

St. 27/04/08



REPUBLIKA E SHQIPËRISË  
MINISTRIA E PUNËVE PUBLIKE, TRANSPORTIT DHE  
TELEKOMUNIKACIONIT

DREJTORIA E PERGJITHSHME E POLITIKAVE DHE PLANIFIKIMIT  
PER TRANSPORTIN DHE TELEKOMUNIKACIONIN

16/4/2009

Nr. Prot. 20271

**Z. Ervin Mazniku**

Drejtor i Përgjithshëm

Drejtoria e Përgjithshme e Aviacionit Civil

## Lënda: Përcillet Memorandumi i Mirëkuptimit

I nderuar Z. Mazniku,

Bashkëlidhur do të gjeni për kompetencë dhe zbatim, Memorandumin e Mirëkuptimit ndërmjet Republikës së Shqipërisë dhe Organizatës Ndërkombëtare të Aviacionit Civil(ICA0) lidhur me “Safety Oversight Audit” të firmosur nga Ministri i Transportit dhe Telekomunikacionit, Z. Sokol Olldashi.

Drejtoria e Përgjithshme e Aviacionit Civil në cilësinë e Organit Rregullator, ngarkohet për ndjekjen e zbatimit të këtij Memorandumi si dhe etapave të tjera që pasojnë këtë, të përfshira në Fazën para Auditit të Programit:

*Përditësimin e pyetësorit të aktivitetit të aviacionit (SAAQ) dhe*

*Pajtimin me listën e plote(CCs)*

(3-muaj para auditit).

*Informacionin me përbërjen e grupit dhe programin paraprak*

(2- muaj para auditit)

Njëkohësisht mbetemi në pritje të informacionit, lidhur me ndjekjen e procedurave në vazhdim.

Me respekt

Ervin Minaroli

Drejtor i Përgjithshëm



**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE REPUBLIC OF ALBANIA  
AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)  
REGARDING SAFETY OVERSIGHT AUDIT**

*Whereas* the 32nd Session of the Assembly of ICAO in Resolution A32-11 directed the Council to establish the ICAO Universal Safety Oversight Audit Programme (USOAP), providing for regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, that such universal safety oversight programme shall apply to all Contracting States, and that greater transparency and increased disclosure be implemented in the release of audit results;

*Whereas* the 32nd Session of the Assembly urged all Contracting States to agree to audits to be carried out upon ICAO's initiative, but always with the consent of the State to be audited, by signing a bilateral Memorandum of Understanding (MOU) with the Organization;

*Whereas* the 35th Session of the Assembly (Resolution A35-6) resolved that the USOAP be further expanded to include the safety-related provisions contained in all safety-related Annexes to the *Convention on International Civil Aviation* as of 2005;

*Whereas* the 35th Session of the Assembly requested the Secretary General to restructure the ICAO Universal Safety Oversight Audit Programme to adopt a comprehensive systems approach in conducting safety oversight audits in all Contracting States;

*Whereas* the 35th Session of the Assembly requested the Secretary General to restructure the safety oversight audit reports to reflect the critical elements of a safety oversight system, as presented in ICAO Doc 9734 — *Safety Oversight Manual, Part A — The Establishment and Management of a State's Safety Oversight System*;

*Whereas* the 35th Session of the Assembly directed the Secretary General to make the final safety oversight audit reports (in their entirety) available to all Contracting States and also to provide access to relevant information derived from the Audit Findings and Differences Database (AFDD) through the secure website of ICAO;

*Whereas* the 35th Session of the Assembly urged all Contracting States to submit to ICAO, in a timely manner, and keep up to date, all the information and documentation associated with the preparation and conduct of an audit, to ensure the effective and efficient implementation of the Programme;

*Whereas* the 35th Session of the Assembly also urged all Contracting States to cooperate with ICAO and as much as practicable to accept audit missions as scheduled by the Organization in order to facilitate the smooth functioning of the Programme;

*Recalling* that transparency and the sharing of safety information are fundamental tenets of a safe air transportation system; and

*Recognizing* that mutual trust between States as well as public confidence in the safety of air transportation is contingent upon access to adequate safety information.

