



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

ORDER
1240.14

National Policy

08/15/2017

SUBJ: Establishing Arrangements with Bilateral Partners

1. Purpose of This Order. This order provides guidance and assigns responsibilities for the development, coordination, and execution of Arrangements between the Federal Aviation Administration (FAA) Aircraft Certification Service (AIR) and bilateral partner Civil Aviation Authorities (CAA). This order describes the documentation used to support our CAA partnerships and provides guidance on how to determine what documentation is most appropriate for a given situation.

a. This order supports bilateral aviation safety initiatives intended to enhance global aviation safety and strengthen the development and harmonization of international safety standards, practices, and procedures. Such Arrangements, when developed consistent with existing bilateral agreements and implementation procedures, support the FAA's leadership role in the global aviation safety system, promote the acceptance of compliance determinations, and facilitate the exchange of aeronautical products and efficient technical assistance activities.

b. AIR is responsible for the development of airworthiness related implementations procedures associated with bilateral agreements. Implementation procedures may reference the use of Arrangements to be developed between the bilateral partners to address immediate or unique situations. The responsibility for the implementation of such Arrangements between respective FAA and CAA stakeholders is defined within each Arrangement.

c. The intent of this order is to make Arrangements easier to develop, to ensure consistency with their respective bilateral agreement documents, and to simplify the process of maintaining their currency.

Note: The use of the word "should" throughout this order refers to a recommended practice. The associated activity is not a requirement; therefore, a record of completion is not required.

2. Audience: Aircraft Certification Service employees involved in international activities.

3. Where Can I Find This Order. You can find this order on the MyFAA employee website or the FAA public website at http://www.faa.gov/regulations_policies/order_notices/. This order is also available on the FAA's Regulatory and Guidance Library (RGL) website at <http://rgl.faa.gov>.

4. Cancellation. This order replaces AVS Quality Management System, QPM #AIR-002-022-W3, dated September 16, 2008, entitled *AIR Civil Aviation Authority Special Arrangements*. It also replaces AIR Policy Memo 08-04, *Documenting Working Arrangements with Other Civil Aviation Authorities*, dated June 27, 2008.

5. Background.

a. Bilateral agreements governing aircraft certification activities exist in a variety of formats. Throughout this order, the term Bilateral Agreements (BA) refers to, as applicable: Bilateral Airworthiness Agreements (BAA), BAAs with a Schedule of Implementation Procedures (SIP), Agreements for the Promotion of Aviation Safety (also known as Bilateral Aviation Safety Agreements, BASA) with Implementation Procedures for Airworthiness (IPA), and, with the European Union, Annex 1, with Technical Implementation Procedures (TIP). These agreements are framework documents, developed and grounded in a high degree of mutual confidence in the capabilities of each Authority's aviation system. For purposes of this order, a bilateral CAA refers to a foreign Civil Aviation Authority with which the U.S. has entered a BAA or a BASA.

b. Not all situations can be anticipated during bilateral negotiations when BAs are developed. Sometimes specific certification projects and activities undertaken by the authorities are urgent or too unique and have not been previously identified in the BA documents. To address these situations and to provide interim procedures for partnership activities, BAs (except for BAAs) allow for the use of additional process documents. These process documents include Special Arrangements (also known as Working Arrangements), which are in the scope of the BA but are not specifically addressed in the BA. These process documents also include Management Plans that provide detailed coordination procedures in support of a BA or a Special Arrangement (i.e., Working Arrangement).

6. Explanation of Terms and Definitions.

a. Working Arrangement and Special Arrangement:

(1) For the purpose of this order, the term "Arrangement" applies to both Working Arrangement and Special Arrangement, which are synonymous terms. Either of these terms may appear within various BAs. Their inclusion and application within BAs is consistent in meaning even though the terms vary between the BAs. As BA revisions occur, and where partnering authorities agree, the difference in terminology and structure may be resolved. The title of a new Arrangement will be dictated by the associated BA.

