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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2326/16 - 2023 අප්‍රේල් මස 03 වැනි සඳුදා - 2023.04.03
No. 2326/16 - MONDAY, APRIL 03, 2023

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L. D. B. 6/2017

CIVIL AVIATION ACT, No. 14 OF 2010

REGULATIONS made by the Minister of Ports, Shipping and Aviation under Section 117(2)(p) of the Civil Aviation Act, No. 14 of 2010 read with Sections 6, 10, 11, 26, 31, (d),(e), (f),(g) and (h) of that Act.

NIMAL SIRIPALA DE SILVA,
Minister of Ports, Shipping and Aviation.

Colombo,
30th March, 2023.

Regulations

1. These Regulations may be cited as Civil Aviation Aeronautical Service Provider (Air Navigation and Aviation Security) Licensing Regulations No. 01 of 2023.
2. (1) No Person shall provide any aeronautical service relating to air navigation referred to in paragraphs (a) to (d) of Regulation 3, within the territory of Sri Lanka and the oceanic airspace delegated to Sri Lanka by International Civil Aviation Organization under the Regional Air Navigation Agreements without a valid Aeronautical Service Provider (Air Navigation) Licence issued by the Director-General of Civil Aviation (hereinafter referred to as the “Director-General”) in respect of the relevant service referred to in Regulation 3.



- (2) No person shall provide the aeronautical service referred to in paragraph (e) of Regulation 3, within the limits of an Aerodrome or at any other place or location where aeronautical services are established without a valid Aeronautical Service Provider (Aviation Security) Licence issued by the Director-General.

3. Every Service Provider who intends to provide Aeronautical Services in –

- (a) Air Traffic Services;
- (b) Aeronautical Information Services;
- (c) Aeronautical Communication Services ;
- (d) Aeronautical Aids for Communication, Navigation or Surveillance; and
- (e) Aviation Security Service,

shall apply to the Director General in the form specified in the First Schedule hereto, along with any particulars as may be required to obtain a licence.

4. Every Service Provider who applies for any licence referred to in Regulation 3 shall -

- (a) be a Service Provider duly appointed by the Minister for the provision of proposed service;
- (b) have the required financial resources to fulfill both actual and potential obligations in the provision of the intended services;
- (c) possess a Certificate of Competency for provision of the respective aeronautical service relating to air navigation or aviation security having satisfied the appropriate organization, personnel, equipment, written procedures, facilities and services as is determined by the Director General in the Implementing Standards specified in Second Schedule hereto;
- (d) not have been convicted for breach of any aviation safety or security requirements; and
- (e) have a valid liability insurance adequately covering his liability that may arise out of the activities performed under the licence.

5. A Service Provider who intends to obtain licence for two or more categories shall make separate applications for each licensing category.

6. (1) The Director-General shall subject an applicant for licence to separate assessments in respect of each aeronautical service that the applicant intends to provide. Competency of such applicant to provide the relevant aeronautical service relating to air navigation or aviation security in accordance with the applicable standards, recommended practices and industry best practices shall be evaluated by such assessments.
- (2) The Director-General may issue separate Aeronautical Service Provider Competency Certificates for each licensing category, in respect of which required assessment has been completed satisfactorily.
- (3) An applicant for a licence referred to in Regulation 2 shall hold a valid Aeronautical Service Provider Competency Certificate to qualify for issuance of an Aeronautical Service Provider Licence.
- (4) Aeronautical Service Provider Competency Certificate shall be valid for a period of two years from the date of issue and subject to such terms and conditions as may be specified in such certificate.
- (5) Subject to compliance with the continued adherence to initial conditions of certification, the validity period of an Aeronautical Service Provider Competency Certificate may be renewed for a period of two years at a time.
- (6) The fees for the initial issue, renewal and amendmend of a certificate shall be as specified in the Civil Aviation Authority Fees and Charges Regulation No. 01 of 2014 published in the *Gazette Extraordinary* No. 1869/32 dated 02nd July 2014 (hereinafter referred to as the “ Fees and Charges Regulation”).

