

## ARRANGEMENTS

### CONCERNING THE DEVELOPMENT, THE ACCEPTANCE AND THE IMPLEMENTATION OF JOINT AVIATION REQUIREMENTS

#### WHEREAS

- The objects of ECAC (European Civil Aviation Conference) include the promotion of the safety of European civil aviation.
- ECAC may foster the conclusion and implementation of multilateral instruments by a number of its Member States in furtherance of its objectives.
- Some European civil aviation Authorities had started in 1970 to co-operate with a view to producing common "Joint Airworthiness Requirements" so as to facilitate certification of products built jointly in Europe, and the import and export of products within Europe.
- 13 European civil aviation Authorities have signed an "Arrangement concerning the development and the acceptance of Joint Airworthiness Requirements" referred to as the "Arrangements" of 1979.
- 12 European civil aviation Authorities have also signed a "Memorandum of Understanding on Future Airworthiness Procedures" referred to as the "MOU" of 1987.
- Some co-operation has already taken place for some products between European civil aviation Authorities to make jointly the technical findings needed for authorities to be satisfied that compliance with the applicable JAR has been demonstrated.

#### CONSIDERING

- The benefits of a European approach to obtain a high consistent level of safety and to establish a basis for fair competition both in Europe and world-wide.
- The duties of the States under their obligations as signatories of the Convention on International Civil Aviation dated 7th December 1944 (known as the "Chicago Convention").
- The objects of ECAC which provide a framework for co-ordinated activity in Europe in the field of civil aviation.
- The ECAC membership which includes all EC countries and the need to institute procedures consistent with those resulting from the EC Treaty and the Single European Act.
- The recommendations made by the European Parliament and the Council of Europe towards a more co-ordinated approach in European aviation safety.
- The requests put by the manufacturers and the strong support given by the manufacturers and the airlines to a move towards a joint integrated European approach in the field of civil aircraft safety.
- The support expressed in the MOU of 1987 for a more integrated structure to deal with civil aircraft safety in Europe.
- The ECAC decision to accept the Joint Aviation Authorities (JAA) as an associated body of ECAC.

The Directors General representing the civil aviation Authorities Party hereto have decided the following and intend to implement it, to the extent they are authorized under their national laws.

0) Definitions (for the purpose of these Arrangements)

- (a) (i) "product" means civil aircraft, engine, propeller or appliance;
- (ii) "appliance" means any instrument, equipment, mechanism, apparatus or accessory used or intended to be used in operating an aircraft in flight, which is installed in, intended to be installed in, or attached to a civil aircraft, but is not part of an airframe, engine or propeller;
- (iii) "component" means a material, or part of sub-assembly not covered by (i) or (ii) for use on civil aircraft, engines, propellers or appliances.
- (b) "Authority" means a civil aviation Authority Party hereto and "the Authorities" means all the civil aviation Authorities Party hereto.
- (c) "Findings" means that under the national laws and procedures, the applicant for a certification having shown compliance to the requirements, the Authority "finds" that compliance is achieved, i.e. makes the findings of compliance.
- (d) "Certification" (of a product, service, organization, person) means the legal recognition that such a product, service, organization or person complies with the applicable requirements. Such a certification comprises 2 activities :
- (i) the activity of checking that technically the product, service, organization or person complies with the applicable requirements; this activity is referred to as making the technical findings;
- (ii) the act of recognizing formally such compliance with the applicable requirements by granting a certificate, licence, approval or other document as required by national laws and procedures; this activity is referred to as making the legal findings.

Unless it is otherwise specified in the text, "certification" means certification to applicable JAR.

