



Agenda Item 3: Institutional aspects for the management and control of multinational systems and facilities

b) Institutionalisation of the Regional Safety Oversight System (SRVSOP)

ADMINISTRATIVE AGREEMENT BETWEEN CIVIL AVIATION AUTHORITIES OF THE STATES PARTICIPATING IN THE SRVSOP FOR THE ACCEPTANCE OF AIRCRAFT AND AIRCRAFT COMPONENTS MAINTENANCE ORGANISATIONS

(Presented by the Secretariat)

SUMMARY	
This working paper informs the Meeting about the steps taken by the SRVSOP member States for formalising the “Administrative agreement between civil aviation authorities of the SRVSOP member States for the acceptance of aircraft and aircraft components maintenance organisations”.	
References: - JG/15, JG/21, JG/23 meeting reports.	
ICAO strategic objective:	<i>A – Safety</i>

1. Introduction

1.1 Through Article 37 of the Convention on International Civil Aviation, each contracting State undertakes to cooperate in the achievement of the highest possible level of uniformity in terms of regulations, standards, procedures and organisation concerning aircraft, personnel, airports, airways and auxiliary services, on all issues in which such uniformity will facilitate and improve air navigation.

1.2 ICAO Assembly Resolution A35-7 encourages the States to further the creation of regional and sub-regional partnerships to cooperate in the development of solutions to common problems, with a view to strengthening their individual safety oversight capabilities.

1.3 Project RLA/99/901 –Regional Safety Oversight System (SRVSOP), is aimed at establishing and operating a regional safety system in the NAM/CAR/SAM Regions, with the required technical, logistic and administrative support. In this sense, Article 2 of the Agreement for the Implementation of the Regional Safety Oversight Cooperation System, related to the harmonisation of standards and procedures, establishes that “The participating States undertake to harmonise their safety regulations and procedures in close coordination with ICAO”.

Administrative agreement

1.4 As part of the strategy for the harmonisation and adoption of the LARs, the Regional System started in 2004 its activities for the implementation of LAR 145 related to approved maintenance organisations, through a training programme for airworthiness inspectors of the various administrations, and trial audits applied to 6 maintenance organisations of the Region.

1.5 Based on the results achieved, the 2006 plan of activities included the designation of a legal expert to develop, in coordination with the General Coordinator and the SRVSOP Technical Committee, a proposal for the adoption of LAR 145. In essence, the agreement seeks to formalise what the SRVSOP is already carrying out through its Aircraft Maintenance Organisation (AMO) certification and oversight activities, where a panel on the subject is established to conduct, on behalf of SRVSOP member States, either a certification or an oversight activity for continued certification of an AMO. The results of this activity are reflected in a report that is then validated by the States for the issuance or renewal of its own certification.

1.6 The “Administrative agreement for the mutual acceptance of aircraft and aircraft components maintenance organisations by the civil aviation authorities of the SRVSOP member States” has been reviewed on many occasions (LACAC meetings, SRVSOP focal points, meetings of the SRVSOP General Board) (see **Appendix A**). Likewise, this document was circulated on three occasions to the respective Administrations, obtaining favourable responses from eight States. **Appendix B** contains a summary of the responses by the States.

1.7 At the last Global Safety Conference (Montreal, Canada, 29 March - 1 April 2010), the SRVSOP member States and LACAC presented a working paper on this subject, which provided a global example of how States could meet their safety oversight obligations more efficiently, avoiding duplication of efforts, while ensuring strict compliance with ICAO standards and recommended practices. Likewise, the aeronautical industry of the Region has shown much interest in having this agreement signed by SRVSOP member States. The signing of this document will be an important milestone for civil aviation in the NAM/CAR/SAM Regions and for SRVSOP member States.

2. Discussion

2.1 At the Twenty-third Meeting of the General Board of the Regional System, held in Cartagena de Indias, Colombia, on 26 July 2011, two States reported they were having difficulties for signing the Agreement at the Meeting of the LACAC Executive Committee.

2.2 At that same meeting, one State highlighted the importance of signing, as soon as possible, this agreement that had already been analysed on many occasions and at different forums. In this respect, the General Board agreed that the problems were more of style than of substance, and underlined the strategic importance that the signing of this agreement had for the SRVSOP. Accordingly, it agreed to request the Secretariat to take the necessary steps to amend the Agreement based on the comments made by the States, and to revisit the signing of the Agreement at the Twelfth Meeting of Civil Aviation Directors of the South American Region to be held at the ICAO South American Regional Office on 3-6 October 2011, and that Cuba be invited to participate at this meeting.

2.3 In this respect, Argentina and Chile sent their modification proposals in September (**Appendix C**), which are submitted to the consideration of the Meeting for revision and subsequent signing by the SRVSOP member States. The justification for the changes proposed by Chile is shown in **Appendix D** to this paper.

