



الهيئة العربية للطيران المدني

ورقة عمل 3

الاجتماع التحضيري للجنة قيادة مشروع إنشاء وحدة إقليمية لمراقبة السلامة الجوية الرباط، المملكة المغربية 18 و 19 أبريل 2017

البند الثاني: الإطار القانوني والمالي لإنشاء الوحدة RSOO-MENA

الإطار القانوني

(مقدمة من الإدارة العامة للهيئة)

ملخص	
تعرض هذه الورقة مسودة اتفاقية الإنشاء الوحدة الإقليمية لمراقبة السلامة الجوية بمنطقة الشرق الأوسط RSOO-MENA.	
الإجراء المطلوب من هذا الاجتماع مبيّن في الفقرة 3.	
المرفق -1-	مسودة اتفاقية إنشاء الوحدة الإقليمية لمراقبة السلامة الجوية بمنطقة الشرق الأوسط RSOO-MENA

1- المقدمة

تحتوي الوثيقة المرفق الصورة باللغة الإنجليزية لمسودة اتفاقية إنشاء الوحدة الإقليمية لمراقبة السلامة الجوية بمنطقة الشرق الأوسط RSOO-MENA والتي ستعد فرع من الهيئة العربية للطيران المدني

2 - المطلوب:

دعوة الحضور إلى ما يلي:

1.4. الأخذ علما بما جاء بمسودة اتفاقية إنشاء الوحدة الإقليمية لمراقبة السلامة الجوية بمنطقة الشرق

الأوسط RSOO-MENA قصد دراستها وتحيينها.

2.2. الموافقة على عرض المسودة المحيئة على لجنة السلامة الجوية خلال اجتماعها رقم 38.

DRAFT - CHARTER

ESTABLISHING

THE MENA Regional SAFETY Oversight ORGANISATION

(MENA RSOO)

April 2017

PREAMBLE

We, the representatives of the Governments of:

The Hashemite Kingdom of Jordan

The State of the United Arab Emirates

The Kingdom of Bahrain

The Tunisian Republic

The Republic of Djibouti

The People's Democratic Republic of Algeria

The Republic of Sudan

The Federal Republic of Somalia

The Republic of Iraq

The State of Palestine

The State of Qatar

The State of Kuwait

The Republic of Lebanon

The State of Libya

The Arab Republic of Egypt

The Kingdom of Morocco

The Islamic Republic of Mauritania

The Sultanate of Oman

The Kingdom of Saudi Arabia

The Syrian Arab Republic

The Yemen Republic

RECOGNISING that the ACAC Treaty provides for the involvement of the people of the ACAC Region and key stakeholders in the process of regional integration

IN PURSUANCE of enhancing the safety of International Civil Aviation throughout the ACAC Region;

ACKNOWLEDGING that the Principle of Subsidiarity, as approved by _____, _____, is cost-effective and promotes accountability and sustainability;

FURTHER ACKNOWLEDGING that there is a need to establish an organisation to deal with regional civil aviation safety oversight under the Principle of Subsidiarity;

HAVE AGREED as follows:

ARTICLE 1 DEFINITIONS AND ABBREVIATIONS

1.1 Definitions

The following words used in this document, unless the context otherwise requires, shall have the following meanings:

“Directors General” means the Heads of the Civil Aviation regulatory authorities of ACAC Member States or the equivalent thereof;

“Executive Director” means the Head of the MENA RSOO Secretariat;

“Inspector” means a person employed by a State Civil Aviation Authority with responsibility, under his or her discipline, for ensuring that air operators and aviation organizations comply with aviation safety and security requirements and are properly certificated, that aviation personnel are properly licensed, that aircraft are airworthy, that the facilities and equipment surrounding aircraft and air operations are safe, and that personnel maintaining or operating aircraft conduct their duties safely in accordance with national regulatory standards.

“Members of MENA RSOO” means the ACAC Member States that are signatory to this Charter;

"Member State" means a member of the ACAC;

“subsidiarity organisation” means an organisation approved to operate under the Principle of Subsidiarity in accordance with the ACAC Guidelines and Procedures on Subsidiarity as approved by the _____;

"Treaty" means the Treaty establishing the ACAC, as amended;

"Tribunal" means the Tribunal established by Article 9 of the Treaty; and

“Principle of Subsidiarity” means the Principle of Subsidiarity approved by _____.

