Working Arrangement

between

The European Aviation Safety Agency

(EASA)

and

The Civil Aviation Agency of Montenegro

(CAA Montenegro)

The European Aviation Safety Agency (EASA) and the Civil Aviation Agency of Montenegro (CAA Montenegro), hereinafter referred to as 'the Parties',

1. Considering the common interest of the Parties to achieve a high uniform level of civil aviation safety and environmental compatibility;

2. Recalling that following the decision of the Directors General of the Member States of the European Civil Aviation Conference at their DGCA/129 meeting (Paris, 19 March 2008) and with the endorsement of the Final Report[1] on the FUJA II, the Joint Aviation Authorities (JAA) were dissolved and the Arrangements concerning the development, the acceptance and the implementation of Joint Aviation Requirements (Cyprus Arrangements) ceased on 30 June 2009;

3. Noting that Regulation (EC) No 216/2008[2] declares that the involvement of European countries not Members of the European Union should be pursued, so as to ensure a proper pan-European dimension, in order to facilitate the improvement of civil aviation safety throughout Europe;

4. Noting that Montenegro is a Party to the Multilateral Agreement on the Establishment of a European Common Aviation Area[3] (hereinafter referred to as 'the ECAA Agreement');

5. Considering that it is desirable to ensure further close cooperation between the Parties in all areas of aviation safety, taking into account the objective of the ECAA Agreement to gradually create a European Common Aviation Area (ECAA) based on, *inter alia,* common rules in the area of aviation safety;

6. Recognising that, pursuant to the ECAA Agreement, Montenegro undertook to apply the legislation of the European Union relating to aviation safety, including Regulation (EC) No 216/2008 and its Implementing Rules, and has therefore been given the opportunity to participate in the work of EASA and to become integrated into the EASA system as established by that Regulation;

7. Desiring to assist CAA Montenegro in fulfilling its obligations stemming from the ECAA Agreement by providing a basis for common interpretation and uniform implementation of the provisions relating to the matters covered by Regulation (EC) No 216/2008 and its Implementing Rules;

8. Noting that, in the context of the ECAA Agreement, Montenegro has accepted the competencies and tasks attributed to EASA in particular in the field of standardisation;

9. Noting that Regulation (EU) No 628/2013[4] provides that, with regard to the States part of the EU neighbourhood and enlargement policy, including notably States Party to the European Common Aviation Area agreement, standardisation inspections should be organised in accordance with the same working methods and in accordance with the same standards as for the Member States;

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[1] http://www.jaa.nl/fuja/Final%20FUJA%20II%20Report.pdf

[2] Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. OJ L 79, 19.3.2008, p. 1, recital 30.

[3] Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (pursuant to UN Security Council Resolution 1244 of 10 June 1999) on the Establishment of a European Common Aviation Area. OJ L 285, 16.10.2006, p. 3.

[4] Commission Implementing Regulation (EU) No 628/2013 of 28 June 2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) No 216/2008. OJ L 179. 29.6.2014, p. 46.

10. Noting that the Working Arrangement on Continuous Monitoring Activities between EASA and the International Civil Aviation Organisation (ICAO) was signed on 30 July 2014[5] (hereinafter referred to as 'EASA-ICAO Working Arrangement') by means of which mutual cooperation in continuous monitoring activities has been ensured so as to avoid duplication of efforts and that, as the competent authority of a Participating State, CAA Montenegro may benefit from the application of this Working Arrangement;

11. Conscious of the need to avoid any gap in their cooperation in aviation safety related matters and building on the existing level of cooperation;

12. Desiring to replace the Working Arrangement[6] concluded between the Parties in Strasbourg on 7 July 2009;

Have agreed to conclude this Working Arrangement as follows:

1. Scope

1.1 This Working Arrangement covers all aspects of the regulation of civil aviation safety and environmental protection of products, parts, appliances, personnel, organisations, aerodromes and related equipment and ATM/ANS and related systems and constituents subject to Regulation (EC) No 216/2008 and its Implementing Rules.

1.2 Through this Working Arrangement, EASA assists CAA Montenegro in the implementation of the provisions of the ECAA Agreement relevant to aviation safety.

