



**PROTOCOL**  
**ON THE COOPERATION IN THE EXERCISE OF OVERSIGHT ON THE**  
**DUTCH CARIBBEAN AIR NAVIGATION SERVICE PROVIDER**  
**WITHIN THE KINGDOM OF THE NETHERLANDS**

**Document Control**

Version Number	Version Date	Subject	Editor
0.1	17/07/2024	Initial draft	
0.2	25/07/2024	Comments of the CAA's incorporated	
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1.0	26-11-2024	Final version	

**The Civil Aviation Authorities of Aruba, Curaçao, Sint Maarten and the Netherlands, hereinafter to be referred to as "Parties" or individually "Party"**

Taking into consideration:

- articles 36 and 37 of the Statute of the Kingdom of the Netherlands;
- articles 1.2.2 and 2.7 of the Cooperation Protocol on Civil Aviation of November 2017 (*het Protocol betreffende de samenwerking op het gebied van de burgerluchtvaart binnen het Koninkrijk der Nederlanden*);
- the membership of the Kingdom of the Netherlands of the Internationale Civil Aviation Organisation ('ICAO') and the obligations that follow from the Convention on International Civil Aviation and the annexes to this Convention ('Chicago Convention');
- that the Parties acknowledge their autonomous status within the Kingdom of the Netherlands with regards to aviation related matters and also realise that they have to comply with international obligations of ICAO;
- that Parties within the Caribbean part of the Kingdom of the Netherlands share ATS, CNS and AIS/AIM services currently being provided by the air navigation service provider Dutch Caribbean Air Navigation Service Provider (DC-ANSP);
- that DC-ANSP provides services for Curaçao, Aruba, Sint Maarten and the Caribbean part of the Netherlands, and as such has to comply with the safety aviation regulations as applicable in the territories of these Parties as far as it concerns the services provided to these Parties;
- that PJIAE provides ATS services for Sint Maarten and a Caribbean part of the Netherlands (Saba and Sint Eustatius) and as such has to comply with the safety aviation regulations as applicable in the territories of these Parties as far as it concerns the services provided to these Parties.
- that the Parties are responsible for the safety oversight on DC-ANSP as far as it concerns the service provisions of air navigation services by DC-ANSP regarding their respective territories;
- that Parties wish to seek closer and more efficient cooperation in the exercise of oversight on DC-ANSP by centralizing this oversight in a committee.

Have agreed on the following:

**Article 1 Shared oversight**

1. DC-ANSP is headquartered in Curaçao.
2. As such, and due to the fact that it delivers air navigation services for Curacao, DC-ANSP is obligated to comply with the safety aviation regulations of Curaçao.
3. DC-ANSP provides Air Traffic Service and Communication, Navigation, and Surveillance for Curaçao, the Caribbean part of the Netherlands and the applicable airspace Aruba. Furthermore, DC-ANSP provides Aeronautical Information Service for all Parties. DC-ANSP is obligated to comply with the safety aviation regulations as applicable in the territories of those parties as far as it concerns the services provided for these Parties.
4. The Parties are responsible for the safety oversight on DC-ANSP as far as it concerns the service provision of air navigation services by DC-ANSP regarding their respective territories.
5. Shared oversight occurs where air navigation services are provided by DC-ANSP for more than one jurisdiction.
6. The procedures that will be followed in the performance of the shared oversight are laid out in the attached Manual.
7. The approved training organization certification falls outside the scope of the shared oversight and is the responsibility of Curaçao.

**Article 2 Common Supervisory Team (CST)**

1. The shared oversight is facilitated by a Common Supervisory Team ('CST').
2. The CST is chaired by a Chairperson proposed by the Party where the DC-ANSP is headquartered.
3. Each party shall appoint one member for the CST and may appoint one or more alternate members.
4. If a party chooses not to appoint a member or alternate member, or is unable to deliver such a

member, that Party will notify the other Parties. If a Party has not made or is unable to make use of the possibility to appoint a Member, the absence of such a member shall not affect the powers and duties of the CST.

5. Members of the CST, with the exception of the Chairperson, are State-compliant inspectors.
6. A member of the CST is fully mandated to act on behalf of the Party that has appointed him.
7. Depending on the type of oversight by the CST the composition of the members may change to reflect the expertise of the member in the area of oversight that is being addressed.
8. In case that the absence of an appointed member leads to a lack of capacity for carrying out its tasks the CST puts forward a proposal to the Parties on how to resolve the issue. The Parties will take every reasonable action to comply with that proposal.
9. The Parties shall provide sufficient administrative support for the CST.

### **Article 3      Tasks**

1. The tasks of CST and the Chairperson are laid out in the Manual.
2. The Parties shall provide the CST with the relevant laws and regulations which apply in their respective territories in relation to the shared oversight. The CST ensures that the shared oversight that it performs adheres to the regulations applicable in the territories of the Parties as far as it concerns these Parties.
3. The Chairperson of the CST informs the Parties on the findings of the shared oversight.
4. In case that a Member of the CST has a dissenting opinion with regard to the conclusions of the CST this will be explicitly annotated by the Chairperson
5. The Party where the DC-ANSP is headquartered is responsible for communicating the report findings to DC-ANSP.

### **Article 4      Decision Making**

1. Formal decisions regarding or resulting from the shared oversight are taken on behalf of all Parties by the Director of the Curaçao Civil Aviation Authority.
2. In case of a dissenting opinion as expressed by a Member of the CST to the conclusions of the CST, the Director of the Curaçao Civil Aviation Authority will discuss this with the Directors of the other Parties.
3. Proposals made by the CST on the shared oversight decisions are made by consensus by the CST.
4. In case consensus cannot be reached between the Members, the vote of the Chairperson prevails.

### **Article 5      The audit/inspection team**

1. Depending on the type of shared oversight a team of inspectors (the audit or inspection team) will be assembled to perform the shared oversight.
2. The Parties among each other shall deliver the capacity by means of qualified inspectors required to carry out the shared oversight inspection or audit.
3. If a Party is unable to deliver a qualified inspector that Party will notify the Chairperson and that Party will be discharged from participation in that certain instance.
4. In case that the failure to deliver a qualified inspector by one or more of the Parties leads to a lack of capacity for carrying out the inspection or audit tasks the CST puts forward a proposal to the Parties on how to resolve the issue. The Parties will take every reasonable action to comply with that proposal.
5. The audit/inspection team performs its tasks and report its findings in a manner to be prescribed in the Manual and in accordance with the laws and regulations of the Parties.
6. The audit/inspection team reports its findings to the CST.

### **Article 6      Validity, revision, withdrawal and termination**

1. This protocol becomes valid fourteen days after it has been signed by all Parties and will remain valid for an indefinite period of time.
2. Each Party can request in writing that this protocol be revised.
3. Measures shall be taken to re-evaluate this protocol in line with the upcoming harmonised certification regulations before its coming into force. A second re-evaluation of this Protocol will take place within 18 Months after the coming into force of said regulations.
4. This protocol can be revised by consensus between the Parties.
5. In case that a Party wishes to withdraw from this protocol, it can do so six months after it has given notice in writing of its intention to withdraw to other Parties.
6. If a Party withdraws from this protocol, the protocol remains valid between the remaining Parties.
7. This protocol can be terminated by consensus between the Parties.



