



International Civil Aviation Organization

MIDANPIRG/17 and RASG-MID/7 Meeting

(Cairo, Egypt, 15 – 18 April 2019)

Agenda Item 5.1: Regional Performance Framework for Safety

MENA RSOO

(Presented by the Secretariat)

SUMMARY

This paper presents the progress made related to the establishment of MENA RSOO.

Action by the meeting is at paragraph 3.

REFERENCES

- DGCA-MID/4 Report
- First MENA RSOO Steering Committee Report
- MENA RSOO Technical Meeting Report
- MID-SST/5 Report
- RASG-MID/6 Report

1. INTRODUCTION

1.1 The establishment of MENA RSOO is one of the initiatives, which is coordinated with the Arab Civil Aviation Organization (ACAO) under the framework of the RASG-MID, particularly the Safety Enhancement Initiative (SEI) *“Improve the status of implementation of State Safety Programme (SSP) and Safety Management System (SMS) in the MID Region”*.

1.2 The primary objective of MENA RSOO is to assist its Member States to develop and implement State Safety Programme (SSP). The MENA RSOO would also, on the demand of individual States, provide assistance to improve States’ safety oversight capabilities. The RSOO should perform its duties and functions within the framework of the GASP and should be fully aligned with the RASGs’ priorities and objectives.

1.3 Saudi Arabia has confirmed its commitment to support the establishment of the MENA RSOO by hosting the RSOO and providing financial and in-kind support to expedite its establishment in many occasions including the ACAO General Assembly (GA/23, Jeddah, 18-19 May 2016, Saudi Arabia) and (GA/24) held in Rabat, 9-10 May 2018, and the Third MID Region Safety Summit and the High-Level Briefing to DGCA and CEOs (24 -26 May 2016, Doha, Qatar).

1.4 During the Global Ministerial Aviation Summit (Riyadh, Saudi Arabia, 29 - 31 August 2016), Saudi Arabia re-confirmed the offer to host the MENA RSOO and provide financial and technical support for the first 2 years of operations (two Safety Experts and one Administrative employee in addition to the premises). Accordingly, the Summit agreed to the following Recommendation:

MENA RSOO Recommendation

States and Stakeholders are encouraged to:

- a) support the expeditious establishment of the MENA RSOO; and*
- b) provide voluntary cash and/or in-kind contribution (seconded personnel, etc.)*

1.5 The DGCA-MID/4 meeting (Muscat, Oman, 17-19 October 2017), supported the proposals of Saudi Arabia, which were made during the RASG-MID/6 meeting and were supported by Bahrain, Kuwait and UAE; and agreed to the following Conclusion:

CONCLUSION 4/5 – ESTABLISHMENT PROCESS OF THE MENA RSOO

That:

- a) the MENA RSOO be governed by a Steering Committee composed of the MENA RSOO member States (both ICAO and ACAC will be part of the Steering Committee);*
- b) the Steering Committee decides on all the details related to the establishment and operation of the MENA RSOO (organization, funding, etc.); and*
- c) Saudi Arabia (the host State) is invited to organize the first meeting of the MENA RSOO Steering Committee as soon as possible*

2. DISCUSSION

2.1 The First MENA RSOO Steering Committee (DGs Level) was held on 1 October 2018, in Riyadh, Saudi Arabia, back-to-back with the Fourth MID Region Safety Summit (2-3 October 2018), which was hosted by the General Authority of Civil Aviation (GACA) including a visit to the MENA RSOO premises.

2.2 The Revised Letter of Intent (LoI) was signed by 15 States (Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Saudi Arabia, Somalia, Sudan, UAE and Yemen). This Letter of Intent represents a clear statement by those States that are committed to the establishment of the MENA RSOO and be a member State of the MENA RSOO. An action plan for the establishment of the MENA RSOO was included in the signed LOI leading to:

- a) signing the Memorandum of Agreement (MOA) for the MENA RSOO as a legal entity; and
- b) signing the MENA RSOO Project Document to enable recruitment of the MENA RSOO staff and start operation, subject to availability of funds.

