

Document	BAR 11 - Part ATS Provision	
Version	01	



**Brunei Department of Civil Aviation**

**Negara Brunei Darussalam**

[www.mtic.gov.bn/dca](http://www.mtic.gov.bn/dca)

## **Brunei Aviation Requirements**

### **BAR 11 - Part ATS Provision**

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## Control of this Document

### DC.1 Introduction

DC.1.1 Pursuant to Civil Aviation Order 2006 and the Civil Aviation Regulations 2006 and their subsequent amendments, the following requirements are hereby established for compliance by all persons concerned, the Director of Civil Aviation is empowered to adopt and amend Brunei Aviation Requirements. In accordance herewith, the following requirement is hereby established for compliance by all persons concerned. This requirement shall be known as BAR 11 - Part ATS Provision and any reference to this title shall mean referring to the requirements to be met for the provision of Air Traffic Services in Brunei Darussalam.

### DC.2 Authority for this Regulation

DC.2.1 This BAR 11 - Part ATS Provision is issued on the authority of the Director of Civil Aviation.

### DC.3 Applicability

DC.3.1 This BAR 11 - Part ATS Provision is applicable to the aviation industry of Brunei Darussalam.

### DC.4 Scope

DC.4.1 BAR 11 - Part ATS Provision contains the requirements for the provision of Air Traffic Services in Brunei Darussalam and, together with the main body of BAR 11 demonstrates compliance with ICAO Annex 11. The requirements in BAR 11 for ATS Provision and Oversight are separated into the following parts with cross references between parts were applicable:

#### **BAR11 - Part ATS Provision**

BAR11 - Part ATS Oversight

### DC.5 Definitions

DC.5.1 Terms not defined shall have the meaning given to them in the relevant legal instruments or international legal instruments in which they appear, especially as they appear in the Convention and its Annexes.

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## Abbreviations & Acronyms

ATS	Air traffic services
ICAO	International Civil Aviation Organisation
BARs	Brunei Aviation Requirements
PANS	Procedures for Air Navigation Services
SARPs	Standards and Recommended Practices
SMS	Safety management system

## References

ICAO Annex 11	Air Traffic Services
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## Article 1: Subject Matter and Scope

This Regulation lays down the requirements for the provision of air traffic services. However, unless Annex I to this regulation makes provision to the contrary, those requirements shall not apply to:

- (a) activities other than the provision of air traffic services by a provider of such services;
- (b) resources allocated to activities outside the provision of air traffic services.

## Article 2: Definitions

For the purposes of this Regulation, the definitions in BAR 11 apply. However, the following definitions also apply:

**‘aerial work’** means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue or aerial advertisement;

**‘commercial air transport’** means any aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

**‘functional system’** means a combination of systems, procedures and human resources organised to perform a function within the context of air traffic service provision;

**‘general aviation’** means any civil aircraft operation other than aerial work or commercial air transport;

**‘hazard’** means any condition, event, or circumstance which could induce an accident;

**‘organisation’** means an entity providing air traffic services;

**‘operating organisation’** means an organisation responsible for the provision of engineering and technical services supporting air traffic services;

**‘risk’** means the combination of the overall probability, or frequency of occurrence of a harmful effect induced by a hazard and the severity of that effect;

**‘safety assurance’** means all planned and systematic actions necessary to provide adequate confidence that a product, a service, an organisation or a functional system achieves acceptable or tolerable safety;

**‘safety objective’** means a qualitative or quantitative statement that defines the maximum frequency or probability at which a hazard can be expected to occur;

**‘safety requirement’** means a risk-mitigation means, defined from the risk-mitigation strategy that achieves a particular safety objective, including organisational, operational, procedural, functional, performance, and interoperability requirements or environment characteristic.

## Article 3: Competent Authority for Certification

For the purpose of this regulation, the competent authority for the certification of air traffic service providers shall be the Brunei DCA.

## Article 4: Granting of Certificates

- (1) In order to obtain the certificate necessary to provide air traffic services, organisations shall comply with the requirements for the provision of air traffic services set out in Annex I to this regulation.

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- (2) The Brunei DCA shall verify an organisation's compliance with the regulatory requirements before issuing a certificate to it which includes the conditions as shown at Annex II to this regulation.
- (3) An organisation shall comply with the regulatory requirements no later than at the time at which the certificate is issued.

## Article 5: Derogations

- (1) By way of derogation from Article 4(1), certain air traffic service providers may elect not to avail themselves of the opportunity to provide cross-border services and may waive the right to mutual recognition.

