

Attachment 1 to DP 11

ARRANGEMENTS

CONCERNING THE DEVELOPMENT, THE ACCEPTANCE AND THE IMPLEMENTATION OF SARI PARTS

CONSIDERING

- The benefits of regulation harmonization to obtain a high consistent level of safety and to contribute to the development of a fair competition inside and outside the South Asia Region;
- The duties of the States under their obligations as signatories of the Convention on International Civil Aviation dated 7th December 1944 (known as the "Chicago Convention");
- The cost benefits that the Member States may find building together a common set of standard instead of individually developing their own National standards;
- The commitment from the Member States towards a more coordinated approach to enhance South Asia aviation safety;
- The benefits the aviation industry may find in the implementation of common standards in terms of cost and enhancement of aviation safety levels;
- The existence of a preliminary agreement between Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka dated 2006 to co-operate with a view to work towards aviation regulation convergence so as to facilitate development of the aviation sector in South Asia.

The Directors General representing the civil aviation Authorities Party hereto have decided the following and intend to implement it, to the extent they are authorized under their national laws.

1. Definitions

- (a) (i) "product" means civil aircraft, engine, propeller or appliance;

(ii) "appliance" means any instrument, equipment, mechanism, apparatus or accessory used or intended to be used in operating an aircraft in flight, which is installed in, intended to be installed in, or attached to a civil aircraft, but is not part of an airframe, engine or propeller;

(iii) "component" means a material, or part of sub-assembly not covered by (i) or (ii) for use on civil aircraft, engines, propellers or appliances.
- (b) "Authority" means a civil aviation Authority Party hereto and "the Authorities" means all the civil aviation Authorities Party hereto.
- (c) "Findings" means that under the national laws and procedures, the applicant for a certification having shown compliance to the requirements, the Authority "finds" that compliance is achieved, i.e.: makes the findings of compliance.
- (d) "Certification" (of a product, service, organisation or person) means the legal recognition that such a product, service, organisation or person complies with the applicable requirements. Such a certification comprises 2 activities:

(i) the activity of checking that technically the product, service, organisation or person complies with the applicable requirements; this activity is referred to as making the technical findings;

(ii) the act of recognizing formally such compliance with the applicable requirements by granting a certificate, licence, approval or other document as required by national laws and procedures; this activity is referred to as making the legal findings.

Unless it is otherwise specified in the text, "certification" means certification to applicable SARI Parts.

- (e) "Applicant" means a person or a company requiring certification from the Authorities for products, services, organisations or persons.
- (f) "National Variant" means a technical requirement that the Authority of a SARI Member State finds necessary to add to the SARI Part to meet its safety standards.
- (g) "Special condition" means any condition for a given product, service, person or organisation that an Authority finds necessary to add to its current technical requirements to cover situations or characteristics not adequately covered for that product, service, person or organisation by the current applicable airworthiness requirements.
- (h) "sole code". A code is called a sole code if it is used exclusively by a country to certificate products, services, persons or organisations used by national operators (e.g.: aircraft registered in the country used by national operators, services provided to such aircraft, persons working for such aircraft or organisations contributing to their design, manufacture, maintenance or operation).
- (i) "Approval of the SAARI Board" means approval from each Member of the Board.

2. General

The Authorities commit themselves to co-operate in all aspects related to initial and continued airworthiness of aircraft, to ensure that a high consistent level of safety is achieved throughout the Member States, to avoid duplication of work between the Authorities and to facilitate exchange of products, services and persons not only between the Authorities but also between the Authorities and others.

To that end they have formed SAARI (South Asian Aviation Regional Initiative) so as to develop, adopt and implement the SARI Requirements on airworthiness and so as to make only once all the technical findings in those fields while each national Authority would still make the legal findings.

Comment [lynchwe1]: Name could be decided upon.

Comment [lynchwe2]: To enable the possibility of standardisation. Perhaps in a later stage.

3. Functions of SAARI

The Authorities will use SAARI to perform the following functions

- (a) To further develop, with adequate consultation and publish the SARI Parts in the field airworthiness and other selected areas where regulatory harmonization is beneficial in the SA.
- (b) To implement the SARI Parts listed in Appendix 1 in a standardised way;
- (c) To monitor the standardised implementation of the SARI Parts by the Authorities.

