

ARO.GEN.205 Agreement between the Human Environment and Transport Inspectorate and the Department of Civil Aviation of Aruba for the participation of the DCA Aruba in the EU Ramp Inspection Program

Parties

The Minister for Infrastructure and Water Management, acting as representative of the State of the Netherlands, hereby represented by the Directeur Toezicht en Opsporing of the Human Environment and Transport Inspectorate ir. K. Visser, and hereinafter referred to as: The CAA-NL;

and

Management Department of Civil Aviation of Aruba (DCA-Aruba), hereby represented by the Director ing. E. Kelly and hereinafter referred to as: DCA-Aruba;

Considering

- Commission Regulation (EU) No 965/2012
- Statuut voor het Koninkrijk der Nederlanden
- Wet luchtvaart (Nederland)
- Luchtvaartwet (Nederland)
- Regeling Toezicht Luchtvaart (Nederland)
- Besluit Aanwijzing Toezichthouders Luchtvaart (Nederland)
- Luchtvaartwet BES
- Luchtvaartverordening van Aruba
- Landsbesluit Luchtwaardigheid (Aruba)
- Protocol regarding the cooperation concerning civil aviation in the Kingdom of the Netherlands

Whereas

- The EU Ramp Inspection Program is a European Program regarding the performance of Ramp Inspections on aircraft operated by third country operators (SAFA) or by operators under the regulatory oversight of another EU Member State (SACA);
- The Netherlands is one of the participating States in the EU Ramp Inspection Program;
- Aruba, not being a member of the EU Ramp Inspection Program, but being part of the Kingdom of the Netherlands and considering the scope of paragraph 3 of the Statute for the Kingdom of the Netherlands;
- The Netherlands and Aruba can make arrangements for cooperation which serve the mutual benefit of each country within the Kingdom of the Netherlands;

- Both the Netherlands and Aruba share the need for Ramp Inspections in the Caribbean region;
- Aruba wishes to make a significant contribution to the safety level in the region by implementing the EU Ramp inspection program and standards.

Article 1: Definitions

For the purpose of this agreement the definitions of Commission Regulation (EU) 965/2012 or its amended version apply. As these definitions need to be seen from the perspective of the Participating State, the following definitions additionally apply:

CAA-NL: Civil Aviation Authority Netherlands

Coordinator: the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections National Coordinator & Senior Inspector.

DCA-Aruba: Department of Civil Aviation of Aruba

DCA-Aruba Ramp Inspectors: CAA-NL Qualified Ramp Inspectors of the DCA-Aruba

DGAC/F: Direction Générale de l'Aviation Civile - France

EASA: European Aviation Safety Agency

EU: European Union

POI: Proof of Inspection

RITO: Ramp Inspection Training Organization

SAFA: Safety Assessment of Foreign Aircraft, these are all Ramp Inspections on Non EASA operators. A Ramp Inspection on an Aruban operator within the terms of the EU Ramp Inspection Program are included under the SAFA type of Ramp Inspections. The ICAO and Aircraft Manufacturer's standards are the main regulatory standards against which the Ramp Inspections are checked.

SANA: Safety Assessment of National Aircraft, these are all Ramp Inspections on Dutch Commercial Operators or Non-Commercial Complex Operators with a Declaration in the Netherlands.

SACA: Safety Assessment of Community Aircraft, these are all Ramp Inspections on EASA states operators except the operators that falls under the direct oversight responsibility of the Netherlands.

SAXA: (SAFA/SANA/SACA) - Safety Assessment of Foreign / National / Community Aircraft, the SAXA abbreviation is used as all Ramp Inspections performed under SAFA, SANA and SACA where the x stands for any of these three forms of Ramp Inspections which are conducted using the same basic inspection methodology and procedures.

SMCAA: Sint-Maarten Civil Aviation Authority.