**Article 7      ATS services PJIAE**

1. The Netherlands and Sint Maarten have a separate understanding on shared oversight with regard to the ATS services provided by PJIAE.
2. Articles 1 to 6 of this Protocol do not apply to the shared oversight between the Netherlands and Sint Maarten on PJIAE-ATS services.

**Article 8      Miscellaneous**

1. This protocol shall be referred to as the Protocol on the shared oversight of DC-ANSP.
2. This protocol is kept at the premises of the Curacao Civil Aviation Authority, with signed copies provided to the other Parties.

**For the accepting Civil Aviation Authorities**

<p>Aruba:</p>  <p>Dhr Ing Edwin Kelly Directeur van de Directie Luchtvaart Aruba</p> <p>Date: 3-12-2024</p>	<p>Curacao:</p>  <p>Dhr Peter Steinmetz Directeur-Generaal van de Curaçaose Burgerluchtvaart Autoriteit</p> <p>Date:  12-01-2025</p>
<p>Sint Maarten:</p>  <p>Dhr Louis Halley Directeur van de Dienst Luchtvaart van Sint Maarten</p> <p>Date:  28-01-2025</p>	<p>Nederland:</p>  <p>Mw Ir Karin Visser Directeur Toezicht en Opsporing van de Inspectie Leefomgeving en Transport</p> <p>Date: 27-11-2024</p>

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#### **4 CAA's Manual for the oversight activities on DC-ANSP**

(Annexed to the Protocol)

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## Document Control

Version Number	Version Date	Subject	Editor
0.1	17/07/2024	Initial draft	
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## Distribution List

1. The Directors of the Civil Aviation Authorities of Aruba, Curaçao, Sint Maarten and the Netherlands.
2. Members of the Common Supervisory Team.

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## 1 INTRODUCTION

This manual sets out practical arrangements between the CAA's of the 4 States within the Caribbean part of the Kingdom of the Netherlands concerning the common oversight of the ANS activities of DC-ANSP. It describes the shared<sup>1</sup> responsibilities and procedures to be used during the oversight activities within the framework of the ANS regulations as mentioned in article 3, point 2 of the Protocol.

## 2 ABBREVIATIONS

ANSP	:	Air Navigation Service Provider (DC-ANSP)
ATO	:	Approved Training Organisation
ATS	:	Air Traffic Services
CAA	:	Civil Aviation Authority
4 CAA's	:	The Civil Aviation Authorities of Aruba, Curaçao, Sint Maarten and the Netherlands
CAP	:	Corrective Action Plan
CASI	:	Civil Aviation Safety Inspector
CNS	:	Communication, Navigation, Surveillance
CST	:	Common Supervisory Team
CCST	:	Chairperson Common Supervisory Team
DC-ANSP	:	Dutch Caribbean Air Navigation Service Provider
ICAO	:	International Civil Aviation Organisation
OJT	:	On-the-Job Training

## 3 ORGANISATIONAL STRUCTURE

The basic organisational structure of the 4 CAA's for the oversight of DC-ANSP is given in figure 1.

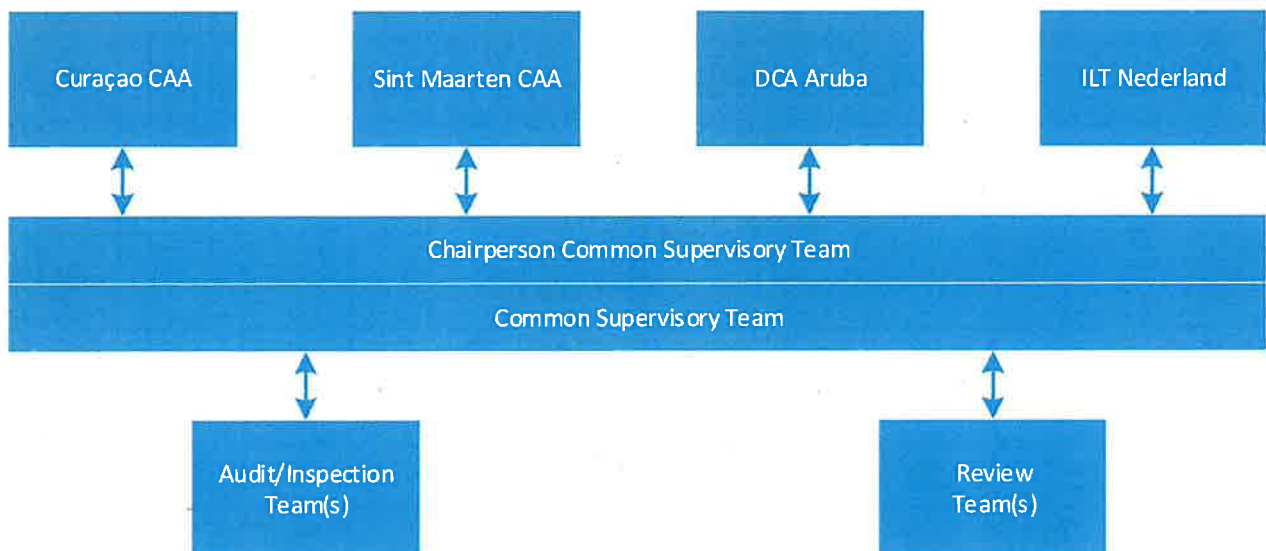


Figure 1: Organisational structure according to the 4 CAA Manual.

<sup>1</sup> The Civil Aviation Authority (CAA) of Curaçao is responsible for the oversight on the ATO of DC-ANSP.

## **4 PROCEDURE ON THE ANNUAL SURVEILLANCE PROGRAMME**

### **4.1 PURPOSE**

The purpose of this procedure is to describe how the annual surveillance programme is produced and managed.

### **4.2 SCOPE**

This procedure is valid for the shared oversight activities on DC-ANSP performed by the CST.

### **4.3 RESPONSIBILITIES**

#### **4.3.1 Chairperson CST**

The CCST is responsible for:

- initiating the annual surveillance programme procedure;
- presenting the draft annual surveillance programme, including the specific scope(s) of the audits and inspections, to the ANSP and collecting the feedback;
- informing the ANSP and Directors of the 4 CAA's of the approved annual surveillance programme;
- identifying and requesting the necessary resources for managing the audits and inspections;
- composing the necessary audit teams for the annual oversight programme given the availability of (lead) auditors having competence appropriate to the particular audit subject and subject expert(s) needed;
- reporting and monitoring the progress of the performance of the annual surveillance programme to the CST;
- making certain that the annual surveillance programme takes into account, where relevant, the services that are provided for all Countries (Aruba, Curaçao, Sint Maarten, Caribisch Nederland) in a manner commensurate with these services.

#### **4.3.2 CST**

The CST is responsible for:

- reviewing, modifying and accepting the annual surveillance programme;
- updating the annual surveillance programme, if necessary;
- informing the Directors of the 4 CAA's of the required capacity to perform the annual surveillance programme;
- informing the CCST of the approved annual surveillance programme.

