

Working Arrangement
between
the European Aviation Safety Agency
and
the Civil Aviation Agency of Montenegro
on collection and exchange of information on the
safety of aircraft using EU¹ airports, airports of non-
EU States that participate in the EU SAFA²
Programme and airports of Montenegro

¹ European Union

² Safety Assessment of Foreign Aircraft

The European Aviation Safety Agency (EASA) and the Civil Aviation Agency of Montenegro (CAA Montenegro), hereinafter referred to as 'the Parties',

Considering the common interest of the Parties to achieve a high uniform level of civil aviation safety,

Having regard to the multilateral agreement on the establishment of a European Common Aviation Area,

Noting that, in accordance with Commission Regulation (EC) No 768/2006 of 19 May 2006, EASA may liaise with other third countries' authorities to facilitate, through working arrangements under Article 27(2) of Regulation (EC) 216/2008, the improvement of civil aviation safety in Europe through the collection and exchange of aviation safety data,

Considering that it is desirable to ensure close cooperation between the Parties with a view to strengthening the EU SAFA programme and enlarging its scope whilst maintaining a harmonised approach to the effective enforcement of international safety standards,

Considering that it is in the interest of the Parties to have the largest possible amount of information with the view of ensuring the effective enforcement of international safety standards with regard to third-country aircrafts landing at any of their airports open to international air traffic,

Have agreed as follows:

1. Definitions

For the purpose of this Working Arrangement the following definitions shall apply:

"EU SAFA system" means the system set up in Directive 2004/36/EC³ and in Commission Regulation (EC) No 768/2006⁴ for the collection, exchange and analysis of information on the air safety of aircraft and of air operators"

"Third country aircraft" means for EASA, an aircraft which is not used or operated under the control of a competent authority of an EU member State or of a State participating in EASA in accordance with article 66 of Regulation (EC) 216/2008⁵ and, for CAA Montenegro, an aircraft which is not used or operated under the control of the competent authority of Montenegro.

"International Safety Standards" means the safety standards contained in the Chicago Convention and its Annexes, as well as, where applicable at the time of the inspection, those in ICAO Regional Supplementary Procedures.

³ Directive 2004/36/CE of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports (*OJ L 143, 30.4.2004, p. 76–86*)

⁴ Commission Regulation (EC) 768/2006 of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system (published in the *OJ L 143, 20.5.2006, p. 16-18*)

⁵ Regulation (EC) 216/2008 of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and repealing Council Directive 91/670, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (published in the *OJ L 79/1 dated 19.3.2008, p. 1-49*)

2. Scope and Objectives

2.1 With a view to establishing and maintaining a high uniform level of civil aviation safety within those states that participate in the EU SAFA programme⁶ and in the territory of Montenegro, this Working Arrangement introduces a harmonised approach to the enforcement of international safety standards within those states that participate in the SAFA programme and within the territory of Montenegro. In particular, this Working Arrangement establishes working procedures for carrying out ramp inspections of third country aircraft landing at airports in the territory of Montenegro as well as for the collection and for the exchange of information on the safety of aircraft using airports located in the territories of the states that participate in the SAFA programme and in the territory of Montenegro.

2.2 With the view of ensuring the involvement of Montenegro in the EU SAFA programme in a progressive manner, this working Arrangement introduces a seamless transition procedure in two phases. CAA Montenegro shall obtain the status of "SAFA participating State" as provided for in this Working Arrangement, following compliance with the rules and procedures laid down in this Working Arrangement, as assessed by EASA pursuant to the standardisation procedure foreseen in paragraph 8 of this arrangement.

2.3 Pending compliance with the rules and procedures of this Working Arrangement, and notwithstanding the provisions of paragraph 2.2, CAA Montenegro shall be granted a provisional "SAFA candidate" status during a "preliminary phase", allowing partial access to the information contained in the EU SAFA programme as provided for in paragraph 9 of this working arrangement.

3. Harmonised Rules and Procedures for ramp inspections

3.1 For the purpose of achieving the scope and objectives of this Working Arrangement, CAA Montenegro shall ensure effective implementation of the EU SAFA Technical Requirements as laid down in Annex 1 and in other relevant paragraphs of this Working Arrangement. For the purpose of assessing compliance with these Requirements, CAA Montenegro shall be subject to standardisation inspections as referred to in paragraph 8 of this Working Arrangement.

3.2 In particular, Montenegro shall put in place the appropriate means to ensure that third-country aircraft suspected of non-compliance with international safety standards landing at any of its airports open to international air traffic shall be subject to ramp inspections in accordance with EU SAFA technical requirements as specified in Annex 1 to this Working Arrangement.

