

WORKING ARRANGEMENT

BETWEEN

**The State Civil Aviation Agency under the Ministry of Transport,
Communications and High Technologies of the Republic of
Azerbaijan**

AND

THE EUROPEAN UNION AVIATION SAFETY AGENCY

**on the collection and exchange of information on the safety of
aircraft under the EU Ramp Inspection Programme**

The European Union Aviation Safety Agency and the State Civil Aviation Agency under the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan (SCAA-AZ), 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 ARO.RAMP.150(b)(5) of Annex II to Commission Regulation (EU) 965/2012 of 5 October 2012¹, the Agency shall liaise with other third countries' authorities to facilitate, through working arrangements under Article 90 (2) of Regulation (EU) 2018/1139², 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 Ramp Inspection 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 the airports open to international air traffic located in the territories to which the Treaties apply or under the oversight of the State Civil Aviation Agency under the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan.

Have agreed as follows:

1. Definitions

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

The "Agency" means the European Union Aviation Safety Agency established pursuant to Article 75(1) of Regulation (EU) 2018/1139.

The "Programme" means the EU Ramp Inspection Programme established in accordance with Annex II, to Commission Regulation (EU) 965/2012 of 5 October 2012 for the ramp inspections of aircraft used by third country operators or used by

¹ Commission Regulation (EU) No 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, published in the OJUE L 296 of 25.10.2012, p. 1-148

² Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) no 3922/91, published in OJ L 212, 22.08.2018, pp. 1-122

operators under the regulatory oversight of another Member State when landed at aerodromes located in the territories subject to the provisions of the treaty, and subsequent exchange and analysis of the resulting information.

“Third country aircraft” means for the Agency, an aircraft that is not under the regulatory oversight of a competent authority of an EU member State or of a State participating in the Agency in accordance with article 129 of Regulation (EU) 2018/1139.

“Third country aircraft” means for the SCAA-AZ, an aircraft that is not under the regulatory oversight of the SCAA-AZ.

“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.

“Centralised database” means the IT application developed and maintained in accordance with ARO.RAMP.150(b)(2) of Annex II to Commission Regulation (EU) 965/2012 of 5 October 2012.



2. Scope and Objectives

2.1 With a view to establishing and maintaining a high uniform level of civil aviation safety of the EU Ramp Inspection Programme, this Working Arrangement introduces a harmonised approach to facilitate the enforcement of international safety standards by the Parties. In particular, this Working Arrangement establishes working procedures for carrying out ramp inspections of third country aircraft landing at airports located in the territory of Azerbaijan, 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 Programme³ and in the territory of Azerbaijan.

2.2 With the view of progressively ensuring the full involvement of the SCAA-AZ in the Programme, this Working Arrangement introduces a two-phased transition process:

- (a) With the signature of this Working Arrangement, a provisional “candidate member status” is granted to the SCAA-AZ allowing access to the information contained in the Programme as provided for in paragraph 9 of this arrangement.
- (b) The SCAA-AZ shall obtain the status of full “participating member” as provided for in this Working Arrangement, following compliance with the rules and procedures laid down in this Working Arrangement, as assessed by the Agency pursuant to the standardisation procedure foreseen in paragraph 8 of this arrangement.

2.3 Should the full “participating member” status referred to in 2.2(b) not be obtained within 2 calendar years after the entry into force of this Working Arrangement, this arrangement will be suspended in accordance with paragraph 12.3, unless both parties agree by writing on an extension of the initial 2 year period.

3. Harmonised rules and procedures for ramp inspections

3.1 For the purpose of achieving the scope and objectives of this Working Arrangement, the SCAA-AZ shall ensure effective implementation of the Technical Requirements specified in Annex 1. For the purpose of assessing compliance with these requirements, the SCAA-AZ shall be subject to standardisation inspections by the Agency as referred to in paragraph 8 of this Working Arrangement.