(2) Arrangements represent an urgent or unique situation that has not been specifically addressed in the BA, but which is within the scope of the BA. Arrangements prescribe the interim provisions for various activities that are not otherwise explicitly stated in a BA. They enable the FAA and the CAA to conduct and sustain activities that may mitigate an undue burden or further facilitate aviation safety. Arrangements are mutually agreed upon by the FAA and the CAA, and they require signatures by the Executive Director, Aircraft Certification Service (AIR-1) and the CAA equivalent. Signatures may be accomplished through an exchange of individually signed letters or with a dual-signature cover sheet cosigned by the FAA and CAA indicating agreement with the document. Because the FAA and the CAA signature authority responsibility does not always align, either format is acceptable, depending on what the CAA requires. Changes to Arrangements require a new signatures and date.

b. Management Plan:

(1) Until 2015, when uniformity of the titles was applied and enforced for consistency, titles such as “special arrangement,” “management plan,” and “working procedure” were used generically to mean a document for managing a special activity, or procedures that in general terms facilitate a work activity. The term “Management Plan” now refers to a specific type of document under a BA or an Arrangement.

(2) Management Plans are working-level documents that prescribe detailed methods for achieving a technical process derived from an activity stated in a BA or Arrangement. Management Plans define the roles and responsibilities needed for coordination of activities stated in the BA or an established Arrangement. The content and duration of a Management Plan are prescribed by the requirement being expanded upon and are linked to the BA or Arrangement function that it supports. Because it is important to consider each Authority’s needs and how the FAA will accommodate and document updates, Management Plans must include a section to address revisions. Management Plans are mutually agreed upon by the FAA and the CAA.

(3) To accommodate the differences in CAA signature authority preferences, Management Plans developed after issuance of this order may be signed by the FAA Aircraft Certification Service field office conducting the described activity (known as the “responsible Aircraft Certification field office”), or optionally by AIR-1. The signatures of the signing officials may be documented through an exchange of letters or with a dual-signature cover sheet cosigned by the FAA and the CAA indicating agreement with the document. Either format is acceptable, depending on what the CAA prefers.

c. Working Procedure: For clarification, Working Procedures are agreements entered into with a foreign CAA with which the U.S. has *not* entered a bilateral agreement. They are used to define the methods through which the FAA’s Aircraft Certification Service can support another country in approving aeronautical products and articles being exported from the United States to that country. These agreements fall outside the scope of this order.

7. Duration. Arrangements and Management Plans may address either a one-time occurrence or a long-term situation, as described below:

a. One-time occurrence: If it is apparent that the situation is unique with little likelihood of repetition, or it is a single discreet event, the Arrangement or Management Plan must be of limited duration and must carry an effective date and a cancellation date.

b. Repetitive: If the situation is likely to require continued activity or repetition, the Arrangement or Management Plan must carry a “next review date” applicable to the purpose. Such Arrangements must also be reviewed during the next BA revision and should be incorporated accordingly by the FAA and the CAA, when appropriate. If the FAA and the CAA determine that the activities under the Arrangement are not mature enough to incorporate into the BA, then a “next review date” must be established to review the Arrangement until cancellation or incorporation into the BA.

8. Legal Authority. The FAA has broad authority to enter into and implement international agreements. The FAA’s authorizing legislation directs the FAA Administrator to “encourage the

development of civil aeronautics and safety of air commerce in and outside the United States” (49 U.S.C. 40104(a) and (b)). Bilateral aviation agreements are a means to promote aviation safety and efficiency globally when the aviation systems of the U.S. and a foreign Civil Aviation Authority are sufficiently compatible to permit reciprocal acceptance of findings and oversight. The U.S. bilateral aviation agreements provide for the written execution of implementation procedures to describe the methods by which the FAA and a foreign CAA will carry out the terms of the agreement. When referenced in an implementation procedure, Arrangements and Management Plans allow the authorities to detail and coordinate activities that fall within the scope of the implementation procedures. Arrangements and Management Plans may be applicable to the full context of FAA approvals, including all design, production, and airworthiness activities. (Note: Prior to 2015, some Management Plans were not referenced in the associated BA).

