



**Agenda Item 2: Any other ATM business**

**Proposed Memorandum of Understanding  
on cooperation in Search And Rescue in the EUR/SAM corridor**

**(Presented by SENEGAL)**

**SUMMARY**

**This paper invites the concerned states to accept a proposed memorandum of agreement in the EUR/SAM corridor between the Kingdom of Spain, the Republic of Cap Verde, The Republic of Senegal, and the Federal Republic of Brazil.**

**References:** ICAO Annex 12 and recommendation 4.3.1. of the final report about the AFR447 crash

**Action by the meeting** in paragraph 3

**I. Introduction**

- 1- Pursuant to ICAO Standards and Recommended Practices on mutual SAR services among contracting states, the EUR/SAM corridor member states may establish a MOU on cooperative assistance in **Search And Rescue**.
- 2- The recommendation 4.3.1. of the final report about the AFR447 crash that occurred on July 01th, 2009 invited these states to develop cooperation and coordination on **SAR** (Search And Rescue) enabling a framework beneficial for all.

**II. Discussion**

- 1- The international aviation traffic is in constant growth in the EUR/SAM corridor. The purpose of this proposed agreement is to ensure a maximum efficiency in rescuing aircraft in distress anyway in this common corridor.
- 2- Cooperation and coordination needed between these contracting States will achieve this goal and lead to:
  - the set-up of a mutual assistance in SAR
  - the pooling of resources in case of a major disaster in the corridor
  - a mutual assistance between rescue centers
  - facilitating entry operations in different search areas
  - a precise knowledge and characteristics of everyone's available resources and their possibilities of use

- strengthening communication and support between coordination centers
- conducting joint training exercises and regular exchange of officers (experts, coordinators, operators)
- regular meetings to address and solve any issue concerning cooperation practice, operators training, exchange of expertise, harmonization of procedures etc.

### **III. Action by the meeting**

The meeting is invited to:

- 1- take note of the existence of the draft protocol
- 2- encourage concerned states to adhere to the project
- 3- initiate if possible a side meeting between concerned delegates participating to the SAT 19<sup>th</sup> meeting to make easy the acceptance and signing of the protocol.

**DRAFT COOPERATIVE MEMORANDUM  
OF UNDERSTANDING IN THE FIELD OF SEARCH  
AND RESCUE (S.A.R)  
IN THE EUR-SAM CORRIDOR**

*The Government of the Kingdom of Spain, the Government of the Federal Republic of Bresil, the government of the Republic of Cabo Verde and the Government of the Republic of Senegal,*

Hereinafter designated as “the Parties”

*Whereas* the provisions applicable to the Chicago convention as of the 7<sup>th</sup> of December, 1944 and being parties to the said convention;

*Whereas* recommendation 4.3.1 of the final report about the crash of Air France flight AF447 that took place on July 1<sup>st</sup>, 2009;

*Willing* to establish a mutual assistance agreement in the field of search and rescue, pursuant with the provisions of the Chicago convention;

*Taking note of* the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual;

*Pursuant with* the recommendation of Annex 12 to the Chicago Convention which provide that the contracting States must coordinate their search and rescue services with those of the neighboring states;

*Aware of* the import of the merging of SAR means of the neighboring States in case of a major event and recognizing the paramount importance vested into the cooperation between the parties when dealing with search and rescue operations;

*In view of* the geographic extends of the areas of responsibility entrusted with them ,*aware of* the hardships imposed by the extremely difficult conditions under which search and rescue operations are to take place, as well as the imperative need to provide an urgent assistance to people in distress under those predicaments;

*Aware of* the increase in global air traffic, and particularly in the EUR-SAM Corridor;

*Underscoring* the usefulness of exchanging information and sharing the experience gathered in the field of search and rescue and of organizing training sessions and carrying-out joint drilling exercises;

*Have agreed of the following:*

## **Article 1**

### Terms and Definitions

- 1.1 In the understanding of the present decree, an aircraft or a vessel shall be in distress whenever the latter and its passengers run the risk or are presumed to run a serious and/or imminent risk and that, an immediate assistance is required for them.