Article 2: Subject matter and scope

a. The CAA-NL is the EU Ramp Inspection Participating State and is responsible for ensuring that all EU Ramp Inspections conducted under its responsibility comply with the requirements set forth in Commission Regulation (EU) No 965/2012.

b. The CAA-NL is the Competent Aviation Authority of the Netherlands and is part of the Human Environment and Transport Inspectorate of the Ministry of Infrastructure and Water Management.

c. This Agreement establishes the terms by which DCA-Aruba Ramp Inspectors are allowed to conduct EU-qualified ramp inspections on behalf of the CAA-NL, as a Participating State, within the scope of the EU Ramp Inspection Program and which are recorded in the EASA Centralized Database.

d. This agreement contains provisions allowing DCA-Aruba Ramp Inspectors to conduct inspections on behalf of the Netherlands with or without an appointed CAA-NL Inspector employed by the ILT, in the overseas territories for which the CAA-NL has the primary oversight responsibility. This inspection team can also include the SMCAA Inspectors qualified under the CAA-NL or other EU Qualified Ramp Inspectors from countries/authorities where the Netherlands closely cooperates (such as the DGAC/F in the Caribbean Region). These territories are: Bonaire, Sint Eustatius and Saba.

e. Lastly this agreement lays down the terms of reference under which the DCA-Aruba Ramp Inspectors can participate in other EU Qualified Ramp Inspections with the CAA-NL or another Participating State as arranged by the CAA-NL. Examples include, but are not limited to, the CAA-NL inspections conducted in Sint Maarten, and inspections conducted in the Caribbean region in cooperation with the French DGAC/F.

Article 3: Confidentiality

Large parts of the EU Ramp Inspection Program are considered confidential under the following provisions:

- a. ARO.RAMP.160 - Authority Requirements for Air Operations, Part-ARO Subpart Ramp (Annex II to Commission Regulation (EU) No 965/2012 of 5 October 2012),
- b. Article 5 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, council and Commission documents.
- c. Included but not exclusive information that fall under the confidentiality provisions are the Ramp Inspections Reports in the Centralized Database, the Prioritization List as published by EASA, Confidential EASA Analysis reports. CAA-NL SAxA (SAFA/SANA/SACA) Security Ramp Inspection Bulletins with Security Status: Confidential and/or Restricted.
- d. The DCA-Aruba and the DCA-Aruba Ramp Inspectors shall use this confidential information only for their intended purpose and shall never disclose this information to the public, except when an immediate legal grounding or banning has been imposed as a result of one or more Ramp Inspections conducted under the scope of this agreement. In such a case when this information needs to be disclosed to the public, this will be coordinated between the press communication departments of the Human Environment and Transport Inspectorate and the DCA-Aruba, with the involvement of the Coordinator and the respective involved Managers/Directors of CAA-NL and DCA-Aruba.

Article 4: General Provisions

- a. All EU Qualified Ramp Inspections under responsibility of the Netherlands as the Participating State shall be carried out in accordance with Subpart RAMP of Annex II from Commission Regulation (EU) No. 965/2012 (as amended and implemented). These requirements and the applicable procedures for the Netherlands as Participating State are laid down in the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspection Manual and/or EASA references that are published on the EASA Website.
- b. In accordance with the requirements of ARO.RAMP.100 General an Annual Ramp Inspection Program on the territory of Aruba will be implemented and made available by the DCA-Aruba. This Annual Ramp Inspection Program will be based upon a calculation methodology as described in ARO.RAMP.100(c)(1) and AMC1 ARO.RAMP.100(c)(1). The results will be added to the results of the Netherlands and Caribbean Netherlands and will be reported as the total Annual Program of the Netherlands. The Aruban process and procedures shall be included in Appendix 10: CAA-NL SAxA (SAFA/SANA/SACA) Inspection Planning & Preparation of the CAA-NL SAxA Manual.

c. Ramp Inspections performed in Aruba are performed taking into account the risk based principles of the EU Ramp Inspection Program.

d.. For EU qualified inspections conducted in the territory of Aruba, the DCA-Aruba will ensure that it complies with the provisions of EU 965/2012 ARO.RAMP.

