-ATS.

**Requirements for carriage and operation of pressure-altitude reporting transponders**

**172.04.28** An ATS provider must establish procedures for the carriage and operation of pressure-altitude reporting transponders within defined portions of airspace in accordance with the standards set out in Document NAM-CATS-ATS.

**Safety management and prevention of runway incursions**

**172.04.29** (1) An ATS provider must establish and maintain a safety management system acceptable to the Executive Director, for the management of safety in accordance with the standards set out in Document NAM-CATS-ATS and the requirements prescribed in Parts 140 and 170.

(2) An ATS provider must as part of its ATS safety management, put in place measures aimed at minimizing the potential for inadvertent runway incursions in accordance with the standards set out in Document NAM-CATS-ATS.

(3) An ATS provider must ensure that the measures established in accordance with subregulation (2) are integrated with the runway safety programme established by the aerodrome operator.

**Common reference systems**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations, 2001**

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**172.04.30** (1) Subject to any standard units of measurement prescribed under Part 2, an ATS provider must use the following common reference systems in the provision of air traffic services:

- (a) World Geodetic System - 1984 (WGS-84) must be used as the horizontal (geodetic) reference system for air navigation;
- (b) Mean Sea level (MSL) datum must be used as the vertical reference system for air navigation; and
- (c) the Gregorian calendar and Coordinated Universal Time (UTC) must be used as the temporal reference system for air navigation.

(2) The common reference systems referred to in subregulation (1) must be used in accordance with the standards set out in Document NAM-CATS-ATS.

**Language proficiency**

**172.04.31** An ATS provider must ensure that -

- (a) only the English language is used for radio telephony communication, coordination and transmission of aeronautical information; and
- (b) air traffic controllers speak and understand the English language for radiotelephony communications as specified in Document NAM-CATS-FCL 65.

**Contingency arrangements**

**172.04.32** (1) An ATS provider must develop and publish a contingency plan or plans for implementation in the event of disruption, or potential disruption, of air traffic services and related supporting services in the airspace for which the ATS provider is responsible for the provision of such services.

(2) The contingency plans required by subregulation (1) must be developed in close coordination with the air traffic services authorities responsible for the provision of services in adjacent portions of airspace and with airspace users concerned.

(3) The contingency plans must be developed in accordance with the standards set out in Document NAM-CATS-ATS.

**Identification and delineation of prohibited, restricted and danger areas**

**172.04.33** Prohibited areas, restricted areas and danger areas must be identified and delineated in accordance with the standards set out in Document NAM-CATS-ATS.

**Flight procedure design service**

**172.04.34** (1) Flight procedure design services must be provided in accordance with requirements prescribed in Part 173.

(2) When provided, the flight procedure design service must be established in accordance with the standards set out in Document NAM-CATS-ATS.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**  
**Namibian Civil Aviation Regulations, 2001**

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**SUBPART 5**  
**REQUIREMENTS FOR PROVISION OF AIR TRAFFIC CONTROL SERVICES**

**Provision of air traffic control service**

**172.05.1** An air traffic control service must be provided to controlled flights in accordance with the standards set out in Document NAM-CATS-ATS.

**Air traffic control units**

**172.05.2** (1) Air traffic control services provided to controlled flights, must be provided by air traffic control units described in, and in accordance with, the standards set out in Document NAM-CATS-ATS.

(2) Despite subregulation (1), the task of providing specified services on the apron such as apron management, may be assigned to an aerodrome control tower or to a separate air traffic control unit.

**Operation of air traffic control service**

**172.05.3** The requirements for the operation of air traffic control service must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Separation minima**

**172.05.4** An ATS provider must ensure that the separation minima used in air traffic control service complies with the standards set out in Document NAM-CATS-ATS.

[The verb “complies” should be “comply” to be grammatically correct.]

**Responsibility for control of aircraft**

**172.05.5** An ATS provider must ensure that responsibility for control of aircraft is carried out in accordance with the standards set out in Document NAM-CATS-ATS.

**Transfer of responsibility for control**

**172.05.6** An ATS provider must establish procedures for the transfer of responsibility for the control of an aircraft between two air traffic control units and the coordination thereof, in accordance with the standards set out in Document NAM-CATS-ATS.

**Air traffic control clearances**

**172.05.7** An air traffic control unit must ensure that air traffic control clearances issued to aircraft are issued in accordance with the standards set out in Document NAM-CATS-ATS.

