



Republika e Kosovës
Republika Kosovo
Republic of Kosovo



Autoriteti i Aviacionit Civil i Kosovës
Autoritet Civilnog Vazduhoplovstva Kosova
Civil Aviation Authority of Kosovo

Director General of Civil Aviation Authority of Kosovo,

Pursuant to Articles 21.2 and 79 of the Law No. 03/L-051 on Civil Aviation,

Having regard to UNMIK's signature of the Multilateral Agreement on the Establishment of a European Common Aviation Area ("the ECAA Agreement") on behalf of Kosovo, and the provisional entry into force of the ECAA Agreement for Kosovo on 10 October 2006,

Whereas, the Republic of Kosovo has undertaken international obligations of Kosovo, including those concluded on her behalf by UNMIK,

For the purpose of setting out rules and procedures on certification of air navigation service providers in the Republic of Kosovo in accordance with article 7 of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the Service Provision Regulation) and Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services,

Hereby issues the following:

REGULATION No. 12/2010
ON CERTIFICATION OF AN AIR NAVIGATION SERVICE PROVIDER

Article 1

1.1 This Regulation defines the terms and conditions which have to be satisfied by Air Navigation Service Providers (ANSP) working and registered in the Republic of Kosovo and the issuance methods for certificate of abilities and privileges of Civil Aviation Authority of the Republic of Kosovo, acting as National Supervisory Authority (NSA), in process of certifying and continued supervision of ANS Providers.

1.2 Requirements written in this Regulation are not relevant on military air navigation providers concerning military operations and military trainings.

Article 2

For the purpose of this Regulation, the following terms and definitions shall apply:

1. *General Aviation*: civilian air transport except commercial air transport or working from air;
2. *Hazard*: Potential threat: every situation, occurrence or circumstance which in certain conditions could bring up an incident or accident;
3. *Risk*: Combination of possibility and frequency of happenings of a serious incident or accident and effects in safety;
4. *National Supervisory Authority – NSA*: Authority which supervises ANS Provider certification work, supervises air navigation services in a continuous meaning of fulfilling certain written conditions, and other works in accordance with this Regulation. Civil Aviation Authority of the Republic of Kosovo (hereinafter referred to as “CAA”) is the NSA for the Republic of Kosovo;
5. *Safety Oversight*: NSA works in accordance with EC Regulation 1315/2007, and supervisory of security Organizations which are dealing with function of ATFM or ASM;
6. *Operating Organization*: An organization providing engineering and technical services which serve as backup ATS or CNS services, and which may be part of ANS Provider or independent legal person;
7. *Recognized Organization*: An organization designated by the NSA to perform certain supervisory activities on its behalf;
8. *Organization Exposition*: Document which describes organization and ANS Provider mode of work;
9. *Corrective actions*: Steps taken for eliminating any causes of noncompliance to written conditions;
10. *Certificate of abilities – Certificate of air navigation service providers*: Is a document provided by NSA, and confirms that ANS Provider is in compliance with relevant rules to offer one or more services in air navigation;

11. *Regulation No. 550/2004*: Laying down the framework for the creation of the single European sky;

12. *EC Regulation No. 2096/2005*: Laying down Common Requirements for the provision of air navigation services;

13. *EC Regulation No. 1315/2007*: On safety oversight in air traffic management and amending Regulation (EC) No 2096/2005

14. *Application for Certification*: ANS Provider form which guides NSA with the final aim for providing Certificates;

15. *Common Requirements*: Requirements which have to be fulfilled by ANS Provider (based on EC Regulation No. 2096/2005);

- a) *General Requirements*: Requirements which have to be fulfilled by all ANS Providers without regard to any of services they offer (based on EC Regulation No. 2096/2005, Section 3 and Annex 1);
- b) *Specific Requirements*: Requirements which have to be fulfilled by providers of any service in air navigation (based on EC Regulation No. 2096/2005, Section 3, and Annexes 2, 3, 4 and 5);

(2) For the purpose of this Regulation the following abbreviations shall be applied:

NSA - National Supervisory Authority

ANSP - Air Navigation Service Provider

ATM - Air Traffic Management

ATFM - Air Traffic Flow Management

ATS - Air Traffic Services

AIS - Aeronautical Information Services

CNS - Communication, Navigation, Surveillance

MET - Meteorological services

ASM - Airspace Management

ESARR - EUROCONTROL Safety Regulatory Requirement

Article 3

An Air Navigation Service (ANS) Provider shall only provide air navigation services in the airspace of the Republic of Kosovo if that Provider holds a prior certification to provide such services.

Article 4

Notwithstanding Article 3, military ANS providers in the Republic of Kosovo and/or Air Defense services may provide ATS to General Air Traffic in accordance with Regulation (EC) 550/2004 Article 6 (5) without holding a prior certification to provide such services.

Article 5

Any Air Navigation Service provided must be in accordance with the terms of the certification.

Article 6

6.1 An ANS Provider must inform the CAA 120 days before the planned date for the submission of Requirements for acquisition of Certificate.

6.2 After receiving due notice, set forth in paragraph 1, the CAA shall affirm a certification plan and forward it to the ANS Provider within 30 days, along with the check lists on compliance with Common Requirements.

