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

PART 34
AIRCRAFT:
ENGINE EMISSION CERTIFICATION

[Part 34 is substituted by GN 236/2020.]

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SUBPART 1
GENERAL

Applicability

34.01.1 This Part applies -

- (a) in respect of fuel venting, to turbine engine powered aircraft manufactured on or 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.

Safety inspections and audits

34.01.2 (1) An applicant for the issuing of a fuel venting certificate or an engine emission certificate under 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.

Register of certificates

34.01.3 (1) The Executive Director must maintain or cause to be maintained, an updated register of fuel venting certificates and engine emission certificates issued under 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 or contact 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 or revoked, if applicable; and

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- (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 or contact address of the transferee.

(3) The Executive Director must record or cause to be recorded the particulars referred to in subregulation (2) 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 as part of the CAR.

(5) The Head of the CAR must, on payment of the appropriate fee as prescribed in Part 187, furnish the information from the register to any person who requests for such information.

[The word “for” after the word “requests” is superfluous.]

Suspension and revocation of certificate and appeal

34.01.4 (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend 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 -
 - (i) does not comply with the requirements prescribed in this Part; and
 - (ii) 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; and
- (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.

(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, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible 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.

(4) The holder of a fuel venting certificate or engine emission certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under in subregulation (1), pursuant to Subpart 4 of Part 13.

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(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

SUBPART 2
FUEL VENTING CERTIFICATES

Fuel venting standards

34.02.1 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;
- (e) the issuing of a supplementary type certificate; or
- (f) a standard category certificate of airworthiness,

must comply with fuel venting standards as set out in Document NAM-CATS-ENVIRO.

Recognition of foreign fuel venting certificate

34.02.2 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 set out in Document NAM-CATS-ENVIRO.

Application for fuel venting certificate

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

- (a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
 - (i) evidence satisfactory to the Executive Director that the aircraft concerned complies with the fuel venting standards referred to in regulation 34.02.1; and
 - (ii) the appropriate fee as prescribed in Part 187.

Issue of fuel venting certificate

34.02.4 The Executive Director must grant An application made under regulation 34.02.3 and issue a fuel venting certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

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Period of validity

- 34.02.5** (1) A fuel venting certificate is valid -
- (a) for -
 - (i) 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
 - (ii) as long as the holder complies with the appropriate fuel venting standards referred to in regulation 34.02.1; or
 - (b) until the fuel venting certificate is -
 - (i) surrendered by the holder thereof; or
 - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

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

(3) The holder of a fuel venting certificate which is revoked must forthwith after the date on which the fuel venting certificate is revoked, surrender such fuel venting certificate to the Executive Director.

Transfer of fuel venting certificate

- 34.02.6** A fuel venting certificate may only be transferred with the aircraft.

SUBPART 3
ENGINE EMISSION CERTIFICATES

Engine emission standards

34.03.1 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;
- (e) the issuing of a supplementary type certificate; or
- (f) a standard category certificate of airworthiness,

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must comply with the appropriate engine emission standards set out in Document NAM-CATS-ENVIRO.

Recognition of foreign engine emission certificate

34.03.2 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 set out in Document NAM-CATS-ENVIRO.

Application for engine emission certificate

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

- (a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
 - (i) evidence satisfactory to the Executive Director that the engine concerned complies with the engine emission standards referred to in regulation 34.03.1; and
 - (ii) the appropriate fee as prescribed in Part 187.

Issue of engine emission certificate

34.03.4 The Executive Director must grant An application made under regulation 34.03.3 and issue an engine emission certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

Period of validity

34.04.5 (1) An engine emission certificate is valid -

- (a) for -
 - (i) 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
 - (ii) as long as such holder complies with the appropriate engine emission standards referred to in regulation 34.03.1; or
- (b) until the engine emission certificate is -
 - (i) surrendered by the holder thereof; or
 - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

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

(3) The holder of an engine emission certificate which is revoked must forthwith surrender such engine emission certificate to the Executive Director.

Transfer of engine emission certificate

34.03.6 An engine emission certificate may only be transferred with the aircraft.