- (7) Requirements to be satisfied for the issuance of each category of Aeronautical Service Provider Competency Certificate shall be as specified in the Second Schedule hereto.
7. The Director General may within a period of one hundred and twenty days of the receipt of such an application and on being satisfied with the information provided therein and suitability and capacity of the applicant to comply with the applicable requirements specified in the relevant Implementing Standards may –
- (a) issue to such Service Provider a Licence for the relevant category upon the payment of an initial fee as specified in the fees and Charges Regulation; or
- (b) refuse to issue a licence with reasons assigned.
8. Every such licence so issued shall-
- (a) be valid from the date of issuance until or unless suspended or revoked as specified in Regulation 9;
- (b) be in the format specified in the Fourth Schedule hereto;
- (c) be subject to such terms and conditions specified in the Third Schedule hereto;
- (d) be subject to an annual fee.
9. (1) The Director-General may in addition to the grounds as specified in section 26 of the Civil Aviation Act, No. 14 of 2010 suspend or revoke an Aeronautical Service Provider Licence, on the following grounds:-
- (a) breach of any terms and conditions to which the Licence was subjected to;
- (b) inadequacy in the maintainance of specified standards with regard to the safety, security, efficiency or regularity of the respective aeronautical service or services required for the validity of competency certificate as specified by the Director-General in the Implementing Standards referred to in the Second Schedule hereto;
- (c) expiry of the period of validity of the Certificate of Competency issued for the provision of respective Aeronautical Service;
- (2) Prior to the suspension or revocation of a licence, the Director General shall give written notice to the Licence and provide him within a reasonable period of time to show cause in writing as to why the Licence should not be suspended or revoked. The Director-General shall take into account the reasons sent by the Licensee prior to making a decision about any suspension or revocation.
- (3) Notwithstanding subparagraph (2), the Director-General may suspend a license if safety of services being provided under such license appears to have been seriously compromised.
- (4) The holder of an Aeronautical Service Provider Licence that is suspended or revoked shall forthwith produce it to the Director-General for appropriate endorsement.
- (5) The holder of an Aeronautical Service Provider Licence whose Licence is revoked shall forthwith return all assets and properties that the Civil Aviation Authority of Sri Lanka has made available to the Licensee, to the Authority.
10. In the event a Licensee intends terminating provision of the assigned services under the licence issued to him on his own accord, the Licensee shall give a written notice of at least one hundred and eighty days prior to the intended

date of termination and surrender the Licence to the Director General and all properties and assets issued to the Licensee should be returned to the Authority from the date of surrender of the licence or earlier to that date.

11. Notwithstanding anything contrary to the foregoing Regulations, the validity of an Aeronautical Service Provider Licence issued under Regulation 7 shall cease with immediate effect-

- (a) if a change has been made in respect of the following without notifying the Director-General and obtaining his approval in writing:-
 - (i) change of ownership of the Licensee;
 - (ii) change of business name of the Licensee;
 - (iii) change of Memorandum and Articles of Association of the Licensee;
 - (iv) substantial change of equipment, facilities, procedures or services used for the provision of aeronautical services;
 - (v) change of the Accountable Manager of the Licensee; and
 - (vi) change of nominated post holders of the Licensee;
- (b) if maintenance of standards with regard to the safety, security, efficiency or regularity of the respective aeronautical services required for the validity of competency certificate, are inadequate.

12. For the purposes of this Regulation –

“Accountable Manager” means a designated person who is directly responsible and finally accountable to the Director-General for the provision of aeronautical services, in conformity with the requirements specified in the respective Implementing Standards;

“Aeronautical services” means the services referred to under section 31 of the Civil Aviation Act, No. 14 of 2010;

“Certificate of Competency” means a certificate issued by the Director-General attesting that the holder is competent to perform the tasks assigned to him with the required capability proficiency, Capacity and persistence for purpose of providing aeronautical services as specified in the Operations Specifications;

“Director-General” means the Director General of Civil Aviation appointed under section 11 of the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002;

“Operations Specifications” means the document which specifies the nature and scope of the activities of the service provider and mode and manner of operations;

“Post holder” means an individual who is responsible to the accountable manager in assuring compliance to Implementing Standards in the provision of aeronautical services by a service provider;

“Service Provider” means a Service Provider appointed under section 6 of the Civil Aviation Act, No. 14 of 2010;

“Territory of Sri Lanka” shall have the same meaning as assigned to it in section 124 of the Civil Aviation Act, No. 14 of 2010.

