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Maldivian Civil Aviation Regulations

MCAR-172 Air Traffic Services Organisation Certification

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Maldives Civil Aviation Authority
Republic of Maldives

Maldivian Civil Aviation Regulations

MCAR-172 Air Traffic Services Organisation Certification

Issue 1.00, 05 March 2023

Foreword

Maldives Civil Aviation Authority, in exercise of the powers conferred on it under Articles 5 and 6 of the Maldives Civil Aviation Authority Act 2/2012 has adopted this Regulation.

This Regulation shall be cited as MCAR-172 Air Traffic Services Organisation Certification and shall come in to force on 05 March 2024.

Compliance with this Regulation is mandatory for organisation providing air traffic services.

Definitions of the terms and abbreviations used in this Regulation, unless the context requires otherwise, are in MCAR-1 Definitions and Abbreviations.

List of Amendments

Rev #	Date	Remarks
Issue 1.00	2023-03-05	Initial issue

List of Effective Pages

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CHAPTER 1 - General

1.1 Purpose

a) This MCAR prescribes rules governing:

1) the certification and operation of Organisations providing an air traffic service in the Male' Flight Information Region; and

2) the operating and technical standards for providing an air traffic service by those Organisations.

b) This MCAR applies to a person or Organisation who wants to provide, or is providing, one or more of the air traffic services specified in 1.6.

1.2 Definitions

For definitions other than those given in this Regulation, refer MCAR – 1.

In this MCAR:

Air traffic service includes:

1) any aerodrome control service;

2) any area control service;

3) any approach control service;

4) any flight information service;

5) any aerodrome flight information service;

6) any alerting service;

7) any other air traffic service considered by the CAA to be necessary or desirable for the safe and efficient operation of the civil aviation system.

Area of responsibility means the airspace, and in the case of an aerodrome, the maneuvering area, within which a particular operating position is responsible for the provision of an air traffic service:

ATS Letter of Agreement means a document formalising matters of operational significance between ATS units:

ATS messages means emergency messages, movement and control messages, and flight information messages as described in Part IX of ICAO Document 4444:

ICAO Document 4444 means the Procedures for Air Navigation Services – Air Traffic Management (PANS-ATM):

ICAO Document 7030 means the Regional Supplementary Procedures:

ICAO Document 9432 means the Manual of Radiotelephony:

Essential traffic means any controlled traffic that is not separated by the prescribed minima in relation to other controlled flights where separation is required:

Filed flight plan means the flight plan as filed with an ATS unit by the pilot or a designated representative, without any subsequent changes:

Flow control means measures designed to adjust the flow of traffic into a given airspace, along a given route, or bound for a given aerodrome, to ensure the most effective utilization of the airspace:

Operating position means the workstation from which one or more air traffic controllers or flight service operators provide air traffic services within an allocated area or areas of responsibility:

Rated air traffic controller means an air traffic controller holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with MCAR 65:

Rated flight information service officer means a flight information service officer holding a current licence, and a rating, validated for the particular location, issued in accordance with MCAR 65:

Situation display means an electronic display depicting the position of and movement of aircraft and other information as required:

Strayed aircraft means an aircraft that has deviated significantly from its intended track or reports that it is lost:

TACAN means UHF tactical air navigation aid:

Traffic avoidance advice means advice provided by an ATS unit to assist a pilot to avoid a collision:

Traffic information means information issued by an ATS unit, to alert a pilot to other known or observed air traffic which may be in proximity to the position, or intended route of flight, and to help the pilot avoid a collision:

Visual surveillance systems include an electro-optical system providing an electronic visual presentation of traffic and any other information necessary to maintain situational awareness at an aerodrome and its vicinity:

VORSEC means VOR/DME minimum sector altitude chart:

VORTAC means VOR and TACAN combination:

1.3 Requirement for certificate

No person shall provide an air traffic service except under the authority of, and in accordance with the provisions of, an air traffic services certificate issued under this MCAR.

1.4 Application for certificate

a) Each applicant for the grant of an air traffic services certificate shall:

1) complete form CAA/ATS/03, which shall require the following information:

i) the applicant's name and address for service in Maldives; and

ii) the specific air traffic service or services to be provided; and

iii) the aerodrome location or airspace designation at, or within which, the service will be provided; and

iv) such other particulars relating to the applicant and the intended service as may be required by the CAA as indicated on the form; and

2) submit the completed form to the CAA with:

i) the exposition required by Chapter 3; and

ii) payment of the appropriate application fee prescribed in MCAR-187.

b) Each applicant for the grant of an air traffic services certificate shall permit an inspector of the Authority to carry out such safety and regulatory compliance inspections and audits which may be necessary for the purpose of verifying the validity of any application made under this MCAR.

1.5 Issue of certificate

a) Subject to paragraph b), an applicant is entitled to an air traffic services certificate if the CAA is satisfied that:

1) the applicant meets the requirements of Chapter 2 of this MCAR; and

2) the applicant, and the applicant's senior person or persons required by 2.1, are fit and proper persons; and

3) the granting of the certificate is not contrary to the interests of aviation safety.

b) The CAA shall ensure, in the interests of aviation safety that only one certificate for the same air traffic service is current at any time.

c) For the purpose of paragraph, a) 1), the applicant shall permit an inspector of the Authority to carry out such inspections and audits as may be necessary for determining compliance with the requirements.

d) An air traffic services certificate shall be granted in a form prescribed by the CAA and shall include the following:

1) the holder's name and address of its principal place of business;

2) the type of air traffic services to be provided within particular airspaces or at aerodromes;

3) the location of services to be provided;

4) the conditions of certification as applicable; and

5) the effective date of the certificate and as applicable, the expiry date

e) The CAA may:

1) when issuing an air traffic services certificate, include any conditions as may be deemed necessary in the interest of aviation safety;

2) decline to grant an air traffic services certificate to an applicant, and where the CAA so declines, the CAA shall inform the applicant in writing, indicating the reasons for declining;

3) issue a replacement certificate upon a request by the certificate holder where the original certificate has been lost or destroyed, subject to payment of the appropriate fee as prescribed in MCAR 187.

1.6 Privileges of certificate

a) An air traffic services certificate specifies which of the following air traffic services, the certificate holder is authorized to provide:

1) area control service;

2) approach control service;

3) aerodrome control service;

4) flight information service;

5) aerodrome flight information service;

6) alerting service;

7) any other service provided in accordance with Chapter 4 of this MCAR.

b) An air traffic services certificate:

1) states the aerodrome or airspace at, or within which, the service is provided; and

2) may include such conditions as the CAA considers appropriate.

1.7 Duration of certificate

a) An air traffic services certificate remains in force until it is suspended or revoked in accordance with paragraph 1.11.

b) The holder of an air traffic services certificate that is revoked shall forthwith surrender the certificate to the CAA.

c) The holder of an air traffic services certificate that is suspended shall forthwith produce the certificate to the CAA for appropriate endorsement.

1.8 Renewal of certificate

a) An application for the renewal of an air traffic services certificate shall be made on form CAA/ATS/03.

b) The application shall be submitted to the CAA 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.

c) The application for renewal shall be accompanied by:

1) the appropriate fee as prescribed in MCAR 187; and

2) copy of the previous certificate issued under this MCAR.

d) The renewal of an air traffic services certificate shall be subject to:

1) compliance with the requirements specified in Chapter 2 of this MCAR and any other requirements as may be deemed appropriate by the CAA;

2) any other conditions as may be specified or notified by the CAA.

1.9 Amendment of an air traffic services certificate

a) The CAA may amend an air traffic services certificate issued under this MCAR upon:

1) an application made by the holder of the certificate in a form prescribed by the CAA; or

2) the initiative of the CAA where it is deemed necessary.

b) A holder of an air traffic services certificate applying to the CAA for amendment of the certificate under paragraph a) 1) shall:

1) include in the application, the proposed amendment; and

2) pay such fee as may be prescribed under MCAR 187.

c) Where the CAA initiates amendments under paragraph a) 2) the holder of an air traffic services certificate shall make amendments as necessary, in the Organisation exposition required by Chapter 3.

d) The CAA may amend or decline the application to amend the certificate applied for, and, where the amendment is declined, the CAA shall inform the applicant in writing, giving reasons for declining.

1.10 Transfer of an air traffic services certificate

An air traffic services certificate issued under this MCAR is not transferable.

1.11 Suspension and revocation of an air traffic services certificate

a) The CAA may suspend provisionally, pending further investigation, any certificate issued under this MCAR, if it is considered that:

1) a relevant provision of this MCAR or any other relevant MCAR, or a condition in the certificate, has not been or is not being complied with; or

2) false or materially incorrect information was given to the CAA in the application for the certification; or

3) it is in the public interest to do so.

b) The CAA may, where satisfied that the results of an investigation referred to in paragraph a) has shown sufficient ground, suspend or revoke any certificate issued under this MCAR.

c) A holder of an air traffic services certificate which has been suspended or revoked, in accordance with this MCAR shall surrender the certificate to the CAA within seven days from the date of suspension, or revocation.

d) Pursuant to paragraph a) 1), if, in the event that the results of an inspection or audit conducted by the CAA, show that a relevant provision of this MCAR or any other relevant MCAR, or a condition in the certificate, has not been or is not being complied with, the CAA shall formally notify the certificate holder in writing, of the non-compliances, specifying the time frame within which the non-compliances should be rectified.

e) Where the time period specified in accordance with paragraph d) has lapsed and the non-compliances have not been addressed, the failure by the air traffic service provider to comply with the relevant requirements may be taken into account when determining the need to suspend or revoke the certificate.

f) An air traffic services certificate that has been suspended or revoked, shall be renewed, where the air traffic service provider satisfies the CAA, through an audit process, that the non-compliances have been rectified.

1.12 Reserved

CHAPTER 2 - Certification Requirements

2.1 Personnel requirements

a) Each applicant for the grant of an air traffic service certificate shall engage, employ, or contract:

1) a senior person identified as the Accountable Manager who has the authority within the applicant's Organisation to ensure that each air traffic service listed in its exposition:

i) can be financed; and

ii) is provided in accordance with the requirements prescribed by this MCAR; and

2) a senior person or senior persons ultimately responsible to the Accountable manager who is or are responsible for the following functions:

i) ensuring that the applicant's Organisation complies with the requirements of this MCAR; and

ii) the management system required under rule 2.37;

3) Sufficient qualified personnel to manage, support, and provide the air traffic services and any associated training or assessment listed in the applicant's exposition.

4) The senior person required by paragraph a) 2) ii) shall be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.

b) The applicant shall establish procedures to:

1) ensure the competence of those personnel who are authorized by the applicant to provide the air traffic services, and training and assessment for those services, listed in the applicant's exposition; and

2) provide those authorized personnel with written evidence of the scope of their authorisation; and

3) ensure that those authorized personnel hold appropriate current licences and ratings in accordance with MCAR 65.

