

SPECIAL ARRANGEMENT
BETWEEN THE
FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA
AND THE
CIVIL AVIATION AUTHORITY
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CONTINUITY OF AIRCRAFT CERTIFICATION PROJECTS

1. In accordance with Section IX of the Implementation Procedures for Airworthiness (IPA) to the U.S./UK Bilateral Aviation Safety Agreement (BASA), this document sets out an agreement allowing the continuity of services following the exit of the United Kingdom (UK) from the European Union (EU). The purpose of this document is to establish the expectations and procedures associated with the transfer of existing design approvals to the UK Civil Aviation Authority (CAA) as well as the transition of ongoing certification/validation projects at the date of the end of the Transition Period (as defined by Article 126 of the UK-EU Withdrawal Agreement 2019). Both the Federal Aviation Administration (FAA) and the CAA have committed, to the extent practicable, to recognize the work accomplished by the European Union Aviation Safety Agency (EASA) as the Technical Agent for the CAA before December 31, 2020.
2. For up to two years from December 31, 2020, the CAA shall recognize EASA organizational approvals that were issued before December 31, 2020, and have not expired (pursuant to the UK's European Union (Withdrawal) Act 2018). The CAA shall also recognize all EASA design approvals issued within two years after December 31, 2020, if the application for approval was made before December 31, 2020.
3. Certification/Validation Activities that are incomplete on the date of the UK's exit from the EU
 - 3.1 *EASA has issued the design approval to an entity in the UK, FAA validation is in progress.*

The CAA shall request all documentation associated with the original design approval from EASA or the applicant and notify the FAA that they will take on the responsibilities of the Certifying Authority (CA) for the project. Therefore,

- a. the FAA and CAA shall recognize all certification/validation decisions made to date and shall maintain any project's validation plan to the greatest extent possible;
- b. the FAA shall accept the transfer of validation application to the CAA and UK applicants will not need to re-apply to the FAA for validation; and
- c. the FAA and the CAA shall follow the validation procedures in Section III of the IPA for the remaining parts of the project.

3.2 EASA has an open application for a design approval to an entity in the UK, FAA validation is in progress and EASA will not complete the validation process.

The CAA shall request all documentation associated with the open application for a design approval from EASA or the applicant and notify the FAA that they will take on the responsibilities of the Certifying Authority (CA) for the project. Consequently,

- a. the FAA and the CAA shall recognize all certification/validation decisions made to date and shall maintain the project certification and validation plans to the greatest extent possible;
- b. the FAA shall accept the transfer of validation application to the CAA and UK applicants will not need to re-apply to the FAA for validation;
- c. the FAA and the CAA shall follow the validation procedures in Section III of the IPA for the remaining parts of the project; and
- d. the applicant must cover the subsequent costs the CAA incurs in accordance with the scheme of charges.

3.3 FAA has issued a design approval and EASA validation is pending

- a. U.S. design approval holders may choose to rely on the EASA design approvals which will be subsequently recognized by the CAA if completed within the two-year timeframe.
- b. U.S design approval holders may also elect to separately submit an application for validation to the CAA in accordance with the IPA. If there is a new application, the FAA and the CAA shall follow the validation procedures in Section III of the IPA for the remaining parts of the project. In this case, the applicant may be asked to provide to the CAA all the information they have provided to EASA.

3.4 FAA has not issued the design approval and EASA validation is pending

- a. U.S. design approval applicants may choose to rely on the EASA design approval which will be subsequently recognized by the CAA if completed within the two-year timeframe.
- b. However, U.S design approval applicants may also elect to separately submit an application for validation to the CAA in accordance with the IPA. If there is a new application, the FAA and the CAA shall follow the validation procedures in Section III of the IPA for the remaining parts of the project. In this case, the applicant may be asked to provide to the CAA all the information they have already provided to EASA.

4. Design Approvals Holders in the UK

4.1 In accordance with Annex 8 of the Chicago Convention (Convention for International Civil Aviation), the UK has been, and continues to be, the State of Design for all design approvals by EASA or the CAA to entities in the UK. However, upon the exit of the UK from the EU, EASA will no longer act as the CAA's Technical Agent for the purposes of continued airworthiness. The responsibility for design approvals that were previously issued by EASA to entities in the UK will be transferred to the CAA.

4.2 The CAA shall make all reasonable efforts to obtain all data associated with the original design approval from EASA and update the FAA on the progress of transfer of design approvals. If the CAA cannot obtain all the data required from EASA, it shall request the data from the applicant. No new certification or validation activities will be required for existing design approvals. The CAA shall endeavor to provide the FAA with a list of certificates transferred from EASA to the CAA. Neither the CAA nor the FAA shall reissue the design approvals solely to reflect this transfer of responsibilities.

4.3 For all EASA design approvals held by entities in the UK that have been validated by the FAA, the CAA, not EASA, will be considered to be the CA in the context of the IPA.

4.4 The FAA and the CAA shall work together to address other unforeseen situations that may arise as a result of the UK's departure from the European Union.

5. Resolution of Disagreements: Any disagreement regarding the interpretation or application of the procedures established in this document shall be resolved through consultations between the FAA and the CAA.

6. Entry into Force: The FAA and the CAA agree to the provisions set out in this document as indicated by the signature of their duly authorized representatives. It shall enter into force on the date of the last signature below and the entry into force of the IPA. Either Party may terminate this Special Arrangement at any time by providing sixty (60) days' written notice to the other Party.


7. Authority: The FAA and the CAA agree to the provisions of this Special Arrangement as indicated by the signatures of their duly authorized representatives.

Federal Aviation Administration
Department of Transportation
United States of America

Civil Aviation Authority
United Kingdom of Great Britain and
Northern Ireland

Earl Lawrence 15/DEC/2020

Earl Lawrence Date
Executive Director
Aircraft Certification Service



Robert Bishton Date 11/DEC/2020
Group Director
Safety and Airspace Regulation Group