

APPROVAL

THIS IS TO CERTIFY APPROVAL BY:



Song Zhiyong Date
Administrator 2023.4.25
Civil Aviation Administration of China



25.04.23

Mao Havanhall Date
Minister
State Secretariat of Civil Aviation of
Cambodia

COOPERATION AGREEMENT

ON

OPERATION SAFETY FOR IMPLEMENT THE SEVENTH FREEDOM

BETWEEN

THE CIVIL AVIATION ADMINISTRATION OF CHINA (CAAC)

AND

THE STATE SECRETARIAT OF CIVIL AVIATION OF CAMBODIA (SSCA)



COOPERATION AGREEMENT ON OPERATION SAFETY
FOR IMPLEMENT THE SEVENTH FREEDOM

The Civil Aviation Administration of China (CAAC) and the State Secretariat of Civil Aviation of Cambodia (SSCA), hereinafter referred to as the Authorities,

- desiring to promote aviation safety;
- noting common concerns for the safe operation of civil aircraft;
- recognizing the importance of establishing and maintaining high standard for operation;
- enhancing cooperation and efficiency in matters relating to 7th freedom.

The Authorities will work in accordance with this Agreement from the date on which it has been signed, until such time it is revised or replaced by other Agreements or revoked by any one of the Authorities.

1. GENERAL INFORMATION

1.1 INTRODUCTION

- (1) On June 3, 2020, CAAC has published the ***“Implementation Plan of the Seventh Freedom for Pilot Opening of Hainan Free Trade Port”***, which allows the air operator of Cambodia to apply for operation under the 7th freedom in Hainan, China.
- (2) To implement the 7th freedom, the approved Cambodia operator have to set up their sub-base for international operation from Hainan, China, and the operator shall have the permit of operation by third country to their destination.
- (3) As for operation under the 7th freedom, the legal liabilities related to the interests of Chinese citizens and citizens of other countries, in addition to requiring SSCA to undertake the safety management responsibility as the state of operation in accordance with ICAO convention, it will inevitably involve the safety oversight responsibility of CAAC since the place of occurrence will be mainly in China.
- (4) Based on the above reasons and considering the convenience of the SSCA safety oversight, the authorities agree to strengthen their cooperation on operation safety to implement the 7th freedom, including clarify the respective responsibilities, information sharing, technical assistance and investigation.
- (5) This Agreement is based on the above considerations.

1.2 DEFINITIONS

Notwithstanding definitions contained in the Authorities regulatory documents, for the purpose of this Agreement, the following definitions apply:

AOC: The Air Operator Certificate.

AOCR: The Cambodian Civil Aviation Regulation Part 9 –The Air Operator Certificate Requirement.

AMO: Aircraft Maintenance Organization.

CAA: Civil Aviation Authority.

CAAC: Civil Aviation Administration of China.

CCAR-129: The Chinese Civil Aviation Regulation Part 129.

ICAO: International Civil Aviation Organization.

SDR: Service Difficult Report.

SSCA: State Secretariat of Civil Aviation of Cambodia.

Sub-base: A station of an operator other than the main-base for operation flights as origin departure and destination airport, and normally with relatively fixed aircraft and personnel.

1.3 SSCA OPERATION CERTIFICATION AND SURVEILLANCE FOR AIR OPERATOR

1.3.1 Regulations Basis

The Cambodian Civil Aviation Regulation Part 9 *THE AIR OPERATOR CERTIFICATE REQUIREMENT* (AOCR) applies for air operation certification and surveillance to air transport enterprise.

The SSCA issues the Air Operator Certificate (AOC) and Operations Specifications to air transport enterprise according AOCR, as well as approve following documents of the air operator:

- A. Operations Manual;
- B. Maintenance Control Manual;
- C. Aircraft Maintenance Program;
- D. Minimum Equipment List;

As per AOCR, an operator must arrange for all of the maintenance and release to service to be carried out by a suitably rated Aircraft Maintenance Organizations (AMO) approved by SSCA according to Cambodian Civil Aviation Regulation Part 6.