3.2 In particular, the SCAA-AZ 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 Azerbaijan’s airports open to international air traffic shall be subject

³ On the date of the signature of this Working Arrangement: Albania, Armenia, Australia, 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.

to ramp inspections conducted in accordance with the Technical Requirements specified in Annex 1 to this Working Arrangement.

3.3 After entry into force of this Working Arrangement, the Agency and the SCAA-AZ may agree to extend the list of Technical Requirements with the inclusion of one or more provisions which are specifically excluded in Annex 1 to this Working Arrangement. For that purpose, when the SCAA-AZ wishes to apply additional technical requirements, it shall notify the Agency of the provisions it intends to apply as well as the proposed implementation date(s). Should the Parties agree on the extension, the Technical Requirements referred to in Annex 1 will be amended in accordance with paragraph 12.2 of this Working Arrangement.

The extension may be withdrawn at any time by the SCAA-AZ, following the same process agreed for the extension.

4. Collection of information by the SCAA-AZ

4.1 The SCAA-AZ shall, subject to all applicable Azerbaijani 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 Technical Requirements, as specified 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 The SCAA-AZ shall ensure an active participation in the Programme by committing to carry out a minimum annual number of ramp inspections. The SCAA-AZ shall consult with and propose to the Agency, by 1st October of each year, such number taking into account the guidance provided in the Ramp Inspections Manual. In identifying the



number, particular attention shall be given to risk based priorities, while avoiding the over-inspection and under-inspection of operators, in accordance with the recommendations provided by the Agency.

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

5.1 The SCAA-AZ shall, subject to all applicable Azerbaijani laws:

- enter the information referred to in paragraph 4.1 of this Working Arrangement into the centralised database through a direct secure access; during the “candidate member status” phase referred to in paragraph 2.2 (a) of this Working Arrangement access by the SCAA-AZ to reports entered by other full “participating members” will be limited. Access to reports entered by SCAA-AZ during this phase is restricted to other full “participating members”;
- enter the above referred information into the database within a maximum of 21 calendar days as from the date of its collection;
- when the full “participating member” status has been achieved, permit that the Agency analyses the information received from the SCAA-AZ for the purposes of conducting regular or *ad hoc* analyses or when preparing the Programme annual report as provided for in the Technical Requirements in Annex 1 of this Working Arrangement;
- accept to undergo RAMP standardisation visits under the conditions specified under paragraph 8. of this Working Arrangement;

5.2 The Agency shall:

- store the safety information received from the SCAA-AZ in the centralised database;
- provide the SCAA-AZ with direct access to the centralised database when the full “participating member” status is achieved;
- provide the SCAA-AZ with the necessary instructions for accessing the centralised database during the “candidate member” phase and, subsequently, when the full “participating member” status is achieved;
- make available to the SCAA-AZ the results of the Agency’s analyses of the data on third country aircraft stored in the centralised database;
- provide the SCAA-AZ with the Ramp Inspections Manual, including updates thereof, as set out in Annex 1 to this working arrangement;

- grant the SCAA-AZ personnel responsible for the collection, processing and exchange of ramp inspection-related information, access to the Agency's training programmes, courses and other workshops developed to improve the understanding of the Programme with the aim of reaching a common standard in the performance of ramp inspections;
- facilitate the actual involvement of the SCAA-AZ in the ramp inspectors' exchange programme aimed at allowing inspectors of the SCAA-AZ to obtain practical experience and contributing to the harmonisation of procedures;
- provide to identified SCAA-AZ staff, access to the RAMP electronic community in SINAPSE (as referred to in Paragraph 9.1);
- take all necessary measures to guarantee the security and confidentiality of the information/data stored in the centralised database in accordance with terms and conditions of paragraph 6 of this Working Arrangement.



6. Confidentiality, ownership of data and conflict of interest

6.1 The SCAA-AZ shall, in accordance with its national legislation, take all necessary measures to ensure appropriate confidentiality of the information received under this Working Arrangement. The SCAA-AZ 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 the SCAA-AZ implementing such legislation shall be notified to the Agency ultimately upon signature of this Working Arrangement. The SCAA-AZ will promptly inform the Agency of any changes to such legislation, rules or procedures.

