

PROTOCOL 2 AVIATION TRAINING ORGANISATIONS

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Member States" or individually as "Member State");

RECOGNISING that this Protocol 2 on Aviation Training Organisations ("hereinafter referred to as "Protocol") is concluded pursuant to the ASEAN Mutual Recognition Arrangement on Flight Crew Licensing signed on 13 October 2017 in Singapore (hereinafter referred to as "MRA FCL");

RECOGNISING that Member States' laws, regulations, standards, practices, procedures, and systems for the approval of aviation training organisations are sufficiently comparable with each other's oversight systems, and in compliance with accepted standards and processes recognised by the Member States; and

DESIRING to mutually recognise each other's ATO for utilisation by operators and individuals from each Member State.

HAVE AGREED AS FOLLOWS:

ARTICLE 1 DEFINITIONS

For the purposes of this Protocol:

- (a) **Aviation Training Organisation (hereinafter referred to as “ATO”)** means a flight crew training organisation approved by, and operating under, the supervision of a Member State in accordance with the requirements of Annex 1 to the Convention as defined in Article 1.7 (Definitions) of the MRA FCL to perform Approved Training;
- (b) **Approved Training** means flight crew training conducted under special curricula and supervision approved by a Member State;
- (c) **ICAO Document 9841** means the ICAO Manual on the Approval of Training Organisations, and amendments thereto; and
- (d) **Implementation Management Committee (hereinafter referred to as “IMC”)** means the committee set up pursuant to Article 4.2.5 of the MRA FCL.

ARTICLE 2 SCOPE

1. This Protocol provides for the mutual recognition of the common baseline requirements for the approval of an ATO, as referred to in Annex 1 (Common Baseline requirements for the whitelisting of ATOs) and training programme requirements, as referred to in Annex 2 (Training programme requirements for whitelisting of ATOs), by Member States.

2. The ATO that meets the requirements in Annex 1 (Common Baseline requirements for the whitelisting of ATOs) and Annex 2 (Training programme requirements for whitelisting

of ATOs), may be nominated by a Member State for whitelisting.

3. The approved ATOs can only be listed on the Whitelist for the duration of the validity of its certificate of approval. The Whitelist is subject to, at least, an annual review by the IMC.

ARTICLE 3 MINIMUM CRITERIA

1. Member States shall undertake the following criteria of safety and oversight capability:

- (a) attain an ICAO Universal Oversight Audit Programme Continuous Monitoring Approach Effective Implementation (hereinafter referred to as “USOAP EI”) score of at least 60% or the global average score as of the date of the deposit of instrument of ratification, acceptance, or approval by the Member State, whichever is higher, in each of the specific areas of Personnel Licensing, Organisation and Legislation, as well as in the eight Critical Elements; and
- (b) have no Significant Safety Concerns (hereinafter referred to as “SSC”) attributed to deficiencies in the areas of Personnel Licensing or Organisation or Legislation.

2. If a Member State fails to meet the requisite USOAP EI score or is issued an SSC, that Member State shall demonstrate a plan to the other Member States to resolve the audit findings or deficiencies within an agreed timeline, failing which, the other Member States may choose to suspend the whitelisting of the ATO until such audit findings or deficiencies are resolved.

ARTICLE 4
ACCOUNTABILITY AND RESPONSIBILITY

1. The National Aviation Administration of the Member State where the ATO is located is responsible for the:

- (a) approval of the ATO;
- (b) issue of the certificate of approval; and
- (c) nomination to the IMC of the approved ATO to be listed on the Whitelist.

ARTICLE 5
TECHNICAL WORKING GROUP

1. The IMC may establish a working group (hereinafter referred to as the “Technical Working Group”) to assist in developing and implementing the technical details of this Protocol.

2. The Technical Working Group shall only comprise of nominated individuals from Member States that have ratified this Protocol. Other Member States which have not ratified this Protocol may nominate their representative to the Technical Working Group as observers.

3. The Technical Working Group shall be led by a Member State (hereinafter referred to as “Lead Member State”) nominated by the IMC.

4. The Lead Member State shall be appointed as directed by the IMC for any duration but not exceeding a period of two years.