They may, in those circumstances, apply for a certificate which is limited to the airspace under the responsibility of Brunei Darussalam.

- (2) In order to make an application as referred to in paragraph (1), a provider of air traffic services shall provide services or plan to provide them only with respect to one or more of the following categories:

- (a) aerial work;
- (b) general aviation;
- (c) commercial air transport limited to aircraft with less than 10 tonnes of the 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.

Where, owing to objective practical reasons, an air traffic service provider is unable to provide evidence that it meets those qualifying criteria, the Brunei DCA may accept analogous figures or forecasts in relation to the ceilings defined in the first and the second subparagraphs.

When submitting such an application, the air traffic service provider shall submit to the Brunei DCA at the same time the relevant evidence regarding the qualifying criteria.

- (3) The Brunei DCA may grant specific derogations to applicants who fulfil the qualifying criteria of paragraph (1), commensurate with their contribution to air traffic services in the airspace under the responsibility of Brunei Darussalam.

Those derogations may relate only to the requirements set out in Annex I to this regulation. However, no derogation shall be granted for the following requirements:

- (a) technical and operational competence and capability (Annex I paragraph 1);
- (b) safety management (Annex I paragraph 3.1);
- (c) human resources (Annex I paragraph 5);
- (d) open and transparent provision of air traffic services (Annex I paragraph 6.1).

- (4) The Brunei DCA shall:

- (a) specify the nature and the scope of the derogation in the conditions attached to the certificate by indicating its legal basis;
- (b) limit the validity of the certificate in time, where considered necessary for oversight purposes;

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- (c) monitor whether the air traffic service providers continue to qualify for the derogation.

## **Article 6: Demonstration of Compliance**

- (1) Organisations shall provide all the relevant evidence to demonstrate compliance with the applicable regulatory requirements at the request of the Brunei DCA. Organisations may make full use of existing data.
- (2) A certified organisation shall notify the Brunei DCA of planned changes to its provision of air traffic services which may affect its compliance with the applicable regulatory requirements or with the conditions attached to the certificate, where applicable.
- (3) Where a certified organisation no longer complies with the applicable regulatory requirements or, where applicable, with the conditions attached to the certificate, the Brunei DCA shall, within one month of the date of discovering the non-compliance, require the organisation to take corrective action.

That decision shall immediately be notified to the relevant organisation.

The Brunei DCA shall check that the corrective action has been implemented before notifying its approval to the relevant organisation.

Where the Brunei DCA considers that corrective action has not been properly implemented within the timetable agreed with the organisation, it shall take appropriate enforcement measures while taking into account the need to ensure the continuity of air traffic services.

## **Article 7: Facilitation of Compliance Monitoring**

Organisations shall facilitate inspections and surveys by the Brunei DCA or by a qualified entity acting on the latter's behalf, including site visits and visits without prior notice.

The authorised persons shall be empowered to perform the following acts:

- (a) to examine the relevant records, data, procedures and any other material relevant to the provision of air traffic services;
- (b) to take copies of or extracts from such records, data, procedures and other material;
- (c) to ask for an oral explanation on site;
- (d) to enter relevant premises, lands or means of transport. Such inspections and surveys, when conducted by the Brunei DCA or by a qualified entity acting on its behalf, shall be carried out in compliance with the legal provisions of Brunei Darussalam as outlined in these Requirements.

## **Article 8: Ongoing Compliance**

The Brunei DCA shall, on the basis of the evidence at its disposal, monitor annually the ongoing compliance of the organisations which it has certified.

To that end, the Brunei DCA shall establish and update annually an indicative inspection programme which covers all the providers it has certified and which is based on an assessment of the risks associated with the different operations constituting the air traffic services provided. It shall consult the organisation concerned as well as any other national aviation authority concerned, if appropriate, before establishing such a programme.

The programme shall indicate the envisaged interval of the inspections of the different sites.

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## **Article 9: Safety Regulation of Engineering and Technical Personnel**

With regard to the provision of air navigation services, the Brunei DCA or any other authority designated by Brunei Darussalam to fulfil this task shall:

- (a) issue appropriate safety rules for engineering and technical personnel who undertake operational safety-related tasks;
- (b) ensure adequate and appropriate safety oversight of the engineering and technical personnel assigned by any operating organisation to undertake operational safety-related tasks;
- (c) on reasonable grounds and after due enquiry, take appropriate action in respect of the operating organisation and/or its technical and engineering personnel who do not comply with the requirements of paragraph 3.1.9 of Annex I to this regulation;
- (d) verify that appropriate methods are in place to ensure that third parties assigned to operational safety-related tasks comply with the requirements of paragraph 3.1.9 of Annex I to this regulation.