2. Definitions

For the purpose of this Working Arrangement the following definitions shall apply:

"certificate" means any approval, licence or other document issued as the result of certification;

"correction" means an action to eliminate a finding of non-conformity with the applicable requirements;

"corrective action" means an action to eliminate the cause of a finding of non-conformity with the applicable requirements in order to prevent recurrence;

"EASA system" means the system established pursuant to Regulation (EC) No 216/2008, as last amended, and its Implementing Rules;

"evidence" means records, statements of fact or other information which are relevant and verifiable;

"finding" means the result of the comparison between the available evidence and the applicable requirements.

[5] http://easa.europa.eu/system/files/dfu/WA%20on%20CMA%20signed.pdf
[6] http://easa.europa.eu/system/files/dfu/WA%20MONTENEGRO.pdf

3. Regulatory cooperation and mutual assistance

3.1 In respect to all areas covered by this Working Arrangement, the Parties will provide each other with technical assistance as they consider appropriate, as well as consultations and exchange of information on new legislation in the area of aviation safety.

3.2 Upon request of either Party, the cooperation between EASA and CAA Montenegro may be developed in the relevant domains of research, the European Strategic Safety Initiative (ESSI) and the European Aviation Safety Programme (EASP).

3.3 EASA will notify CAA Montenegro of any change to the applicable rules set out in Annex 1 to this Working Arrangement and shall assist CAA Montenegro in the understanding of the applicable rules so as to facilitate their adoption and implementation.

3.4 The Parties agree that CAA Montenegro will be under no obligation to automatically adopt or apply the applicable rules set out in Annex 1 to this Working Arrangement and that this process depends on the transitional arrangements specified in Annex V to the ECAA Agreement.

3.5 Any change to the applicable rules referred to in paragraph 3.3 will become effective upon the inclusion of the applicable rule into the Annex I to the ECAA Agreement or the implementation of the applicable rule into the national legislation of Montenegro, whichever comes first.

4. Certification of products, parts, appliances, personnel, organisations, aerodromes and related equipment and ATM/ANS and related systems and constituents

The relevant certification activities of CAA Montenegro will be carried out in accordance with Annex 1, where the applicable rules of that Annex have been implemented by CAA Montenegro.

5. Continuous monitoring and standardisation activities

5.1 CAA Montenegro accepts that the following working methods including two main tools will be used by EASA:

a) Continuous monitoring of the implementation of the applicable rules listed in Annex 1 to this Working Arrangement;

b) Standardisation inspections of CAA Montenegro, including undertakings under the oversight of CAA Montenegro, on the basis of the applicable rules set out in Annex 1 to this Working Arrangement.

5.2 For the purpose of continuous monitoring, CAA Montenegro will provide EASA with all necessary information relevant to its safety oversight, as set out in Regulation (EU) No 628/2013 and according to the relevant User Guides[7] issued for this purpose.

[7] Available on the web platform SIS – Standardisation Information System.

5.3 EASA will provide CAA Montenegro with relevant information to support the uniform implementation of the applicable requirements, as set out in Regulation (EU) No 628/2013.

5.4 For the purpose of conducting standardisation inspections, EASA will use the standardisation methods and principles laid down in Regulation (EU) No 628/2013.

5.5 In preparation of and during standardisation inspections, CAA Montenegro will cooperate with EASA and assist EASA inspection teams in gaining an unimpeded access to its relevant premises, lands or means of transport and to those of any undertakings under its regulatory control.

5.6 Without prejudice to paragraph 5.1 and prior to the commencement of standardisation inspections in a specific area, at the request of CAA Montenegro, EASA may carry out initial assessment, through desk analysis and/or, upon mutual agreement by both Parties, on-site visits, in order to establish whether and to what extent the applicable rules set out in Annex 1 to this Working Arrangement are effectively implemented. For the purpose of carrying out initial assessment, EASA will use the standardisation methods and principles referred to in paragraph 5.4 of this Working Arrangement to the extent possible.

5.7 EASA will provide to CAA Montenegro information regarding the planning and particular areas of standardisation inspections. Such planning information will be provided at the latest by 31 October of the year preceding the year of the planned inspection.

5.8 CAA Montenegro will ensure submission of corrections and corrective action plans in relation to findings raised by EASA within the timeframes set out in Regulation (EU) No 628/2013.

