

**COOPERATION AGREEMENT BETWEEN THE NATIONAL SUPERVISORY  
AUTHORITIES OF THE NORTH EUROPEAN FUNCTIONAL AIRSPACE BLOCK  
(NEFAB)**

**Preamble**

The Civil Aviation Administration of the Republic of Estonia, the Finnish Transport Safety Agency of the Republic of Finland, the State Agency "Civil Aviation Agency" of the Republic of Latvia, the Civil Aviation Authority of the Kingdom of Norway, hereinafter referred to as "the NSAs",

Having regard to the Regulations on the Single European Sky of the European Parliament and the Council, the relevant implementing rules, the statement by the EU Member States on military issues relating to the Single European Sky of 31 March 2004;

Referring to the Agreement on the European Economic Area of 3 January 1994;

Recognizing the obligations that each Contracting State is bound by as parties to the Convention on International Civil Aviation of 1944 (Chicago Convention);

Taking into account the Agreement on the Establishment of the North European Functional Airspace Block between the Government of the Republic of Estonia, the Government of the Republic of Finland, the Government of the Republic of Latvia and the Government of the Kingdom of Norway, [of DD.MMMM.2012], hereinafter referred to as "the State Level Agreement";

Acknowledging the need for close cooperation between the NSAs to ensure its functionality;

Noting that the National Supervisory Authorities Committee (NSA Committee) is established by the NEFAB Council, according to the State Level Agreement;

Considering that a cooperative approach to air traffic management is a major step towards fulfilling the needs of civil and military air traffic;

Recognizing that the creation of NEFAB requires the enhanced and increasing cross-border provision of air navigation services;

Considering the importance of the principle of "Just Culture" as reflected in international and European legislation;

Aiming at achieving maximum capacity, effectiveness and efficiency of the air traffic management system while maintaining a high level of safety;

Convinced by the added value of the creation of NEFAB for overall environmental sustainability;

Referring to Article 7 of the State Level Agreement on Authorisation to the National Supervisory Authorities;



Have agreed as follows:

#### Article 1: Terminology

For the purpose of this Agreement, except where the context otherwise requires or otherwise stated, the terms used in this Agreement shall have the same meaning attributed to them as in the State Level Agreement, in the EU Regulations on the Single European Sky and in the Chicago Convention.

#### Article 2: Scope and Objective

Within the framework following from the State Level Agreement, the objective of this Agreement is to set out the principles and provisions governing the cooperation between the NSAs, and to ensure the safe and effective implementation of NEFAB taking into account the national legislation of each Contracting State.

#### Article 3: Principles of Cooperation

3.1 The sovereign interests of the Contracting States are respected.

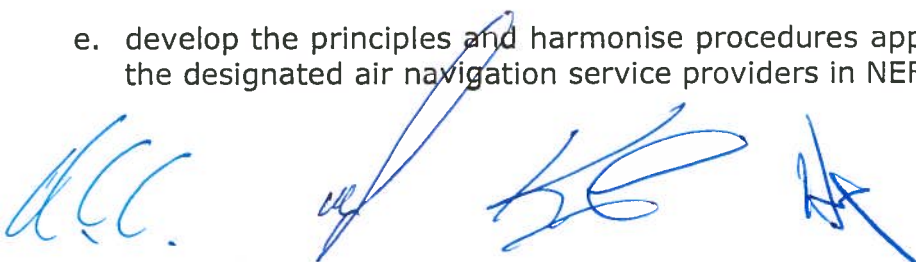
3.2 The NSAs shall ensure the effective exchange of information as well as consultation and coordination.

3.3 The NSAs shall mutually enhance the opportunity for participation of each NSA concerned in all supervisory tasks, aiming at carrying out joint supervisory tasks.