1.2 Abbreviations

The following abbreviations used in this document, unless the context otherwise requires, shall have the following definitions:

“ICAO” means International Civil Aviation Organization;

“ICAO SARPs” means ICAO Standards and Recommended Practices as contained in the Annexes to the Convention on International Civil Aviation, 1944;

“ACAC” means Arab Civil Aviation Commission; and

“MENA RSOO” means MENA Regional Safety Oversight Organization.

ARTICLE 2 SCOPE

This Charter shall govern the co-operation of ACAC Member States in the area of civil aviation safety oversight.

ARTICLE 3 OBJECTIVE OF THE CHARTER

The objective of the Charter is to provide a legal and institutional framework for the establishment of MENA RSOO.

ARTICLE 4 ESTABLISHMENT OF MENA RSOO

- 4.1 The Member States hereby establish the ACAC Aviation Safety Organization (MENA RSOO) as an international organisation.
- 4.2 MENA RSOO shall exist as a Subsidiarity Organisation within ACAC and shall be a legal entity operating within the Laws of [Hosting State].
- 4.3 The role of the MENA RSOO shall be to enhance the safety of civil aviation by assisting member States to develop and implement SSP, resolving safety oversight deficiencies, and thereby achieving compliance with international requirements
- 4.4 MENA RSOO is established as an autonomous and self-accounting organisation of the ACAC Member States.
- 4.5 MENA RSOO shall possess legal personality and in particular, have full capacity to:
- (i) enter into contracts;*
 - (ii) acquire or dispose of movable and immovable property; and*
 - (iii) sue and be sued in its own name.*
- 4.6 The MENA RSOO shall have its own logotype and seal.

ARTICLE 5 LOCATION OF MENA RSOO

The MENA RSOO Secretariat is to be hosted by Kingdom Saudi Arabia (KSA)

ARTICLE 6 OBJECTIVES OF MENA RSOO

The objectives shall be to:

- (i) Assist Member States in meeting their safety oversight obligations and responsibilities under the Chicago Convention, its Annexes and other safety-related procedures and practices
- (ii) Assist member States to develop and implement SSP
- (iii) Promote the safe and efficient use and development of civil aviation within and outside the Member States;
- (iv) Perform its duties and functions within the framework of the GASP and should be fully aligned with the RASGs' priorities and objectives
- (v) Promote the implementation of industry best practices within the Member States;
- (vi) Advisory/consultative mandate
- (vii) Harmonize regulations, develop guidance materials, conduct audits and inspections, training and consultancies
- (viii) Make regular reports on the status of its activities to the ACAC Safety Committee and the RASGs

ARTICLE 7 FUNCTIONS OF MENA RSOO

The functions of the MENA RSOO shall be to:

- (i) support Members of MENA RSOO to strengthen their institutional frameworks in aviation safety and to assist in the development of a harmonized regulatory regime for the Member States;
- (ii) provide the Members of MENA RSOO States with a focal point that deals with issues relating to certification and surveillance with a view to harmonize and standardize all related policies and procedures;
- (iii) provide for the expansion of the Government Safety Inspector (GSI) training programme with the aim of augmenting national inspectors' technical knowledge and qualifications;
- (iv) develop and implement a regional training programme for the purpose of enhancing the technical and other required skills and knowledge of civil aviation personnel in the Members of MENA RSOO States;
- (v) perform certification and surveillance tasks on behalf of Members of MENA RSOO's CAAs as required;

- (vi) participate, on behalf of all Members of MENA RSOO States, irrespective of the status of their safety oversight capability, in all initial certification exercises for the purpose of monitoring and ensuring the uniform application of common standards within the ACAC Region;
- (vii) co-ordinate civil aviation safety oversight activities amongst Members of MENA RSOO;
- (viii) liaise with ICAO and Members of MENA RSOO to ensure that the aviation safety oversight activities of the Members of MENA RSOO are in line with ICAO objectives and plans;
- (ix) monitor and provide inputs to Members of MENA RSOO on the formulation of ICAO SARPs;
- (x) evaluate the status of aviation safety in the Members of MENA RSOO through the conduct of aviation safety audits and other quality assurance activities;
- (xi) provide information to the Members of MENA RSOO and recommend necessary interventions or corrective measures for the resolution of constraints or deficiencies;
- (xii) assist the Members of MENA RSOO to meet or comply with ICAO SARPs and national standards and/or regulations in force;
- (xiii) carry out tasks and functions in the area of personnel licensing (PEL), flight Operations (OPS), Airworthiness (AIR), Aerodromes (AGA), and Air Navigation Services (ANS).
- (xiv) plan and facilitate the sharing between Members of MENA RSOO States of technical expertise and facilities in civil aviation;
- (xv) provide advisory services and assistance as the Members of MENA RSOO States may require;
- (xvi) provide technical assistance to non-Members of MENA RSOO, subject to the approval of the ACAC GA;
- (xvii) mobilize and solicit technical and financial resources from external sources;
- (xviii) assist aviation industry in the Members of MENA RSOO States in the development and implementation of Safety Management Systems (SMS);
- (xix) establish and maintain relations with other regional safety oversight systems including Regional Safety Oversight Organizations (RSOOs) in all areas of civil aviation to facilitate the transfer of knowledge and expertise and adoption of best industry practices;
- (xx) develop and implement programmes which will best benefit the ACAC Region;