- (d) To define as soon as possible the general structure of the whole set of SARI Parts and the scope of each SARI Part so that each Authority can adopt this structure and to work to remove as rapidly as possible any National Variants or national regulatory differences with the aim that each individual existing SARI Part becomes a uniform code for all associated countries and no further national regulatory differences are applied.
- (e) To establish procedures based on the use of the Authorities' resources, that:
 - (i) allow the use of only one set of technical findings in the field of airworthiness for the benefit of and in a manner acceptable to all Authorities;
 - (ii) include practical measures for making the technical findings only once to the benefit of all Authorities (See Appendix 2). These measures may include acceptance of technical findings made by industry, where industry conforms to agreed approval standards;
 - (iii) cover the initial certification (of services, organisations or people) as well as the continuation of safety standards in service.
- (f) To make (in accordance with the agreed procedures in paragraph 1(c) the technical findings needed to show compliance with SARI Parts.
- (g) To work to explore the practicality and form of a South Asian Joint Aviation Authority to cover the fields of initial and continuing airworthiness.

Comment [lynchwe3]: To be discussed. Too ambitious for the initial agreement?

4. Commitments of Authorities

The Authorities will

- (a) Participate in the rulemaking process as defined in paragraph 2 and make their best efforts to provide experts within the different groups involved in this process.
- (b) Adopt the structure of the whole set of future SARI Parts and adopt the existing SARI Parts as their sole codes as soon as possible.

Note: An Authority may deviate from SARI Parts as a sole code when SARI rules and procedures appear to this Authority as not suitable for this particular case, then this Authority will discuss the case with other Parties and agree jointly appropriate rules and procedures.
- (c) Declare all their national regulatory differences to existing SARI Parts (whether they stem from a technical difference or from a difference in the structure between the set of SARI Parts and their national codes) and commit themselves to work towards the deletion of these national regulatory differences or their embodiment in the appropriate SARI Parts.
- (d) Accept these procedures and use them exclusively when checking compliance with the SARI Parts and make their best efforts to provide experts within the SARI Working Groups and teams.
- (f) Make without undue delay the legal findings for those products, services, organisations or persons which have been found to comply with the relevant SARI Parts (and, until they are removed, any remaining national regulatory differences).

- (g) Use their best endeavours to provide staff for the development and implementation of the SARI Parts and to provide staff for the SAARI.

Comment [lynchwe4]: To be discussed. Is this feasible?

5. Organisation and procedures

- (a) SAARI is controlled by a Board (hereinafter called the "SAARI Board") involving the Directors General of the Authorities.
- (b) The SAARI Board will consider and review the general policies and long-term objectives of SAARI. Its specific functions include in particular:
- deciding upon questions concerning the relationship between SAARI the South Asian States, other States and international organisations;
 - deciding upon any amendments to these Arrangements in accordance with paragraph xx below (to be developed);
 - deciding upon the acceptance of new members of SAARI in accordance with paragraph yy below (to be developed);
 - deciding upon measures to be taken in case a member would not fulfil the duties and commitments implied by the signing of these Arrangements.
- (c) The SAARI Board is composed of one member from each Authority. The SAARI Board is responsible for the administrative and technical implementation of these Arrangements. Its specific functions are set in appendix XX (to be developed).
- (d) SAARI is staffed by experts of the Authorities seconded full-time or part-time and is served by the SAARI Secretariat.
- (e) The organisation and structure of SAARI is defined and agreed by the SAARI Board.
- (f) The organisation and structure can be amended by the SAARI Board provided agreement of all its members.

6. Budget

- (a) SAARI will make the best efforts to develop a scheme enabling the recovery of cost from the Applicants. It is intended that such a scheme will be introduced as soon as practicable and in any case within 5 years.
- (b) Until such scheme is defined each Authority commits itself to bear the cost and expenses of its experts participating in S A R I Working Groups or teams and will charge the Applicant according to its national practices, e.g. for certification, licences or approvals.

7. Membership

SAARI membership is open to the civil aviation Authorities of South Asia Member States provided

Either

That Authority has signed the present arrangements before its date of entry into force (1st January 20__);

Comment [lynchwe5]: To be discussed

Or

- (i) That Authority explains to the SAARI Board its system, methods and practices in the field of initial and continued airworthiness; and
- (ii) That Authority commits itself to the terms and duties as set out in these Arrangements including the procedures agreed by the SAARI Board; and
- (iii) Its application is accepted by the SAARA Board.

8. Commencement of operation

These Arrangements come into effect:

- (a) as from 1 January 20__ for those signatory before 1 January 20__;
- (b) at a date mutually agreed for those new members once the conditions for membership have been met.

9. Record of Parties

A record of the Authorities Party hereto will be kept by the SAARI Secretariat.

10. Amendment to these Arrangements

These Arrangements may be amended by the Authorities Party hereto at the relevant time.

Any Party can propose an amendment to these Arrangements.

Any proposal of amendment must be sent in writing to all Authorities. The decision of acceptance of an amendment requires the SAARI Board approval and can be made no sooner than 8 weeks after the initial written proposal has been sent.

Comment [lynchwe6]: To be decided

When an amendment is approved, the Authorities will agree on the date on which the amendment will also enter into operation.