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## **Annex I - Requirements for the provision of air traffic services**

### **1. Technical and operational competence and capability**

Air traffic service providers shall provide their services in a safe, efficient, continuous and sustainable manner consistent with any reasonable level of overall demand for a given airspace. To this end, they shall maintain adequate technical and operational capacity and expertise.

### **2. Organisational structure and management**

#### **2.1. Organisational structure**

Air traffic service providers shall set up and manage their organisation according to a structure that supports the safe, efficient and continuous provision of air traffic services. The organisational structure shall define:

- (a) the authority, duties and responsibilities of the nominated post holders, in particular of the management personnel in charge of safety, quality, security, finance and human resources related functions;
- (b) the relationship and reporting lines between different parts and processes of the organisation.

#### **2.2. Organisational management**

##### **2.2.1. Business plan**

Air traffic service providers shall produce a Business plan covering a minimum period of five years. The business plan shall:

- (a) set out the overall aims and goals of the air traffic service provider and its strategy towards achieving them in consistency with any overall longer term plan of the air traffic service provider and with relevant Union requirements for the development of infrastructure or other technology;
- (b) contain appropriate performance targets in terms of safety, capacity, environment and cost-efficiency, as may be applicable.

The information listed in points (a) and (b) shall as far as safety data is concerned, be consistent with the State Safety Programme referred to in Chapter 2 of BAR 11 as applicable.

Air traffic service providers shall produce safety and business justifications for major investment projects including, where relevant, the estimated impact on the appropriate performance targets referred to in point (b).

##### **2.2.2. Annual plan**

Air traffic service providers shall produce an annual plan covering the forthcoming year which shall specify further the features of the business plan and describe any changes to it.

The annual plan shall cover the following provisions on the level and quality of service, such as the expected level of capacity, safety, environment and cost-efficiency, as may be applicable:

- (a) information on the implementation of new infrastructure or other developments and a statement how they will contribute to improving the performance of the air traffic service provider, including level and quality of services;

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- (b) information on the measures foreseen to mitigate the safety risks identified in the safety plan of the air traffic service provider, including safety indicators to monitor safety risk and, where appropriate, the estimated cost of mitigation measures;
- (c) the air traffic service provider's expected short-term financial position as well as any changes to or impacts on the business plan.

### 3. Safety and quality management

#### 3.1. Safety management

Air traffic service providers shall manage the safety of all their services. In doing so, they shall establish formal interfaces with all stakeholders which may influence directly the safety of their services.

Air traffic service providers shall develop procedures for managing safety when introducing new functional systems or changing the existing functional systems.

##### 3.1.1. Safety management system (SMS)

Providers of air traffic services shall, as an integral part of the management of their services, have in place a safety management system (SMS) which:

- (a) ensures a formalised, explicit and proactive approach to systematic safety management in meeting their safety responsibilities within the provision of their services; operates in respect of all their services and the supporting arrangements under its managerial control; and includes, as its foundation, a statement of safety policy defining the organisation's fundamental approach to managing safety (safety management);
- (b) ensures that everyone involved in the safety aspects of the provision of air traffic services has an individual safety responsibility for their own actions; that managers are responsible for the safety performance of their respective departments or divisions and that the top management of the provider carries an overall safety responsibility (safety responsibility);
- (c) ensures that the achievement of satisfactory safety in air traffic services shall be afforded the highest priority (safety priority);
- (d) ensures that while providing air traffic services, the principal safety objective is to minimise its contribution to the risk of an aircraft accident as far as reasonably practicable (safety objective).

##### 3.1.2. Requirements for safety achievement

Within the operation of the SMS, providers of air traffic services shall:

- (a) ensure that personnel are adequately trained and competent for the job they are required to do, in addition to being properly licensed if so required and satisfying applicable medical fitness requirements (competency);
- (b) ensure that a safety management function is identified with organisational responsibility for development and maintenance of the SMS; ensure that this point of responsibility is independent of line management, and accountable directly to the highest organisational level. However, in the case of small organisations where a combination of responsibilities may prevent sufficient independence in this regard, the arrangements for safety assurance shall be supplemented by additional independent means; and ensure that the top management of the service provider organisation is actively involved in ensuring safety management (safety management responsibility);