3. **Suggested action**

3.1 The Twelfth Meeting of Civil Aviation Authorities of the South American Region (RACC/12) is invited to:

- a) take note of the information contained in this working paper;
- b) comment on the proposed modifications to the Administrative Agreement shown in **Appendix C**, and, if deemed appropriate, sign the Agreement; and
- c) invite SRVSOP member States to do their utmost to sign the Administrative Agreement.

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APPENDIX A

**DETAILS OF THE FORUMS WHERE THE ADMINISTRATIVE AGREEMENT FOR MUTUAL ACCEPTANCE OF AIRCRAFT
AND AIRCRAFT COMPONENTS MAINTENANCE ORGANISATION BY CIVIL AVIATION AUTHORITIES OF THE SRVSOP
PARTICIPATING STATES**

Meeting		Detail
JG-10	Medellín, 29 June 2004	Conclusion JG-10/08: Entrusts the SRVSOP Technical Committee with the development of a programme for the conduction of maintenance organisation certification trials that includes the planning of different stages and that contemplates the time and experts required to comply with this activity, and to circulate it to the SRVSOP Focal Points for analysis and comments.
RCPF/3	Lima, June 2005	Suggests the General Board to consider the creation of legal panel to study and propose a mechanism for the adoption of LAR 145 that takes into account the different realities of SRVSOP member States.
JG-12	Fortaleza, 9 August 2005	Conclusion JG 12/02: System member States are urged to make the necessary efforts to achieve harmonisation between their national standards and LAR 145 version 2 in a period of five years. Conclusion JG 12/04: The General Coordinator is entrusted with beginning studies with a legal expert to define a mechanism for the adoption of LAR 145, taking into account the different realities of SRVSOP member States and the need for harmonisation pursuant to conclusion JG 12/02. It also entrusts the LACAC Legal Committee with analysing the results of the aforementioned study and recommending to the General Board a mechanism for the adoption LAR 145.
JG-13	Caracas, 7 November 2005	Approves the programme of activities for 2006, which includes a task concerning the definition of a mechanism for the adoption of LAR 145.
JG-14	Santiago de Chile, 17 July 2006	The General Board was informed that, in February and March, the SRVSOP engaged a legal expert to prepare a draft agreement for the adoption of LAR 145, which was submitted to the Third Meeting of the LACAC Legal Experts.
Third Meeting of the Air Transport Legal Panel - LACAC	Santiago de Chile, 17 July 2006	The document was reviewed and approved with minor changes in style, with the caveat that the terms “adoption” and “harmonisation” should not be used in it until the General Board of the System clarified the use of such terms.
JG-15	Panama, 10 November 2006	A report is given of the results of the Third Meeting of the LACAC Legal Panel. Conclusion JG15/10: The scope of the terms “harmonisation” and “adoption” is defined. In this regard, a task force was established to review the agreement for the adoption of LAR 145, taking into account this definition of the scope of the terms “harmonisation” and “adoption” and incorporating the implementation by the SRVSOP of a single AMO registry.

Meeting		Detail
JG-16	Santa Cruz de la Sierra, 3 August 2007	Conclusion JG/16-05: The General Coordinator is requested to circulate the draft agreement to SRVSOP member States and regional organisations for their consideration and comments; likewise the General Coordinator is requested to submit to the approval of the forthcoming General Board the final version of the agreement; and the States are urged to take the necessary administrative measures to be part of the agreement.
RCPF/5	Lima, 4-5 October 2007	It was noted that the agreement had been circulated for comments through Letter SA5618 dated 13 August 2007, with a deadline for comments on 28 September 2007. Note was also taken of the importance for the agreement to be reviewed by the legal section of each Administration, and its administrative nature was highlighted, which, based on the results of the analysis conducted by a legal expert hired by the SRVSOP, did not require the approval of instances higher than the Director of Civil Aviation.
JG-17	Lima, 29-30 November 2007	Note was taken of the response received from Venezuela, saying that, after reviewing such agreement, it had no legal or technical objection for its adoption; and, on the other hand, the response from Peru requesting an additional 45 for responding, in order to be able to conclude its analysis.
JG-18	Bogotá, 16-17 June 2008	It was informed that the Administrative Agreement for the acceptance of aircraft and aircraft component maintenance organisations between civil aviation authorities of the SRVSOP participating States had been circulated to the Administrations of member States with documents SA5618 (13/08/07); SA5032 (30/01/08) and SA5265 (29/04/08); the latter requesting that the results of the review of the Agreement be notified before 16 May 2008 .
RCPF/6	Lima, 20-22 October 2008	It was noted that all the problems related to administrative tasas concerning AMOs would be resolved once the Agreement on the recognition of LAR 145 AMOs, as well as all future recognition agreements established on the other subjects contained in the harmonised regulations became effective.
JG-19	Lima, 11-12 December 2008	It was noted that the Agreement had been circulated on three occasions to the respective Administrations, obtaining favourable responses from 8 States, still pending responses from Brazil, Ecuador and ACSA.
RCPF/7	Lima, 24-26 February 2010	Conclusion RCPF 7/05: Suggesting that the General Board consider requesting LACAC to take the necessary steps to ensure that SRVSOP Administrations sign the Administrative Agreement.
JG-21	Santiago de Chile, 22 March 2010	It is felt that, after circulating the Administrative Agreement to the Administrations and having obtained favourable answers from 8 States, it was necessary to take the next step for the signing of this agreement, that is, its subscription by each of the SRVSOP Administrations. Conclusion JG 21/05 – CIRCULATION OF THE “ADMINISTRATIVE AGREEMENT FOR THE ACCEPTANCE OF AIRCRAFT AND AIRCRAFT COMPONENT MAINTENANCE ORGANISATIONS TO CIVIL AVIATION AUTHORITIES OF THE SRVSOP PARTICIPATING STATES”: The General Coordinator is entrusted with coordinating with LACAC so that the latter may take the necessary steps to ensure that SRVSOP Administrations sign the “Administrative Agreement for the acceptance of aircraft and aircraft component maintenance organisations between civil aviation authorities of the SRVSOP participating States”.
GEPEJTA/24	Lima, 27-29 April 2010	It was agreed to entrust the LACAC Secretariat with taking the necessary steps to ensure that civil aviation authorities of the States that make up the Regional Safety Oversight System (SRVSOP) sign the agreement.
GEPEJTA/26	Guatemala City, 29-31 March 2011	Welcomed the agreement and urged experts to intercedan their authorities to sign the AMO Agreement at the next meeting of the LACAC Executive Committee or before, if they so choose.