e. As part of the internal continuous monitoring of the program, the (deputy) Coordinator conducts at least once a year an audit in Aruba to verify the implementation of this Agreement by the DCA-Aruba and Ramp Inspections performed by the DCA-Aruba inspectors. The results of the Audit/Desk Audit/Inspections can also be made available to EASA for its Continuous Monitoring of the Ramp Inspection Program on the Netherlands as Participating State.

f. In accordance with ARO.RAMP.100(d), when deemed necessary, EASA in cooperation with The Netherlands and Aruba could perform Ramp Inspections for the purpose of:

- Certification tasks assigned to the Agency by Regulation (EC) 216/2008 that applies to this agreement;
- Standardization inspections of the Netherlands that applies to this agreement;
- Inspections of an organization to verify compliance with applicable requirements in potentially unsafe situations, that are applicable to this agreement.

The coordinator, who is the representative of the Netherlands in the EU Ramp Inspection Coordination and Standardization Meetings, can be accompanied by an inspector or coordinator from the DCA-Aruba that is involved in the EU Ramp Inspection Program conducted within this agreement.

g. As the CAA-NL Ramp Inspection Program with its procedures and references is incorporated in the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual, this manual (and subsequent revisions) will be made available to all inspectors and staff involved in CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections within the scope of this agreement.

Article 5: Collection of Information

As required under ARO.RAMP.110 Collection of information, the CAA-NL incorporated the required procedures in Appendix 12 of the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual. In a similar way, according to its applicable procedures, the DCA Aruba shall collect information relevant for and deemed useful for the conducting of Ramp Inspections.

Article 6: Qualification of Ramp Inspectors

- a. The requirements for EU Qualified Ramp Inspectors are mandated in ARO.RAMP.115 and the corresponding AMC's and GM's.
- b. Only EU Qualified and current Ramp Inspectors are eligible for performing Ramp Inspections. Only Ramp Inspectors employed by the DCA-Aruba and appointed by the Coordinator can perform Ramp Inspections within the scope of this agreement.
- c. Ramp Inspectors maintain the validity of their qualification by undergoing recurrent training (See AMC1 ARO.RAMP.115(b)(3)) and by performing a minimum of 12 inspections in every 12-month period. During each calendar year a minimum of 12 Ramp Inspections are performed, with no less than 6 Ramp Inspections during each half of that calendar year. For the performance of EU Ramp Inspections, each qualified Inspector shall also hold a valid language proficiency certificate; meaning a certificate such as ICAO English Proficiency Level 4, Common European Framework of Reference for Languages: Level B2, or another equivalent certificate.
- d. Recurrent training for EU Qualified Ramp Inspectors within the CAA-NL program is given by the Coordinator. Normally this recurrent training is given at the office of the CAA-NL in the Netherlands. However, taken into account the number of qualified EU Ramp Inspectors in the Dutch Caribbean and the cooperation with the DGAC/F inspectors in the Caribbean, a joint recurrent training could be organized in the Caribbean or other suitable means such as online training.
- e. Alternatively an Inspector that needs a recurrent training and is unable to attend either the training given in the Netherlands or in the Caribbean can also follow a recurrent training given by an approved training organization under ARO.RAMP.120. If the Inspector of the DCA-Aruba intends to follow a recurrent training at an approved Ramp Inspection Training Organization (RITO), the DCA-Aruba will verify with the Coordinator whether the RITO to be used holds a valid authorization. After following the recurrent training, a copy of the appropriate training record will be sent to the Coordinator for record keeping purposes.
- f. New Inspector candidates may be proposed by the DCA-Aruba. The CAA-NL has the final authority in accepting proposed Inspectors from the DCA-Aruba for the EU Ramp Inspection Program in accordance with the applicable eligibility criteria.