- (e) "Applicant" means a person or a company requiring certification from the Authorities for products, services, organizations or persons.
- (f) "Additional requirement for import" means a technical requirement that the Authority of a country in which an Applicant is seeking certification (the importing country) finds necessary to add to the technical requirements applied by the Authority of the country in which the Applicant has already obtained certification in order to obtain the safety level which would have been obtained if the product, service, organization or person had been certificated by the Authority of the importing country to its own applicable requirements.\*<sup>(1)</sup>
- (g) "Special condition" means any condition for a given product, service, person or organization that an Authority finds necessary to add to its current certification technical requirements to cover situations or characteristics not adequately covered for that product, service, person or organization by the current applicable certification requirements.\*<sup>(2)</sup>

\*<sup>(1)</sup> The "special conditions" defined in Article 4 of the Multilateral Agreement on Certificates of Airworthiness for Imported Aircraft of 22 April 1960 are included in this definition of additional requirements for import which corresponds to the definition contained in the bilateral agreements that most of the Authorities have with the United States of America.

\*<sup>(2)</sup> A special condition, as defined here, may, in the case of import, become an "additional requirement for import" as defined above, if no such requirement exists in the requirements applied by the Authority of the country of manufacture.

- (h) "sole code". A code is called a sole code if it is used exclusively by a country to certificate products, services, persons or organizations used by national operators (e.g.: aircraft registered in the country used by national operators, services provided to such aircraft, persons working for such aircraft or organizations contributing to their design, manufacture, maintenance or operation).

1) General

The Authorities commit themselves to co-operate in all aspects related to the safety of aircraft, in particular its design, manufacture, continued airworthiness, maintenance and operation to ensure that a high consistent level of safety is achieved throughout the Member States, to avoid duplication of work between the Authorities and to facilitate exchange of products, services and persons not only between the Authorities but also between the Authorities and others.

To that end they have joined as an associated body of ECAC called JAA (Joint Aviation Authorities) so as to develop, adopt and implement the Joint Aviation Requirements (JARs) and so as to make only once all the technical findings in those fields while each national Authority would still make the legal findings.

2) Functions of JAA

The Authorities will use the JAA to perform the following functions :

- (a) To further develop, with adequate consultation, and publish Joint Aviation Requirements (JARs) for the use of the Authorities in the field of design, manufacture, maintenance and operations as stated in Appendix 1; the JAA will also develop special conditions where applicable.
- (b) To define as soon as possible the general structure of the whole set of JARs and the scope of each JAR so that each Authority can adopt this structure and to work to remove as rapidly as possible any National Variants or national regulatory differences with the aim that each individual existing JAR becomes a uniform code for all JAA countries and no further national regulatory differences are applied.
- (c) To establish procedures based on the use of the Authorities' resources, that:
- (i) allow the use of only one set of technical findings in the field of design, manufacture, maintenance and operations for the benefit of and in a manner acceptable to all Authorities;
  - (ii) include practical measures for making the technical findings only once to the benefit of all Authorities (See Appendix 2). These measures may include acceptance of technical findings made by industry, where industry conforms to agreed approval standards;
  - (iii) cover the initial certification (of products, services, organizations or people) as well as the continuation of safety standards in service.
- (d) To establish administrative and technical procedures which would require a single administrative action from the applicant for each application and which would replace the currently existing national administrative documents by a single one valid under the national laws and procedures of each Authority.
- (e) To make (in accordance with the agreed procedures in paragraph 2(c)) the technical findings needed to show compliance with JARs.



- (d) Participate in the definition of procedures enabling the technical findings to be made only once in a way satisfactory to all Authorities.
- (e) Accept these procedures and use them exclusively when checking compliance with the JARs and use their best endeavours to provide experts within the JAA teams.
- (f) Make without undue delay the legal findings for those products, services, organizations or persons which have been found to comply with the relevant JAR (and, until they are removed, any remaining national regulatory differences).
- (g) Pay their share of the budget of the Central JAA (see paragraph 5) and use their best endeavours to provide staff for the Central JAA.

4) Organization and procedures

- (a) The JAA is controlled by a JAA Committee which works under the authority of the Plenary Conference of the ECAC and reports to the JAA Board of Directors General (hereinafter called the "JAA Board").
- (b) The JAA Board will consider and review the general policies and long-term objectives of the JAA. Its specific functions include in particular:
  - deciding upon questions concerning the relationship between the JAA and States, the EC, or international organizations;
  - deciding upon any amendments to these Arrangements in accordance with paragraph 9 below;
  - deciding upon the acceptance of new members of the JAA in accordance with paragraph 6(a) below;
  - deciding upon measures to be taken in case a member would not fulfil the duties and commitments implied by the signing of these Arrangements.

