



Council of the
European Union

Brussels, 4 September 2020
(OR. en)

11003/19

Interinstitutional File:
2019/0066 (NLE)

AVIATION 144
RELEX 685
USA 56

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Bilateral Oversight Board under the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety, concerning Decision N° 0010 adopting Annex 3 to the Agreement

COUNCIL DECISION (EU) 2020/...

of ...

**on the position to be adopted on behalf of the European Union
within the Bilateral Oversight Board under the Agreement
between the United States of America and the European Community
on cooperation in the regulation of civil aviation safety,
concerning Decision N° 0010 adopting Annex 3 to the Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety¹ ('the Agreement') was approved on behalf of the Union by Council Decision 2011/719/EU² and entered into force on 1 May 2011.
- (2) One of the main aims of the Agreement is to improve the long-standing cooperative relationship between Europe and the United States in order to ensure a high level of civil aviation safety worldwide and to minimise economic burdens on the aviation industry and operators from redundant regulatory oversight.
- (3) Amendment 1³ to the Agreement extends the scope of Article 2.B of the Agreement to include, *inter alia*, personnel licensing and training, and has applied provisionally since 13 December 2017 in accordance with Article 3 of Council Decision (EU) 2018/61⁴.

¹ OJ L 291, 09.11.2011, p. 3.

² Council Decision 2011/719/EU of 7 March 2011 concerning the conclusion of the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety (OJ L 291, 9.11.2011, p. 1).

³ OJ L 11, 16.1.2018, p. 3.

⁴ Council Decision (EU) 2018/61 of 21 March 2017 on the signing, on behalf of the European Union, and provisional application of an amendment to the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety (OJ L 11, 16.1.2018, p. 1).

- (4) Article 5 of the Agreement, as amended, provides for the development of new Annexes to the Agreement on matters within its scope.
- (5) Both Technical Agents within the meaning of Article 1.F. of the Agreement, namely the European Union Aviation Safety Agency (EASA) for the European Union (EU) and the Federal Aviation Administration (FAA) for the United States of America (U.S.), proposed that the Bilateral Oversight Board adopt a Decision to develop a new Annex 3 to the Agreement to cover the reciprocal acceptance of findings of compliance and documentation, and the provision of technical assistance regarding private pilot licensing and compliance monitoring.
- (6) Allowing the simplified conversion of private pilot licenses and certain pilot ratings will provide the framework to ensure that pilots residing in the Union fly aircraft based on licences/ratings issued in accordance with EU regulations under the oversight of EU Member States' authorities and that they maintain and develop their qualifications in EU training organisations. In addition, it will bring significant practical benefits to a large number of pilots, residing in the Union and in the U.S., without compromising safety.
- (7) Article 19.C of the Agreement provides for individual Annexes to enter into force upon a decision of the Bilateral Oversight Board established pursuant to Article 3 thereof.

- (8) It is appropriate to establish the position to be adopted on the Union's behalf within the Bilateral Oversight Board in accordance with Article 4(3) of Decision 2011/719/EU, with regard to Decision N° 0010 of the Bilateral Oversight Board adopting Annex 3 on Pilot Licensing to the Agreement in accordance with Articles 3.C.7 and 19.C thereof.
- (9) The position of the Union within the Bilateral Oversight Board should therefore be based on draft Decision N° 0010 of the Bilateral Oversight Board and on the Joint Declaration,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the Bilateral Oversight Board, under Articles 3 and 19 of the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety ('the Agreement'), with regard to the adoption of a Bilateral Oversight Board Decision adopting Annex 3 to the Agreement, shall be based on draft Decision N° 0010 of the Bilateral Oversight Board, and on the signature of the Joint Declaration.¹

Article 2

After its adoption, the Decision of the Bilateral Oversight Board shall be published in the *Official Journal of the European Union*.

¹ See document ST 11004/19 on <http://register.consilium.europa.eu>.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at,

For the Council

The President
