

Working Arrangement
between
the European Aviation Safety Agency
and
the Civil Aviation Safety Authority of Australia
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 Australia

¹ European Union

² Safety Assessment of Foreign Aircraft

The European Aviation Safety Agency (EASA) and the Civil Aviation Safety Authority of Australia (CASA), hereinafter referred to as 'the Parties',

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

Noting that, in accordance with Annex II to Commission Regulation (EU) 965/2012 of 5 October 2012³, 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 aircraft 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 Programme" means the programme established in accordance with Annex II, to Regulation (EU) 965/2012 of 5 October 2012 for the ramp inspections of aircraft of operators under the regulatory oversight of another State (Subpart RAMP), and subsequent exchange and analysis of the resulting information.

"Third country aircraft" means for EASA, an aircraft which is not under the regulatory oversight of a competent authority of an EU member State or of a State participating in EASA in accordance with article 66 of Regulation (EC) 216/2008⁴

"Third country aircraft" means for CASA, an aircraft which is not under the regulatory oversight of CASA.

"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 Published in the OJUE L 296 of 25.10.2012, p. 1-148

⁴ 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 programme⁵ and in the territory of Australia, this Working Arrangement introduces a harmonised approach to the enforcement of international safety standards within the territory of those States that participate in the SAFA programme and within the territory of Australia. In particular, this Working Arrangement establishes working procedures for carrying out ramp inspections of third country aircraft landing at airports in the territory of Australia 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 Australia.

2.2 With the view of ensuring the involvement of Australia in the EU SAFA programme in a progressive manner, this working Arrangement introduces a seamless transition procedure in two phases. CASA 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, CASA 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, CASA 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, CASA shall be subject to standardisation inspections as referred to in paragraph 8 of this Working Arrangement.

3.2 In particular, CASA 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 Australia's 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.

⁵ On the date of the signature of this Working Arrangement: Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Morocco, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates and United Kingdom.

4. Collection of information by CASA

4.1. CASA shall, subject to all applicable Australian laws, put in place a mechanism to collect any information deemed useful for the fulfillment of the objectives stated in Paragraph 2 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;
- (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 CASA shall ensure an active participation in 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 de-identified regarding the source of such information.

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

5.1 CASA shall, subject to all applicable Australian laws:

- enter the information referred to in paragraph 4.1 of this working arrangement into a EASA SAFA centralised Database through a direct secure access; during the preliminary phase referred to in paragraph 2.3 of this working arrangement, access by CASA to reports entered by other participating States will be limited. Vice-versa, access to reports entered by CASA during that phase is restricted for others participating States.
- 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 CASA 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 CASA 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 CASA with direct access to the EASA SAFA centralised Database when full SAFA Membership is granted;
- provide CASA 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 CASA the results of EASA's analyses of the data on Third country aircraft stored in the EASA SAFA centralised Database;
- provide CASA with the manual of EU SAFA ramp inspection procedures, including updates thereof, as set out in the EU SAFA Technical Requirements;
- grant CASA 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 programme with the aim of reaching a common standard in the performance of ramp inspections;
- facilitate the actual involvement of CASA in the SAFA inspectors' exchange programme aimed at allowing inspectors of CASA to obtain practical experience and contributing to the harmonisation of procedures;
- provide to identified CASA staff, access to the SAFA electronic community in SINAPSE (as referred to in 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 CASA shall, in accordance with its national legislation, take all necessary measures to ensure appropriate confidentiality of the information received under this Working Arrangement. CASA shall use this information solely for the exercise of its responsibilities related to the maintenance and 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 CASA implementing such legislation shall be notified to EASA ultimately upon signature of this Working Arrangement. CASA will promptly inform EASA of any changes to such legislation, rules or procedures.

6.3 Where CASA receives a request, from a third party, for information in its possession that originates from EASA, especially information contained in the SAFA centralised database, CASA 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, CASA 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 this Working Arrangement. EASA shall use this information according to relevant European Union legislation.

6.5 CASA agrees to take all necessary measures either to prevent or to effectively address (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, CASA agrees to inform EASA of any such conflict of interests in writing without delay. In particular, CASA undertakes to ensure to the extent practicable 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 Australia.

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, as practicable, an opportunity to comment on the intended regulatory changes; and
- (c) respond to questions raised by the other party in relation to the intended regulatory changes.

8. Initial and recurrent standardisation inspections

8.1. CASA agrees to undergo standardisation inspections carried out by EASA in order to examine in particular compliance of CASA 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. CASA 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 accordingly.

8.3 If according to the information provided by CASA a timely proposed remedial action plan has been fully or partially implemented such that it satisfies EASA, CASA shall become a full member of the SAFA programme in accordance with paragraph 2.2. of this Working Arrangement. EASA shall inform thereof the Aviation Authorities of the States that participate in the SAFA programme as well as the European Commission.

8.4. If the information provided by CASA does not satisfy EASA or where no satisfactory remedial action is timely proposed or is not duly implemented by CASA, EASA shall address a supplementary report to CASA 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 CASA not satisfy EASA, consultations could be held between the Parties. If, within 30 days after the notification by EASA of the supplementary report to CASA, no agreement has been found through such consultations, full membership status to CASA shall not be granted.

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

8.7. While performing its tasks during the standardisation inspections, EASA shall be assisted by CASA 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, CASA 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,
- EASA SAFA Inspection Prioritisation List,
- EASA SAFA Regular Analysis,
- the SAFA digital community on SINAPSE⁶, and
- the general coordination meetings of the EU SAFA Programme, as observer.

⁶ 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.

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 CASA 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 Australia under this Working Arrangement shall be borne by CASA, as per EASA travel rules.

11. Communication and liaison activities

11.1. CASA shall appoint a SAFA 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, CASA will be invited to take part in the coordination meetings of the SAFA programme involving all the stakeholders participating in the programme.

12. Entry into force, transitional measures, amendment and 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. Upon entry into effect of this Working Arrangement, EASA and CASA will liaise in order to determine transitional measures that may be required for the implementation of the provisions of this Working Arrangement related to the qualification of existing CASA inspectors who perform ramp inspections. Such transitional measures shall take into account the current expertise of the CASA inspectors, the specific training received and any eventual differences with the requirements for SAFA inspectors.


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

12.4. 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 written 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.

12.5. 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.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto, have signed this Working Arrangement, in duplicate in English language.


EASA
Patrick Ky
Title: Executive Director
Date: 19. DEZ. 2016


CASA
Shane Carmody
Title: A/g Chief Executive Officer and
Director of Aviation Safety
Date: 13. 1. 17

**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:

- Annex II to the Commission Regulation (EU) 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, (Part-ARO, subpart RAMP and in addition to Subpart RAMP, Articles ARO.GEN.200, ARO.GEN.220, ARO.GEN.300 and ARO.GEN.305)
- The list of inspecting instructions and pre-described findings as referred to in AMC1 ARO.RAMP.125
- Commission Implementing Regulation (EU) No 628/2013 of 28 June 2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 736/2006.
- Acceptable Means of Compliance and Guidance Material to Part-ARO, subpart RAMP approved by EASA Executive Director Decision 2012/016/R, as last amended.

Annex 2 (issue 1)

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. CASA agrees that the EASA shall carry standardisation inspections as set out in the applicable EU legislation and in accordance with the standardisation inspection procedure established by EASA.

Reference procedures used for standardisation inspections

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