IT IS AGREED AS FOLLOWS:

1. Pursuant to Assembly Resolutions A32-11 and A35-6, the Republic of Albania, hereafter referred to as Albania, hereby agrees to the conduct of a safety oversight audit by an ICAO safety oversight audit team covering the safety-related provisions in the areas pertaining to all safety-related Annexes to the *Convention on International Civil Aviation* (Chicago, 1944), on the dates established by ICAO, as published in its yearly schedule of audits, unless justified reasons lead the parties to mutually agree on other dates.
2. No change in the annual schedule of audits will be allowed within one hundred and eighty calendar days prior to the starting date of the audit of the State, except for a compelling reason, which has to be submitted to the President of the ICAO Council for his consideration.
3. Albania agrees to submit a completed State Aviation Activity Questionnaire. In addition, Albania agrees to complete the Compliance Checklists, which contain information on the implementation of the specific provisions of the relevant Annexes, and forward them to ICAO at least ninety calendar days prior to the commencement of the audit.
4. The ICAO Regional Office accredited to Albania will be actively involved in the safety oversight audit process, and specifically in the audit follow-up process to assess the effective implementation of the State's corrective action plan.
5. The safety oversight audit team will be comprised of experts in the disciplines related to the areas covered by the audit. The composition of the team (names and areas of expertise) will be provided to the civil aviation authority (CAA) of the State at least sixty calendar days prior to the safety oversight audit.
6. The team members will have command of one of the ICAO languages and a good working knowledge of English. Every effort will be made to ensure that at least one of the team members will have command of the ICAO language chosen by the State.
7. Albania and ICAO accept that the audit will be conducted in accordance with the guidelines and principles set forth in ICAO Doc 9735 — *Safety Oversight Audit Manual*, as amended.
8. Without prejudice to other privileges and immunities applicable to ICAO as a Specialized Agency of the United Nations, and its personnel, all members of the ICAO audit team shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.
9. Albania agrees to facilitate the audit by making appropriate staff from its CAA or any relevant entity responsible for safety regulation, personnel licensing, operations of aircraft, airworthiness of aircraft, air navigation services, aerodrome facilities, aviation accident prevention and investigation, the safe transport of dangerous goods by air, and any other discipline covered by the audit process as may be required, available for interview by the safety oversight audit team. Albania will be required to take the necessary measures to facilitate the work of the safety oversight audit team, including the provision of interpretation services, local transportation, interviews, paperwork, etc. Albania will also assist the ICAO team with accommodation arrangements and meet the cost of transportation when visits to various locations of the State are required outside the main administrative office. ICAO will be responsible for the cost of transportation to and from the State, as well as for the daily subsistence allowance of the team members.