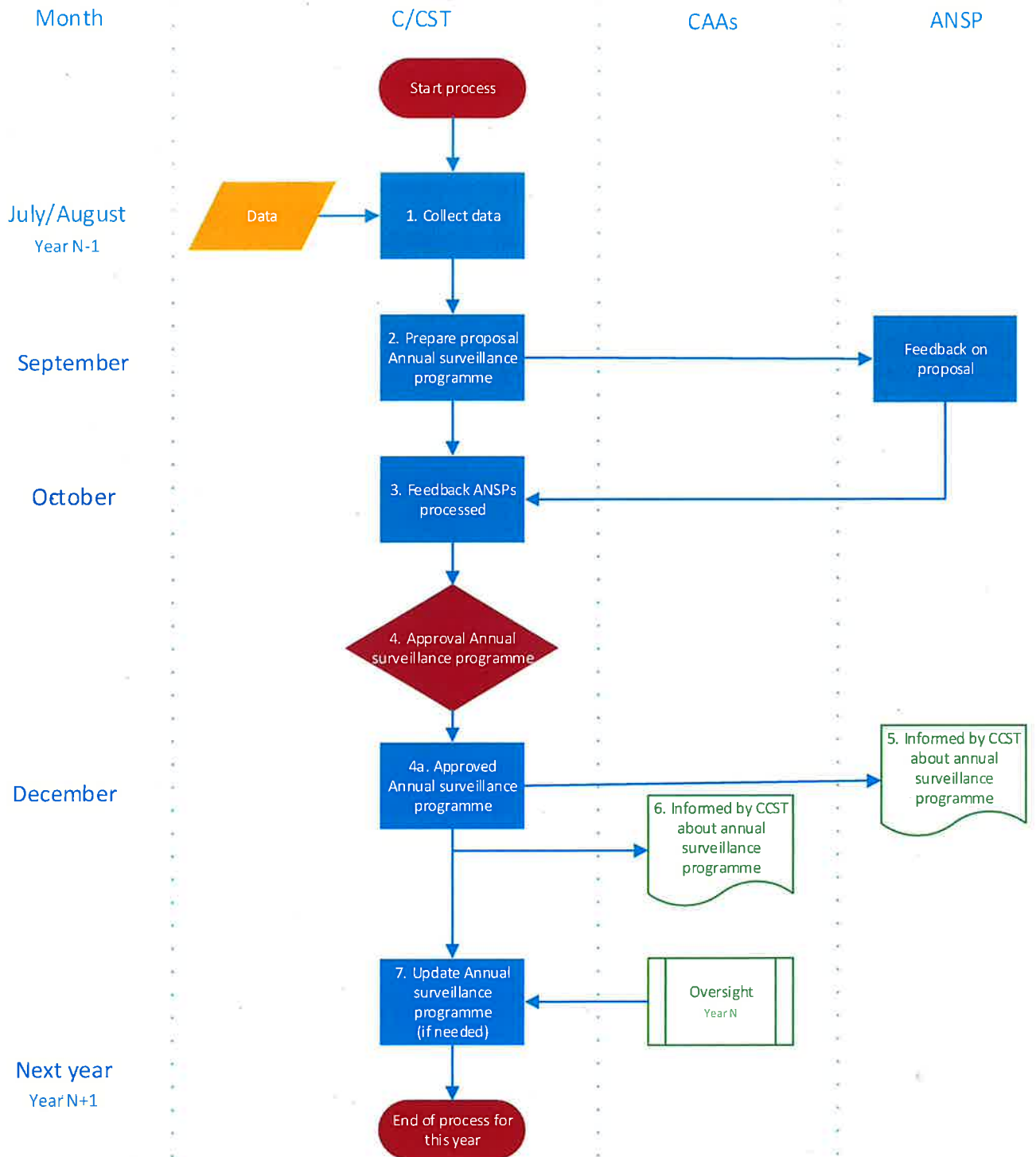
#### **4.3.3 Directors of 4 CAA's**

The Directors of 4 CAA's are responsible for assigning adequate resources to perform the annual surveillance programme.

#### **4.3.4 DC-ANSP Focal Points**

The DC-ANSP Focal Point is responsible for feedback on the proposed annual surveillance programme to the CCST.

## 4.4 PROCESS



#### **4.4.1 Process steps**

##### **Step 1**

Each year (N-1) an annual surveillance programme is produced regarding the common oversight as mentioned in article 1 of the agreement. The surveillance programme ensures that an oversight planning not exceeding 36 months is applied. The CCST initiates this procedure in July/August (N-1) to determine common domains – in accordance with article 1 of the Protocol- at the ANSP that shall be audited/inspected by the involved countries' authorities together in the next year.

##### **Step 2**

In September (N-1), the CST proposes the subjects for the annual surveillance programme based on the available information such as:

- Risks identified from previous audit/inspection results;
- Verification of corrective actions and implemented corrective actions from previous audits/inspections;
- Subjects previously not audited within the 36 months' cycle;
- Expert opinion of risks;
- Confidence in the safety-related arrangements operated;
- Introduction of new/changed systems or technology; and
- Organizational changes taking place at the service provider.

The CST makes certain that the annual surveillance programme takes into account, where relevant, the services that are provided for all Countries in a manner commensurate with these services.

The annual surveillance programme includes for each specific planned oversight activity:

- A first, general estimation of the manpower, capacity and expertise required to conduct the specific oversight activity; and
- The mandate and scope required conducting the specific oversight activity, on a general level.

The draft surveillance programme is presented to the ANSP by the CCST for feedback within 14 days after receipt.

##### **Step 3**

The report and the feedback from the ANSP is presented to the CST by the CCST at the latest in October (N-1). The CST reviews the feedback from the ANSP and modifies the plan if deemed necessary.

##### **Step 4**

The CST then formally adopts the annual surveillance programme and issues it via the CCST to the Director of CAA Curaçao, including the expected contribution from CAA's for each activity.

##### **Step 5**

The Director of CAA Curaçao adopts the annual surveillance programme by the end of October (N-1).

##### **Step 6**

The CCST notifies formally the ANSP of the annual surveillance programme in December (N-1) of the year preceding the year of the audits/inspections.

##### **Step 7**

The progress of the annual surveillance programme is reported after each activity by the CST to the CCST. The progress report includes advise for updates if necessary.

The progress is discussed in the regular CST meetings. The CST decides on an update of the annual surveillance programme if necessary.

## **5 PROCEDURE OF THE AUDIT/INSPECTION PROCESS**

### **5.1 PURPOSE**

The purpose of this procedure is to describe how the shared audit and inspection process is managed.

### **5.2 SCOPE**

This procedure is applicable for all shared audits and inspections performed at the ANSPs by the 4 CAA's.

### **5.3 RESPONSIBILITIES.**

#### **5.3.1 Chairperson CST**

The CCST is responsible for initiating this process.

#### **5.3.2 CST**

The CST is responsible to initiate the planned audit(s) and inspection(s) to be conducted by the audit/inspection team(s).

#### **5.3.3 Directors of the 4 CAA's**

The Directors of the 4 CAA's are responsible for making available the capacity and expertise required for the audit(s) and inspection(s).

#### **5.3.4 DC-ANSP**

DC-ANSP is responsible for the provision of any information in relation to the audit/inspection subject(s).

