

On the basis of point 2, point 10 (1), item 1 and 2 and point 14 (2) of the Decision on the Establishment of the Civil Aviation Directorate of the State of Serbia and the State of Montenegro (“Official Gazette of the Republic of Serbia”, No. 102/03), the Decision on the Exercise of the Founding Rights in the Civil Aviation Directorate of the State of Serbia and the State of Montenegro (“Official Gazette of the Republic of Serbia”, No. 53/06) and the Conclusion on Name Modification of the Civil Aviation Directorate of the State of Serbia and the State of Montenegro (“Official Gazette of the Republic of Serbia”, No. 12/07),

The Management Board of the Civil Aviation Directorate of the Republic of Serbia adopts

REGULATION ON WORKING METHODS OF THE EUROPEAN AVIATION SAFETY AGENCY FOR CONDUCTING STANDARDISATION INSPECTIONS

Objective

Article 1

1. This Regulation lays down the working methods of the European Aviation Safety Agency for conducting standardisation inspections of national aviation authorities.
2. By this Regulation, adapting to the legislation of the Republic of Serbia, shall be transposed the Commission Regulation 736/2006 of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections.
3. The Commission Regulation (EU) No 736/2006 is presented in Annex to this Regulation.

Definitions of certain terms used in this Regulation

Article 2

- 1) *ECAA Agreement* is 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;
- 2) *Agency* that is used in the Annex to this Regulation is the European Aviation Safety Agency;
- 3) *Regulation* that is used in the Annex to this Regulation is the Regulation on common rules in the field of civil aviation and establishing a European Aviation Safety Agency („Official Gazette of the Republic of Serbia”, No. 1/10) ;
- 4) *Regulation (EC) No 216/2008* that is used in the Annex to this Regulation is the 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, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;

Regulation (EC) No 216/2008 is transposed into the legislation of the Republic of Serbia by the Regulation on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

- 5) The terms *Community*, *Community regulations*, *the Treaty establishing the European Community* and *Member State* used in Annex to this Regulation shall be interpreted according to Annex II (2 and 3) to the ECAA Agreement;
- 6) *national aviation authority* and *aviation authority of Member State* used in Annex to this Regulation shall be interpreted as the Civil Aviation Directorate of the Republic of Serbia.

Entry into force

Article 3

This Regulation shall enter into force on the eighth day following its publication in the „Official Gazette of the Republic of Serbia“.

No. 1/0-01-0001/2010-0006

Belgrade, 23 February 2010

Council

President

Milutin Mrkonjic

Commission Regulation (EC) No 736/2006 of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections

Subject matter

Article 1

This Regulation lays down the working methods for conducting standardisation inspections of Member States' national aviation authorities in the fields covered by Article 1(1) of Regulation (EC) No 216/2008 (article 1.1 of the Regulation).

Definitions

Article 2

For the purposes of this Regulation the following definitions shall apply:

1) 'inspection' shall mean the standardisation inspection referred to in Articles 24(1) and 54 of the Regulation (EC) No 216/2008 (article 61.1 and article 91 of the Regulation) carried out by the Agency for the purpose of monitoring the application of the Regulation (EC) No 216/2008 and of its implementing rules by the national aviation authorities;

2) 'national aviation authorities' shall mean the competent authorities of Member States referred to in Article 54 of Regulation (EC) No 216/2008 (article 91 of the Regulation);

3) 'authorised personnel of the Agency' shall mean the persons who are legally authorised by the Agency to carry out inspections of the national aviation authorities and inspections of undertakings or association of undertakings (organisations) for the purpose of verifying the application of Regulation (EC) No 216/2008;

4) 'authorised personnel of Member States' shall mean the persons legally authorised by the competent authorities of the Member States to assist the Agency in carrying out inspections.