APPENDIX B

**TABLE OF COMMENTS ON THE ADMINISTRATIVE AGREEMENT FOR THE MUTUAL
ACCEPTANCE OF AIRCRAFT AND AIRCRAFT COMPONENTS MAINTENANCE
ORGANISATIONS BY CIVIL AVIATION AUTHORITIES OF SRVSOP PARTICIPATING
STATES, BASED ON THE AUDIT REPORT OF THE SRVSOP MULTINATIONAL TEAM**

STATE	WAS AN ANSWER PROVIDED?	COMMENTS
Argentina	YES	No objections nor comments
Bolivia	YES	Bolivia has decided to form part of the cited agreement.
Brazil	NO	
Cuba	YES	Has noted in Article 5 on Obligations of the Parties, last paragraph: <i>“The Parties undertake to submit, within six (6) months of signing, their procedures for the implementation of this agreement”</i> . As to the from six (6)-month period, that it be increased to twelve (12) months for submitting these procedures.
Chile	YES	Chile reports that there are no obstacles for signing the Administrative Agreement, which will occur once the modifications to the national regulations on aeronautical maintenance centres are formalised. Comments made regarding Annex 1 to the Administrative Agreement are shown in Appendix A.
Ecuador	NO	
Paraguay	YES	There are no comments in this respect and the terms of the proposal are accepted.
Peru	YES	The agreement is consistent with the purposes of the SRVSOP.
Uruguay	YES	In agreement.
Venezuela	YES	The CAA has no legal or technical objection to the content of the agreement for its adoption.
ACSA	NO	

APPENDIX C

MULTINATIONAL ADMINISTRATIVE AGREEMENT FOR THE ACCEPTANCE OF AIRCRAFT AND AIRCRAFT COMPONENTS MAINTENANCE ORGANISATIONS AMONG THE CIVIL AVIATION AUTHORITIES OF SRVSOP MEMBER STATES ON THE BASIS OF THE AUDIT REPORT OF THE SRVSOP MULTINATIONAL TEAM

THE CIVIL AVIATION AUTHORITIES OF THE REGIONAL SAFETY OVERSIGHT COOPERATION SYSTEM (SRVSOP) MEMBER STATES AGREE ON THE FOLLOWING AND UNDERTAKE TO IMPLEMENT IT IN ACCORDANCE WITH THE AUTHORITY CONFERRED TO THEM BY THEIR DOMESTIC LAWS AND REGULATIONS:

WHEREAS:

Pursuant to Article 37 of the Convention on International Civil Aviation, each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organisation in relation to aircraft, personnel, airports, airways, and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation;

Resolution A35-7 of the ICAO General Assembly encourages States to foster the establishment of regional and sub-regional partnerships to find solutions of common problems in order to strengthen their individual safety oversight capabilities;

Article Two of the Agreement for the Implementation of the Regional Safety Oversight Cooperation System, related to the harmonisation of standards and procedures, sets forth that “Contracting States undertake to harmonise their safety-related regulations and procedures in close coordination with ICAO;”

Conclusion JG 12/02 of the General Board of the System, related to the deadlines for the harmonisation of LAR 145, urged contracting States to make all efforts necessary to harmonise their domestic laws with LAR 145 version 2, within a period of five years;

Conclusion JG 13/03 of the General Board of the System approved the Latin American Aeronautical Regulation LAR 145, Version 2, considered a historic milestone for the integration of Latin American aviation;

At its fifteenth regular meeting, the General Board adopted Conclusion JG15/10 whereby it established that, for purposes of the work to be carried out by the SRVSOP, the term “harmonisation,” would have the following meaning:

“Harmonisation is understood to be the set of reforms that must be introduced by member States of the Regional System in their national regulations and procedures, based on the LARs and related documents, in order to achieve, within a period of time defined by each State and reported to the General Board, an environment in which all States have similar requirements and conditions for the issuance of a certification or aeronautical license, and thus a single certification issued by any Aeronautical Authority of an SRVSOP member State would be acceptable to the rest of the member States. Additional requirements may be established, provided they are reported to the other States through an Appendix to the LAR for consultation by any aeronautical authority of the SRVSOP member State at the time of issuing a certificate in this harmonised environment.”