2.3 In accordance with the action plan for the establishment of the MENA RSOO, the draft MOA and Project Document were circulated to States for review and feedback. Accordingly, the First MENA RSOO Technical meeting was held at the MENA RSOO premises (Riyadh, Saudi Arabia, 2-4 February 2019) with the objective to review and finalize the draft MOA and Project Document. The

meeting came up with a set of Recommendations to be presented to the Second MENA RSOO Steering Committee meeting, which is tentatively planned to be held in Rabat, Morocco concurrently with the ACAO Executive Council and General Assembly. The Recommendations include two proposed phases in order to expedite the establishment and operations process, as follows:

Phase 1

Initiate the operations of the MENA RSOO based on the MOA to be signed by the member States during the Second MENA RSOO Steering Committee meeting. This phase includes the following actions:

- The MENA RSOO Steering Committee to designate an official from the member States to resume the position of MENA RSOO Manager.
- Saudi Arabia to assign two technical experts and required support staff.

Phase 2

Continue the operations of the MENA RSOO according to one of the following options:

- The mechanism contained in the Project Document prepared by the International Civil Aviation Organization (ICAO), in coordination with the Arab Civil Aviation Organization, which allows for the project to be executed as an ICAO Technical Cooperation Project in accordance with ICAO policies, including recruitment of the experts.
- Any other a mechanism to be decided by MENA RSOO Steering Committee, which should be finalized during Phase 1.

2.4 The meeting may wish to note that the First MENA RSOO Technical Meeting finalized the MOA as at **Appendix A**, which was circulated to the States by ACAO in preparation for signature during the Second MENA RSOO Steering Committee meeting.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) note the progress made in establishing MENA RSOO and support the establishment process;
- b) urge States to support the establishment phases under para 2.3 and the Second MENA RSOO Steering Committee meeting; and
- c) urge States to sign the MOA during the Second MENA RSOO Steering Committee meeting.

APPENDIX A

Memorandum of Agreement

**Regional Safety Oversight Organization for the
Middle East and
North African States
MENA RSOO**

PREAMBLE

NOTING the principles and provisions of the Convention on International Civil Aviation signed in Chicago on 7 December, 1944, and without prejudice to the existing bilateral air services agreements;

WHEREAS Assembly Resolutions A39-12, urges Member States to develop sustainable solutions to fully exercise their safety oversight and air navigation responsibilities which can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and subregional organizations and the expertise of other States;

WHEREAS Assembly Resolutions A39-14,

- urges Member States to develop and further strengthen regional and subregional cooperation in order to promote the highest degree of aviation safety;
- encourages Member States to establish partnerships with other States, industry, financial institutions and other aviation safety partners to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;
- encourages Member States to foster the creation of regional or subregional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including RSOOs

RECOGNIZING that established regional aviation safety groups (RASGs) have the objective of establishing objectives, priorities and indicators and the setting of measurable targets to address safety-related deficiencies in each region while ensuring consistency of action and coordination of efforts;

RECOGNIZING that development and implementation of effective State Safety Programme (SSP) is one of the major challenges facing States;

RECOGNIZING that not all Member States have the requisite human, technical and financial resources to adequately perform safety oversight and ensure development and implementation of effective State Safety Programme (SSP);

ACKNOWLEDGING the recognition given in Annex 19 to RSOOs and their role related to State safety management functions;

WHEREAS the ACAC General Assembly (GA)/16, held in Rabat, Morocco, from 16 to 18 May 2012, agreed by its Decision No. 5, to conduct a study on the establishment of an RSOO for ACAC and ICAO MID States;

WHEREAS the ACAC/ICAO Seminar/Workshop on Regional Safety Oversight Programmes (Rabat, 10-12 December 2012) developed a Strategy for the establishment of RSOO(s);

WHEREAS the ACAC –EC/42, Rabat, Morocco, 17-18 Dec 2012, through Decision No. 4, endorsed the Strategy for the establishment of RSOO(s) for the benefit of the ACAC and ICAO MID States;