6.3 Where the SCAA-AZ receives a request, from a third party, for information in its possession that originates from the Agency, especially information contained in the centralised database, the SCAA-AZ shall consult with the Agency 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 the Agency advises against disclosure of the requested information, the SCAA-AZ shall, within its powers, reject the request and if necessary take legal action to enforce such rejection.

6.4 All records, documents, source code, data, designs and other materials produced, written, developed, created or delivered by the Agency to establish and maintain the centralised database, including the database itself, shall remain the exclusive intellectual property of the Agency.

6.5 All data contributed by the SCAA-AZ remains the property of the SCAA-AZ.

6.6 Without prejudice to 6.5, all data provided by the SCAA-AZ to the Agency shall be stored and used by the Agency in the context of the management of the centralised database. The Parties further agree that the Agency shall have the right to extract, copy and reproduce, in full or in part, such data, for statistical, safety assessment and oversight purposes. This right shall continue in case of termination of this Working Arrangement.

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

6.8 The SCAA-AZ 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, the SCAA-AZ agrees to inform the Agency of any such conflict of interests in writing without delay. In particular, the SCAA-AZ 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 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 non-EU States who participate in the Programme and in the territory of Azerbaijan.

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.

7.3 The implementation of this Working Arrangement by the Parties does not affect or prejudice compliance with:

- the obligations pursuant to the Chicago Convention and its annexes;
- the relevant provisions of Regulation (EU) 376/2014⁴ or any other EU legislation applicable to occurrence reporting;
- prior contractual commitments between both Parties.

8. Initial and recurrent standardisation inspections

8.1 The SCAA-AZ agrees to undergo standardisation inspections carried out by the Agency in order to verify compliance of the SCAA-AZ with the rules and procedures in this Working Arrangement and in particular with the technical requirements as set out in Annex 1. Standardisation inspections shall be conducted by the Agency in full compliance with the principles and rules referred to in Annex 2. 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 The SCAA-AZ 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.

⁴ REGULATION (EU) No 376/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007

8.3 If, according to the information provided by the SCAA-AZ, a timely proposed remedial action plan has been fully or partially implemented such that it satisfies the Agency, the SCAA-AZ shall become (for the first standardisation inspection, in accordance with paragraph 2.2 of this Working Arrangement) or remain (for subsequent standardisation inspections) a full “participating member” of the Programme. The Agency shall inform thereof the Aviation Authorities of the States that participate in the Programme as well as the European Commission.

8.4 If the information referred to in Paragraph 8.3 does not satisfy the Agency or where no satisfactory remedial action is timely proposed or is not duly implemented by the SCAA-AZ, the Agency shall address a supplementary report to the SCAA-AZ.

8.5 Should the actions taken by the SCAA-AZ not satisfy the Agency, consultations could be held between the Parties. If, within a reasonable period after the notification by the Agency of the supplementary report to the SCAA-AZ, no agreement has been found through such consultations, the full “participating member” status shall not be granted to the SCAA-AZ and/or the Working Arrangement shall be suspended in accordance with paragraph 12.4.

8.6 Standardisation inspections will include participation of the standardisation team as observers in actual ramp inspections performed by the SCAA-AZ inspectors.

8.7 While performing its tasks during the standardisation inspections, the Agency shall be assisted by the SCAA-AZ in gaining unimpeded access to its relevant premises, lands or means of transport.

9. Preparatory phase towards full membership to the Programme

9.1 During the “candidate member” phase referred to in paragraph 2.2 of this working arrangement, the SCAA-AZ shall have access to:

- the technical documentation related to the Programme,
- some technical cooperation activities in the domain of ramp inspections,
- the centralised database, with the limitations set forth in paragraph 5.1,
- the ramp inspection prioritisation list,
- the regular analysis of ramp inspection data,
- the RAMP digital community on SINAPSE⁵, and

⁵ 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.

