

EC/USA agreement: cooperation in the regulation of civil aviation safety

2007/0111(NLE) - 18/06/2007 - Legislative proposal

PURPOSE: to sign an Agreement between the European Community and the United States of America on cooperation in the regulation of civil aviation safety.

PROPOSED ACT: Council Decision.

CONTENT: on 24 November 2003, the Commission requested the authorisation from the Council to conduct negotiations with the United States of America on the reciprocal acceptance of certification findings in the field of civil aviation safety and environmental compatibility. The Council granted that authorisation on 9 March 2004 and instructed the Commission to carry out these negotiations in accordance with a set of negotiating directives and appointed a special committee to assist it in this task.

The authorisation granted to the Commission envisaged an agreement on the reciprocal acceptance of findings focusing mainly on two aspects:

- I. products designed, manufactured, modified, or repaired under the regulatory control of one party to be easily issued the necessary approvals to be registered or operated under the regulatory control of the other party;
- II. aircraft registered or operated under the regulatory control of one party to be maintained by organisations under the regulatory control of the other party.

The primary objectives of the negotiating directives were to facilitate trade in goods and services covered by the agreement, to limit as much as possible the duplication of assessments, tests and controls to significant regulatory differences and to rely on the certification system of either party to check conformity with the requirements of the other party.

In order to achieve these objectives the negotiating directives identified the following means:

- to approximate progressively the requirements and regulatory processes of both parties;
- to build confidence in the certification systems of both parties so as to permit all Member States' competent authorities to execute on behalf of the US competent authority, the Federal Aviation Administration (FAA), in a reasonable time frame, the tasks they have to execute for the implementation of the Regulation (EC) N° 1592/2002;
- to allow any party to be satisfied that bodies involved in the regulatory process of the other party, are able to conduct in a satisfactory way conformity assessments and regulatory oversight as necessary to issue its own approvals;
- to enhance cooperation by providing for regular consultations between the parties to ensure that the agreement operates satisfactorily in particular by introducing the appropriate co-operation mechanisms to verify on a reciprocal basis the continued fitness and ability of the regulatory bodies involved in the implementation of the agreement;
- to set up a system of continual monitoring of the functioning of the agreement and in particular of the implementation procedures, which are integral part thereof, and to allow for the agreement to be efficiently managed by a joint committee composed of representatives of both parties, entrusted to find and propose solutions timely to any problem raising from the implementation of the agreement.