Principles for carrying out inspections

Article 3

1. For the purpose of assessing compliance with the requirements of Regulation (EC) No 216/2008 and its implementing rules, the Agency shall carry out inspections of national aviation authorities whereby it shall examine in particular compliance of these authorities with the provisions of the Annex, Part 21 to Regulation (EC) No 1702/2003 and Annexes I (Part M), II (Part 145), III (Part 66) and IV (Part 147) to Regulation (EC) No 2042/2003 and shall establish a report thereon.

2. Standardisation inspections may include, for the purpose of paragraph 1, inspections of undertakings or associations of undertakings under the oversight of the inspected national aviation authority.

3. Standardisation inspections shall be conducted in a transparent, effective, harmonised and consistent manner.

4. Standardisation inspections shall be conducted by the Agency on a regular and, where appropriate, on an ad-hoc basis.

5. The present Regulation is without prejudice to Articles 15 and 58 of Regulation (EC) No 216/2008 (article 52 and 95 of the Regulation) and to Commission Decision 2001/844/EC, ECSC, Euratom.

Exchange of information

Article 4

1. National aviation authorities shall provide the Agency upon request with all necessary information for the purpose of carrying out inspections.

2. When submitting such a request for information to a national aviation authority and/or an undertaking or an association of undertakings the Agency shall state its legal basis and purpose, specify what information is required and fix the time-limit within which the information is to be provided.

Training and qualification criteria for inspection teams and team leaders

Article 5

1. The Agency shall establish training programmes for the appropriate qualification of its staff, as prospective authorised personnel of the Agency, and of the authorised personnel of Member States to participate in inspections of national aviation authorities and, where necessary, inspections of undertakings or associations of undertakings.

2. The Agency shall establish qualification criteria for its staff and for personnel of Member States who participate in inspection teams. Such qualification criteria shall include knowledge and experience of auditing techniques and theoretical knowledge and practical experience in the relevant technical matters covered by Regulation (EC) No 216/2008 and its implementing rules.

3. Team leaders shall have significant working experience in the fields covered by Regulation (EC) No 216/2008 and its implementing rules and at least 5 years as inspectors and/or auditors in the area of standardisation. Both team leaders and team members shall be trained in the applicable standardisation requirements and procedures. Team members shall have practical experience of at least 5 years in the relevant field covered by the inspection and shall be familiar with the concept of quality system investigation.

Setting up teams for inspections

Article 6

1. Inspections shall be carried out by teams set up by the Agency. Every team shall have a leader and a minimum of two members. In case of ad hoc inspections the Agency may adjust the size of the inspection teams. Team leaders shall be authorised personnel of the Agency. Team members may be authorised personnel of the Agency and/or of Member States.

2. Personnel of Member States who have been appropriately trained by the Agency, meet the qualification criteria established in Article 5 of this Regulation and have been participating in inspections of national aviation authorities and/or undertakings or associations of undertakings under their oversight, may be seconded by their national authorities to participate as authorised personnel of Member States in inspection teams lead by the Agency. Authorised personnel of Member States are excluded from inspections of the competent authority of their Member State.

3. The Agency shall ensure that, in setting up the teams, there shall be no conflict of interests either with the national authorities inspected or with the undertakings or associations of undertakings inspected. In case of authorised personnel of Member States, a declaration of absence of conflict of interest shall be issued by the national aviation authority seconding the official.

4. Member States shall appoint a national coordinator to assist the Agency at all stages of the process and shall ensure that the inspection teams are accompanied throughout the inspection.

5. The Agency shall request in due time before launching an inspection information from national aviation authorities as to the availability of authorised personnel of Member

States for its conduct. In planning inspections the Agency shall endeavour to balance the participation of authorised personnel from different Member States.

6. Expenses arising from the participation of national coordinators as provided for in Article 9(1)(a) of this Regulation and of authorised personnel of Member States in inspections and investigations carried out by the Agency shall be borne, in compliance with Community rules and without prejudice to the annual Community budgetary procedure, by the Agency.

