

**AOPA NAMIBIA**AIRCRAFT OWNERS AND PILOTS ASSOCIATION
Protecting your right to fly

Our Ref: ED/NCAA/041/02/2023

23 February 2023

The Executive Director

Namibia Civil Aviation Authority (NCAA)

Rudolph Herzog Street

Windhoek

Namibia

Sent via e-mail: sem@ncaa.na**RE: Public Notice of intention to amend Part 187 of the Namibia Civil Aviation Regulations of 2001, as amended dated 23rd January 2023.**

Dear Ms. Sem,

This letter is being submitted by the Aircraft Owners and Pilots Association of Namibia (AOPA Namibia) to the Namibia Civil Aviation Authority (NCAA) in reference to the invitation for comments on the Public Notice of intention to amend Part 187 of the Namibia Civil Aviation Regulations of 2001, as amended dated 23rd January 2023.

Please note that, attached to this letter, are additional comments from aviators, the public and Namibia's general aviation industry objecting to the new fees and fee increases being proposed in the draft Part 187 regulations. These additional comments include submissions as indicated below and also attached to this document from:

- **MICAN:** Microlight Association of Namibia
- **NAS:** Namibia Aviation Services CC
- **Arnulf Winsauer** - Namibian Pilot and AOPA Namibia Member
- **Nico Louw** - Namibian Pilot and AOPA Namibia Member

As the general aviation industry's representative and advocate for the safe operation and growth of Namibian aviation, it is AOPA Namibia's position that both the new fees and blanket increase to existing fees being proposed by the NCAA via the draft Part 187 regulations are **exorbitant** when compared to the current legally promulgated charges.

Firstly, regarding the NCAA's proposed increases of **30% up to 55%** to all existing fees, AOPA Namibia and its members vehemently reject such an exorbitant proposed fee increase.

In several cases, the proposed fee increases are **even higher** than what is depicted in the draft Part 187 regulations due to inaccurate depictions of the "current fees" being charged. Please reference the attached comments by NAS (Namibia Aviation Services CC), which document how the "current fees" being displayed in the draft Part 187 regulations misrepresent what is currently promulgated.



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The NCAA must understand that the general aviation industry — *still recovering from the economic ravages of the Covid-19 pandemic* — cannot be expected to make up for the NCAA's fiscal and budgetary shortfalls through a sudden and unsustainable increase to existing user fees.

AOPA Namibia understands the need to adjust critical civil aviation fees over time (when and where appropriate), due to economic factors such as inflation. However, AOPA Namibia urges the NCAA to make such fee increases only when necessary and legally justified to do so, using published yearly rates of inflation as the maximum benchmark for any fee increase proposed.

Secondly, regarding the *hundreds* of exorbitant **new fees** being proposed, most have no legal basis for adoption into the civil aviation regulations. (As detailed in the attached submissions by NAS and MICAN).

What's more, the "hourly fee rates" proposed for undefined fees will only serve to incentivise even longer delays for what the general aviation industry feels is poorly delivered or absent service, simply to maximise the amount charged to end users. This concept is fundamentally flawed, as it will be open to abuse and penalise the industry for inefficiencies within the NCAA.

In short, the proposed new fees and existing fee increases **do not** commensurate with the value of service being delivered by the NCAA. In addition, the current and proposed regulations **do not** reflect any Key Performance Indicators (KPIs) for the NCAA and its Executive Director (ED) to be held accountable for the performance and growth of the aviation industry.

Based on the NCAA's current service quality record, even if accountable KPI's were to be implemented, the NCAA has:

- **no ability to deliver on its existing service responsibilities** due to critical staff shortages and nation-wide lack of suitable and qualified inspectors/examiners, as well as
- **no incentive to improve its end user services** after increasing civil aviation fees due to its State-Owned Enterprise (SOE), monopolistic position as the sole provider of civil aviation services for Namibia.