The parties represent that their regulations, procedures, and systems concerning the certification and renewal of Maintenance Organisations are sufficiently harmonized in order to allow their certification on the basis of the multinational audit team report.

Article One

GENERAL

This Agreement supersedes any other covenant among the Parties concerning the acceptance of aircraft and aircraft components maintenance organisations.

The working languages shall be Spanish and Portuguese.

Article Two

DEFINITIONS

For the purposes of this Agreement, the terms below shall have the meanings assigned to them as follows:

- a) **Aircraft:** means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.
- b) **Aircraft Component:** means any equipment, instrument, system, or part of an aircraft that, once installed, is essential for its operation.
- c) **Multinational Team:** means the team designated by the SRVOP System General Coordinator and made up by auditors of the SRVSOP member States, who have the competencies, education, training, skills, and experience required by the “LAR Auditor Certification” and registered with the SRVSOP LAR Auditors Roster.
- d) **State of Registry:** The State on whose register the aircraft is entered.

Article Three

SCOPE OF APPLICATION

This Agreement refers to:

The provisions set forth in this Administrative Agreement are applicable to the Civil Aviation Authorities of SRVSOP member states.

The acceptance by the Civil Aviation Authorities of the State of Registry of the audits for the certification and renewal of Maintenance Organisations (AMOs) conducted by a multinational team under this Agreement and its annexes, based on the applicable Latin American Aeronautical Regulations (LARs).

The acceptance by the Civil Aviation Authorities of the State of Registry so that AMOs that have passed the audit conducted by a multinational team may perform aircraft and aircraft components maintenance activities, issuing the corresponding certification under this agreement and its annexes.

The exchange of information about maintenance organisations among Civil Aviation Authorities of the participating States.

Article Four

OBJECTIVES

The objectives of this Agreement are:

- a) Promote the conduction of AMO certification and renewal audits within a multinational regional cooperation environment;
- b) Promote the uniformity and cost-effectiveness of the certification and renewal processes for both the States and the users, avoiding duplication of efforts in the NAM/CAR/SAM Regions and;
- c) Issuance and issuance renewal or renewal of the certification of a maintenance organisation based on the results of the multinational team report, by the Civil Aviation Authority of the State of Registry that is party to this Agreement.

Article Five

OBLIGATIONS OF THE PARTIES

The Civil Aviation Authorities undertake to:

Recognise the list of maintenance organisation capabilities contained in the report of the multinational team, for organisations that meet the regulatory requirements contained in Annex I to this Agreement.

Consider audits conducted by the multinational team and its findings as if they were their own, issuing the corresponding certifications based on their results.

Acknowledge the issuance of maintenance release certifications by approved maintenance organisations under this Agreement and its annexes.

Review and adapt its regulations to achieve full compliance with this Agreement, listing in the annex on “Differences” any additional requirement to the ones set forth in the applicable Latin American Aeronautical Regulations (LARs) that might arise from their own regulations.

Liabilities arising from actions or omissions during the conduction of audit and/or certification tasks by the multinational team shall rest with the Regional System.

Submit to the SRVSOP General Coordinator, within eighteen (18) months after the date of execution, their procedures for the implementation of this Agreement.

Article Six

MAINTENANCE AND CERTIFICATION

Each maintenance organisation that has been audited by the multinational team in accordance with this Agreement and its Annexes, and that demonstrates compliance with the requirements according to the report of the multinational team, shall be certified by the Civil Aviation Authority of the State of Registry party to this Agreement.

The multinational team designated by the Regional System shall carry out its audits based on the applicable Latin America Aeronautical Regulations (LAR), its Appendices, this Agreement and its Annexes.

The design of major repairs and modifications shall be in accordance with the maintenance data approved by the Civil Aviation Authority of the State of Registry Party to this Agreement.

The criteria to determine whether a repair or modification is a major repair or modification shall be the criteria set forth by the Civil Aviation Authority of the State of Registry Party to this Agreement.

Article Seven

OVERSIGHT

The Civil Aviation Authority of the State Party where the maintenance organisation certified under this Agreement is located, shall perform oversight activities in accordance with its procedures and annual schedule of activities, with a view to ensuring that Maintenance Organisations continue to comply with the technical criteria set forth in Annex I.