- (xxvi) develop and implement a Regional Safety Programme including safety reporting systems and assist Members of MENA RSOO States in developing their State Safety Programs within the ICAO framework; and
- (xxvii) perform other duties that may be necessary for the proper implementation of its regional civil aviation safety oversight functions.

ARTICLE 8 RELATIONSHIP WITH THE ACAC GENERAL DIRECTION

- 8.1 ACAC Secretariat shall provide overall strategic policy guidance to MENA RSOO in order to ensure that the MENA RSOO objectives, functions and priorities are consistent with the ACAC mandate on civil aviation safety and security matters.
- 8.2 MENA RSOO shall enter into a Memorandum of Understanding with the ACAC Secretariat to operationalize their mutual working relationship.

ARTICLE 9 GRANTING OF DIPLOMATIC STATUS

Each Member of MENA RSOO may accord MENA RSOO, its property and Staff diplomatic status, privileges, immunities and facilities in accordance with its own laws.

ARTICLE 10 INSTITUTIONAL ARRANGEMENTS

The principal institutions responsible for the direction and implementation of this Charter shall be:

- (i) Ministers responsible for civil aviation;
- (ii) ACAC; and
- (iii) the MENA RSOO Secretariat.

ARTICLE 11 GENERAL ASSEMBLY OF ACAC

The **GENERAL ASSEMBLY OF ACAC** shall be responsible for the approval of:

- (i) policies, strategies and programmes of MENA RSOO;
- (ii) MENA RSOO Annual Reports;

- (iii) proposals for amendments to the Charter;
- (iv) annual budget of the MENA RSOO;
- (v) annual audit reports covering operations and finance; and
- (vi) the appointment, renewal or termination of employment service of the Executive Director of the MENA RSOO.
- (vii) review the performance of the Executive Director;
- (viii) approve the organisational structure, staff service rules, policies and procedures for the MENA RSOO;
- (ix) invite the Executive Director to attend and participate in its meetings as and when its necessary;
- (x) consider reports submitted to it by the Executive Director;
- (xi) establish Technical Committees;
- (xii) approve generic civil aviation regulations, manuals and procedures developed by the Technical Committees;
- (xiii) approve the financial structure, strategic plans and budget for the MENA RSOO on an annual basis and recommend a formula for the contributions to be made to the approved budget by the respective Member States;
- (xiv) approve the annual work programmes of the MENA RSOO;
- (xv) approve matters relating to the procurement and disposal of assets of the MENA RSOO, and
- (xvi) perform such other functions that may be necessary for the proper implementation of this Charter.

ARTICLE 12 MENA RSOO SECRETARIAT

- 13.1 There shall be a Secretariat, which shall be responsible for the day-to-day management and technical coordination of the activities of MENA RSOO.
- 13.2 The MENA RSOO Secretariat shall:
- (i) be headed by an Executive Director; and
 - (ii) perform the role of a coordinator, catalyst and facilitator.
- 13.3 The MENA RSOO Secretariat shall consist of the Executive Director and such other staff as may be deemed necessary.
- 13.4 The Executive Director of MENA RSOO shall appoint regional staff of the MENA RSOO Secretariat from Member States subject to approval by the ACAC GA, and all other staff shall be appointed by the Executive Director on the terms and conditions approved by the CAC.

- 13.5 The MENA RSOO Secretariat shall prepare annual plans and budget before the start of each financial year for consideration by the ACAC GA.
- 13.6 The MENA RSOO Secretariat shall compile progress reports on the implementation of MENA RSOO programmes and projects.
- 13.7 The MENA RSOO Secretariat shall prepare consolidated Administrative and Audited Financial Reports for consideration by the ACAC GA.