4. Collection of information by CAA Montenegro

4.1. CAA Montenegro shall put in place a mechanism to collect any information deemed useful for the fulfilment of the objectives stated in Paragraph 1 of this Working Arrangement, including :

- (a) Ramp inspection reports conducted in accordance with the EU SAFA technical requirements, as specified in Paragraph 3 and in Annex 1 to this Working Arrangement;

⁶ On the date of the signature of this Working Arrangement: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Georgia, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, Ukraine.

(b) Other relevant safety information, such as:

- i. important safety information accessible, in particular, through:
 - pilot reports,
 - maintenance organisation reports,
 - incident reports,
 - other organisations,
 - complaints;
- ii. information on action taken subsequent to a ramp inspection, such as:
 - aircraft grounded,
 - aircraft or operator banned,
 - corrective action required,
 - contacts with the operator's competent authority;
- iii. follow-up information concerning the operator, such as:
 - corrective action implemented,
 - recurrence of discrepancy;

4.2 The competent authority of Montenegro shall ensure an active participation to the EU SAFA programme by means of its commitment to carry out a minimum annual number of ramp inspections, to be agreed with EASA. In identifying such minimum annual number of ramp inspections, particular attention shall be given to the need to encourage the overall efficiency of the EU SAFA programme.

4.3. Whenever information concerning aircraft deficiencies is given voluntarily, the reports shall be disidentified regarding the source of such information.

5. Exchange of information and cooperation between the Parties to this Working Arrangement

5.1 The competent authority of Montenegro shall:

- enter the information referred to in paragraph 4.1 of this working arrangement into a EASA SAFA centralised Database through a direct secure access, or where applicable during the preparatory phase referred to in paragraph 2.3 of this working arrangement, into a provisional database that shall only be accessible to the European Commission, EASA and CAA Montenegro; such a provisional database shall be fully functional and based on the same software as the EASA SAFA centralised Database;
- enter the above referred information without delay within a maximum of 15 working days as from the date of its collection;
- when the full membership phase has been reached, permit that EASA analyses the information received from CAA Montenegro for the purposes of conducting regular or *ad hoc* analyses or when preparing the EU SAFA programme yearly report as provided for in the EU SAFA Technical Requirement in Annex 1 of this Working Arrangement;
- accept to undergo SAFA standardisation visits under the conditions specified in paragraphs 8 and 9 of this Working Arrangement;

5.2 EASA shall:

- store the safety information received from CAA Montenegro and store such information in the EASA SAFA centralised Database (and where applicable into the provisional database defined in paragraph 2.3 of this working arrangement);
- provide CAA Montenegro with direct access to the EASA SAFA centralised Database for Third country aircraft when full SAFA Membership is granted;
- provide CAA Montenegro with the necessary instructions for accessing the EASA SAFA centralised Database and where applicable the provisional database referred to in paragraph 5.1;
- make available to CAA Montenegro the results of EASA's analyses of the data on Third country aircraft stored in the EASA SAFA centralised Database;
- provide CAA Montenegro with the manual of EU SAFA ramp inspection procedures, including updates thereof, as set out in the EU SAFA Technical Requirements;
- grant CAA Montenegro personnel responsible for the collection, processing and exchange of SAFA-related information, with access to EASA's training programmes, courses and other workshops developed to improve the understanding of the EU SAFA system with the aim of reaching a common standard in the performance of ramp inspections;
- facilitate the actual involvement of CAA Montenegro in the SAFA inspectors' exchange programme aimed at allowing inspectors of CAA Montenegro to obtain practical experience and contributing to the harmonisation of procedures;
- provide to identified CAA Montenegro staff, access to the SAFA electronic community in SINAPSE (in accordance with the technical specifications of Annex 2);
- take all necessary measures to guarantee the security and confidentiality of the information/data stored in the EASA SAFA centralised Database in accordance with paragraph 6 of this working arrangement.

6. Confidentiality and Conflict of Interest

6.1 CAA Montenegro shall, in accordance with its national legislation, take all necessary measures to ensure appropriate confidentiality of the information received under the present Working Arrangement. CAA Montenegro shall use this information solely for the exercise of its responsibilities related to the improvement of civil aviation safety.

6.2 The national legislation referred to in paragraph 6.1, as well as the internal rules and other procedures of CAA Montenegro implementing such legislation shall be notified to EASA ultimately upon signature of this Working Arrangement. CAA Montenegro will promptly inform EASA of any changes to such legislation, rules or procedures.

