



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 236 Proposed Civil Aviation Regulations: Part 34 - Aircraft: Engine Emissions 1

General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 236

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 34 - AIRCRAFT: ENGINE EMISSIONS

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent developments within SADC. The project further aims to enhance the safety of civil aviation by ensuring that the Namibian legislation complies with the minimum

standards prescribed by the International Civil Aviation Organization.

Part of the short-term legislative reform involves the updating of the regulations made under the Aviation Act, 1962 (Act 74 of 1962).

Due to the nature and extensive range of subjects which need to be regulated, this part of the project will be executed in phases and regulations will be published accordingly. The proposed structure of the Civil Aviation Regulations is set out in Schedule 1.

All the definitions for the proposed civil aviation regulations will be contained and published in Part 1. The definitions for each Part will however be published with each set of proposed regulations, to facilitate the interpretation thereof. The definitions associated with the proposed regulations on engine emissions are set out in Schedule 2.

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on Engine Emissions set out in Schedule 3. The proposed regulations represent Part 34 of the proposed structure.

The proposed regulations on Engine Emission make provision for certain information to be contained in a document called Document NA-CATS-ENVIRO. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding engine emissions.

Comments or representations should be lodged in writing and should reach the Ministry not later than **90 days** from the date of publication of this notice.

Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 238-884

Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on Engine Emissions and if necessary, a workshop will be held to finalise the proposed regulations.

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

<p>DEFINITIONS</p> <p>Part 1 Definitions</p> <p>PROCEDURES</p> <p>Part 11 Procedures for making regulations, issuing technical Standards and granting exemptions</p> <p>Part 12 Aviation accidents and incidents</p> <p>Part 13 Enforcement procedures</p> <p>AIRCRAFT</p> <p>Part 21 Certification procedures for products and parts</p> <p>Part 34 Engine Emissions</p> <p>Part 36 Noise certification</p> <p>Part 43 General maintenance rules</p> <p>Part 47 Aircraft registration and marking</p> <p>PERSONNEL</p> <p>Part 61 Pilot licensing</p> <p>Part 63 Flight engineer licensing</p> <p>Part 64 Cabin crew licensing</p> <p>Part 65 Air traffic service personnel licensing</p> <p>Part 66 Aircraft maintenance engineer licensing</p> <p>Part 67 Medical requirements</p> <p>RULES OF THE AIR AND GENERAL OPERATING RULES</p> <p>Part 91 General operating and flight rules</p> <p>Part 92 Conveyance of dangerous goods</p> <p>Part 98 Operation of powered paragliders</p> <p>Part 100 Operation of gyroplanes</p> <p>Part 101 Operation of unmanned balloons, kites, rockets, pilotless and model aircraft</p> <p>Part 102 Operation of free balloons and airships</p> <p>Part 103 Operation of microlight aeroplanes</p> <p>Part 104 Operation of gliders</p> <p>Part 105 Parachuting operations</p> <p>Part 106 Operation of hang gliders</p>	<p>CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS</p> <p>Part 121 Air transport operations - large aeroplanes</p> <p>Part 127 Air transport operations - helicopter</p> <p>Part 133 Helicopters external load operations</p> <p>Part 135 Air transport operations - small aeroplanes</p> <p>Part 137 Agricultural aircraft operations</p> <p>Part 138 Emergency medical services operations</p> <p>ORGANISATIONS</p> <p>Part 141 Aviation training organisations</p> <p>Part 145 Aircraft maintenance organisations</p> <p>Part 147 Design organisations</p> <p>Part 148 Manufacturing organisations</p> <p>Part 149 Aviation recreation organisations</p> <p>AERODROMES AND HELIPORTS</p> <p>Part 139 Licensing</p> <p>Part 139 General standards</p> <p>AIR TRAFFIC SERVICES</p> <p>Part 172 Airspace and air traffic services</p> <p>AERONAUTICAL INFORMATION AND RELATED SERVICES</p> <p>Part 174 Meteorological information services</p> <p>Part 175 Aeronautical information services</p> <p>ADMINISTRATION</p> <p>Part 183 General</p> <p>Part 185 Offences</p> <p>Part 187 Fees</p>
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SCHEDULE 2

Definitions

In these regulations, unless the context otherwise indicates -

“appropriate authority” -

- (a) means any institution, body or person in a State or territory which, on behalf of that State or territory carries out the provisions of the Convention; or
- (b) if such Convention does not apply to a State or territory, means the institution, body or person in that State or territory which on behalf of the State or territory, performs the functions which are performed by an institution, body or person contemplated in paragraph (a),

and which is recognised as such by the Director;

“Document NA-CATS-ENVIRO” means a document on the Namibian Civil Aviation Technical Standards relating to Environment Protection which is published by the Director in terms of the Act;

“the Act” means the Aviation Act, 1962 (Act 74 of 1962).