4) ensure, where practicable, that authorized personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information; and

5) facilitate, for rated air traffic service licence holders, compliance with the recent experience requirements of MCAR 65; and

6) Systematically address human resources management in the following key aspects:

i) Management and responsibilities and accountabilities;

ii) Staff deployment;

iii) Operational watch rostering; and

iv) Operational support arrangements.

7) Document and define the method of determining staffing levels to ensure safe and efficient ATM operations

8) Facilitate and ensure recruitment and retention of adequate ATS staff

9) Plan the level of ATS staffing requirements taking into account the following factors:

i) Training requirements;

ii) Rest days between shifts;

iii) Leave requirements;

iv) Sick leave reserve;

v) Traffic volume, pattern and trend; and

vi) Mid- to long-term projection on the development of ATM system.

10) ensure personnel are given the opportunity to attend varying levels of technical and administrative instructional courses to provide a career structure through to top management positions.

11) ensure personnel are given the opportunity to demonstrate fitness for promotions, and also allow management to have a broader group from which to select possible candidates.

12) ensure, where practicable, that an air traffic controller shall not exercise the privileges of their rating or ratings:

i) unless they comply with any endorsements on their medical certificate; and

ii) when any decrease in their medical fitness might render them unable to safely exercise these privileges.

2.2 ATS Training

a) Each applicant for the grant of an air traffic service certificate shall establish procedures and programmes for the training and assessment of the following personnel:

1) air traffic controllers;

2) Flight information service officer;

3) personnel directly involved in the provision of an HF aeronautical telecommunication service, if employed;

4) personnel directly involved in activities supporting:

i) rated air traffic controllers;

ii) rated flight information service officers.

b) The training program shall include training on human factor principles, refresher and recurrent and continuity training for personnel listed in a) above.

c) The applicant shall establish procedures to ensure that personnel giving instruction in an operational environment hold an appropriate current instructor rating.

d) The applicant shall establish procedures to ensure that personnel carrying out assessment for the issue of licences, or the issue or validation of ratings, hold an appropriate classroom instructor or ATS examiner rating.

2.3 Prevention of fatigue

An applicant for the grant of an air traffic service certificate shall establish suitable procedures to mitigate the effects of fatigue on ATS operational staff in accordance with requirements specified in MCAR 11, 2.28.

2.4 Facility requirements

a) An applicant for the grant of an air traffic service certificate shall establish the following facilities that are appropriate to the air traffic services listed in the applicant's exposition:

1) aerodrome control towers;

2) approach control offices;

3) area control centres;

4) aerodrome flight information offices;

5) flight information centres;

6) dedicated training and assessment facilities.

b) Except as provided in paragraph h), an applicant for an aerodrome control service, or an aerodrome flight information service, shall establish procedures for ensuring that any aerodrome control tower or aerodrome flight information office, including any temporary tower or office, listed in the applicant's exposition, is—

1) constructed and situated to provide:

i) the maximum practicable visibility of aerodrome traffic; and

ii) protection from glare and reflection; and

iii) protection from noise; and

2) safeguarded from any development that would affect the requirements of paragraph b) 1); and

3) at remote locations, provided with:

i) toilet facilities that ensure the minimum possible interruption to, or degradation of, air traffic services; and

ii) storage and preparation facilities for food and drink in the sub level of the Control Tower building; and

4) provided with equipment for two-way voice communication with:

i) any aircraft, in or adjacent to airspace for which the applicant has responsibility; and

ii) any aircraft, vehicle, and person, on, or adjacent to, the manoeuvring area; and

5) provided with the following minimum equipment:

i) a display system or systems designed to show the disposition of current and pending aerodrome traffic together with ancillary information for individual aircraft:

ii) a power supply;

iii) appropriate and current maps and charts;

iv) binoculars;

v) clocks;

vi) log keeping system;

vii) outside temperature indicator;

viii) QNH display;

ix) signal lamp with green, red, and white functions;

x) telephone communications;

xi) status monitors for approach and landing aids and any road signaling equipment affecting the use of a runway;

xii) visibility checkpoints;

xiii) voice and, if applicable, data recording equipment;

xiv) wind direction and wind speed display;

xv) an audible emergency alerting system;

xvi) an AFTN terminal or, if provided for in an ATS letter of agreement, an alternative means of reception and transmission of information normally conveyed by AFTN;

xvii) if applicable, airfield lighting controls panel; and

6) provided with two independent sources of the current altimeter setting, at least 1 of which must be an aneroid barometer or barometric altimeter situated in the visual control room.

7) provided with discrete two-way communication arrangement with firefighting and rescue facilities.

c) The applicant shall establish procedures for ensuring that an area control centre, a flight information centre, and an approach control office is:

1) provided with equipment enabling:

i) to the fullest extent practical, two-way voice communication; and

ii) if applicable, data communication with any aircraft in, or adjacent to, airspace for which the applicant has responsibility; and

iii) situation display, where an ATS surveillance service is provided; and

2) provided with the following minimum equipment:

i) a display system or systems designed to show the disposition of current and pending flights together with ancillary information for individual aircraft:

ii) a power supply;

iii) appropriate and current maps and charts;

iv) clocks;

v) log keeping system;

vi) status monitors as appropriate for navigation, approach, and landing aids:

vii) telephone communications;

viii) voice recording equipment and, if applicable, data recording equipment;

ix) an AFTN terminal;

x) for an approach control operating position, an ILS and VOR/DME status monitor at the approach control procedural or approach control surveillance operating position for the aerodrome concerned;

xi) for an approach control operating position responsible for aircraft on final approach, or aircraft landing or taking off, a wind direction and wind speed display fed from the same source as the corresponding equipment in the aerodrome control tower.

d) The applicant shall establish procedures for ensuring that the aeronautical telecommunications equipment required by 2.4, paragraphs b) and c) are operated in accordance with the national requirements.

e) The applicant shall establish procedures for ensuring that any display system including the situation display used by an air traffic service is positioned with due regard to the relative importance of the information displayed and ease of use by the staff concerned.

f) The equipment required by paragraphs b) 4) and 5), and c) 1) and 2), shall have a level of reliability, availability, and redundancy, that minimizes the possibility of failure, non-availability, or significant degradation of performance.

g) The applicant shall establish procedures for ensuring that the status monitors required by 2.4, paragraph b) 5) xi. and paragraphs c) 2) vi. and x. are fitted with:

1) an aural signal to indicate a change of status; and

2) a visual indication of the current status.

h) A temporary aerodrome control tower and a temporary aerodrome flight information office are not required to be provided with the equipment required under rule 2.4,

paragraphs b) 5) xi, xvi and xvii, if it is impracticable to do so and other appropriate measures are taken, as the case may be, to:

1) provide the person providing the air traffic service from the temporary tower or office with the information that would be available from the equipment required under rule 2.4, paragraphs b) 5) xi and xvi; and

2) control the airfield lighting if applicable.

i) The applicant shall provide ATS personnel with rest room(s) with adequate facilities.

2.5 Establishment and transfer of service

a) Each applicant for the grant of an air traffic service certificate shall include with its application:

1) for each aerodrome and airspace, a schedule of the proposed hours of service for the first 12 months of operation; and

2) in respect of an aerodrome, or airspace, not currently provided with an air traffic service, a summary of safety factors considered before seeking certification.

b) Each applicant for the grant of an air traffic service certificate intending to assume responsibility for providing any air traffic service from an existing certificate holder, shall include with its application, full details of transitional arrangements endorsed by the accountable managers of both Organisations.

2.6 Shift administration

a) Each applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that:

1) adequate time is provided at the beginning and end of each shift, for the performance of those duties required:

i) before providing an air traffic service; and

ii) after ceasing to provide an air traffic service; and

b) A minimum of 5 minutes is provided for each transfer of watch at an ATS operational position.

2.7 Documentation

a) Each applicant for the grant of an air traffic service certificate shall hold copies of the relevant technical manuals, and all other documents, necessary for the provision and operation of the services listed in its exposition.

b) The applicant shall establish a procedure to control all the documentation required by paragraph a). The procedure shall ensure that:

1) all incoming documentation is reviewed, and act upon as required, by authorized personnel; and

2) all documentation is reviewed and authorized before issue; and

3) current issues of all relevant documentation are available to personnel at all locations where they need access to such documentation for the provision and operation of air traffic services; and

4) all obsolete documentation is promptly removed from all points of issue or use; and

5) any obsolete documents retained as archives are suitably identified as obsolete; and

6) changes to documentation are reviewed and approved by authorized personnel who shall have access to pertinent background information upon which to base their review and approval; and

7) the current version of each item of documentation can be identified to preclude the use of out-of-date editions.

2.8 Contingency plan

a) Each applicant for the grant of an air traffic service certificate shall establish a contingency plan providing for the safe and orderly flow of traffic in the event of a disruption, interruption, or temporary withdrawal of an air traffic service or related supporting service.

b) In addition to the requirement in a) above, each applicant for the grant of an air traffic service certificate to provide services in the Male' FIR (Flight Information Region) shall detail in its plan provisions for the continuation of the safe and orderly flow of international traffic not landing in Maldives.

2.9 Co-ordination requirements

a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures for ensuring, if applicable, co-ordination between each ATS unit listed in the applicant's exposition and the following agencies—

1) Communication Authority of Maldives; and

2) Maldives Meteorological Service; and

3) aeronautical information services; and

4) aircraft operators; and

5) the Maldives National Defense Force; and

6) search and rescue authorities; and

7) if the listed ATS unit is an aerodrome control or aerodrome flight information unit:

i) the aerodrome operator; and

ii) the apron management service, if the service is not provided by the aerodrome control unit.

b) The applicant shall establish procedures for ensuring that an ATS letter of agreement is in place between each ATS unit listed in the applicant's exposition and:

1) each ATS unit responsible for adjoining airspace, and

2) any other ATS unit with which regular operational co-ordination is required.

c) The applicant shall establish procedures for ensuring that each ATS letter of agreement:

1) contains details of matters that are necessary for effective co-ordination between the units party to the agreement; and

2) is kept current; and

3) is signed by senior representatives of the participating units; and

4) is part of the applicant's operations manual.

d) The applicant shall provide systems and procedures for facilitating communications between those ATS units that have an operational requirement to communicate with each other.

e) The applicant shall:

1) establish automated coordination procedures where the ATS surveillance system provides for the automated exchange of co-ordination data relevant to aircraft being provided with an ATS surveillance service; and

2) include alternative procedures to follow when the automated coordination fails.

f) The applicant shall ensure that:

1) the failure of automated coordination is presented to the controller responsible for coordinating the flight at the transferring unit; and

2) the controller facilitates the required coordination using the procedures referred to in paragraph e) 1).

g) The applicant shall provide systems and procedures for ensuring that ATS units, aircraft operators, and aviation meteorological service providers, if they require the information, are provided, through the exchange of ATS messages, with details of:

1) the intended movement of each aircraft for which a flight plan has been filed, and any amendments to the flight plan; and

2) current information on the actual progress of the flight.

h) The applicant shall establish procedures for ensuring that ATS messages are prepared and transmitted in accordance with procedures detailed and cross-referenced in ICAO Document 4444 (Chapter 11 – Air Traffic Services Messages).

