

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° 0008-0002

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 (“BOB”) established pursuant to Article 3 of the Agreement, and in accordance with paragraph 3.2.11(e) of Annex 1 to the Agreement, as amended by BOB Decision N°. 0008 (“Annex 1”), the BOB hereby:

1. Decides to amend Annex 1 to the Agreement by replacing paragraph 3.2.11 (d)(2)(ii) with the following text:

“(ii) For design changes classified as “Basic” that only need reissuance of certificates or datasheets –

 - a) The involvement of the validating authority shall not exceed 4 working hours. The associated fee shall not exceed the published hourly rate associated with 4 working hours or the published fee² (associated with ‘Simple’), whichever is lower.
 - b) The validating authority shall ensure that the overall application/project processing time, representing only administrative involvement, to issue the approval is limited to 15 working days.”

2. Decides to amend Annex 1 to the Agreement by adding a new paragraph 3.2.12 with the following text:

“3.2.12 As of 19 June 2018, 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 the fee limitations as stipulated in paragraph 3.2.11(d) as confirmed by decisions of the Bilateral Oversight Board taken in accordance with paragraph 3.2.11(e), or until those fee limitations are given effect in accordance with paragraph 3.2.11(e), shall be 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.”

3. On the basis of the recommendation of the Certification Oversight Board, verifies and confirms that the level of involvement of the validating authority for design changes classified as ‘Basic’, as provided for in paragraph 3.2.11(d)(2)(ii) of Annex 1 has been achieved by both parties. Accordingly:
 - a. The Bilateral Oversight Board agrees that the associated fee for design changes classified as ‘Basic’, as provided for in paragraph 3.2.11(d)(2)(ii)(a) of Annex 1, shall not exceed the published hourly rate associated with 4 working hours or the published fee (associated with ‘Simple’), whichever is lower.
 - b. The Bilateral Oversight Board confirms that, in accordance with paragraph 3.2.11(e) of Annex 1, this fee limitation shall come into effect for all new applications for validations and for ongoing validations for the next billing cycles one month after the later date of signature below.
 - c. The Bilateral Oversight Board further notes that, in accordance with paragraph 3.2.11(e) of Annex 1, this fee limitation shall remain in effect as long as the Certification Oversight Board confirms in its regular reports the continued achievement of the criteria provided for in paragraph 3.2.11(d)(2)(ii).
4. Decides that this decision 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

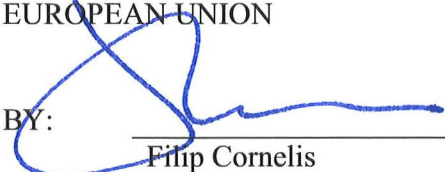
TITLE: Associate Administrator for
Aviation Safety

DATE: November 19, 2020

PLACE: Washington, DC

EUROPEAN COMMISSION
EUROPEAN UNION

BY:



Filip Cornelis

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

DATE: November 19, 2020

PLACE: Brussels, Belgium