#### **5.3.5 Audit/Inspection Team leader**

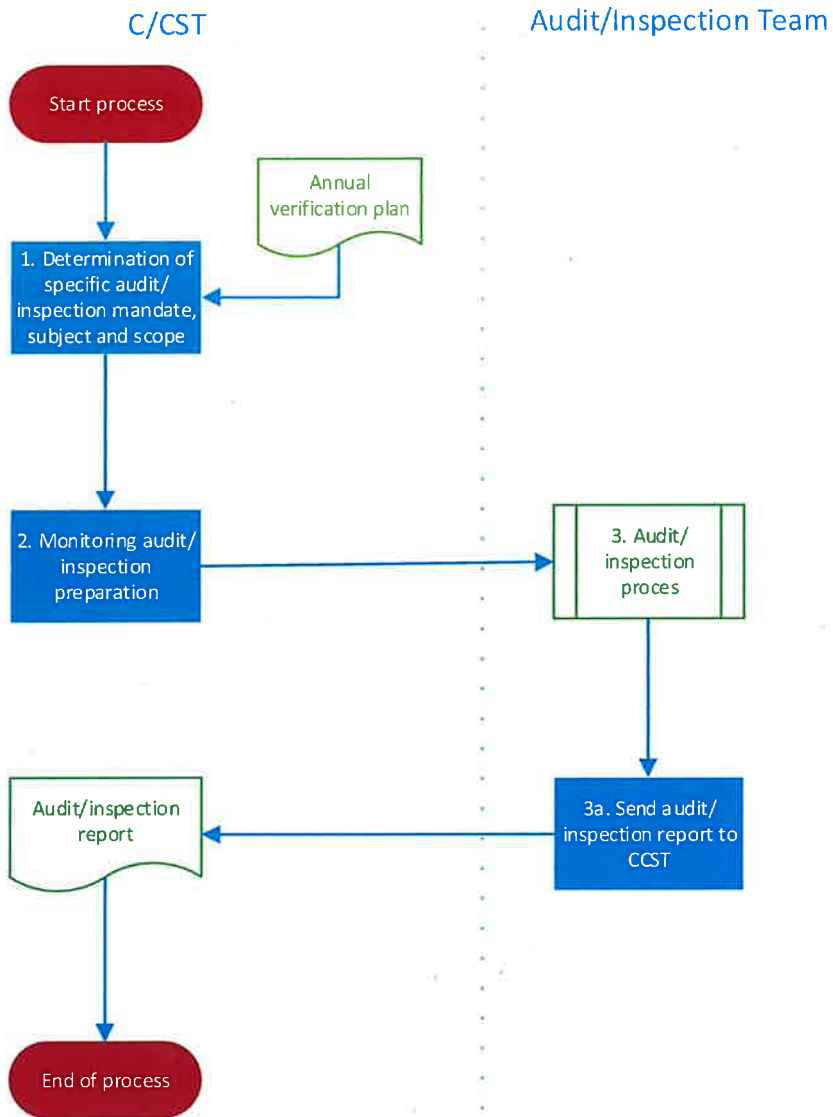
The Audit/Inspection Team leader is responsible for:

- the audit/inspection process;
- defining the audit/inspection scope and program;
- coordination of the audit/inspection with the ANSP;
- managing of the audit/inspection team;
- communication with the Chairperson CST; and
- compiling the audit/inspection report.

#### **5.3.6 Audit/Inspection Team**

The Audit/Inspection Team is responsible for the conduct of the audit/inspection, gathering, recording and provision of objective evidence to assess compliance or non-compliance.

## 5.4 PROCESS



#### **5.4.1 Process steps**

##### **Step 1**

Based on the annual verification plan, at the latest, three months before a planned audit/inspection, the CCST initiates this procedure.

The CST determines:

- The specific details of the scope of the audit/inspection, taking into account the general scope, as mentioned in the annual verification plan; and
- The capacity and expertise needed for the audit, taking into account the specific mandate, subject and scope of the audit.

##### **Step 2**

The CCST monitors that the assigned audit team members start their audit/inspection preparation at least 3 months before the scheduled audit/inspection as determined in the annual verification plan.

##### **Step 3**

The document review and on site audit/inspection is performed in accordance with the working principles and procedures established by the CAA of Curaçao.

The audit team leader informs the CCST on the progress of the assignment and advises on the continuation of the audit/inspection process.

The draft audit/inspection report is signed by the audit team leader and forwarded to the CCST for review and approval as defined in the procedure on the adoption of the audit/inspection report (Chapter 6).

## **6 PROCEDURE ON THE ADOPTION OF THE AUDIT/INSPECTION REPORT**

### **6.1 PURPOSE**

The purpose of this procedure is to establish how -within the framework of the regular follow-up to the audit- the audit report is endorsed.

### **6.2 SCOPE**

This procedure is valid for the oversight activities concerning the adherence to the ANS certification regulations as mentioned in article 3, point 2 of the Protocol, as performed within the 4 CAA's' framework.

### **6.3 RESPONSIBILITIES**

#### **6.3.1 Chairperson CST**

The CCST is responsible for:

- issuing the draft audit report to the CST members;
- in case that the CST has endorsed the draft audit report, forwarding it to the Director of the CAA Curaçao;
- in case that the audit report is not endorsed by the CST issuing it back to the audit team leader.

#### **6.3.2 CST**

The CST is responsible for:

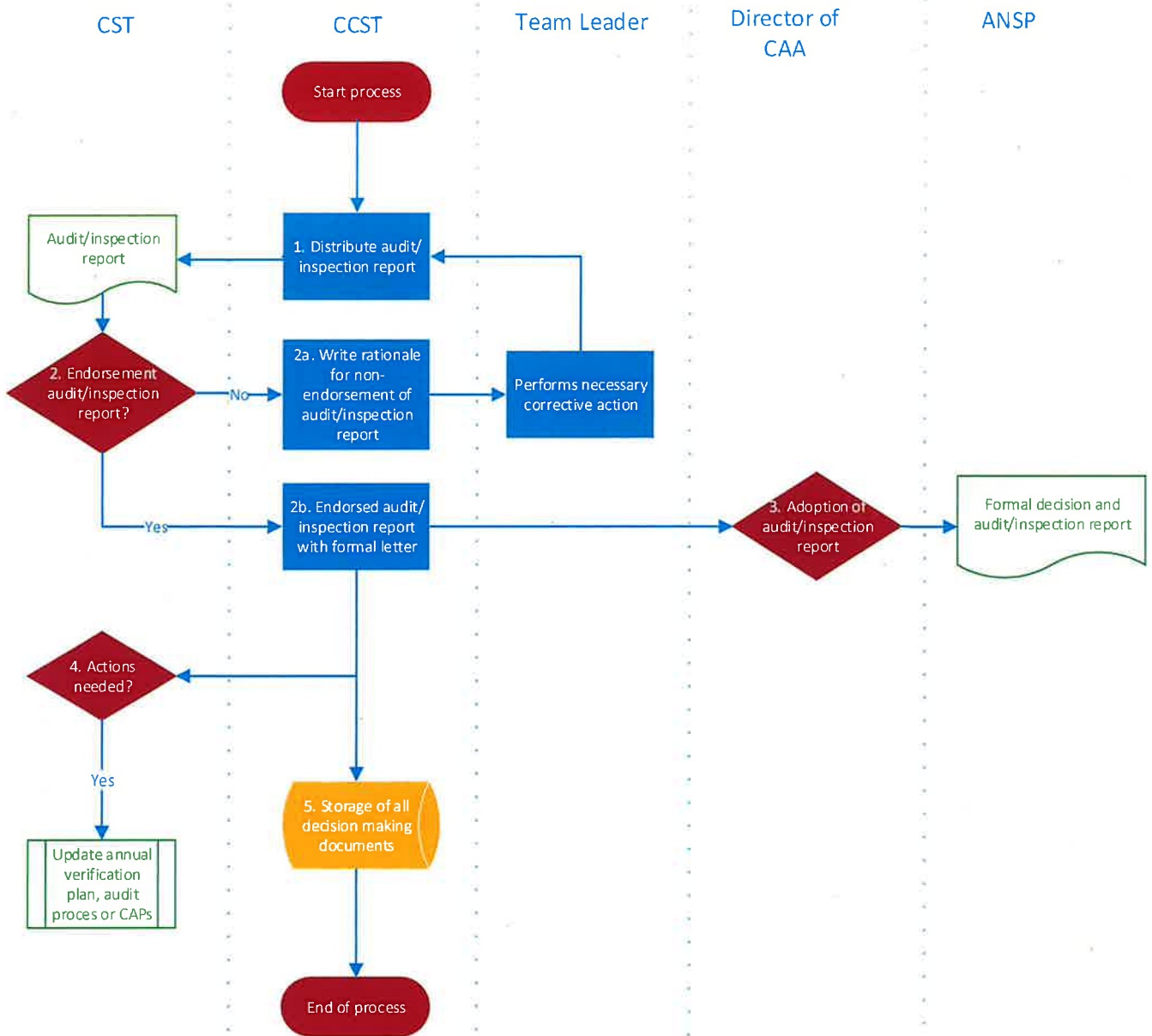
- establishing if the final audit/inspection report has been created in line with the applicable procedures; and
- endorsing the draft audit/inspection report.

#### **6.3.3 Director of the CAA Curaçao**

The Director of the CAA Curaçao is responsible for:

- deciding on the adoption of the CST-endorsed audit/inspection report; and
- issuing the formal decision on the audit/inspection report to DC-ANSP as the Director of CAA Curaçao.

## 6.4 PROCESS



## 6.4.1 Process steps

### Step 1

Upon receipt of the draft audit/inspection report the CCST distributes the audit/inspection report to the CST-members.

### Step 2

The CST by consensus establishes if the draft audit/inspection report has been created in line with the regulations of all Countries as mentioned in article 3, point 2 of the Protocol, the procedures as contained in this document; the audit/inspection mandate and scope. Furthermore, the CST establishes if the draft audit/inspection report takes into account, where relevant, the services that are provided for all Countries (Aruba, Curaçao, Sint Maarten, Caribisch Nederland).

#### **Draft audit/inspection report is not OK**

1. If the CST establishes, by consensus, that the draft audit/inspection report has not been created in line with the regulations of all Countries, the applicable procedures, the audit/inspection mandate and/or scope, or that the draft audit/inspection report does not take, into account, where relevant, the services that are provided for all Countries the CCST issues it back to the Audit Team Leader, together with an instruction for 'corrective action'.
2. The audit team carries out the necessary 'corrective action' and issues it back to the CCST, after which step 1 applies again.

#### **Draft audit/inspection report is OK**

1. If the CST establishes, by consensus with documented proof, that the draft audit/inspection report has been created in line with the regulations of all Countries, the applicable procedures, the audit/inspection mandate and scope, and that the draft audit/inspection report takes into account, where relevant, the services that are provided for all Countries, the CST endorses the audit/inspection report.
2. The CCST issues the endorsed audit/inspection report, together with a formal letter on adoption to the Director of CAA Curaçao.

### Step 3

The Director of CAA Curaçao decides on the formal adoption of the audit/inspection report. The report together with the formal letter is issued to the Director of the ANSP by the Director of CAA Curaçao. A copy of this formal decision is also issued to the Directors of the 4 CAA's, and the members of the CST.

In case that the adopted report identifies one or more non-conformities, the letter as issued to the ANSP by the Director CAA Curaçao contains the following clause:

*'DC-ANSP is to issue a corrective action plan, including a timeframe, for the identified non-conformities within 30 working days after the reception of this decision'.*

### Step 4

Taking into account the audit/inspection report and the comments of the ANSP on the audit/inspection process, the CST after the adoption of the audit/inspection report, checks if the following actions need to be taken:

- Updating the annual surveillance plan;
- Updating the audit/inspection process; or
- Corrective actions by the ANSPs.

If one or more of above actions are required, the CST initiates the necessary procedures.

### Step 5

All relevant decision making documentation is issued to the relevant archive by the CCST. The relevant decision making documentation includes the audit/inspection report in its final version (as far as it has been endorsed).

## **7 PROCEDURE ON THE ADOPTION OF THE CORRECTIVE ACTION PLAN**

### **7.1 PURPOSE**

The purpose of this chapter is to establish, if the adopted audit report (see chapter 6) identifies one or more non-conformities, the decision making structure regarding the required corrective action plan.

### **7.2 SCOPE**

This procedure is valid for the oversight activities concerning the adherence to the regulations of all Countries, as performed within the 4 CAA's' framework.

### **7.3 RESPONSIBILITIES.**

#### **7.3.1 DC-ANSP**

The ANSP is responsible for issuing a corrective action plan which includes:

- the root cause;
- the measures to remedy the shortcoming; and
- the measures to prevent recurrence in the future,

to the CCST including a time frame for implementation.

#### **7.3.2 Chairperson CST**

The CCST is responsible for:

- distributing the corrective actions plan among the CST-members:
  - in case that the CST deems the corrective action plan insufficient, issuing it back to the ANSP;
  - in case that the CST deems the corrective action plan sufficient, issuing it to the Director of CAA Curaçao;
- checking whether the corrective action plan meets the requirements;
- monitoring the progress of the executing of the corrective action within the accepted timeframe;
- escalating the situation to the Director of CAA Curaçao, in cases where the ANSP fails to adhere to corrective actions (e.g. not meeting accepted time lines).