2.10 Notification of facility status

a) An applicant for the grant of an air traffic service certificate shall establish procedures to notify the users of its air traffic services of relevant operational information and of any changes in the operational status of each facility or service listed in the applicant's exposition.

b) The applicant shall ensure that procedures established under paragraph a) require:

1) operational information for each of the applicant's air traffic services to be forwarded to the aeronautical information service for the AIP service; and

2) the users of the applicant's air traffic services to be notified without delay of any change in operational status of a facility or service that may affect the safety of air navigation, and, except if the change is temporary in nature, information concerning any change in operational status is forwarded to the aeronautical information service for the NOTAM service.

2.11 General information requirements

a) Each applicant for the grant of an air traffic service certificate shall establish procedures for the receipt of information on the following activities when the activity could affect airspace used by flights within the applicant's area of responsibility:

1) Volcanic ash-cloud; and

2) Release into the atmosphere of radioactive materials or toxic chemicals.

b) The applicant shall establish systems and procedures to ensure that each ATS unit, as appropriate to the applicant's intended area of responsibility, is kept informed of the operational status of:

1) non-visual navigation aids; and

2) visual aids essential for take-off, departure, approach, and landing procedures; and

3) visual and non-visual aids essential for surface movement.

c) Each applicant for the grant of an air traffic service certificate for an:

1) aerodrome control unit; or

2) approach control unit; or

3) aerodrome flight information service unit.

shall establish procedures to ensure the unit is kept informed of operationally significant conditions on the movement area. The information shall include the existence of temporary hazards and the operational status of any associated facilities at the aerodrome.

2.12 Meteorological information and reporting

a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that all meteorological information provided as part of any flight information service is supplied by the department responsible for meteorology services.

b) The applicant shall establish systems and procedures to ensure that ATS units are supplied with the meteorological information necessary for the performance of their

respective functions, in a form that requires a minimum of interpretation by ATS personnel.

c) The applicant shall establish procedures to ensure that equipment used in the compilation of basic weather reports:

1) supplies data representative of the area for which the measurements are required; and

2) where that equipment consists of multiple wind direction and speed indicators, identifies the runway, or section of the runway, monitored by each instrument.

d) The applicant shall establish a procedure to ensure that the information contained in a meteorological bulletin remains unchanged through onward transmission.

2.13 Area and Approach control services

a) An applicant for the grant of an air traffic service certificate in respect of an area or approach control service shall establish systems and procedures for:

1) determining from information received, the positions of known aircraft relative to each other; and

2) providing for the issue of ATC clearances, instructions, and information in accordance with the airspace classification and type of flight for the purpose of preventing collisions between aircraft under the control of the unit, and for expediting and maintaining a safe and efficient flow of traffic; and

3) coordinating clearances with other ATC units as necessary; and

4) displaying information on aircraft movements together with a record of clearances issued, in a manner that permits ready analysis of such information.

b) Except as provided in 2.13 paragraph d) and in 2.21, the procedures required by 2.13 paragraph a) 2) above, shall specify that vertical or horizontal or composite separation be provided between:

1) All flights in classes A and B airspace; and

2) IFR flights in classes C, D, and E airspace; and

3) IFR flights and VFR flights in class C airspace; and

4) IFR flights and Special VFR flights in classes B, C, and D airspace; and

5) Special VFR flights in classes B, C, and D airspace when the flight visibility is reported to be less than 5 km.

c) The separation procedures referred to in 2.13, paragraph b) above shall be in accordance with the applicable criteria and minima prescribed in:

1) Chapter 5 of this MCAR; or

2) MCAR 11; or

3) ICAO Document 4444; or

4) ICAO Document 7030.

d) In Class D or E airspace, the ATC separation required by paragraph 2.13 b) 2) does not apply to a flight using IFR if the pilot has been cleared to maintain own separation from other IFR flights. The clearance shall not be issued unless:

1) the clearance is in response to a specific request from the pilot of the aircraft; and

2) the flight is during the day and visual meteorological conditions exist; and

3) an ATS surveillance control service is not available; and

4) the clearance is for a specific portion of the flight; and

5) the pilots of all flights that will be essential traffic agree with the application of the procedure; and

6) essential traffic information is passed to the pilots of all affected flights; and

7) the flights concerned are on the same ATC frequency.

2.14 Aerodrome control service

a) An applicant for the grant of an air traffic service certificate in respect of an aerodrome control service shall establish systems and procedures for:

1) determining, from information received and visual observation, the relative positions of known aircraft to each other; and

2) providing for the issue of ATC clearances, instructions, and information, for the purpose of preventing collisions between:

i) aircraft flying in the vicinity of an aerodrome; and

ii) aircraft landing and taking off; and

iii) aircraft operating on the manoeuvring area; and

iv) aircraft, vehicles, and persons, operating on the manoeuvring area; and

v) aircraft on the manoeuvring area and obstructions on that area; and

3) providing for the issue of ATC clearances, instructions, and information, for the purpose of expediting and maintaining a safe and efficient flow of traffic; and

4) except as provided in rules 2.21, providing runway and wake turbulence separation in accordance with criteria and minima prescribed by:

i) MCAR 11; or

ii) ICAO Document 4444; or

iii) ICAO Document 7030; or

iv) Chapter 5 of this MCAR; and

5) ensuring that emergency vehicles responding to an aircraft emergency are given priority over all other surface movement traffic; and

6) providing for the control of the movement of persons or vehicles, including towed aircraft, on the manoeuvring area, as necessary to avoid hazard to them or to aircraft landing, taxiing, or taking off; and

7) coordinating as necessary with other units; and

8) displaying, at operating positions, continuously updated information on aircraft movements.

b) The applicant shall establish procedures for ensuring that, when radio communication is not available, basic clearances, instructions, and information required by 2.14, paragraph a) 2) can be conveyed by the use of the light signals described in MCAR – 2, Appendix 1, Chapter 4.

c) The applicant shall establish procedures for ensuring that when required by either the weather, or category of approach, or both:

1) aircraft on an ILS approach are informed of ILS critical area incursions, or the imminent possibility of an incursion; or

2) the applicable ILS critical areas are protected from incursion when an aircraft is on an ILS approach or has reached a point on the approach from which protection from incursion is necessary.

d) The applicant shall establish procedures for ensuring that, except as provided in 2.21 and subject to authorisation by the applicable approach control unit, aerodrome control units provide separation between:

1) IFR flights and Special VFR flights; and

2) Special VFR flights when the flight visibility is reported to be less than 5 km.

e) The applicant shall establish a procedure for ensuring that, when authority has been delegated by, and accepted from, the applicable area or approach control unit, aerodrome control units provide separation between controlled flights in accordance with the delegation.

f) The separation required by 2.14, paragraphs d) and e) shall be obtained by the use of vertical or horizontal or composite separation, in accordance with criteria and minima prescribed by:

1) MCAR 11; or

2) ICAO Document 4444; or

3) ICAO Document 7030; or

4) Chapter 5 of this MCAR.

2.15 Special use airspace

a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish systems and procedures to ensure that separation is provided between controlled flights and active special use airspace except when:

1) the pilot has approval from the administering authority to operate in the airspace; or

2) in the case of a danger area, the pilot has notified an express intention to operate in the danger area as the case may be; or

3) it is known, or reasonably believed, that the pilot of a VFR flight or an IFR flight navigating by visual reference is aware that the airspace is active; or

4) on a request by the pilot, the flight is cleared to maintain its own separation from the airspace.

2.16 Responsibility for control

a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that any controlled flight is under the control of only one ATC operating position at any given time.

b) The applicant shall establish procedures to ensure that responsibility for the control of all aircraft operating within a given block of airspace is vested in a single operating position. Control of an aircraft or groups of aircraft may be delegated to other operating positions provided that coordination between all affected operating positions is assured.

c) The applicant shall establish procedures for the transfer of responsibility for the control of an aircraft.

d) The procedures required by 2.16, paragraph c) shall ensure that:

1) transfer arrangements are:

i) agreed between ATC units responsible for adjacent airspaces and published in ATS letters of agreement; and

ii) in place for separate operating positions within an ATC unit and promulgated in the holder's operations manual; and

2) responsibility for control of an aircraft is not transferred from one ATC unit to another without:

i) communication of appropriate parts of the current flight plan; and

ii) any relevant control information; and

iii) the consent of the accepting unit.

2.17 Priorities

a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that, when providing air traffic services, safety is not jeopardized, and ATC units apply the following priorities:

1) an aircraft known or believed to be in a state of emergency or impaired operation has priority over other aircraft:

2) an aircraft landing, or in the final stages of an approach to land, has priority over a departing aircraft:

3) an aircraft landing or taking off has priority over a taxiing aircraft.

b) The applicant shall establish procedures to ensure that, where practical, following a request from a pilot, an aircraft involved in, or positioning for, the following activities is granted priority:

1) ambulance or mercy mission:

2) search and rescue:

3) civil defense or police emergency:

4) carriage of head-of-State, head-of-government, or equivalent dignitary.

c) The applicant shall establish procedures to ensure that an aircraft at a cruising level generally has priority over other aircraft requesting that level, except that—

1) an aircraft may be given priority for a cruising level in accordance with procedures published in ICAO Document 7030, or an ATS letter of agreement; and

2) an aircraft occupying a cruising level may be reassigned another level to maintain separation.

d) An applicant for an air traffic service certificate in respect of an area control service may establish procedures regarding priorities to be applied in airspace designated as RNP airspace.

e) Subject to the requirements of 2.17, paragraphs a) and b), an applicant may put in place schemes for the determination of priorities for arriving and departing flights, provided that consultation with interested parties is undertaken prior to implementing the scheme.

f) The applicant shall establish procedures to ensure that, if priorities are established under rule 2.17, paragraphs d) or e), relevant information including details regarding the handling of complaints, is published in the Maldives AIP.

g) The applicant shall establish procedures to ensure that, providing safety is not jeopardized, due regard is given to those priorities determined in conjunction with the aerodrome operator for:

1) aircraft arriving and departing the aerodrome; and

2) other operations in a control zone associated with the aerodrome.

h) The applicant shall establish procedures to ensure that, except when applying priority in accordance with other provisions of this rule, priority for arriving and departing flights is allocated on a first-come first-served basis.

i) The applicant shall establish procedures to ensure that the provision of an ATC service takes precedence:

1) over the provision of a flight information service whenever the situation so requires; and

2) over the performance of any other non-ATS tasks.