WHEREAS the DGCA-MID/2 meeting (Jeddah, 20 - 22 May 2013) endorsed the Strategy and agreed that ICAO supports ACAC in conducting a study on the establishment of RSOO(s) for the ACAC and ICAO MID States;

RECALLING that during the DGCA-MID/3 meeting (Doha, 27-29 April 2015) Nine (9) States signed the Letter of Intent for the establishment of the Regional Safety Oversight Organization for the Middle East and North African States (MENA RSOO);

NOTING with appreciation Saudi Arabia's confirmation to host the MENA RSOO and provide financial and technical support for the first 2 years of operations, which was announced during the DGCA-MID/3, ACAC General Assembly (GA/23, Jeddah, 18-19 May 2016) and Global Ministerial Aviation Summit (Riyadh, Saudi Arabia, 29 - 31 August 2016)

RECALLING the Global Ministerial Aviation Summit (Riyadh, Saudi Arabia, 29 - 31 August 2016) following recommendation:

MENA RSOO Recommendation

- a) *States and Stakeholders are encouraged to support the expeditious establishment of the MENA RSOO; and*
- b) *provide voluntary cash and/or in-kind contribution (seconded personnel, etc.)*

WHEREAS the DGCA-MID/4 meeting (Muscat, Oman, 17-19 October 2017) supported the proposals of Saudi Arabia and agreed to the following Conclusion:

Conclusion 4/5 – Establishment Process of the MENA RSOO

That:

- a) *the MENA RSOO be governed by a Steering Committee composed of the MENA RSOO member States (both ICAO and ACAC will be part of the Steering Committee);*
- b) *the Steering Committee decides on all the details related to the establishment and operation of the MENA RSOO (organization, funding, etc.); and*
- c) *Saudi Arabia (the host State) is invited to organize the first meeting of the MENA RSOO Steering Committee as soon as possible*

RECALLING that during the ACAO General Assembly (GA/24) meeting (Rabat, Morocco, 9-10 May 2018), Saudi Arabia re-confirmed its commitment to support the establishment of the MENA RSOO by hosting the RSOO and providing financial and in-kind support to expedite its establishment.

RECOGNIZING that the MENA RSOO would be an effective means of rectifying safety deficiencies and strengthening safety oversight capabilities, in an effective, cooperative and sustainable manner, by way of shared resources, objectives, strategies and activities;

RECOGNIZING that the establishment of the MENA RSOO would result in effective implementation of State Safety Programmes (SSP) and enhanced safety oversight capabilities and compliance with international requirements; and

RECALLING that the proposals of the study on the establishment of an RSOO for the MENA States called, inter alia, for States that committed to the establishment of MENA RSOO to sign a Letter of Intent (LOI) and thereafter, the MENA RSOO shall be established on the basis of a Memorandum of Agreement (MOA) that would be binding on all its signatories and would give the MENA RSOO legal personality.

NOW THEREFORE the member States of MENA RSOO as signed in appendix n°1

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Definitions

Agreement means this Memorandum of Agreement (MOA) and any Appendix, Annex or Amendment hereto;

MENA RSOO means Regional Safety Oversight Organization for the Middle East and North African States;

Member States means the Member States of MENA RSOO as signatory to this Memorandum of Agreement (MOA). Member States will be from both ACAO Area and ICAO Middle East Region;

MENA RSOO Steering Committee means the Steering Committee of the MENA RSOO as the governing body;

Directors General means the Heads of Civil Aviation Administrations of Member States;

ICAO means the International Civil Aviation Organization; and

ACAO means the Arab Civil Aviation Organization;

ARTICLE 2

Establishment of the MENA RSOO

- (1) The Member States hereby establish the MENA RSOO.
- (2) The MENA RSOO is established on the basis of this Agreement which is binding on all its signatories and gives the MENA RSOO legal personality.

