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Core sample of organisations selected for the study

1) European Aviation Safety Agency (EASA)
2) European Organisation for the safety of air navigation (EUROCONTROL)
3) European Network of Civil Aviation Safety Investigation Authorities (ENCASIA)
4) Interstate Aviation Committee (IAC)
5) Banjul Accord Group Aviation Safety Oversight Organisation (BAGASOO)
6) Banjul Accord Group Accident Investigation Agency (BAGAIA)
7) East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA)
8) Les Autorités Africaines et Malgache de l’Aviation Civile (AAMAC)
9) Pacific Aviation Safety Office (PASO)
10) Eastern Caribbean Civil Aviation Authority (ECCAA)
11) Caribbean Aviation Safety and Security Oversight System (CASSOS)
12) Regional Cooperation System on Safety Oversight in Latin America (SRVSOP)
13) Agencia Centroamérica para la Seguridad Aeronáutica (ACSA)
14) Agence de Supervision de la Sécurité Aérienne en Afrique Centrale (ASSA-AC)
Curriculum Vitae

RATAJCZYK Mikołaj was born on 6 September 1978 in Warsaw, Poland. He graduated from the Warsaw University as a Master of Law and Administration in 2002, and subsequently completed postgraduate studies in civil aviation management at the National Academy of Defense in Warsaw.

In 2003 he joined the Polish Civil Aviation Authority where he worked in positions of increasing responsibility until 2006, when he was seconded to the Air Transport Directorate of the European Commission and where he dealt with development of policy and legislation related to air accident investigations, occurrence reporting and international safety information exchange programmes.

In 2011 he worked for the Polish Presidency of the European Union, and was involved in chairing the Aviation Working Group of the EU Council. In 2012 he joined the European Aviation Safety Agency, and is currently involved in supporting the European Commission in developing a new aviation safety policy for the EU.

He is a member of the European Air Law Association (EALA), and periodically lectures on aviation safety law at the International Institute of Air and Space Law of the Leiden University. He has published articles on aviation related topics in Polish and international aviation law periodicals, and presented papers on aviation safety at international conferences.
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Selected Bibliography

1. TREATIES AND WORKING ARRANGEMENTS

AFCAC, 'Memorandum of Understanding (MoU) between the African Civil Aviation Commission (AFCAC) and African States for the use of national inspectors under the AFI Cooperative Inspector Scheme', (2013).


'Agreement between the Government of Antigua and Barbuda and the Eastern Caribbean Civil Aviation Authority regarding the Headquarters of the Authority', St. John's, 15 April 2008.


'Agreement Establishing the Eastern Caribbean Civil Aviation Authority', Grenada, 21 October 2003.

'Agreement for the establishment of the Banjul Accord Group', Banjul, 29 January 2004, ICAO Registration No. 5455.

'Agreement on Civil Aviation and Airspace Utilization ', Minsk, 30 December 1991, ICAO Registration No. 3720.


'Annex on aviation safety to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation', (OJ L 232, 9 September 2011).

'Arrangements concerning the development, the acceptance and the implementation of Joint Aviation Requirements', (Cyprus, 1990).

'Banjul Accord Group Accident Investigation Agency Agreement', Montreal, 30 June 2009, ICAO Registration No. 5463.


'Consolidated version of the EUROCONTROL International Convention Relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as


EASA, 'Working Arrangement on Airworthiness between the European Aviation Safety Agency and the InterState Aviation Committee', (St. Petersburg, 2004).


'Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation', 4 May 2011, (OJ L 232, 9 September 2011).
'Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area', 9 June 2006, (OJ L 285, 16.10.2006).
2. **COURT CASES**

*a) Court of Justice of the European Union*


*b) International Court of Justice and Permanent Court of International Justice*

'Case concerning the Factory at Chorzów (Germany v. Poland), Judgement', in: [1928] PCIJ Series A-No 17 (PCIJ, 1928).
'Phosphates in Morocco (Italy v. France), Judgement', in: [1938] PCIJ Series A/B-No 74 (PCIJ, 1938).

c) Other cases

'Swanson et al v. The Queen in right of Canada', in: [1991] 80 DLR (4) 741 (Federal Court of Appeal of Canada).

3. BOOKS AND MONOGRAPHS

Andenas, Mads, Fairgrieve, Duncan, and Bell, John, 'Tort Liability of Public Authorities in Comparative Perspective' (2002).

273


Crawford, James, 'Brownlie's principles of public international law' (2012).


Huang, Jiefang, 'Aviation Safety through the Rule of Law: ICAO’s mechanism and practices' (2009).