The Civil Aviation Authority of the State Party where the regionally audited maintenance organisation is located shall notify the SRVSOP Technical Committee and the Civil Aviation Authorities of the States of Registry that have certified it, about any non compliance with the regulatory criteria set forth in Annex I to this Agreement and which might affect the maintenance capability of the AMOs certified on that basis.

The Civil Aviation Authority of the State of Registry may recognise the oversight process of the State where the maintenance organisation is located, to which it has granted a regional certification based on the applicable Latin America Aeronautical Regulations (LARs).

Furthermore, a multinational audit team shall conduct, every two years, an audit for the renewal of the certification of the AMOs approved under this Agreement, following the date of the audit and in accordance with Annex I.

The Civil Aviation Authority of the States Party recognise the powers of other Civil Aviation Authorities to perform inspections in accordance with their own continuous oversight programmes to Maintenance Organisations certified under this Agreement, whose costs they agree to assume, and thus the AMOs will only bear the certification and renewal costs.

Observations resulting from inspections conducted by the Civil Aviation Authorities under their continuous oversight programme shall be notified immediately to the SRVSOP Technical Committee and to the other the Civil Aviation Authorities that are Party to this Agreement, so that together they can adopt the measures they deem appropriate.

The Civil Aviation Authority of the State of Registry that initiates any investigation or action to compel a maintenance organisation certified under this Agreement to fulfil its obligations, including the repeal, suspension or modification of its list of capabilities, must report such situation as soon as possible to the Technical Committee and the Civil Aviation Authorities of the States Party.

The Civil Aviation Authority of the State of Registry Party to this Agreement may repeal the certification granted to a maintenance organisation under the terms of this Agreement when the authority believes that such AMO has failed to meet **the requirements of its certification** as set forth therein.

The Civil Aviation Authorities of the States Party to this Agreement, **in coordination with** the System Technical Committee and based on the conditions shown by the maintenance organisation, shall determine and recommend the measures they deem appropriate for a maintenance organisation that has been subject to repeal, suspension, or modification of its list of capabilities.

Article Eight

EXCHANGE OF INFORMATION

The Civil Aviation Authorities of the States Party, through the SRVSOP Technical Committee, will exchange all information **related to compliance with certification, renewal, and potential** infringements and penalties enforced.

The Civil Aviation Authorities of the States Party to this Agreement shall provide information on the terms hereof to interested third parties and shall prepare advisory publications and circulate such publications in accordance with the methods set forth in their laws and regulations so that the interested parties can conduct maintenance tasks in accordance with this Agreement.

Article Nine

TECHNICAL ASSISTANCE

Should any Civil Aviation Authority of the State Party **lack** the trained personnel to conduct certification, **renewal or continuous oversight audits** on a maintenance organisation, it may request technical assistance for this purpose **through** the SRVSOP General Coordinator.

Article Ten

MANAGEMENT AND IMPLEMENTATION

Each Civil Aviation Authority of a State Party shall designate an organisation within its administration and the person leading it, as responsible for the management and implementation of this Agreement; this person should preferably be the one responsible for civil aviation safety management in the State Party.

This designation shall be communicated to the other Parties and to the General Coordinator of the SRVSOP within fifteen (15) days following the signing of this Agreement.

Any Party introducing significant changes to its organisation that may affect the management and implementation of this Agreement, including the identity of the person mentioned in the first paragraph of this Article, shall notify such changes to the other Civil Aviation Authorities of the States Party and to the General Coordinator of the SRVSOP.

Article Eleven

REGISTRY OF LAR AUDITORS

The Civil Aviation Authorities of States Party agree to keep, through the Technical Committee, a registry of LAR auditors who have been certified in accordance with the LAR Auditor Certification Document.

Article Twelve

REGISTRY OF MAINTENANCE ORGANISATIONS

The Civil Aviation Authorities of the States Party agree to keep, through the Technical Committee, a registry of maintenance organisations approved under this Agreement.

Article Thirteen

DISPUTE SETTLEMENT

Any dispute arising between the States Party in relation to the interpretation or application of this Agreement which cannot be settled by direct negotiation shall be submitted to the SRVSOP General Board, which will act as conciliator in finding a solution.

Article Fourteen

ENTRY INTO FORCE

This Agreement shall be signed and deposited by the Civil Aviation Authority of the State Party, as appropriate, at the offices of the Regional Director of the ICAO South American Office and General Coordinator of the SRVSOP.

This Agreement shall enter into force thirty (30) days after at least three Civil Aviation Authorities of the States Party have signed and deposited this Agreement. Likewise, this Agreement shall be effective thirty (30) days after it has been signed and deposited by other States Party that adhere subsequently.

The Civil Aviation Authorities of the States Party agree that the Regional Director of ICAO for South America and General Coordinator of the SRVSOP shall notify them of the entry into force of this Agreement, as well as of the signatures and deposits received after this Agreement has entered into force

Article Fifteen

AMENDMENTS

This Agreement may be amended with the approval of, at least, two thirds of the States Party represented by their corresponding Civil Aviation Authorities of the States Party.