#### **7.3.3 CST**

The CST is responsible for:

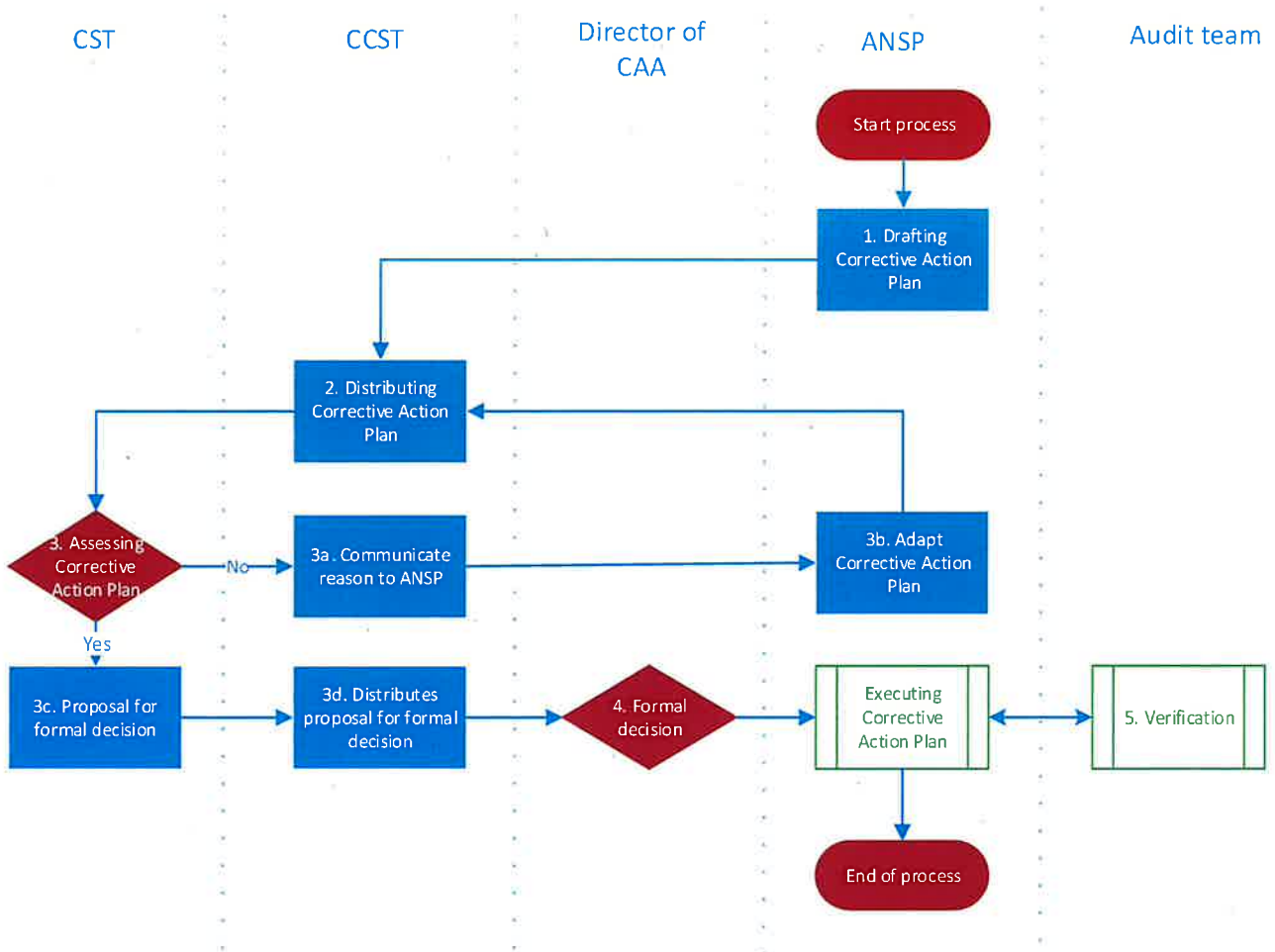
- establishing if the ANSP's corrective action plan is sufficient; and
- formulating a proposal for a formal decision regarding:
  - The endorsement of the corrective action plan; and
  - The timeframe within which it needs to be executed.

#### **7.3.4 Director of CAA Curaçao**

The Director of CAA Curaçao is responsible for:

- taking a formal decision stating that:
  - the corrective action plan is endorsed; and
  - that DC-ANSP is bound to execute it within the given timeframe;
- formally issuing the decision to the ANSP.

## 7.4 PROCESS



## 7.4.1 Process steps

### Step 1

Within 30 days after receiving the formally adopted audit/inspection report -containing the identified non-conformities- from the Director of CAA Curaçao, the ANSP issues a corrective action(s) plan to the CCST. The corrective action(s) plan includes as a minimum:

- the root cause (analysis);
- the measures to remedy the shortcoming;
- the measures to prevent recurrence in the future; and
- a timeframe for the corrective action(s).

### Step 2

The CCST distributes the corrective action(s) plan from the ANSP amongst the members of the CST and the Team Leader.

### Step 3

Taking into account the non-conformity, the CST and Team Leader establishes by consensus if the corrective actions plan is sufficient to solve the non-conformity. In this establishment an evaluation of the timeframe for the corrective action plan is included.

#### Corrective actions plan is not OK

If the corrective actions plan is deemed to be insufficient, the CCST:

- communicates the reasons for this to the ANSP; and
- requires the ANSP to adapt the corrective actions plan.

From then on, step 1 applies again.

#### Corrective actions plan is OK

If the corrective actions plan is deemed to be sufficient, the CST prepares a proposal for a formal decision (to be taken by the Director of CAA Curaçao) directed at the ANSP stating that:

- the corrective action plan is endorsed; and
- the ANSP is bound to execute it within the given timeframe.

### Step 4

After receiving the corrective action plan(s) and proposal of formal decision from the CCST, the Director of CAA Curaçao formally decides on the proposal of the CST.

The formal decision on the adoption of the corrective action plan is issued to the ANSP by the Director of CAA Curaçao. A copy of this formal decision is also issued to the Directors of the 4 CAA's, and the members of the CST.

### Step 5

The verification of the implementation of the corrective action plan, within the set timeframe, is being addressed within the regular auditing-process.

In the cases where the ANSP fails adhere to corrective actions (e. g. not meeting accepted timelines) CCST is responsible to escalate the situation to the Director of CAA Curaçao.

#### Contingency

In case that the procedure as described above does not lead to a timely issuing by the ANSP of a corrective action plan that is sufficient to solve the non-conformity in line with the applicable regulation, the CST members together determine the action to be taken. This action is to be endorsed by the Directors of the 4 CAA's.

This action can lead to the preparation of an enforcement action.

#### Request for extension

Both the CCST and ANSP maintain an overview of the status of audit/inspection findings and the corrective action plans. The CCST may request a status update on the progress of implementation anytime.

In case the ANSP focal point becomes aware that an accepted implementation period or a corrective action is not likely to be met, a request for extension of the timeframe for implementation of the corrective action(s) is sent to the CCST, before the implementation date expiration, including a rationale for the request.

Taking into account the non-conformity, both the audit team leader and CCST establish if the request is

acceptable by achieving consensus. The CCST communicates the decision to the focal point of the ANSP. If no consensus can be agreed, the CCST will inform the Director of CAA Curaçao for endorsement measures.

## **8 PROCEDURE FOR REVIEW AND ACCEPTANCE OF CHANGES TO THE FUNCTIONAL SYSTEM**

### **8.1 PURPOSE**

The purpose of this procedure is to ensure that all reviews of changes to the functional system as notified by the ANSP:

- Follow the same standard methodology,
- Are documented and conducted efficiently and transparently, and
- Are conducted in accordance with national and international regulations.

### **8.2 SCOPE**

This procedure is applicable for the changes to the functional system which have to be reviewed within the framework of the regulations as mentioned in article 3, point 2 of the Protocol.