2.18 Flow control

a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish facilities and procedures to:

1) periodically review ATS capacities in relation to traffic demand.

2) vary the number of operational sectors or working positions to meet the prevailing and anticipated demand.

3) Develop plans to increase capacity to meet the actual or forecast demand.

4) establish flow control procedures where, due to limitations in ATS system capacity or aerodrome capacity, the applicant considers the procedures necessary.

b) The procedures shall take account of:

1) the requirements of affected aerodrome operators including their traffic handling priorities; and

2) the needs of aircraft operators who will be affected by the procedures; and

3) the requirements of the aeronautical information service, including advance notice, and information on the method of activation and de-activation.

c) In assessing capacity values, factors to be taken into account shall include, inter alia:

1) the level and type of ATS provided;

2) the structural complexity of the control area, the control sector or the aerodrome concerned in accordance with techniques described in the Air Traffic Services Planning Manual (Doc 9426);

3) controller workload, including control and coordination tasks to be performed;

4) the types of communications, navigation and surveillance systems in use, their degree of technical reliability and availability as well as he availability of back-up systems and/or procedures;

5) availability of ATC systems providing controller support and alert functions;

6) any other factor or element deemed relevant to the controller workload.

2.19 ATC clearances

a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures for the provision of ATC clearances.

b) The procedures shall ensure that:

1) no person knowingly issues an ATC clearance or instruction that requires or invites a pilot to violate the provisions of any other rule; and

2) clearances and instructions contain positive and concise data and are, where practicable, phrased in a standard manner; and

3) if a pilot advises that a clearance or instruction is unsuitable, an amended clearance or instruction is, if practicable, issued; and

4) an ATC clearance for an en-route flight consists of:

   i) the aircraft identification as shown in the flight plan or, where similarity with another flight might cause confusion, an alternative identification provided by ATC; and

   ii) the clearance limit; and

   iii) the route of flight; and

   iv) the level(s) of flight for the entire route, or part thereof, and changes of level if required; and

   v) any necessary instructions or information on other matters such as approach or departure manoeuvres, communications, and the time of validity or expiry of the clearance; and

5) an ATC clearance for a local flight, a flight operating in defined areas, or a flight operating in a random manner, includes those elements detailed in 2.19, paragraph 4) that are appropriate; and

6) an ATC clearance for a transonic flight:

   i) extends at least to the end of the transonic acceleration phase; and

   ii) provides for uninterrupted descent during deceleration from supersonic cruise to subsonic flight.

2.20 Cruising levels

a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that cruising levels allocated within the Male' FIR are selected in accordance with MCAR – 2, Appendix 3 - Table of Cruising Levels.

2.21 Deviation from an ATC clearance

a) Subject to 2.21, paragraph b), an applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that instructions issued by ATC to restore a loss of separation do not hinder the responses of a pilot to:

   1) an ACAS resolution advisory; or

   2) a GPWS or MSAW alert; or

   3) a weather, or other emergency situation that necessitates a deviation from an ATC clearance.

b) The procedures required by 2.21, paragraph a) shall specify that if any separation has been lost it is restored once the emergency situation has been resolved.

2.22 Flight Information Service

General

a) An applicant for the grant of an air traffic service certificate shall establish procedures for ensuring that flight information services are provided to the following:

1) each aircraft being provided with an ATC service that is likely to be affected by the information in 2.22, paragraph b):

2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in 2.22, paragraph b):

3) each aircraft operating IFR that is likely to be affected by the information in 2.22, paragraph b):

4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit:

5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.

b) The applicant shall ensure that the procedures required by 2.22, paragraph a) for the provision of the flight information service includes the provision of available and relevant:

1) SIGMET information; and

2) information on weather conditions reported or forecast at departure, destination, and alternate aerodromes; and

3) information concerning volcanic ash clouds; and

4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals; and

5) information on changes in the serviceability of navigation aids; and

6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by water; and

7) information on unmanned free balloons; and

8) other information likely to affect safety.

c) An applicant for the grant of an air traffic service certificate for an aerodrome control service or aerodrome flight information service shall establish procedures for ensuring that, whenever water is present on a runway, a description of the runway surface conditions on the centre half of the width of the runway is made available in accordance with requirements specified in MCAR 139-5.

d) An applicant for the grant of an air traffic service certificate for an aerodrome control service, approach control service, or aerodrome flight information service shall establish procedures for ensuring that, if practical, local aircraft operators likely to be affected by the information are advised of short-notice changes to published hours of service if they are unlikely to have the information from any other source.

Traffic Information

e) An applicant for the grant of an air traffic service certificate for an air traffic control service shall establish procedures for ensuring that essential traffic information is passed to all affected traffic.

f) An applicant for the grant of an air traffic service certificate shall establish procedures for ensuring that each ATS unit operating under that certificate provides traffic information to flights that are known to the ATS unit and are likely to be affected by the information as follows:

1) in class C airspace, between VFR flights, together with traffic avoidance advice on request:

2) in class D airspace, between IFR and VFR flights, and between VFR flights, together with traffic avoidance advice on request:

3) if practical, in class E airspace, between IFR and VFR flights, and between VFR flights on request:

4) in class G airspace, between IFR flights, and, if practical, between other flights on request.

2.23 Aerodrome Flight Information Service

a) Each applicant for the grant of an air traffic service certificate in respect of an aerodrome flight information service shall establish systems and procedures to:

1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and

2) provide for the issue of advice and information, including the designation of a preferred runway, for the purpose of the safe and efficient operation of:

i) aircraft flying in the vicinity of an aerodrome; and

ii) aircraft operating on the manoeuvring area; and

iii) aircraft landing and taking off; and

iv) aircraft, vehicles, and persons, on the manoeuvring area; and

v) aircraft on the manoeuvring area and obstructions on that area.

b) The applicant shall establish procedures to ensure that the designated preferred runway is that most suitable for the particular operation.

2.24 Alerting Service

a) In this Regulation:

ALERFA means the Alert phase;

DETRESFA means the Distress phase;

INCERFA means the Uncertainty phase;

RCC means the rescue co-ordination centre.

b) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure the provision of an alerting service within its areas of responsibility:

1) for all aerodrome traffic when an aerodrome control service or aerodrome flight information service is being provided; and

2) for all aircraft:

i) operating under a flight plan; or

ii) otherwise known by any air traffic service to be in need of assistance; or

iii) known or believed to be the subject of unlawful interference.

c) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, in the event of a state of emergency described in 2.24, paragraph f)—

1) immediate declaration of an INCERFA, ALERFA, or DETRESFA is made, in accordance with 2.24, paragraph f); and

2) the declaration is notified to the ACC or FIC responsible, except where the emergency can be dealt with by local emergency Organisations.

d) An applicant for the grant of an air traffic service certificate in respect of an area control service or flight information service shall establish procedures to ensure that, in the event of a state of emergency, an ACC or FIC:

1) serves as the central point within the FIR concerned for collecting all information relevant to the state of emergency; and

2) except as prescribed in 2.24, paragraph l) 1), forwards such information without delay to the RCC.

e) Notwithstanding 2.24, paragraph c), an applicant for an air traffic service certificate for an aerodrome control service, approach control service, or aerodrome flight information service, shall establish procedures to ensure that whenever the urgency of the situation so requires, those services shall first alert appropriate local emergency Organisations.

f) The declaration required by 2.24 paragraph c) shall be made in the following circumstances, and in any other circumstances that warrant such a declaration:

1) INCERFA when:

i) no communication has been received from an IFR or controlled VFR aircraft within a period of 15 minutes after the time a communication should have been received, or from the time an unsuccessful attempt to establish communication with the aircraft was first made, whichever is the earlier; or

ii) a pilot fails to terminate the flight plan or amend the nominated EAT and immediate checks have failed to locate the aircraft; or

iii) a VFR aircraft on a VFR flight plan for which an EAT has not been provided fails to arrive within 30 minutes of the estimated time of arrival—

except when no doubt exists as to the safety of the aircraft and its occupants. or

2) ALERFA when:

i) an aircraft is known or believed to be subject to unlawful interference; or

ii) following the uncertainty phase, subsequent attempts to establish communication with the aircraft or inquiries to other relevant sources have failed to reveal any news of the aircraft; or

iii) an aircraft has been cleared to land, and fails to land within five minutes of the estimated time of landing, and communication has not been re-established with the aircraft; or

iv) information has been received that indicates that the operating efficiency of the aircraft has been impaired, but not to the extent that a forced landing is likely—

except, in the case of subparagraphs ii, iii, and iv, when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants. or

3) DETRESFA when:

i) following the alert phase further unsuccessful attempts to establish communication with the aircraft and more widespread unsuccessful inquiries point to the probability that the aircraft is in distress; or

ii) the fuel on board is considered to be exhausted, or to be insufficient to enable the aircraft to reach safety; or

iii) information is received that indicates that the operating efficiency of the aircraft has been impaired to the extent that a forced landing is likely; or

iv) information has been received that, or it is reasonably certain that, the aircraft is about to make or has made a forced landing—

except when there is reasonable certainty that the aircraft and its occupants are not threatened by grave and imminent danger and do not require immediate assistance.

g) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure the notification of an emergency situation required by 2.24 paragraph c) 2) includes such of the following information as is available, in the order listed:

1) INCERFA, ALERFA, or DETRESFA as appropriate to the phase of the emergency;

2) agency and person calling;

3) nature of the emergency;

4) significant information from the flight plan;

5) unit that made last contact, time, and radio frequency used;

6) last position report and how determined;

7) colour and distinctive marks of aircraft;

8) any action taken by the reporting office.

h) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, following the notification of an emergency situation, the RCC is provided, without delay, with:

1) any useful additional information; and

2) notification when the emergency situation no longer exists.

i) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure, as necessary, the use of all available means to establish and maintain communication with, and surveillance of, an aircraft in a state of emergency.

j) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, when a state of emergency is considered to exist, the last known position of any aircraft involved is established and recorded.

k) An applicant for the grant of an air traffic service certificate for the provision of an area control service or flight information service within the Male' FIR shall establish procedures to ensure that, when a state of emergency is considered to exist, the position and track of other aircraft known to be operating in the vicinity are established to determine those most suitable to provide assistance.

l) An applicant for the grant of an air traffic service certificate in respect of an area control service or flight information service shall establish procedures to ensure that:

1) when an ACC or FIC declares an INCERFA or ALERFA it shall, where practical, advise the aircraft operator prior to notifying the RCC; and

2) all information notified to the RCC by an ACC or FIC shall, where practical, also be communicated without delay to the aircraft operator.

