

# FREQUENTLY ASKED QUESTIONS

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## EUROPEAN AVIATION SAFETY AGENCY (EASA)

DISCLAIMER: The following questions and answers do not reflect the decisions or commitment of the FAA, the European Commission, or any other parties involved in or affected by the transition to EASA. They are intended as a service to U.S. industry to keep people informed to the extent possible, given the limited official information at this time, as the European aviation regulatory environment changes. This information will be revised as new information becomes known.

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See also the EASA website: <http://easa.europa.eu>

## GENERAL QUESTIONS

### What is the European Aviation Safety Agency (EASA)?

On July 15, 2002, the European Parliament and the Council of the European Union (E.U.) adopted REGULATION (EC) No 1592/2002 establishing common rules for the E.U. in the field of civil aviation and establishing a new European Aviation Safety Agency (EASA). This regulation became effective on September 27, 2002 and EASA officially opened for business on September 28, 2003. Under the regulation, EASA

initially has responsibility for all design approvals, continued airworthiness, design organization approvals and environmental certification. They are also responsible for approving production, maintenance (repair station), and maintenance training organizations outside the European Union. EASA also has a standardization and oversight function for all aviation safety certification activities of Member States. Once essential requirements are adopted for operations and personnel licensing, EASA will also have responsibilities in these areas.

- **Where can I find this regulation?**

The law was published in the Official Journal of the European Communities on September 7, 2002, and the current revisions are available on the Internet at:

[http://easa.europa.eu/ws\\_prod/g/rg\\_regulations.php#BR](http://easa.europa.eu/ws_prod/g/rg_regulations.php#BR)

- **Where can I find FAA guidance on how to work with EASA?**

See FAA Order 8100.14, *"Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness."*

- **What countries in Europe are affected by the transition to EASA?**

There are currently 27 E.U. Member countries:

Austria*	Finland*	Latvia	Romania*
Belgium*	France*	Lithuania	Slovak Republic
Bulgaria	Germany*	Luxembourg	Slovenia
Cyprus	Greece	Malta	Spain*
Czech Republic*	Hungary	Netherlands*	Sweden*
Denmark*	Ireland	Poland*	United Kingdom*
Estonia	Italy*	Portugal	

Those marked with an \* are countries with whom the U.S. currently has a bilateral agreement related to aircraft certification. (Ireland has a maintenance agreement with the U.S.)

- **What happens to the National Aviation Authorities in these countries?**

Under the EU regulation, NAAs remain responsible for approving production, maintenance, and maintenance training organizations within their country as well as airworthiness certification of individual products coming into their registry. NAAs are expected to use EASA procedures and Community implementing rules.

Some products will remain under NAA design oversight as well. EASA has assumed responsibility on behalf of the E.U. Community for certification and oversight of all civil aviation products of E.U. member countries, including non-EU EASA associated countries, except for those products excluded by Annex II of the Regulation. The

products excluded from EASA's responsibility by Annex II remain the responsibility of each NAA of the respective State of Design to manage on behalf of the Community. Annex II generally covers small fleets of historically relevant aircraft, such as the Concorde, as well as other aircraft such as ultra-lights and amateur-built. Products that have significant usage in the aviation system generally fall under EASA's responsibility.

- **What is the status of those few countries that are non-EU Member States and yet they participate in EASA?**

These countries; Switzerland, Norway, & Iceland, are identified as “EASA associated countries”. This essentially means that since these countries are not in the EU, they are not eligible for the full range of EASA membership entitlements. EASA, as in the case with EU Member States, is the single approval authority for design related activity within the associated countries. Responsibility for production related activity still rests with the individual national aviation authority. While not an EU member, the associated countries retain their sovereignty to conclude international agreements/bilateral agreements with third countries. However, they may not conclude agreements which would contradict the interests of EASA.

- **What will happen to the JAA?**

JAA's airworthiness functions have transitioned to EASA, including standardization of national authorities. A core JAA liaison team continues to represent JAA Member States that are not E.U. Members on design and maintenance issues but mainly in an administrative sense. The JARs now incorporate all EU regulations by reference and the JAA will accept EASA approvals as a JAA recommendation to its non EU members. (JAA Member Authorities can be found at <http://www.jaa.nl/introduction/introduction.html> JAA/EASA arrangement can be found at [http://www.easa.eu.int/ws\\_prod/g/doc/International/WA\\_JAA\\_EASA\\_Std.pdf](http://www.easa.eu.int/ws_prod/g/doc/International/WA_JAA_EASA_Std.pdf) )

- **Where is EASA Headquarters located?**

Cologne, Germany.