Civil Aviation Authorities of the States Party agree that they may propose amendments to this Agreement through the SRVSOP General Board, and a decision regarding such proposals shall be made within two months of receiving a written proposal.

Civil Aviation Authorities of States Party shall decide whether or not they accept the amendment and its effective date.

Article Sixteen

RELINQUISHMENT

Civil Aviation Authorities of States Party agree that they may relinquish this Agreement by giving written notice one year in advance and notifying the General Coordinator of the SRVSOP, who shall inform the other Civil Aviation Authorities of the States Party

When there is a relinquishment to this Agreement, all certifications issued under this Agreement by the Civil Aviation Authority where the maintenance organisation is located shall remain in force for the period of the advance notice.

Any Civil Aviation Authority of a State Party that decides to relinquish this Agreement agrees to make available all files regarding any maintenance organisation approval at the request of another Civil Aviation Authority of a State Party during a period of five years as of the relinquishment.

ANNEX I

To the Multinational Administrative Agreement for the acceptance of Aircraft And Aircraft Components Maintenance Organisations among the Civil Aviation Authorities of SRVSOP Member States, based on the audit report of a SRVSOP multinational audit team

PART I TECHNICAL CRITERIA

The Civil Aviation Authorities of the States of Registry that participate in the SRVSOP may recognise the certification or renewal audit process conducted on a maintenance organisation by a multinational audit team from SRVSOP member States under this Agreement, provided the following criteria and technical conditions are met:

1. Regulatory Requirements

1.1. The multinational audit team shall use the last version of Latin American Aeronautical Regulation LAR 145, as approved by the SRVSOP General Board, which contains the requirements for the certification and operation of maintenance organisations, and its corresponding appendix on “Differences”.

1.2. Furthermore, the multinational audit team shall use the additional regulatory requirements declared by the State of Registry and additional requirements established by the States Party in Annex 2 to this Agreement.

2. Guidance Material

2.1. The multinational audit team that conducts the certification and renewal processes shall use the last version of Advisory Circular CA145.001 “*Acceptable Means of Compliance and Explanatory and Informative Material for LAR 145*,” the SRVSOP Airworthiness Inspector Manual, and other Advisory Circulars applicable to LAR 145.

2.2. The maintenance organisation certified or that applies for certification by a State of Registry of the SRVSOP under this Agreement, may use the last version of Advisory Circular CA145.001 and other Advisory Circulars applicable to LAR 145, in order to demonstrate an appropriate level of compliance with the regulatory requirements mentioned in paragraph 1.

3. Technical and Administrative Procedures

3.1. Concerning certification and renewal activities of aircraft maintenance organisations, the multinational audit team must follow the procedures and technical and administrative guidelines contained in the latest version of the following documents, as approved by the SRVSOP General Board:

- a) Guidance booklet on the certification and oversight of maintenance organisations, to verify compliance with Latin American Aeronautical Regulation LAR 145.
- b) The Airworthiness Inspector Manual (AIM) developed to verify compliance with Latin American Aeronautical Regulation LAR 145.

3.2. The Civil Aviation Authority of the State Party where the maintenance organisation certified or applying for certification by a State of Registry under this Agreement is located shall make available and inform the maintenance organisation about the content of the last version of the Airworthiness Inspector Manual approved by the SRVSOP General Board so that the AMO may understand the certification and oversight process to which it is applying.

PART II

MULTINATIONAL AUDIT TEAM

4. Composition of the Multinational Audit Team

4.1. The Civil Aviation Authorities of the States Party agree that the SRVSOP General Coordinator will designate the multinational audit teams, which initially would consist of four (4) members, but could be extended depending on the size and complexity of the maintenance organisation to be audited and on the appointment of observers or advisors to the team.

4.2. Audit teams should include one Lead Auditor and the member auditors. The Lead Auditor may also act as one of the auditors.

4.3. Audit teams shall be designated for each maintenance organisation, enabling the participation of all the members of the multinational audit team so that they may share their experience with their corresponding States.

5. Auditor Qualifications

5.1. Only experts from SRVSOP member States who meet the qualification and competence requirements contained in the LAR Auditor Certification Document approved by the General Board and registered as SRVSOP LAR auditors can be called to a multinational auditor team.

6. Registry of Auditors

6.1. Only experts from SRVSOP State members who meet the qualification and competence requirements contained in the LAR Auditor Certification Document, approved by the General Board, can be registered as LAR auditors.

6.2. The registry will be controlled by the SRVSOP Technical Committee, which will determine the way in which such registry will be kept.

PART III

CERTIFICATION

7. Multinational audit teams shall ensure that the following criteria are met when carrying out certification processes under this Agreement:

7.1. Maintenance organisations wishing to apply for a certification by the States of Registry under this Agreement shall have an approval certificate issued by the State where the AMO is located, including the privileges for the type and scope of works authorised in accordance with the Agreement.

7.2. Maintenance organisations applying for a certification by the States of Registry under this Agreement shall meet all technical criteria established in Part I of this Annex.