FIRST SCHEDULE

Aeronautical Service Provider Licence - Application Form

Note - An applicant who intends to obtain Licence for two or more categories shall make separate applications for each Licensing category.

<i>A. Type of the Aeronautical Service [please (✓) tick only one]</i>		
(a)	Air Traffic Services;	
(b)	Aeronautical Information Services;	
(c)	Aeronautical Communication Services;	
(d)	Aeronautical Aids for Communication, Navigation or Surveillance;	
(e)	Aviation Security Service;	

<i>B. Details of the Applicant</i>				
1.	Name of the Organization			
2.	Address of the Principle Place of Business			
3.	Telephone	4.	Fax	
5.	E-mail			

<i>C. Details of the Appointment as an Aeronautical Service Provider</i>	
1.	Order Reference:

2.	Gazette Published Date:
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<i>D. Details of the Accountable Manager</i>				
1.	Name: (Mr./Ms.)			
2.	Designation/Title:			
3.	Telephone:	4.	Fax	
5.	E-mail:			

E. Details of the nominated Post Holder				
1.	Name: (Mr./Ms.)			
2.	Designation / Title:			
3.	Telephone:		4.	Fax:
5.	E-mail:			

F. Details of documents to be submitted			
The Applicant must submit a Cover Letter with Certified True copies of following documents along with this application to Civil Aviation Authority for evaluation at least one hundred and twenty (120) days before the commencement of operations, [please tick (✓) for submitted documents]			
#	Documents	Yes	No
01	Minister Order published in the Gazette		
02	Details of Financial Resources to fulfill both actual and potential obligations in the provision of the intended services		
03	Details of a valid liability insurance adequately covering the applicant's liability that may arise out of the activities performed under the licence		
04	Curriculum Vitae of the Accountable Manager with relevant supporting documents		
05	Curriculum Vitae of the nominated Post Holder with relevant supporting documents		
06	If the applicant has been convicted for breach of any aviation safety or security requirements, those details with supporting documents		
07	Payment Receipt for Initial fee for Processing as per Fees & Charges Levied by CAASL		

G. Declaration
I hereby apply for the Aeronautical Service Provider Licence to provide Aeronautical Service referred in the Section A, on behalf of the applicant specified in the section B of this application and certify that the information given in this application and the supporting documents are true and correct.

Name: (Mr./Ms.)			
Designation/Title:			
Telephone:		Fax:	
E-mail:			
Signature:		Date:	

SECOND SCHEDULE

Requirements to be satisfied to obtain an Aeronautical Service Provider Competency Certificate relating to air navigation or aviation security

Requirements for the grant of Aeronautical Service Provider Competency Certificate in respect of Air Traffic Services which may be cited as Air Traffic Services Provider Competency Certificate

An applicant, in addition to conforming to the general requirements contained in these regulations shall comply with the requirements specified in the Implementing Standards related to Air Traffic Services issued by the Director General from time to time in pursuant to section 120 of the Civil Aviation Act, No. 14 of 2010.

Requirements for the grant of Aeronautical Service Provider Competency Certificate in respect of Aeronautical Information Services which may be cited as Aeronautical Information Services Provider Competency Certificate

An applicant, in addition to conforming to the general requirements contained in these regulations shall comply with the requirements specified in the Implementing Standards related to Aeronautical Information Services issued by the Director General from time to time in pursuant to section 120 of the Civil Aviation Act, No. 14 of 2010.

Requirements for the grant of Aeronautical Service Provider Competency Certificate in respect of Aeronautical Communication Services which may be cited as Aeronautical Communication Services Provider Competency Certificate

An applicant, in addition to conforming to the general requirements contained in these regulations shall comply with the relevant requirements specified in the Implementing Standards related to Aeronautical Communication Services issued by Director- General from time to time in pursuant to section 120 of the Civil Aviation Act, No. 14 of 2010.

Requirements for the grant of Aeronautical Service Provider Competency Certificate in respect of Aeronautical Aids for Communication, Navigation and Surveillance which may be cited as Aeronautical Aids for Communication, Navigation and Surveillance Provider Competency Certificate

An applicant, in addition to conforming to the general requirements contained in these regulations shall comply with the relevant requirements specified in the Implementing Standards related to Aeronautical Aids for Communication, Navigation and Surveillance issued by Director-General from time to time in pursuant to section 120 of the Civil Aviation Act, No. 14 of 2010.