6. Application of EASA-ICAO Working Arrangement

For the purpose of EASA-ICAO Working Arrangement, CAA Montenegro, on behalf of Montenegro, hereby gives its consent to EASA to provide to ICAO information acquired in the course of application of paragraph 5 of this Working Arrangement.

7. Acceptance of certificates

7.1 Where in a given safety area CAA Montenegro has effectively implemented the applicable rules as set out in Annex 1, and this has been confirmed through EASA standardisation, the acceptance of certificates issued by CAA Montenegro or any organisation for which CAA Montenegro ensures safety oversight takes place according to the relevant provisions of the ECAA Agreement.

7.2 Where conditions under paragraph 7.1 are not met, the acceptance of certificates referred to in paragraph 7.1 takes place according to applicable national or EU law or as provided for in international agreements.

7.3 CAA Montenegro accepts and recognises, without further technical requirements or evaluation, certificates issued under the scope of and in accordance with Regulation (EU) No 216/2008.

8. Compliance of certificates

8.1 If either Party has serious doubts about the compliance of a certificate issued by the other Party, it will notify that Party thereof as soon as practicable but not later than 15 working days after doubts about compliance have been raised.

8.2 Following this notification, the notified Party will resolve, without delay, any doubt about the compliance of the certificate concerned and notify the other Party thereof.

8.3 Application of paragraph 8.2 will neither prevent CAA Montenegro or EASA from taking any action it considers appropriate to preserve safety nor will it affect the rights of the Parties provided for in international agreements to which Montenegro or the European Union is a Party.

9. Costs

9.1 Without prejudice to paragraph 9.2, the Parties agree to bear their respective costs incurred from the application of this Working Arrangement.

9.2 The standardisation activities referred to in paragraph 5 of this Working Arrangement will be funded through the relevant EU technical assistance programmes, in accordance with their terms and conditions.

10. Communication and liaison activities

10.1 CAA Montenegro will establish a liaison function with EASA and will assign a Focal Point to facilitate the implementation of this Working Arrangement.

10.2 CAA Montenegro will designate a National Standardisation Coordinator in order to support the implementation of paragraph 5 of this Working Arrangement and will ensure that the responsibilities of the National Standardisation Coordinator correspond to those established under Article 6 of Regulation (EU) No 628/2013.

10.3 CAA Montenegro is entitled to appoint an observer in the Rulemaking Advisory Group and in each of the Thematic Advisory Groups of EASA, so as to be aware of regulatory developments in the EASA system and to contribute to defining priorities and policies for rulemaking. CAA Montenegro is equally entitled to propose experts for participation in rulemaking activities, including working groups.

10.4 CAA Montenegro and EASA will consider the exchange of experts through secondment programmes.

10.5 All communication undertaken in execution of the Working Arrangement will be conducted in the English language.

11. Final Provisions

This Working Arrangement does not affect or limit in any way the rights and obligations stemming from the relevant provisions of the ECAA Agreement.

12. Entry into force, settlement of disputes, amendment and termination

12.1 This Working Arrangement shall apply as from the date of its signature.

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

12.3 Any disagreement regarding the interpretation or application of this Working Arrangement shall be resolved by common accord between the Parties.

12.4 This Working Arrangement will continue to apply until terminated by either Party by written notice. Such termination will be effective sixty calendar days following the date of receipt of the written notification, unless the notice of termination has been withdrawn by mutual agreement before the expiry of the aforesaid period.

12.5 This Working Arrangement repeals and replaces the Working Arrangement between the Parties signed in Strasbourg on 7 July 2009, including all the amendments thereto.

Signed in duplicate in English language in Cologne on 25 February 2015.

European Aviation Safety Agency (EASA)
by

Mr P. KY
Executive Director

Civil Aviation Agency of Montenegro (CAA Montenegro)
by

Mr D. DJUROVIC
Director

Annex 1
Applicable rules

This Annex sets out the applicable rules for the purpose of this Working Arrangement.

Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, as last amended.