It is *critical* for the NCAA to understand that the proposed fee increases and additions will result in the need for the Namibia Airports Company (NAC) and Air Navigation Services (ANS) to respond in kind, **by increasing their end user service fees accordingly.**

To better illustrate how the NCAA's proposed user fee additions and increases will negatively impact general aviation, consider the knock-on effects to:

- **Part 139 (Aerodromes):** The proposed **55% increase** in licensing fees means the NAC will increase landing and parking fees accordingly, passing their increased costs on to the end user.

Also, the costly fees proposed to simply *register* existing aerodromes incentivises aerodrome owners and operators to avoid the registration process altogether. After 20+ years of failing to obtain critical nationwide aerodrome data with the existing regulatory framework, how will adding exorbitant new registration fees improve the NCAA's ability to gather that safety critical data going forward? Simply put, the proposed new aerodrome registration fees will be



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a **detriment** to aviation safety in Namibia.

- **Part 171 (Aeronautical Telecommunication Services):** The proposed new fees will lead to an increase in enroute charges, approach control charges and/or aerodrome control charges by ANS. Again, the NCAA's fee additions and increases will simply be passed on to end users (i.e. aircraft operators), encouraging the industry to avoid using Aeronautical Telecommunication Services whenever possible, conduct fewer operations and less training, or leave aviation altogether. *This will negatively impact aviation safety and result in a significant contraction of the aviation industry.*
- **Part 172 (Air Traffic Services):** The proposed new fees will be passed on to end users by ANS increasing their enroute charges, approach control charges and/or aerodrome control charges. Again, this only encourages the industry to avoid using Air Traffic Services whenever possible, conduct fewer operations and less training, or leave aviation altogether. *This will negatively impact aviation safety and result in a significant contraction of the aviation industry.*
- **Part 173 (Flight Procedure Design):** Based on the new fees proposed, if an aircraft operator flies any instrument approach procedure, the increased cost will be borne by the aircraft operator as ANS will simply increase their costs to reflect the change. Once again, the impact to safety will be significant as the financial incentive for aircraft operators will be to avoid conducting instrument operations and do less instrument proficiency training. *The result will be a significant loss of proficiency when it comes to safe instrument operations.*
- **Part 174 (Aviation Meteorological Services):** Based on the new fees proposed, ANS will be forced to recover its increased costs from end users (i.e. aircraft operators). This will incentivise less meteorological information and briefings being requested by end users — *negatively impacting aviation safety.*
- **Part 175 (Aeronautical Information Services):** Based on the new fees proposed, ANS will be forced to recover its increased costs from end users (i.e. aircraft operators). Again, the financial incentive to the aviation industry is clear: avoid using Aeronautical Information Services whenever possible, conduct fewer operations and less training, or leave aviation altogether. *This will negatively impact aviation safety and result in a significant contraction of the aviation industry.*

Ultimately, our still vulnerable aviation industry and its rapidly declining number of aircraft and operators will bear the brunt of the NCAA's attempt to address its financial position through an unsustainable increase to fees rather than first working towards more effective and efficient NCAA operations.

As an SOE with governmental support and subsidisation, if the NCAA focuses strictly on recovering costs through adding and increasing user fees, there will be little motivation to generate additional revenues through optimising its operations instead. This will lead to future exorbitant fee increases to pay for the NCAA's growing bureaucracy — *giving the appearance that the NCAA exists only to serve itself.* Understand that, unlike the NCAA, the general aviation industry receives little to no governmental support or subsidisation when financial hardships arise.

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In closing, the proposed new and increased civil aviation user fees, based on costs without *any* consideration as to how expenses are incurred, will lead to the demise of general aviation in Namibia — which is **not** in the interest of the NCAA or the Namibian economy.

AOPA Namibia requests that the NCAA draft a new Part 187 document that:

1. Accurately reflects the current legally promulgated civil aviation fees,
2. Only proposes fee increases that are legally justified and — *at maximum* — reflect Namibia's published yearly rates of inflation, and
3. Any new fees proposed be legally justified — *in detail* — as to how such charges will lead to improved safety and end user services.

Yours faithfully,

Matthew Totten Jr
Acting CEO
AOPA NAMIBIA