If such a case arises the following procedure applies:

- (i) a warning or statement of intent will be notified in writing to the member concerned;
  - (ii) the procedure will allow the member concerned to put his case (in writing or during a meeting);
  - (iii) the decision will not be made sooner than 8 weeks after the initial notification in writing;
  - (iv) any measure which would be taken directly against a member or which would revoke the privilege of easy exchange or recognition of a whole range of products or services or persons or organizations of the country of this member should be agreed by two-thirds of the JAA Board;
  - (v) the decision on the measures taken will also specify the date of effect.
- (c) The JAA Committee is composed of one member from each Authority. The JAA Committee will be responsible for the administrative and technical implementation of these Arrangements. Its specific functions are set out in Appendix 3.
  - (d) The relationship between the JAA and the ECAC will be in accordance with the ECAC constitution with regard to associated bodies of the ECAC.
  - (e) The JAA is staffed by experts of the Authorities seconded full-time or part-time and is served by the JAA Secretariat which replaces the former JAR Secretariat.

- (f) For the purpose of these Arrangements, the part of JAA consisting of people seconded full-time is called Central JAA.
- (g) The organization and structure of the JAA is defined and agreed by the JAA Committee.
- (h) The organization and structure can be amended by the JAA Committee on a two-thirds majority agreement.
- (i) The JAA Committee's powers under paragraphs 4(g) and 4(h) above do not extend to the organization and structure of the JAA Board and the JAA Committee itself.

5) Budget

- (a) The JAA will use its best endeavours to develop a scheme enabling the recovery of cost from the Applicants. It is intended that such a scheme will be introduced as soon as practicable and in any case within 5 years.
- (b) Until such scheme is defined:
  - the budget of the Central JAA is agreed each year and shared by the Authorities according to an agreed schedule (see Appendix 4);
  - each Authority commits itself to bear the cost and expenses of its experts participating in Study Groups or teams and will charge the Applicant according to its national practices, e.g. for certification, licences or approvals.

6) Membership

- (a) JAA membership is open to the civil aviation Authorities of ECAC Member States provided:
  - Either*
    - That Authority has signed the former Arrangements of 1979 and the MOU of 1987 before the signature date of the present Arrangements.
  - Or*
    - That Authority explains to the JAA its system, methods and practices in the field of design, manufacture, maintenance and operations; and
    - that Authority commits itself to the terms and duties as set out in these Arrangements including the procedures agreed by the JAA; and
    - its application is accepted by two thirds of the JAA Board.
- (b) The date of entry of application will be decided by the JAA Board when:
  - an adequate knowledge of the Applicant's practices has been acquired,
  - the changes necessary for the use of the JAR's within this State are made that would permit fairness to and consistency with other Parties allowing therefore the exchange of products, services or persons or reliance on organizations.
- (c) During the period before membership is obtained, the JAA will devote time and provide training and support as it does for its own full members.

7) Commencement of operation

These Arrangements come into operation:

- (a) as from 1 October 1990 for those signatory before 30 September 1990;
- (b) at a date mutually agreed for those new members once the conditions for membership have been met.

For the signatories of these Arrangements, they will replace the Arrangements concerning the development and the acceptance of Joint Airworthiness Requirements dated 21 March 1979, the Memorandum of Understanding on Future Airworthiness Procedures dated 19 June 1987 and the Arrangements concerning the Development, the Acceptance and the Implementation of Joint Aviation Requirements dated 6 December 1989.

8) Record of Parties

A record of the Authorities Party hereto will be kept by the ECAC Secretariat.

9) Amendment to these Arrangements

These Arrangements may be amended by the Authorities Party hereto at the relevant time.

Any Party can propose an amendment to these Arrangements.

Any proposal of amendment must be sent in writing to all Authorities. The decision of acceptance of an amendment requires a two-thirds majority of the JAA Board and can be made no sooner than 8 weeks after the initial written proposal has been sent.

