



LACAC/AE/VII WP/09
11/12/23

**VII EXTRAORDINARY ASSEMBLY
50 LACAC ANNIVERSARY**
(Lima, Peru, 13 to 15 December 2023)

Agenda item 4: Signing of the LACAC MOUs.

**MEMORANDUM OF UNDERSTANDING ON AERIAL WORKS BETWEEN
THE AERONAUTICAL AUTHORITIES OF THE MEMBER STATES OF THE
LATIN AMERICAN CIVIL AVIATION COMMISSION (LACAC).**

(Working paper presented by the Executive Committee)

Background

1. At the One Hundred and Third Meeting of the Executive Committee, in the city of Caracas, Bolivarian Republic of Venezuela, on October 11 and 12, 2023, the Draft “Memorandum of Understanding on Aerial Works between the Aeronautical Authorities of the Member States of the Latin American Civil Aviation Commission (LACAC)”.

Development

2. The One Hundred and Third Meeting of the Executive Committee approved the draft Memorandum of Understanding (ATTACHED), to be presented at the next Extraordinary Assembly. Additionally, the Secretariat was tasked with making the necessary arrangements for the Memorandum to be signed by the States that so consider it during the Assembly that will be held on December 14 and 15 of this year.

Proposed Measures

3. The Extraordinary Assembly is invited to approve the text of the Memorandum of Understanding on Aerial Works between the Aeronautical Authorities of the Member States of the Latin American Civil Aviation Commission (LACAC)” and invite the Member States of the LACAC to sign it.

**MEMORANDUM OF UNDERSTANDING
ABOUT AERIAL WORKS
BETWEEN THE AERONAUTICAL AUTHORITIES OF THE MEMBER STATES
OF THE LATIN AMERICAN CIVIL AVIATION COMMISSION (LACAC)
WHO SUBSCRIBE IT**

Considering:

That, for the purposes of this instrument, aerial work is all commercial aerial activities, other than the transportation of people or things, carried out by means of aircraft, such as firefighting; actions to support agriculture and construction; aerial photography and filming; prospecting and surveillance flights, cloud treatment; aeromedical or air ambulance evacuations;

That aerial work is essential for the prevention of disaster situations arising from both natural phenomena and human action such as forest fires, floods, or land displacements; and that allow the timely reaction to counteract the effects of said events, under the supervision of the competent authorities.

That the high specialization and consequent shortage of qualified personnel, the dependence on eventual or unforeseen circumstances, and the need to act quickly to assist in cases of emergency, catastrophes and/or social needs make collaboration between States necessary, especially between those that are bordering or close, to allow these services to be provided mutually;

That the States of the Region have faced and will possibly continue to face the negative consequences of meteorological phenomena, deliberate actions of human beings or others that affect people, their heritage, and their environment;

That, given the circumstances previously indicated, the authorities of the undersigned LACAC member States have concluded that the reciprocal granting of facilities and the greater issuance in the processing of authorizations, permits, and recognition of technical documents, under the principle of non-discrimination, can contribute to making the response to the need for aerial work operations in their respective territories more efficient and effective;

That the undersigned aeronautical authorities, which appear in the attached list (Attachment 1), hereinafter the "Parties", have agreed to this Memorandum of Understanding in the field of aerial work:

Agreement

The Parties undertake to facilitate the conditions under which operators from other signatory States may carry out aerial work in their territory in cases of emergency and whenever

they deem it necessary to support the action of local operators or provide greater capabilities, seeking to foster non-discriminatory access to the development of the respective activities.

Without undermining operational safety, the Parties undertake to simplify and accelerate the procedures related to the technical conditions of aircraft, the capacity of crew members, and the granting of permits, when dealing with emergencies so declared or similar situations that each State considers.

Scope

In compliance with the above, the Parties will seek:

- a. grant equal treatment to aerial work operators of other Parties;
- b. individualize and accurately inform interested parties the organization, department or person who should be contacted to carry out an aerial work operation;
- c. simplify and accelerate the certification procedures of aerial work operators of the other Parties, applying expeditious procedures based on the recognition and validation of the documents and authorizations granted in the State of origin of the interested companies, and incorporate these conditions into their internal regulations
- d. collaborate with the supervisory role that corresponds to the other Parties, either as grantor of the respective Air Operator Certificate or as State of Registry;
- e. facilitate the validation of licenses issued by the other Parties to aircraft crew members and other technical personnel;
- f. simplify and accelerate the procedures for the operation of Approved Maintenance Organizations (AMO) that provide services to foreign aerial work operators, applying expedited procedures for their installation and recognition, and incorporate these conditions into their internal regulations;
- g. keep the authorizations, permits or recognitions issued in compliance with this Memorandum in force while the situations or states of emergency, calamity or public need that have justified their granting persist;
- h. create a repository of foreign aerial work companies that considers the background of their authorizations, certifications, licenses, and technical capabilities, in order to facilitate the granting of permits in the cases contemplated in this Memorandum;
- i. exchange information, technological knowledge, technical regulations, and procedure manuals on best practices and regulation of aerial work.

Activation of this Memorandum

Without prejudice to the provisions of the Entry into force and duration section, the provisions of this instrument will be applicable every time one of the Parties declares, in accordance with its legislation and internal procedures, the existence of a situation of emergency, calamity, or public need that makes the participation of air operators from other States essential, or when it deems it necessary.

Enforcement of laws

All activities related to this Memorandum will be carried out in accordance with the national laws and regulations of the Parties.

Amendments and Dispute Resolution

This Memorandum can be amended by mutual agreement between the Parties. Said modifications will be made formally in writing and will be signed by all Parties.

Specific Annexes may be signed by the Parties that deem so by mutual understanding.

Any dispute between the Parties regarding the interpretation or application of this Memorandum will be resolved amicably through negotiations and consultations between the Parties.

Subscription

This Memorandum of Understanding will be permanently open for signature for the LACAC member States. This subscription will be verified by sending an official letter by email addressed to the LACAC Secretariat, which will be communicated through it to the other subscribing States.

Entry into force and duration

This Memorandum will come into force on the date of its signature or the date of completion of the respective internal procedures required for it, remaining in force until it is terminated by mutual consent or by any of the Parties through written notification to the other Parties through notice of no less than 30 days. The subscribing States that require an internal procedure after the signing of this instrument will communicate this fact to the LACAC Secretariat; and when said internal procedures have been completed, they will be made known to the aforementioned Secretariat, for dissemination among the other subscribers.

Coordination and contact points

The Parties will designate one or more officials responsible for the coordination and management of this Memorandum and to whom requests for permits and authorizations and other necessary communications must be directed. For these purposes, the aeronautical authorities of each State will inform the names of the designated persons to the LACAC Secretariat, which will create a list available on the organization's website, which will be updated annually upon request from the Secretariat to the parties.

Consequently, based on the principle of good faith, the undersigned sign this Memorandum in the city of Lima, Peru, on December 15, 2023, in the Spanish, English, and Portuguese languages.