



THE VIEW FROM WASHINGTON

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The Atlantic Just Got Smaller

In March, the U.S. and the European Commission signed the long anticipated “Agreement Between the U.S. and the European Union on Cooperation in the Regulations of Civil Aviation Safety.” This isn’t the first agreement between the U.S. and a European country regarding aviation safety. In fact, there are more than a dozen previous bilateral aviation safety agreements between individual members of the European Community and the U.S. Some of these agreements were fairly simple, and some were very elaborate.

Some of the pre-EASA national aviation authorities recognized the professionalism of the FAA and the U.S. aviation system and “unofficially” accepted U.S. products without a lot of fanfare. The countries with a strong aviation presence would negotiate mutually beneficial agreements, which allowed for enhanced aviation trade between both countries. And, then a little more than five years ago, the European Union established its pan-European aviation authority, the European Aviation Safety Agency, to direct and regulate the design, certification and continued airworthiness of aircraft, as well as the licensing and certification of mechanics, repair stations and schools. The official agreements signed prior to EASA were allowed to continue, but the “hand-shake” agreements were no longer allowed. So, before EASA, a country’s NAA might freely ac-

cept a U.S. FAA-approved STC, but under the European Commission’s new aviation authority, these unofficial processes were no longer allowed.

There was very little change between the relationship of the U.S. and the major aviation powerhouses of Europe. But, the other 13 or 14 countries now had to follow the procedures previously negotiated by the “big four.” This created a significant

framework. The meat of the agreement is contained in the two annexes: Annex 1 – Airworthiness and Environmental Certification; and Annex 2 – Maintenance. Each annex has an implementation procedure. For Annex 1, it is called the TIP (technical implementation procedures); for Annex 2, it is called the MAG (maintenance annex guidance). I will discuss more on the MAG next month.

If you are engaged in trans-Atlantic aviation activities, I encourage you to log onto the AEA website at www.aea.net and download a copy of all three aviation safety agreement documents.

disparity for the smaller aviation industries scattered throughout Europe. Since its establishment, EASA and the FAA have been working toward the goal of an agreement between the U.S. and the European Community.

The agreement comes in three parts: the agreement, two annexes and the implementing procedures.

The agreement is the overarching alliance between the two “governments” – the U.S. and the EU. It provides the framework for the import and export of aircraft, engines and accessories, as well as the continued airworthiness of aircraft. If that sounds vague, it is. After all, it’s just the

For the airworthiness certification piece of the agreement, there are many elements for new products that read like most of the BASAs previously approved. Notwithstanding the validation processes, there is reasonable free flow of new aircraft engines and articles across the Atlantic. Where we really see changes are in the import and export of used aircraft, harmonizing of definitions and mutual recognition of data approved by a designee. Don’t get too excited, they do not allow a U.S. designated engineering representative to approve alteration data on a European registered aircraft, or vice versa.

Also, please note, you cannot rely on

this, or any other article, as the basis for making business decisions regarding international aviation commerce. This article is only a brief highlight of the agreement. If you are engaged in trans-Atlantic aviation activities, I encourage you to log onto the AEA website at www.aea.net and download a copy of all three aviation safety agreement documents.

There appears to be a higher level of mutual recognition of STCs. While we are still waiting for the internal procedures (ACs and orders), the agreement states:

The FAA may accept applications for STCs for:

a. All STCs (basic and non-basic) issued after Sept. 28, 2003, from applicants in EU member states as shown in the appendix to Annex I of this agreement, when the original STC application is made to EASA:

1. On U.S. state of design products.
2. On products for which EASA acts on behalf of the state of design.
3. On third country aircraft which have been type certificated by both the FAA and EASA.

b. All STCs (basic and non-basic) issued before Sept. 28, 2003, in accordance with the scope defined in appendix E, from applicants in France, Germany, Italy, Netherlands, Sweden and the United Kingdom.

Unfortunately, there are some significant limitations for our industry.

Unless otherwise specified by the FAA, the FAA shall retain the compliance determinations for such STCs in the following areas:

1. Electrical equipment and complex wiring installations.
2. Avionics systems.
3. Communications systems.
4. In-flight entertainment systems.

The FAA and EASA have committed to continue “confidence building.” But, for the immediate future, it appears that avionics systems will fall outside of the automated validation process.

There are new procedures for the ac-

ceptance of parts: EASA will now accept PMAed parts. The agreement reads that the FAA would accept European parts if EASA had a similar production process for replacement parts. However, it appears EASA will now accept U.S. manufactured PMAed articles with the following limitations.

The agreement states:

“EASA shall directly accept PMA approvals, without further showing,” for modification and/or replacement parts for installation on products certified or validated by EASA when the PMA part is not a “critical component; or the PMA part conforms to design data obtained under a licensing agreement from the TC or STC holder according to 14 CFR §21.303; or the PMA holder is the holder of an EASA STC which incorporates the PMA part.”

The agreement has new provisions – huge provisions in my opinion – for accepting previous alterations of the importing and exporting of aircraft.

While all alterations of European registered aircraft are covered under design changes or STC, the FAA recognizes that all minor changes to the type design must be approved in accordance with EASA Part 21. Minor changes can be approved by a DOA or EASA in the EU system. These minor changes are considered approved by the FAA following the approval under EASA’s system on behalf of the state of design for the design change.

And, for aircraft being exported from the U.S.:

“Except for alterations on critical components, FAA approved or accepted alterations per 14 CFR Part 43, installed on an aircraft exported from the U.S., regardless of the state of design of the aircraft, are considered approved by the EASA at the time of import to the European Union. EASA shall accept such FAA alteration data when substantiated via an appropriately executed FAA form 8110-3, 8100-9 or FAA form 337 or log-book entry.”

This agreement is new, and while there are provisions that may affect current projects, both authorities are still developing their employee procedures as well as

conducting training on the agreement. So, please be patient. You may know more than your inspector.

Next month, we will continue to evaluate the agreement by reviewing the MAG. There is little change for U.S.-based EASA 145 originations. However, there are now 17 countries in Europe who will be eligible for a bilateral FAA 145 certificate. There are several things that must happen before your repair station, or application for a repair station, will be affected by the BASA, and the authorities have two years to implement those procedures (May 2013). So, for now, if you hold an FAA 145, continue operations as you always have. In this column in the August issue, I will provide an overview of the changes, authorities and the elements that must take place before the transition for repair stations begins.

I have had the privilege of working with many of the individuals who have worked on this agreement throughout the years, as well as attending countless briefings on the status of the ongoing negotiations. The passion these individuals, both European and American, brought to the negotiating table is second only to our passion for aviation as a whole. Each side required equal recognition, equal benefit and equal burden. This agreement does not open borders, nor does it remove the requirement to certify aircraft or aviation products with the responsible authority.

As I have written previously, the European Commission did not delegate to the FAA the authority to certify European aviation products, and reciprocally, the U.S. Congress did not delegate to EASA the authority to certify U.S. products; this has not changed.

But, through mutual recognition of the professionalism and dedication of both authorities, this agreement gets as close to reciprocal acceptance as anyone can reasonably expect; and further than I expected.

To the dedicated staff of both authorities who developed and negotiated this agreement, I offer my thanks and appreciation for a job well done. □