Klabbers, Jan, 'An Introduction to International Institutional Law' (2009).


Milde, Michael, 'International Air Law and ICAO' (2012).


4. JOURNAL ARTICLES


———, 'Independence of Aviation Safety Investigation Authorities: Keeping the Foxes from the Henhouse', JALC, 75 (2010).


Kasprzyk, Piotr, 'Legal Ramifications of the Investigations of the 2010 Polish President’s Aircraft Accident', ASL, 36 (2011).


———, 'Nationality and registration of aircraft operated by Joint Air Transport Operating Organizations or International Operating Agencies', AASL, X (1985).


Sereni, Angelo P., 'Agency in International Law', American Journal of International Law, 34 (1940).

Sulocki, Thaddée, and Cartier, Axelle, 'Continuing Airworthiness in the framework of the transition from the Joint Aviation Authorities to the European Aviation Safety Agency', ASL, 28 (2003).


5. **INTERVIEWS**

Former President of the ICAO Air Navigation Commission, 'Interview No 1', (2013).


Official of the Swiss Civil Aviation Authority, 'Interview No 3', (2014).


Official of the Eastern Caribbean Civil Aviation Authority, 'Interview No 7', (2014).

Official of the Regional System on Safety Oversight in Latin America, 'Interview No 8', (2014).


6. **LEGISLATION**


EASA, 'Notice of Proposed Amendment relating to rules on third country operators for commercial air transport', (NPA No 2011-05).


European Parliament and of the Council and Commission Regulations 
'Eastern Caribbean Civil Aviation Authority Agreement Act', Laws of Grenada, 
Act No. 11 of 2004.

IAC, ‘АВИАЦИОННЫЕ ПРАВИЛА (Aviation Regulations)’

Le Congrès de la Transition et le Conseil Supérieur de la Transition, République 
de Madagascar. ’LOI n°2012-012: Autorisant la ratification du Traité 
relatif aux Autorités Africaines et Malgache de l’Aviation Civile signé à 

7. **ICAO ASSEMBLY RESOLUTIONS**

ICAO, 'Assembly Resolution A10-5: Relationship of ICAO with the European 
Civil Aviation Conference', (10th ICAO Assembly, 1956).
———, ‘Assembly Resolution A27-17: Relationship between ICAO and Regional 
Civil Aviation Bodies', (27th ICAO Assembly, 1989).
———, ‘Assembly Resolution A29-3: Global Rule Harmonization’, (29th ICAO 
Assembly, 1992).
———, ‘Assembly Resolution A32-11: Establishment of an ICAO universal 
———, ‘Assembly Resolution A33-9: Resolving Deficiencies and Encouraging 
Quality Assurance’, Assembly Resolution A33-9, (33rd ICAO Assembly, 
2001).
———, ‘Assembly Resolution A33-11: A global design code for aircraft’, (33rd 
ICAO Assembly, 2001).
———, ‘Assembly Resolution A35-7: Unified strategy to resolve safety related 
deficiencies’, (35th ICAO Assembly, 2004).
———, ‘Assembly Resolution A36-5: International Financial Facility for Aviation 
Safety (IFFAS)', (36th ICAO Assembly, 2007).
———, ‘Assembly Resolution A36-6: State Recognition of the Air Operator 
Certificate of Foreign Operators and Surveillance of their Operations', 
(36th ICAO Assembly, 2007).
———, ‘Assembly Resolution A37-1: Principles for a code of conduct on the 
sharing and use of safety information’, (37th ICAO Assembly, 2010).
———, ‘Assembly Resolution A37-5: The Universal Safety Oversight Audit 
Programme (USOAP) continuous monitoring approach’, (37th ICAO 
Assembly, 2010).
———, ‘Assembly Resolution A37-8: Regional cooperation and assistance to 
resolve safety-related deficiencies’, (37th ICAO Assembly, 2010).
———, ‘Assembly Resolution A37-21: Cooperation with regional organizations 
and regional civil aviation bodies', (37th ICAO Assembly, 2010).
———, ‘Assembly Resolution A38-2: ICAO global planning for safety and air 
navigation’, (38th ICAO Assembly 2013).
———, ‘Assembly Resolution A38-5: Regional cooperation and assistance to 
resolve safety deficiencies, establishing priorities and setting measurable 
targets’, (38th ICAO Assembly, 2013).
———, ‘Assembly Resolution A38-7: Comprehensive Regional Implementation 
——, 'Assembly Resolution A38-11: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences', (38th ICAO Assembly, 2013).
——, 'Assembly Resolution A38-12: Consolidated Statement of continuing ICAO policies and associated practices related specifically to air navigation', (38th ICAO Assembly, 2013).
——, 'Assembly Resolution A36-1: Comprehensive Regional Implementation Plan for Aviation Safety in Africa', (36th ICAO Assembly, 2007).

