



Хавсрагт 2

International
Civil Aviation
Organization

Organisation
de l'aviation civile
internationale

Organización
de Aviación Civil
Internacional

Международная
организация
гражданской
авиации

منظمة الطيران
المدني الدولي

国际民用
航空组织

THE SECRETARY GENERAL

Ref.: AN 19/42.147 Confidential – CMO45863

AUG 17 2012

Mr. Sanjaajav Batmunkh
Director General
Civil Aviation Authority of Mongolia
Chinggis Khaan International Airport
17120 Buyant-Ukhaa
Khan-Uul Duureg
Ulaanbaatar-34
Mongolia

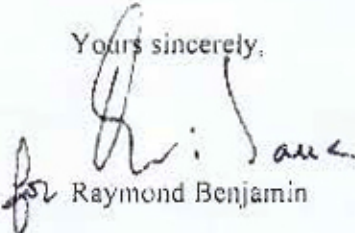
Dear Mr. Batmunkh,

I have the honour to acknowledge receipt of the two signed copies of the Memorandum of Understanding (MOU) between Mongolia and the International Civil Aviation Organization (ICAO) regarding the Universal Safety Oversight Audit Programme Continuous Monitoring Approach.

Please find attached a copy of the MOU, duly signed. If you require further assistance, please contact Mr. Henry Gourdji, Chief, Continuous Monitoring and Oversight Section by telephone: +1 514-954-6751, by e-mail: cmo@icao.int, or by facsimile: +1 514-954-8200.

I would like to take this opportunity to thank you for your continued support of the ICAO Universal Safety Oversight Audit Programme.

Yours sincerely,



for Raymond Benjamin

Enclosure:

MOU between Mongolia and ICAO

cc National Continuous Monitoring Coordinator

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MONGOLIA AND THE
INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)
REGARDING THE UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME
CONTINUOUS MONITORING APPROACH**

Whereas the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

Whereas the 32nd Session of the Assembly of ICAO in Resolution A32-11 directed the Council to establish the ICAO Universal Safety Oversight Audit Programme (USOAP), providing for regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, that such universal safety oversight programme shall apply to all Contracting States, and that greater transparency and increased disclosure be implemented in the release of audit results;

Whereas the 32nd Session of the Assembly urged all Contracting States to sign a bilateral Memorandum of Understanding (MOU) with the Organization, agreeing to audits to be carried out upon ICAO's initiative, but always with the consent of the State to be audited, and outlining the rules of conduct for such audits;

Whereas the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve Significant Safety Concerns (SSCs) identified under USOAP;

Whereas the 36th Session of the Assembly directed the Secretary General to examine options for the continuation of the USOAP beyond 2010, including the possibility of adopting a Continuous Monitoring Approach (CMA);

Whereas the 37th Session of the Assembly directed the Secretary General to evolve the USOAP to a CMA, which will incorporate the analysis of safety risk factors and be applied on a universal basis in order to assess States' oversight capabilities;

Whereas the 37th Session of the Assembly directed the Secretary General to ensure that the CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation*, and Annex 14 — *Aerodromes*;

Whereas the 37th Session of the Assembly urged all Contracting States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective implementation of the USOAP CMA;

Whereas the 37th Session of the Assembly urged all Contracting States to cooperate with ICAO and, as much as practicable, to accept continuous monitoring activities scheduled by the Organization, including audits and validation missions, in order to facilitate the smooth functioning of the USOAP CMA;

Whereas the 37th Session of the Assembly directed the Secretary General to make all safety oversight-related information generated by the USOAP CMA available to all Contracting States through the USOAP restricted website;

Whereas the 37th Session of the Assembly directed the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety; for the sharing of confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

Recalling that transparency and the sharing of safety information are fundamental tenets of a safe air transportation system; and

Recognizing that mutual trust between States as well as public confidence in the safety of air transportation is contingent upon access to adequate safety information.

IT IS AGREED AS FOLLOWS:

PART I – USOAP CMA ACTIVITIES (GENERAL)