1.3.2 Certification

The certification for AOC is on the application of an air transport enterprise.

For initial certification, the following documents must be submitted to the SSCA:

- A. Operations Manual(s);

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- B. Training Manual(s);
- C. Engineering Exposition Document(s)/ Maintenance Control Manual(s);
- D. Aircraft Maintenance Program Manual;
- E. Minimum Equipment List;
- F. Dangerous Goods Manual (If Applicable);
- G. Security Manual;
- H. Emergency Manual;
- I. Flight Operations Officer Manual / Flight Dispatcher Manual;
- J. Cabin Crew Manual (If Applicable);
- K. Quality Assurance Manual;
- L. Aircraft Flight Manual and Performance Schedules;
- M. Safety Management System Manual;
- N. Completed AOCR Compliance Checklist; and
- O. Any other relevant manuals/documents.

The SSCA has adopted a 5-phase process (Pre-application, Formal application, Document evaluation, Applicant's demonstration and SSCA's evaluation, Formal award of AOC) for systematic and timely handling of all AOC applications.

After all documentation has been assessed to be complete and the demonstration phase has been completed satisfactorily, and if the applicant is assessed to be competent and fit, the SSCA will prepare and present the AOC and an attachment (containing authorizations, limitations and provisions specific to each applicant) to enable the applicant to commence revenue operations.

The AOC is normally valid for one year upon grant or renewal, but this may be varied at the sole discretion of the SSCA. The type(s) of aircraft that may be flown and the associated operational approvals are specified in the operations specifications.

The AOC and the Operations Specifications is written in English language.

If the holder of an AOC wishes to apply for the variation of its certificate, the complete application form with full details of the requested amendments and all required manuals and documents to be submit to SSCA for supplemental certification. The variation to the AOC includes changes to the following:

- A. Name of the organization specified in the Air Operator Certificate;
- B. Address of the organization specified in the Air Operator Certificate;

- C. The Chief Executive or persons nominated in accordance with AOCR;
- D. The approved facilities or capabilities;
- E. New Aircraft Types;
- F. Adding New Aircraft (Same make/model);
- G. Operations Specifications Approvals;
- H. Change in area of operation.

1.3.3 Surveillance

The SSCA will perform routine liaison and inspection to the holder of an AOC, including:

- A. Fly or be on board in the operator's aircraft in the course of normal operations;
- B. Visit the AOC holder's facilities and line stations to observe the AOC holder's operations.
- C. Inspect flight crew and aircraft maintenance engineer licenses and records of the AOC holder and their agents

If, during the currency of an AOC, the SSCA ceases to be satisfied that the holder is competent, the SSCA may suspend, revoke or vary the AOC.

1.4 CAAC OPERATION CERTIFICATION AND SURVEILLANCE FOR FOREIGN OPERATOR

1.4.1 Regulations Basis

The Chinese Civil Aviation Regulation Part 129 (CCAR-129) applies for operation certification and surveillance to the foreign operator.

As per CCAR-129, the certification is based on the operation approved by CAA of the state for the foreign operator, including the following documents required by the standards of ICAO Annex 6:

- A. Air Operator Certificate and associate Operation Specification;
- B. Approved Operation Manual and Maintenance Control Manual;
- C. Approved Aircraft Maintenance Programs and Minimum Equipment Lists;
- D. Certificate for Aircraft Maintenance Organization.

1.4.2 Certification

The prerequisite for certification is that the foreign operator has already got its economic approval from CAAC and submit application for operational certification.

(1) For foreign operator operating under other than the 7th freedom

For initial certification, copy of documents about the operation approval by CAA of the state and necessary implement information are required to verify the foreign operator's application is appropriately covered. The implement information includes but not limited to:

- A. List of aircraft to be operated in China;
- B. List of airport to be operated in China;
- C. Responsible contact persons;
- D. Subcontract agents.

After the initial certification is completed, CAAC will issue a CCAR-129 Operation Specification to the foreign operator, which lists all the aircrafts and operations authorized to be operated in China, including responsible contact information and necessary limitation for operation.