6.3 Where CAA Montenegro receives a request, from a third party, for information in its possession that originates from EASA, especially information contained in the SAFA centralised database, CAA Montenegro shall consult with EASA in order to take a decision that does not jeopardise the fulfilment of the objectives of this Working Arrangement, notably those laid down under paragraph 6.1. If EASA advises against disclosure of the requested information, CAA Montenegro shall, within its powers, reject the request and if necessary take legal action to enforce such rejection.

6.4 EASA shall, in accordance with European Union legislation, take the necessary measures to ensure appropriate confidentiality of the information received under the present Working Arrangement. EASA shall use this information according to relevant European Union legislation.

6.5 CAA Montenegro agrees to take all necessary measures either to prevent or to end (as soon as it becomes aware of such situation) any situation of conflict of interest that could compromise the impartial and objective performance of the personnel involved in ramp

inspections or in the collection, processing or exchange of information. Such situation could arise in particular as a result of economic interest, political or national affinity, family or emotional ties, or any other relevant connection or shared interest. Furthermore, CAA Montenegro agrees to inform EASA of any such conflict of interests in writing without delay. In particular, CAA Montenegro undertakes to ensure without any reservation that, if inspectors are engaged in activities with undertakings or associations of undertakings, such situations shall not compromise the inspector's independence in a way that threatens the integrity of the SAFA programme or the confidentiality of associated data.

7. Regulatory co-operation

7.1. The Parties agree to take any appropriate measures to cooperate with each other as regards any proposed significant changes to the applicable laws, regulations and administrative provisions regarding the collection and the exchange of information on the safety of aircraft using airports located in the territories of the EU Member States, in the territories of SAFA non-EU States who participate in the EU SAFA Programme and in the territory of Montenegro.

7.2. In particular the parties agree to;

- (a) inform and consult each other, as practicable and with sufficient notice, of any intended regulatory changes;
- (b) offer each other an opportunity to comment on the intended regulatory changes; and
- (c) respond to every comment made by the other party on the intended regulatory changes.

8. Initial and recurrent standardisation inspections

8.1. CAA Montenegro agrees to undergo standardisation inspections carried out by EASA in order to examine in particular compliance of CAA Montenegro with the rules and procedures in this working arrangement and in particular with the relevant EU SAFA technical requirements as set out in Annex 1. Standardisation inspections shall be conducted by EASA in full compliance with the principles and rules referred to in Annex 2 and in line with EU relevant legislation. Standardisation inspections may include a review of the national legislation relevant to this Working Arrangement and notably of the national provisions referred to in Paragraph 6 of this Working Arrangement.

8.2. CAA Montenegro agrees to duly take into account the findings resulting from the standardisation reports of the visits carried out in accordance with the procedures set out in Annex 2 and agrees to act upon them in order to redress the identified findings.

8.3. If the clarifications provided by the national authority of Montenegro inspected satisfy EASA or if satisfactory remedial action is timely proposed or is duly implemented by the authority, EASA shall issue a statement of closure of findings. Such statement shall be addressed to CAA Montenegro. EASA shall inform thereof the Aviation Authorities of the States that participate in the SAFA programme as well as the European Commission. CAA Montenegro shall become full member of the SAFA Programme in accordance with paragraph 2.2. of this working arrangement, upon formal notification from EASA of this statement.

8.4. If the clarifications provided by the national aviation authority of Montenegro do not satisfy EASA or where no satisfactory remedial action is timely proposed or is not duly implemented by CAA Montenegro, EASA shall address a supplementary report to CAA Montenegro as well as to the Aviation Authorities of the States that participate in the SAFA programme and to the European Commission.

8.5. Should the actions taken by CAA Montenegro not satisfy EASA, consultations would be held between the Parties. If, within 30 days after the notification by EASA of the supplementary report to CAA Montenegro, no agreement has been found through such consultations, the granting of the full membership status to CAA Montenegro shall be suspended by EASA.

8.6. Standardisation inspections may include participation by the standardisation team, as observers, in actual ramp inspections performed by inspectors in CAA Montenegro.

8.7. While performing its tasks during the standardisation inspections, EASA shall be assisted by CAA Montenegro in gaining unimpeded access to its relevant premises, lands or means of transport as well as to those of any undertakings or associations of undertakings under the oversight of the inspected national aviation authority.

8.8. Upon having obtained the status of SAFA participating State as provided for in this Working Arrangement, standardisation inspections shall be conducted by EASA on a regular basis and, where appropriate, on an *ad-hoc* basis under similar conditions as those applicable to other SAFA participating States.