#### Article 4: Areas of Cooperation

In order to fulfil the objectives of this Agreement, the NSA Committee shall, in particular:

- a. collect the information relating to the rights and obligations of the NSAs and develop related coordination procedures in NEFAB, excluding personal data;
- b. establish harmonised procedures for reporting, exchange and dissemination of information, including safety related information, according to Article 8, excluding personal data;
- c. develop and harmonise the rules and procedures relevant to the functions of NEFAB;
- d. enhance close cooperation between the NSAs in the field of supervision of air navigation services;
- e. develop the principles and harmonise procedures applying to the oversight of the designated air navigation service providers in NEFAB;



- f. harmonise the respective practices, training and qualifications of the personnel performing oversight tasks;
- g. develop common policy and procedures on safety monitoring and risk based oversight;
- h. develop common safety initiatives;
- i. develop common policy and procedures on the acceptance of safety related changes; and cooperation with respect to this when the airspace of more than one Contracting State is concerned;
- j. harmonise procedures on licensing of air traffic controllers, and the certification and supervision of training organisations for air traffic controllers;
- k. aim at developing harmonised policy and procedures on the provision of Aerodrome Flight Information Service (AFIS); licensing/authorization of AFIS personnel, and the certification and supervision of training organisations for AFIS personnel;
- l. prepare NEFAB performance plans and performance targets;
- m. establish arrangements for the handling of non-compliances with the applicable common requirements in accordance with Article 25.2 of the State Level Agreement;
- n. ensure that necessary corrective measures will be taken without undue delay and that the decisions taken in accordance with this Agreement and within the competence of each NSA will, if necessary, be enforced.

#### Article 5: National Supervisory Authorities Committee

5.1 The NSA Committee shall be composed of representatives of the NSAs.

5.2 Each NSA shall have one vote. The decisions of the NSA Committee shall be made by consensus and shall be implemented individually by the NSAs, in accordance with the national legislation.

5.3 Each NSA may appoint one delegate and an alternate. The NSA Committee may, whenever needed, invite experts into the meetings in order to allow the interests of both civil and military aviation to be represented. The NSA Committee may also establish working groups and expert teams.

#### Article 6: Supervisory Tasks

6.1 The responsibility for the supervision and safety oversight of a certified air navigation service provider lies with the Certifying NSA according to Article 25 of the State Level Agreement.

Four handwritten signatures in blue ink, arranged horizontally at the bottom of the page. The signatures are stylized and appear to be initials or names of the signatories.

6.2 The NSAs may participate in supervisory tasks performed by other NSAs. In order to facilitate this, each NSA shall notify its annual inspection programme, including safety regulatory audits programme, to the NSA Committee at the latest one month after the entry into force of this Agreement, and subsequently on a yearly basis prior to their commencement.

6.3 Each NSA shall keep its programmes up-to-date, consult the NSA Committee before their adoption, and/or change and inform the NSA Committee of its changes, if applicable, without undue delay.

6.4 The NSAs aim at the division of supervisory tasks between the NSAs and the performing of joint supervisory tasks.

6.5 Each NSA informs all other NSAs of the results of their supervisory tasks, relevant to NEFAB.

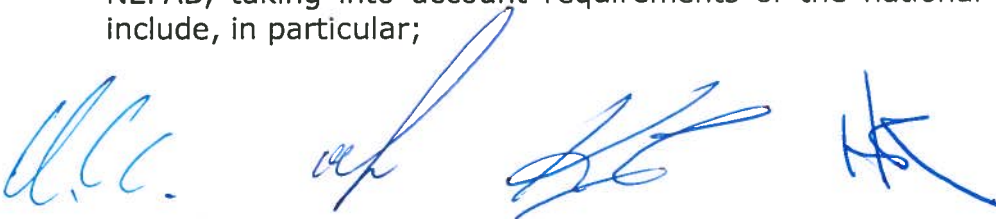
#### Article 7: Performance

The NSA Committee is responsible for the preparation and drawing up of NEFAB performance plans. The NSA Committee shall, inter alia;