7.3. The certification process shall be carried out by an SRVSOP multinational audit team that meets the criteria set forth in Parts I and II of this Annex.

7.4. The Technical Committee must inform the SRVSOP States of Registry of any application for certification under this Agreement submitted by any maintenance organisation.

7.5. The Technical Committee must inform the SRVSOP States of Registry of the schedule of certification activities as well as the multinational audit team assigned.

7.6. Maintenance organisations applying for a certification by the States of Registry under this Agreement shall submit a formal application in accordance with the provisions of the MIA, filling out the application forms of the States of Registry that are members of the SRVSOP, including a list of compliance describing the way in which each of the LAR 145 requirements and the additional declared requirements are met.

7.7. Maintenance organisations applying for a certification by the States of Registry that are members of the SRVSOP under this Agreement must issue a maintenance release certificate for aircraft or aircraft components, in accordance with form LAR 001.

7.8. Maintenance organisations applying for a certification by the States of Registry that are members of the SRVSOP under this Agreement may only subcontract maintenance activities from another maintenance organisation recognised by the State of Registry.

7.9. In addition to the regulatory criteria set forth in Section LAR 145.260 and Appendix 1 to LAR 145, maintenance organisations applying for a certification by the States of Registry that are members of the SRVSOP under this Agreement shall include the following information in their procedural handbook:

7.9.1. An affidavit signed by the responsible manager, stating that the personnel of the organisation must follow the policies and procedures defined by the maintenance organisation in order to comply with this Agreement.

7.9.2. An affidavit signed by the responsible manager, stating that he/she is aware that, in case of default of any of the terms of this Agreement, the States of Registry may suspend or cancel any or all of the capacity limitations or certificates issued.

7.9.3. An affidavit acknowledging that the State of Registry may have access to the organisation in order to confirm compliance with the requirements of this Agreement.

7.9.4. Procedures to ensure that:

- a) Any aircraft component installed under the conditions set out in this Agreement was manufactured or maintained by organisations accepted by the State of Registry.
- b) The operator of the aircraft or aircraft component that has been subject to maintenance, obtained the corresponding approval by the State of Registry of the maintenance data used for the incorporation of major modifications and repairs.
- c) The criterion used to determine whether repairs or modifications are major is the criterion of the State of Registry.

- d) Airworthiness guidelines defined as mandatory by the States of Registry are available to the maintenance personnel.
- e) The maintenance release certificate will be issued to aircraft or aircraft components in accordance with form LAR 001.
- f) Maintenance reports will be prepared in accordance with the criteria established by each State of Registry.

Note: This required information may be inserted as part of the manual or as an attachment thereto.

7.10. Once the criteria described above have been met and have been found satisfactory, the SRVSOP multinational audit team will recommend, through a report to be sent to the States by the Technical Committee, a list of capabilities that may be recognised by the Civil Aviation Authorities that are part of the SRVSOP and that are signatories to this Agreement.

7.11. Once the report has been received, the Civil Aviation Authorities that participate in the SRVSOP and that are signatory to this Agreement may issue an approved maintenance organisation certificate based on the satisfactory result of the process carried out under this Agreement.

7.12. The Civil Aviation Authorities that participate in the SRVSOP and that are signatory to this Agreement must send the Approval Certificate along with the list of approved capabilities to the SRVSOP Technical Committee. The Technical Committee shall be responsible for keeping a registry of the maintenance organisations certified under this Agreement

7.13. The Technical Committee must post in the SRVSOP website a list of approved maintenance organisations.

7.14. Maintenance organisations certified under this Agreement must inform the States of Registry and the Technical Committee of any changes in their lists of capabilities.

7.15. Maintenance organisations must request the inclusion of a new scope in their list of capabilities to the Civil Aviation Authority of the State where it is located, so that it may be communicated to the Technical Committee and the certification process be carried out under this Agreement.

PART IV OVERSIGHT

8. The participating Civil Aviation Authorities of the State where the maintenance organisation approved under this Agreement is located must carry out oversight activities in accordance with its procedures and annual programme of activities, with a view continuous compliance by the maintenance organisation approved under this Agreement with the technical criteria set forth in its Annex I.

9. The Civil Aviation Authority of the State where the maintenance organisation approved under this Agreement is located must notify the Civil Aviation Authorities of the States of Registry that have certified such maintenance organisation and the SRVSOP Technical Committee of any non compliance with the regulatory criteria established in Annex I to this Agreement and which could affect the maintenance capability of the maintenance organisation approved under this Agreement.

10. The Civil Aviation Authority of the State of Registry may recognise the oversight process of the State where the maintenance organisation is located.

11. Furthermore, a multinational audit team will perform a certification renewal audit to the maintenance organisation approved under this Agreement every two (2) years, after the date of the audit and in accordance with Annex I.

12. The Civil Aviation Authorities recognise the authority that the other Civil Aviation Authorities have to conduct inspections to maintenance organisations certified under this Agreement, in accordance with their own continuous oversight programmes, whose costs they agree to cover since Maintenance Organisations will only bear the certification and renewal costs.