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- (c) ensure that, wherever practicable, quantitative safety levels are derived and are maintained for all functional systems (quantitative safety levels);
- (d) ensure that the SMS is systematically documented in a manner which provides a clear linkage to the organisation's safety policy (SMS documentation);
- (e) ensure adequate justification of the safety of the externally provided services and supplies, having regard to their safety significance within the provision of its services (external services and supplies);
- (f) ensure that risk assessment and mitigation is conducted to an appropriate level to ensure that due consideration is given to all aspects of the provision of ATM (risk assessment and mitigation). As far as changes to the ATM functional system are concerned, paragraph 3.2 shall apply;
- (g) ensure that ATM operational or technical occurrences which are considered to have significant safety implications are investigated immediately, and any necessary corrective action is taken (safety occurrences). They shall also demonstrate that they have implemented the requirements on the reporting and assessment of safety occurrences in accordance with applicable national and Union law.

#### 3.1.3. Requirements for safety assurance

Within the operation of the SMS, providers of air traffic services shall ensure that:

- (a) safety surveys are carried out as a matter of routine, to recommend improvements where needed, to provide assurance to managers of the safety of activities within their areas and to confirm compliance with the relevant parts of the SMS (safety surveys);
- (b) methods are in place to detect changes in functional systems or operations which may suggest any element is approaching a point at which acceptable standards of safety can no longer be met, and that corrective action is taken (safety monitoring);
- (c) safety records are maintained throughout the SMS operation as a basis for providing safety assurance to all associated with, responsible for or dependent upon the services provided, and to the Brunei DCA (safety records).

#### 3.1.4. Requirements for safety promotion

Within the operation of the SMS, providers of air traffic services shall ensure that:

- (a) all personnel are aware of the potential safety hazards connected with their duties (safety awareness);
- (b) the lessons arising from safety occurrence investigations and other safety activities are disseminated within the organisation at management and operational levels (lesson dissemination);
- (c) all personnel are actively encouraged to propose solutions to identified hazards, and changes are made to improve safety where they appear needed (safety improvement).

#### 3.1.5. Safety requirements for risk assessment and mitigation with regard to changes

Within the operation of the SMS, providers of air traffic services shall ensure that hazard identification as well as risk assessment and mitigation are systematically conducted for any changes to those parts of the Brunei Darussalam air traffic control system and supporting arrangements within their managerial control, in a manner which addresses:

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- (a) the complete life cycle of the constituent part of the Brunei Darussalam air traffic control system, from initial planning and definition to post-implementation operations, maintenance and decommissioning;
- (b) the airborne, ground and, if appropriate, spatial components of the Brunei Darussalam air traffic control system, through cooperation with responsible parties;
- (c) the equipment, procedures and human resources of the Brunei Darussalam air traffic control system, the interactions between these elements and the interactions between the constituent part under consideration and the remainder of the ATS system.

3.1.6. The hazard identification, risk assessment and mitigation processes shall include:

- (a) a determination of the scope, boundaries and interfaces of the constituent part being considered, as well as the identification of the functions that the constituent part is to perform and the environment of operations in which it is intended to operate;
- (b) a determination of the safety objectives to be placed on the constituent part, incorporating:
  - (i) an identification of ATS-related credible hazards and failure conditions, together with their combined effects;
  - (ii) an assessment of the effects they may have on the safety of aircraft, as well as an assessment of the severity of those effects;
  - (iii) a determination of their tolerability, in terms of the hazard's maximum probability of occurrence, derived from the severity and the maximum probability of the hazard's effects.
- (c) the derivation, as appropriate, of a risk mitigation strategy which:
  - (i) specifies the defences to be implemented to protect against the risk-bearing hazards;
  - (ii) includes, as necessary, the development of safety requirements potentially bearing on the constituent part under consideration, or other parts of the Brunei Darussalam air traffic control system, or environment of operations;
  - (iii) presents an assurance of its feasibility and effectiveness.
- (d) verification that all identified safety objectives and safety requirements have been met:
  - (i) prior to its implementation of the change;
  - (ii) during any transition phase into operational service;
  - (iii) during its operational life;
  - (iv) during any transition phase until decommissioning.

3.1.7. The results, associated rationales and evidence of the risk assessment and mitigation processes, including hazard identification, shall be collated and documented in a manner which ensures that:

- (a) complete arguments are established to demonstrate that the constituent part under consideration, as well as the overall Brunei Darussalam air traffic control system are, and will remain tolerably safe by meeting allocated safety objectives

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and requirements. This shall include, as appropriate, specifications of any predictive, monitoring or survey techniques being used;

- (b) all safety requirements related to the implementation of a change are traceable to the intended operations/functions.