A. Applicable rules in the field of airworthiness and environmental certification:

Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations[8], as last amended;

CS-DEF (Definitions)
CS-22 (Sailplanes and Powered Sailplanes)
CS-23 (Normal, Utility, Aerobatic and Commuter Aeroplanes)
CS-25 (Large Aeroplanes)
CS-27 (Small Rotorcraft)
CS-29 (Large Rotorcraft)
CS-34 (Aircraft Engine Emissions and Fuel Venting)
CS-36 (Aircraft Noise)
CS-APU (Auxiliary Power Units)
CS-AWO (All Weather Operations)
CS-E (Engines)
CS-ETSO (European Technical Standard Orders)
CS-Definitions (Definitions and Abbreviations)
CS-P (Propellers)
CS-VLA (Very Light Aeroplanes)
CS-VLR (Very Light Rotorcraft)
CS-31GB (Gas Balloons)
CS-31HB (Hot Air Balloons)
CS-31TGB (Tethered Gas Balloons)
CS-LSA (Light Sport Aircraft)
CS-MMEL (Master Minimum Equipment List)
CS-GEN-MMEL (Generic Master Minimum Equipment List)
CS-CCD (Cabin Crew Data)
CS-FCD (Flight Crew Data)

AMC&GM related to this field.

Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks [9], as last amended;

[8] OJ L 224, 21.8.2012, p. 1.
[9] OJ L 362, 17.12.2014, p. 1.

AMC&GM related to this field.

B. Applicable rules in the field of air operations:

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council[10], as last amended;

CS-FTL.1 (Commercial Air Transport by Aeroplane)

AMC&GM related to this field.

C. Applicable rules in the field of aircrews:

Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council[11], as last amended;

CS-FSTD(A) (Aeroplane Flight Simulation Training Devices)
CS-FSTD(H) (Helicopter Flight Simulation Training Devices)

AMC&GM related to this field.

D. Applicable rules in the field of air traffic management (ATM) / air navigation services (ANS) and air traffic controllers:

Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council[12], as last amended;

AMC&GM related to this field.

Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services[13], as last amended;

AMC&GM related to this field.

Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services[14], as last amended;

AMC&GM related to this field.

Commission Regulation (EU) No 1332/2011 of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance[15], as last amended;

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[10] OJ L 296, 25.10.2012, p. 1.
[11] OJ L 311, 25.11.2011, p. 1.
[12] OJ L 206, 11.8.2011, p. 21.
[13] OJ L 271, 18.10.2011, p. 15.
[14] OJ L 271, 18.10.2011, p. 23.
[15] OJ L 336, 20.12.2011, p. 20.

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AMC&GM related to this field.

Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation[16], as last amended;

AMC&GM related to this field.

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)[17], as last amended.

Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions[18], as last amended;

AMC&GM related to this field.

Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation)[19], as last amended.

Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers[20], as last amended;

AMC&GM related to this field.

Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management[21], as last amended;

AMC&GM related to this field.

Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation)[22], as last amended.

Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace[23], as last amended;

AMC&GM related to this field.

Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)[24], as last amended;

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[16] OJ L 281, 13.10.2012, p. 1.
[17] OJ L 96, 31.03.2004, p. 1.
[18] OJ L 128, 9.5.2013, p. 1.
[19] OJ L 96, 31.03.2004, p. 10.
[20] OJ L 141, 31.05.2008, p. 5.
[21] OJ L 80, 26.03.2010, p. 10.
[22] OJ L 96, 31.03.2004, p. 20.
[23] OJ L 342, 24.12.2005, p. 20.
[24] OJ L 96, 31.03.2004, p. 26.

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CS-ACNS (Airborne Communications, Navigation and Surveillance).

Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky[25], as last amended;

AMC&GM related to this field.

Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions[26], as last amended.

E. Applicable rules in the field of aerodromes:

Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council[27], as last amended;

CS-ADR-DSN (Aerodromes Design)

AMC&GM related to this field.

F. Applicable rules which may be considered in order to ensure a comprehensive system approach to aviation safety:

Regulation (EU) No 376/2014 of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation[28], as last amended.

Regulation (EU) No 996/2010 of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation[29], as last amended and to the extent applicable to CAA Montenegro.

[25] OJ L 23, 27.01.2010, p. 6.
[26] OJ L 185, 15.07.2011, p.1.
[27] OJ L 44, 14.02.2014, p.1.
[28] OJ L 122, 24.04.2014, p. 18.
[29] OJ L 295, 12.11.2010, p. 35.

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