SCHEDULE 3
LIST OF REGULATIONS

SUBPART 1 : GENERAL

- 34.01.1 Applicability
- 34.01.2 Safety inspections and audits
- 34.01.3 Cancellation or suspension of certificate and appeal
- 34.01.4 Register of certificates

SUBPART 2 : FUEL VENTING CERTIFICATES

- 34.02.1 Fuel venting standards
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SUBPART 1**GENERAL****Applicability**

34.01.1 This Part shall apply -

- (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.

Safety inspections and audits

34.01.2 (1) An applicant for the issuing of a fuel venting certificate or an engine emission certificate in terms of the regulations in this Part, shall permit an airworthiness inspector 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, shall permit an airworthiness inspector 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.

Cancellation or suspension of certificate and appeal

34.01.3 (1) An airworthiness inspector may suspend for a period not exceeding 30 days, 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 36.01.2, 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 airworthiness inspector to do so;
- (b) the airworthiness inspector is prevented by the holder of the fuel venting certificate or engine emission certificate to carry 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 airworthiness inspector who has suspended a fuel venting certificate or engine emission certificate in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended fuel venting certificate or engine emission certificate should be cancelled.

(3) The airworthiness inspector concerned shall 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 shall furnish proof of such submission for the information of the Director.

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

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside.

(6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the airworthiness inspector concerned and shall furnish proof of such submission for the information of the Director.

(7) The airworthiness inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in subregulation (6), deliver his or her written reply to such appeal to the Director.

(8) The Director may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the airworthiness inspector concerned to appear before him or her, either in person or through a representative, at a time and place

determined by him or her, to give evidence.

(9) The Director may confirm, vary or set aside the suspension referred to in subregulation (1).

(10) The Director shall -

- (a) if he or she confirms the suspension in terms of subregulation (9); or
- (b) if a fuel venting certificate or engine emission certificate is suspended in terms of subregulation (1) and the holder thereof does not appeal against such suspension in terms of subregulation (4),

cancel the fuel venting certificate or engine emission certificate concerned.

Register of certificates

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

- (2) The register shall 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 subregulation (2) shall be recorded by the 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 shall be kept in a safe place at the office of the Director.

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

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; or
- (e) a standard category certificate of airworthiness,

shall comply with fuel venting standards as prescribed in Document NA-CATS-ENVIRO.

Recognition of foreign fuel venting certification

34.02.2 The 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 NA-CATS-ENVIRO.

Application for fuel venting certificate

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

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

Issuing of fuel venting certificate

34.02.4 An application in terms of regulation 34.02.3 is granted and a fuel venting certificate issued if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

Form of fuel venting certificate

34.02.5 A fuel venting certificate shall be issued on the appropriate form as prescribed in Document NA-CATS-ENVIRO.

Period of validity of fuel venting certificate

34.02.6 (1) A fuel venting certificate shall be 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 airworthiness inspector, or cancelled by the Director, in terms of regulation 34.01.3.

(2) The holder of a fuel venting certificate which is suspended, shall forthwith produce the fuel venting certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a fuel venting certificate which is cancelled, shall, within 30 days from the date on which the fuel venting certificate is cancelled, surrender such fuel venting certificate to the Director.

Transfer of fuel venting certificate

34.02.7 A fuel venting certificate shall 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; or
- (e) a standard category certificate of airworthiness,

shall comply with the appropriate engine emission standards as prescribed in Document NA-CATS-ENVIRO.

Recognition of foreign engine emission certification

34.03.2 The 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 NA-CATS-ENVIRO.

Application for engine emission certificate

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

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

Issuing of engine emission certificate

34.03.4 An application in terms of regulation 34.03.3 is granted and an engine emission certificate issued if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

Form of engine emission certificate

34.03.5 An engine emission certificate shall be issued on the appropriate form as prescribed in Document NA-CATS-ENVIRO.

Period of validity of engine emission certificate

34.03.6 (1) An engine emission certificate shall be 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 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 airworthiness inspector, or cancelled by the Director, in terms of regulation 34.01.3.

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

(3) The holder of an engine emission certificate which is cancelled, shall, within 30 days from the date on which the engine emission certificate is cancelled, surrender such engine emission certificate to the Director.

Transfer of engine emission certificate

34.03.7 An engine emission certificate shall be transferred with the aircraft.