2.25 Flight Plans

a) Each applicant for the grant of an air traffic service certificate shall establish procedures for the acceptance and of actions to be taken of flight plans.

b) Each applicant shall ensure that the acceptance procedures required by 2.25 paragraph a) include, for the first ATS unit receiving a filed flight plan:

1) a check for compliance with any prescribed flight plan format and data conventions; and

2) a check for completeness, and to the extent practical, for accuracy; and

3) provision for any action necessary to make the plan acceptable to ATS.

c) Any applicant intending to provide air traffic services from more than one location may nominate a single ATS unit within the applicant's Organisation to accept filed flight plans on behalf of any or every unit.

d) Each applicant for the grant of an air traffic service certificate intending to operate a centralized flight planning office shall ensure the office is equipped with:

1) AFTN, facsimile, and computer data-link connection facilities, for the acceptance of flight plans from aircraft operators and any other ATS unit; and

2) facilities for the advance filing, retention, and activation of standard or repetitive elements of flight plan information.

2.26 Time

a) An applicant for the grant of an air traffic service certificate shall establish a procedure for ensuring that ATS unit clocks and other time recording devices:

1) use Co-ordinated Universal Time and express that time in hours and minutes of the 24-hour day beginning at 0000 UTC; and

2) are correct to within 5 seconds of UTC as determined by reference to a standard time station or GPS time standard.

b) The applicant shall establish a procedure for ensuring that the correct time, to the nearest half minute, is provided:

1) in respect of any aerodrome control service or aerodrome flight information service, to IFR aircraft before taxiing for take-off unless arrangements have been made for the pilot to obtain it from other sources; and

2) to any aircraft on request.

2.27 Altimeter setting procedure

a) An applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that:

1) QNH altimeter settings are in hectopascals rounded down to the nearest whole hectopascal; and

2) the appropriate aerodrome QNH altimeter setting or area QNH zone altimeter setting is provided to all aircraft on initial radio contact, including aircraft that advise having received the current applicable ATIS broadcast, except when it is known the aircraft has already received the information; and

3) ATS units provide to an aircraft on request, the current applicable aerodrome QNH altimeter setting or area QNH zone altimeter setting.

2.28 Radio and telephone procedures

a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures for ensuring that:

1) the standard telephony and radiotelephony phraseology prescribed in 2.28, paragraph b) is used; and

2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and

3) communications procedures are in accordance with the applicable communication procedures prescribed in ICAO Annex 10 Volume II.

b) The applicant shall establish procedures for ensuring that, for the purposes of 2.28 paragraph a), the standard phraseology, and the circumstances in which it is used, is that published in:

1) ICAO Annex 10; or

2) ICAO Document 4444; or

3) ICAO Document 9432.

c) For the purposes of 2.28, paragraph b), where differences occur between the stated documents, the particular phraseology shall be selected according to the order of precedence of the documents as listed.

2.29 Radar services

a) Each applicant for the grant of an air traffic service certificate shall establish procedures for ensuring that, where radar is used to support the provision of an air traffic service:

1) all ATS surveillance services are provided in accordance with procedures published in:

i) ICAO Document 4444; or

ii) ICAO Document 7030 (as applicable to the Middle East/Asia Region); and

2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and

3) an SSR code management plan is in place for domestic flights that conforms to the applicable principles contained in ICAO Document 4444.

4) full information is made available to inform pilots and aircraft operators on:

i) the nature and extent of the radar services provided; and

ii) any significant limitations regarding such radar services; and

5) the information displayed at individual ATS surveillance is that required for the air traffic services to be provided:

i) the nature and extent of the ATS surveillance services provided; and

ii) any significant limitations regarding such ATS surveillance services; and

iii) all areas where PSR, SSR, ADS-B and MLAT systems or other ATS surveillance systems are in use; and

6) the information displayed at individual ATS surveillance service operating positions in that required for the air traffic services to be provided.

2.30 Aircraft emergencies and irregular operations

a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure maximum assistance and priority is given to an aircraft known, or believed to be, in a state of emergency.

b) Each applicant shall, where appropriate, establish procedures to assist strayed aircraft, unidentified aircraft, and aircraft subject to military interception.

2.31 Action after serious incident or accident

a) Each applicant for the grant of an air traffic service certificate shall establish procedures regarding a serious incident or accident to:

1) determine if any air navigation facilities have contributed to the event; and

2) ensure immediate action is taken to:

i) warn other aircraft that may be using or intending to use the facilities; and

ii) advise the operator of the facility of the occurrence, and that the facility may be implicated; and

3) assist the operator of the facility with the prompt promulgation of any decision to withdraw the equipment from service; and

4) ensure that any facility identified in 2.31, paragraph 1) is not used in the provision of separation to IFR aircraft until cleared for use by a qualified Engineer.

2.32 Incidents

a) Each applicant for the grant of an air traffic service certificate shall establish procedures for the notification, investigation, and reporting of incidents in accordance with MCAR – 13 (Aircraft Accidents, Incidents and Statistics).

2.33 Records

a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to identify, collect, index, file, store, secure, maintain, access, and dispose of, records necessary for:

1) the operational provision of air traffic services; and

2) the purpose of assisting with any accident or incident investigation and for system safety analysis.

b) The records shall include:

1) telephone communications; and

2) radio broadcasts and communications; and

3) air-ground digital data exchanges; and

4) ATS surveillance system data; and

5) filed flight plans including standard and repetitive plans; and

6) flight progress strips; and

7) staff duty rosters; and

8) appropriate meteorological and aeronautical information, except where the information is retained for an equivalent period by a meteorological or AIS Organisation; and

9) reserved

10) a record for every person who is required to be trained under rule 2.2, including details of:

i) each segment of training that is undertaken; and

ii) knowledge testing or competency assessment as appropriate for the trainings conducted.

c) The applicant shall establish systems and procedures to ensure the electronic recording of:

1) all ATS radio and telephone communications; and

2) all high-frequency air-ground communications; and

3) all relevant data from ATS surveillance system used in providing or supporting an ATC service; and

4) for any equipment coming into service after the date this MCAR comes into force, any transfer and acceptance of control process not conducted by telephone.

d) The applicant shall establish systems and procedures for ensuring that electronic records required by rule 2.33, paragraph c):

1) include time recording, correct to within 5 seconds of UTC, as determined by reference to a standard time station or GPS time standard; and

2) either:

i) replicate the voice communications, and, if applicable, the situation display presentation applying at the particular operating position; or

ii) are accompanied by a statement fully describing the differences between the recording supplied and a recording supplied and a recording under paragraph (i); or

iii) replicate the visual surveillance system display.

e) The option provided by 2.33, paragraph d) 2) subparagraph ii. shall apply only to equipment in service on the date this MCAR comes into force.

f) The applicant shall establish systems and procedures to ensure that all records, except where replication is required by 2.33, paragraph d) 2) (i) are of sufficient clarity to convey the required information.

g) The applicant shall establish procedures to ensure that the records referred to in 2.33, paragraph b) are retained for 31 days from the date of entry, except for:

1) staff duty rosters which must be retained for 2 years; and

2) written records associated with the requirements of rules 2.36 (a) 2) and 3) which shall be retained for 2 years.

3) training records shall be retained from the date the affected person starts working to the date the affected person ceases to work or be associated with the air traffic service Organisation.

2.34 Logbooks and position logs

a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure that a logbook, with sequentially numbered pages, is kept at each ATS unit, and, where a unit has physically separate operations areas, at each such location within the unit.

b) The procedure shall ensure that:

1) the logbook is maintained by the senior person on duty, or the person on watch at a nominated operating position; and

2) the logbook is maintained throughout the hours of watch of the unit or operations room; and

3) all entries include the time of entry; and

4) the person responsible for maintaining a logbook signs On Watch, and effects transfer of responsibility by successive On Watch entries; and

5) logbook entries are:

i) in chronological sequence and in ink; and

ii) without erasure, defacement, or obliteration; and

iii) corrected by drawing a single line through the erroneous information and initialing the correction; and

6) actual times of opening and closing watch are recorded in the logbook, together with the reason for every variation from published hours of service; and

7) logbooks are retained for a period of 3 years from the date of final entry.

c) Each applicant shall establish a procedure to ensure the keeping of an operating position log, when such information is not available in the logbook required by 2.34, paragraph a).

d) The procedure shall ensure that the operating position log:

1) contains sufficient information to identify:

i) when that position was in operation; and

ii) the services being provided from that position; and

iii) the identity of the individual providing the service; and

2) is retained for a period of 3 months from the date of filing.

2.35 Security

a) Each applicant for the grant of an air traffic service certificate shall prepare an ATS security programme.

b) Each ATS security programme shall specify the physical security requirements, practices, and procedures to be followed for the purposes of minimizing the risk of destruction of, damage to, or interference with the operation of, any ATS unit operated by the applicant where such destruction, damage, or interference is likely to endanger the safety of aircraft.

c) Without limiting the generality of 2.35, paragraph b), the security programme shall specify such physical security requirements, practices, and procedures as may be necessary:

1) to ensure that entrances to permanent ATS facilities operated by the applicant are subject to positive access control at all times, so as to prevent unauthorized entry; and

2) to protect personnel on duty; and

3) to be followed in the event of a bomb threat or other threat of violence against an ATS unit; and

4) to monitor unattended ATS unit buildings to ensure that any intrusion or interference is detected.

d) In preparing an ATS security programme, the applicant for an air traffic service certificate shall take into consideration, the guidance contained in the NCASP.

2.36 Service disruptions

a) Each applicant for the grant of an air traffic service certificate shall establish procedures, in addition to any requirements in this MCAR, to:

1) advise the CAA of any planned disruption to the provision of air traffic services that could have an impact on safety; and

2) investigate any unplanned disruption to the provision air traffic services; and

3) report to the CAA, as soon as possible of the occurrence, the circumstances surrounding any unplanned disruption to air traffic services when the disruption affected, or could have affected, the safety of air traffic.

b) Disruptions reportable under rule 2.36, paragraph a) shall include, but are not limited to, any:

1) failure to open watch within 15 minutes of the promulgated opening time; and

2) any interruption, of greater than 10 minutes, to the normal provision of an air traffic service; and

3) curtailment of watch, by greater than 30 minutes, from the promulgated off watch time.

2.37 Management System

a) An applicant for the grant of an air traffic service certificate shall establish, implement, and maintain a system for safety management that includes:

1) clearly defined lines of responsibility and accountability throughout the organisation, including a direct safety accountability of the accountable manager;

2) a description of the overall philosophies and principles of the organisation with regard to safety, referred to as the safety policy;

3) the identification of aviation safety hazards entailed by the activities of the organisation, their evaluation and the management of associated risks, including taking actions to mitigate the risk and verify their effectiveness;

4) maintaining personnel trained and competent to perform their tasks;

5) documentation of all management system key processes, including a process for making personnel aware of their responsibilities and the procedure for amending this documentation;

6) a function to monitor compliance of the organisation with the relevant requirements. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary; and

7) any additional requirements that are prescribed in this Regulation or any other Regulation applicable to the organisation.

b) The management system shall correspond to the size of the organisation and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities.

c) Where the organisation holds one or more additional organisation certificates within the scope of Maldives Civil Aviation Authority Act 2/2012 and its implementing regulations, the management system should be integrated with that required under the additional certificate(s) held.