9. Creating Arrangements and Management Plans.

a. When a request for an activity that requires an Arrangement is received from a bilateral CAA, an office within the FAA, or from industry, the responsible Aircraft Certification field office must review the request in consultation with AIR-400, which will further consult with the applicable FAA Office of International Affairs (API) regional Division to determine if the request is within the scope of the BA, or an existing Arrangement. Any request from a non-bilateral partner is outside the scope of this order and must be forwarded to AIR-400. See Appendix A for details on document development.

Note: Templates for creating Special Arrangements, Management Plans, letters exchanged, and cosigned cover sheets are located on the AIR-400 webpage on the MyFAA site under the heading “International Correspondence Templates.” AIR-400 maintains these documents. For more templates or best practices please contact AIR-400 at 9-AWA-AVS-AIR400@faa.gov.

b. AIR-400 is the official repository for signed Arrangements and Management Plans. Copies of all signed Arrangements and Management Plans can be found on the AIR-400 webpage on the MyFAA site under the heading “Technical Assistance (Special Arrangements and Management Plans).” Depending on the subject, scope, and sensitivity of an Arrangement or Management Plan, AIR-400 may elect to also make the document available to the public on the Bilateral Agreements Listing page on the FAA website.

10. Coordination Process.

a. Most Arrangements and Management Plans have numerous stakeholders. For this reason, it is vital to coordinate these documents with all applicable offices, and AIR-400 will facilitate this process. Arrangements and Management Plans will be initially developed by AIR-400 and the responsible Aircraft Certification field office. After AIR-400 and the responsible Aircraft Certification field office management approve the draft document, the draft may be shared with the CAA.

b. After negotiations with the CAA, AIR-400 will coordinate the revised draft document internally with the FAA offices listed below in accordance with FAA Order 1320.1, *FAA Directives Management*.

Special Arrangements are coordinated with:	Management Plans are coordinated with:
<ul style="list-style-type: none"> • AGC-700, International Affairs and Legal Policy Division • Aircraft Certification Service (AIR) internal coordination based on related function • API-001, Office of International Affairs (final step in coordination process in order to ensure overall consistency with FAA and interagency international agreement requirements) 	<ul style="list-style-type: none"> • Aircraft Certification Service (AIR) internal coordination based on related function

c. AIR-400 will:

(1) Coordinate the final approval of the document with the CAA after FAA internal coordination;

(2) Coordinate with the FAA offices that initially concurred with the draft document regarding revisions that may change the intent of a previously coordinated document;

(3) Coordinate final translations (if required) through the FAA Office of International Affairs (API);

(4) At the conclusion of the above coordination process, coordinate with applicable FAA offices final signature between the Executive Director (AIR-1) and CAA representative for Special Arrangements, and between the responsible AIR office and the CAA representative for Management Plans; and

(5) For Management Plans, notify the International Affairs and Legal Policy Division (AGC-700) and the Office of International Affairs (API-001).

11. Distribution. This order is distributed to Washington Headquarters division and branch levels of the Aircraft Certification Service (AIR), all Aircraft Certification Offices, all AIR field offices, all Manufacturing Inspection District Offices and satellite offices, and the Aircraft Certification and Airworthiness Branches at the FAA Academy.

12. Delegation of Authority. The AIR International Division (AIR-400) is responsible for issuing, revising, or cancelling the material in this order.


13. Related Publications. Orders referenced herein cite only the basic order number and title. It is the responsibility of the user to reference the latest revision/amendment.

14. Requests for Information. All public requests for information that may be described within this order will be processed in accordance with the Freedom of Information Act (5 U.S.C. 552). Refer to FAA Order 1270.1, *Freedom of Information Act Program*.