ARTICLE 3

Scope

This Agreement governs the co-operation of MENA RSOO Member States in the area of civil aviation safety management and oversight.

ARTICLE 4

Objectives

- (1) The primary objective of the MENA RSOO is to support the development and implementation of the State Safety Programme (SSP) by the member States, and to enhance States' safety oversight capabilities in order to achieve the GASP objectives, regional priorities and targets and improve compliance with international safety requirements.
- (2) The MENA RSOO will support the goals of the Assembly Resolution A39-12 "*ICAO Global Planning for Safety and Air Navigation*".
- (3) The objectives can be revised by decision of the steering committee.

ARTICLE 5

Functions

- (1) development of the business plan and a financial plan to support the operations of the MENA RSOO;
- (2) development and implementation of the MENA RSOO annual work programme/plan;
- (3) the MENA RSOO will have an advisory/consultative mandate, under which member States may hold it accountable for the performance of certain tasks and functions, whilst retaining their sovereign responsibilities;
- (4) the MENA RSOO will carry out a range of activities to support the implementation of SSP. ;
- (5) with respect to safety oversight, the MENA RSOO will carry out tasks and functions in the area of PEL, OPS, AIR, AGA and ANS;
- (6) safety oversight activities of the MENA RSOO should include harmonization of regulations, development of guidance materials, the conduct of audits and inspections, training and consultancies, as requested/agreed by States,;
- (7) The MENA RSOO will perform its duties and functions within the framework of the GASP and should be aligned with the RASGs' priorities and objectives in coordination with ICAO; and
- (8) Perform any other duties as signed by the Steering Committee.

ARTICLE 6
Composition

The MENA RSOO shall consist of:

- (a) the MENA RSOO Steering Committee;
- (b) the MENA RSOO Manager;
- (c) Technical and support Staff; and
- (d) such other bodies and officers, as approved by the MENA RSOO Steering Committee.

ARTICLE 7
Composition of the MENA RSOO Steering Committee

- (1) The MENA RSOO Steering Committee shall be the governing body of the MENA RSOO.
- (2) The MENA RSOO Steering Committee is composed of:
 - a) MENA RSOO Member States: Directors General of Civil Aviation of the Member States, or their designated representatives;
 - b) ICAO: Regional Director, Middle East Office, Director, Technical Cooperation Bureau (TCB), and Chief of Programmes Coordination and Implementation Section (ANB/PCI) or their representatives (Observers);
 - c) ACAO: Director General or his/her representative (Observers);
 - d) MENA RSOO Manager, who will act also as the Secretary of the Steering Committee meetings; and
 - e) Representatives from observers States, agencies, organizations and industry with an interest in aviation safety issues in the MENA Region, as Observers.

ARTICLE 8
Functions of the MENA RSOO Steering Committee

- (1) The MENA RSOO Steering Committee shall meet at least once a year at a venue and time agreed upon by the Steering Committee Members.
- (2) MENA RSOO Steering Committee shall include, but not limited to, the following:
 - (a) Elect a Chairperson for a cycle of three years unless re-elected; who will be

responsible to execute the work plan of the MENA RSOO.

- (b) Review the Programme performance; and
- (c) Review and approval of the:
 - strategic objectives of the MENA RSOO;
 - annual work plan of the MENA RSOO;
 - annual budget; and
 - annual financial contribution of member States (contributions in-kind from Member States may also be taken into account for offsetting their annual financial contribution).
- (d) Delegate the authority to the Chairperson to act on its behalf the decisions on hiring of the MENA RSOO Manager and full time experts in addition to other duties, as delegated by the Steering Committee;
- (e) Delegate the authority to the Chairperson to sign on behalf of MENA RSOO, the Legal, Administrative and Financial documentation;
- (f) Formulate policies and assign priorities of the MENA RSOO;
- (g) Review and update the MENA RSOO Steering Committee's terms of reference as deemed necessary.

