

The attached draft text was shared by the UK negotiating team with the Task Force for Relations with the United Kingdom as a draft negotiating document, that is, to be shared among negotiating teams only, in line with the provisions of the Terms of Reference.

The text is now being made public.

**Title: DRAFT WORKING TEXT FOR AN AGREEMENT ON CIVIL AVIATION SAFETY
BETWEEN THE UNITED KINGDOM AND THE EUROPEAN UNION**

Disclaimer:

The UK proposes the following legal text to form the basis for discussions with the EU on annexes to the agreement on civil aviation safety. In putting forward this proposal, the UK reserves the right to amend, supplement or withdraw proposals in the light of negotiations and the proposals put forward by the European Union.

The UK proposal has taken account of relevant international precedents, including the EU's own agreements with other major economies in developing these texts.

The UK recalls that it acts in these negotiations on behalf of all the territories for whose international relations it is responsible and in negotiating this draft agreement the UK Government will seek outcomes which support the territories' security and economic interests, reflecting their unique characteristics. The UK reserves its position on the application of these principles to the draft text.

This draft text is being shared by the UK negotiating team with the Task Force for Relations with the United Kingdom as a draft negotiating document. As agreed in the Terms of Reference, the receiving party should not share this material outside of negotiating teams without the consent of the sending party.

ANNEX 1

INITIAL AIRWORTHINESS

SECTION A

GENERAL PROVISIONS

ARTICLE 1

Scope

1. This Annex is developed for the implementation of cooperation in the areas of initial airworthiness, describing the terms, conditions and methods for reciprocal acceptance of findings of compliance and certificates regarding:
 - (a) airworthiness and continued airworthiness of Civil Aeronautical Products (hereinafter referred to as 'Products');
 - (b) design and production organisations;
 - (c) noise, fuel venting, and exhaust emissions, including carbon dioxide emissions when applicable; and
 - (d) used aircraft.

ARTICLE 2

Definitions

1. For the purposes of this Annex, the following definitions apply:

“Agreement” means the Agreement on Civil Aviation Safety between the United Kingdom of Great Britain and Northern Ireland and the European Union, its annexes and any amendments thereto;

“Authorised Release Certificate” means a certificate issued by an approved organisation or a Competent Authority of an Exporting Party as a form of recognition that a new Product, other than a complete aircraft, conforms to a design approved by the Exporting Party and is in a condition for safe operation;

“Certificating Authority” means the Competent Authority of the Exporting Party that issues a Design Certificate for a Product in its capacity as an authority discharging the State of Design responsibilities set out in Annex 8 to the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944;

“Civil Aeronautical Product” (hereinafter referred to as ‘Product’) means any civil aircraft, aircraft engine, or propeller; or sub-assembly, appliance, part or component, installed or to be installed thereon;

“Design Certificate” means a certificate issued by the Competent Authority or an Approved Organisation as a form of recognition that the design or change to a design of a Product has met airworthiness standards, has met Operational Suitability Data requirements and, as applicable, environmental protection requirements, in particular, concerning noise, fuel venting or exhaust emissions as established by laws, regulations and administrative provisions in force in that Competent Authority’s or Approved Organisation’s jurisdiction;

“Design-related Operational Requirements” means the operational, including environmental, requirements affecting either the design features of the Product or data on the design relating to the operations or maintenance of the Product that make it eligible for a particular kind of operation;

“Export” means the process by which a Product is released from one regulatory system to another;

“Export Certificate of Airworthiness” means an export declaration by the Exporting Party – or, for used aircraft, by the Competent Authority of the State of Registry from which the Product is exported – that a complete aircraft conforms to the airworthiness and environmental requirements notified by the Importing Party;

“Exporting Party” means the Party from whose production oversight system a Product is exported;

“Import” means the process by which an exported Product is introduced into a regulatory system;

“Importing Party” means the Party into whose production oversight system a Product is imported;

“Operational Suitability Data” (or “OSD”) means the required set of data to support and allow the type-specific operational aspects of certain types of aircraft. It consists of the following:

- (i) the minimum syllabus of pilot type rating training, including determination of type rating;
- (ii) the definition of scope of the aircraft validation source data to support the objective qualification of simulators or the provisional data to support their interim qualification;
- (iii) the minimum syllabus of maintenance certifying staff type rating training, including determination of type rating;
- (iv) determination of type or variant for cabin crew and type specific data for cabin crew; and

- (v) the master minimum equipment list;

“Production Approval” means a certificate issued to any natural or legal person by the Competent Authority of either Party to exercise privileges related to the production of Products;

“Stand-alone production approval” means a production approval issued to a manufacturer of a Product which is not an extension of the Production Approval to any affiliated entity of the manufacturer;

“State of Design” means the State having jurisdiction over the organisation responsible for the type design;

“Technical Implementation Procedures” means the implementation procedures for this Annex developed by the Technical Agents of the Parties in accordance with Article 3.2 of the Agreement; and

“Validating Authority” means the Competent Authority that automatically accepts or validates, as specified in this Annex or its Technical Implementing Procedures, a Certificate issued by the Certifying Authority.

SECTION B

CERTIFICATION OVERSIGHT BOARD

ARTICLE 3

Establishment and Composition

1. A technical coordination body called the Certification Oversight Board (‘COB’), accountable to the Aviation Safety Committee (‘ASC’) of the Parties, is hereby established under the co-chairmanship of the Technical Agents, as a technical coordination body responsible for the effective implementation of this Annex. It shall be composed of representatives from the Technical Agent of each Party and may invite additional participants to facilitate the fulfilment of its mandate.
2. The COB shall meet at regular intervals upon the request of either Technical Agent, and take decisions and make recommendations by consensus. It shall develop and adopt its own rules of procedure.

ARTICLE 4

Mandate of the COB

1. The mandate of the COB shall include, in particular:
 - (a) contributing to minimise the differences in the regulatory systems, standards and certification processes of the Parties;

- (b) developing, adopting, and revising the Technical Implementation Procedures referred to in Article 6;
 - (c) sharing information on any safety concerns and, where appropriate, developing action plans to address them;
 - (d) resolving technical issues falling within the responsibilities of the Competent Authorities affecting the implementation of this Annex;
 - (e) where appropriate, developing effective means for cooperation, to include research and development, training, secondment opportunities, technical support and exchange of information regarding safety and environmental requirements, certification systems, and quality management and standardisation systems;
 - (f) proposing amendments to this Annex to the ASC;
 - (g) in accordance with the provisions of Article 16.1, defining procedures to ensure the continued confidence by each Party in the reliability of the other Party's compliance finding processes;
 - (h) analysing and taking action regarding the implementation of the procedures referred to in subparagraph (g); and
 - (i) evaluating changes in each Party's regulatory system to ensure that certification requirements remain valid.
2. The COB shall report unresolved issues to the ASC and shall ensure the implementation of decisions taken by the ASC in relation to this Annex.

SECTION C

IMPLEMENTATION

ARTICLE 5

Competent Authorities

1. Competent Authorities for Design Certification are:
- (a) for the UK, the Civil Aviation Authority ("CAA"); and
 - (b) for the Union, the European Union Aviation Safety Agency ("EASA").
2. Competent Authorities for Production Certification and export certificates are:
- (a) for the UK: the CAA; and
 - (b) for the Union: EASA and the Competent Authorities of the Member States of the Union. As regards an export certificate for used aircraft, it is the Competent Authority of the State of Registry for the aircraft from which the aircraft is exported.

ARTICLE 6

Technical Implementation Procedures

1. The Technical Implementation Procedures shall be developed by the technical agents of the Parties through the COB in order to provide specific procedures to facilitate the implementation of this Annex, notably by defining the interface requirements and activities between the Competent Authorities.
2. The Technical Implementation Procedures shall also address any differences between the Parties' civil aviation standards, rules, practices, procedures and systems related to the implementation of this Annex.

ARTICLE 7

Exchange and protection of confidential and proprietary data and information

1. Data and information exchanged in the framework of activities within the scope of this Annex are subject to the provisions of Article 10 of the Agreement.
2. Data and information exchanged during validation activities shall be limited in nature and content to what is necessary for the purpose of compliance demonstration with applicable technical requirements, as detailed in the Technical Implementation Procedures.
3. Any disagreement concerning a data and information exchange between the Competent Authorities shall be handled through a gradual escalation process, as detailed in the Technical Implementation Procedures. Each Party retains the right to refer such a disagreement to the COB for resolution.