- **What are EASA's certification regulations and requirements?**

On September 24, 2003, the Community issued Commission Regulation (EC) No. 1702/2003 implementing their part 21 certification procedures. Also, EASA issued airworthiness codes based on the Joint Aviation Requirements. The airworthiness codes are called “certification specifications” or CS, e.g. CS 23, 25, etc. These texts are available on the EASA web site.

- **Have any regulatory differences between EASA's requirements and FAA's requirements been identified?**

There are differences in the part 21 certification procedures of the two systems. These differences are identified and will be addressed appropriately in the implementation procedures of a future bilateral agreement with the Community. Until that time, the Community continues to recognize existing BASAs and Bilateral Airworthiness Agreements (BAAs) between the US and EU Member States.

The airworthiness codes are substantially based on the results of the FAA / JAA harmonization work program. The FAA Aircraft Certification Service Directorates and EASA continue to apply type validation processes to efficiently address any remaining significant differences between our airworthiness standards. Each Directorate's Standards Staff has analyzed the differences between the FAR and CS and they should be contacted for information.

- **Where can I find more information about the European Community?**

Information on the E.U. Community can be found on the Internet at:

<http://www.eurunion.org> or [http://europa.eu/index\\_en.htm](http://europa.eu/index_en.htm)

Information on E.U. aviation safety may be found at:

[http://ec.europa.eu/transport/air\\_portal/index\\_en.htm](http://ec.europa.eu/transport/air_portal/index_en.htm)

## **AGREEMENTS WITH THE UNITED STATES**

- **Will the United States have a bilateral agreement with the European Union or EASA?**

The U.S. government must have a bilateral in place with the European Community, rather than EASA.

- **When will the new bilateral agreement between the United States and the European Community be signed?**

The executive agreement and its two annexes (Airworthiness and Maintenance) to the overall agreement were signed on June 30, 2008. However, the new agreement will not enter into force until the Community has advanced a new hybrid fee system. This is not expected to occur before late 2009. The documents signed on June 30 have no practical effect on our activities with EASA.

- **How will business be conducted in the absence of a new agreement with the Community?**

Until a new bilateral is concluded with the Community, the FAA will work with EASA as the authority representing those EU Member States and EASA associated countries with whom the U.S. currently has a BAA or BASA. When the new agreement is implemented with the Community to cover all Member States, the scope of that new agreement will replace most, if not all, of the provisions in BAAs and BASA IPAs currently in place between the U.S. and certain of the E.U. Member States. Additionally, FAA Order 8100.14 describes the continuing working relationship between the FAA and EASA.

- **What affect does the creation of EASA have on the existing bilateral agreements (BAAs and BASAs IPAs) between the U.S. and certain E.U. Member States?**

E.U. Member States, with whom the U.S. has a bilateral agreement, have formally notified the U.S. that EASA assumed responsibility as their executive agent for the functions outlined in the EU Regulation. The bilateral agreements remain in effect until the new agreement is in place with the European Community. For example, we will continue to accept products from France according to the current BASA IPA between France and the U.S. but with EASA performing the design approval functions.

- **Can my company continue to apply to an individual NAA for a type certificate, through our ACO, e.g. DGAC France under the existing bilateral agreement?**

No. The NAAs are no longer responsible for type certification. Any design approval activities they undertake will be on behalf of EASA through agreements/contracts with the Agency. All new applications must be sent through your ACO to the EASA Programmes Department for processing/assignment of work.

## **IMPORT OF EUROPEAN PRODUCTS TO THE UNITED STATES**

- **What products can be imported from the European Union?**

FAA approval of European products, parts and appliances will continue for those products covered under a bilateral agreement with an EU Member State. Until a new bilateral agreement is concluded with the Community that would govern the acceptance of products between the U.S. and the entire Community as a single entity, the FAA can only accept applications for validation and import into the U.S. of products, parts and appliances from E.U. Member States within the scope of the current bilateral agreements.

- **My company would like to import a propeller from Greece. Is this possible?**

As noted above, this propeller would not be eligible for import to the U.S. because there is no airworthiness agreement in place between the U.S. and Greece. There currently are no bilateral agreements related to airworthiness in place with the following EU Member States: Bulgaria, Greece, Ireland, Luxembourg, Portugal, Slovak Republic, Slovenia, Malta, Lithuania, Latvia, Hungary, Estonia, and Cyprus.