### 3.1.8. Hazard identification and severity assessment

A systematic identification of the hazards shall be conducted. The severity of the effects of hazards in a given environment of operations shall be determined using the severity classification scheme set out in the following table while the severity classification shall rely on a specific argument demonstrating the most probable effect of hazards, under the worst-case scenario.

Severity class	Effect on operations
1 (Most severe)	Accident as defined in Chapter 1 of BAR 11
2	Serious incident
3	Major incident associated with the operation of an aircraft, in which the safety of the aircraft may have been compromised, having led to a near collision between aircrafts, with ground or obstacles.
4	Significant incident involving circumstances indicating that an accident, a serious or major incident could have occurred, if the risk had not been managed within safety margins, or if another aircraft had been in the vicinity.
5 (Least severe)	No immediate effect on safety.

*Table 1 - Severity Classification*

In order to deduce the effect of a hazard on operations and to determine its severity, the process shall include the effects of hazards on the various elements of the Brunei Darussalam air traffic control system, such as the air crew, the air traffic controllers, the aircraft functional capabilities, the functional capabilities of the ground part of the Brunei Darussalam air traffic control system, and the ability to provide safe air traffic services.

#### Risk classification scheme

Safety objectives based on risk shall be established in terms of the hazard's maximum probability of occurrence, derived both from the severity of its effect, and from the maximum probability of the hazard's effect.

As a necessary complement to the demonstration that established quantitative objectives are met, additional safety management considerations shall be applied so that more safety is added to the Brunei Darussalam air traffic control system, whenever reasonable.

### 3.1.9. Safety requirements for engineering and technical personnel undertaking operational safety related tasks

Providers of air navigation services shall ensure that technical and engineering personnel including personnel of subcontracted operating organisations who operate and maintain ATM equipment approved for their operational use have and maintain sufficient knowledge and understanding of the services they are supporting, of the actual and potential effects of their work on the safety of those services, and of the appropriate working limits to be applied.

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With regard to the personnel involved in safety-related tasks including personnel of subcontracted operating organisations, providers of air traffic services shall document the adequacy of the competence of the personnel; the rostering arrangements in place to ensure sufficient capacity and continuity of service; the personnel qualification schemes and policy, the personnel training policy, training plans and records as well as arrangements for the supervision of non-qualified personnel. They shall have procedures in place for cases where the physical or mental condition of the personnel is in doubt.

Providers of air traffic services shall maintain a register of information on the numbers, status and deployment of the personnel involved in safety related tasks.

That register shall:

- (a) identify the accountable managers for safety-related functions;
- (b) record the relevant qualifications of technical and operational personnel, against required skills and competence requirements;
- (c) specify the locations and duties to which technical and operational personnel are assigned, including any rostering methodology.

#### 3.1.10. Working methods and operating procedures

Providers of air traffic services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of air traffic services in the airspace concerned:

- (a) ICAO Annex 2 on rules of the air.
- (b) ICAO Annex 10 on aeronautical telecommunications, Volume II on communication procedures including those with PANS Status;
- (c) ICAO Annex 11 on air traffic services.

#### 3.2. Quality management system

Air traffic service providers shall have in place a quality management system which covers all air traffic services that they provide, according to the following principles.

The quality management system shall:

- (a) define the quality policy in such a way as to meet the needs of different users as closely as possible;
- (b) set up a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with applicable requirements, standards and procedures;
- (c) provide evidence of the functioning of the quality management system by means of manuals and monitoring documents;
- (d) appoint management representatives to monitor compliance with, and adequacy of, procedures to ensure safe and efficient operational practices;
- (e) perform reviews of the quality management system in place and take remedial actions, as appropriate.

An ISO 9001 certificate, issued by an appropriately accredited organisation, covering the air traffic services of the provider shall be considered as a sufficient means of compliance. The air traffic service provider shall accept the disclosure of the documentation related to the certification to the Brunei DCA upon the latter's request.

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Air traffic service providers may integrate safety, security and quality management systems into their management system.

### 3.3. Operations manuals

Air traffic service providers shall provide and keep up-to-date operations manuals relating to the provision of their services for the use and guidance of operations personnel. They shall ensure that:

- (a) operations manuals contain the instructions and information required by the operations personnel to perform their duties;
- (b) relevant parts of the operations manuals are accessible to the personnel concerned;
- (c) the operations personnel are expeditiously informed of amendments to the operations manual applying to their duties as well as of their entry into force.