**ATS system capacity and air traffic flow management**

**172.05.8** An ATS provider must establish ATS system capacity and where required, air traffic flow management in accordance with the standards set out in Document NAM-CATS-ATS.

**Control of persons and vehicles at aerodromes**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations, 2001**

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**172.05.9** An ATS provider must establish procedures for use by the ATS units, for the control of persons and vehicles on the manoeuvring area of an aerodrome, including procedures for operation during periods of low visibility, in accordance with the standards set out in Document NAM-CATS-ATS.

**Provision of radar and ADS-B alert and warning systems**

**172.05.10** An ATS provider must ensure that the provision of radar and automatic dependent surveillance-broadcast (ADS-B) alert and warning systems is in accordance with the standards set out in Document NAM-CATS-ATS.

**Use of surface movement radar**

**172.05.11** An ATS provider may, in accordance with the standards set out in Document NAM-CATS-ATS, provide for the use of surface movement radar (SMR) to supplement visual observation of the manoeuvring area.

**SUBPART 6**  
**REQUIREMENTS FOR FLIGHT INFORMATION SERVICE**

**Application of flight information service**

**172.06.1** A flight information service must be provided to all aircraft which are likely to be affected by the information in accordance with the standards set out in Document NAM-CATS-ATS.

**Scope of flight information service**

**172.06.2** (1) The scope of flight information service to be provided by an air traffic services unit must include the provision of pertinent information and other information likely to affect safety of aircraft operations.

(2) The scope of flight information service to be provided by an air traffic services unit must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Operational flight information service broadcasts**

**172.06.3** An ATS provider must make arrangements for the provision of operational flight information service broadcasts in accordance with the standards set out in Document NAM-CATS-ATS.

**VOLMET broadcasts and D-VOLMET service**

**172.06.4** An ATS provider must make arrangements for the provision of VOLMET broadcast and D-VOLMET service in accordance with the standards set out in Document NAM-CATS-ATS and the provisions of Part 174.

**SUBPART 7**  
**REQUIREMENTS FOR ALERTING SERVICE**

**Application of alerting service**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**  
**Namibian Civil Aviation Regulations, 2001**

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**172.07.1** An ATS provider must make arrangements for the provision of alerting service to all aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

[In the *Government Gazette*, the hyphen is missing between “NAM” and “CATS”;  
it has been inserted above to facilitate word searches for this term.]

**Notification of rescue coordination centres**

**172.07.2** An ATS provider must establish procedures for notifying the rescue coordination centre and other centres as appropriate, of aircraft considered to be in a state of emergency in accordance with the procedures set out in Document NAM-CATS-ATS.

**Use of communication facilities**

**172.07.3** An ATS provider must establish procedures to ensure that the use of communication facilities by ATS units is in accordance with the standards set out in Document NAM-CATS-ATS.

**Plotting aircraft in state of emergency**

**172.07.4** An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS, establish procedures to ensure that air traffic service units plot the flight of an aircraft involved in an emergency and the flights of other aircraft known to be operating in the vicinity of the aircraft involved in an emergency.

**Information to operator of aircraft in emergency**

**172.07.5** An ATS provider, must establish procedures to ensure that the area control centre or a flight information centre, when possible, advise the aircraft operator, when the centre determines that an aircraft is in an emergency, in accordance with the standards set out in Document NAM-CATS-ATS.

**Information to aircraft operating in vicinity of aircraft in state of emergency**

**172.07.6** An ATS provider must establish procedures to ensure that ATS units, having established that an aircraft is in a state of emergency, inform other aircraft known to be operating in the vicinity of the aircraft involved, in accordance with the standards set out in Document NAM-CATS-ATS.

**Handling and reporting accidents and incidents**

**172.07.7** (1) An ATS provider must report to the Executive Director any accident or incident reported to, or witnessed by, the ATS provider in accordance with the standards set out in Document NAM-CATS-ATS.

(2) An ATS provider must publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, the procedures to be followed by air traffic service units in handling and reporting of accident and incidents and procedures for coordination with adjacent ATS units that might be affected by the accident or incident.

**SUBPART 8**  
**AIR TRAFFIC SERVICES REQUIREMENTS FOR COMMUNICATION**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations, 2001**

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**Aeronautical mobile service (air-ground communication)**

**172.08.1** An ATS provider must make arrangements for the provision of air-ground communication facilities to be used for the provision of air traffic services, including automatic recordings of air traffic control communications, in accordance with the standards set out in Document NAM-CATS-ATS.