13. Observations arising out of the inspections performed by the Civil Aviation Authorities within the scope of their continuous oversight programme shall be notified immediately to the SRVSOP General Coordinator and to the other the Civil Aviation Authorities of the States Party to this Agreement, with a view to the coordinated adoption of the measures they deem appropriate.

14. The Civil Aviation Authority of the State of Registry Party to this Agreement may revoke the certification granted to a maintenance organisation under the terms of this Agreement, when it considers that the AMO is not keeping up with the certification requirements.

15. The Civil Aviation Authorities that are part of this Agreement, in coordination with the System Technical Committee and based on the conditions of the maintenance organisation, will determine and recommend the measures they deem advisable to the maintenance organisation that has been subject of a repeal, suspensions, or change in its list of capabilities.

Additional regulatory requirements of the Civil Aviation Authorities of States Party

ANNEX II

to the multinational administrative agreement for the acceptance of aircraft and aircraft component maintenance organisations among the civil aviation authorities of SRVSOP member States, based on the audit report of an SRVSOP multinational audit team

ARGENTINA

Until the harmonisation between the Latin American Aeronautical Regulations (LAR) and the Civil Aviation Regulations of Argentina (RAAC) has been completed, the National Civil Aviation Authority of Argentina (ANAC Argentina) cannot issue a certification based on an audit conducted by a multinational team, unless a qualified member of ANAC Argentina participates in this audit team.

The persons that ANAC Argentina designates to that end shall be part of the SRVSOP LAR 15 List of Auditors-

When the inclusion of the expert mentioned in the above paragraph entails including an additional member to the audit team designated by the Regional System, all costs of his involvement shall be borne by ANAC Argentina and shall in no way be transferred to AMO.

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APPENDIX D

PROPOSED CHANGE TO THE DGCA OF CHILE

Justification of the change	
A	GENERAL
1	As to the substance, it may be noted that there are no legal obstacles to the fundamental content of the draft. However, a relevant aspect are the parties, which are the civil aviation authorities and not the States, since, in the latter case, Foreign Affairs would have to intervene and that would hinder its signing.
2	Notwithstanding the above, we believe that the proposed text has some deficiencies in its drafting that would prevent a good understanding and therefore such deficiencies should be corrected before proceeding to signing it.
The following may be noted	
3	Article 1 of the draft contains a statement by the participating States in the sense that their standards and systems associated to the certification of maintenance organisations (AMOs) are sufficiently harmonised. Since it is only a statement to confirm a fact already accomplished by the parties, and not an agreement per se, we think it should rather be part of the <i>Whereas</i> section of the instrument.
4	Article 3, entitled “Scope” briefly describes the content of the Agreement. However, it does not refer to what should normally be addressed in a clause of this nature, that is, the elements involved in the implementation of the instrument from the personal, territorial or material perspective with a view to facilitating its interpretation. Likewise, the paragraph on cooperation and technical assistance is deleted, considering that technical assistance is governed by the SRVSOP, thus making unnecessary the paragraph in this agreement, since it is not consistent from the spirit of the agreement.
5	In Article 4, “Objectives”, it is suggested that, in letter b), the word “profitability” be replaced, since this term refers to the production of income or profits, an aspect that is totally incompatible with the certification processes.
6	In Article 5, on the “Obligations of the Parties”, clarify the wording to avoid misunderstandings, taking into account that it is one of the most important sections of the document.
	Article 7 is deleted, since it restricts the responsibilities of the State in terms of continuous oversight, an aspect that will be later addressed in the article on oversight. Likewise, it seems to mix the certification and the renewal processes, for which the States must not conduct independent certification and renewal audits.
	Article 8 is deleted because it refers to obligations of the maintenance organisations that are not part of this agreement. Furthermore, this requirement is contained in all State regulations for compliance by maintenance organisations).
	In Article 10, two paragraphs are deleted because they refer to matters that are not consistent with the spirit of this agreement, and that must be resolved through another agreement on accident investigation.

Justification of the change	
7	<p>Articles 11 and 12 (which, in strict sense, should be designated as eleventh and twelfth, respectively) need to be more precise or detailed with respect to the “mutual technical assistance” and “management and implementation” of the Agreement.</p> <p>The first paragraph of Article 11 is deleted, since technical assistance for the maintenance of aircraft and aircraft components, although related to the certification of a maintenance centre, are not covered by the purpose of this agreement and because technical assistance is considered in the by-laws of the SRVSOP, together with other types of assistance.</p>
	<p>Articles 13 and 14 establish obligations for the SRVSOP and its Technical Committee, entities that are not part of the Agreement and cannot be considered as equals to States for purposes of the responsibilities under this instrument.</p>
	<p>Article 15 stipulates that the mechanism for the settlement of disputes arising from the Agreement is to submit such disputes to the SRVSOP General Board, without specifying whether its role will be that of an arbiter, a mediator or a conciliator.</p>