15. Suggestions for Improvement. We welcome your suggestions. Please forward all comments on deficiencies, clarifications, or improvements regarding the contents of this order to

9-AWA-AVS-AIR-DMO@faa.gov, or complete the form online at <https://ksn2.faa.gov/avs/dfs/Pages/Home.aspx>. FAA Form 1320-19, *Directive Feedback Information*, is located at the end of this order for your convenience. If you require an immediate interpretation, please contact AIR-400 at 202-267-0908; however, you should also complete FAA Form 1320-19 as a follow-up to the conversation.

16. Records Management. Refer to FAA Order 1350.14, *Records Management*; FAA-IR-04-01, *AIR Records Management Requirements Manual*; or your office Records Management Officer/ Directives Management Officer for guidance regarding retention or disposition of records.


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Appendix A. Request for an Activity that Requires an Arrangement

Request	Within scope of BA	Outside scope of BA
<p>Not specifically addressed in the existing IP</p>	<p>A request that is within the scope of the BA but <u>not addressed within the IP</u> can be processed through a newly created Arrangement. To create a new Arrangement, AIR-400 will:</p> <ul style="list-style-type: none"> • Advise the responsible Aircraft Certification field office of the process steps; • Through AIR-1, communicate to the CAA the FAA’s expectations for the Arrangement; • Obtain a written response from the CAA indicating its support or non- support of the project. A letter or email is acceptable; • Notify the responsible Aircraft Certification field office when CAA response is obtained; <p>Work with the responsible Aircraft Certification field office to develop a draft of the Arrangement; content of the Arrangement is the responsibility of AIR-400 but will be developed in consultation with the applicable stakeholders.</p>	<p>A request that is <u>not within the scope of the BA</u> cannot be undertaken without expanding the scope of the BA. All requests of this type must be addressed by AIR-400, which will:</p> <ul style="list-style-type: none"> • Acknowledge receipt of the request to the requesting stakeholder and provide any further information that may help the requestor understand what next steps will occur; • Notify the requestor of the final decision and/or any alternatives; and • Explore mitigating factors with the CAA that can strengthen the partnership to facilitate and further accommodate the request.
<p>Addressed in the existing IP or previously established Arrangement</p>	<p>If it is determined that the request can be processed under the terms of the existing BA, there are two different methods by which the FAA and CAA communicate common goals and expectations. They are through the creation of a Management Plan that establishes a structured channel of agreed upon procedures and exchanges of information through established channels that exist—</p> <ol style="list-style-type: none"> 1. within the BA, or 2. within a previously established Special Arrangement. <p>The content of a Management Plan is the responsibility of the FAA office responsible for the activity being fulfilled by the Management Plan (the responsible Aircraft Certification field office) and will be developed in consultation with AIR-400 and other stakeholders. When a draft is complete, formally coordinate the document in accordance with Section 10 “Coordination Process”.</p> <p>Any technical information collected through a Management Plan is the responsibility of the responsible Aircraft Certification field office for the specific activity being fulfilled. It is also the responsibility of that Aircraft Certification field office to monitor the quality of the interaction being conducted under the Management Plan and to provide bilateral relationship feedback on these interactions. This may be done by defining and measuring key metrics that allow for the monitoring of the performance of the technical activity and overall health and confidence of the partnership.</p>	<p>N/A</p>

Appendix B. FAA Form 1320-19, Directive Feedback Information

Directive Feedback Information

Please submit any written comments or recommendations for improving this directive, or suggest new items or subjects to be added to it. Also, if you find an error, please tell us about it.

Subject: Order 1240.14

To: 9-AWA-AVS-AIR-DMO@faa.gov

or complete the form online at <https://ksn2.faa.gov/avs/dfs/Pages/Home.aspx>

(Please check all appropriate line items)

An error (procedural or typographical) has been noted in paragraph _____ on page _____.

Recommend paragraph _____ on page _____ be changed as follows:

(attach separate sheet if necessary)

In a future change to this directive, please cover the following subject

(briefly describe what you want added):

Other comments:

I would like to discuss the above. Please contact me.

Submitted by: _____ Date: _____
FAA Form 1320-19 (10-98)