Requirements for the grant of Aeronautical Service Provider Competency Certificate in respect of Aviation Security Services which may be cited as Aviation Security Service Provider Competency Certificate

An applicant, in addition to conforming to the general requirements contained in these regulations shall comply with the relevant requirements specified in the Implementing Standards related to Aviation Security Service issued by the Director-General in time to time pursuant to section 120 of the Civil Aviation Act, No. 14 of 2010.

THIRD SCHEDULE

(A) Terms and Conditions

1. Every Licensee shall employ, contract or otherwise engage a person to be known as an Accountable Manager, who shall be accountable and answerable to the Director-General for the provision of services in respect of which such License has been issued.
2. (1) Every Licensee shall provide for the use and guidance of personnel employed by the Licensee an Operations Manual or Security Programme, as applicable, which shall contain complete instructions as to the provision

- of the relevant aeronautical services, including the responsibilities of the personnel employed and, the contents thereof shall be subject to the approval of the Director General.
- (2) Every Licensee shall in accordance with the provisions in the approved Operations Manual or Security Programme, as applicable, provide initial and recurrent training to the relevant persons employed by the Licensee for the effective discharge of the assigned duties and functions and records of such training shall be maintained properly.
 - (3) The Licensee shall make required revisions of the Operations Manual or Security Programme, as applicable, at any time as the Director General directs.
 - (4) The Licensee may amend or revise the Operations Manual or Security Programme, as applicable, as is necessary subject to approval of the Director General, to ensure that the information contained therein is kept up to date and accurate and, the approved Operational Manual or Security Programme, as applicable, shall be made available for operational personnel, for reference, engaged in the provision of the relevant aeronautical service and any other personnel as the Director General may specify.
 - (5) Unless it is proven that the deviation from the instructions specified in the approved Operations Manual or Security Programme, as applicable, provides enhanced level of aviation safety and security, every person employed by a Licensee shall comply fully with all instructions relating to his duties contained in the Operations Manual or Security Programme. as applicable,
3. The Licensee may, for provision of services authorized under the respective license, designate any person as a nominated Post Holder who shall-
 - (a) be responsible for the effective discharge of the duties and functions assigned to him ensuring the obligations cast on the Licensee under these regulations;
 - (b) in respect of the duties relating to the nominated post, be responsible to the Director General, in addition of being responsible to Licensee;
 - (c) complete satisfactorily the initial and recurrent training, given by the Licensee in accordance with the respective Training Manual or Security Programme, as applicable, so as to enable himself to discharge the assigned duties and functions effectively.
 4. Every Licensee, where applicable, and with the concurrence and guidance of the Director General, shall maintain close liaison with the State military organizations in the provision of services authorized under the licence.
 5. Every Licensee shall in the planning, designing and implementation of the authorized services align himself appropriately with the Sri Lanka Air Navigation Plan, National Civil Aviation Security Programme, National Aeronautical Search and Rescue Plan and National Aviation Safety Plan, as applicable.
 6. A Licensee, where required, shall establish and maintain an effective Safety Management System which is acceptable to the Director General in compliance with the applicable requirements.
 7. Every Licensee shall, if directed by the Director General, have an effective Contingency Plan acceptable to the Director General that will adequately address any potential contingency or emergency situations arising out of the services authorized under the Licence.
 8. A Licensee shall, if directed by the Director General, have an approved scheme for limitation of Duty Times and Rest Periods of the employees engaged in the provision of safety and security sensitive functions aiming at providing adequate safeguards against onset of fatigue taking into account of Human Factor. The Licensee shall take into account, such limitations in the determination of cadre requirements of the Licensee in relation to such duties.

9. (1) A Licensee shall, as directed by the Director General, have an approved policy for prohibiting problematic use of psychoactive substance by personnel employed by him.
- (2) No person employed by the Licensee shall violate such policy.

(B) Privileges

1. Privileges granted to a Licensee shall be as specified by the Director General in the relevant Aeronautical Service Provider Licence.
2. No Licensee shall exceed the privileges granted in the Licence in the performance of duties and functions.

(C) Special Terms and Conditions

An Aeronautical Service Provider Licence shall contain, where necessary, Special Terms and Conditions specified by the Director-General to the Licensee, to be adhered by such licensee in the provision of relevant Aeronautical Service.

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