SECTION D

IMPLEMENTATION

ARTICLE 8

Design Certificates

1. This Annex addresses all Design Certificates and changes thereof within the scope of Article 1 of this Annex. In particular:
 - (a) type certificates, including, as applicable, operational suitability data;
 - (b) technical standard order approvals;
 - (c) supplemental type certificates, including, as applicable, operational suitability data;
 - (d) repair design approvals;

- (e) parts and appliances approvals.
- 2. Restricted type certificates issued by the Competent Authorities will be addressed on a case-by-case basis as detailed in the Technical Implementation Procedures.
- 3. The Validating Authority shall either validate (which may be by a simplified process), having regard to the level of involvement referred to in Article 9.2, or accept automatically a Design Certificate or a change that has been, or is in the process of being, issued or approved by the Certifying Authority, in accordance with the terms and conditions set out in this Annex and as detailed in the Technical Implementation Procedures.
- 4. For the implementation of this Annex, the Parties agree that, subject to the continued qualification requirements defined in Articles 23 and 24 of this Annex, in the United Kingdom and the Union regulatory systems, the demonstration of capability of any design organisation to assume its responsibilities is sufficiently controlled through a system of design organisation certification.

ARTICLE 9

Validation

- 1. An application for a validation of a Design Certificate shall be made to the Validating Authority through the Certifying Authority, as detailed in the Technical Implementation Procedures.
- 2. The level of involvement of the Validating Authority during any validation processes shall be detailed in the Technical Implementation Procedures and shall be mainly determined by:
 - (a) the experience and records of the Competent Authority of the other Party as Certifying Authority, including the experience that individuals within the Competent Authority of either Party gained whilst they were part of the same regulatory system;
 - (b) the experience already gained by either Validating Authority during previous validation exercises with the Competent Authority of the other Party;
 - (c) the nature of the design to be validated;
 - (d) the performance and experience of the applicant for validation with the Validating Authority; and
 - (e) the outcome of qualification requirements assessments referred to in Articles 23 and 24.
- 3. The effective implementation of the principles specified in paragraph 1 shall be regularly measured, monitored and reviewed by the COB, using metrics defined in the Technical Implementation Procedures.
- 4. As a general rule, the Validating Authority shall, as detailed in the Technical Implementation Procedures, base its validation to the maximum extent practicable on the technical evaluations, tests, inspections, and findings of compliance made by the

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Certificating Authority.

5. For the purpose of issuing a type certificate, the Validating Authority shall refer to the airworthiness standards and OSD, as applicable, for a similar Product of its own that were in effect on the effective certification application date established by the Certificating Authority, complemented where applicable by additional technical conditions, as defined in the Technical Implementation Procedures.
6. The environmental protection requirements used during the validation process of a type certificate shall be the applicable requirements in effect in the Party of the Validating Authority on the date of application for validation to the Validating Authority.
7. The Validating Authority shall specify, when applicable, any:
 - (a) deviation from the applicable standards; or
 - (b) compensating factors that provide an equivalent level of safety when applicable standards are not complied with.
8. In addition to the requirements specified in paragraphs 6 and 7, the Validating Authority shall specify any special condition applied or intended to be applied if the related airworthiness codes, laws, regulations and administrative practices do not contain adequate or appropriate safety standards for the Product, because:
 - (a) the Product has novel or unusual design features relative to the design practices on which the applicable airworthiness codes, laws, regulations and administrative practices are based; or
 - (b) the intended use of the Product is unconventional; or
 - (c) experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.
9. When specifying deviations, compensating factors or special conditions, the Validating Authority shall give due consideration to those applied by the Certificating Authority and they shall not be more demanding for the products to be validated than it would be for similar products of its own. The Validating Authority shall notify the Certificating Authority of any such deviations, compensating factors or special conditions.