5. The Technical Working Group is responsible for developing the detailed criteria and checklist, to ensure the

approved ATO meets the criteria as stipulated in Annex 1 (Common Baseline requirements for the whitelisting of ATOs) and Annex 2 (Training programme requirements for whitelisting of ATOs).

ARTICLE 6 VALIDATION MECHANISM

1. The Validation Mechanism comprising nominated inspectors from Member States, shall carry out validation activities to ensure that the Member State that issued the certificate of approval for the ATO has a robust and comprehensive process in approving the ATO that is being followed, including ensuring that the Member State's inspectors who carry out the evaluation of the ATO are appropriately trained.

2. The Validation Mechanism shall, under the direction of the IMC, conduct technical assessments on an approved ATO, using the criteria and checklist established under Article 5. Visits may also be conducted when discrepancies have been identified to the IMC.

ARTICLE 7 MUTUAL COOPERATION AND TECHNICAL ASSISTANCE

1. Member States may request technical assistance from one another in areas such as:

- (a) approval of an ATO;
- (b) training of inspectors to approve ATOs; and
- (c) sharing of best practices.

2. Member States shall bear their own costs when requesting and receiving such technical assistance.

ARTICLE 8 CONFLICT OF INTEREST

The nominated individuals from each Member State that make up the Technical Working Group and the Validation Mechanism shall be free from conflict of interest.

ARTICLE 9 AMENDMENT

1. The provisions of this Protocol may be amended by agreement of the Members States in writing.

2. Notwithstanding paragraph 1, the Annexes to this Protocol may be modified through amendments endorsed by the IMC. The amendment shall be administratively annexed to this Protocol.

ARTICLE 10 FINAL PROVISIONS

1. This Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified true copy thereof to all Member States.

2. Each Member State shall complete its internal legal procedures necessary for the entry into force of this Protocol and shall, after the completion of its internal legal procedures, deposit its instrument of ratification, acceptance, or approval with the Secretary-General of ASEAN.

3. This Protocol shall enter into force on the date of deposit of the third instrument of ratification, acceptance, or approval by Member States with the Secretary-General of ASEAN and shall enter into force only among the Member States that have deposited their instrument of ratification, acceptance, or approval with the Secretary-General of ASEAN.

4. For a Member State depositing instrument of ratification, acceptance or approval after the date of entry into force of this Protocol pursuant to paragraph 3, this Protocol shall enter into force for that Member State on the date of deposit of instrument of ratification, acceptance, or approval.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Protocol.

DONE at [City], [Country], this [Day] of [Month] in the Year [spelt out with Title case], in a single copy in the English Language.

For the Government of Brunei Darussalam:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Kingdom of Cambodia:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Republic of Indonesia:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Lao People's Democratic Republic:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of Malaysia:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Republic of the Union of Myanmar:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Republic of the Philippines:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Republic of Singapore:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Kingdom of Thailand:

(NAME IN BOLD AND CAPS)
(Designation)

For the Government of the Socialist Republic of Viet Nam:

(NAME IN BOLD AND CAPS)
(Designation)

ANNEX I

AREAS FOR COMMON BASELINE REQUIREMENTS FOR THE WHITELISTING OF AVIATION TRAINING ORGANISATIONS

For an ATO to be whitelisted, it must meet common baseline requirements in the following areas:

- (a) Organisation structure
- (b) Key appointment holders & Instructional staffing
- (c) Manuals: Operations, Training, Quality Assurance, Safety
- (d) Management System (if applicable)
- (e) Facilities, equipment, aircraft (if applicable)
- (f) Record keeping
- (g) Quality assurance system
- (h) Safety Management System (if applicable)

References: ICAO Annex 19, ICAO Doc 9841, ICAO Doc 9859

ANNEX II

TRAINING PROGRAMME REQUIREMENTS FOR THE WHITELISTING OF AVIATION TRAINING ORGANISATIONS

For an ATO to be whitelisted, it must meet the requirements for the respective training programme or programmes, including theoretical and practical training, instructor qualification for the issuance of the following pilot licenses, and associated ratings that wishes to provide under the whitelisting:

- (a) Commercial Pilot Licence Training Programme
- (b) Multi-crew Pilot Licence Training Programme
- (c) Type Rating Training Programme

References: ICAO Annex 1, ICAO Doc 9868