1.2 The acronym S.A.R.(Search And Rescue) shall cover any /all responsibility, activity or means utilized in the search and rescue of aircrafts or vessels in distress, the wordings hereunder shall entail the following meanings:

**Search and rescue aircraft:** shall mean an aircraft having specialized equipment for the efficient conduct of search and rescue missions.

**Forced sea landing:** shall mean a forced (sea) landing on water

**Rescue Coordination Center (RCC):** shall mean a body in charge of ensuring the efficient organization of air search and rescue and of coordinating such operations within a given search and rescue area.

**Rescue Sub Center (RSC):** shall mean any body subordinated to a (civil aviation) rescue coordination center and established to assist it in compliance with the specific provisions taken by the authorities in charge.

**Maritime Rescue Coordination Center (MRCC):** shall mean any body entrusted with ensuring the efficient organization of maritime search and rescue services and with coordinating operations within a SAR region.

**Joint Rescue Coordination Center (JRCC):** shall mean a joint coordination center in charge of search and rescue operations by air and sea

**Search and rescue team:** shall mean any mobile resource make up of dedicated trained personnel endowed with the adequate gear for the swift execution of SAR operations.

**State of registration:** shall mean the state on whose register the aircraft is matriculated

**F.I.R:** shall mean Flight Information Region

**Search and rescue means:** shall mean any mobile resource, including the designated search and rescue units utilized to carry out search and rescue operations

**Critical phase:** this generic term shall designate, depending of the case, the uncertainty phase, the alert phase and the distress phase.

**Uncertainty phase:** shall mean a situation in which one might doubt about the safety of an aircraft and of its passengers.

**Alert phase:** shall mean a situation in which one might harbour some fears for the safety of an aircraft and its passengers

**Distress phase:** shall mean any situation in which one might be brought to think that an aircraft and its passengers are under serious and imminent danger and that they need an immediate assistance.

**Pilot and captain:** shall mean the pilot designated by the airline or by the owner in the case of general aviation, as the one who is the flight captain and who is in charge on board and who is responsible for the secure execution of the flight.

**Alert post:** shall mean any mean any means intended to serve as an intermediary between a person who points-out an emergency situation and a rescue coordination center or a rescue sub center

**Search:** shall mean operations normally coordinated by a rescue coordination center or by a rescue sub center, resorting to the staff and means available to locate the persons in distress.

**Search and Rescue Region (SRR):** shall mean any region with defined definitions, associated to a rescue coordination center within which search and rescue services are ensured.

**Rescue:** shall mean any operation intended to save persons in distress, to provide them with first aid care, medical care or otherwise, to provide them with secure shelter.

**Search and rescue services:** shall mean the discharge of monitoring duties of distressful situations, of communication, coordination, S.A.R., first aid medical care or medical evacuation through public or private means, inter alia, aircrafts, vessels and other vehicles or facilities.

**Rescue:** shall mean any operation intended to provide to persons in distress first aid care, medical attention or others.

## **Article 2: Purpose of the present Agreement**

The present agreement shall have as a purpose to strengthen cooperation and coordination in the field of civil aviation search and rescue in the EUR-SAM Corridor (Atlantic Ocean).

## **Article 3: Area of coverage of the present Agreement**

The provisions to the present agreement shall concern the SAR jurisdictional areas of Spain, Brazil, Cabo-Verde and Senegal, such as defined in the ICAO navigation plans for the AFI region and the CAR-SAM (Caribbean-South America). They correspond to the F.I.Rs of the EUR-SAM Corridor: Canarias, Recife, Atlantico, Sal and Dakar Oceanic.

## **Article 4: Competent authorities of the Parties**

1. The competent Authorities of the Parties shall be specified in the appendix to the present agreement.
2. Each Party shall duty inform the other parties, via its competent authorities, about any change concerning its search and rescue bodies.

