EASA
European Union Aviation Safety Agency

Military/Civil – Dual-use Platforms Applications for Certification

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STC WORKSHOP
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Your safety is our mission.

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Presentation Outline

From 2018 STC Workshop till now

New Basic Regulation – progress status

Civil/Military platforms - EASA internal coordination

Classified documents – Export Control

NBR Expected timeline

STC WS May 2018

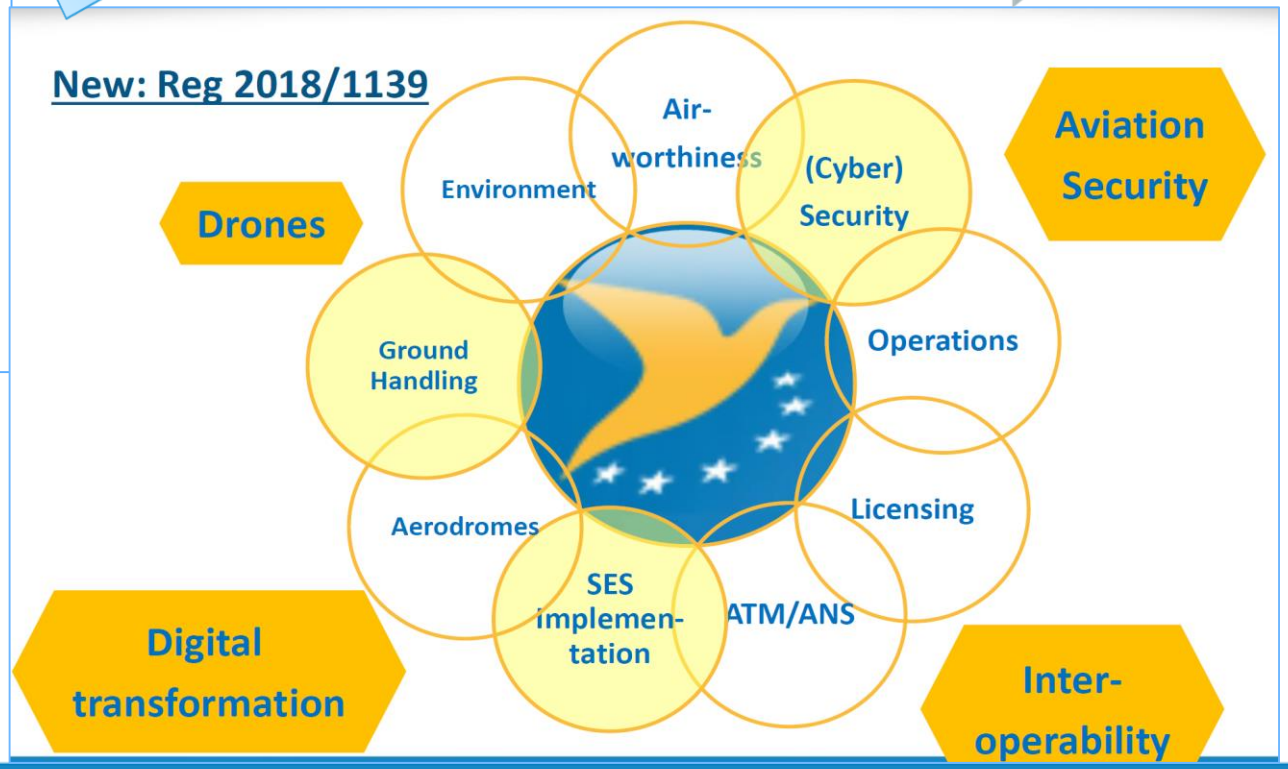
End 2016
EP TRAN report
& Council General Approach

2017
Trilogue

End 2017/ mid 2018
Adoption

Q3 2018
Entry into Force

New Regulation Entry into Force / Changes



- On **11th September 2018** the New Basic Act on common rules in the field of aviation entered into force
- Regulation (EU) 2018/1139
  - repealing Regulation (EC) 216/2008
  - referred to currently as “New Basic Regulation”

Changes through new Reg: Opt-in

Enhance proportionality and performance

- Some risk-based elements are introduced in the Regulation.
- Additional flexibility for regulating general aviation is provided.
- The European Plan for Aviation Safety (EPAS) is formalised:
  - proposal that EPAS is adopted by the EASA Management Board.
- Flexibility for Member States to apply the regulation (on a voluntary basis) to activities normally excluded from its scope:
  - State aircraft and military air traffic management;
- Possibility for manufacturers of aircraft excluded from the scope (Annex I aircraft) to 'opt-in‘.

What is the opt-in for military aircraft?

Opt-in **The what**	• The possibility for Member States to decide to apply the Basic Regulation to aircraft performing State activities (military, police, coast guard, firefighting, search and rescue), which would normally be subject to national rules.
Main advantage	• Benefit from mutual recognition of certificates, and therefore move more freely within the EU, enjoy international recognition, and increase their market value.
Important element	• Voluntary and modular nature - the decision to apply the BR, and the extent to which it is applied remains in the hands of the Member States: • A Member State may decide to opt-in for police operations, but not for search and rescue • Member States may decide to opt-in for a certain category/type of aircraft and not for others (e.g., opt-in for rotorcraft not for fixed wing) • Member State may decide to opt-in for one area of the EASA sys and not for others (opt-in for the airworthiness but not for the operations)

Opt-in highlights

Modular opt-ins

Within each area the opt-in has to be complete

Need for specific measures to address risks created by the disconnection from the total system approach

The formalities needed to implement the opt-in are simple:

- The Member State needs to issue a decision (from the date of that decision, the opt-in applies immediately) and notifies this decision to the Commission and the Agency
- The Commission, after consulting the Agency, establishes whether the condition for the opt-in is fulfilled.