10. Albania agrees to further facilitate the audit by designating an appropriate person to act as a national coordinator for the audit prior to the commencement of the audit. This person will serve as facilitator and primary point of contact for all audit-related processes.
11. The safety oversight audit team will review Albania's compliance with the safety-related Standards and Recommended Practices (SARPs) set out in all safety-related Annexes as well as with related Procedures for Air Navigation Services (PANS) and other relevant procedures, and adherence to guidance material and relevant safety-related practices in general use in the aviation industry, as referred to in such material. The safety oversight audit team will also review whether Albania has developed an ability to effectively implement the critical elements of a safety oversight system (Doc 9734, Part A refers).
12. The safety oversight audit team will review the State's regulatory provisions, examine records and documentation and conduct interviews, in order to make its findings and recommendations, on the basis of safety oversight audit general requirements, as follows:
  - a) consideration of existing national legislation enabling States to enforce the provisions of the *Convention on International Civil Aviation*;
  - b) consideration of existing national regulations enabling States to carry out detailed safety oversight in support of the *Convention on International Civil Aviation* and all safety-related Annexes as well as associated ICAO PANS and other procedures, guidance material and relevant safety-related practices in general use in the aviation industry, as referred to in such material;
  - c) a system for both the certification and the continued surveillance of personnel, operations of aircraft, airworthiness of aircraft, air navigation services, aerodromes and ground aids, the safe transport of dangerous goods by air, as well as a system for accident and incident investigation, in particular with respect to:
    - i) qualifying aircraft operations, aircraft maintenance and air traffic services personnel, aerodrome personnel, and accident and incident investigators supported by an appropriate organizational and managerial structure;
    - ii) detailed records of training programmes and actual training given to professional staff in the safety-related areas of the industry;
    - iii) availability of appropriate reference material, including ICAO documentation;
    - iv) information on which ICAO SARPs and other regulations, as applicable, have been used for the licensing of personnel and the certification of approved maintenance organizations, aerodromes, etc.;
    - v) safety management systems and safety management programmes in place;
    - vi) inspection or surveillance results containing details of technical and operational deficiencies;
    - vii) evidence of procedures for the issuance and approval of licences and certificates, and their suspension and revocation when unsafe conditions are identified, and records of how often action has been taken; and
    - viii) evidence of overall system safety awareness and of a mechanism for accident and incident prevention.

- d) implementation of ICAO SARPs, PANS and other procedures, as well as adherence to guidance material and relevant safety-related practices in general use in the aviation industry as referred to in such material, related to the operation of aircraft, airworthiness of aircraft, air navigation services, aerodromes and air ground aids, accident and incident prevention and investigation, the safe transport of dangerous goods by air, and safety-related activities required by all safety-related Annexes, in particular with respect to the requirements of an adequate organization, training programmes, method of control and supervision of personnel licensing, aircraft operations, airworthiness of aircraft, air traffic and aerodrome operations, accident investigations and the safe transport of dangerous goods by air consistent with the nature and extent of the operations specified.

13. Albania agrees to further facilitate the audit process by:

- a) making all relevant documents, files and information available to the safety oversight audit team;
- b) providing access to facilities and restricted areas at air traffic services, aerodromes and other areas where the audit is expected to be conducted;
- c) providing access to selected organizations and personnel involved in the management or provision of personnel licences, air transport services, maintenance and airworthiness of aircraft, air navigation services, aerodrome operations as well as accident and incident investigations, handling and shipping by air of dangerous goods and any other relevant activity required by all safety-related Annexes;
- d) providing working space with adequate privacy for the audit team;
- e) providing access to a printer, photocopier, scanner and facsimile machine, if available; and
- f) providing access to electronic communication media such as the Internet and e-mail, in so far as applicable.

14. Upon completion of the on-site safety oversight audit, the ICAO safety oversight audit team will provide a detailed debriefing on the audit results to government officials as well as senior management and other higher officials, as applicable, of the CAA of the State, and of other State authorities responsible for the areas of the audit. The briefing shall include the description of any preliminary identification of a significant safety concern identified during the audit and an explanation of subsequent activities in the audit process. Before departing the State, the audit team will also provide the CAA with draft audit findings and recommendations.

15. ICAO undertakes to notify to Albania in writing, as soon as possible, but not later than fifteen calendar days after the last day of the audit, the existence of any significant safety concerns requiring immediate corrective action by the State.

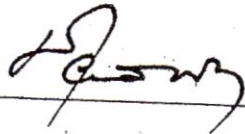
16. ICAO undertakes to make available to Albania an interim safety oversight audit report within ninety calendar days after the last day of the audit, if no translation of the report into another ICAO language is required. If such a translation is required, a translated copy will be made available within an additional forty-five working days. The interim safety oversight audit report will contain:

- a) information on the level of effective implementation of the critical elements of a State's safety oversight system;
- b) findings of the audit team, including significant safety concerns, if applicable, requiring remedial action by the State;