Conduct and reporting of inspections

Article 7

A standardisation inspection of a national aviation authority and, if necessary, an undertaking or an association of undertakings shall include the following phases:

- (a) a preparatory phase lasting a minimum of 10 weeks prior to the inspection;
- (b) a visiting phase;
- (v) a reporting phase lasting a maximum of 12 weeks following the inspection and;
- (g) a follow-up phase lasting a maximum of 16 weeks following the reporting phase;
- (d) a closure phase to take place at the end of the follow-up phase.

Preparatory phase

Article 8

During the preparatory phase the Agency shall:

(a) give notice of inspection to the national aviation authority at least 10 weeks before the inspection visit, then collect the necessary information for the preparation of the inspection visit, define the programme of the visit and decide the composition of the inspection team, as well as any prospective changes thereto, and

(b) communicate to the national aviation authority along with the notice of inspection an inspection questionnaire for completion at least 6 weeks before the inspection visit by the inspected national aviation authority and, where necessary, by the undertaking or association of undertakings to be inspected in the course of the inspection of that national aviation authority.

Visiting phase

Article 9

1. During the visiting phase the Agency shall:

(a) organise preliminary and wrap-up meetings between the inspection team and the national coordinator of the national aviation authority being inspected either at the premises of that national aviation authority or in its own premises; the purpose of such meetings being mainly focused on organisational aspects and the overall conduct of the inspection visit;

(b) conduct on-site visits, including an opening and a closing session, of the main offices and, if necessary, of regional offices of the national aviation authority; inspections of national aviation authorities may also include inspections of undertakings or associations of undertakings under their oversight;

(v) carry out interviews with the staff of the national aviation authority inspected and examine records, data, procedures and any other relevant material by using the mechanisms to be established pursuant to Article 18 of this Regulation, ensuring the transparency and consistency of the inspection;

(g) present a preliminary report of the inspection to the national aviation authority inspected at the closing session; this report should include comments presented by the national aviation authority inspected during the inspection visit, if any, and a request to the national aviation authority to take immediate effective remedial action to eliminate an immediate safety hazard, where such hazard is detected during an inspection;

(d) require that evidence of the remedial action undertaken by the national aviation authority inspected be presented at the wrap-up meeting referred to under (a).

2. While performing its tasks in the visiting phase, the Agency may interview any natural or legal person for the purpose of collecting information relating to the subject matter of an inspection. Where such interview is conducted in the premises of an undertaking, the Agency shall inform with a notice of 2 weeks the national aviation authority of the Member State in whose territory the interview takes place as well as the aviation authority which exercises the oversight over the undertaking in question. If so requested by the national aviation authority of that Member State, its personnel may assist the authorised personnel of the Agency to conduct the interview.

Reporting phase

Article 10

During the reporting phase the Agency shall establish a final inspection report containing details of the conduct of the inspection and addressing in particular findings identified during the inspection as described in Article 13 of this Regulation. This report shall also include comments of the national aviation authority inspected, if any. The final inspection report shall be addressed to the national aviation authority inspected, to the Commission and to the Member State concerned. The Commission may subsequently transmit this report to all national aviation authorities.

Where preliminary inspection reports request immediate remedial actions as provided for in Article 9(1)(d) of this Regulation and such requests are not answered satisfactorily by the national aviation authority concerned, the final inspection report shall contain evidence of such failure.

Follow-up phase

Article 11

During the follow-up phase the Agency shall:

(a) agree within 16 week since the starting of such phase an action plan with the national aviation authority inspected, defining any remedial action and relevant timeframe within which such action has to be undertaken to resolve any findings made according to Article 7;

(b) start monitoring the progress of the agreed remedial actions; the national aviation authority inspected shall provide to the Agency information as remedial actions are put in place.

Closure phase

Article 12

During the closure phase the Agency shall:

(a) verify and validate the satisfactory progressive implementation of the action plan; to this end the national aviation authority inspected shall provide to the Agency information as remedial actions are put in place;

(b) issue a statement of closure findings once satisfied with the actions undertaken by the national aviation authority inspected. Such statement shall be addressed to the aviation authority inspected, to the Member State concerned and to the Commission. The Commission may subsequently transmit this report to all national aviation authorities.