ARTICLE 10

Design Certification Process

1. The Certificating Authority shall ensure that the Validating Authority receives all the relevant data and information, as defined in the Technical Implementation Procedures, necessary for the Validating Authority to become and remain familiar with the design and certification of the Products that are subject to validation.
2. The Validating Authority shall, after examining relevant data and information provided by the Certificating Authority, issue its type certificate for an aircraft, engine or propeller (hereinafter referred to as a 'Validated Design Certificate') when:
 - (a) the Certificating Authority has issued its own certificate;

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- (b) the Certifying Authority certifies to the Validating Authority that the Product complies with the requirements in Article 9.
 - (c) all issues raised during the validation process conducted by the Validating Authority have been resolved; and
 - (d) additional administrative requirements, as defined in the Technical Implementation Procedures, have been met by the applicant.
3. Each Party shall ensure that in order to obtain and maintain a Validated Design Certificate as per the provisions of this Annex, the applicant holds and retains at the disposal of the Certifying Authority all relevant design information, drawings and test reports, including inspection records for the certified Product, in order to provide the information necessary to ensure the continued airworthiness and compliance with applicable environmental protection requirements of the Product.

ARTICLE 11

Validation and automatic acceptance processes

1. Design Certificates that have been, or are in the process of being, issued by the Certifying Authority, shall either be accepted automatically or validated by the Validating Authority:
- (a) For certificates subject to validation, the Validating Authority shall issue its own Validated Design Certificate.
 - (b) For certificates subject to automatic acceptance, the Validating Authority shall recognise and accept the Certifying Authority's certificates without any technical investigation or validation exercise. In these cases, the certificate issued by the Certifying Authority shall be recognised by the Validating Authority as equivalent to its own certificate issued in accordance with its legislation and procedures. The Validating Authority shall not issue its own corresponding certificate.
2. Subject to the provisions of Article 9.2, the validation process, as detailed in the Technical Implementation Procedures, shall be based to the maximum extent practicable on the technical evaluations, tests, inspections, and determinations of compliance made by the Certifying Authority.
3. The modalities of acceptance and validation of certificates are presented in [reference, Appendix or TIP¹].

ARTICLE 12

Transfer of Certificate

In the event that a Design Certificate holder transfers its Design Certificate to another entity, the Competent Authority responsible for the Design Certificate shall promptly notify the other Competent Authority of the transfer and apply the agreed procedure related to the transfer of Design Certificates as detailed in the Technical Implementation Procedures.

¹ An item for further discussion

ARTICLE 13

Design-related operational requirements

1. The Competent Authorities shall ensure that, where necessary, data and information related to design-related operational requirements is exchanged during the validation process.
2. Subject to agreement between the Competent Authorities, for some design-related requirements the Validating Authority may accept the compliance statement of the Certifying Authority through the validation process.

ARTICLE 14

Operational documents related to the Type

1. Some Type-specific sets of operational documents and data, including OSD, provided by the type certificate holder, shall be approved or accepted by the Certifying Authority and, where necessary, be exchanged during the validation process.
2. These operational documents and data may be either automatically accepted or validated by the Validating Authority as detailed in the Technical Implementation Procedures.

ARTICLE 15

Concurrent certification and validation

When agreed by the Competent Authorities for both Parties, a concurrent certification and validation process may be used, where appropriate, as shall be detailed in the Technical Implementation Procedures alongside provision for the applicant's consent to the use of that process.

SECTION E

PRODUCTION

ARTICLE 16

Mutual Acceptance regarding production certification and oversight

1. Where the Parties' systems for production of Products are considered sufficiently comparable, the Importing Party shall accept the other Party's production certification and oversight system within the scope of this Annex.
2. Subject to the provisions of paragraph 4 and unless otherwise agreed between the Competent Authorities, the Competent Authority of the Importing Party shall not issue a Production Approval for a production facility which is located in the Exporting Party's territory.
3. The provisions of paragraph 4 also apply:

- (a) if the State of Design responsibilities are exercised by a third country, provided that the Competent Authority of the Exporting Party has established and implemented procedures with the civil aviation authority of the State of Design to control the interface between the Design Certificate holder and the Production Approval holder;
 - (b) to the production of parts and appliances by a holder of a stand-alone Production Approval, primarily located outside of the territories of the Parties;
 - (c) subject to a review between the Competent Authorities on a case-by-case basis, to the production of engines and propellers by a holder of a stand-alone Production Approval, primarily located outside of the territories of the Parties.
4. The Parties may agree on a case by case basis that a Production Approval issued by the Competent Authority of the Exporting Party to organisations whose principal place of business is within the territory of that Party, can be extended to include manufacturing sites and facilities located in the territory of the other Party or in the territory of a third country.
5. In cases where the Production Approval holder for a Product is regulated by a Competent Authority of one Party, and the Design Certificate holder for the same Product is regulated by a Competent Authority of the other Party, the Competent Authorities shall establish procedures to define the responsibilities of each Party to control the interface between the Design Certificate holder and the Production Approval holder.
6. For the purpose of export of Products in the framework of this Annex, when the Design Certificate holder and the Production Approval holder are not the same legal entity, in accordance with paragraphs 3(a) and 4, the Competent Authorities shall ensure that the Design Certificate holder establishes proper arrangements with the Production Approval holder to ensure satisfactory coordination between production and design and the proper support of the continued airworthiness of the Product.
7. A list of each Party's Production Approval holders, including holders of Technical Standard Order Approvals, whose production is accepted by both Parties, will be published and regularly updated on the Official Publication of the Technical Agent of the United Kingdom and the Official Publication of the Technical Agent of the Union as applicable.

ARTICLE 17

Export certificates and forms

The Exporting Party's forms are:

- (a) when the Exporting Party is the UK: CAA Form 52 for new Aircraft, Export Certificate of Airworthiness for used aircraft and CAA Form 1 for other new Products.
- (b) when the Exporting Party is the Union, EASA Form 52 for new aircraft, Export Certificate of Airworthiness for used aircraft or EASA Form 1 for other new Products.

ARTICLE 18

New aircraft

As shall be detailed in the Technical Implementation Procedures, the Competent Authority of the Exporting Party shall issue an Aircraft Statement of Conformity (EASA Form 52 / CAA Form 52), certifying that such aircraft:

- (a) conform to a type certificate approved by the Importing Party in accordance with this Annex;
- (b) is in a condition for safe operation, including compliance with the applicable airworthiness directives of the Importing Party, as notified by that Party; and
- (c) meets all additional requirements prescribed by the Importing Party, as notified by that Party.

Subject to the provisions Articles 16 and 17 of this Annex, the Importing Party shall accept, for new aircraft, the Exporting Party's Aircraft Statement of Conformity (EASA Form 52 / CAA Form 52).

ARTICLE 19

Used aircraft

1. For a used aircraft for which a Design Certificate was granted by the Importing Party, the Competent Authority of the State of Registry from which the Product is exported shall issue an Export Certificate of Airworthiness certifying that the aircraft:
 - (a) conforms to a type certificate accepted automatically or validated by the Importing Party in accordance with this Annex;
 - (b) is in a condition for safe operation, including compliance with all applicable airworthiness directives of the Importing Party, as notified by that Party;
 - (c) has been properly maintained using approved procedures and methods during its service life, as evidenced by logbooks and maintenance records; and
 - (d) meets all additional requirements prescribed by the Importing Party, as notified by that Party.
2. Used aircraft may be exported only if a holder of a type certificate, a restricted type certificate, or a type certificate for restricted category exists to support continued airworthiness of that aircraft type.
3. For used aircraft manufactured under its production oversight system, each Party agrees to assist, upon request, the other Party in obtaining data and information regarding:
 - (a) the configuration of the aircraft at the time it left the manufacturer; and
 - (b) subsequent changes and repairs applied to the aircraft that it has approved.

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4. The Importing Party may request inspection and maintenance records as detailed in the Technical Implementation Procedures.
5. If, in the process of assessing the airworthiness status of a used aircraft considered for export, the Competent Authority of the Exporting Party is unable to satisfy all of the requirements specified in paragraphs 1, 3 or 4, it shall:
 - (a) notify the Competent Authority of the Importing Party;
 - (b) coordinate, with the Competent Authority of the Importing Party as specified in the Technical Implementation Procedures, their acceptance or rejection of the exceptions to the applicable requirements; and
 - (c) keep a record of any accepted deviations when exporting the Product.

