

Generic Steps for Obtaining a Bilateral Aviation Safety Agreement-Implementation Procedure for Airworthiness

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Step One: Initiating the Process: The Diplomatic Note

When will the United States enter into a Bilateral Aviation Safety Agreement with Implementation Procedures for Airworthiness?

The United States will only enter into a Bilateral Aviation Safety Agreement with Implementation Procedures for Airworthiness with countries that have an existing aircraft manufacturing industry with products to be exported to the United States.

The process starts when the Foreign Ministry of a country sends a diplomatic note to the United States Department of State. The diplomatic note must identify the government's desire to enter into a Bilateral Aviation Safety Agreement with the United States and provide an explanation of the need for such an agreement. Upon receipt of this diplomatic note, the Department of State will notify the FAA. The Department of State will not begin negotiating the Bilateral Aviation Safety Agreement until they receive a recommendation to do so from the FAA.

Step Two: Federal Aviation Administration Notification and Interagency Group for International Aviation Approval

After the diplomatic note is received by the United States State Department, what does the Federal Aviation Administration do?

Upon notification of the diplomatic note, the FAA will need to obtain approval from Interagency Group for International Aviation before moving forward with a technical assessment. The Interagency Group for International Aviation is composed of members of Executive Branch agencies of the U.S. government, such organizations such as the Departments of Treasury, Commerce, State, Defense, the U.S. Trade Representative; the National Transportation Safety

Board, and the Federal Communications Commission. Prior to granting approval, these organizations will determine whether progressing toward a Bilateral Aviation Safety Agreement with that country would be consistent with the U.S. government's policies toward that country.

Step Three: Familiarization Meeting

When does the Federal Aviation Administration make a familiarization visit to the country which has requested a bilateral agreement?

Once Interagency Group for International Aviation approval is obtained, the Federal Aviation Administration will make an initial visit to the requesting country to obtain an understanding of the status of the requesting country's aircraft certification system. Federal Aviation Administration will need to determine that there is:

- A civil aeronautical product under development that would require a Bilateral Aviation Safety Agreement with Implementation Procedures for Airworthiness; and
- An independent airworthiness authority who could be expected to make findings of compliance to its national aircraft certification standards, practices, and procedures.

Both factors must be present before the Federal Aviation Administration will consider initiating a technical assessment. The country must also hold a category 1 rating from the FAA's International Aviation Safety Assessment Program signifying that it meets the minimum standards of the International Civil Aviation Organization.

Step Four: Reimbursable Agreement Negotiation

What is a reimbursable agreement?

As of 1997, all new Bilateral Aviation Safety Agreement initiatives are conducted on a cost reimbursable basis: the foreign civil aviation authority requesting the Bilateral Aviation Safety Agreement must agree to reimburse the FAA for the FAA's time and travel costs associated with conducting the technical assessment. This reimbursable agreement will be developed by the FAA and must be signed by the Civil Aviation Authority prior to any Bilateral Aviation Safety Agreement activities taking place.

Step Five: Technical Assessment

What is a technical assessment?

Prior to concluding a bilateral agreement with another country, the FAA must establish confidence in a country's technical competence and regulatory capability for performing airworthiness certification functions. The technical assessment process is the vehicle used by the FAA to obtain this necessary level of confidence. This comprehensive assessment typically lasts 3 to 7 years and is performed to determine whether the certification system in the Bilateral Aviation Safety Agreement partner country is sufficiently comparable to the United States system to ensure similar results. Through the technical assessment the FAA will:

- Review, understand, and evaluate the Civil Aviation Authority's regulatory system to include its enabling legislation; the system for type, production, and airworthiness certification; and continued airworthiness;
- Review and evaluate the Civil Aviation Authority's adherence to their written rules and procedures;
- Evaluate the Civil Aviation Authority's understanding and application of United States certification standards; and
- Provide technical training to the Civil Aviation Authority, if appropriate.

The technical assessment provides the best opportunity for FAA specialists to work in partnership with another authority, ask questions, share experiences, and build a mutual trust which will become the foundation for future cooperative activities under the bilateral agreement. Depending on the scope of the Implementation Procedure for Airworthiness and products it will cover, the FAA may conduct a shadow certification. During this phase, FAA personnel will conduct a detailed review of the type design for the civil aeronautic product and review design descriptions and certification plans. The FAA will also observe the Civil Aviation Authority in their certification of a specific product to the United States aircraft standards and practices. Advisory Circular [21-23B](#) Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States contains more details on the criteria used by the FAA to evaluate another Civil Aviation Authority's aircraft certification system.

Step Six: Negotiation of the Executive Agreement

When is an Executive Agreement negotiated?

If the FAA's technical assessment establishes the competency of the Civil Aviation Authority and the existence of an aircraft certification system that is able to produce results equivalent to the U.S. system, the FAA will recommend to the Department of State that they initiate negotiations of the Bilateral Aviation Safety Agreement - Executive Agreement. The Department of State, with technical assistance from the FAA, will negotiate the final language of the Bilateral Aviation Safety Agreement - Executive Agreement with the Foreign Ministry.

Executive agreement negotiations vary in length from several months to years. Most countries also require a certified translation of the Executive Agreement in their native language.

[Note: If an Executive Agreement already exists, the process skips to the Negotiating the Implementation Procedures for Airworthiness process step.]

Step Seven: Negotiation of the Implementation Procedures for Airworthiness

When is the Implementation Procedure for Airworthiness negotiated?

At the same time that the Executive Agreement is being discussed at the diplomatic level, the FAA and Civil Aviation Authority may co-develop and negotiate the Implementation Procedures for Airworthiness. Negotiations will typically be held in Washington D.C. The scope of the Implementation Procedures for Airworthiness is generally dependent on the types of aeronautical products being manufactured in the Civil Aviation Authority's country and the Federal Aviation Administration's level of confidence in the Civil Aviation Authority's oversight capabilities. All the

Implementation Procedures for Airworthiness are similar in structure and format, but their content can be customized to meet the needs of both bilateral partners.

Step Eight: The Bilateral Aviation Safety Agreement Implementation - Procedures for Airworthiness

When is the final Executive Agreement concluded?

A Bilateral Aviation Safety Agreement - Executive Agreement between two governments must be concluded before an Implementation Procedure for Airworthiness can be signed. Implementation Procedures for Airworthiness are only effective upon signature by both the FAA and Civil Aviation Authority. Once signed, all of the certification activities between the FAA and Civil Aviation Authority will be guided by the Bilateral Aviation Safety Agreement - Implementation Procedure for Airworthiness.

If a shadow certification project has been conducted successfully, the FAA may issue its design approval, after the Implementation Procedure for Airworthiness is signed.

If, at a later date, the Civil Aviation Authority indicates its interest in broadening the scope of the Implementation Procedure for Airworthiness to include other kinds of aeronautical products, a second phase of Implementation Procedure for Airworthiness negotiations will need to be conducted, possibly in conjunction with a shadow certification for the new products.