Inspection findings

Article 13

When assessing compliance with the requirements of Regulation (EC) No 216/2008 and its implementing rules, the findings in the relevant final inspection report shall be classified as:

(a) fully compliant;

(b) compliant, but improvement is recommended in areas (reference to the rules affected) for better efficiency;

(v) not compliant, with objective evidence of minor deficiencies showing non-compliance with the applicable requirements in areas (reference to the rules affected), which could raise standardisation concerns;

(g) not compliant, with objective evidence of significant deficiencies showing non-compliance with the applicable requirements in areas (reference to the rules affected), which, besides standardisations concerns raise safety concerns if not promptly corrected;

(d) not applicable;

(dj) not confirmed, when the national aviation authority inspected commits to produce shortly after the visit material evidence of compliance on findings otherwise classified as in (v) or (g), this material evidence not being directly available at the time of the visit.

Access to information contained in inspection reports

Article 14

Where information contained in an inspection report concerns an undertaking under the regulatory authority of a third country and falls within the scope of application of a Community agreement concluded pursuant to Article 12 of Regulation (EC) No 216/2008 (article 49 of the Regulation), such information shall be made available to the third country as a party to such an agreement according to its respective provisions.

Action taken following an inspection report

Article 15

1. The Agency may at any time, or upon request from the Commission, conduct inspections of national aviation authorities and, where necessary, of undertakings or associations of undertakings to assess the satisfactory completion of remedial actions. Such inspections must be announced to the national aviation authority concerned with a notice of 2 weeks but need not to comply with the deadlines and the procedures foreseen in Article 8 to 12, except for the need of a final inspection report.

2. Where during the reporting phase final inspection reports contain non-compliance findings made pursuant to Article 13 (v), (g) or (dj), the Agency shall address a request for clarifications and/or request remedial action to the national aviation authority of the Member State inspected, setting a deadline which shall not exceed 2 weeks for findings made pursuant to Article 13 (g) and (dj) and 10 weeks for findings made pursuant to Article 13 (v).

3. If the clarifications provided by the national aviation authority of the Member State inspected do not satisfy the Agency or where no satisfactory remedial action is timely proposed or is not duly implemented by that authority, the Agency shall address a supplementary report to the national aviation authority concerned, as well as to the Commission and to the Member State concerned. The Commission may subsequently transmit this report to all national aviation authorities.

4. Following presentation of the report provided for in paragraph 3 and without prejudice to Article 226 of the Treaty, in the event of findings made pursuant to Article 13 (v) and (g) of this Regulation, the Commission may take any of the following steps:

(a) address comments to the Member State concerned or request further explanation to clarify all or part of the findings;

(b) require the Agency to carry out all necessary inspections of national aviation authorities to check the implementation of remedial actions, the minimum notice for such a follow-up action being 2 weeks.

Ad hoc inspections

Article 16

The Agency shall conduct ad hoc inspections of national aviation authorities upon request from the Commission whenever deemed necessary for safety reasons. Such inspections must be announced to the national aviation authority concerned with a notice of 2 weeks but need not to comply with the deadlines and the procedures foreseen in Articles 7 to 12, except for the need of a final inspection report.

Standardisation inspection programme and annual report

Article 17

The Agency shall define an annual programme for inspections in each field regulated by the implementing rules of Regulation (EC) No 216/2008. Such annual programme shall be communicated to the Commission and the other members of the Management Board of the Agency as part of the Agency's work programme pursuant to the provisions of Article 33(2) of Regulation (EC) No 216/2008.

Before 31 March each year, the Agency shall submit an annual report to the Commission presenting an analysis of standardization inspections carried out the previous year.

Working procedures

Article 18

The Agency shall establish appropriate working procedures for implementing the tasks conferred upon it under Articles 5 to 16 of this Regulation not later than two months following its entry into force.

Entry into force

Article 19

This Regulation shall enter into force on the first day of the month following the date of its publication in the Official Journal of the European Union.