

**PNG
Civil Aviation Rules
Part 173**

Air Navigation Service Organisations — Certification

Effective 1 January 2004.

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Subpart A — General

173.1 Purpose

This Part prescribes rules governing the certification and operation of organisations providing an air navigation service that includes designing, certifying, and maintaining visual and instrument flight procedures.

173.3 Definitions

Air navigation service means a service to design, certify, maintain and promulgate visual and instrument flight procedures.

173.5 Requirement for certificate

No person shall provide an air navigation service except under the authority of, and in accordance with, an air navigation certificate issued under this Part.

173.7 Application for certificate

An applicant for the grant of an air navigation service certificate shall complete form CAA 173/01, and submit it to the Director not less than 90 days before the date of intended operation, unless a shorter period is acceptable to the Director, with—

- (1) the name and address for service in Papua New Guinea of the applicant; and
- (2) the exposition required by 173.73; and
- (3) a payment of the appropriate application fee prescribed by regulations made under the Act.

173.9 Issue of certificate

An applicant is entitled to an air navigation service certificate if the Director is satisfied that—

- (1) the applicant meets the requirements of Subpart B; and
- (2) the applicant, and the applicant's senior person or senior persons required by 173.51(a)(1) and (2) are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

173.11 Privileges of certificate holder

An air navigation service certificate enables the certificate holder to design visual and instrument flight procedures that are subsequently established in the Papua New Guinea Air Navigation Register by the Director under Part 95, and promulgated in the AIP by the certificate holder.

173.13 Duration of certificate

- (a) An air navigation service certificate may be granted or renewed for a period of up to 5 years.
- (b) An air navigation service certificate remains in force until it expires or is suspended or revoked by the Director.

- (c) The holder of an air navigation service certificate that expires or is revoked shall forthwith surrender the certificate to the Director.
- (d) The holder of an air navigation service certificate that is suspended, shall forthwith produce the certificate to the Director for appropriate endorsement.

173.15 Notification of termination of service

The holder of an air navigation service certificate that terminates its service shall notify the Director of termination in writing not less than 30 days prior to the date of the termination.

173.17 Renewal of certificate

- (a) The holder of an air navigation service certificate shall make any application for the renewal of an air navigation certificate on form CAA 173/01.
- (b) The application required by paragraph (a) shall be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

Subpart B — Certification Requirements

173.51 Personnel requirements

- (a) An applicant for the grant of an air navigation service certificate shall employ, contract, or otherwise engage—
 - (1) a senior person identified as the Chief Executive who—
 - (i) has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
 - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and
 - (2) a senior person who is or senior persons who are—
 - (i) responsible for ensuring that the applicant's organisation complies with its exposition; and
 - (ii) authorised to certify visual and instrument flight procedures in accordance with the procedures required by 173.57; and
 - (iii) ultimately responsible to the Chief Executive; and
 - (iv) trained in PANS-OPS procedures design through ICAO Course No. 155 or equivalent; and
 - (v) experienced in the application of visual and instrument flight procedures as a flight crew member, air traffic controller or equivalent; and
 - (3) appropriately trained personnel to provide the air navigation services listed in the applicant's exposition.

- (b) An applicant for the grant of an air navigation service certificate shall—
- (1) establish a procedure to assess the competence of those persons who are authorised by the applicant to design, certify, and maintain visual and instrument flight procedures; and
 - (2) establish a procedure to assess the competence of those personnel authorised to provide the air navigation services listed in the applicant's exposition; and
 - (3) establish a procedure to maintain the competence of those authorised personnel referred to in paragraphs (b)(1) and (b)(2); and
 - (4) provide those authorised personnel referred to in paragraph (b)(1) with written evidence of the scope of their authorisation.

173.53 Resource requirements

An applicant for the grant of an air navigation service certificate shall—

- (1) provide premises and equipment that are appropriate for personnel to design, certify, maintain and promulgate visual and instrument flight procedures.; and
- (2) have access to—
 - (i) an accurate and current database or charts detailing terrain and obstacle information; and
 - (ii) accurate and current navigation aid coordinate data; and
 - (iii) accurate and current aerodrome reference point and threshold data, where required; and
 - (iv) any other data necessary for the design of visual and instrument flight procedures.
- (3) when aeronautical data is required for design purposes, have procedures to ensure the integrity of the aeronautical database, and the integrity of the aeronautical data throughout the design process from survey/origin to the certified flight procedure.

