

Working Arrangement

between

the European Aviation Safety Agency

and

the State Aviation Administration of Ukraine

on the participation of the State Aviation Administration of Ukraine in the SAFA¹ programme and on the collection and exchange of information on the safety of aircraft using EU² airports and airports of non-EU States that participate in the EU SAFA programme, including airports of Ukraine

¹ Safety Assessment of Foreign Aircraft

² European Union



The European Aviation Safety Agency (EASA) and the State Aviation Administration of Ukraine, 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 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

1.1 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 the State Aviation Administration of Ukraine, an aircraft which is not used or operated under the control of the competent authority of Ukraine.

"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

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 Ukraine, 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 Ukraine. In particular, this Working Arrangement establishes working procedures for carrying out ramp inspections of third country aircraft landing at airports in the territory of Ukraine 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, including in the territory of Ukraine.

3. Harmonised Rules and Procedures for ramp inspections

3.1 For the purpose of achieving the scope and objectives of this Working Arrangement, the State Aviation Administration of Ukraine 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, the State Aviation Administration of Ukraine shall be subject to standardisation inspections as referred to in paragraph 8 of this Working Arrangement.

3.2 In particular, the State Aviation Administration of Ukraine 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 the State Aviation Administration of Ukraine

4.1. The State Aviation Administration of Ukraine shall put in place a mechanism to collect any information deemed useful for the fulfilment 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:

⁶On 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, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Georgia, Romania, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Arab Emirates, United Kingdom and Ukraine.

- 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 State Aviation Administration of Ukraine 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 State Aviation Administration of Ukraine 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;
- enter the above referred information without delay within a maximum of 15 working days as from the date of its collection;
- permit that EASA analyses the information received from the State Aviation Administration of Ukraine 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 to 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 the State Aviation Administration of Ukraine and store such information in the EASA SAFA centralised Database;
- provide the State Aviation Administration of Ukraine with direct access to the EASA SAFA centralised Database for Third country aircraft;
- provide the State Aviation Administration of Ukraine with the necessary instructions for accessing the EASA SAFA centralised Database;
- make available to the State Aviation Administration of Ukraine the results of EASA's analyses of the data on Third country aircraft stored in the EASA SAFA centralised Database;
- provide the State Aviation Administration of Ukraine with the manual of EU SAFA ramp inspection procedures, including updates thereof, as set out in the EU SAFA Technical Requirements;
- grant the State Aviation Administration of Ukraine 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 the State Aviation Administration of Ukraine in the SAFA inspectors' exchange programme aimed at allowing inspectors of the State Aviation Administration of Ukraine to obtain practical experience and contributing to the harmonisation of procedures;
- provide to identified the State Aviation Administration of Ukraine 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 The State Aviation Administration of Ukraine shall, in accordance with its national legislation, take all necessary measures to ensure appropriate confidentiality of the information received under the present Working Arrangement. The State Aviation Administration of Ukraine 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 the State Aviation Administration of Ukraine implementing such legislation shall be notified to EASA ultimately upon signature of this Working Arrangement. The State Aviation Administration of Ukraine will promptly inform EASA of any changes to such legislation, rules or procedures.

6.3 Where the State Aviation Administration of Ukraine receives a request, from a third party, for information in its possession that originates from EASA, especially information contained in the SAFA centralised database, the State Aviation Administration of Ukraine 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, the State Aviation Administration of Ukraine 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 The State Aviation Administration of Ukraine 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, the State Aviation Administration of Ukraine agrees to inform EASA of any such conflict of interests in writing without delay. In particular, the State Aviation Administration of Ukraine 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 Ukraine.

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. Standardisation inspections

8.1. The State Aviation Administration of Ukraine shall accept standardisation inspections carried out by EASA in order to examine in particular compliance of the State Aviation Administration of Ukraine with the rules and procedures set out in this Working Arrangement and in particular with the relevant EU SAFA technical requirements as set out in Annex 1 to this Working Arrangement. Standardisation inspections shall be conducted by EASA in full compliance with the principles and rules referred to in Annex 2 to this Working Arrangement and in line with EU relevant legislation. Standardisation inspections may include a review of the national legislation of Ukraine in force relevant to this Working Arrangement and notably of the national provisions referred to in Paragraph 6 of this Working Arrangement. As a result, EASA shall provide the State Aviation Administration of Ukraine with a report within 60 days upon the completion of the inspection.

8.2. The State Aviation Administration of Ukraine 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 to this Working Arrangement and agrees to act upon them in order to redress the identified findings.

8.3. If the results of the EASA inspection are 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 the State Aviation Administration of Ukraine. 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 clarifications provided by the national aviation authority of Ukraine do not satisfy EASA or where no satisfactory remedial action is timely proposed or is not duly implemented by the State Aviation Administration of Ukraine, EASA shall address a supplementary report to the State Aviation Administration of Ukraine 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 the State Aviation Administration of Ukraine not satisfy EASA, consultations would be held between the Parties. If, within 30 days after the notification by EASA of the supplementary report to the State Aviation Administration of Ukraine, no agreement has been found through such consultations, the granting of the SAFA member status to the State Aviation Administration of Ukraine 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 the State Aviation Administration of Ukraine.

8.7. While performing its tasks during the standardisation inspections, EASA shall be assisted by the State Aviation Administration of Ukraine 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. 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. Expenses

9.1. The Parties agree to bear the cost incurred from the application of this Working Arrangement.

9.2. The State Aviation Administration of Ukraine shall contribute to the EASA budget for standardisation inspections, referred to in the paragraph 8 of this Working Arrangement, in accordance with Annex 3 of this Working Arrangement.

10. Communication and liaison activities

10.1. The State Aviation Administration of Ukraine shall appoint a National Coordinator who will act as the focal point for the implementation of this Working Arrangement.

10.2. Upon entry into force of this Working Arrangement, the State Aviation Administration of Ukraine will be invited to take part to the coordination meetings of the SAFA programme involving all the stakeholders participating in the programme.

11. Repeal, entry into force, amendment, suspension and termination

11.1. The Working Arrangement between the State Aviation Administration of Ukraine and the European Aviation Safety Agency, done at Brussels on 7 March 2006, will be repealed as from the date of signature of the present Working Arrangement.

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

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


11.4. 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 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.

11.5. 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.

Signed in duplicate in English language in _____ on _____ 2015.

European Aviation Safety Agency

By


Mr P. Ky
Executive Director

State Aviation Administration of Ukraine

By


Mr D. Antonyuk
Chairman

**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)
- 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. The State Aviation Administration of Ukraine agrees that the EASA shall carry standardisation inspections as set out in the applicable EU legislation and in accordance with the SAFA standardisation inspection procedure established by EASA.

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 SINAPSE⁷.

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.

**Annex 3
(issue 1)**

Modalities for the financing of the EASA standardisation activities

1. The State Aviation Administration of Ukraine will contribute to the financing of EASA standardisation activities through a payment of an annual fixed fee of 2500 euro.
2. The financial contribution of the State Aviation Administration of Ukraine will start as of the year in which EASA has commenced to perform standardisation activities in accordance with Paragraph 8 of this Working Arrangement.
3. EASA will notify the State Aviation Administration of Ukraine if it deems that the above contribution needs to be adjusted. In this case the adjustment will take place through an exchange of letters between State Aviation Administration of Ukraine and EASA.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.