- c) recommendations of ICAO for the resolution of the findings requiring remedial action by the State; and
  - d) the status of implementation and the level of compliance with ICAO SARPs and related procedures.
17. Should action be necessary to remedy deficiencies, Albania undertakes to start working on the preparation of an appropriate action plan immediately after Albania has been debriefed on the audit and provided with a list of preliminary findings and recommendations and preliminary identification of a significant safety concern by the safety oversight audit team, as described in Article 14 above. Advice on the preparation and development of the action plan will be provided by ICAO at the request of the State during the preparation period.
18. In the event that significant safety concerns are identified during the audit, Albania undertakes to provide, within the time frame prescribed by ICAO, its immediate corrective action, acceptable to the Secretary General of ICAO. The immediate corrective action should resolve the significant safety concerns notified to the State as per Article 15 above. If no immediate corrective action has been notified, ICAO will contact Albania to determine why an immediate corrective action has not been notified and report its findings to Council. Unresolved significant safety concerns will be made available to all Contracting States through the secure website of ICAO.
19. Should action be necessary to remedy deficiencies, Albania undertakes to provide, within sixty calendar days from the date the interim safety oversight audit report has been made available to the State, an action plan acceptable to the Secretary General of ICAO. The action plan should address the findings and recommendations as contained in the report, providing specific actions and deadlines for the correction of the deficiencies identified during the safety oversight audit. If no required action plan has been submitted, ICAO will contact Albania to determine why an action plan has not been submitted and report its findings to Council.
20. Within sixty calendar days after the submission of an action plan and comments by the audited State on the interim safety oversight audit report, a final safety oversight audit report will be completed by ICAO and made available to Albania. In addition to the information contained in the interim safety oversight audit report, as detailed in Article 16 above, the final safety oversight audit report will include comments provided by the audited State, the corrective actions proposed by the State and ICAO's comments on the corrective actions proposed by the State.
21. The State has thirty calendar days, after receiving the final safety oversight audit report, to provide further information and comments as applicable, after which the report, in its entirety, will be made available to all Contracting States through the secure website of ICAO. A chart depicting the State's level of implementation of the critical elements of a safety oversight system will be made available on the public area of the ICAO website.
22. Within six months after Albania has submitted an action plan, officials from the ICAO accredited Regional Office may conduct a preliminary review to determine the progress made by Albania towards the implementation of the action plan.

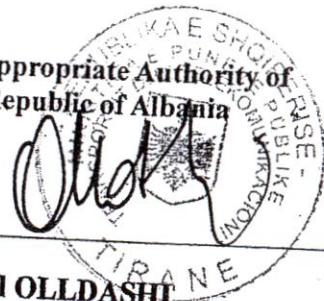
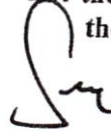
23. The obligations and responsibilities for notifying to ICAO any difference or non-compliance with Standards contained in any ICAO Annex shall rest with Albania. Differences which exist between the national regulations and practices of Albania and ICAO Standards, which have been identified during the safety oversight audit, and which will continue to exist when the final safety oversight audit report is issued, shall be deemed to have been notified to ICAO by Albania. ICAO will incorporate these differences in the Supplements to the appropriate Annexes and in any other relevant ICAO safety-related publication.
24. Albania undertakes to remedy the identified deficiencies, and also agrees to any other subsequent safety oversight audit follow-up in due course, to confirm that the recommendations made by ICAO to Albania have been implemented as provided for in the action plan. Such audit follow-ups will lead to the production of a safety oversight audit follow-up report providing an updated status on the safety oversight situation in Albania. The latter will be given forty-five calendar days to provide its comments on the safety oversight audit follow-up report, after which the report will be made available to other Contracting States.
25. Any difference or dispute concerning the interpretation or the application of this Memorandum of Understanding will be resolved by negotiation between the parties concerned.

For the International Civil  
Aviation Organization



Taïeb Chérif  
Secretary General

For the Appropriate Authority of  
the Republic of Albania



Name: **Sokol OLLDASHI**  
Title: **Ministër  
Ministry of Public Works,  
Transport and Telecommunication**

25/08/08

Date

Date 16-04-2009

— END —