When an amendment is approved, the Authorities will agree on the date on which the amendment will also enter into operation.

10) Appendices and Annexes

Further Appendices and Annexes can be added to the present Arrangements or amended by a two-thirds majority of the JAA Committee.

The procedure for proposing and amending Appendices and Annexes is defined by the JAA Committee.

Approved Annexes and Appendices and amendments thereto will be kept by the ECAC Secretariat.

11) Withdrawal

Except in the case of withdrawal due to the non-acceptance of an amendment (see para. 9 above), which may be immediate, any Authority may withdraw from these Arrangements by giving one year's written notice to the ECAC Secretariat which will inform the other Authorities of such withdrawal. Any Authority who withdraws from these Arrangements must commit itself to keeping, during the period set by the Joint Aviation Requirements, the archives related to work acceptable to all Authorities and making them available on request to the other Authorities.

For Civil Aviation Authority.....  
(Austria)

*Robert Fiedls*  
Director General  
*ad referendum*

For Administration de l'Aéronautique.....  
(Belgium)

*W. G. G. G.*  
Director General

For Department of Civil Aviation.....  
(Cyprus)

*Angelos*  
Director

For Civil Aviation Administration.....  
(Denmark)

*V. K. H. E. E.*  
Director General

For National Board of Aviation.....  
(Finland)

*L. L. L.*  
Director General

For Direction Générale de l'Aviation Civile.....  
(France)

*W. W.*  
Director General

For Federal Minister of Transport,  
Aviation & Space Division.....  
(Federal Republic of Germany)

*W. W.*  
Director General

For the Civil Aviation Authority.....  
(Greece)

*W. W.*  
Governor



For General Directorate of Civil Aviation.....  
(Hungary)

Director General

For General Directorate of Civil Aviation.....  
(Iceland)

Director General

For the Department of Tourism and Transport.....  
(Ireland)

Secretary

For Direzione Generale dell'Aviazione Civile.....  
(Italy)

Director General

*with reservation as to acceptance which will be effected by the deposit of an instrument of acceptance*

For Direction Générale de l'Aviation Civile.....  
(Luxembourg)

Director General

For Civil Aviation Administration.....  
(Malta)

Director

For Service de l'Aviation Civile.....  
(Monaco)

Chef du Service de l'Aviation Civile

For Rijksluchtvaartdienst.....  
(The Netherlands)

Director General

For Civil Aviation Administration.....  
(Norway)

*Olav Rianway*  
Director General

For General Inspectorate of Civil Aviation.....  
(Poland)

*Fawcett*  
General Inspector

For Direction Générale de l'Aviation Civile.....  
(Portugal)

*Alentunes*  
Director General

For Dirección General de Aviación Civil.....  
(Spain)

*[Signature]*  
Director General

For Luftfartsverket.....  
(Sweden)

*[Signature]*  
Director General

For Federal Office for Civil Aviation.....  
(Switzerland)

*Max Verculbach*  
Director

For General Directorate of Civil Aviation.....  
(Turkey)

*[Signature]*  
Director General

For the Aeronautical Authorities.....  
(United Kingdom)

*[Signature]*  
Under Secretary  
International Aviation Directorate  
Department of Transport

Cyprus, 11 September 1990 11

For Department of Civil Aviation.....  
(Yugoslavia)

*M. S. K. K.*  
Assistant President for Civil Aviation

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11 ter  
Cyprus, 11 September 1990  
Addendum  
Paris, 1 July 1998

For General Department of Civil Aviation  
(Armenia)

Director General



For Civil Aviation Administration  
(Estonia)

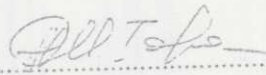
Director General

For Civil Aviation Administration  
(Latvia)



Director General

For State Administration of Civil Aviation  
(Moldova)



Director General

For Directorate General of Civil Aviation  
(The former Yugoslav Republic of Macedonia)