AMC1 2.37(a)(1) Management Systems

The management system of an organisation should encompass safety by including a safety manager and a safety review board in the organisational structure.

a) Safety manager

1) The safety manager should act as the focal point and be responsible for the development, administration and maintenance of an effective safety management system.

2) The functions of the safety manager should be to:

i) facilitate hazard identification, risk analysis and management;

ii) monitor the implementation of actions taken to mitigate risks, as listed in the safety action plan;

iii) provide periodic reports on safety performance;

iv) ensure maintenance of safety management documentation;

v) ensure that there is safety management training available and that it meets acceptable standards;

vi) provide advice on safety matters; and

vii) ensure initiation and follow-up of internal occurrence/accident investigations.

b) Safety review board

1) The safety review board should be a high-level committee that considers matters of strategic safety in support of the accountable manager's safety accountability.

2) The board should be chaired by the accountable manager and be composed of heads of functional areas.

3) The safety review board should monitor:

i) safety performance against the safety policy and objectives;

ii) that any safety action is taken in a timely manner; and

iii) the effectiveness of the organisation's safety management processes.

c) The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

d) The safety manager or any other relevant person may attend, as appropriate, safety review board meetings. He/she may communicate to the accountable manager all information, as necessary, to allow decision making based on safety data.

GM1 2.37(a)(1) Safety Manager

SAFETY MANAGER

a) Depending on the size of the organisation and the nature and complexity of its activities, the safety manager may be assisted by additional safety personnel for the performance of all safety management related tasks.

b) Regardless of the organisational set-up it is important that the safety manager remains the unique focal point as regards the development, administration and maintenance of the organisation's safety management system.

COMPETENCIES OF THE SAFETY MANAGER

c) The safety manager as defined under AMC1 2.37(a)(1) is expected to support, facilitate and lead the implementation and maintenance of the safety management system, fostering an organisational culture for an effective safety management, risk management and occurrence reporting. The competencies for a safety manager should thus include, but not be limited to, the following:

1) Knowledge of:

i) ICAO standards and Maldivian requirements and provisions on safety management;

ii) basic safety investigation techniques; and

iii) human factors in aviation.

2) Relevant and documented work experience, preferably in a comparable position, in:

i) management systems including compliance monitoring systems and safety management;

ii) risk management; and

iii) the operations of the organisation.

3) Other suitable competencies

i) the promotion of a positive safety culture;

ii) interpersonal, influencing and leadership skills;

iii) oral and written communication skills;

iv) data management, analytical and problem-solving skills;

v) professional integrity.

GM2 2.37(a)(1) Safety Action Group

a) A safety action group may be established as a standing group or as an ad-hoc group to assist or act on behalf of the safety review board.

b) More than one safety action group may be established depending on the scope of the task and specific expertise required.

c) The safety action group should report to and take strategic direction from the safety review board and should be comprised of managers, supervisors and personnel from operational areas.

d) The safety action group should:

1) monitor operational safety;

2) define actions to mitigate the identified safety risks;

3) assess the impact on safety of operational changes; and

4) ensure that safety actions are implemented within agreed timescales.

e) The safety action group should review the effectiveness of previous safety recommendations and safety promotion.

GM3 2.37(a)(1) Meaning of the Terms 'Accountability' and 'Responsibility'

In the English language, the notion of accountability is different from the notion of responsibility. Whereas 'accountability' refers to an obligation which cannot be delegated, 'responsibility' refers to an obligation that can be delegated.

AMC1 2.37(a)(2) Safety Policy

a) The safety policy should:

1) be endorsed by the accountable manager;

2) reflect organisational commitments regarding safety and its proactive and systematic management;

3) be communicated, with visible endorsement, throughout the organisation; and

4) include safety reporting principles.

b) The safety policy should include a commitment:

1) to improve towards the highest safety standards;

2) to comply with all applicable legislation, meet all applicable standards and consider best practices;

3) to provide appropriate resources;

4) to enforce safety as one primary responsibility of all managers; and

5) not to blame someone for reporting something which would not have been otherwise detected.

c) Senior management should:

1) continually promote the safety policy to all personnel and demonstrate their commitment to it;

2) provide necessary human and financial resources for its implementation; and

3) establish safety objectives and performance standards.

GM1 2.37(a)(2) Safety Policy

The safety policy is the means whereby the organisation states its intention to maintain and, where practicable, improve safety levels in all its activities and to minimise its contribution to the risk of an aircraft accident as far as is reasonably practicable.

The safety policy should state that the purpose of safety reporting and internal investigations is to improve safety, not to apportion blame to individuals.

AMC1 2.37(a)(3) Safety Risk Management

a) Hazard identification processes

1) Reactive and proactive schemes for hazard identification should be the formal means of collecting, recording, analysing, acting on and generating feedback about hazards and the associated risks that affect the safety of the operational activities of the organisation.

2) All reporting systems, including confidential reporting schemes, should include an effective feedback process.

b) Risk assessment and mitigation processes

1) A formal risk management process should be developed and maintained that ensures analysis (in terms of likelihood and severity of occurrence), assessment (in terms of tolerability) and control (in terms of mitigation) of risks to an acceptable level.

2) The levels of management who have the authority to make decisions regarding the tolerability of safety risks, in accordance with (b)(1), should be specified.

c) Internal safety investigation

1) The scope of internal safety investigations should extend beyond the scope of occurrences required to be reported to the competent authority.

d) Safety performance monitoring and measurement

1) Safety performance monitoring and measurement should be the process by which the safety performance of the organisation is verified in comparison to the safety policy and objectives.

2) This process should include:

i) safety reporting, addressing also the status of compliance with the applicable requirements;

ii) safety studies, that is, rather large analyses encompassing broad safety concerns;

iii) safety reviews including trends reviews, which would be conducted during introduction and deployment of new technologies, change or implementation of procedures, or in situations of structural change in operations;

iv) safety audits focussing on the integrity of the organisation's management system, and periodically assessing the status of safety risk controls; and

v) safety surveys, examining particular elements or procedures of a specific operation, such as problem areas or bottlenecks in daily operations, perceptions and opinions of operational personnel and areas of dissent or confusion.

e) The management of change

The organisation should manage safety risks related to a change. The management of change should be a documented process to identify external and internal change that may have an adverse effect on safety. It should make use of the organisation's existing hazard identification, risk assessment and mitigation processes.

f) Continuous improvement

The organisation should continuously seek to improve its safety performance. Continuous improvement should be achieved through:

1) proactive and reactive evaluations of facilities, equipment, documentation and procedures through safety audits and surveys;

2) proactive evaluation of individuals' performance to verify the fulfilment of their safety responsibilities; and

3) reactive evaluations in order to verify the effectiveness of the system for control and mitigation of risk.

g) The emergency response plan (ERP)

1) An ERP should be established that provides the actions to be taken by the organisation or specified individuals in an emergency. The ERP should reflect the size, nature and complexity of the activities performed by the organisation.

2) The ERP should ensure:

i) an orderly and safe transition from normal to emergency operations;

ii) safe continuation of operations or return to normal operations as soon as practicable; and

iii) coordination with the emergency response plans of other organisations, where appropriate.

GM1 2.37(a)(3) Internal Safety Reporting Scheme

a) The overall purpose of the internal safety reporting scheme is to use reported information to improve the level of the safety performance of the organisation and not to attribute blame.

b) The objectives of the scheme are to:

1) enable an assessment to be made of the safety implications of each relevant incident and accident, including previous similar occurrences, so that any necessary action can be initiated; and

2) ensure that knowledge of relevant incidents and accidents is disseminated, so that other persons and organisations may learn from them.

c) The scheme is an essential part of the overall monitoring function and it is complementary to the normal day-to-day procedures and 'control' systems and is not intended to duplicate or supersede any of them. The scheme is a tool to identify those instances where routine procedures have failed.

d) All occurrence reports judged reportable by the person submitting the report should be retained as the significance of such reports may only become obvious at a later date.

GM3 2.37(a)(3) Safety Risk Assessment — Risk Register

The results of the assessment of the potential adverse consequences or outcome of each hazard may be recorded by the organisation in a risk register, an example of which is provided below.

Hazard		Incident Sequence Description	Existing Controls	Outcome (Pre-Mitigation)			Additional Mitigation required	Outcome (Post-Mitigation)			Actions and Owners	Monitoring and Review Requirements
No.	Description			S	L	R		S	L	R		

KEY: S = Severity; L = Likelihood; R = Risk

GM4 2.37(a)(3) Safety Risk Management — Interfaces

a) Hazard identification and risk assessment start with an identification of all parties involved in the arrangement, including independent experts and non-approved organisations. It extends to the overall control structure, assessing, in particular, the following elements across all subcontract levels and all parties within such arrangements:

1) coordination and interfaces between the different parties;

2) applicable procedures;

3) communication between all parties involved, including reporting and feedback channels;

4) task allocation responsibilities and authorities; and

5) qualifications and competency of key personnel.

b) Safety risk management focuses on the following aspects:

1) clear assignment of accountability and allocation of responsibilities;

2) only one party is responsible for a specific aspect of the arrangement — no overlapping or conflicting responsibilities, in order to eliminate coordination errors;

3) existence of clear reporting lines, both for occurrence reporting and progress reporting;

4) possibility for staff to directly notify the organisation of any hazard suggesting an obviously unacceptable safety risk as a result of the potential consequences of this hazard.

AMC1 2.37(a)(4) Training and Communication on Safety

a) Training

1) All personnel should receive safety training as appropriate for their safety responsibilities.

2) Adequate records of all safety training provided should be kept.

b) Communication

1) The organisation should establish communication about safety matters that:

i) ensures that all personnel are aware of the safety management activities as appropriate for their safety responsibilities;

ii) conveys safety critical information, especially relating to assessed risks and analysed hazards;

iii) explains why particular actions are taken; and

iv) explains why safety procedures are introduced or changed.

2) Regular meetings with personnel where information, actions and procedures are discussed may be used to communicate safety matters.

GM1 2.37(a)(4) Training and Communication on Safety

The safety training programme may consist of self-instruction via the media (newsletters, flight safety magazines), classroom training, e-learning or similar training provided by training service providers.