**Aeronautical fixed service (ground-ground communication)**

**172.08.2** (1) An ATS provider must make arrangements for the provision of ground to ground communications to be used for the provision of air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

- (2) The ATS provider must -
- (a) ensure that facilities used for ground to ground communications between air traffic services units and between air traffic services units and other units within the flight information region meet the requirements set out in Document NAM-CATS-ATS;
  - (b) ensure that communication between its flight information centre and area control centre with other adjacent flight information centres and area control centres meet the requirements set out in Document NAM-CATS-ATS;
  - (c) have in place suitable facilities to ensure automatic exchange of data; and
  - (d) make arrangements for the recordings and retention of data for a period of not less than 30 days.

**Surface movement control service**

**172.08.3** (1) An ATS provider must make arrangements for the provision of communication facilities for use by the aerodrome control tower for the purpose of controlling of vehicles on manoeuvring areas at a controlled aerodrome.

(2) The movement of vehicles control on the manoeuvring areas of a controlled aerodrome must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Aeronautical radio navigation service**

**172.08.4** An ATS provider must have arrangements in place to ensure that surveillance data from radar equipment or other surveillance systems used as an aid to air traffic services, are automatically recorded and retained in accordance with the standards set out in Document NAM-CATS-ATS.

**SUBPART 9**

**AIR TRAFFIC SERVICE REQUIREMENTS FOR INFORMATION**

**Meteorological information**

**172.09.1** (1) An ATS provider must have in place arrangements for the supply of up-to-date meteorological information to its air traffic service units, as necessary for the performance of their functions, in accordance with the standards set out in Document NAM-CATS-ATS.

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**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations, 2001**

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(2) An ATS provider and a unit providing meteorological information to air traffic service units and to communication stations must ensure that the information provided meets the requirements of Part 174.

**Information on aerodrome conditions and operational status of associated facilities**

**172.09.2** (1) An ATS provider must have in place arrangements for the provision of information on aerodrome conditions and the operational status of associated facilities to the aerodrome control towers and units providing approach control service.

(2) The provision of information required by subregulation (1) must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Information on operational status of navigation services**

**172.09.3** An ATS provider must have in place arrangements for air traffic service units to be kept currently informed of the operational status of radio navigation services and visual aids essential for operation of aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Information on RPA**

**172.09.4** An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS -

- (a) have in place arrangements for air traffic service units to be provided with information regarding the operation of remotely piloted aircraft (RPA); and
- (b) publish in its ATS manual of procedures, actions to be taken by an ATS unit upon receipt of a notification of the intended flight of a medium or heavy RPA within its area of responsibility.

**Information concerning volcanic activity**

**172.09.5** An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS -

- (a) have in place arrangements for air traffic service units to be provided with information concerning volcanic activity; and
- (b) establish and publish in its ATS manual of procedures, procedures for use by ATS units when a volcanic ash cloud is reported or forecast.

**Information concerning radioactive materials and toxic chemical “clouds”**

**172.09.6** An ATS provider must have in place arrangements for notifying air traffic service units of information regarding the release into the atmosphere of radioactive materials and toxic chemical clouds and for transmitting to aircraft such information, in accordance with the standards set out in Document NAM-CATS-ATS.

**SUBPART 10**  
**SPECIAL PROCEDURES**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

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**General**

**172.10.1** (1) An ATS provider must publish in its ATS manual of procedures, for the guidance of air traffic service personnel, special procedures to enable them to manage non-standard or special situations.

(2) The special procedures must be published in accordance with the standards set out in Document NAM-CATS-ATS.

**Fuel dumping**

**172.10.2** An ATS provider must publish in its ATS manual of procedures, for the guidance of ATS personnel, procedures to be followed during fuel dumping by aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Photographic survey flights**

**172.10.3** An ATS provider must publish in its ATS manual of procedures, for the guidance of air traffic service personnel, procedures for the conduct of photographic survey flights, in accordance with the standards set out in Document NAM-CATS-ATS.

**Repetitive flight plans**

**172.10.4** An ATS provider must publish in its ATS manual of procedures, procedures for the use of repetitive flight plans in accordance with the standards set out in Document NAM-CATS-ATS.

**Letters of agreement**

**172.10.5** (1) An ATS provider must establish and maintain letters of agreement (LOA) to aid in coordination between adjacent ATS units and neighbouring flight information regions.

