

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

2007/0111(NLE) - 07/03/2011 - Final act

PURPOSE: to conclude an agreement between the European Community and the United States of America regarding cooperation in the regulation of civil aviation safety.

NON LEGISLATIVE ACT: Council Decision 2011/719/EU concerning the conclusion of the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety.

BACKGROUND: the Commission has negotiated on behalf of the Union an Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety, in accordance with the Council Decision authorising the Commission to open negotiations.

The Agreement was signed on 30 June 2008 on behalf of the Union subject to its possible conclusion at a later date.

It is now appropriate to approve the Agreement on behalf of the EU.

CONTENT: this Decision approves the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety is hereby approved on behalf of the Union.

The Agreement relates mainly to the reciprocal acceptance of findings on:

- 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;
- 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 are 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 Agreement:

- will approximate progressively the requirements and regulatory processes of both parties;
- will 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;

- will 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;
- will 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;
- will 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.

The Agreement also sets out:

- procedural arrangements for the participation of the Union in the joint bodies established by the Agreement, as well as for the adoption of certain decisions concerning in particular the amendment of the Agreement and its Annexes, the addition of new annexes, the termination of individual annexes, consultations and dispute resolution and the adoption of safeguard measures;
- the principle that Member States should take the necessary measures in order to ensure that their bilateral agreements with the United States on the same subject are either amended or terminated, as appropriate, as of the date of entry into force of the Agreement.

ENTRY INTO FORCE: the Decision enters into force on 07/03/2011.