EU/China Agreement: civil aviation safety

2018/0155(NLE) - 18/05/2018 - Preparatory document

PURPOSE: to conclude an agreement between the European Union and the Government of the People's Republic of China on civil aviation safety.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: on 7 March 2016, the Council authorised the Commission to conduct negotiations with the Chinese Government on civil aviation safety in order to facilitate trade and investment between the EU and China in aeronautical products, parts and appliances. The Council addressed a set of negotiating directives to the Commission to carry out the negotiations and appointed a special committee to be consulted in this task.

On 29 September 2017, after 4 rounds of negotiations between the Commission and the Civil Aviation Authority of China (CAAC), the two negotiating teams agreed on a draft text for the Agreement and its annex on airworthiness and environmental certification. The text was initialled on 8 December 2017.

CONTENT: the Commission proposes that the Council approve on behalf of the Union the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China.

The agreement is based on **mutual trust in the systems and comparison of regulatory differences**. It entails obligations and methods to cooperate between the authorities and technical agents so that the latter can issue their own certificate on the aeronautical product, part or appliance without duplicating all the assessments done by the other authority.

The draft text provides that:

- each party shall accept findings of compliance as results of specified procedures of the other Party's Competent Authority;
- also ensures that confidence is maintained through an appropriate mechanism;
- gives the possibility to the Parties to consider ways to further enhance the functioning of the Agreement and make recommendations for modifications including addition of new annexes to the Agreement via the Joint Committee.

Products covered: the draft agreement covers **all aeronautical products** from the outset. However, for new Chinese products entering the EU market, the European Aviation Safety Agency (EASA) will exercise special procedures and scrutiny during the first validation of a given product category; subsequent validations will be subject to the 'level of involvement' principle.

Certificates: the draft text describes and defines the modalities of acceptance and validation of certificates. In order to take account of the different levels of maturity of the regulatory systems in the EU and China, an Appendix states that there are differences between the modalities applicable to EU certificates and those applicable to certificates issued by the CAAC.

Chinese production of aeronautical products for export to the EU: it was agreed that EASA will establish a list of Chinese production certificate holders accepted by the EU. This list will be published on

the EASA website. The CAAC will not be formally involved in the creation or maintenance of this list, nor may it veto its content.

EU manufacturing sites in China: the agreement provides that an EASA production certificate may include these sites, which is particularly important for EU companies operating in China. The existing arrangements cannot be changed without the agreement of both sides.

It should also be noted that the agreement:

- already provides for a wide range of (future) areas of (potential) cooperation, including personnel licensing and training, aircraft operations, air traffic services and air traffic management;
- creates a framework for regulatory cooperation, mutual assistance and transparency;
- establishes provisions on the exchange of security-related information;
- includes specific provisions that reinforce the protection of confidentiality and the protection of proprietary data and information, as well as the possibility for third countries to participate.

Lastly, the agreement establishes a **Joint Committee** to administer the agreement, and a first joint sub-committee on airworthiness and environmental certification issues.