10. Appendices and Annexes

Further Appendices and Annexes can be added to the present Arrangements or amended after approval of the SAARI Board.

The procedure for proposing and amending Appendices and Annexes is defined by the SAARI Board.

Approved Annexes and Appendices and amendments thereto will be kept by the SAARI Secretariat.

11. Withdrawal

Except in the case of withdrawal due to the non-acceptance of an amendment (see para. 9 above), which may be immediate, any Authority may withdraw from these Arrangements by giving one year's written notice to the SAARI Board. The SAARI Secretariat will inform the other Authorities of such withdrawal. Any Authority who withdraws from these Arrangements must commit itself to keeping, during the period set by the SARI Parts, the archives related to work acceptable to all Authorities and making them available on request to the other Authorities.

For Civil Aviation Authority
(Bangladesh)

Director General

For Department of Civil Aviation
(Bhutan)

Director General

For Director General Civil Aviation
(India)

Director General

For Civil Aviation Authority
(Maldives)

Director General

For Civil Aviation Authority
(Nepal)

Director General

For Civil Aviation Authority
(Pakistan)

Director General

For Civil Aviation Authority
(Sri Lanka)

Director General

APPENDIX 1

Comment [lynchwe7]: Appendices still to be worked out and aligned with main text

DEVELOPMENT AND PUBLICATION OF REQUIREMENTS

The Authorities will co-operate to produce common comprehensive and detailed airworthiness requirements, and where necessary acceptable means of compliance with and interpretations of them, referred to as "SARI Parts".

Those requirements will cover all the fields related to aircraft airworthiness in particular:

- (a) The design and manufacture of products and components.
- (b) The maintenance of those products, appliances and components.
- (c) The competence of persons and organisations responsible for the design, manufacture and maintenance of products, appliances and components.
- (d) The Authorities will also co-operate to produce administrative requirements and administrative procedures, so that any applicant can finally use one single administrative document and one set of procedures and practices for any application to one of the Authorities.

SAARI in developing the SARI Parts will:

- (e) Take into account the duties and obligations under the Chicago Convention;
- (f) Consult the Parties to whom those requirements would be applied;
- (g) Take into account other aviation codes so as to facilitate exchange of products, services or persons or reliance on organisations, between the SAARI Member State and other countries in the world.

The Authorities will make available the necessary experts who will meet and organise their work according to the procedures agreed by the SAARI Board.

The SAARI Board through the SAARI Secretariat will publish the SARI Parts with corresponding effectiveness dates.

APPENDIX 2

IMPLEMENTATION OF SARI PARTS

The Authorities will make all necessary arrangements so that any technical finding in the field of initial and continuing airworthiness of aircraft:

(a) meets the SARI Parts requirements and their interpretation.

(b) may be accepted by other Authorities.

To achieve this objective, SAARI will develop a system ensuring that each Authority applies and interprets the SARI Parts requirements in a way and according to procedures acceptable to SAARI.

The system will aim at ensuring that the SARI Parts requirements are applied fairly and consistently throughout the Parties and no marginal interpretation of the requirement that may represent a hidden National Variant is developed by one of the Authorities.

Comment [lynchwe8]: Standardisation...

APPENDIX 3

ORGANISATION OF SAARI

1. General

SAARI is controlled by the SAARI Board. The SAARI Board reports to.....

SAARI is served by staff seconded full-time or part-time from the Authorities Party to the Arrangements.

2. SAARI Board

The functions of the SAARI Board are set out in paragraph 5.3 of the Arrangements.

The Board is supported by the SAARI Secretariat.

3. SAARI Secretariat

The SAARI Secretariat is established by the Authorities and approved by the SAARI Board. Each Authority shall nominate a delegate who may have alternates and advisers.

The SAARI Secretariat will perform the following functions:

- (a) Making arrangements for the development of the SARI Parts and for their amendments;
- (b) Making arrangements for the publication of the SARI Parts;
- (c) Making arrangements for the implementation of these SARI Parts throughout the Member Authorities;
- (d) Monitoring compliance of the Authorities with agreed working procedures and the consistency in their interpretation of the SARI Parts;
- (d) Appointing working groups or committees, set-up to perform the tasks of SAARI; and
- (e) Coordinating these tasks.

The SAARI Secretariat comprises staff that is seconded full-time or part-time by the Authorities.

The SAARI Secretariat is headed by a coordinator (The SAARI Coordinator) seconded by SAARI officers. The SAARI Coordinators reports to the Director General of the Authorities through the SAARI Board.

(Staffing needs to be discussed further....)

Until the introduction and effectiveness of the scheme of article 6 item (a) of this agreement the SAARI Secretariat is hosted by located at