ARTICLE 20

New Products excluding complete aircraft

1. As detailed in the Technical Implementation Procedures, the Competent Authority of the Exporting Party, or the approved production organisation, as applicable, shall issue an Authorised Release Certificate (EASA Form 1 or CAA Form 1, as appropriate), certifying that a new Product (excluding complete aircraft):
 - (a) conforms to design data approved by the Importing Party;
 - (b) is in a condition for safe operation; and
 - (c) meets all additional requirements prescribed by the Importing Party, as notified by that Party.
2. Subject to the provisions of Articles 16 and 17 of this Annex, the Importing Party shall accept the exporting Party's Authorised Release Certificate.

SECTION F

CONTINUED AIRWORTHINESS

ARTICLE 21

Unsafe conditions

1. The Competent Authorities are committed to address unsafe conditions in Products for which they are the Certifying Authority.
2. Upon request, a Competent Authority from one Party shall, in respect of Products designed or manufactured under its design or production system, assist the Competent Authority of the other Party, in determining any action considered to be necessary for the continued airworthiness of the Products.
3. When service difficulties or other potential safety issues affecting a Product within the

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scope of this Annex lead to an investigation conducted by the Certifying Authority, the Competent Authority of the other Party shall, upon request, support this investigation and exchange relevant information reported by its respective regulated entities on failures, malfunctions, defects or other occurrences affecting this Product.

4. The reporting obligations from the certificate holder to the Certifying Authority and the information exchange mechanism established by this Annex shall be considered to fulfil the obligation of each certificate holder to report failures, malfunctions, defects or other occurrences to the Validating Authority.
5. Actions to address unsafe conditions and exchange of safety information referred to in paragraphs 1 to 4 shall be defined in the Technical Implementation Procedures.

ARTICLE 22

Airworthiness information exchange between Competent Authorities

1. The Competent Authorities of each Party shall keep the other informed of all mandatory continuing airworthiness information in relation to Products designed or manufactured under each other's oversight system and which are within the scope of this Annex.
2. Any changes to the airworthiness status of a certificate issued by either Party's Competent Authority shall be communicated as soon as possible to the other Party's Competent Authority.

SECTION G

QUALIFICATION OF COMPETENT AUTHORITIES

ARTICLE 23

Qualification requirements for the acceptance of findings and certificates

1. Each Party shall maintain a structured and effective certification and oversight system for the various activities within the scope of this Annex, including:
 - (a) a legal and regulatory structure, ensuring in particular regulatory powers over regulated entities;
 - (b) an organisational structure, including a clear description of responsibilities;
 - (c) sufficient resources, including appropriately qualified staff with sufficient knowledge, experience and training;
 - (d) adequate processes documented in policies and procedures;
 - (e) documentation and records; and
 - (f) an established inspection programme ensuring a uniform level of implementation of the legal and regulatory framework among the various components of the oversight system.

ARTICLE 24

Continued competence of the Competent Authorities

1. In order to maintain mutual confidence in each other's regulatory systems concerning the implementation of this Annex so that they ensure a sufficiently equivalent level of safety, the Technical Agent of each Party shall regularly assess the other Party's Competent Authorities' compliance with the qualification requirements referred to in Article 23.1. The modalities of such continued mutual assessments shall be detailed in the Technical Implementation Procedures.
2. The Competent Authority of a Party shall cooperate with the Competent Authority of the other Party whenever such assessments are required and ensure that regulated entities subject to its oversight provide access to the Technical Agents of the Parties.
3. If the Technical Agent of either Party believes that the technical competence of a Competent Authority of the other Party is no longer adequate, or that the acceptance of findings or certificates issued by that Competent Authority should be suspended, the Technical Agents of the Parties shall consult in order to identify remedial actions.
4. If confidence is not restored through mutually acceptable means, either Technical Agent may refer the matter to the COB.
5. If the matter is not resolved at the level of the COB, either Party may refer the matter to the ASC in accordance with Article 15 of the Agreement.

SECTION H

COMMUNICATIONS, CONSULTATIONS AND SUPPORT

ARTICLE 25

Communications between Competent Authorities

All communications between the Competent Authorities, including documentation as detailed in the Technical Implementation Procedures, shall be in the English language.