AMC1 2.37(a)(5) Management System Documentation — General

a) The organisation's management system documentation should at least include the following information:

1) a statement signed by the accountable manager to confirm that the organisation will continuously work in accordance with the applicable requirements and the organisation's documentation, as required by applicable regulations;

2) the organisation's scope of activities;

3) the titles and names of:

i) the accountable manager, who has the authority for ensuring that all activities can be financed in accordance with the applicable requirements;

ii) person or group of persons nominated by the organisation, with the responsibility of ensuring the organisation remains in compliance with the applicable regulations;

4) an organisation chart showing the lines of responsibility between the persons referred to in (3);

5) a general description and location of the facilities;

6) procedures specifying how the organisation ensures compliance with the applicable requirements;

7) the amendment procedure for the organisation's management system documentation.

b) The organisation's management system documentation may be included in a separate manual or in (one of) the manual(s), as required by the applicable regulations. A cross-reference should be included.

AMC2 2.37(a)(5) Safety Management Manual

a) The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation. The SMM should document all aspects of safety management, including the safety policy, objectives, procedures and individual safety responsibilities.

b) The contents of the safety management manual should include all of the following:

1) scope of the safety management system;

2) safety policy and objectives;

3) safety accountability of the accountable manager;

4) safety responsibilities of key safety personnel;

5) documentation control procedures;

6) hazard identification and risk management schemes;

7) safety action planning;

8) safety performance monitoring;

9) incident investigation and reporting;

10) emergency response planning;

11) management of change (including organisational changes with regard to safety responsibilities);

12) safety promotion.

c) The SMM may be contained in (one of) the manual(s) of the organisation.

GM 2.37(a)(5) Management System Documentation — General

a) It is not required to duplicate information in several manuals. The information may be contained in any of the organisation's manuals (e.g. operations manual, aerodrome manual, maintenance organisation exposition, etc.), which may also be combined.

b) The organisation may also choose to document some of the information required to be documented in separate documents (e.g. procedures). In this case, it should ensure that manuals contain adequate references to any document kept separately. Any such documents are then to be considered an integral part of the organisation's management system documentation.

AMC1 2.37(a)(6) Compliance Monitoring — General

a) Compliance monitoring

The implementation and use of a compliance monitoring function should enable the organisation to monitor compliance with the relevant requirements of this regulation and other applicable regulations.

1) The organisation should specify the basic structure of the compliance monitoring function applicable to the activities conducted.

2) The compliance monitoring function should be structured according to the size of the organisation and the complexity of the activities to be monitored.

b) Organisations should monitor compliance with the procedures they have designed to ensure safe activities. In doing so, they should as a minimum, and where appropriate, monitor compliance with:

1) privileges of the organisation;

2) manuals, logs, and records;

3) training standards;

4) management system procedures and manuals; and

5) required resources.

c) Organisational set up

1) To ensure that the organisation continues to meet the requirements of this regulation and other applicable regulations, the accountable manager should designate a compliance monitoring manager. The role of the compliance monitoring manager is to ensure that the activities of the organisation are monitored for compliance with the applicable regulatory requirements, and any additional requirements as established by the organisation, and that these activities are carried out properly under the supervision of the relevant head of functional area.

2) The compliance monitoring manager should be responsible for ensuring that the compliance monitoring programme is properly implemented, maintained and continually reviewed and improved.

3) The compliance monitoring manager should:

i) have direct access to the accountable manager;

ii) not be one of the other persons referred to in AMC1 2.37(a)(5)(a)3;

iii) be able to demonstrate relevant knowledge, background and appropriate experience related to the activities of the organisation, including knowledge and experience in compliance monitoring; and

iv) have access to all parts of the organisation, and as necessary, any contracted organisation.

4) In the case of a non-complex organisation, this task may be exercised by the accountable manager provided he/she has demonstrated having the related competence as defined in (c)(3)(iii).

5) In the case the same person acts as compliance monitoring manager and as safety manager, the accountable manager, with regards to his/her direct accountability for safety, should ensure that sufficient resources are allocated to both functions, taking into account the size of the organisation and the nature and complexity of its activities.

6) The independence of the compliance monitoring function should be established by ensuring that audits and inspections are carried out by

personnel not responsible for the function, procedure or products being audited.

7) If more than one person is designated for the compliance monitoring function, the accountable manager should identify the person who acts as the unique focal point (i.e. the 'compliance monitoring manager').

d) Compliance monitoring documentation

1) Relevant documentation should include the relevant part(s) of the organisation's management system documentation.

2) In addition, relevant documentation should also include the following:

i) terminology;

ii) specified activity standards;

iii) a description of the organisation;

iv) the allocation of duties and responsibilities;

v) procedures to ensure regulatory compliance;

vi) the compliance monitoring programme, reflecting:

(A) schedule of the monitoring programme;
(B) audit procedures;
(C) reporting procedures;
(D) follow-up and corrective action procedures; and
(E) recording system.

vii) the training syllabus referred to in (e)(2);

viii) document control.

e) Training

1) Correct and thorough training is essential to optimise compliance in every organisation. In order to achieve significant outcome of such training, the organisation should ensure that all personnel understand the objectives as laid down in the organisation's management system documentation.

2) Those responsible for managing the compliance monitoring function should receive training on this task. Such training should cover the requirements of compliance monitoring, manuals and procedures related to the task, audit techniques, reporting and recording.

3) Time should be provided to train all personnel involved in compliance management and for briefing the remainder of the personnel.

4) The allocation of time and resources should be governed by the volume and complexity of the activities concerned.

GM1 2.37(a)(6) Compliance Monitoring — General

a) The organisational set-up of the compliance monitoring function should reflect the size of the organisation and the nature and complexity of its activities. The compliance

monitoring manager may perform all audits and inspections himself/herself or appoint one or more auditors by choosing personnel having the related competence as defined in AMC1 2.37(a)(6) point (c)(3)(iii), either from, within or outside the organisation.

b) Regardless of the option chosen it must be ensured that the independence of the audit function is not affected, in particular in cases where those performing the audit or inspection are also responsible for other functions for the organisation.

c) In case external personnel are used to perform compliance audits or inspections:

1) any such audits or inspections are performed under the responsibility of the compliance monitoring manager; and

2) the organisation remains responsible to ensure that the external personnel has relevant knowledge, background and experience as appropriate to the activities being audited or inspected; including knowledge and experience in compliance monitoring.

d) The organisation retains the ultimate responsibility for the effectiveness of the compliance monitoring function, in particular for the effective implementation and follow-up of all corrective actions.

CHAPTER 3 - Requirements for the Organisation Exposition

3.1 General

a) An applicant for the grant of an air traffic service certificate shall prepare and submit to the CAA, an Organisation exposition for acceptance.

b) The exposition shall:

1) be prepared and in a format that is easy to revise;

2) include a list of amendments pages and the list of effective pages;

3) be organized in a manner that facilitates evaluation and certification process taking into account the contents as required in rule 3.2;

4) be signed by the accountable manager of the air traffic service Organisation.

3.2 Contents of the Organisation Exposition

a) The applicant's Organisation exposition shall contain:

1) a statement signed by the Accountable Manager on behalf of the applicant's Organisation confirming that the exposition and the appropriate Manual of Air Traffic Services:

i) define the Organisation and demonstrate its means and methods for ensuring safe air traffic services are provided to aircraft and continuing compliance with this and any other applicable MCAR; 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 persons required by rule 2.1 a) 1) and 2); and

3) the duties and responsibilities (job descriptions) of the senior person or persons specified in 2.38, paragraph a) 2), including matters for which they have responsibility to deal directly with the CAA on behalf of the Organisation; and responsibilities for safety management; and

4) an Organisation chart showing lines of responsibility of the senior persons specified in rule 2.38, paragraph a) 2), and extending to each location listed under rule 2.38, paragraph a) 5) i); and

5) in the case of an Organisation providing air traffic services from more than 1 ATS unit, a table listing:

i) locations of ATS units; and

ii) the aerodrome or airspace being serviced; and

iii) the services provided; and

6) details of the applicant's staffing structure for each ATS unit; and

7) details of procedures required by rule 2.1 b) regarding the, competency, qualifications, maintenance of current operating practice, and fitness of personnel; and

8) details of procedures required by rule 2.2 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and

9) information identifying the lines of safety responsibility within the Organisation; and

10) a description of the display systems to be used in meeting the requirements of rules 2.4 b) 5) i. and 2.4 c) 2) i.; and

11) the information required by rule 2.5 regarding hours of service, the establishment of an air traffic service, and any transitional arrangements; and

12) procedures regarding shift administration required by rule 2.6; and

13) details of the procedures required by rule 2.7 regarding the control of documentation; and

14) the contingency plan required by rule 2.8; and

15) details of the systems and procedures required by rule 2.9 regarding co-ordination requirements; and

16) details of the procedures required by rule 2.10 regarding the notification of facility status; and

17) details of the systems and procedures required by rule 2.11 regarding general information requirements; and

18) details of the systems and procedures required by rule 2.12 regarding meteorological information and reporting; and

19) details of systems and procedures required by rule 2.13 regarding the provision of area control and approach control services; and

20) details of systems and procedures required by rule 2.14 regarding the provision of aerodrome control service; and

21) details of systems and procedures required by rule 2.15 regarding the separation of controlled flights and active special use airspace; and

22) details of the procedures required by rule 2.16 regarding responsibility for control; and

23) details of the procedures required by rule 2.17 regarding the application of priorities; and

24) details of the procedures required by rule 2.18 regarding flow control; and

25) details of the procedures required by rule 2.19 regarding ATC clearances; and

26) details of the procedures required by rule 2.20 regarding the allocation of cruising levels; and

27) details of the procedures required by rule 2.21 regarding deviations from an ATC clearance; and

28) details of systems and procedures required by rule 2.22 regarding the provision of flight information service; and

29) details of systems and procedures required by rule 2.23 regarding the provision of aerodrome flight information service; and

30) details of systems and procedures required by rule 2.24 regarding the provision of alerting service; and

31) details of the procedures required by rule 2.25 regarding the processing of flight plans; and

32) details of the procedures required by rule 2.26 regarding time; and

33) details of altimeter setting procedures required by rule 2.27; and

34) details of the radio and telephone procedures required by rule 2.28; and

35) details of the procedures required by rule 2.29 regarding the provision of radar services; and

36) details of the procedures required by rule 2.30 regarding aircraft emergencies and irregular operation; and

37) details required by rule 2.31 regarding procedures following a serious incident or accident; and

38) details of the procedures required by rule 2.32 regarding incidents; and

39) details of systems and procedures required by rule 2.33 regarding the gathering and management of records; and

40) details of the procedures required by rule 2.34 regarding the keeping of logbooks and position logs; and

41) details of the programme required by rule 2.35 regarding security arrangements; and

42) details of the procedures required by rule 2.36 regarding disruptions to service; and

43) details of the procedures required by rule 2.37 regarding safety management system; and

44) procedures for the control, amendment and distribution of the Organisation exposition; and

45) any other information as may be deemed necessary by the applicant or as may be requested by the CAA.