Director General





APPENDIX 1 to the Arrangements

DEVELOPMENT AND PUBLICATION OF REQUIREMENTS

- (a) The Authorities will co-operate to produce common comprehensive and detailed requirements, and where necessary acceptable means of compliance with and interpretations of them, referred to as "Joint Aviation Requirements" (JARs).
- They will also co-operate to define special conditions and to agree on the applicable additional requirements for import.
- (b) Those requirements will cover all the fields related to aircraft safety and safe operation of aircraft, in particular:
- The design and manufacture of products and components.
  - The maintenance and the operation of those products, appliances and components.
  - The competence of persons and organizations responsible for the design, manufacture and maintenance of products, appliances and components and for the operation of aircraft.
- (c) The Authorities will also co-operate to produce administrative requirements, also referred to as Joint Aviation Requirements (JARs) and administrative procedures, so that any applicant can finally use one single administrative document and one set of procedures and practices for any application to one of the Authorities.
- (d) The JAA in developing the JARs will:
- take into account the duties and obligations under the Chicago Convention;
  - consult the Parties to whom those requirements would be applied;
  - take into account other aviation codes so as to facilitate exchange of products, services or persons or reliance on organizations, between the JAA countries and other countries in the world.
- (e) The Authorities will make available the necessary experts who will meet and organize their work according to the procedures agreed by the JAA Committee.
- (f) The JAA will publish the Joint Aviation Requirements (JARs) with corresponding effectiveness dates.

APPENDIX 2 to the Arrangements

JOINT IMPLEMENTATION OF IAR AND  
JOINT PERFORMANCE OF CERTIFICATION

- (a) The Authorities will make all necessary arrangements so that any technical finding in the field of design, manufacture, maintenance or operations can be made only once for the benefit of, and in a way acceptable to, all member Authorities.

In doing so, the JAA will take into consideration the needs of all Authorities and agree priority criteria and working methods which allow the performance of the work in an acceptable timescale.

- (b) The technical work considered is mainly the gathering of all technical findings needed for the different certifications, e.g. the issuance of type certificates, certificates of airworthiness, certificates of conformity, licences, approvals and authorizations of persons, organizations or airlines, approvals of manuals.

This will embrace in the end all activities in the field of airworthiness, continued airworthiness, maintenance and operation.

- (c) The JAA may, for specific cases, exclude some applications from this general scope when they feel that the use of the national Authorities in succession might be more efficient (e.g. in cases such as catching up for old products).

- (d) The JAA will develop procedures of work for the different activities; it will consult the Authorities on these procedures and seek their acceptance - once accepted, these procedures will be deposited within ECAC as an annex to the present Arrangements.

- (e) In defining procedures in d) above, the JAA will take into account:

- the need for ensuring that requirements are applied fairly and consistently throughout the Parties,
- the need for an adequate response-time,
- the advantages of a step by step approach.

The JAA may consider such methods as:

- the creation of agreed teams to perform a task,
  - the standardization reviews by teams agreed,
  - the direct acceptance of work performed by one Authority,
  - the delegation to industry on the basis of agreed approval standards.
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APPENDIX 3 to the Arrangements

ORGANISATION OF THE JAA

1. General

The JAA has been accepted, by decision of the Directors General of Civil Aviation of ECAC Member States on 6th December 1989, as an associated body of ECAC in accordance with Articles 1(4) and 4(2) of the ECAC Constitution.

The JAA is controlled by a JAA Committee. This JAA Committee reports to the JAA Board.

The JAA is served by staff seconded full-time or part-time from the Authorities Party to the Arrangements.

2. JAA Board

The functions of the JAA Board are set out in paragraph 4(b) of the Arrangements.

3. JAA Committee

The JAA Committee is established by the Authorities. Each Authority shall nominate a delegate who may have alternates and advisers.

The JAA Committee will perform the following functions:

- (a) Making arrangements for the preparation of JARs for products, services, organizations, persons, to cover the whole field of design and manufacture of products, of their continuing airworthiness, their maintenance, their operation.
- (b) Making arrangements for the publication of JARs.
- (c) Making arrangements for the adoption of these JARs throughout the member Authorities.
- (d) Making arrangements for the implementation of these JARs throughout the member Authorities.
- (e) Seconding people to the JAA, either the Central JAA or to teams, working groups, committees, set up to perform the tasks of the JAA.
- (f) Estimating the cost of the Central JAA for each financial year in accordance with the provisions of Appendix 4 and making the necessary arrangements for the control of this cost.