Article 7: EU Ramp Inspections conducted in Aruba

- a. The DCA-Aruba is responsible for the legal authorization of the involved Inspectors for Inspections which take place in Aruba, in accordance with the aviation law applicable in Aruba.
- b. The DCA-Aruba shall have in place appropriate procedures and means such that the DCA-Aruba Ramp Inspectors have unrestricted access to the aircraft to be inspected and that these Inspectors possess the adequate credentials for their tasks. (AMC1 ARO.RAMP.125(b) Conduct of Ramp Inspections).
- c. The Ramp Inspections are performed in the standardized manner as required under ARO.RAMP.125 and described in the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual.
- d. Inspectors shall make all possible efforts to avoid an unreasonable delay of the aircrafts inspected.
- e. Upon completion of the Ramp Inspection, the pilot-in-command or, in his/her absence, another member of the flight crew or a representative of the operator shall be informed of the Ramp Inspection's results using the standardized form of the CAA-NL in accordance with Appendix III of ARO.RAMP.
- f. The categorization of findings shall be done in accordance with ARO.RAMP.130.
- g. Planning of Inspections shall follow the risk-based principles as described in the Appendix 10 of the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual as well as the principles for "Spot Check" inspections.
- h. As within the EASA states, and applicable to the European Continent, a change of planning of inspections will become effective under "System Wide Coordination" and although the Caribbean region falls outside of this type of inspection planning, coordination of inspections, especially on those that falls within the Layer 1 Category and are non-prioritized, is needed to optimize inspections in the Caribbean region with the risk based principles in mind.

Article 8: Follow-up Action

With reference to ARO.RAMP.135, the requirements for follow-up actions on findings and procedures are described in Chapter 6 of the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual. The follow-up of Ramp Inspections conducted by DCA-Aruba Ramp Inspectors shall be coordinated closely between the finding administrator of the CAA-NL with the DCA-Aruba and the involved inspectors such that both authorities always have a complete overview of the status of follow-up actions. Communications of follow-up actions shall be made available for both authorities involved. Specific procedures shall be included in the above mentioned Appendix of the Manual.

Article 9: Grounding of aircraft

ARO.RAMP.140 describes the requirements for grounding of aircraft. For Ramp Inspections conducted in Aruba the specific description of the grounding process for an aircraft being inspected within the scope of this agreement shall be done in accordance with the approved procedure and process of the DCA-Aruba. Where there are legal deviations from the CAA-NL procedures currently in force, these will be included in Appendix 14 of the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual before this agreement becomes effective. The final decision whether to ground an aircraft or release an aircraft from grounding rests with the DCA Aruba.

Article 10: Ramp Inspections conducted at BES Islands without the participation of an ILT/CAA-NL Inspector.

a. In accordance with Article 1 of "Besluit aanwijzing toezichthouders luchtvaart" and the article 62 sub one, article 64 sub one, and article 65 of the "Luchtvaartwet BES", the appointed Inspectors and the Inspector General of the Human Environment and Transport Inspectorate are responsible for oversight in the BES Islands (Caribbean Netherlands).

For a team that consists of Inspectors not being directly appointed under this legislation the Inspector General has to mandate the particular inspection mission to one of the BES islands to conduct Ramp Inspections. The mandate from the Inspector General to perform Ramp Inspections on the BES islands on behalf of the CAA-NL shall be issued in writing and shall also be communicated to the aerodrome(s) where the inspection(s) are conducted.

b. In order to arrange the authority and procedure for grounding aircraft at ramp inspections at BES Islands without the presence of a CAA-NL employed inspector, an amended procedure for this specific case shall be effective and included in Appendix 14 of the of the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual. This will be accomplished before a team without an appointed and employed CAA-NL Inspector can conduct Ramp Inspections on one of these three islands.

Article 11: Reporting of Ramp Inspections

a. The Ramp Inspections conducted by the team of DCA-Aruba Inspectors shall be entered into the EASA Centralized Database as soon as possible after the conduct of the inspection and not exceeding the timeframe as stated in ARO.RAMP.145 Reporting.

b. A copy of the POI shall be attached as document attachment in the entered report in the database and sent as attachment for moderation by E-mail to SAFA@ilent.nl.

c. All Ramp Inspection reports will be kept on file until they can be transported to the CAA-NL in the Netherlands and stored together with the other CAA-NL performed Ramp Inspections.

d. All CAA-NL EU Ramp Inspections conducted in the Dutch Caribbean will be marked in the database as conducted on a "distant airport".