ARTICLE 13

MENA RSOO EXECUTIVE DIRECTOR

- 14.1 The Executive Director shall be appointed by the ACAC GA upon the recommendation of the ACAC EC.
- 14.2 A person appointed as the Executive Director shall hold office for a period of four (4) years and shall be eligible for re-appointment for another period of not more than four (4) years subject to satisfactory performance.
- 14.3 The Executive Director shall not serve for more than two consecutive terms.
- 14.4 The Executive Director shall be a person:
- (i) with considerable knowledge and experience in aviation, administration, industry or engineering; or
 - (ii) who has such other qualifications and experience or proven ability in other fields as the Committee of Ministers responsible for Civil Aviation upon the recommendation of the ACAC EC may consider relevant.
- 14.5 The position of the Executive Director shall be filled on a competitive basis.
- 14.6 The Executive Director shall be the representative of the MENA RSOO and the principal liaison officer between the Member States and the MENA RSOO.
- 14.7 The Executive Director shall be responsible for the administration of the functions of the MENA RSOO and be accountable to the ACAC GA.
- 14.8 The Executive Director shall have the following duties:
- (i) coordination of work of the Technical Committees and any Working Group that may be established;
 - (ii) exchange of information with the Member States and other relevant agencies;
 - (iii) maintenance of current data and information pertaining to the Civil Aviation Authorities of Member States on aviation organizations,

- aircraft registries, the number, categories and availability of licensed aviation personnel and other relevant matters;
- (iv) development and maintenance of a website for the MENA RSOO;
 - (v) development for consideration by ACAC GA of the organizational policies, staff service rules and procedures;
 - (vi) provision and management of technical support to Member States by the MENA RSOO;
 - (vii) organisation and undertaking of audits at the request of Ministers or as scheduled in the approved work programme for the purpose of assessing compliance with ICAO Standards and Recommended Practices (SARPs);
 - (viii) preparation, for consideration by the ACAC GA, of an annual work programme of activities and budget for the MENA RSOO;
 - (ix) management of the MENA RSOO on sound business and financial principles in accordance with plans and decisions made by ACAC GA;
 - (x) preparation, for consideration by the ACAC GA, of a schedule of fees for services to be provided to non-Members of MENA RSOO;
 - (xi) preparation, at the end of each financial year but no later than 31 March of the following year, of an annual report on the performance of the functions of the MENA RSOO during the preceding year for submission to the ACAC GA;
 - (xii) submission of quarterly reports to the ACAC GA on the activities of the MENA RSOO; and
 - (xiv) running the Authority on sound commercial and financial principles in accordance with the policies and decisions made by the ACAC GA;
 - (xv) controlling the resources of operations of all the services under the MENA RSOO;
 - (xvi) implementation of the decisions of the ACAC GA; and
 - (xvii) performance of any other duty as may be assigned by the ACAC GA.

ARTICLE 14 SOURCES OF FUNDING

MENA RSOO shall derive its income from:

- (i) membership contributions;

- (ii) charging consulting and training fees;
- (iii) grants and donations; and
- (iv) any other source, which the Ministers may deem appropriate.

ARTICLE 15
SETTLEMENT OF DISPUTES

Part A
Disputes between Member States

- 15.1 Any disputes regarding the interpretation and application of this Protocol, its annexures and any of its other subsidiary legal instruments, shall in the first instance be resolved by negotiation and agreement amongst the concerned parties within ninety (90) days of the dispute arising.
- 15.2 If the negotiations referred to in sub-article (1) fail to resolve the dispute under consideration, a complaining party may within 30 days notify the Secretariat of the failure to resolve the dispute.
- 15.3 Upon notification of a dispute to the Secretariat, the complaining party shall pay to the Secretariat such fee as may be prescribed from time to time.
- 15.4 The Secretariat shall upon receiving notification under sub-article (2), facilitate the appointment of an ad hoc committee within thirty (30) days for determination of the dispute.
- 15.5 The ad hoc Committee shall consist of four (4) experts on the relevant matter to be appointed by ACAC GA not being parties to the issue due for consideration.
- 15.6 The ad hoc Committee shall reach a decision, by majority, within sixty (60) days of its appointment.
- 15.7 The decision of the ad hoc Committee shall be referred to ACAC GA for their consideration and decision in terms of sub-article (3).
- 15.8 Any disputes referred to in sub-articles (3) and (4) which cannot be resolved by due and timeous negotiation and decision of ACAC GA, shall be referred within forty-five (45) days of the decision of ACAC GA to the ACAC Tribunal established under Article 16 of the Treaty.
- 15.9 The decision of the Tribunal shall be final and binding.