(2) The letters of agreement referred to in subregulation (1) must be established and maintained in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination in cases of aircraft experiencing degradation of area navigation**

**172.10.6** An ATS provider must establish and publish in its ATS manual, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for coordination, in case of aircraft experiencing degradation of area navigation (RNAV).

**Coordination in cases of State aircraft without RNAV capability**

**172.10.7** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, coordination procedures in case of State aircraft operating without RNAV capability.

**Coordination in provision of air traffic advisory service**

**172.10.8** Where air traffic advisory services are provided, an ATS provider must publish coordination procedures in respect of such flights and provide such services in accordance with the standards set out in Document NAM-CATS-ATS.

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**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations, 2001**

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**Coordination between ATS units and aeronautical telecommunication stations**

**172.10.9** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for coordination between ATS units and the aeronautical telecommunication stations.

**Radio communication failure**

**172.10.10** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed when either an airborne or ground-based radio station experiences radio communication failure.

**Degradation of aircraft position source data**

**172.10.11** An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, contingency procedures to be followed by control positions and air traffic service units in the event of degradation of aircraft position data sources.

**Emergency descent**

**172.10.12** An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed by an air traffic service unit whenever an aircraft is making an emergency descent through other air traffic.

**Other ATC contingency procedures**

**172.10.13** An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for the handling of other contingency situations such as emergency separation, short-term conflict alerts, airborne collision avoidance system warnings, minimum safe altitude warnings, autonomous runway incursion warnings and change of radio telephony call sign for aircraft.

**Loss of Vertical Navigation Performance Required for Reduced Vertical Separation Minimum (RVSM)**

**172.10.14** An ATS provider must include in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed when an RVSM-approved aircraft experiences loss of vertical navigation performance required for operation in Reduced Vertical Separation Minimum (RVSM) airspace.

**Air traffic service messages**

**172.10.15** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures and information regarding transmission of air traffic service messages.

**Responsibility in regard to military traffic**

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**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations, 2001**

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**172.10.16** An ATS provider must publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures regarding responsibility for control of military traffic within its area of jurisdiction.

**Air traffic incident reports**

**172.10.17** An ATS provider must publish in its ATS manual of procedures, the procedures for reporting of air traffic incidents related to the provision of air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Strategic lateral offset procedures**

**172.10.18** An ATS provider must publish in its ATS manual of procedures, the strategic lateral offset (SLOP) procedures for implementation by air traffic services units in accordance with the standards set out in Document NAM-CATS-ATS.

**Notification of suspected communicable diseases or public health risk aboard aircraft**

**172.10.19** An ATS provider must publish in its ATS manual of procedures, procedures for notification of suspected communicable diseases or other public health emergencies aboard an aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination in respect of provision of ATC service**

**172.10.20** The coordination and transfer of control of a flight between successive ATS units and control sectors must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination in respect of provision of flight information service and alerting service**

**172.10.21** An ATS provider must publish in its manual of procedures and in accordance with requirements specified in Document NAM-CATS-ATS, procedures for coordination in respect of the provision of flight information and alerting services.

**Procedures for ATS units when volcanic ash cloud is reported or forecast**

**172.10.22** An ATS provider must publish in its manual of procedures and in accordance with the requirements specified in Document NAM-CATS-ATS, standardised procedures to be followed by ATS units when a volcanic ash cloud is reported or forecast within the airspace for which the ATS unit is responsible.

**Responsibility in regard to unmanned free balloons**

**172.10.23** An ATS provider must publish in its manual of procedure and in accordance with requirements specified in Document NAM-CATS-ATS, standardised procedures for the guidance of ATS units on responsibility regarding operation of unmanned free balloons within their areas.

**SUBPART 11**  
**ADMINISTRATIVE PROCEDURES****Opening and closing of control positions**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

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**172.11.1** An ATS provider must establish procedures and instructions for opening and closing of control positions as specified in Document NAM-CATS-ATS.

**Fire prevention and facility evacuation**

**172.11.2** An ATS provider must maintain a fire prevention plan in accordance with the standards set out in Document NAM-CATS-ATS.

**ATS unit forms, logs, libraries and directives**

**172.11.3** An ATS provider must -

- (a) provide and maintain a comprehensive list, including copies, of relevant forms, unit logs, unit libraries and directives in accordance with the requirements set out in Document NAM-CATS-ATS; and
- (b) establish procedures in its manual of procedures on the use and maintenance of the air traffic service unit forms, logs, libraries and directives in accordance with the requirements set out in Document NAM-CATS-ATS.