## **Article 5: Bodies entrusted with the Aeronautical Search and Rescue**

1. The bodies in charge of the Aeronautical Search and Rescue shall be specified in the appendix hereto.
2. Each party shall duly inform the other parties, through its competent authorities, about any change pertaining to its SAR bodies.

## **Article 6: Coordination Centers of the Search and Rescue Operations**

1. The list of coordination centers of the civil aviation search and rescue (RCC) of the parties for the enforcement of the present agreement shall be hereto appended.
2. Each party shall inform the other parties as soon as possible, through its competent authorities, about any change pertaining to its RCC.

## **Article 7; Conduct of the search and rescue operations**

1. The search and rescue operations referred-to in the present agreement shall be carried-out in accordance with the Chicago Convention of November 7<sup>th</sup>, 1944.
2. The IAMSAR manual shall comprize supplementary guidelines for the implementation of the present agreement.

3. The parties shall carry-out civil aviation search and rescue operations referred-to in the present agreement according to the following modalities.
  - a. SAR operation carried-out in compliance to the present agreement in the F.I.R of another party shall be achieved in accordance with the laws and regulations of the said party;
  - b. If the S.A.R body of a party is informed about an aircraft (a person) being in distress, the party concerned shall take the appropriate action so that that aircraft(or person)receive the requisite assistance;
  - c. Any party tending to believe that an aircraft finds itself an emergency situation in the area of the other party, shall convey as soon as possible all the information in their possession to the party concerned;
  - d. The S.A.R body and/or the RCC of the party that has received information pertaining to a situation referred-to by sub-section b) to the present agreement may request from the other parties;
  - e. The party to whom a request for assistance has been made ,shall brief the requesting party while specifying the extent and conditions for aid which they can provide;
  - f. The parties shall make sure that an assistance be provided to any aircraft in distress and to the survivors without taking account any of their nationality, their status ,nor the circumstances having caused such a distress;
  - g. Any party shall provide to the consular or diplomatic authorities any/all relevant information pertaining to the search and rescue of the aircraft.

**Article 8: Request for permission to enter the territory of the other party to carry-out S.A.R operations**

1. The party requesting permission to enter the area of jurisdiction of one or several parties for purposes of SAR (including for supplies) shall have their request sent to a SAR body and/or to the RCC of the party or parties concerned.
2. The party that request must acknowledge receipt thereof and inform the other, through its RCC, about their decision to grant them permission or not, to enter their territory (in their area of jurisdiction) and the conditions under which the mission, can, otherwise be undertaken.
3. The party that receives that request, as well as, any party for whom a transit authorization is required to cross their territory, shall apply, pursuant with its legislation and international obligations ,the border crossing formalities that are the speediest possible.

**Article 9; Cooperation between the Parties**

1. The Parties shall strengthen their mutual cooperation in the fields pertaining to the present agreement
2. The parties shall exchange information that might ease the fluidity and efficiency of the SAR operations. This may concern the following information:
  - a. Information pertaining to communication;
  - b. Intelligence pertaining to search and rescue facilities;
  - c. Lists of airstrips available ,specifying their capacity in terms of supplies and re-supplies;

- d. Intelligence in supply and the re-supply facilities and medical services;
  - e. Useful information in SAR staff training.
3. The parties shall enhance mutual cooperation in the field of SAR by giving the required attention to the taking of concerted measures that may include, inter alia:
- a. The exchange of experience;
  - b. The exchange of analytical studies, forecasts, meteorological and real time oceanographic warnings and observations;
  - c. The organization of exchange visits between the staff of SAR
  - d. The convening of joint SAR training and drill exercises;
  - e. The pooling of information systems, of methods, techniques, equipment and facilities pertaining to SAR;
  - f. The provision of support services to back-up SAR operations
  - g. The exchange of national points of view on SAR matters of common interest which fall into the ambit of this agreement
  - h. The support of joint measures in the field of SAR aiming at reducing the search time, at improving the efficiency of rescues and at mitigating(minimizing)the risks for SAR staff, as well as the implementation of such action;
  - i. The achievement of regular checks and exercises in the field of communications, including for the use of other means of communication, to cope with communication overloads during broad extent SAR operations.
4. When carrying out joint drill exercises, the parties, shall, inasmuch as possible apply the principles of the present agreement.