Part B
Disputes Between Persons, Persons and Members States

- 15.10 Any disputes regarding the interpretation and application of this Protocol, its

annexures and any of its other subsidiary legal instruments, shall in the first instance be resolved by negotiation and agreement amongst the concerned parties within ninety (90) days of the dispute arising.

15.11 If the negotiations referred to in sub-article (1) fail to resolve the dispute under consideration, a complaining party may within thirty (30) days notify the Secretariat of the failure to resolve the dispute.

15.12 Upon notification of a dispute to the Secretariat, the complaining party shall pay to the Secretariat such fee as may be prescribed from time to time.

15.13 The Secretariat shall upon receiving notification under sub-article (2), facilitate the appointment of an ad hoc committee within thirty (30) days for determination of the dispute.

15.14 The ad hoc Committee shall consist of four (4) experts on the relevant matter to be appointed by the ACAC GA not being parties to the issue due for consideration.

15.15 The ad hoc Committee shall reach a decision, by majority, within sixty (60) days of its appointment.

15.16 The decision of the ad hoc Committee shall be referred to the ACAC GA for their consideration and decision in terms of sub-article (3).

15.17 Any disputes referred to in sub-articles (3) and (4) which cannot be resolved by due and timeous negotiation and decision of ACAC GA, shall be referred within forty-five (45) days of the decision of ACAC GA to the ACAC Tribunal established under Article 16 of the Treaty.

15.18 The decision of the Tribunal shall be final and binding.

ARTICLE 16 AMENDMENT OF THIS CHARTER

16.1 A Member of MENA RSOO or the MENA RSOO may propose amendments to this Charter in writing to the Executive Director.

16.2 Upon receipt of such proposal the Executive Director shall duly notify all Members of MENA RSOO of the proposed amendment at least thirty (30) days before consideration of the proposed amendment.

16.3 Amendment to this Charter shall be adopted by ACAC GA.

ARTICLE 17 ENTRY INTO FORCE

- 17.1 This Charter shall enter into force thirty (30) days after signature by five-thirds of the Member States.
- 17.2 This Charter shall remain in force, for as long as there is at least five thirds of the Members of MENA RSOO who remain bound by the provisions of this Charter.

ARTICLE 18 WITHDRAWAL

- 18.1 An MENA RSOO Contracting State may withdraw from this Charter upon the expiry of twelve (12) months from the date of giving a written notice to the Executive Director of MENA RSOO, to that effect.
- 18.2 The Executive Director of MENA RSOO, upon receiving a withdrawal notification, shall inform the Members of MENA RSOO of the intention of that State to withdraw.
- 18.3 An MENA RSOO Contracting State that has given notice to withdraw under Sub-article 18.1 shall cease to enjoy all rights and benefits under this Charter upon the withdrawal becoming effective, but shall be obligated to settle its outstanding obligations under this Charter.

ARTICLE 19 TERMINATION OF MENA RSOO

The MENA RSOO shall terminate in the event that its membership becomes less than five thirds of the total Members of MENA RSOO who remain bound by the provisions of this Charter.

ARTICLE 20 DEPOSITARY

The original text of this Charter and its amendments shall, in the English, French and Arabic languages, be deposited with the Executive Director of MENA RSOO who shall transmit certified copies to all of the Members of MENA RSOO.

ARTICLE 21 SIGNATURE

This Charter shall, after entry into force, remain open for signature by any Member State.

IN WITNESS WHEREOF, WE, the undersigned, being duly authorised representatives of our respective Governments, have signed this Charter.

Done at.....thisday of.....2017 in three (3) original texts, in the English, Arab languages, all texts being equally authentic.

..... Hashemite Kingdom of Jordan	..... State of Qatar
..... The State of the United Arab Emirates	..... The State of Kuwait
..... The Kingdom of Bahrain	..... The Republic of Lebanon
..... Tunisian Republic	..... The State of Libya
..... Republic of Djibouti	..... Arab Republic of Egypt
..... People's Democratic Republic of Algeria	..... Kingdom of Morocco
..... Republic of Sudan	..... Islamic Republic of Mauritania
..... Federal Republic of Somalia	..... Sultanate of Oman
..... Republic of Iraq	..... Kingdom of Saudi Arabia
..... State of Palestine	..... Syrian Arab Republic
..... Yemen Republic	