ARTICLE 9

Procedures of the MENA RSOO Steering Committee

- (1) The MENA RSOO Steering Committee shall elect from its members a Chairperson and a Vice Chairperson at its first meeting to serve for a period of three years unless re-elected;
- (2) The Chairperson or in the absence of the Chairperson, the Vice Chairperson shall chair all meetings of the MENA RSOO Steering Committee;
- (3) If a Member of the MENA RSOO Steering Committee is unable to attend a meeting of the MENA RSOO Steering Committee, that Member may designate a representative to attend the meeting;
- (4) The designated representative shall, for the purpose of that meeting, have all powers, duties and responsibilities of the member of the MENA RSOO Steering Committee for whom that person is acting, except the duty to act as Chairperson of the meeting;
- (5) The MENA RSOO Steering Committee shall meet at least once every year and may hold extraordinary meetings, as and when necessary;
- (6) Extraordinary meetings of the MENA RSOO Steering Committee shall be convened by the Chairperson when considered necessary.;
- (7) Meetings of the MENA RSOO Steering Committee shall be held at the premises of the MENA RSOO or such other place as the MENA RSOO Steering Committee may decide.

- (8) The quorum for any meeting of the MENA RSOO Steering Committee shall be Fifty Percent of the members of the MENA RSOO Steering Committee.
- (9) Each Member State is entitled to one vote and the Chairperson shall have a casting vote in the event of a tie in voting;
- (10) Decisions on all matters of the MENA RSOO Steering Committee shall be made by consensus or a simple majority of the Members present and voting;

Article 10

Chairperson of MENA RSOO Steering Committee

- (1) The Chairperson acts as the contact point and coordinator on behalf of the Steering Committee to oversee the Programme, including;
 - (a) Chair Steering Committee meetings; and
 - (b) Act on behalf of the Steering Committee to:
 - decide on hiring of the MENA RSOO Manager and experts;
 - supervise the Programme;
 - monitor the implementation of the work plan; and
 - perform other duties as delegated by the Steering Committee.
- (2) Review plans submitted by the MENA RSOO Manager;
- (3) Oversee the activities of the MENA RSOO and monitor the financial performance in line with the plans and approved budgets;

Article 11

The MENA RSOO Manager

- (1) The MENA RSOO Manager shall be appointed by the MENA RSOO Steering Committee on such terms and conditions as the MENA RSOO Steering Committee may determine.
 - (a) a person appointed as the MENA RSOO Manager shall hold Office for a period of three years renewable;
- (2) The MENA RSOO Manager shall:
 - (a) work under the supervision of the Chairperson of MENA RSOO Steering Committee;
 - (b) act as the Secretary of the MENA RSOO Steering Committee meetings;
 - (c) develop the business plan and financial plan to support the operations of the MENA RSOO;
 - (d) develop the annual work plan as directed by the Steering Committee and ensure its management and implementation;
 - (e) report to the Chairperson of MENA RSOO Steering Committee on all matters including technical and operational;

- (f) present periodic performance reports to the MENA RSOO Steering Committee meeting; and
- (g) monitor and follow-up the implementation of the RASGs Conclusions and Decisions relevant to the MENA RSOO;

ARTICLE 12

The Secretariat

The MENA RSOO shall consist of a Secretariat, consisting of one full time Manager and other technical experts covering the areas of PEL, OPS, AIR, AGA and ANS, along with support staff as needed.

ARTICLE 13

Composition and Staff of the MENA RSOO

- (1) The staff composition of the MENA RSOO shall include the MENA RSOO Manager, and any other staff as may be approved by the Chairperson of MENA RSOO Steering Committee.
- (2) Technical personnel seconded by the member States and consultants recruited on short-long term contracts will complement the RSOO's full-time staff, when and if required.
- (3) Seconded personnel will be considered as officials of the MENA RSOO during the period of performance of functions on behalf of the MENA RSOO.