Article 12: Suspected Aircraft

As Risk based oversight is a core element of the Ramp Inspection program, inspection priority should be given to Aircraft and operators taking into account the criteria specified in AMC1 ARO.RAMP.100(b) for suspected aircraft:

- a. information regarding poor maintenance of, or obvious damage or defects to an aircraft;
- b. reports that an aircraft has performed abnormal maneuvers that give rise to serious safety concerns in the airspace of a Member State;
- c. a previous Ramp Inspection that has revealed deficiencies indicating that the aircraft does not comply with the applicable requirements and where the competent authority suspects that these deficiencies have not been corrected;
- d. previous lists, referred to in ARO.RAMP.105, indicating that the operator or the State of the operator has been suspected of non-compliance;
- e. evidence that the State in which an aircraft is registered is not exercising proper safety oversight; or
- f. concerns about the operator of the aircraft that have arisen from occurrence reporting information and non-compliance recorded in a Ramp Inspection report on any other aircraft used by that operator;
- g. information received from EASA Third-Country Operator (TCO) monitoring activities;
- h. any relevant information collected pursuant to ARO.RAMP.110.

Article 13: Annual Program on Aruba and the BES Islands

Within the development of the oversight programme established in accordance with [ARO.GEN.305](#), the competent authority shall establish an annual programme for the conduct of ramp inspections of aircraft. This programme shall:

(1) be based on a calculation methodology that considers historical information on the number and nature of operators and their number of landings at its aerodromes, as well as safety risks; and

(2) enable the competent authority to give priority to the inspections of aircraft based on the list referred to in [ARO.RAMP.105\(a\)](#).

Article 14: Annual Report and Audit of the results and terms of this agreement.

a. Once a year a planned joint Ramp Inspection program and audit will be performed by the (deputy) Coordinator to verify the compliance of the terms of this agreement into the participation of the EU Ramp Inspection Program of the DCA-Aruba.

b. The results of the audit will be shared with the DCA-Aruba and EASA for EU Ramp Inspection Program.

c. Together with the audit results an annual report will be made in a joint cooperation between the CAA-NL and DCA-Aruba (and SMCAA if applicable) that contains:

1. status of the progress of the Ramp Inspection performed in the Dutch Caribbean;
2. status of the inspections performed in the Dutch Caribbean;
3. analysis of the inspection results in the Dutch Caribbean with indication of the categories of findings;
4. actions taken at inspections performed in the Dutch Caribbean during the year; and
5. proposals for further improving of the Ramp Inspection system in the Dutch Caribbean and this agreement.

Article 15: Quarterly Reporting

The (deputy) Coordinator shall report quarterly to the Director and the responsible managers of the DCA-Aruba over the progress of the performance of EU Ramp Inspections conducted by the DCA-Aruba at Aruba under the terms of this agreement.

Article 16: Inspector Availability

The CAA-NL and the DCA-Aruba shall both ensure that a sufficient number of personnel, and adequate facilities and accommodations are available to perform their tasks and discharge their responsibilities for EU Ramp Inspections.

Such personnel shall be qualified to perform their allocated tasks and have the necessary knowledge, experience, initial and recurrent training to ensure continuing competence. A system shall be in place to plan the availability of personnel, in order to ensure the proper completion of all tasks; such that EU Qualified Ramp Inspection staff active in Dutch Caribbean Ramp Inspections are properly proportioned and engaged to fulfil the Ramp Inspections obligations of this agreement.

Article 17: (Deputy)Coordinator Meeting with DCA Inspectors

For the purpose of standardization and harmonization, as well as keeping the DCA-Aruba Ramp Inspectors up to date with the current developments in the EU Ramp Inspection Program, regular (internet) meetings should be organized between the (Deputy)Coordinator in the Netherlands and the DCA-Aruba Ramp Inspectors in Aruba (and Sint Maarten).

