



COMISIÓN LATINOAMERICANA DE AVIACIÓN CIVIL • COMISSÃO LATINO-AMERICANA DE AVIAÇÃO CIVIL • LATIN AMERICAN CIVIL AVIATION COMMISSION

CLAC/CE/103-NI/03
06/10/23

CENTÉSIMA TERCERA REUNIÓN DE COMITÉ EJECUTIVO

(Caracas, República Bolivariana de Venezuela, 10 y 11 de octubre de 2023)

Cuestión 9 del

Orden del Día: Preparación de la Asamblea.

MoU entre EASA y CLAC

(Nota presentada por la Secretaría)

Antecedentes

1. En cada Asamblea se realiza de manera oficial una ceremonia de firmas de diversos instrumentos internacionales, tales como: Tratados Internacionales, Memorandos de Entendimiento (MoU), etc.

Desarrollo

2. La Agencia de la Unión Europea para la Seguridad Aérea (EASA) y la CLAC, han acordado la firma de un Memorando de entendimiento (**Adjunto**) para la próxima Asamblea de la CLAC, el 13 y 14 de diciembre en Lima Perú.

Medidas propuestas

3. Se invita al Comité Ejecutivo a tomar conocimiento del Memorando de Entendimiento acordado entre EASA y la CLAC.

MEMORANDUM OF UNDERSTANDING
ON AVIATION SAFETY AND SUSTAINABILITY
BETWEEN
THE LATIN AMERICAN CIVIL AVIATION COMMISSION
AND
THE EUROPEAN UNION AVIATION SAFETY AGENCY

The Latin American Civil Aviation Commission (“LACAC”) and the European Union Aviation Safety Agency (“EASA”) (hereinafter together referred to as “the Sides”) share a common purpose and goal in promoting the safe, orderly and sustainable development of international civil aviation. Both Sides recognise their mutual interest in, and the benefit of, strengthening their partnership and cooperation in enhancing aviation safety and sustainability. Both Sides are mindful of the importance and significant contribution of civil aviation and airport management to the socio-economic development of its Member States and of the need for training and information of aeronautical personnel in aeronautical matters and their auxiliary services;

LACAC’s mission is to promote the integration, cooperation, and coordination between the Latin American and Caribbean States in matters of air transport, air policy, airport management, capacity building, environment, facilitation, and aviation safety and security, with a view to be the reference in Latin America and the Caribbean for the efficient, sustainable, secure, organized, and harmonized development of regional and global air transport.

EASA’s mission is to promote the highest common standards of safety and environmental protection in civil aviation and in line with Article 90(2) of Regulation (EU) 2018/1139 (as amended).¹

The Sides therefore jointly decided to develop meaningful cooperation bonds so as to promote the safe, efficient and sustainable development of civil aviation in Latin America and the Caribbean.

Section I – PURPOSE AND OBJECTIVES

The purpose of this Memorandum of Understanding is to promote, develop and strengthen technical cooperation between the Sides in the field of international civil aviation, in particular in the areas of aviation safety and sustainability, on the basis of equality and mutual benefit.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212 of 22.08.2018, p. 1.