### **8.3 RESPONSIBILITIES**

#### **8.3.1 Chairperson of the CST**

The CCST is responsible for:

- allocating a project identification code to the review;
- the determination of the capacity and expertise required for the review of the safety arguments;
- requesting the required capacity and expertise to the 4 CAA's;
- appointing a Review Team;
- informing the ANSPs on the reception of the change notification and 'kwaliteits- en veiligheidsplan' and the appointment of the review team;
- recording the following documentation:
  - Notification of reception of a change.
  - All relevant documentation concerning the review of a change (if no review manager has been appointed yet).
  - The comments to the advice on acceptance of a change, as documented in the review report, by the CST (if applicable).
  - All formal (non-) endorsements by the members of the CST of the review report, including the advice on acceptance, of any review of a change.
  - All endorsed review reports of changes in their final version, and
  - The formal acceptance letter of the change under consideration;
- issuing the review teams review report for comments to the CST members;
- incorporating minor comments from the CST members to the review report in close consultation with the review manager;
- producing a separate document with the major comments to the advice on acceptance from the CST members, including a rationale, if applicable;
- forwarding the review report, including the incorporated comments of the CST members;
- forwarding the review report to the Director of the CAA of Curaçao after the review report, including the advice on acceptance, has been formally endorsed by the CST.

#### **8.3.2 The CST**

The members of the CST are responsible for commenting on the review report of the change under consideration as forwarded by the CCST.

#### **8.3.3 Director of CAA Curaçao**

The Director of CAA Curaçao is responsible for:

- issuing the formal decision on acceptance of the introduction into service of the change under consideration to the Director of the ANSP; and
- issuing a copy of the formal decision on acceptance of the introduction into service of the change under consideration to the Director of the ANSP and the Safety Manager of this organisation, the members of the CST, the CCST and the review manager.

#### **8.3.4 Directors of the 4 CAA's**

The Directors of the 4 CAA's are responsible for:

- making available the capacity and expertise required for the review; and
- mandating their respective members of the CST for the formal decision on the endorsement of the review report, including the advice on acceptance of the introduction into service of the change under consideration.

#### **8.3.5 Review Manager**

The review manager is responsible for:

- requesting the required 'kwaliteits- en veiligheidsplan' from the ANSP;
- issuing of the review report, including the advice on acceptance, to the CCST;
- the management of the review team;
- the communication with the CCST;
- transmitting the following documentation to the CCST for archive storage of all relevant documentation concerning:
  - the review of a change; and
  - the verification of the conditions attached to the acceptance of a change; and
- informing the CCST on the results of the verification of the conditions attached to the acceptance.

#### **8.3.6 Review Team**

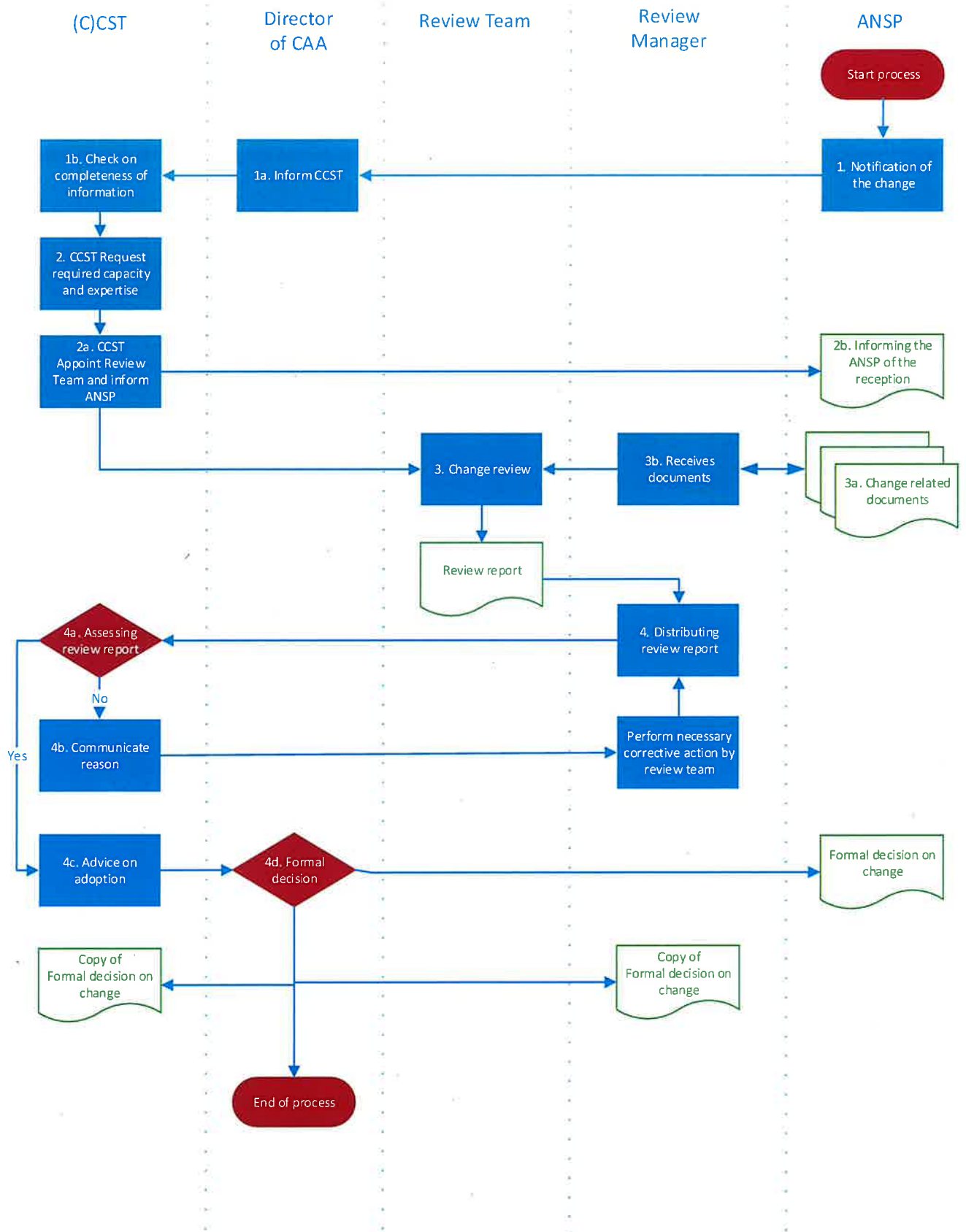
Under the supervision of the review manager, the review team is responsible for:

- the review if a specific change is in conformance with the safety requirements of ICAO;
- producing a review report, including the advice on the acceptance of the change;
- when applicable, verifying if the conditions attached to the acceptance are met;
- verifying if the conditions attached to the acceptance are met.

#### **8.3.7 Review of a notified change to the functional system**

1. When the appointed Review Team reviews a notified change, it shall assess if it is in conformance with the safety requirements of ICAO.
2. The Review Team shall, alternatively:
  - a. accept the change referred to in point (1), with conditions where applicable, when it is shown to be valid and so inform the CCST;
  - b. reject the change referred to in point (1) and inform the CCST together with a supporting rationale.

## 8.4 PROCESS



### **Step 1**

The process is initiated by the explicit notification of the change by the ANSP to the Director of CAA Curaçao in the form of a notification letter. The Director of the CAA will inform the CCST about this change notification.

The notification letter contains at least the following information:

- the name and contact details of the nominated focal point for the change at the ANSP;
- description of the change (including the different project stages if applicable);
- timescale for intended implementation; and
- kwaliteits- en veiligheidsplan.