1. Pursuant to Assembly Resolution A37-5, Mongolia, hereafter referred to as MONGOLIA, hereby agrees to participate fully in the USOAP CMA by taking part in all USOAP CMA activities and by committing to provide information related to the establishment and implementation of its safety oversight system on an ongoing basis, whenever possible through the CMA online framework. USOAP CMA activities will cover the *Convention on International Civil Aviation* (Chicago, 1944) and the safety-related provisions of its Annexes.
2. MONGOLIA and ICAO accept that all actions taken by the parties or activities carried out under the USOAP CMA will be conducted in accordance with the guidelines and principles set forth in the third edition of the *Universal Safety Oversight Audit Programme Continuous Monitoring Manual* (ICAO Doc 9735).
3. MONGOLIA agrees to facilitate the USOAP CMA by designating one or more appropriately-qualified persons to act as National Continuous Monitoring Coordinator(s) (NCMCs) on an ongoing basis. The NCMCs act as facilitators and as the primary points of contact for all USOAP CMA processes and activities. The NCMCs will be responsible for providing ICAO with updates and information on an ongoing basis, either by providing ICAO with copies of the relevant information and updates, or by directly inputting information through the USOAP CMA online framework.
4. Information to be submitted and updated regularly by the NCMCs through the USOAP CMA online framework will include responses to the State Aviation Activity Questionnaire (SAAQ), status of the USOAP protocol questions (PQs), responses to ICAO Mandatory Information Requests (MIRs), information relating to Significant Safety Concerns (SSCs), updates to the State Corrective Action Plan (CAP), including information regarding implementation status and, as far as practicable, any other relevant safety information, as requested by ICAO. Details regarding the role of the NCMCs and the submission of information through the USOAP CMA online framework are contained in ICAO Doc 9735.
5. MONGOLIA agrees to complete and maintain up-to-date Compliance Checklists, which contain information on the implementation of the specific provisions of the relevant Annexes to the Chicago Convention. Whenever possible, the State will provide this information through the Electronic Filing of Differences (EFOD) system.



6. Based on information collected through the USOAP CMA online framework, ICAO Headquarters may issue MIRs, Findings and Recommendations (F&Rs) and/or SSCs which apply to MONGOLIA. Such MIRs, F&Rs and/or SSCs will be notified to the State through the USOAP CMA online framework, or by letter, and will be addressed by the State in accordance with the timelines set out in the Part III of this MOU.
7. All safety-related information generated by USOAP CMA activities will be made available to all ICAO Member States through the USOAP CMA online framework. A standardized report approved by the Council on the level of effective implementation of Mongolia's safety oversight system will be made available through the ICAO public website.
8. If a Regional Safety Oversight Organization (RSOO) or any other entity performs safety-related activities on behalf of MONGOLIA ICAO, with the consent of Mongolia, may elect to enter into a working arrangement with this RSOO or entity as appropriate, to facilitate the monitoring of the State.

PART II – USOAP CMA ON-SITE ACTIVITIES

9. USOAP CMA on-site activities comprise USOAP Comprehensive Systems Approach (CSA) audits, as well as ICAO Coordinated Validation Missions (ICVMs) and Safety Audits. Safety Audits are conducted on a cost-recovery basis at the request of Mongolia. When requested by MONGOLIA, an ICVM may also be conducted on a cost-recovery basis.
10. With the exception of Safety Audits and cost-recovery ICVMs, where all costs are borne by MONGOLIA, ICAO will be responsible for the cost of transportation to and from MONGOLIA, as well as for the daily subsistence allowance (DSA) of the team members.
11. A periodic schedule of USOAP CMA on-site activities will be published in accordance with ICAO Doc 9735, with the dates of Safety Audits to be agreed between ICAO and the States concerned on a case-by-case basis.
12. Unless justified reasons lead the parties to mutually agree upon alternate dates, MONGOLIA is expected to accept scheduled on-site activities.
13. Notification of on-site activities of the USOAP CMA will be provided to the State by ICAO with at least 120 calendar days advance notice. When necessary or useful, MONGOLIA and ICAO may mutually agree to a shorter notice period for any USOAP CMA on-site activity.
14. No change in the periodic schedule of USOAP CSA audits will be allowed within ninety calendar days prior to the starting date of the audit of the State, and no change to a scheduled ICVM will be allowed within sixty calendar days prior to the starting date of the ICVM, except for a compelling reason, submitted to the President of the Council of ICAO for his consideration. Any change made by the State to the dates of a scheduled Safety Audit will be made on a case-by-case basis, with the State concerned incurring all costs associated with the postponement or cancellation.
15. The scope of all USOAP CMA on-site activities will be determined by ICAO based on information collected and will be communicated to the State in advance of the activities, in accordance with the timelines stipulated in ICAO Doc 9735.



16. All ICAO audit and ICVM teams will comprise experts in the disciplines related to the areas addressed by the audit or ICVM. The composition of the team (names and areas of expertise) will be provided to the State at least forty-five calendar days prior to the conduct of a USOAP CSA audit or ICVM. For Safety Audits, every effort will be made to communicate the team composition to the State at least forty-five days prior; however, this timing may vary depending on the specific circumstances.
17. USOAP CMA on-site activities will be conducted in English, French or Spanish, as requested by the State. If the language of the State, as notified to ICAO, is one of the three remaining ICAO working languages, every effort will be made to ensure that at least one team member participating in the USOAP CMA on-site activity has command of that ICAO working language.
18. The ICAO team will develop a State-specific mission plan for each USOAP CMA on-site activity in MONGOLIA, containing information on the conduct of the scheduled activity. The plan will be forwarded to the NCMCs prior to the activity to facilitate cooperation and coordination. Any modification to the State-specific mission plan may be agreed between ICAO and the State during the opening meeting.
19. MONGOLIA agrees to facilitate USOAP CMA on-site activities by:
 - a) providing access to selected organizations related to civil aviation activities and personnel involved in the management or provision of personnel licences, air transport operations, maintenance and airworthiness of aircraft, air navigation services, aerodrome operations as well as aircraft accident and incident investigations, handling and shipping by air of dangerous goods and any other relevant activity required by safety-related provisions in the Annexes to the Chicago Convention;
 - b) making all relevant documents, files and information available to the ICAO team; and
 - c) providing access to facilities and restricted areas at air traffic services, aerodromes and other areas where the audit or ICVM is expected to be conducted.
20. MONGOLIA agrees to provide support to the USOAP CMA on-site activities by:
 - a) providing interpretation services for the duration of the on-site activity or as requested by the ICAO team;
 - b) making accommodation arrangements for the ICAO team for the duration of the on-site activity;
 - c) meeting the cost of transportation when visits to various locations within the State are required under the State-specific mission plan;
 - d) providing adequate working space with privacy for the ICAO team;
 - e) providing access to a printer, photocopier, scanner and facsimile machine, if available; and
 - f) providing Internet access, if available.