ARTICLE 14

Role of the Member States

The Member States shall:

- (1) adhere to their financial obligations to the MENA RSOO; and provide annual contributions according to the funding mechanism endorsed by the Steering Committee;
- (2) support development and implementation of the MENA RSOO work plan;
- (3) participate in the meetings of the Steering Committee as Member States with the right to vote;
- (4) consider providing in-kind contributions, .
- (5) participate in activities of the MENA RSOO aimed at assisting other Member States;

ARTICLE 15

Financial provisions

- (1) The funds of the MENA RSOO shall be derived from:
 - (a) contributions by the Member States;
 - (b) revenue generated by MENA RSOO through charges and levies;
 - (c) Services provided on an on-demand basis would be funded on the basis of fees charged to the recipient State;
 - (d) revenue from the activities of the MENA RSOO;
 - (e) grants and donations from regional and international bodies; funding agencies and donor States; and
 - (f) any other source as may be approved by the MENA RSOO Steering Committee.
- (2) The MENA RSOO Steering Committee shall define the funding mechanism to support the establishment and operations of the MENA RSOO.
- (3) The MENA RSOO Manager shall within 6 months before the commencement of each financial year prepare and submit to the MENA RSOO Steering Committee for its approval an annual programme of activities and estimates of expenditure and income for the MENA RSOO.
- (4) Where estimates of expenditure are required to be funded in whole or in part by contributions from Member States, the MENA RSOO Steering Committee shall determine the formula for contributions to be made by Member States to the approved Budget.
- (5) The MENA RSOO may with the approval of the MENA RSOO Steering Committee receive grants required for meeting its obligations and for carrying out its functions.
- (6) The MENA RSOO shall keep proper books of account of all its income and expenditure and proper records in relation to them.
- (7) The budget and accounts of the MENA RSOO shall be kept and maintained in United States Dollars and any other suitable currency and the local currency of the Host State.
- (8) The financial year of the MENA RSOO shall run from ¹ 1st January to 31st December of each year.

ARTICLE 16

Neutrality of Personnel

A person assigned to the MENA RSOO or employed by the MENA RSOO shall neither request nor accept instructions in relation to the performance of his or her duties from any other person or authority outside of the instructions of the MENA RSOO.

ARTICLE 17

Privileges and immunities

- (1) The MENA RSOO shall enter into an agreement with the host State relating to the privileges and immunities to be accorded to the MENA RSOO and its personnel.
- (2) Member States shall accord the MENA RSOO and its personnel such privileges and immunities as may be necessary for the fulfillment of its objectives and the exercise of its functions.

ARTICLE 18

Settlement of Dispute

- (1) Any dispute arising between members States relating to the interpretation or application of this Agreement, shall in the first instance be settled by negotiation.
- (2) If the parties concerned fail to reach a settlement of the dispute by negotiation within 60 days, the MENA RSOO Steering Committee shall decide on the next steps.

ARTICLE 19

Denunciation

- (1) Any Member State that wish to withdraw from this Agreement, shall make this in writing to the Chairperson. The withdrawal shall take effect one year after the date of receipt of the formal notification or intention to withdraw from this Agreement. The withdrawal shall be without prejudice to any obligation incurred by the withdrawing Member State under this Agreement prior to such withdrawal. This Agreement shall continue to be in force thereafter with respect to the other Parties

ARTICLE 20

Amendment of the Agreement

- (1) The Agreement may be amended by the agreement of the Member States as followed:
 - (a) Any Member State or the MENA RSOO Steering Committee may submit proposals for the amendment of this Agreement.

- (b) Any proposal for amendment shall be submitted in writing to the Chairperson who shall, within (30) days of its receipt, communicate the proposed amendment to the Member States.
- (c) The Member States that wish to comment on the proposal shall do so within ninety (90) days from the date of dispatch of the proposal by the Chairperson.
- (d) Any amendment to this Agreement shall be valid only when adopted by the MENA RSOO Steering Committee and shall enter into force when signed

ARTICLE 21

Entry into force

This Agreement shall enter into force upon signature of minimum Five Member States.

Signatures:

State	Name	Title	Signature	Date
Saudi Arabia				

-END-