

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

***RECORD OF DECISION
DECISION N° 0004***

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 amendments to the annexes to the Agreement to be effected by decision of the Bilateral Oversight Board established pursuant to Article 3 of the Agreement, the Bilateral Oversight Board hereby decides as follows:

1. To amend Annex 1 to the Agreement by adding a new paragraph 3.2.11 with the following text:

“3.2.11(a) As of January 1, 2014, fees imposed during any calendar year by a Technical Agent on an applicant or regulated entity for a validation performed by that Technical Agent under 3.2.4 to approve

 - (i) the design of an aircraft, aircraft engine, propeller, or appliance;
 - (ii) a supplemental type certificate;
 - (iii) certain major changes to a type design, as defined in the technical implementation procedures; or
 - (iv) acoustical and emissions changes

shall not exceed 95% of the fees that the Technical Agent would have imposed on the applicant or regulated entity during that same calendar year in the issuance of an equivalent approval of a design, supplemental type certificate, major change, or acoustical or emissions change using a certification process.
- (b) Fees imposed during any calendar year by a Technical Agent on an applicant or regulated entity for a validation performed by that Technical Agent under 3.2.4 shall reflect the efficiencies gained by using a validation process instead of a certification process. Such efficiencies and associated fee reductions shall be substantiated by relevant data. Therefore, the Bilateral Oversight Board shall periodically review, and appropriately adjust by decision, the percentage in (a) above.”

2. The periodic review indicated in the new paragraph 3.2.11 (b) shall be undertaken at the request of either Party but no more frequently than every two years. As provided for in paragraph 2.2.1 of Annex 1 to the Agreement, the Bilateral Oversight Board shall be assisted by the Certification Oversight Board in conducting such reviews and developing any necessary decisions. The review and decision shall be based on data provided by the Technical Agents.

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

EUROPEAN COMMISSION
EUROPEAN UNION

BY: _____

BY: _____

TITLE: Associate Administrator for
Aviation Safety

TITLE: Director, Aviation and
International Transport Affairs,
Directorate-General for Mobility
and Transport

DATE: 6 December 2013

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PLACE: Washington, DC

PLACE: Brussels, Belgium