173.55 Design of visual and instrument flight procedures

An applicant for the grant of an air navigation service certificate shall establish procedures to ensure that each visual and instrument flight procedure is designed in accordance with Part 95.

173.57 Certification of visual and instrument flight procedures

An applicant for the grant of an air navigation service certificate shall establish procedures to ensure that each visual and instrument flight procedure is certified by a senior person referred to in 173.51(a)(2)(ii) as complying with Part 95 prior to submitting the procedure to the Director for establishment by entering in the Papua New Guinea Air Navigation Register.

173.59 Promulgation of visual and instrument flight procedure

An applicant for the grant of an air navigation service certificate shall establish procedures to ensure that, when it is notified by the Director that details of a visual and instrument flight procedure designed and certified by it are established in the Papua New Guinea Air Navigation Register, the visual and instrument flight procedure is promulgated in the AIP.

173.61 Maintenance of visual and instrument flight procedures

An applicant for the grant of an air navigation service certificate shall establish procedures to ensure that the ongoing integrity of a visual and instrument flight procedure certified under 173.57 is maintained in response to—

- (1) an amendment in the design standard used for the initial design of that procedure; and
- (2) on becoming aware of, or on receiving advice from the Director of a proposed construction of, an obstruction that could affect the integrity of that procedure.

173.63 Error correction in promulgated procedures

- (a) An applicant for the grant of an air navigation service certificate shall establish procedures to record, investigate, correct, and report any error that is detected in any promulgated visual and instrument flight procedure.
- (b) The procedures required by paragraph (a) shall ensure that—
 - (1) the source of the error is identified and, where possible, the means by which the error occurred is eliminated to prevent recurrence; and
 - (2) the error is corrected or the visual and instrument flight procedure withdrawn by the most appropriate means relative to the operational significance of the error; and
 - (3) the correction is clearly identified in the printed information promulgated in the AIP; and
 - (4) the Director is notified of a promulgated information incident in accordance with Part 12.

173.65 Cancellation or withdrawal of a visual and instrument flight procedure

- (a) An applicant for the grant of an air navigation service certificate shall establish procedures to—
 - (1) if an error is detected in a visual and instrument flight procedure that can affect the safety of air navigation—
 - (i) immediately withdraw the use of that procedure until the error is corrected; and
 - (ii) if the error cannot be corrected, request the Director to cancel the procedure; and
 - (2) if a visual and instrument procedure cannot be maintained in accordance with 173.61, request the Director to cancel the procedure.

173.67 Records

An applicant for the grant of an air navigation service certificate shall—

- (1) establish procedures to identify, collect, index, store, maintain, and dispose of the records that are necessary for the design of visual and instrument flight procedures; and
- (2) have a record, for each visual and instrument flight procedure designed under 173.55, certified under 173.57, and promulgated under 173.59, of its—
 - (i) design; and
 - (ii) where applicable, testing; and
 - (iii) consultation; and
 - (iv) resolution of conflict; and
 - (v) promulgation; and
- (3) have a record of each internal quality assurance review of the applicant's organisation carried out under the procedures required by 173.71(a); and
- (4) have a record for each senior person authorised by the applicant to certify visual and instrument flight procedures in accordance with 173.57, that includes details of each senior person's experience, qualifications, training, and current authorisations; and
- (5) have records under paragraphs (2), (3), and (4) that are accurate and of a permanent nature; and
- (6) retain the record required under paragraph (2) for at least one year following cancellation of that visual and instrument flight procedure from the Papua New Guinea Air Navigation Register, or for such longer period as may be required by the Director.

173.69 Documentation

- (a) An applicant for the grant of an air navigation service certificate shall hold a current copy of ICAO Doc 8168, ICAO Doc 9365, ICAO Annex 6, ICAO Annex 11, and any other guidelines and criteria acceptable to the Director required by the applicant under 95.51(a).
- (b) An applicant for the grant of an air navigation service certificate shall establish a procedure to control all the documentation required under this Part to ensure that—
 - (1) the documentation is reviewed and authorised by appropriate personnel before issue; and
 - (2) current issues of relevant documentation are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Director; and
 - (3) all obsolete documentation is promptly removed from all points of issue or use; and
 - (4) changes to documentation are reviewed and approved by appropriate personnel; and
 - (5) the current version of each item of documentation can be identified to preclude the use of superseded material.