3.3 Amendment of the Organisation Exposition

a) For the purpose of maintaining the accuracy of the information in the exposition, the—

1) holder of an air traffic service certificate may whenever necessary, amend the Organisation exposition and submit the amendment to the CAA for acceptance;

2) CAA may direct a holder of an air traffic service certificate to amend the Organisation exposition in a way specified in the direction;

b) A holder of an air traffic service certificate shall—

1) ensure that the exposition continues to provide a current description of the ATS Organisation, services, and facilities;

2) ensure that any amendments made to the exposition meet the applicable requirements of this MCAR;

3) comply with the amendment procedure described in the exposition;

4) provide the CAA with a copy of each amendment to the exposition as soon as practicable after its incorporation into the exposition, except that, for the holder's operational manual or manuals, the holder shall forward to the CAA—

i) a copy of each amendment, at least 15 working days in advance of the effective date; and

ii) an amendment of an urgent or immediate nature, without delay, and no later than the date on which it is effective

5) comply with any amendment direction the CAA may consider necessary in the interests of aviation safety;

c) When submitting the amended exposition to the CAA for acceptance, a holder of an air traffic services certificate shall ensure that the replaced pages are annotated with a vertical line in the outer margin to indicate the portion, which has been revised as follows:

1) a vertical line beside text or diagram indicates that the item has been amended;

2) the specific editorial or typographical changes shall not otherwise be marked;

3) a vertical line beside a blank space in between text indicates that a previous item has been removed; and

4) the date of amendment shall appear at the foot of the page.

d) A holder of an air traffic services certificate shall ensure that no changes are made to the Organisation exposition except in accordance with these rules.

e) A holder of an air traffic services certificate may notify urgent changes or temporary instructions affecting the information in the exposition by issuing of supplementary procedures, in which case, such supplementary procedures shall be deemed to form a part of the main text of the exposition until either incorporated therein by a routine amendment or cancelled.

f) A holder of an air traffic services certificate shall make available copies of the changes or temporary instructions issued from time to time through supplementary procedures in terms of rule 3.3 e), to the units providing the air traffic services.

g) The person in charge of a unit providing air traffic services shall be responsible for ensuring that any changes or temporary instructions issued through supplementary procedures are incorporated into the exposition until they are either published in the exposition or cancelled.

3.4 Formatting and administration of the Exposition

a) Each page of the Organisation exposition shall indicate the date of the original document or the date of any subsequent amendment and in addition, each page must indicate the following elements:

1) the title of the exposition

2) the issuing authority; and

3) page number;

b) The exposition shall be reviewed at regular intervals in accordance with the procedures and time period specified in the exposition.

3.5 Documentation forming part of the Organisation Exposition

a) The procedures required to be included in the exposition under rule 3.2 may be published as separate documents and such documents shall by reference in the Organisation exposition be considered as attachments to the exposition and may include:

1) operational procedures such as the manual of air traffic services;

2) unit supplementary procedures;

3) station standing instructions;

4) equipment and facility maintenance procedures.

b) The procedures published in accordance with a) above, shall include procedures applicable to all services provided or to be provided by the applicant.

CHAPTER 4 - Operating Requirements

4.1 Continued compliance

a) Each holder of an air traffic service certificate shall:

1) hold at least one complete and current copy of its exposition at each ATS unit listed in its exposition, except that, manuals relating solely to a particular location need only be held at principal locations and the unit concerned; and

2) comply with all procedures and standards detailed in its exposition; and

3) make each applicable part of its exposition available to personnel who require those parts to carry out their duties; and

4) continue to meet the standards and comply with the certification requirements prescribed under Chapter 2 of this MCAR; and

5) conduct random checks on competency, proficiency, and on the procedures carried out by the ATS personnel; and

6) promptly notify the CAA of any change of address, telephone number, facsimile number, or email address required by form CAA/ATS/03.

4.2 Operations Manuals

a) Each holder of an air traffic service certificate shall provide, for compliance by its personnel, a Manual of Air Traffic Services for the services listed in its exposition.

b) A holder certificated to provide more than one air traffic service, or an air traffic service or services from more than one location, may publish a core manual together with manual supplements such as unit supplementary operating procedures or station standing instructions specific to each service or location.

4.3 Trials

a) Upon application in writing from the holder of an air traffic service certificate, the CAA may approve, subject to such conditions as the CAA considers necessary in the interests of aviation safety, the conduct of trials regarding:

1) separation minima; or

2) standard phraseology; or

3) ATS surveillance procedures.

b) A trial may be approved by the CAA for a single period of not more than 3 months, and upon further application in writing by the certificate holder, be extended by the CAA for a single period of not more than 3 months.

c) A trial approved under this rule may be terminated by the CAA at any time.

4.4 Denial of ATC clearance

a) The holder of an air traffic service certificate in respect of an aerodrome control service shall not deny the pilot of an aircraft an ATC clearance on the basis of non-payment of charges owed to the certificate holder unless:

1) the aircraft is on the ground; and

2) that clearance is for entry onto the manoeuvring area.

b) The certificate holder shall continue to provide normal ATC service for any aircraft entering the manoeuvring area without an ATC clearance.

4.5 Suspension of VFR operations

a) Each holder of an air traffic service certificate for an approach control service or aerodrome control service may, when appropriate for safety reasons, suspend any or all controlled VFR operations within a control zone.

4.6 Changes to certificate holder's organisation

a) If the holder of an air traffic service certificate proposes to make a change to any of the following, prior notification to and acceptance by the CAA is required:

1) the Accountable Manager; or

2) the listed senior persons; or

3) any aspect of air traffic management that may have an adverse impact on air traffic services provided by a State responsible for adjacent airspace.

4) the system for safety management, if the change is a material change.

b) The CAA may specify conditions under which the holder of an air traffic service certificate may operate during or following any of the changes specified in paragraph a) above.

c) The holder of an air traffic service certificate shall comply with any condition specified by the CAA in terms of paragraph b).

d) If any of the changes referred to in this rule require an amendment to the certificate, the holder of the air traffic service certificate shall forward the certificate to the CAA as soon as practicable.

4.7 Withdrawal or transfer of service

a) Each holder of an air traffic service certificate who wishes to permanently withdraw an air traffic service shall give the CAA at least 90 days' notice of the proposal and include in that notice a summary of factors considered in arriving at the decision to withdraw the service.

b) Each holder of an air traffic service certificate who intends to permanently reduce the hours of operation of an air traffic service shall provide to the CAA, advance notice of at least 14 days and the reasons for, the proposed reduction.

c) Each holder of an air traffic service certificate who is the outgoing provider of an air traffic service shall not hinder the preparation and execution of the transitional arrangements required by rule 2.5 b).

4.8 Security training programme

a) A holder of an air traffic service certificate shall establish a security training programme and procedures for ensuring that every person who is employed, engaged, or contracted by the applicant has the appropriate level of security awareness applicable to the person's function.

b) The training programme required by paragraph (a) shall contain:

1) applicable segments for initial training and recurrent training; and

2) knowledge testing or competency assessment as appropriate for the training conducted.

c) The holder shall establish procedures for ensuring that each segment required by paragraph (b) 1):

1) includes a syllabus that is acceptable to the CAA; and

2) is conducted in a structured and coordinated manner by a person authorized by the certificate holder.

d) The holder of an air traffic service certificate shall establish procedures for ensuring that every person who is required to be trained under paragraph (a) undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.

CHAPTER 5 - Other Air Traffic Services

5.1 General

a) A person may request the CAA in writing, to determine whether a proposed aviation related service is an air traffic service considered by the CAA to be necessary or desirable for the safe and efficient operation of the civil aviation system in terms as defined in Chapter 1, paragraph 1.3 (7) of this MCAR giving the details of the proposed service.

b) The CAA may, in consultation with such persons as the CAA considers necessary, determine whether any aviation related service is an air traffic service under rule 1.3, paragraph 7) of the definition of the term.

5.2 Requirement

a) No person shall provide a service that the CAA determines to be an air traffic service in accordance with rule 5.1 except under the authority of, and in accordance with, the provisions of an air traffic service certificate issued under this Chapter.

5.3 Application

a) Each applicant for an air traffic service certificate for an air traffic service defined under rule 1.3, paragraph 7) of this MCAR, shall complete form MCAA/ATS/02 and submit the completed form to the CAA together with:

1) such other details regarding the applicant's Organisation and the air traffic service as the CAA may require; and

2) a payment of the appropriate application fee prescribed by regulations made under the Act.

5.4 Issue of certificate

a) An applicant is entitled to an air traffic service certificate for an air traffic service defined under rule 1.3, paragraph 7) of this MCAR, if the CAA is satisfied that the—

1) applicant is a fit and proper person; and

2) granting of the certificate is not contrary to the interests of aviation safety and the interests of the Republic of Maldives.

b) The CAA may attach such conditions to the certificate as the CAA thinks necessary in the interests of safety.

5.5 Operating conditions

a) Each holder of a certificate issued under this Chapter shall provide the air traffic service in accordance with the conditions attached to the certificate.

CHAPTER 6 - Operational Standards

6.1 ATS Procedures and Standards

a) Unless otherwise provided for in this MCAR and MCAR 11 or approved by the CAA, air traffic services shall be provided and operated in accordance with ICAO Document 4444, modified or amplified by ICAO Document 7030 as applicable.

b) Detailed procedures to be employed by the ATS unit concerned, with any applicable limitations, shall be set out in the Manual of Air Traffic Services.

6.2 Separation Standards

a) Except as permitted by 6.2 paragraph b), the standard departure, vertical, lateral, longitudinal and radar separation set out in ICAO Document 4444, subject to any modifications in ICAO Doc 7030, shall be used as appropriate by ATS units between aircraft.

b) Where ICAO Document 4444 permits a reduction in the standard separation in specified circumstances, the CAA may approve such reduced separation standards subject to any additional conditions CAA thinks fit.

c) The holder of an air traffic service certificate who wishes the CAA to approve reduced separation standards in 6.2 paragraph b) shall:

1) carry out a safety assessment to determine whether an acceptable level of safety will be maintained; and

2) consult users about the proposed reduction, as may be required by the CAA; and

3) provide the CAA with the results of the assessment and consultation and with any other information he may consider relevant.

d) The safety assessment in 6.2 paragraph c) 1) shall take account of:

1) the availability, reliability, accuracy and performance of ground-based or aircraft equipment which may permit such reduced separation; and

2) the reliability and performance of communications systems upon which the equipment in 6.2, paragraph d) 1) or the flight crew or ATS personnel rely; and

3) the effects of wake vortex; and

4) the provisions of any applicable regional air navigation agreement including any conditions and limitations specified in it; and

5) in the case of reduced separation which relies on visual methods, any actual or potential environmental factors which may limit the procedure.

e) Any approved reduction in separation standards with any limitations on its use shall be incorporated into the Manual of Air Traffic Services.