## 4. Security

### 4.1. Air traffic service providers shall establish a security management system to ensure:

- (a) the security of their ATS facilities and personnel so as to prevent unlawful interference with the provision of air traffic services;
- (b) the security of operational data they receive or produce or otherwise employ, so that access to it is restricted only to those authorised.

#### 4.1.1. The security management system shall define:

- (a) the procedures relating to security risk assessment and mitigation, security monitoring and improvement, security reviews and lesson dissemination;
- (b) the means designed to detect security breaches and to alert personnel with appropriate security warnings;
- (c) the means of containing the effects of security breaches and to identify recovery action and mitigation procedures to prevent reoccurrence.

#### 4.1.2. Air traffic service providers shall ensure the security clearance of their personnel, if appropriate, and coordinate with the relevant civil and military authorities to ensure the security of their facilities, personnel and data.

The safety, quality and security management systems may be designed and operated as an integrated management system.

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## 5. Human resources

- 5.1. Air traffic service providers shall employ appropriately skilled personnel to ensure the provision of air traffic services in a safe, efficient, continuous and sustainable manner. In this context, they shall establish policies for the recruitment and training of personnel in accordance with BAR 1 - Part ATCO Licensing and Medical.

## 6. Quality of services

### 6.1. Open and transparent provision of air traffic services

- 6.1.1. Air traffic service providers shall provide air traffic services in an open and transparent manner. They shall publish the conditions of access to their services and establish a formal consultation process with the users of air traffic services on a regular basis, either individually or collectively, and at least once a year.

- 6.1.2. Air traffic service providers shall not discriminate on the grounds of the nationality or identity of the user or the class of users.

- 6.1.3. Where Brunei Darussalam decides to organise the provision of specific air traffic services in a competitive environment, the Brunei DCA may take all appropriate measures to ensure that the providers of these specific air traffic services shall neither engage in conduct that would have as its object or effect the prevention, restriction or distortion of competition, nor shall they engage in conduct that amounts to an abuse of a dominant position in accordance with applicable national law.

- 6.1.4. Providers of air traffic services shall notify to the Brunei DCA:

- (a) their legal status, their ownership structure and any arrangements having a significant impact on control over their assets;
- (b) any links with organisations not involved in the provision of air traffic services, including commercial activities in which they are engaged either directly or through related undertakings, which account for more than 1 % of their expected revenue; furthermore, they shall notify any change of any single shareholding which represents 10 % or more of their total shareholding.

- 6.1.5. Providers of air traffic services shall take all necessary measures to prevent any situation of conflict of interests that could compromise the impartial and objective provision of their services.

### 6.2. Contingency plans

Air traffic service providers shall have in place contingency plans for all the air traffic services they provide in the case of events which result in significant degradation or interruption of their operations.

## 7. Reporting requirements

Air traffic service providers shall provide an annual report of their activities to the Brunei DCA.

That annual report shall cover any significant activities and developments in particular in the area of safety and shall include as a minimum:

- (a) an assessment of the level of performance of air traffic services generated;
- (b) developments in operations and infrastructure;
- (c) information about the formal consultation process with the users of its services;
- (d) information about the human resources policy.

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## Annex II – Conditions to be attached to ATS Provider Certificates

1. Certificates shall specify:
  - (a) The Brunei DCA as the competent authority issuing the certificate;
  - (b) the applicant (name and address);
  - (c) the air traffic services which are certified;
  - (d) a statement of the applicant's conformity with the requirements for ATS provision, as defined in this regulation;
  - (e) the date of issue and the period of validity of the certificate.
2. Additional conditions attached to certificates may, as appropriate, be related to:
  - (a) non-discriminatory access to services for airspace users and the required level of performance of such services, including safety and interoperability levels;
  - (b) the operational specifications for the particular services;
  - (c) the time by which the services should be provided;
  - (d) the various operating equipment to be used within the particular services;
  - (e) ring-fencing or restriction of operations of services other than those related to the provision of air traffic services;
  - (f) contracts, agreements or other arrangements between the service provider and a third party and which concern the service(s);
  - (g) provision of information reasonably required for the verification of compliance of the services with the regulatory requirements, including plans, financial and operational data, and major changes in the type and/or scope of air traffic services provided;
  - (h) any other legal conditions which are not specific to air traffic services, such as conditions relating to the suspension or revocation of the certificate.