ARTICLE 26

Technical consultations

1. In accordance with Article 15 of the Agreement, the Technical Agents shall address issues associated with implementation of this Annex through consultation.
2. If a mutually acceptable solution is not reached through the consultations held in accordance with paragraph 1, the Technical Agent of each Party may refer the issue referred to in paragraph 1 to the COB.
3. If the issue is not resolved by the COB, each Party may refer the issue referred to in paragraph 1 to the ASC.

ARTICLE 27

Technical Support

1. Upon request, after mutual agreement, and as resources permit, the Competent Authority of a Party may provide technical support, data and information to the Competent Authority of the other Party in certification and continued airworthiness oversight activities related to design, production and environmental certification. The support to be provided and the process for providing such support shall be described in the Technical Implementation Procedures.
2. Support requested and provided under paragraph 1 does not affect other data and information exchange obligations set out in this Annex.
3. As detailed in the Technical Implementation Procedures, support may include, but shall not be limited to, the following:
 - (a) determination of compliance;
 - (b) monitoring and oversight;
 - (c) loans and secondments of personnel;
 - (d) training opportunities; and
 - (e) involvement in research projects.
4. Support may also be requested in relation to the import of used aircraft that were previously exported from either Party. Each Party's Competent Authority may assist the other Party's Competent Authority, in obtaining information regarding the configuration of the aircraft at the time it was exported.

ANNEX 2

AVIATION MAINTENANCE

ARTICLE 1

Scope

1. This Annex applies to maintenance organisations and personnel which perform maintenance on Civil Aeronautical Products.
2. This Annex concerns the recognition of certificates, findings of compliance, approvals, documentation, and technical assistance regarding approvals and monitoring in the field of aircraft maintenance for aircraft and components intended for installation thereon.

ARTICLE 2

Definitions

1. For the purposes of this Annex, the following definitions apply:

“Agreement” means the Agreement on Civil Aviation Safety between the United Kingdom of Great Britain and Northern Ireland and the European Union, its annexes and any amendments thereto;

“Aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than reactions of the air against the earth’s surface;

“Civil Aeronautical Product” (hereinafter referred to as ‘Product’) means any civil aircraft, aircraft engine, or propeller; or sub-assembly, appliance, part or component, installed or to be installed thereon;

“Competent Authority” means an official body responsible for aviation safety that is designated by a Party for the purposes of the Agreement to exercise a legal right to assess the compliance and to monitor the use of Products, services, operations or

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certificates within a Party's jurisdiction, and that may take enforcement action to ensure they comply with applicable legal requirements within that Party's jurisdiction;

"Maintenance" means any one or combination of the following activities: overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

"Modification" means a change affecting the construction, configuration, performance, environmental characteristics, or operating limitations of a Product;

"Organisation" means a natural person, a legal person or part of a legal person;

"Principal place of business" means the head office or the registered office of the undertaking within which the principal financial functions and operational control of the activities referred to in this Annex are exercised;

ARTICLE 3

Applicable legislation

1. The Parties agree that, for the purposes of this Annex, compliance with each Party's applicable legislation relating to maintenance amounts to compliance with the applicable legislation of the other Party.
2. The Parties agree that, for the purposes of this Annex, each Party's Competent Authorities' certification practices and procedures provide for an equivalent proof of compliance with the requirements referred to in the previous paragraph.
3. Where the Parties' maintenance requirements differ, the differences shall be addressed by way of special regulatory requirements as outlined in Article 9 of this Annex.
4. The Parties agree that, for the purposes of this Annex, the respective standards of the Parties concerning licensing of maintenance personnel are the same.

ARTICLE 4

Maintenance Oversight Board

1. A technical coordination body called the Joint Maintenance Coordination Board ('JMCB'), accountable to the Aviation Safety Committee ('ASC') of the Parties, is hereby established under the co-chairmanship of the Technical Agents. The JMCB shall be responsible for the effective functioning and implementation of this Annex. It shall be composed of representatives from the Technical Agent of each Party.
2. The JMCB shall meet at regular intervals upon the request of either Technical Agent and take decisions and make recommendations by consensus. It shall establish its own rules of procedure.
3. The JMCB may invite additional participants to facilitate the fulfilment of its mandate.
4. The mandate of the JMCB shall include, in particular:

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- (a) developing, adopting and revising the Maintenance Annex Guidance referred to in Article 5;
 - (b) evaluating any regulatory changes in the Parties to ensure that the requirements detailed in the Maintenance Annex Guidance remain current;
 - (c) contributing to minimise the differences in the regulatory systems, standards and maintenance procedures of the Parties;
 - (d) ensuring both Parties apply this Annex and its implementation procedures in a consistent manner;
 - (e) sharing information on any safety concerns and, where appropriate, developing action plans to address them;
 - (f) resolving any differences on technical issues falling within the responsibilities of the Competent Authorities affecting the implementation of this Annex, including differences that may arise out of the interpretation of this Annex;
 - (g) where appropriate, developing effective means for cooperation, to include research and development, training, secondment opportunities, technical support, exchange of information and organise, as appropriate, reciprocal participation by one Party in the other Party's internal standardisation or quality control audits; and
 - (h) proposing amendments to this Annex to the ASC.
5. The JMCB shall report unresolved issues to the ASC and ensure the implementation of decisions taken by the ASC in relation to this Annex.

ARTICLE 5

Implementation

1. Subject to the terms of this Annex, the Parties agree that their Competent Authorities shall accept inspections and monitoring of maintenance organisations made by the Competent Authorities of the other Party.
2. The JMCB shall develop working procedures within a document entitled the "Maintenance Annex Guidance" to facilitate the implementation of this Annex, notably by defining the interface requirements and activities between the Competent Authorities.
3. The Maintenance Annex Guidance shall address any differences between the Parties' oversight systems and regulatory requirements.

ARTICLE 6

Maintenance organisation approval

1. Any maintenance organisation which has its principal place of business in one Party and has been certified by a Competent Authority of that Party to perform maintenance

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functions shall be required to have a supplement to its maintenance manual in order to comply with the requirements set out in the Maintenance Annex Guidance.

2. Recognition of an approval certificate pursuant to paragraph 1 shall apply to the maintenance organisation at its principal place of business, as well as at its other locations in third countries that are identified in the relevant manual and are subject to the direct oversight of that organisation's Competent Authority. For the avoidance of doubt this excludes locations in the territory of the Parties themselves.
3. A Party, through its Competent Authority, shall promptly notify the other Party of any changes to the scope of the approvals it has issued in accordance with paragraph 1 including revocation or suspension of the approval.

ARTICLE 7

Investigation and enforcement action

1. Each Party, through its Technical Agents, and where applicable, the Competent Authorities, shall notify each other promptly of any investigation and any level 1 findings within the scope of this Annex by a maintenance organisation under the regulatory control of the other Party.
2. The notification shall be sent to the other Party's appropriate contact point identified in the Maintenance Annex Guidance.
3. In case of disagreement between the Parties on the effectiveness of the action taken, the notifying Party may require the other Party to take immediate action to prevent the organisation from performing maintenance functions on Products under its regulatory oversight. Should the other Party fail to take such action within 15 working days of the request by the notifying Party, the powers granted to the Competent Authority of the other Party under this Annex shall be suspended until the issue is satisfactorily resolved by the JM CB, in accordance with the provisions of the Annex. Until the JM CB issues a decision on the matter, the notifying Party may take any measure it deems necessary to prevent the organisation from performing maintenance functions on Products under its regulatory oversight.

ARTICLE 8

Technical assistance

1. The Parties, where appropriate through their Competent Authorities, shall provide technical evaluation assistance to each other, upon request.
2. Types of assistance may include, but are not limited to, the following:
 - (a) monitoring and reporting regarding continued compliance with the requirements described in this Annex by maintenance organisations under the jurisdiction of either Party;
 - (b) conduct of and reporting on investigations; and
 - (c) technical evaluation.

ARTICLE 9

Special regulatory requirements

The recognition by one Party of a maintenance organisation under the jurisdiction of the other Party pursuant to Article 6 shall be based upon the maintenance organisation adopting a supplement to its maintenance manual which shall, at a minimum, provide the following:

- (a) a statement of commitment signed by the current accountable manager that the organisation will comply with the manual and its supplement;
- (b) that any Product under the jurisdiction of the other Party found to be in an un-airworthy condition shall be reported to the other Party and customer.