173.71 Internal quality assurance

- (a) An applicant for the grant of an air navigation service certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.
- (b) The internal quality assurance system shall include—
- (1) a safety policy and safety policy procedures; and
 - (2) a statement declaring the objectives and strategies of the quality system; and
 - (3) a procedure to ensure that the safety policy and quality system objectives and strategies are understood at all levels of the organisation; and
 - (4) a procedure to ensure quality indicators, including employee and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
 - (5) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and
 - (6) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
 - (7) an internal audit programme to audit the applicant's organisation for conformity with the procedures in its exposition and achievement of the goals set in its safety policy; and
 - (8) management review procedures that may, where appropriate, include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The internal audit programme shall—
- (1) specify the frequency and scope of audits taking into account the nature of the activity to be audited; and
 - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
 - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the senior person responsible for internal audits; and
 - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
 - (5) ensure follow up audits are conducted to review the effectiveness of any preventive or corrective action taken.
- (d) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system, taking into account the need for the continuing effectiveness of the system; and
 - (2) identify the responsible person(s) who shall review the quality assurance system; and

- (3) ensure the results of the review are evaluated and recorded.
- (e) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive.
- (f) The internal quality assurance system required by paragraph (b) and the programme and procedures required by paragraphs (c) and (d) shall be of appropriate detail when considering the size and complexity of the operation, sufficient to ensure that the quality objectives are understood, implemented, and maintained at all levels of the organisation.

173.73 Organisation exposition

- (a) An applicant for the grant of an air navigation service certificate shall provide the Director with an exposition that shall contain—
 - (1) a statement signed by the Chief Executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
 - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are required to be complied with by its personnel at all times; and
 - (2) the titles and names of the senior person or senior persons required by 173.51(a)(1) and (2); and
 - (3) the duties and responsibilities of the senior person or senior persons specified in paragraph (a)(2) including matters for which the person or persons have responsibility to deal directly with the Director on behalf of the organisation; and
 - (4) where there is more than one senior person specified in paragraph (a)(2), an organisation chart showing lines of responsibility of those persons; and
 - (5) a list of the types of visual and instrument flight procedures to be provided by the applicant; and
 - (6) details of the applicant's procedures required by—
 - (i) 173.51(b) regarding the competence of personnel; and
 - (ii) 173.55 regarding the design of visual and instrument flight procedures; and
 - (iii) 173.57 regarding the certifying of visual and instrument flight procedures; and
 - (iv) 173.59 regarding the promulgation of visual and instrument flight procedures; and
 - (v) 173.61 regarding the ongoing integrity of visual and instrument flight procedures; and
 - (vi) 173.63 regarding error correction in promulgated procedures; and
 - (vii) 173.65 regarding the cancellation or withdrawal of a visual and instrument flight procedure; and
 - (viii) 173.67 regarding records management; and

- (ix) 173.69 regarding the control of documentation; and
 - (x) 173.71 regarding internal quality assurance; and
 - (7) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart C – Operating Requirements

173.101 Continued compliance

The holder of an air navigation service certificate shall—

- (1) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part; and
- (2) hold at least one current copy of its exposition; and
- (3) comply with all procedures detailed in its exposition; and
- (4) make each part of its exposition that is applicable to the duties of its personnel available to those personnel; and
- (5) notify the Director of any change of address for service, telephone number, or facsimile number on form CAA 173/01 within 28 days of the change.

173.103 Changes to certificate holder's organisation

- (a) The holder of an air navigation service certificate shall—
- (1) ensure that its exposition is amended so as to remain a current description of its organisation; and
 - (2) ensure that any amendments made to its exposition meet the applicable requirements of this Part; and
 - (3) comply with the amendment procedures contained in its exposition; and
 - (4) forward to the Director for retention a copy of each amendment to its exposition as soon as practicable after the amendment is incorporated into its exposition; and
 - (5) make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.
- (b) Where the holder of an air navigation service certificate proposes to make a change to—
- (1) the Chief Executive; or
 - (2) the listed senior person or senior persons; or
 - (3) the senior person who is or senior persons who are authorised to certify procedures in accordance with 173.57; or
 - (4) the types of visual and instrument procedures for flight under IFR covered by the certificate for the air navigation services it provides—

the holder shall, prior to making the change, apply to and receive acceptance from the Director.

- (c) An application to make any of the changes specified in paragraph (b) shall be made by the holder of an air navigation service certificate on form CAA 173/01.
- (d) The Director may prescribe conditions under which an air navigation service certificate holder may operate during or following any of the changes specified in paragraph (b).
- (e) The holder of an air navigation service certificate shall comply with any conditions prescribed under paragraph (d).
- (f) Where any change to an air navigation service certificate holder's organisation requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.