9. Preparatory phase towards full membership to the SAFA Programme

9.1. During the "preliminary phase" referred to in paragraph 2.3 of this working arrangement, CAA Montenegro shall have access to:

- the technical documentation related to the SAFA programme,
- some technical cooperation activities on SAFA,
- the provisional database referred to in paragraph 5.1;
- the SAFA digital community on SINAPSE⁷, and
- the general coordination meetings of the EU SAFA Programme, as observer.

10. Expenses

10.1. Notwithstanding the provisions of paragraph 10.2, each Party agrees to bear the cost incurred for its application of this Working Arrangement, such as participation of CAA Montenegro to meetings related to the implementation of this Working Arrangement.

10.2. Travel and subsistence costs incurred by all members of standardisation teams when performing standardisation inspections in Montenegro under this Working Arrangement shall be borne by CAA Montenegro, as per EASA travel rules.

11. Communication and liaison activities

⁷ SINAPSE is a web-based software application hosted by the European Commission. It features tools to facilitate the effective communication amongst closed communities of experts. Nominated experts become group members.

11.1. CAA Montenegro shall appoint a National Coordinator who will act as the focal point for the implementation of this Working Arrangement.

11.2. Upon entry into force of this Working Arrangement, CAA Montenegro will be invited to take part to the coordination meetings of the SAFA programme involving all the stakeholders participating in the programme.

12. Entry into force, amendment, suspension and termination

12.1. This Working Arrangement will enter into force at the date of signature by the Parties duly authorised representatives. When the signature process is performed by exchange of letters, the Working Arrangement shall enter into force at the date of notification of the last signature of the Parties duly authorised representatives.

12.2. This Working Arrangement may be amended in writing by mutual consent of the Parties.

12.3. This Working Arrangement may be suspended in case of persistent failure to comply with the clauses thereof. Each Party may notify the other Party of its intention to suspend the Working Arrangement and the grounds for this suspension. Such suspension shall take effect 30 days after the date of notification, unless, prior to the end of this period, the Party which initiated this suspension, notifies the other Party, in writing, that it withdraws its notification.

12.4. This Working Arrangement will continue to apply until terminated by either Party by written notice. Such termination will be effected upon a sixty calendar day's period following the date of receipt of the written notification, unless the notice of termination has been withdrawn by mutual agreement before the expiry of the aforesaid period.

Signed in duplicate in English language in Cologne on 15 May 2012.

EASA

By

Patrick Goudou
Executive Director

CAA MONTENEGRO

By

Dragan Djurovic
Director



**Annex 1
(issue 1)
EU SAFA Technical Requirements**

For the purposes of this Working Arrangement, "EU SAFA Technical Requirements" means the following EU legislation and other relevant material:

- Directive of the European Parliament and of the Council No 2004/36 as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system.
- Commission Regulation (EC) No 768/2006 of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system.
- Commission Directive 2008/49/EC of 16 April 2008.
- Commission Regulation (EC) No 351/2008 as regards the prioritisation of ramp inspections.
- Commission Regulation (EC) No 736/2006 of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections.
- EASA Guidance Material for the qualification of SAFA inspectors approved by EASA Executive Director Decision 2008/001/S.
- EASA Guidance Material for ramp inspections procedures, approved by EASA Executive Director Decision 2009/001/S.

Annex 2

Standardisation principles and procedures

1. EASA will inform all EU and non-EU Aviation Authorities that participate in the SAFA programme as well as the European Commission of the results of the standardisation inspections carried out under this Working Arrangement.

2. CAA Montenegro agrees with the following classification of findings raised by EASA during the standardisation inspections carried out in accordance with the principles and procedures set out in this Annex and in line with Annex 1 to this Working Arrangement:

- (a) fully compliant;
- (b) compliant, but improvement is recommended in areas (reference to the standards affected) for better efficiency;
- (c) not compliant, with objective evidence of minor deficiencies showing non-compliance with the applicable requirements in areas (reference to the standards affected), which could raise standardisation concerns;
- (d) not compliant, with objective evidence of significant deficiencies showing non-compliance with the applicable requirements in areas (reference to the standards affected), if not promptly corrected;
- (e) not applicable;
- (f) not confirmed, when the national aviation authority inspected commits to produce shortly after the visit material evidence of compliance on findings otherwise classified as in (c) or (d), such material evidence not being directly available at the time of the visit.

Reference procedures used for standardisation inspections

SAFA Standardisation Inspection Procedure including all related relevant Work Instructions and Standardisation Bulletins, as last amended and published on the SAFA electronic community of EASA in SINAPSE⁸.

⁸ SINAPSE is a web-based software application hosted by the European Commission. It features tools to facilitate the effective communication amongst closed communities of experts. Nominated experts become group members.