## OBTAINING AN EASA DESIGN APPROVAL

### *Prior-European approved products*

- **What becomes of existing aeronautical products operating in Europe?**

Existing products, and their associated parts and appliances, validated and operating in the E.U. are grandfathered in accordance with Commission Regulation (EC) No. 1702/2003. EASA has identified which TCs do not automatically transfer from the NAAs' to EASA's responsibility and has published this list on their web site. All products that are not transferred remain under the responsibility of the Member State.

All U.S. products with a Type Certificate validated by a Member State prior to September 28, 2003, have been transferred to EASA's responsibility.

- **Will a certification basis established to the JAR prior to September 2003 be accepted as the EASA basis?**

In most cases, yes. The Community has established two scenarios for establishing a common certification basis for the transfer of products:

1) the JAA type certification basis for products that have been certified under JAA procedures with a JAA datasheet, or

2) for other products, the type certification basis of the State of Design if that State of design is:

- an EU Member State; or
- a State with which an EU Member State has concluded a bilateral airworthiness agreement under which such products have been certified on the basis of that State's airworthiness codes.

Thus, if a U.S. product was validated by a JAA validation team using JAA procedures, the JAA recommended certification basis will become the EASA certification basis. However, if a U.S. product was certified solely by a Member State NAA who used the

JAR as their import requirements, that JAR certification basis would not be the EASA basis. In the case of this NAA validation, the EASA certification basis will be the U.S. certification basis plus Airworthiness Directives. For example, a Cessna aircraft validated by Germany prior to September 2003 but not under JAA procedures would have an EASA type certification basis of the applicable U.S. FARs plus U.S. ADs.

- **Will EASA reissue the TC?**

No, not until an amendment is applied for at which time EASA will take the opportunity to translate the TC and TCDS to an EASA format.

- **Will TCs issued by national authorities be rescinded?**

No, because under the transfer procedures all configurations type certificated/validated by an NAA are acceptable within the E.U. and any differences to the EASA type certification basis are considered approved optional or alternative configurations.

- **Will FAA STCs accepted by one NAA prior to EASA operations be accepted throughout the system without further demonstration of compliance?**

Yes, validated STCs from the FAA will be recognized by EASA. Existing installed STCs on specific aircraft operating in the E.U. are accepted along with the Type Certificated product. However, if an STC is to be accomplished on another aircraft, it must have some form of documented E.U. Member State approval. Therefore, it will be reviewed for its applicability and documentation. Some FAA STCs have been accepted in Europe without reciprocal issuance of an NAA STC. Such STCs will be required to be validated by EASA before applying them to other aircraft.

- **If I already have an STC in one EU member State how do I get recognition for my STC in another EU Member State**

A copy of your European STC should be provided to any new State of Registry until you receive a new EASA STC.

- **Will repairs installed on an EU-registered aircraft be accepted without further EASA investigation?**

Yes, existing repairs on aircraft operating in the E.U. are accepted under EASA along with the TCed product. However, if a repair is to be accomplished on another aircraft it will be subject to a review for its applicability and documentation.

## ***New applications***

- **Where do I submit an application for validation of a US design approval?**

Applicants should send all applications for EASA TCs, amended TCs, ETSOA as well as all new STCs and non-OEM major repair design approval to the EASA Programmes Department through their cognizant FAA certification office. The address and pertinent information for EASA is available on their website at: <http://easa.europa.eu>

Applications to accept installed STCs and non-OEM major repairs on used aircraft being transferred into Europe go directly to the NAA of the State of Registry. Further information regarding EASA's responsibilities for design approval related activities can be found at [http://www.easa.europa.eu/ws\\_prod/c/c\\_da\\_main.php](http://www.easa.europa.eu/ws_prod/c/c_da_main.php)

- **Will the multi-national team or the Member State NAA that EASA contracts to work my validation program remain the same for all future programs?**

No. EASA has hired technical staff (PCMs and technical specialists) and is capable of conducting many validations solely with EASA personnel. In addition to increases in EASA staffing, changes within a Member State NAA as well as specific contract issues may also result in EASA reassigning work from one Member State NAA to another Member State NAA or a multi-national team.

## ***TSO article approvals***

- **What does EASA use for appliance approvals?**

EASA issues ETSOs as defined in their part 21. Appliance manufacturers should forward any applications for new approvals through their local Aircraft Certification Office to EASA. EASA may contract an EU Member State NAA to review the design on behalf of EASA.

- **Will EASA approve an APU as a TSO article?**

APUs have their own standard in the European Union, called CS-APU. EASA will issue an ETSOA for APUs but will use a certification process similar to type certification.