The foreign operator may make an application to revise their CCAR-129 Operation Specification, CAAC will re-issue the CCAR-129 Operation Specification through the supplemental certification as the same process as initial certification.

(2) For foreign operator operating under the 7th freedom

For initial certification, copy of documents about the operation approval by CAA of the state and necessary implement information are required to verify the foreign operator's application is appropriately covered. The implement information includes but not limited to:

- A. List of aircraft to be operated in China and compliance of emergency equipment installed on each aircraft.
- B. Responsible management persons in the sub-base.
- C. Operation management functions authorized to the sub-base for self-control.
- D. Maintenance planning and engineering functions authorized to the sub-base for self-control.
- E. Line and base (If any) maintenance organization in the sub-base and their CAA of the state approval.

Additionally, if there are functions authorized to sub-base for self-control, the self-control program needs to be submitted to CAAC.

As the certification for operating under the 7th freedom completed, CAAC will issue or revise the CCAR-129 Operation Specification with specific 7th freedom articles to the

foreign operator, including clarify the special requirements for occurrences reporting for operations under the 7th freedom.

For the specialty of operations under the 7th freedom, the CCAR-129 Operation Specification will also specify the requirement for the foreign operator to report CAAC the unsafe occurrence or incident happened on their aircrafts operated in China.

1.4.3 Surveillance

For the foreign operator conducts operation approved in China, CAAC will perform surveillance as follows:

(1) For foreign operator operating under other than the 7th freedom

The surveillance to the foreign operator is just ramp inspections, to routinely check if their operations in China following the approved CCAR-129 Operation Specifications.

If there are findings, CAAC will notify the representatives of the foreign operator to take corrective actions, and operation restrictions may be taken on the specific aircraft, crew or airport if the findings are not properly corrected by the foreign operator.

(2) For Foreign operator operating under the 7th freedom

For the foreign operators operating under the 7th freedom in China have to follow the approved CCAR-129 Operation Specifications, the surveillance consists but not limited to:

- A. Ramp Inspection;
- B. Audit to sub-base;
- C. Occurrence or incident investigation.

If there are findings, CAAC will notify the Responsible management persons of the foreign operator in the sub-base to take corrective actions, as well as transfer the findings to their CAA of the state. The operation restrictions may be placed on the specific aircraft or crew if the findings are not properly corrected by the foreign operator.

2. CERTIFICATION AND SURVEILLANCE FOR CAMBODIA OPERATOR OPERATING UNDER THE 7th FREEDOM IN CHINA

As described previously, the Authorities agreed that the certification and surveillance for Cambodia operator operating under the 7th freedom in Hainan, China are as follows:

2.1 SSCA RESPONSIBILITIES

The SSCA is responsible for the operation approval of Cambodia operator for their international operation from the sub-base of Hainan, China. The SSCA approval

should include the following documents required by the standards of ICAO Annex and Cambodia AOCR:

- A. The AOC and Operation Specifications;
- B. Operations Manual and Maintenance Control Manual;
- C. Aircraft Maintenance Program and Minimum Equipment List;
- D. Other documents requires SSCA approval according to Cambodia AOCR.

The AMO(s) arranged for carry out aircraft maintenance and release to service, in the sub-base of Hainan, China, should be approved by SSCA according to Cambodian Civil Aviation Regulation Part 6.

The SSCA is also responsible for the surveillance to the Cambodia operator for their international operation from the sub-base of Hainan, China. The SSCA surveillance should include but not limited to:

- A. Visit the sub-base of Hainan, China of the Cambodia operator to observe their operations;
- B. Inspect flight crew and aircraft maintenance engineer licenses and records of the AOC holder and their agents related to the operation in the sub-base of Hainan, China.

2.2 CAAC RESPONSIBILITIES

The CAAC is responsible for the CCAR-129 certification on the basis of the SSCA approvals to Cambodia operator, for their international operation from the sub-base of Hainan, China, as described in paragraph 1.4.2 (2).