8. CONFERENCE PROCEEDINGS


ACAC/ICAO, 'Seminar/Workshop on Regional Safety Oversight Programmes', (Rabat, Morocco, 2012).


United States of America, 'Improving international cooperation in certification and validation of products and parts', in: ICAO High Level Safety Conference (Montréal: 2010).

UAE General Civil Aviation Authority, 'Regional Accident Investigation Organization', in: ACAC/ICAO Seminar/Workshop on Regional Safety Oversight Programmes (Rabat, Morocco: 2012).

Banal, Francesco, former EASA Quality and Standardisation Director, 'EASA Standardisation', in: Aircraft Engineers International Conference (Belgrade 2006).


'Canadian Revised Preliminary Draft of an International Air Convention', in: International Civil Aviation Conference (Chicago, USA: 1944).


Cheston, Mary, 'U.S. Perspective on Bilateral Safety Agreements: where we’ve been and where we’re going', in: Europe/U.S. International Aviation Safety Conference.


‘EC-ICAO Symposium on Regional Organisations’, (Montréal, Canada: 2008).


Jallow, Mam Sait, ‘Progress on key activities of the comprehensive regional implementation plan for aviation safety in africa (AFI PLAN)’, in: AFI Ministerial briefing (Montréal: 2013).


Tuala, Seiuli A.W., ‘Establishment of a funding mechanism to ensure the sustainability of an RSOO’, in: ICAO Symposium on Regional Safety Oversight Organizations (Montréal, Canada: 2011).

———, ‘Regional cooperation for the enhancement of safety oversight’, in: ICAO Symposium on Regional Safety Oversight Organizations (Montréal, Canada: 2011).

9. EU AND EASA DOCUMENTS

Pricewaterhouse Coopers on behalf of the European Parliament's Committee on Budgets, 'The impact on the EU and national budgets of EU agencies: case studies, PricewaterhouseCoopers study prepared for the European Parliament's Committee on Budgets', (2012).
———, 'General Principles Related to the Certification procedures to be applied by the Agency for the issuing of certificates for products, parts, and appliances (Product Certification Procedures)', (Decision of the EASA Management Board No 07-2004, and amended by Decision No 12-2007).
———, 'Guidelines for the allocation of certification tasks to National Aviation Authorities and Qualified Entities', (Decision of the EASA Management Board No 01-2011).
———, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Accelerating the implementation of the Single European Sky', (COM (2013) 408 final, 2013).

———, 'Decentralised agencies: 2012 Overhaul (analitical fiches)'


———, 'The EC SAFA Programme: Past, Present and Future'


———, 'Information Note: Handling of notifications in the context of the flexibility provisions under Articles 14(1), 14(4) and 14(6) of EU Regulation No 216/2008', (meeting of the EASA committee No 3/2013).


———, 'Template for EU Member States démarche to ICAO on the transfer of regulatory tasks to EASA', (EU Council archives, Brussels, 14 November 2003).


Kinnock, Neil, Member of the European Commission responsible for Transport, 'Meeting the global challenge: the outlook for civil aviation in the EU', SPEECH/98/1, (Forum Europe, Brussels, 1998).
Verhaugen, Günter, Vice-President of the European Commission responsible for Enterprise and Industry, 'The role of the Aviation Safety Agency from an industry point of view', SPEECH/04/536, (Speech at the occasion of the inauguration of EASA in Cologne, 2004).

10. ICAO DOCUMENTS

———, 'Progress report on the implementation of AFI Cooperative Inspectorate Scheme (AFI-CIS)', A38-WP/214, (38th ICAO Assembly, 2013).

Akatue, Emmanuel 'Institutionalization of the Banjul Accord Group Safety Oversight Organization', RASG-AFI/1 - IP/7, (First meeting of the Africa - Indian Ocean Regional Aviation Safety Group, RASG-AFI/1, 2012).


CASSOA, 'Safety Initiatives and Regional Organizations in the AFI Region', RASG-AFI/1 – IP/8, (First meeting of the Africa Indian Ocean Regional Aviation Safety Group, 2012).