6.3 ANS Provider transmits to the CAA the application for acquisition of the certificate within 30 days from receiving the certification plan as defined in paragraph 2.

Article 7

7.1 An ANS Provider electing not to avail itself of the opportunity to provide cross-border services may apply to the CAA for a certificate which is limited to the airspace under the responsibility of the Republic of Kosovo.

7.2 In order to make such an application, an ANS provider shall provide services or plan to provide them only with respect to one or more of the following categories:

- a) general aviation;
- b) aerial work;
- c) commercial air transport limited to aircraft with less than 10 tons of maximum take-off mass or less than 20 passenger seats;

- d) commercial air transport with less than 10,000 movements per year, regardless of the maximum take-off mass and the number of passenger seats, 'movements' being counted as the sum of take-offs and landings and calculated as an average over the previous three years.

7.3 In order to make such an application, an air navigation service provider other than a provider of air traffic services shall have a gross annual turnover of EUR 1 000 000 or less in relation to the services it provides or plans to provide.

7.4 In order to make such an application an applicant who provides aerodrome flight information services shall operate regularly not more than one working position at any aerodrome.

Article 8

CAA certification to provide services shall be subject to the ANS Provider and units complying with the applicable Common Requirements for the provision of air navigation services laid down in Commission Regulation (EC) 2096/2005.

Article 9

Notwithstanding Article 8 of this Regulation, CAA certification to provide limited services under an application in accordance with Article 7 of this regulation shall include specific derogations from complying with the Common Requirements as permitted by Article 4 of Commission Regulation (EC) 2096/2005.

Article 10

CAA shall, prior to granting certification to provide services, carry out oversight of that ANS Provider and/or unit(s) in accordance with the requirements of Commission Regulation (EC) 1315/2007 and the CAA "Manual of Procedures for Safety Oversight of Air Navigation Services". Such oversight will include audits of the ANS Provider and units.

Article 11

ANS Provider(s) applying for certification shall, along with the application, provide the documentation specified in Article 13 of this Regulation and any other as required by the CAA and facilitate and cooperate with audits and inspections as requested.

Article 12

A certification to provide air traffic services shall be of a specified duration and subject to specific conditions as the CAA deems appropriate.

Article 13

13.1 An ANS Provider shall provide (and maintain by the submission of any amendments for as long as the ANS Provider is Certificated) the CAA with an organization exposition containing the following information:

13.1.1 A statement signed by the Chief Executive Officer or equivalent confirming that the organization and any associated referenced documentation defines the organization's current and ongoing compliance with all applicable requirements and agrees to provide the CAA with any information for the evaluation of the exposition;

13.1.2 The organization's safety policy in accordance with the provisions of the Common Requirements;

13.1.3 The job titles and names of the organization's senior managers;

13.1.4 The accountabilities and responsibilities of those senior managers in relation to the implementation of the Common Requirements including:

a) A complete description of the safety management function identified in the organization with responsibility for the development and management of the safety management system;

b) Accountabilities and responsibilities as well as arrangements to ensure that the senior management of the organization is actively involved in the management of safety;

13.1.5 An organization chart showing the line management responsibilities in the areas covered by the Common Requirements;

13.1.6 A general description of manpower resources;

13.1.7 A general description of the organization's facilities;

13.1.8 The scope of services to be provided under the certificate;

- 13.1.9 The procedure for amending the exposition and notifying any change to the CAA;

Article 14

An ANS Provider shall have in place and maintain for as long as the ANS Provider is Certified a complete description of how the organization meets and will continue to meet the Common Requirements which may include specific reference to or provision of some or all of the following documents:

- a) Safety Management Manual;
- b) Safety Management System (including specific procedures for each unit);
- c) Safety Case for each unit (if available);
- d) ATS operations manual specific to each unit;
- e) The air traffic controller training and maintenance of competence processes required by CAA Regulation Nr. 04/2008 on ATCO Licensing;
- f) The engineering and technical personnel training, qualification and maintenance of competence processes required by Commission Regulation (EC)2096/2005;
- g) Ensures that personnel are adequately trained and competent for the job they are required to do.
- h) Safety assurance documentation to include:
 - i. information about safety-related changes at each unit;
 - ii. documentation relating to changes to ATS procedures(supplementary or temporary instructions etc.);
 - iii. Safety Assessments and Hazard Analyses associated with changes to the operation;

- iv. Internal safety investigation reports associated with occurrence reports or carried out as a result of safety related events reported through an internal reporting process;
 - v. minutes of meetings in which safety-related matters are discussed (e.g. ATC technical or engineering committees, or Safety Management Working Groups, if such groups are established);
 - vi. internal safety survey reports or reviews together with records of actions taken to address resulting recommendations;
 - vii. reports of internal audits of the SMS for compliance or effectiveness.
- i) Quality Assurance System;
 - j) Security Management Manual;
 - k) Five (5) year Business Plan and Annual Plan;
 - l) Annual Report.

Article 15

ANS Providers must submit an application for receiving the Certificate, no later than 6 months after entry into force of this Regulation.

Article 16

This Regulation shall enter into force on 18 November 2010.

Dritan Gjonbalaj
Director General