The CAAC is also responsible for the surveillance to Cambodia operator, for their international operation from the sub-base of Hainan, China, as described in paragraph 1.4.3 (2). Means of surveillance conducted by CAAC are as follows:

- A. Ramp Inspection: similar to normal CCAR-129 surveillance, to be conducted by the CAAC independently;
- B. Sub-base Audit: focus on but not limited to the operator's management functions authorized to their sub-base for self-control, to be conducted either by the CAAC independently or with the SSCA jointly;
- C. Occurrence or Incident Investigation: including unsafe crew operation and aircraft Service Difficult Report (SDR), to be conducted either with the SSCA jointly or by the CAAC independently.

3. MUTUAL COOPERATION AND TECHNICAL ASSISTANCE

3.1 INFORMATION EXCHANGE

The Authorities will provide information regarding the operation under the 7th freedom in China to each other, including but not limited to:

- A. Changes in regulation or implement procedures;
- B. Changes in organization or key personnel;
- C. Changes in the approval to Cambodia operator involved in the operation under the 7th freedom in China.

In addition, any proposal to amend related regulation or implement procedures will be provided to each other for the opportunity to review and comment prior to the amendment effected.

3.2 TECHNICAL ASSISTANCE

The Authorities will provide technical assistance to each other, upon request, to the purposes of certification and surveillance to the operation under the 7th freedom in China. Such areas of assistance may include, but not limited to:

- A. Providing reports regarding operational compliance;
- B. Conducting and reporting on technical investigations to the extent permitted by the laws applicable to each other; and
- C. Obtaining and providing data for occurrence or incident reports.

3.3 URGENT OR UNUSUAL SITUATIONS

Where urgent or unusual situations occurred which will influence the operation under the 7th freedom in China but not specifically addressed, the Authorities will review and consult with each other, and upon mutual consent, take appropriate action, including taking necessary operation restrictions on the specific aircraft or crew.

3.4 NOTIFICATION OF NON-COMPLIANCE

The Authorities will notify each other of any serious non-compliance identified on the certification or surveillance for the operation under the 7th freedom in China, and promptly advise the other Authority of any enforcement action, including cancellation, revocation or suspension of the aircraft certificate of airworthiness, the personnel license or the organization approval.

3.5 PROTECTION ON SENSITIVE OR CONFIDENTIAL INFORMATION

When the Authorities provides each other any information, it will clearly identify whether that information is sensitive or confidential and the nature of that sensitivity or confidentiality. The Authority giving the information, may also impose a limitation on the use or disclosure of the information by the receiving Authority. The Authority receiving the information will handle the information in a manner having regard to its confidentiality or sensitivity, and will not deal with personal information contrary to the privacy laws applying to the Authority.

4. MISCELLANEOUS

4.1 INTERPRETATION

Any disagreement regarding the interpretation or application of this Agreement will be resolved by consultation between the Authorities.

4.2 APPEALS

The Cambodia operator operating under the 7th freedom in China may appeal any enforcement placed on them. Appeals of CAAC enforcement actions are made in accordance with the CAAC regulations. Appeals of SSCA enforcement actions are made in accordance with the SSCA regulations.

5. TERMINATION

Any one of the Authorities may at any time give written notice to the other Authority of its decision to terminate this Agreement. This Agreement and the CCAR-129 Operation Specification with specific 7th freedom articles to the Cambodia operator will be terminated in three months following the date of receipt of the notice by the other Authority, unless the aforesaid notice of termination has been withdrawn by mutual agreement before the expiry of this period.

APPENDIX: POINTS OF CONTACT

CAAC:

For the liaison of this Agreement:

Air Transportation Standards Division
Flight Standards Department
Civil Aviation Administration of China

155 Dong Si Street, West
BEI JING, China 100710

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Email: jx_cao@caac.gov.cn

For the application of operation under the 7th freedom in HAI NAN, China:

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Central & South China Regional Administration
Civil Aviation Administration of China

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