



The Future EC/US Bilateral Aviation Safety Agreement



The future EC – US BASA

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Background

US policy is that **no** aeronautical **product** can be **certified** by the FAA, **unless** there is a validation bilateral **agreement** with the State of design.

US registered **aircraft** may only be **maintained** by FAA **approved organisations**. Bilateral **agreements** may **facilitate** such **approval**.

All agreements contain **geographical restrictions**



Background

US has concluded **agreements** covering:

- **product** certification with:
 - AU, ES and PL (BAA)
 - FR, GE, IT, NL, SW and UK BASA IPA)
- **maintenance** with:
 - EI, FR and GE (BASA MIP)

Member States have notified the US that **EASA** is now the **executive agent** of these agreements.



Background

The **situation** is **frozen** as Member states can no more conclude new agreements or modify existing ones.

It creates **uneven market opportunity** (e.g. STC):

- **US products** and **maintenance services** can access the **whole EC** market,
- **EU product** only accepted from countries with a BASA/BAA
- **EU MOs** must **demonstrate** market **need**.



Background

Discussions with the FAA have been initiated in 2001 to examine the consequences of establishing the Agency.

Formal negotiations have started in March 2004 after authorisation by the Council on 9.3.2004.

The text of an agreement has been finalised as well as a confidence building process.



Objectives

- A new EC-US BASA reflecting shift of competence.
- A better balance.
- « Locally approved, globally accepted ».
- Authority co-operation in line with industry trends.
- Trust in the oversight system of the other party.



Objectives

→ Scope:

- ✧ Mutual **acceptance** of certification **findings**.
- ✧ Mutual **recognition** of certificates/documents where possible.
- ✧ In a **first** step cover **airworthiness** (including continuing airworthiness) and **environmental protection**.
- ✧ **Extension** to other domains (OPS, FCL, STD, ?) through a **simple** process.



Objectives

- ➔ No reinventing the wheel
 - ✧ follow the lines of existing BASAs
 - ✧ streamline processes when feasible
- ➔ Smooth transition – no disruption of business:
 - ✧ new agreement will replace national agreements with appropriate transition
- ➔ Delete internal borders
 - ✧ Establish a process allowing all NAAs to become recognised competent authorities



Results

→ Airworthiness

- ✧ All products whatever the State of design.
- ✧ Industry only interact with its authority.
- ✧ Validation limited to few items: TC, STC, TSOs, critical parts and major changes/repairs.
- ✧ New joint certification process to reflect sharing of design tasks.



Results

→ Airworthiness (cont.)

✧ **Automatic recognition** (no certificate/approval may be issued by the other party) **prevails for:**

- **all other design approvals:** PMA (except critical), changes, repairs, alterations, etc..
- **production approvals**, including manufacture in third countries
- **all release documents.**



Results

➔ Airworthiness (cont.)

- ✧ A basis for, and conditions of, **Export Certificates of Airworthiness** for new products, rebuilt engines, and used civil aircraft.
- ✧ Conditions for **acceptance** of **NAA findings**.
- ✧ **All** current European **production** is **covered**.
- ✧ **Additional** needs to be addressed on a **case by case** basis



Results

→ Maintenance

- ✧ Industry only interact with its authority.
- ✧ Approval is issued on the basis of the other party's attestation of compliance with its local requirements and commonly agreed special conditions.
- ✧ Special conditions reflect only significant regulatory differences (10 on each side).



Results

→ Maintenance (cont.)

- ✧ Demonstration of **need** is now **also required from the US** repair stations.
- ✧ **Any European fixed location** (base maintenance) of European AMOs is **accepted** if local NAA is recognised as a competent authority.
- ✧ **Line maintenance** is accepted only within the **territory** of the **parties** (EU or US).



Results

➔ Maintenance (cont.)

- ✧ Conditions for acceptance of NAA findings.
- ✧ Processes for continued oversight based on participation in each other audit/sampling programmes.
- ✧ All current European maintenance is covered.
- ✧ Additional needs to be addressed on a case by case basis



Next steps

- The Commission is now presenting the result of the negotiations to the **special negotiating committee**.
- Subject to few **adjustments**, the Commission will **propose** to the **Council** that it **signs** and **approves** the agreement. This requires consultation of the European Parliament.
- Community **approval** process (ratification) takes roughly **one year**.



Next steps

- ➔ Signature is also linked to **finalisation** of the FAA **assessment** of the EASA system (**end of year**).
- ➔ FAA finding related to the **weakness** of the European **enforcement** system is still a problem.
- ➔ Extension to **environmental protection** waiting end of **reciprocal assessment**.
- ➔ Further extensions (OPS, FCL) linked with extension of EASA Regulation.



Next steps

The Agency and the Commission strongly believe that the result of the negotiations bring significant benefits to the industry.

It is important that all now make their best efforts to finalise the process and conclude the agreement as soon as possible.



**THANK YOU FOR YOUR
ATTENTION**