- the general coordination meetings of the Programme.

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 the SCAA-AZ to meetings referred to in paragraph 9.1 of this Working Arrangement.

10.2 Travel and subsistence costs incurred by all members of standardisation teams when performing standardisation inspections in Azerbaijan under this Working Arrangement shall be borne by the SCAA-AZ, as per the Agency's travel rules.

11. Communication and liaison activities

11.1 The SCAA-AZ shall appoint a RAMP 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, the SCAA-AZ will be invited to take part in the coordination meetings referred to in paragraph 9.1 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. 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 or significant 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 immediate effect at the date of the written notification. The Party that initiated the suspension may withdraw such suspension by notifying the other Party, in writing, of such withdrawal or initiate the termination of the Working Arrangement in accordance with paragraph 12.4.

12.4 This Working Arrangement will continue to apply until terminated by either Party by written notice. Such termination will be effected upon a 60 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.

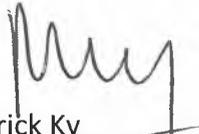
IN WITNESS WHEREOF, the undersigned being duly authorised thereto, have signed this Working Arrangement, in duplicate in English language.

The European Union Aviation Safety Agency

The State Civil Aviation Agency under the
Ministry of Transport, Communications and
High Technologies of the Republic of
Azerbaijan

By

By



Patrick Ky
Executive Director

Arif Mammadov
Director



Date: 26/03/2019

Date: 19/03/2019

Annex 1

Ramp inspection Technical Requirements

For the purposes of this Working Arrangement, "Technical Requirements" means the following EU legislation and other relevant material limited to the domain of ramp inspections:

- 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, as amended, limited to:
 - **Annex I: Definitions for terms used in Annexes II to VIII**
 - **Annex II: Authority Requirements for Air Operations (Part-ARO):**
 - **Subpart GEN:**
 - ARO.GEN.115 – Oversight documentation;
 - ARO.GEN.120 – Means of compliance, paragraphs (b) (c) and (e);
 - ARO.GEN.125 – Information to the Agency, paragraph (a) only;
 - ARO.GEN.200 – Management system, paragraph (a) items (1), (2) and paragraphs (b) and (d);
 - ARO.GEN.210 – Changes in the management system;
 - ARO.GEN.220 – Record-keeping, paragraph (a) items (1), (2), (9), (10), (11) and (12) and paragraph (c);
 - ARO.GEN.300 – Oversight, paragraphs (d) and (f);
 - ARO.GEN.305 – Oversight programme, paragraphs (a) and (f);
 - **Subpart GEN, in case of approval of ramp inspection training organisations;**
 - ARO.GEN.220 – Record-keeping, paragraph (a) items (4) and (6);
 - ARO.GEN.300 – Oversight, paragraph (a) items (1) and (2), as well as paragraphs (b) and (c);
 - ARO.GEN.305 – Oversight programme, as paragraphs (b) and (c);
 - ARO.GEN.350 – Findings and corrective actions – organisations;



- **Subpart RAMP**, entirely with the exception of ARO.RAMP.106 – Alcohol testing
- **Acceptable Means of Compliance and Guidance Material (AMC/GM)** for the requirements referenced above, with the exception of annual programme criteria related to the Agency’s “System Wide Coordination” of ramp inspections
- **The Ramp Inspection Manual** developed and published by the Agency.



Annex 2

Standardisation principles and procedures

1. The Agency will perform the standardisation inspections referred to in this working arrangement in accordance with Commission Implementing Regulation (EU) No 628/2013.⁶
2. Notwithstanding the above, the following provisions of the regulation 628/2013 do not apply:
 - a. Article 6 – National Standardisation Coordinator
 - b. Article 17 - Findings follow-up and closure, sub-article 6
 - c. Article 22 - Supplementary actions, sub-articles 3(b) and 4



⁶ 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.