———, 'Annual Reports of the Council (2009-2013)'.
———, 'Cooperation with Regional Organizations and Regional Civil Aviation Bodies', C-WP/13885, (197th session of the ICAO Council, 2012).
———, 'Cooperation with Regional Organizations and Regional Civil Aviation Bodies', A38-WP/9, (38th ICAO Assembly, 2013).
———, 'Cooperation with Regional Organizations and Regional Civil Aviation Bodies', A37-WP/28, (37th ICAO Assembly, 2010).
———, 'Encouraging the improvement of safety oversight in States with significant safety concerns (SSCs): Summary of decisions', C-DEC 195/6, (195th session of the ICAO Council, 2012).
———, 'Final report on the safety oversight audit of the civil aviation system of the Kingdom of Norway', (2006).
———, 'Final report on the safety oversight audit of the civil aviation system of the Organization of Eastern Caribbean States (Antigua and Barbuda; Grenada; St. Kitts and Nevis; Saint Lucia; and Saint Vincent and the Grenadines)', (2007).
———, 'Formulation and implementation of Standards and Recommended Practices (SARPS) and Procedures for Air Navigation Services (PANS) and notification of differences', A38-WP/48, (38th ICAO Assembly, 2013).
———, 'Known Issues and Difficulties', in: 1st Meeting of Filing of Differences Task Force (Montreal, Canada: 2011).
———, 'Notification and publication of differences: Report to Council by the President of the Air Navigation Commission', C-WP/12412, (177th session of the ICAO Council, 2006).
———, 'Notification and publication of differences: Summary of Decisions', C-DEC 177/14, (177th session of the ICAO Council, 2006).
———, 'Outcomes of the Symposium on Regional Safety Oversight Organisations', Oral report by the ICAO Secretary General, (194th session of the ICAO Council, 2011).
———, 'Progress report on the implementation of the electronic filing of
differences (EFOD) system', C-WP/13803, (195th session of the ICAO
Council, 2012).

———, 'Proposed Terms of Reference of the Secretariat/Council Group on
Regional Bodies: Summary of Decisions', C-DEC 186/2, (186th session of
the ICAO Council, 2009).

———, 'Regional Performance Dashboards'
<http://www.icao.int/safety/Pages/Regional-Targets.aspx> [Accessed 4
August 2014].

———, 'Relationship of ICAO with regional civil aviation bodies', A21-WP/35,
(21st ICAO Assembly, 1974).

———, 'Report of ANC — Establishment of Regional Aviation Safety Groups
(RASGs): Summary of Decisions', C-Dec 190/4, (190th session of the
ICAO Council 2010).

Summary of Decisions', C-DEC 191/2, (191st session of the ICAO
Council, 2010).

———, 'Report of the Secretariat/Council Group on Regional Bodies',  C-
WP/13404, (188th session of the ICAO Council, 2009).

———, 'Report of the Secretariat/Council Group on Regional Bodies: Summary

———, 'Resolution on Nationality and Registration of Aircraft Operated by
International Operating Agencies', (Reproduced in ICAO Doc. 9587
'Policy and Guidance Material on the Economic Regulation of
International Air Transport').

———, 'Review of the outcomes of the Symposium on Regional Safety Oversight

———, 'RSOOs and COSCAPs' (2014),
<http://www.icao.int/safety/Implementation/Lists/COSCAP_RSOO/AllIte

———, 'Safety Audit Information' <http://www.icao.int/safety/Pages/USOAP-
Results.aspx> [Accessed 14 March 2014].


———, 'Safety Oversight Manual, Part A: The Establishment and Management of

———, 'Safety Oversight Manual, Part B: The Establishment and Management of


———, 'Second meeting of the Regional Aviation Safety Group for Africa and
the Indian Ocean region (RASG-AFI/2):Update on the AFI Plan and Other

———, 'Significant Safety Concerns (SSCs) – A mechanism for the sharing of
SSCs with the public: Summary of decisions', C-DEC 197/4, (197th
session of the ICAO Council, 2012).

———, 'State letter concerning the adoption of Amendment 16 to Annex 6, Part
III, Attachment D: Note on the notification of differences', AN 11/32.3.8-


———, 'Universal Safety Oversight Audit Programme – Continuous Monitoring
Approach (USOAP CMA)', A38-WP/50, (38th ICAO Assembly, 2013).
288


11. OTHER SOURCES
———, 'Report on JAA activities, presented by the Chairman of JAA Committee', (ECAC DGCA/16, ECAC archives in Paris, 1994).
van Dam, Cees C., 'Aansprakelijkheid van Toezichthouders, Een analyse van de aansprakelijkheidsrisico’s voor toezichthouders wegens inadequaat handhavingstoezicht en enige aanbevelingen voor toekomstig beleid', (British Institute of International and Comparative Law, 2006).