

REVISION 1 TO THE
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).
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 procedure for continued validation is as follows:

- a. 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;

- b. 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;
 - c. 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
 - d. The FAA and the CAA shall follow the validation procedures in Section III of the FAA- CAA IPA for the remaining parts of the project.
- 3.2 *EASA has an open application for a design approval from an entity in the UK, an FAA validation is in progress and EASA did not complete the validation process before December 31, 2020.*

The procedure for continued validation is as follows:

- a. 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 CA for the project;
 - b. 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;
 - c. 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
 - d. The FAA and the CAA shall follow the validation procedures in Section III of the FAA-CAA IPA for the remaining parts of the project.
- 3.3 *The FAA has issued a design approval and EASA validation is pending, or the FAA has not issued the design approval and EASA validation is pending (i.e., concurrent FAA/EASA validation).*

The procedure for continued validation is as follows:

- a. U.S. design approval applicants may choose to rely on the EASA design approval work undertaken by EASA if EASA completes their validation by December 31, 2022. If this is the case:
 - i. The U.S. design approval applicant will make an application to the CAA for a validation using the *Application for Administrative Validation - SRG1727* form, which can be found on the CAA's website: www.caa.co.uk/Commercial-industry/Aircraft/Airworthiness/Type-design-approvals/Validation-of-design-approvals/.
 - ii. Once completed, the form must be submitted to apply@caa.co.uk.

- iii. The application will include:
 - (a) A cover letter addressed to the CAA. The template can be found in Appendix 1 of this Special Arrangement; and
 - (b) A copy of the application package that was submitted to EASA in accordance with Streamlined Validation and Technical Validation provisions found in Section III of the current revision of the FAA-EASA Technical Implementation Procedures for Airworthiness and Environmental Certification (TIP).
 - iv. The CAA will process the application for a CAA validation by taking into account the work undertaken by EASA. The CAA will give maximum credit possible for the work undertaken by EASA and the FAA so that a CAA design approval may be issued without further involvement by the CAA.
- b. However, U.S design approval holders may also elect to separately submit an application for validation to the CAA in accordance with the FAA-CAA IPA (for example, for projects that may extend beyond December 31, 2022). 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.

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 was 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.

Appendix 1 – Template Cover Letter

[Applicant Name, Address and Email]

Mr. Liam Betts
Design and Certification Manager
Safety and Airspace Regulation Group
Aviation House
Beehive Ring Road
Crawley
West Sussex
RH6 0YR
United Kingdom

By email: apply@caa.co.uk

[PLEASE INSERT DATE HERE]

Dear UK CAA Design and Certification team:

Please find enclosed an application for a UK CAA Validation Certificate.

We hereby confirm that we would like to follow the procedures outlined in the Special Arrangement between the Federal Aviation Administration of the United States of America and the Civil Aviation Authority of the United Kingdom concerning continuity of aircraft certification projects. In particular, we draw your attention to paragraph 3.3 and enclose the final application package we sent to EASA.

We look forward to your response.

Yours faithfully,

[Representative]
[U.S. Applicant]

cc: FAA [cognizant Aircraft Certification Office]