- a. elaborate the relevant information for NEFAB performance plans containing targets consistent with the European Union wide performance targets and the NEFAB performance targets;
- b. set the NEFAB performance targets and the Key Performance Indicators (KPI);
- c. ensure that the NSAs provide the NSA Committee with relevant information of the business plans of the air navigation service providers;
- d. consult the stakeholders on NEFAB performance plans and targets;
- e. present NEFAB performance plans to the NEFAB Council for adoption;
- f. monitor and oversee the NEFAB performance;
- g. collect data and exchange relevant information among the NSAs and with the NEFAB Council in relation to performance planning and performance monitoring;
- h. report to the NEFAB Council about the implementation of NEFAB performance plans and the outcome of the performance monitoring in relation to Key Performance Indicators (KPI).

#### Article 8: Exchange of Information

8.1 The NSAs shall ensure the effective exchange of all information relevant to NEFAB, taking into account requirements of the national legislation. This shall include, in particular;



- a. any change or modification of the legal status of the air navigation service providers under its supervision;
- b. any change, amendment or revocation of the certificates of the air navigation service providers and/or the rights, obligations and conditions attached thereto;
- c. any limitation of competence or equivalent measures imposed on air navigation service providers and safety related obligations in the designation acts;
- d. safety related information gathered within monitoring of safety performance;
- e. proposed new functional systems or changes to existing functional systems;
- f. reports received in the format of European Coordination Centre for Accident and Incident Reporting Systems (ECCAIRS) concerning the incidents and occurrences in the NEFAB airspace, to be able to monitor, measure and identify risk performance in a comparable way.

8.2 Each NSA is obliged to keep the above mentioned information up-to-date and to inform the NSA Committee of any changes.

8.3 The NSAs aim at establishing the technical facilities to exchange the information without undue delay.

#### Article 9: Amendment of this Agreement

9.1 Amendments of this Agreement shall be made in writing.

9.2 Amendments shall be approved by the NSA Committee and notified to the NEFAB Council. The amendments shall enter into force 30 days after being signed by the NSAs.

#### Article 10: Dispute Resolution

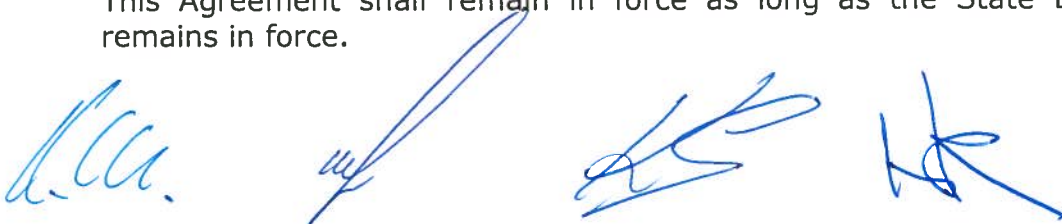
10.1 Any dispute which concerns issues related to this Agreement shall primarily be negotiated between the NSAs concerned.

10.2 If the NSAs concerned are unable to resolve any dispute by negotiation, it shall be referred to the NSA Committee for a recommendation.

10.3 If the NSAs cannot accept the recommendation from the NSA Committee regarding the dispute, the NEFAB Council shall be approached.

#### Article 11: Duration

This Agreement shall remain in force as long as the State Level Agreement remains in force.



Article 12: Final Provisions

Each NSA shall receive one original version of this Agreement.

Article 13: Entry into Force

This Agreement shall enter into force 30 days after the entry into force of the State Level Agreement.

\*\*\*\*\*

IN WITNESS WHEREOF the undersigned, having been duly authorised by their respective authority, have signed this Agreement.

DONE at [...], this [ day ] day of [ month ] 2012, in four [4] identical versions in the English language.

Four handwritten signatures in blue ink, arranged horizontally from left to right. The first signature is a cursive 'M'. The second is a large, looped signature. The third is a signature with a prominent horizontal stroke. The fourth is a signature with a large 'A' shape.