## ***Repair design approvals***

- **Will EASA recognize repairs accepted by a Member State prior to September 28, 2003?**

Existing products, including all changes and repairs installed on them and accepted by a Member State prior to September 28, 2003, validated and operating in the EU are grandfathered in accordance with Commission Regulation (EC) No. 1702/2003. It is incumbent upon the applicant to furnish appropriate documentation that provides evidence of past NAA approval/acceptance.



- **What is the process for getting new repair designs by the TC Holder approved by EASA?**

All minor and major repair data that are accepted or approved by the FAA from a TC holder, as appropriate, are automatically accepted within the EU.

- **What is the process for getting new repair designs by companies other than the TC Holder approved by EASA?**

EASA will automatically accept all minor repair data by US companies other than the TC Holder. For major repairs to critical components, application for validation must be made through the EASA Applications/Certification Manager. (See AIR-100 Policy Memorandum on “FAA & EASA Reciprocal Acceptance” dated 3/22/07)

- **Some European airlines are insisting that they need an FAA Form 8110-3 for each repair. How should I reply?**

Form 8110-3's should never be issued for minor repair data. EASA is aware of FAA's system for accepting data for minor repairs, and the operator should be referred back to EASA's website. Some U.S. companies are now using a standard document to accompany minor repair data and improve traceability. Boeing's Repair Data Record (RDR) form is an example of such an industry best practice. The FAA encourages other companies to work with their certificate managing office to develop a comparable standard document.

## **EXPORT REQUIREMENTS**

- **What are the EU Member States' import requirements?**

The European Community has defined common standardized import requirements for new and used aircraft for all EU Member States. All exporters shipping civil aircraft from the United States to a Member State of the EU must comply with these EU special requirements to meet the regulatory requirements identified in 14 CFR Part 21, Subpart L. These EU special import requirements are published in FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*.

The Community has not defined import requirements for new aircraft engines, propellers, parts and appliances. Therefore, for aircraft engines, propellers, parts and appliances, U.S. exporters must continue to comply with all other provisions identified in any existing bilateral agreement associated with an EU Member State. These individual bilateral import requirements will remain in effect until a new bilateral agreement is concluded between the U.S. and the European Community.

- **Will there still be additional national requirements?**

There may be different national requirements for operational equipment. However, per the EU regulation Article 8, there should not be additional national design requirements since all Community airworthiness requirements are defined in Annex 1 to the regulations and the implementing rules and certification specifications.

In rare circumstances, an EU Member State NAA may impose a design requirement per the EU regulation Article 10(1), such as through issuance of an emergency airworthiness directive, to react to an immediate safety problem. In these instances, the Commission is required to take action if EASA does not agree with the Member State's action (and therefore, takes similar action to make the design requirement an EU-wide requirement). If the Commission disagrees with the action taken by the Member State, the Member State will be required to revoke or amend the measure in question.

- **Who is the exporting and importing authority in this new E.U. environment?**

For U.S. products exported to Member States of the European Union after September 2003, the importing authority is the European Community. For European products exported to the U.S., the exporting authority will remain the individual NAA.

- **Will the NAAs continue to issue Export Certificates of Airworthiness for aircraft and airworthiness approval tags (Form 1) for engines, propellers, appliances, and parts?**

Yes, as explained above, the NAAs will continue to export products. Because the Community will not use a common Export of Airworthiness (C of A) document, each NAA will continue to issue its own Export C of A form for new aircraft exported to the United States. However, an EASA Form One will be used for the export of new engines, propellers, appliances, and parts. The EASA Form One is virtually identical to the old JAA Form One. (FAA will continue to recognize JAA Form One's previously issued prior to September 28, 2003.)

## CONTINUED AIRWORTHINESS

- **What will be the structure for continued airworthiness oversight of approval holders (i.e.; certificate management)?**

EASA is responsible for the continued airworthiness of EU products. As with design approvals, EASA may rely on the NAA of the State of Design for managing continued airworthiness, but is assuming more of the day to day tasks.

### **Who will issue Airworthiness Directives?**

EASA is now issuing all ADs related to design, production, or maintenance issues.

Infrequently, EASA may issue “Emergency Conformity Information” (ECI) in situations that would normally be limited to unsafe conditions resulting from manufacturing or maintenance deficiencies where there is a need to inspect and to restore conformity of individual aircraft with the approved design before the next flight.

In rare circumstances associated with urgent safety issues, an NAA may issue an emergency AD using the provisions of Article 10(1) of the EASA Regulation, without obtaining EASA approval. In these instances, the Commission is required to take action in the event EASA does not agree with the action and, therefore, does not issue an EASA AD that mirrors the NAA AD. This may require that the NAA rescinds or amends their AD.

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