

***BILATERAL OVERSIGHT BOARD
FOR THE AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND THE EUROPEAN UNION
ON COOPERATION IN THE REGULATION OF CIVIL AVIATION SAFETY***

***RECORD OF DECISION
DECISION N° 0012***

In accordance with Article 19.B of the Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety (the “Agreement”), which provides for the amendments to the annexes to the Agreement to be effected by decision of the Bilateral Oversight Board (“BOB”) established pursuant to Article 3 of the Agreement, the BOB hereby decides as follows:

1. To amend Annex 2 to the Agreement by replacing current paragraph 3.2.1 with the following text:

“3.2.1. The JMCB shall meet at least once a year to ensure the effective functioning and implementation of this Annex. Its functions shall include:

- (a) Developing, approving, and revising the Maintenance Annex Guidance (MAG) to be used for processes covered by this Annex;
- (b) Sharing information on major safety issues and developing action plans to address them;
- (c) Ensuring the consistent application of this Annex;
- (d) Resolving technical issues falling within the responsibilities of the Technical Agents and examining other technical issues that cannot be solved at a lower level;
- (e) Developing, approving, and revising the detailed guidance to be used for transition, cooperation, assistance, exchange of information, and participation in each other's internal quality audits, standardization, and sampling inspections related to maintenance and quality management and standardization systems; and
- (f) Proposing to the Bilateral Oversight Board amendments to this Annex.”

2. To amend Annex 2 to the Agreement by replacing current paragraph 4.3 with the following text:

“4.3. FAA certificates

4.3.1. Without prejudice to the FAA Administrator's discretion under 14 CFR part 145, a maintenance organization shall be issued an FAA certificate and operations specifications if it has been approved for maintenance by an Aviation Authority or EASA in accordance with Annex II of Commission Regulation (EU) No 1321/2014, as amended, complies with the conditions set forth in this Annex, including the FAA Special Conditions set forth in Appendix 1, and an Aviation Authority or EASA has issued a recommendation to the FAA for certification.

4.3.2. The FAA certificate shall only cover additional fixed stations located within an EU Member State. Each additional fixed location must also be under the surveillance of an Aviation Authority or EASA.

4.3.3. The FAA certificate shall cover additional line stations which are under the surveillance of an Aviation Authority or EASA, except those located in the United States.”

3. To amend Annex 2 to the Agreement by replacing current paragraph 4.4.1 with the following text:

“4.4.1. A repair station shall be issued an EASA certificate as detailed in Appendix 3, if it has been approved for maintenance by the FAA in accordance with 14 CFR part 145, complies with the conditions set forth in this Annex including the EASA Special Conditions set forth in Appendix 1, and the FAA has issued a recommendation for approval to EASA, except if the EASA Executive Director finds that such action is not necessary for maintaining or altering aeronautical products registered or designed in an EU Member State or parts fitted on these products or EASA's resources do not permit handling the application.”

4. To amend Annex 2 to the Agreement by replacing current paragraph 4.5(d) with the following text:

“(d) Comply with the procedures as specified in Appendix 2.”

5. To amend Annex 2 to the Agreement by replacing current paragraph 4.8 with the following text:

“4.8. The Parties agree that maintenance and alterations or modifications performed on a civil aeronautical product under the regulatory control of one Party may be accomplished and that product approved for release or return to service by a repair station or maintenance organization under the regulatory control of the other Party, where it has been approved in accordance with the provisions of this Annex.”

6. To amend Annex 2 to the Agreement by replacing current paragraph 6.2 with the following text:

“6.2. Initial confidence

6.2.1. Each Technical Agent has demonstrated to the other Technical Agent the effectiveness of its respective system for the regulatory oversight of activities covered under this Annex through initial confidence building activities. The Technical Agents have also demonstrated to each other the effectiveness of their quality audits and standardization activities, including audits of Aviation Authorities, as referred to in paragraph 6.3.1.

6.2.2. EASA shall, before an Aviation Authority starts carrying out oversight of maintenance organizations on behalf of the FAA, conduct an assessment of that Aviation Authority in accordance with the approved JMCB procedures as set forth in the MAG.”

7. To amend Annex 2 to the Agreement by replacing current paragraph 9 with the following text.

“9. TRANSFER PROVISIONS

The Parties agree that the transfer of approvals of repair stations located in EU Member States, but under the direct oversight of the FAA on the date of entry into force of this Annex, shall be accomplished in accordance with the following transfer provisions.

- An Aviation Authority must complete training of its personnel regarding procedures relating to the Agreement, this Annex and the FAA Special Conditions prior to repair stations’ approvals being transferred.
- Once a sufficient number of staff have completed the training to provide oversight of the facilities transferred in accordance with this Annex, the FAA shall transfer the activities of inspecting, monitoring and surveillance of qualified 14 CFR part 145 repair stations to the appropriate Aviation Authority.
- The transfers to the Aviation Authorities shall take place within two years following the positive assessment by EASA referred to in paragraph 6.2.2 and in accordance with JMCB approved procedures.”

8. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 1.1.1(b)(iii) of that appendix with the following text:

“(iii) Procedures for the approval for release or return to service that meet the requirements of EASA Part-145 for aircraft and the use of the FAA Form 8130-3 for aircraft components, and any other information required by the owner or operator as appropriate.”

9. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 1.1.1(b)(ix) of that appendix with the following text:

“(ix) Procedures in place to ensure that contractors meet the terms of this Annex, that is, using an EASA-approved Part-145 organization or, if using an organization which does not hold an EASA Part-145 approval, the repair station approving the product for release or return to service is responsible for ensuring its airworthiness.”

10. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 2.1 of that appendix with the following text:

“2.1. To be approved in accordance with 14 CFR part 145, pursuant to the terms of this Annex, the AMO shall comply with all of the following Special Conditions.”

11. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 2.1.1(a)(ii) of that appendix with the following text:

“(ii) A list of maintenance functions, approved by the Aviation Authority or EASA, to be contracted/sub-contracted to perform maintenance on U.S. civil aeronautical products.”

12. To amend Appendix 1 of Annex 2 to the Agreement by replacing the introductory sentences of the current paragraph 2.1.1(b) of that appendix with the following text:

“(b) The AMO must provide a supplement in English to its MOE that is approved by the Aviation Authority or EASA and maintained at the AMO. Once approved by the Aviation Authority or EASA, the supplement shall be deemed accepted by the FAA. All revisions to the supplement must be approved by the Aviation Authority or EASA. The FAA supplement to the MOE shall include the following:”

13. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 2.1.1(b)(v)(1) of that appendix with the following text:

“(1) are under the surveillance of an Aviation Authority or EASA, with the exception of line stations located in the United States, as such line stations are beyond the scope of this Annex; and”

14. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 2.1.1(b)(vi) of that appendix with the following text:

“(vi) Procedures to qualify and monitor additional fixed locations within EU Member States.”

15. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 2.1.1(b)(vii) of that appendix with the following text:

“(vii) Procedures in place to verify that all contracted/sub-contracted activities include provisions for a non-FAA-certificated source to return the article to the AMO for final inspection/testing and approval for release or return to service.”

16. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 2.1.1(b)(xii) of that appendix with the following text:

“(xii) Procedures to confirm that the AMO supervisors and employees responsible for final inspection and approval for release or return to service of U.S. aeronautical products are able to read, write, and understand English.”

17. To amend Appendix 1 of Annex 2 to the Agreement by replacing current paragraph 2.2 of the appendix with the following text:

“2.2. To continue to be approved in accordance with 14 CFR part 43 and part 145, pursuant to the terms of this Annex, the AMO shall comply with the following. The Aviation Authority or EASA shall verify that the AMO:

- (a) Allows FAA, or the Aviation Authority or EASA on behalf of the FAA, to inspect it for continued compliance with the requirements of EASA Part-145 and these Special Conditions (i.e., 14 CFR part 43 and part 145);
- (b) Ensures that investigations and enforcement by the FAA may be undertaken in accordance with FAA rules and directives;
- (c) Cooperates with any investigation or enforcement action; and
- (d) Continues to comply with EASA Part-145 and these Special Conditions.”

18. To amend Appendix 1 of Annex 2 to the Agreement by creating a new paragraph 2.3 in the appendix with the following text:

“2.3 The FAA shall renew the AMO's initial certificate after 12 months and every 24 months thereafter, if regulatory compliance is maintained.”

19. To delete current Appendix 2 of Annex 2 in its entirety and to renumber the remaining Appendices of Annex 2 sequentially.

20. To amend current Appendix 4 of Annex 2 to the Agreement by replacing the current introductory clause of that appendix with the following text:

“Taking into account the provisions of Article 68(1)(a) of Regulation (EU) 2018/1139 of the European Parliament and of the Council and the Agreement, the European Union Aviation Safety Agency (EASA) hereby certifies:”

21. To amend Appendix 4 of Annex 2 to the Agreement by replacing current paragraph 3 of that appendix with the following text:

“3. This approval requires continued compliance with 14 CFR part 145 and the differences as specified in Annex 2 and the MAG, including the use of the FAA Form 8130-3 for approval for release or return to service of components up to and including power plants.”

22. To amend Appendix 4 of Annex 2 to the Agreement by replacing current paragraph 4 of that appendix with the following text:

“4. Certificates of approval for release or return to service must quote the EASA Part-145 approval reference number quoted above and the 14 CFR part 145 Air Agency Certificate number.”

The amendment shall take effect on the date of the last signature below.

For the Bilateral Oversight Board:

FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

BY:



Ali Bahrami

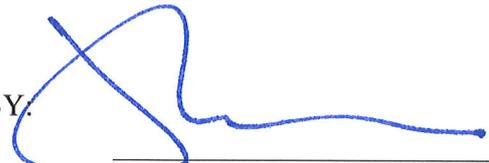
TITLE: Associate Administrator for
Aviation Safety

DATE: November 19, 2020

PLACE: Washington, DC

EUROPEAN COMMISSION
EUROPEAN UNION

BY:



Filip Cornelis

TITLE: Director, Aviation, Directorate-
General for Mobility and
Transport, European Commission

DATE: November 19, 2020

PLACE: Brussels, Belgium