The formal submission of all documentation related to the change must be completed at the latest 3 months before the intended introduction into service of the change.

### **Step 2**

For the composition of the review team:

- The CCST contacts the 4 CAA's CST members to determine the capacity and expertise required for the review and to request the required capacity and expertise, and
- The Directors of the 4 CAA's ensure that the required capacity and expertise is made available.
- As soon as the 4 CAA's have made available the required capacity and expertise, the CCST appoints a review team consisting of a review manager and a review member as a minimum.

The CCST informs the ANSP of the reception of the notification letter and of the appointment of the review team (if review has been decided) by means of a notification letter of reception.

As soon as the CAA's of the 4 States have made available the required capacity and expertise, the review team meets for the first time.

### **Step 3**

The review is conducted by the review team in a manner commensurate with the level of risk posed by the new functional system or change to existing functional systems.

The review will have to make clear if the change is in conformance with the safety requirements of ICAO.

During the review, new versions of the 'kwaliteits- en veiligheidsplan' concerning the change under consideration may become available. Relevant versions are forwarded by the ANSP to the review manager as soon as they are available. In case that a review manager has not yet been appointed, the ANSP issues the documentation to the CCST.

As part of the review the review team may require additional documentation from the ANSP concerning the change under consideration. If so, the review manager requests the required information to the ANSP. Upon such a request the ANSP makes available the required information. The documentation is issued preferably by email to the review manager.

### **Step 4**

As soon as the review of the 'kwaliteits- en veiligheidsplan' is complete, the review manager issues the team's review report to the CCST.

This review report contains, as a minimum:

- a description of the change;
- the specific review process used, including the timeframe;
- the review team's expert opinion on the conformance with the safety requirements of ICAO; and
- an advice on the acceptance, with a set of conditions where applicable, or the rejection with supporting rationale, of the change under consideration.

The CCST issues the review report to the CST members. The CCST specifies the timeframe for assessment of the review report.

In case that minor comments to the report are received, the CCST incorporates these comments in the review report in close consultation with the review manager.

In case that major comments to the advice on acceptance are received from one or more members of the CST, the CCST attaches these comments, including a rationale, to the review report in a separate document.

The CST by consensus establishes if the draft review report has been created in line with the current procedure.

**Draft review report is not OK**

1. If the CST establishes, by consensus, that the draft review report has not been created in line with the current procedure, the CCST issues it back to the Review Manager, together with an instruction for 'corrective action'.
2. The review team carries out the necessary 'corrective action' and issues it back to the CCST, after which 4a. applies again.

**Draft review report is OK**

1. If the CST establishes, by consensus, that the draft review report has been created in line with the current procedure the CST endorses the review report.
2. The CCST issues the endorsed review report, together with an advice on adoption to the Director of CAA Curaçao.

The formal decision on the acceptance, with conditions where applicable, or the non-acceptance, with supporting rationale is issued by the Director of CAA Curaçao to the Director of the ANSP. A copy of the endorsed review report is attached to the formal acceptance for information purposes.

A copy of the formal decision and the review report is also issued to the:

- DC-ANSP Focal Point;
- Safety Manager of DC-ANSP;
- members of the CST;
- CCST; and
- Review Manager.

**Verifying conditions of acceptance**

In some cases, conditions will be attached to the acceptance of the introduction into service of the change under consideration.

If there are conditions attached to the acceptance of the change, it is the responsibility of the review team to verify if the conditions attached to the acceptance are met. In case members of the review team are no longer available, the CCST will ask the CST for additional capacity, if deemed necessary by the CCST or the review manager

During the process of verifying the applicable conditions, it is the responsibility of the ANSPs to provide evidence to the review team that the conditions are met. This evidence is issued by the service provider to the review manager as soon as it is available, but within the timeframe set in the conditions (if applicable).

As part of the verification of the applicable conditions the review team may require additional documentation from the ANSP concerning the change or the conditions attached to the acceptance. If so, the review manager requests the required information to the service provider. Upon such a request the ANSP makes available the required information. The documentation is issued preferably by email to the review manager.

The review manager is responsible for recording all relevant documentation and sending them to the CST. When the review team concludes that the conditions attached to the acceptance are met, the review manager informs the CCST. The CCST then disseminates the information to the members of the CST.

In case the review team concludes that the conditions attached to the acceptance are not met, the review team updates the review report and includes a revised advice on acceptance. From then on the decision loop as described in step 4 applies.

## **9 PROCEDURE ON CIVIL AVIATION SAFETY INSPECTOR COMPETENCY**

### **9.1 PURPOSE**

The purpose of this procedure is to describe how the competency of the Civil Aviation Safety Inspector (CASI) for the functions audit/inspection team leader, audit/inspection team member, review manager and review team member are ensured.

### **9.2 SCOPE**

This procedure is valid for the oversight activities on DC-ANSP.

### **9.3 RESPONSIBILITIES.**

#### **9.3.1 Director of CAA**

Each Director of CAA is responsible to ensure that:

- the CASI that is made available for the oversight of the ANSP are trained, competent and qualified to conduct audits, inspections and reviews in accordance with the requirements set out in this procedure;
- at least 1 CASI is trained as lead auditor;
- training and competency records of the CASI performing oversight of the ANSP are up-to-date and on request available.

#### **9.3.2 Chairperson CST**

The CCST is responsible for verifying if CASIs assigned to oversight activities of the ANSP adheres to the competency requirements.

#### **9.3.3 CST**

The CST is responsible for determining the conditions of use for CASIs involved in the oversight of the ANSP who do not comply with the competency requirements and informs the CCST about the decision.

#### **9.3.4 Auditor/inspector**

The CASI, acting either as audit/inspection team leader or audit/inspection team member, must recognise and understand that their responsibility is to carry out the audit/inspection as required by the CST and to provide factual, objective and unbiased information relating to the effective implementation of the applicable safety regulatory requirements and associated practice.

## 9.4 PROCESS

Each Director of CAA ensures that their CASI(s) involved in oversight activities at the ANSP is trained, competent and qualified to conduct audits in accordance with their own national policies and procedures.

The CAA's keep records on the training and competency of their CASI(s). Training shall be in line with ICAO Doc 10070 'Manual on the competencies of Civil Aviation Safety Inspectors'. These records contain as a minimum:

- Basic Audit Training and Qualification;
- Lead Auditor Training and Qualification;
- Audit Log with an overview of e.g. audit experience, role.
- Recurrency audit training and qualification.

The Directors of the CAA's declare to the CCST that their CASI(s) made available for the required oversight activity are trained, competent and qualified to perform the audit they're assigned to.

If, due to lack of capacity, a CASI does not meet the qualifications for the assigned oversight activity, the CCST together with the CST can decide if this CASI can still be used under certain conditions, e.g. performing the audit/inspection under supervision of an audit/inspection team leader as a trainee (OJT) in the role of audit/inspection team member or audit/inspection team leader depending on the qualification.

The CCST documents the decision to use this CASI and communicates the condition to the CASI and the audit/inspection/review team leader of the assigned task.

Due to privacy legislation the training and competency record of each CASI is stored within its personal file at the responsible CAA.