EASA Experience and Internal Coordination

Complex Projects
Unique CRIs/Discussions
STCDS

LA Projects Level

Alenia C27J
C-212/235/295
A400M
A330 MRTT
CL-215
An-26

Certification wider scope

Large/Big Antennas Radar Jammers

Governmental Cabin Configurations

Surveillance Radars Direction Finders

FLIRT
Turrets

Self Protection System/Lasers

Information/Communication

Agency level coordination

EMCM EASA Military Coordination Mechanism
NATO WG participation

Export Control aspects

In different projects Export Controlled Documents has been identified

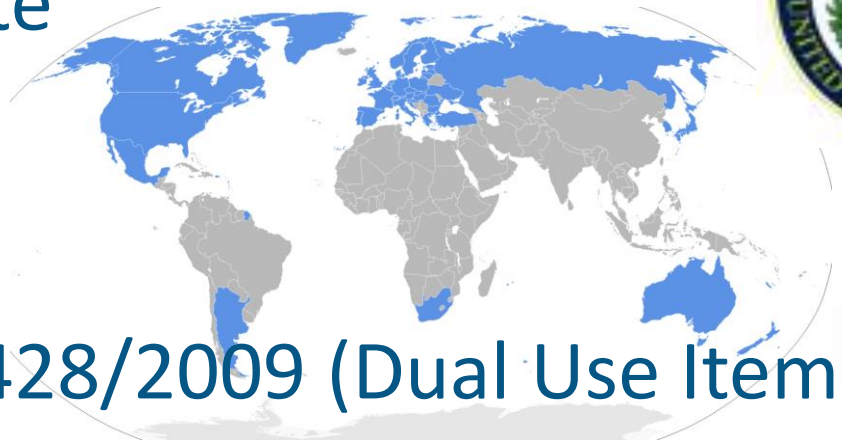
EASA had no procedures how to handle such documents

In cooperation with Legal Department and the EASA Military Coordination Mechanism (EMCM) CT started a Task Force to fill this gap

Both EAR and ITAR should be covered

Export Control aspects

- EAR – Export Administration Regulation
  - U.S. Department of Commerce
  - Dual-Use items
- ITAR – International Traffic in Arms Regulations
  - U.S. Department of State
  - Military items
- Wassenaar Arrangement
  - Council Regulation Nr. 428/2009 (Dual Use Items)



COUNCIL REGULATION (EC) No 428/2009
of 5 May 2009
setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items

“Sharing” of information is “Exporting”

- 2 forms of exports:
  - Tangible: Selling and delivery of goods/products
  - Intangible: Disclosure of information (e.g. phone/webex)

- Risk/concern: Uncontrolled dissemination of information

Note: concern applies to military/dual-use and civil products

Duties of Applicants subject to EAR/ITAR

- Applicants are expected to:
  - Check whether certification material is subject to EAR/ITAR
  - Avoid/minimise the amount of sensitive information (e.g. by expunging ITAR information from documents)
  - Assess the need for EASA licences (e.g. according to the EAR ECCN), and to obtain the licences.
  - Clearly identify and mark the items subject to EAR/ITAR
  - Exclusively use the agreed exchange means (e.g. SEPIAC)
  - Anticipate any needs for EASA to discuss information with additional stakeholders/”end-users” (e.g. support to validation)

DOA aspects for Dual-Use Product Certification

Civil-Military strategy focal point in DOA department

DOA and Product Certification department coordinated and in synergy

Project with Dual-Use equipment

The DOA Holder to be aware if controlled data is used

Certification

DOA holder to inform themselves about EAR or ITAR requirements

The DOA Holders to make sure that EASA is listed as end-user

Export Control aspects

- The following main aspects had to be tackled
  - Eligibility of staff working on controlled documents
    - Citizenship
  - Data transfer – IT Structure
    - Sepiac will be used for exchanges
  - Training

Export Control aspects

- Export Compliance Program
  - Cross-Agency effort, including Certification Directorate, Legal Department and the Senior Military Advisor.
  - Bureau of Industry and Security's (BIS) guidelines are used
  - EAR already included,
  - ITAR to be inserted
  - Procedures should be adequate to cover controlled documents from other countries as well.
- Next Steps
  - Nomination of the Export Compliance Officer (ECO)
  - Endorsement of the ECP
  - Roll-out in the Agency

Useful Links

- Bureau of Industry and Security's - EAR
  - https://www.bis.doc.gov/
- ITAR
  - https://www.pmddtc.state.gov/?id=ddtc_kb_article_page&sys_id=24d528fddbfc930044f9ff621f961987
- The Wassenar Arrangement
  - https://www.wassenaar.org/
- (EC) No 428/2009
  - https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32009R0428

EASA
European Union Aviation Safety Agency

Thank you

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