Section II –SCOPE OF COOPERATION

1. The Sides intend hereinafter to exchange any relevant information related to the development of civil aviation in Europe and in Latin America and the Caribbean, especially those related to aviation safety and sustainability, including capacity building and regulatory harmonization. Such exchange of information should be limited in respect of matters that may be considered as confidential or related to national security by both Sides.
2. The Sides envisage to develop the following areas of cooperation in the areas of international civil aviation, within their respective mandates including, but not limited to the following:
 - a. Training and development activities: the Sides will endeavor to mutually collaborate, and to provide support and advice on matters of common interest that facilitate the implementation of activities in the functional field that each Side is responsible for. The Sides will endeavor to collaborate, exchange, and provide mutual support and advice in the organization and development of virtual or presential training activities, such as: conferences, congresses, seminars, workshops, and specialized or publications alike that the parties consider of joint interest in the training field.
 - b. Rulemaking material: subject to resources available, EASA intends to provide LACAC with access to EASA Technical Publications and MS Word copies of EASA regulatory material, without prejudice to the intellectual property rights of EASA with respect to those publications.
 - c. Rulemaking activities:
 - i. Subject to resources available, EASA, in accordance with relevant access policy provisions, intends to facilitate LACAC's access to the EASA International Cooperation Forum (ICF) and any other events, workshops and seminars mutually deemed appropriate. Similarly, LACAC in accordance with its internal procedures will invite EASA to participate to its meetings, workshops and seminars as appropriate.
 - ii. The Sides intend that rulemaking cooperation will focus inter alia, in aviation formation and training in the fields of safety and cybersecurity, air navigation, airports, environmental protection and related regulatory development.
3. The Sides may jointly decide to add additional areas of cooperation in the future by mutual consent.

Section III – GOVERNANCE AND IMPLEMENTATION

1. The Sides envisage meetings on an annual basis to review the functioning of this Memorandum of Understanding at senior management level. Such meetings would preferably be held on the occasion of other events organised by either Side in order to optimise the use of resources.
2. *Ad hoc* meetings may be organised on-site, on-line or in hybrid format when justified by the need to review the implementation of selected aspects of cooperation between the Sides, or to discuss technical issues of common interest.
3. Each Side should designate a focal point to facilitate the application of this Memorandum of Understanding. Unless otherwise provided for, all communication between the Sides should be channelled through the designated focal points.
4. All communication under this Memorandum of Understanding should be conducted in the English language. Communications between EASA and the LACAC Secretariat related to this Memorandum of Understanding should be made and channeled preferably by virtual tools.

5. The collaboration under this Memorandum of Understanding may continue until the Sides agree that the objectives of this Memorandum of Understanding have been achieved or until one Side discontinues its participation in this Memorandum of Understanding.
6. Methods of cooperation:
 - To comply with the purpose of this Memorandum of Understanding, EASA and the LACAC Secretariat should carry out the following actions:
 - i. Exchange of letters and documents.
 - ii. Management and dissemination among LACAC members of EASA's training offers and training capabilities, as well as the benefits that EASA may offer, in particular but not exclusively, tailor-made activities.
 - iii. Consultation and coordination, where necessary.
 - iv. Familiarisation visits.

Section IV – NATURE OF THE COOPERATION

1. This Memorandum of Understanding is a statement of intent and does not create any rights or obligations under international or domestic law. Neither Side will incur nor be bound by any legal obligation or expense under this Memorandum of Understanding. The Sides fulfil their cooperation under this Memorandum of Understanding on a best-effort basis.
2. This Memorandum of Understanding does not modify or supersede any European Union law or any national laws nor does it affect any provisions under other multilateral or bilateral agreements in force and applicable to the Sides.
3. This Memorandum of Understanding does not have any financial implications on either Side. Charges for the provision of training services by EASA are laid down in Commission Implementing Regulation (EU) 2019/2153 of 16 December 2019 on the fees and charges levied by the European Union Aviation Safety Agency, and repealing Regulation (EU) No 319/2014.

Section V – SETTLEMENT OF DISPUTES

Any dispute about the interpretation or application of this Memorandum of Understanding will be resolved by consultations between the Sides and will not be referred to any national or international tribunal or third party for settlement.

Section VI – CONFIDENTIALITY

It is expected that neither Side would, at any time, disclose to any third party, any confidential information of the other Side which is acquired within the framework of this Memorandum of Understanding without the prior written consent of the other Side, except as provided by law.

Signed at Cologne (Federal Republic of Germany) and at Lima (Republic of Peru) in two (2) original copies of which each Side receives one copy:

Date: _____

Date: _____

FOR EASA

FOR LACAC

Luc Tytgat
ACTING EXECUTIVE DIRECTOR

Leonardo Blengini
PRESIDENT OF THE LACAC