

Document	BAR 15 - Part AIS Provision	
Version	01	



Brunei Department of Civil Aviation
Negara Brunei Darussalam
www.mtic.gov.bn/dca

Brunei Aviation Requirements

BAR 15 - Part AIS 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 15 - Part AIS Provision and any reference to this title shall mean referring to the requirements to be met for civil aviation in Brunei Darussalam.

DC.2 Authority for this Requirement

- DC.2.1 This BAR 15 - Part AIS Provision is issued on the authority of the Director of Civil Aviation.

DC.3 Applicability

- DC.3.1 This BAR 15 - Part AIS Provision is applicable to the aviation industry of Brunei Darussalam.

DC.4 Scope

- DC.4.1 BAR 15 – Part AIS Provision contains the regulations for the provision of AIS in Brunei Darussalam and, together with the main body of BAR 15 demonstrates compliance with ICAO Annex 15. The requirements in BAR 15 for AIS Provision and Oversight are separated into the following parts with cross references between parts were applicable:

BAR15 - Part AIS Provision

BAR15 - Part AIS Oversight

DC.5 Definitions

- DC.5.1 Terms not defined within this document 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

AIS	Aeronautical Information Services
ICAO	International Civil Aviation Organisation
BARs	Brunei Aviation Requirements
SARPs	Standards and Recommended Practices

References

ICAO Annex 15 Aeronautical Information Services

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Article 1: Subject Matter and Scope

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

- (1) activities other than the provision of AIS by a provider of such services;
- (2) resources allocated to activities outside the provision of AIS.

Article 2: Definitions

For the purposes of this Regulation, the definitions in BAR 15 apply. However, the following definitions also apply:

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

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

‘organisation’ means an entity providing AIS;

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

‘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 AIS providers shall be the Brunei DCA.

Article 4: Granting of Certificates

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

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Article 5: Derogations

- (1) By way of derogation from Article 4(1), certain AIS 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 such an application, an AIS provider shall have a gross annual turnover of USD 1,000,000 or less in relation to the services it provides or plans to provide.

Where, owing to objective practical reasons, an AIS provider is unable to provide evidence that it meets those qualifying criteria, the Brunei DCA may accept analogous figures or forecasts.

When submitting such an application, the AIS 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 AIS 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 AIS (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;
- (c) monitor whether the AIS providers continue to qualify for the derogation.

Article 6: Demonstration of Compliance

- (3) 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.
- (4) A certified organisation shall notify the Brunei DCA of planned changes to its provision of AIS which may affect its compliance with the applicable regulatory requirements or with the conditions attached to the certificate, where applicable.
- (5) 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.

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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 the provision of Aeronautical Charts.

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:

- (1) to examine the relevant records, data, procedures and any other material relevant to the provision of Aeronautical Charts;
- (2) to take copies of or extracts from such records, data, procedures and other material;
- (3) to ask for an oral explanation on site;
- (4) 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 Aeronautical Charts 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.

Article 9: Safety Regulation of Engineering and Technical Personnel

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

- (1) issue appropriate safety rules for engineering and technical personnel who undertake operational safety-related tasks;
- (2) ensure adequate and appropriate safety oversight of the engineering and technical personnel assigned by any operating organisation to undertake operational safety-related tasks;
- (3) 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 this regulation;
- (4) verify that appropriate methods are in place to ensure that third parties assigned to operational safety-related tasks comply with the requirements of this regulation.

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Annex I – Requirements For the Provision of AIS

1. Technical and operational competence and capability

AIS providers shall ensure that information and data is available for operations in a form suitable for:

- (a) flight operating personnel, including flight crew, as well as flight planning, flight management systems and flight simulators;
- (b) providers of air traffic services which are responsible for flight information services, aerodrome flight information services and the provision of pre-flight information.

Providers of aeronautical information services shall ensure the integrity of data and confirm the level of accuracy of the information distributed for operations, including the source of such information, before such information is distributed.

2. Organisational structure and management

2.1. Organisational structure

AIS providers shall set up and manage their organisation according to a structure that supports the safe, efficient and continuous provision of AIS. 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

AIS 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 AIS provider and its strategy towards achieving them in consistency with any overall longer term plan of the AIS 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.

AIS 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

AIS 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:

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- (a) information on the implementation of new infrastructure or other developments and a statement how they will contribute to improving the performance of the AIS provider, including level and quality of services;
- (b) information on the measures foreseen to mitigate the safety risks identified in the safety plan of the AIS provider, including safety indicators to monitor safety risk and, where appropriate, the estimated cost of mitigation measures;
- (c) the AIS 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

AIS 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.

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

3.2. Quality management system

AIS providers shall have in place a quality management system which covers all AIS 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 AIS of the provider shall be considered as a sufficient means of compliance. The AIS provider shall accept the disclosure of the documentation related to the certification to the Brunei DCA upon the latter's request.

AIS providers may integrate safety, security and quality management systems into their management system.

3.3. Operations manuals

AIS 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;

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- (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. AIS providers shall establish a security management system to ensure:

- (a) the security of their AIS facilities and personnel so as to prevent unlawful interference with the provision of AIS;
- (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. AIS 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.

5. Human resources

5.1. AIS providers shall employ appropriately skilled personnel to ensure the provision of AIS in a safe, efficient, continuous and sustainable manner. In this context, they shall establish policies for the recruitment and training of personnel.

6. Quality of services

6.1. Open and transparent provision of AIS

6.1.1. AIS providers shall provide AIS 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 AIS on a regular basis, either individually or collectively, and at least once a year.

6.1.2. AIS 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 AIS in a competitive environment, the Brunei DCA may take all appropriate measures to ensure that the providers of these specific AIS 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 AIS 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 AIS, including commercial activities in which they are engaged either directly or through related undertakings, which account for more than 1% of their expected

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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 AIS 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 plan

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

7. Reporting requirements

AIS 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 AIS 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 AIS 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 AIS organisation which is certified;
 - (d) a statement of the applicant's conformity with the requirements for AIS 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 AIS;
 - (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 AIS provided;
 - (h) any other legal conditions which are not specific to AIS, such as conditions relating to the suspension or revocation of the certificate