21. During the conduct of a CSA audit or Safety Audit, the ICAO team will review the State's legislative and regulatory provisions, examine records, documentation, facilities, equipment and tools, as well as conduct interviews to determine the establishment and implementation of an effective safety oversight system, including the implementation of ICAO Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS), as well as the application of guidance material and relevant safety-related practices in general use in the aviation industry as referred to in such material.
22. During the conduct of an ICVM, the ICAO team may perform any of the activities identified in paragraph 21 in order to facilitate the validation of progress made by the State in resolving identified safety oversight deficiencies.
23. Upon completion of the USOAP CMA on-site activity, the ICAO team will conduct a closing meeting in which they will provide a summary of the results of the activity to government officials, as determined by the NCMC. These officials may include senior Civil Aviation Authority (CAA) management and other State authorities responsible for the areas covered by the scope of the activity. The ICAO team will also provide a briefing on the next steps in the USOAP CMA process. If necessary and appropriate, the closing meeting will also be used to notify the State of any preliminary SSCs identified during the activity.
24. For CSA audits and Safety Audits, the ICAO team will provide the State with draft F&Rs prior to departing the State. Formal written notification of any SSCs identified during the activity will be provided to MONGOLIA within fifteen calendar days from the closing meeting.
25. ICAO undertakes to make available to MONGOLIA a draft final report for any USOAP CMA on-site activity within ninety calendar days from the closing meeting. If the ICAO working language of the State is other than the language of the activity, the draft final report will be translated into that language and timelines will be adjusted accordingly. MONGOLIA commits to providing ICAO with its comments on the draft final report within forty-five calendar days from receipt of the report in the ICAO working language of its choice. Any comments received will be reviewed by ICAO before being incorporated into the final report.
26. ICAO will provide MONGOLIA with the final report within 165 calendar days from the date of the closing meeting. However, if translation is required into an ICAO working language other than the language of the activity, this timeline will be adjusted accordingly. The final report will then be made available to all Member States of ICAO, at least in English, through the USOAP CMA online framework.
27. Without prejudice to other privileges and immunities applicable to ICAO as a Specialized Agency of the United Nations, and its personnel, all members of a USOAP CMA on-site activity team shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.



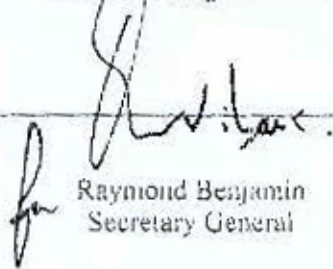
PART III – DEFICIENCIES AND CORRECTIVE ACTIONS

28. If an SSC is notified to MONGOLIA following a USOAP CMA on-site activity or at any other time, ICAO will provide MONGOLIA with a short time frame to resolve the SSC through immediate corrective actions. If the SSC remains unresolved at the end of the prescribed time frame, the SSC will be made available to all Member States of ICAO through the USOAP CMA online framework.
29. Should any deficiencies be identified, MONGOLIA undertakes to provide ICAO with a proposed CAP within forty-five calendar days from the date of posting of the F&Rs on the USOAP CMA online framework or from the date of notification of the F&Rs through a draft final report. The CAP should provide specific actions and estimated implementation dates, as well as a responsible office for taking action to correct the deficiencies identified in the F&Rs. If no CAP is submitted, ICAO will contact MONGOLIA to determine the reasons for not providing a CAP and report its findings to Council.
30. ICAO will provide MONGOLIA with feedback on the acceptability of any proposed CAP. If any proposed corrective actions do not fully address the associated F&Rs, the State will be notified accordingly.

PART IV – DISPUTE RESOLUTION


31. Any difference or dispute concerning the interpretation or the application of this Memorandum of Understanding will be resolved by negotiation between the parties concerned.

For the International Civil
Aviation Organization



for Raymond Benjamin
Secretary General

For the Appropriate Authority of
Mongolia



Name: Sarjaajav Batmunkh
Title: Director General

17 - 08 - 2012

Date

03-Aug-2012

Date