Article 18: Inspector Exchange

In order to obtain practical experience and contributing to the harmonization of procedures it is important that the DCA-Aruba, in conjunction with the Coordinator, coordinate the possibility for DCA-Aruba Ramp Inspectors to participate in inspector exchanges with other participating states (e.g. with the DFAC/F in Martinique, Guadeloupe, Saint Barth/Saint Martin or additional in another EU State when it can be practically combined with regular oversight activities of the DCA-Aruba) as well as participate in inspections in the Netherlands itself. Furthermore, the DCA-Aruba could also receive inspectors such as the DGAC/F inspectors active in the Caribbean to conduct joined Ramp Inspections in Aruba.

Article 19: Loss of Qualification of Inspectors Credentials:

a. When a Ramp Inspector loses his/her appointment as a result of failure to meet the conditions on minimum Ramp Inspections as mentioned in Article 6 of this agreement he/she will not participate in Ramp Inspections until he/she has conducted, under the supervision of a senior Ramp Inspector, the missing number of Ramp Inspections required to be reappointed. The Ramp Inspections

should be performed during the next half calendar year in addition to the ones required for that period.

b. A Ramp Inspector will lose his/her credentials for performing Ramp Inspections if he/she did not follow the mandatory recurrent training as required in AMC1 ARO.RAMP.115(b)(3). This Ramp Inspector shall not perform Ramp Inspections until having followed the mandatory recurrent training.

c. The DCA-Aruba shall only perform Ramp Inspections under this agreement with Ramp Inspectors that are qualified in accordance with the requirements of ARO.RAMP.115 of EC 965/2012 and Article 6 of this Agreement.

Article 20: Revocation of Inspector Credentials or Qualifications

In case a DCA-Aruba Ramp Inspector is no longer engaged in Ramp Inspections under the terms of this agreement, the DCA-Aruba shall inform the Coordinator so that the qualification records kept within the CAA-NL can be amended and access to the EASA Centralized Database can be revoked.

Article 21: Costs

Article 3 of the Protocol regarding the cooperation concerning Civil Aviation in the Kingdom of the Netherlands applies unless otherwise agreed between the directors of the CAA-NL and DCA-Aruba.

Understanding that financial resources may be limited, the Parties agree that:

- a. Each Party will bear its own costs; and
- b. in the cases, that DCA-Aruba Ramp Inspectors are requested to do inspections in the BES Islands, specific agreements will be made on expense compensation or other sort of settlement.
- c. The CAA-NL will assist the DCA-Aruba as much as possible with training that CAA-NL SAFA personnel are qualified and authorized to provide.

Article 22: Termination

This agreement can be terminated under the following conditions:

- 1) As a result of a mutual agreement with all parties involved in this agreement.
- 2) Upon written request of one of the parties taking a term of 6 months into account.

3) When structurally the terms of the contract are not fulfilled resulting in standardization findings for the CAA-NL by EASA and for which no acceptable corrective action could be achieved.

4) In case the Statute of the Kingdom of the Netherlands is terminated and co-operation within aviation is not replaced with a new agreement that regulates the current co-operation on a kingdom level.

Article 23: EU Regulatory Changes of program

a. Changes in the EU Ramp Inspection Program that apply to this agreement and thus are incorporated in the CAA-NL SAxA (SAFA/SANA/SACA) Ramp Inspections Manual are made available to the DCA-Aruba and are implemented in the performance of EU qualified Ramp Inspections performed by the DCA-Aruba under this agreement

b. Any change that does not fall under the first paragraph of this article must be adjusted in mutual agreement.

Article 24: Resolution of Disagreements

a. Disagreements shall be primarily resolved by mutual consultations.

b. If unable to resolve disagreements by mutual consultations, parties can make specific arrangements within the scope of article 38a of the Statute for the Kingdom of the Netherlands.

Signing of the Agreement:

Human Environment and
Transport Inspectorate
Directeur Toezicht en Opsporing

Department of Civil Aviation
of Aruba
Director Civil Aviation

Ir. Karin Visser

ing. Edwin Kelly