#### **Article 10: Meeting of the parties**

The parties shall meet on a regular basis to consider and settle any issue hinging on practical cooperation. During such meetings, they shall have to consider the followings issues:

- a. Reciprocal experts visits in the field of SAR;
- b. The achievement of joint SAR training and drill exercises;
- c. The possible participation, as observers , of SAR experts in any drill or exercise organized in the other party;
- d. The drawing-up of proposals aiming at strengthening the cooperation encapsulated into the present agreement;
- e. The drawing-up , the development and utilization of communication systems;
- f. The mechanisms of consideration, and if need be, of enhancement of application of the international guidelines to the SAR issues in the EUR-SAM Corridor;
- g. The consideration of the relevant guidelines on meteorological services in the EUR-SAM Corridor

#### **Article 11: Joint consideration of SAR operations**

Following a broad-extended SAR operation, the SAR bodies of the parties may carry-out a joint examination of such operation; such an examination shall be carried-out by the party that coordinated the operation.

## **Article 12: Funding**

1. Except if otherwise agreed upon, each and everyone of the parties shall foot the bill of expenses entailed by the implementation of the present agreement.
2. The implementation of the present agreement shall be predicated upon the availability of the required financial resource.

## **Article 13: Amendments**

1. The present agreement may be amended in writing by all parties.
2. Any amendment shall enter into force ninety (90) days after the date at which the repository has received, via diplomatic channels, the latest notification in writing, informing them that the parties have accomplished the domestic formalities required for its entry into force.

## **Article 14: Relationships with other agreements**

The provisions to the present agreement shall have no impact on the rights and obligations of the parties pursuant with other agreements concluded between them and that are in force at the date of entry of the present agreement.

## **Article 15: Dispute settlement**

The parties shall settle any dispute pertaining to the application or interpretation of the present agreement by direct negotiations.

## **Article 16: Third Parties**

Any party to the present agreement ,may, if need be, and in accordance with the prevailing international agreements ,request the cooperation of other states that are not party to the present agreement and that might be in a position to contribute in the SAR operations.

## **Article 17: Provisional Application, Entry into force and withdrawal**

1. The present agreement may be applied on a provisional basis by any signatory that conveys to the repository a written declaration stating its intents to that effect. Such a signatory shall apply the present agreement on a provisional basis starting from the date of their declaration or any other date indicated in such a declaration.
2. The present agreement shall enter into force thirty (30) days after the date at which the repository shall have received by diplomatic channels the latest notification, in writing, indicating that the parties have accomplished the domestic formalities required for its entry into force.
3. Any party may withdraw at any moment, from the present agreement by sending to the repository by diplomatic channels and at least six (6) months before, a notification in writing specifying the actual date of withdrawal. The fact that one

party to this agreement withdraws shall have no impact in the application of the present agreement with respect to the other parties.

**Article 18: Repository**

The government of Senegal shall be the repository to the present agreement

Done in Dakar, this 24<sup>th</sup> day of the month of July, of the year 2014

In English, French and Spanish, each text being of equal validity. The working language shall be English, language into which the present agreement has been negotiated.

# **APPENDIX**

## Competent Authorities

- Spain : Ministry of Defense
- Brazil : Ministry of Defense
- Cabo-Verde : Ministry of Infrastructural and Transports
- Senegal : Ministry of Tourism and Air-Transport, Authority in charge of Civil Aviation

## Bodies in charge of SAR

- Spain : Spanish Air Force
- Brazil : Brazilian Armed Forces(Commando da Aeronautica)
- Cabo-Verde : Coast Guard
- Senegal : Senegalese Air Force

## Rescue Coordination Centers

- Spain : RCC CANARIAS
- Brazil : RCC ATLANTICO/RCC RECIFE
- Cabo-Verde : RCC SAL
- Senegal : RCC DAKAR