



## **NOTICE OF PROPOSED AMENDMENT 2017-08**

**Issue 01**

**Date of Issue: 24<sup>th</sup> August 2017**

**SUBJECT:**

ANSP CONTRACTING OF SERVICES

**REFERENCE PUBLICATIONS:**

CAR PART VIII

**REASON:**

The GCAA considers that permitting Air Navigation Service Providers (ANSP) to contract a whole or portion of its activities may provide flexibility for ANSPs. Consequently, the GCAA has considered a change to its regulation to permit such practices. This proposal closely mirrors the existing European regulations and aims at clarifying the requirements and obligations of the concerned parties.

The intent of the proposal is to ensure that all organisations providing air navigation services are either:

- themselves certified to provide the respective service while under the oversight of the contracting organisation; or
- encompassed within the oversight, quality management, and safety management systems of the contracting organisation.

The GCAA seeks the feedback of industry stakeholders on this important change.

The change is limited to Subpart 1 of CAR PART VIII since Subpart 1 acts as the overarching rule framework for other Subparts of CAR PART VIII and hence, automatically enables such provision within the following Subparts of CAR PART VIII:

- SUBPART 2 – AERONAUTICAL INFORMATION SERVICES ORGANISATIONS
- SUBPART 4 – AIR TRAFFIC SERVICES ORGANISATIONS
- SUBPART 5 – CERTIFICATION OF COMMUNICATION, NAVIGATION AND SURVEILLANCE MAINTENANCE ORGANISATIONS
- SUBPART 6 – INSTRUMENT FLIGHT PROCEDURE DESIGN REQUIREMENTS
- SUBPART 7 – METEOROLOGICAL SERVICES
- SUBPART 8 – SEARCH AND RESCUE SERVICE REGULATIONS
- SUBPART 9 – AERODROME FLIGHT INFORMATION SERVICES



**AFFECTED STAKEHOLDERS:**

All organisations providing air navigation services in the UAE.

**AFFECTED RULES:**

CAR PART VIII, SUBPART 1 – GENERAL

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<del>Text to be deleted is shown with a line through it.</del>	Text to be deleted
New text to be inserted is highlighted with grey shading.	New text to be inserted:
<del>Text to be deleted is shown with a line through it</del> followed or preceded by the replacement text which is highlighted with grey shading.	Existing text to be replaced by new text

**RECOMMENDATION:**

This NPA is published to announce to the public this amendment, and to entitle all concerned parties to:

- Review the attached proposed changes to regulation;
- Agree on the date of applicability for those changes being set to 1<sup>st</sup> February 2018; and
- Submit their comments on the changes and date of applicability online through the GCAA website by 30 September 2017.

Comments must be submitted through the GCAA Website – E-Publication – Notice of Proposed Amendment, using the Action of “Submit NPA Feedback Request”. Any comments submitted using any other means will not be considered.

Comments and Responses may be viewed in the Comments Response Document CRD pertaining to this NPA on the GCAA website.

**CONTACT:**

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# **PROPOSED AMENDMENT**

## **CONTRACTING OF AIR NAVIGATION SERVICES**



## **CAR PART VIII, SUBPART 1 – GENERAL**

### **SECTION A – GENERAL PROVISIONS**

#### **CAR 1.1 APPLICABILITY**

(a) CAR PART VIII, in the Subparts shown below, contains the Rules governing:

(1) Subpart 1: The general requirements for;

- i. certification,
- ii. on-going surveillance,
- iii. transfer or revocation and suspension of a certificate,
- iv. quality assurance,
- v. safety management systems,
- vi. operational approvals.

(2) Subpart 2: The certification and operation of organisations providing;

- i. an Aeronautical Information Service (AIS) for the UAE on behalf of the Authority, and
- ii. The requirements for;

(A) the UAE Aeronautical Information Publication (AIP),

(B) the Aeronautical Information Circulars (AIC) and NOTAM.

(3) Subpart 3: The classification and designation of Navigable Airspace and Objects affecting Navigable Airspace.

(4) Subpart 4: The certification and operation of organisations providing Air Traffic Services.

(5) Subpart 5: The certification and operation of organisations providing Communication, Navigation and Surveillance Services – Aeronautical Information Resource Services.

(6) Subpart 6: The certification and operation of organisations providing Instrument Flight Procedure Design Services.

(7) Subpart 7: The certification and operation of organisations providing Aviation Meteorological Services.



(8) Subpart 8: The certification and operation of organisations providing Search and Rescue Services.

(9) Subpart 9: The certification and operation of organisations providing an Aerodrome Flight Information Service (AFIS).

(10) Subpart 10: The operation of UAS (Only Definitions apply).

## CAR 1.2 DEFINITIONS AND ACRONYMS

(a) Definitions

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**Contracted activities.** Includes all the activities within the scope of the service provider's operations in accordance with the terms of the certificate that are performed by other organisations.

...

## CAR 1.5 REQUIREMENT FOR CERTIFICATION

(a) No person or organisation shall provide a service to civil aviation, as listed in CARs 1.1.a.2 to 1.1.a.9 inclusive of this Subpart (except 1.1.a.3), within the UAE FIR except under the authority of, and in accordance with the provisions of, a service certificate issued under this Part Subpart and other applicable Subparts.

*Note: Because of the general nature of this Subpart, the use of the term "service certificate" refers to a certificate issued under any Subpart of PART VIII as applicable.*

(b) The holder of a service certificate for any service listed under CAR 1.1.a.2 to 1.1.a.9 (except 1.1.a.3), and accordingly certified with the relevant subpart (the 'contracting organisation') may, subject to prior approval by the GCAA, contract a whole or portion of its activities (the 'contracted activities') to another organisation (the 'contracted organisation') subject to the following requirements:

1) The contracted organisation shall hold a service certificate issued under the relevant subparts to carry out the contracted activities;

2) The contracting organisation shall have a quality and system management system capable of

i. checking the validity and scope of the certification of the contracted organisation and

ii. ensuring that the contracted organisation effectively conducts the contracted activities, and conforms to the applicable requirements;

iii. ensuring that the contracted organisation has established and implemented mechanisms to remedy to an immediate danger to safety and rectify situation that could lower safety standard;



- 3) The contracted organisation shall grant unrestricted access to the contracting organisation and the GCAA to determine continued compliance with the applicable requirements;
  - 4) The contracting organisation shall remain accountable for the service and responsible for ensuring that:
    - i. all contracted activities are subject to appropriate safety management and quality management system processes established by the contracted organisation; and
    - ii. that any identified deficiencies and/or audit findings against the contracted organisation are resolved through SMS processes as required by the GCAA; and
  - 5) The relationship between the contracted and contracting organisations will be defined on the service certificates of both organisations and they shall comply with any conditions stated in their respective service certificate.
  - 6) For the purposes of CAR 1.11 and 1.13, submissions to the Authority shall be performed by the contracting organisation.
- (c) Notwithstanding requirements of CAR 1.5(b), the GCAA may allow a service certificate holder to contract activities on a partial or temporary basis to an organisation not certified under the appropriate Subpart of CAR PART VIII if the certificate holder can demonstrate to the GCAA its ability to ensure that the contracted organisation:
- 1) can work under the oversight system of the service certificate holder, and
  - 2) complies with the terms of its service certificate.

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