

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° 0009

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 1 to the Agreement by replacing current paragraph 2.2.1 with the following text:

“2.2.1. The Certification Oversight Board shall meet at regular intervals to ensure the effective functioning and implementation of this Annex. Its functions shall include in particular:

- (a) Developing, approving, and revising the technical implementation procedures;
- (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 effective means for cooperation, assistance and exchange of information regarding safety and environmental standards, certification systems, and quality management and standardization systems.
 - (f) Proposing amendments regarding this Annex to the Bilateral Oversight Board.”
- 2. To amend Annex 1 to the Agreement by replacing current paragraph 3.4.5 with the following text:
 - “3.4.5. For parts manufactured under the regulatory system of one Party at a facility located in the other Party's territory, the Technical Agents and Aviation Authorities shall accept Authorized Release Certificates or other documents, as agreed, in lieu of their own documentation under the following conditions:
 - (a) The manufacturing facility has been granted a production approval of similar scope, issued by either a Technical Agent or an Aviation Authority, having regulatory authority over this manufacturing facility; and, where applicable;
 - (b) For delivery to an end user, the applicable approval holder has granted written permission to its supplier when allowed under the regulatory system of the approval holder.”
- 3. To amend Annex 1 to the Agreement by replacing current paragraph 3.5.1 with the following text:
 - “3.5.1. Each Party's Technical Agent or, where applicable, the Aviation Authorities, shall reciprocally accept the other Party's certifications of airworthiness for all products when a product is exported from one Party's regulatory jurisdiction to the other Party's regulatory jurisdiction with the appropriate airworthiness certification. The Technical Agents and, where applicable, the Aviation Authorities or appropriately approved organizations, shall issue airworthiness documentation with each export, as specified in the technical implementation procedures.”
- 4. To amend Annex 1 to the Agreement by deleting current paragraph 3.5.2 in its entirety. All subparagraphs thereafter within paragraph 3.5 shall be renumbered sequentially.
- 5. To amend Annex 1 to the Agreement by replacing current paragraph 3.5.3 (which shall be numbered paragraph 3.5.2) with the following text:
 - “3.5.2. The Technical Agents or the Aviation Authorities (or their designated regulated entities when appropriate) shall accept a used civil aircraft for either standard or special/restricted airworthiness certification only if a type

certificate or European restricted type certificate holder exists to support continued airworthiness of the aircraft and when the other Party's Technical Agent or Aviation Authority certifies that the aircraft has been properly maintained during its service life (as evidenced by appropriate maintenance records). The inspection and maintenance records to accompany a used aircraft are detailed in the technical implementation procedures.”

6. To amend Annex 1 to the Agreement by renumbering the current paragraph 3.5.4 to 3.5.3.
7. To amend Annex 1 to the Agreement by replacing current paragraph 3.5.5 (which shall be renumbered paragraph 3.5.4) with the following text:

“3.5.4. If, in the process of making an airworthiness certification, the exporting Technical Agent or Aviation Authority is unable to satisfy all applicable requirements specified in the technical implementation procedures, the exporting Technical Agent or Aviation Authority shall:

- (a) Immediately notify the importing Technical Agent or Aviation Authority of this fact;
- (b) Coordinate, with the importing Technical Agent or Aviation Authority as specified in the technical implementation procedures, their acceptance or rejection of the exceptions to the requirements prior to completing the airworthiness certification; and
- (c) Document any accepted exceptions when exporting the product.”

8. To amend Annex 1 to the Agreement by replacing current paragraph 3.5.6 (which shall be renumbered 3.5.5) with the following text:

“3.5.5. The FAA shall continue to accept products that were included in the scope of a bilateral agreement related to airworthiness listed in Attachment 1 of the Agreement that conform to an FAA-approved design provided that they were manufactured and issued an appropriate airworthiness certification prior to the date of entry into force of this Agreement.”

9. To amend Annex 1 to the Agreement by renumbering the current paragraph 3.5.7 to 3.5.6.
10. To amend Annex 1 to the Agreement by replacing current paragraph 4.1.4 with the following text:

“4.1.4 These systems shall be subject to internal quality audits, accreditation or standardization inspections. The technical implementation procedures shall define the Technical Agents' periodic participation in each other's internal quality audits, accreditation or standardization inspections, including the inspections of Aviation Authorities, in order to maintain mutual confidence in

each other's systems. The Technical Agents and the Aviation Authorities shall submit to such inspections and ensure that regulated entities provide access to both Technical Agents.

- (a) In particular, Technical Agents shall:
 - (i) Have the right to participate in each other's quality audits and standardization inspections;
 - (ii) Make available the reports from quality audits and standardization inspections applicable to this Annex, as specified in the technical implementation procedures; and
 - (iii) Assist each other in the resolution of inspection findings affecting the implementation of this Annex, where relevant.
- (b) In particular, the Technical Agents and the Aviation Authorities shall:
 - (i) Allow inspections as detailed above in this paragraph;
 - (ii) Subject to applicable laws and regulations on personal data protection, make available the relevant airworthiness and environmental certification records and inspection reports including completed enforcement actions; and
 - (iii) Provide language interpretation assistance at the Aviation Authority's office during the review of records and documentation that are recorded in its national language, where necessary.”

11. To amend Annex 1 to the Agreement by replacing current paragraph 4.2 with the following text:

- “4.2 Qualifications of the Technical Agents and Aviation Authorities
 - 4.2.1 Each Technical Agent has demonstrated to the other Technical Agent the effectiveness of its respective system for the certification and 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 internal quality audits, accreditation and standardization inspections, including inspections of Aviation Authorities, as referred to in paragraph 4.1.4.
 - 4.2.2. The Technical Agents and Aviation Authorities shall continue to ensure effective oversight as detailed in paragraph 4.1 of this Annex and in accordance with the relevant provisions of the technical implementation procedures.

- 4.2.3 The Technical Agents shall notify each other at the earliest opportunity in the event that a Technical Agent or an Aviation Authority is not able to meet a requirement of this Annex. If either Technical Agent believes that technical competency is no longer adequate, the Technical Agents shall consult each other and propose an action plan, including any necessary corrective activities, in order to address deficiencies.
- 4.2.4. In the event that a Technical Agent or an Aviation Authority does not correct deficiencies within the timeframe specified in the action plan, either Technical Agent may refer the matter to the Certification Oversight Board.
- 4.2.5. When a Party intends on suspending acceptance of findings or approvals made by a Technical Agent or an Aviation Authority, the Party shall promptly notify the other Party in accordance with Article 18.A of the Agreement.”

12. To delete Appendix of Annex 1 in its entirety.

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, Air Transport,
Directorate-General for Mobility
and Transport

DATE:

DATE:

PLACE: Washington, DC

PLACE: Brussels, Belgium