The JAA Committee may make specific provisions for organization of the work. It may create an Executive Board. It may also work jointly with the different Parties to whom the Joint Aviation Requirements are applied and may therefore create a JSA (Joint Steering Assembly) and different Joint Boards which may include appropriate industry representatives.

It may also delegate part of its functions to the Directors appointed in the Central JAA.

4. JAA

The JAA comprises staff who are seconded full-time or part-time by the Authorities. Those who are working full-time are called "Central JAA" and the others are members of Study Groups, Committees, teams, etc, which are set up for the purpose of performing the work of the JAA.

5. Central JAA

The central JAA comprises the JAA Secretariat, Certification Division, Regulation Division, and is likely in the future to have Maintenance and Operation Divisions.

The current structure and its trend of development in the future is shown in the chart herewith attached.

(a) Terms of Reference

(i) JAA Secretariat

The JAA Secretariat is responsible for administering the working arrangements adopted by the JAA Committee and generally for facilitating the implementation of these Arrangements including liaison and co-ordination with the ECAC Secretariat.

The JAA Secretariat is also responsible for organizing the co-ordination between the different bodies - JAA Board, JAA Committee, JSA, Executive Board, Joint Boards - and between the different divisions of the Central JAA.

It is also responsible for servicing the above Committees and Boards.

(ii) Certification Division (in the field of design and manufacture)

The Certification Division is responsible for making proposals for working procedures, for implementing the Joint Aviation Requirements and for minimizing the duplication of technical work throughout the member Authorities.

It is also responsible for the consistent application of these agreed procedures to actual exercises.

The Certification Division is also responsible for performing tasks as requested by the Executive Board.

(iii) Regulation Division

The Regulation Division is responsible for making arrangements and providing liaison as necessary with Chairmen and Secretaries of the Technical Study Groups for the production of new codes or amendments to existing codes. It is also finally responsible for the production, editing, and distribution of the Joint Aviation Requirements and amendments thereto.

It is also responsible for performing tasks as requested by the Executive Board.

(b) Terms and Conditions

Until some alternative proposal is agreed by a two-thirds majority of the JAA Committee, the Central JAA is composed of persons who are seconded full-time by the Authorities:

- (i) Each of the staff will remain an employee of the Authority providing him and will be subject to the conditions of employment (including pay and annual leave) determined from time to time by that Authority.
- (ii) However, the staff will be responsible directly, or through any Director of the Central JAA, to the JAA and not to the Authority by whom they are provided.
- (iii) In the event of any member of staff being unable to attend work for any reason normally acceptable to the Authority providing him, no substitute staff will be provided. If such absence becomes protracted (e.g. due to prolonged sickness) the matter will be dealt with in discussion, having regard to the progress of work, the possible provision of substitute staff and any adjustment in charges that may be appropriate.
- (iv) The personnel of the Central JAA will be selected to the satisfaction of the JAA.

(c) Facilities

- (i) Until some alternative proposal is agreed by a two-thirds majority of the JAA Board, the Central JAA will be housed by one of the Authorities.
- (ii) The Authority housing the Central JAA will provide office accommodation and all related facilities, including all normal communications for the staff of the Central JAA and the Authorities will meet any travelling costs they may incur within Europe in the course of their normal duties on behalf of the JAA and any other travel made with the agreement of the JAA Committee or its Executive Board.

6. "Non-Central" JAA : Teams and Working Groups

The teams and working groups are made up of people seconded part-time by the Authorities to the JAA. Though they remain employees of the Authorities who have provided them they are responsible, while performing their function within the JAA, to the JAA Committee (either directly or through a Director or through the Executive Board).

7. Relationship with European Civil Aviation Conference (ECAC)

The JAA is an associated body of ECAC. As such the coordination between JAA and ECAC will be organized in accordance with the ECAC Constitution.

8. Relationship with European Community

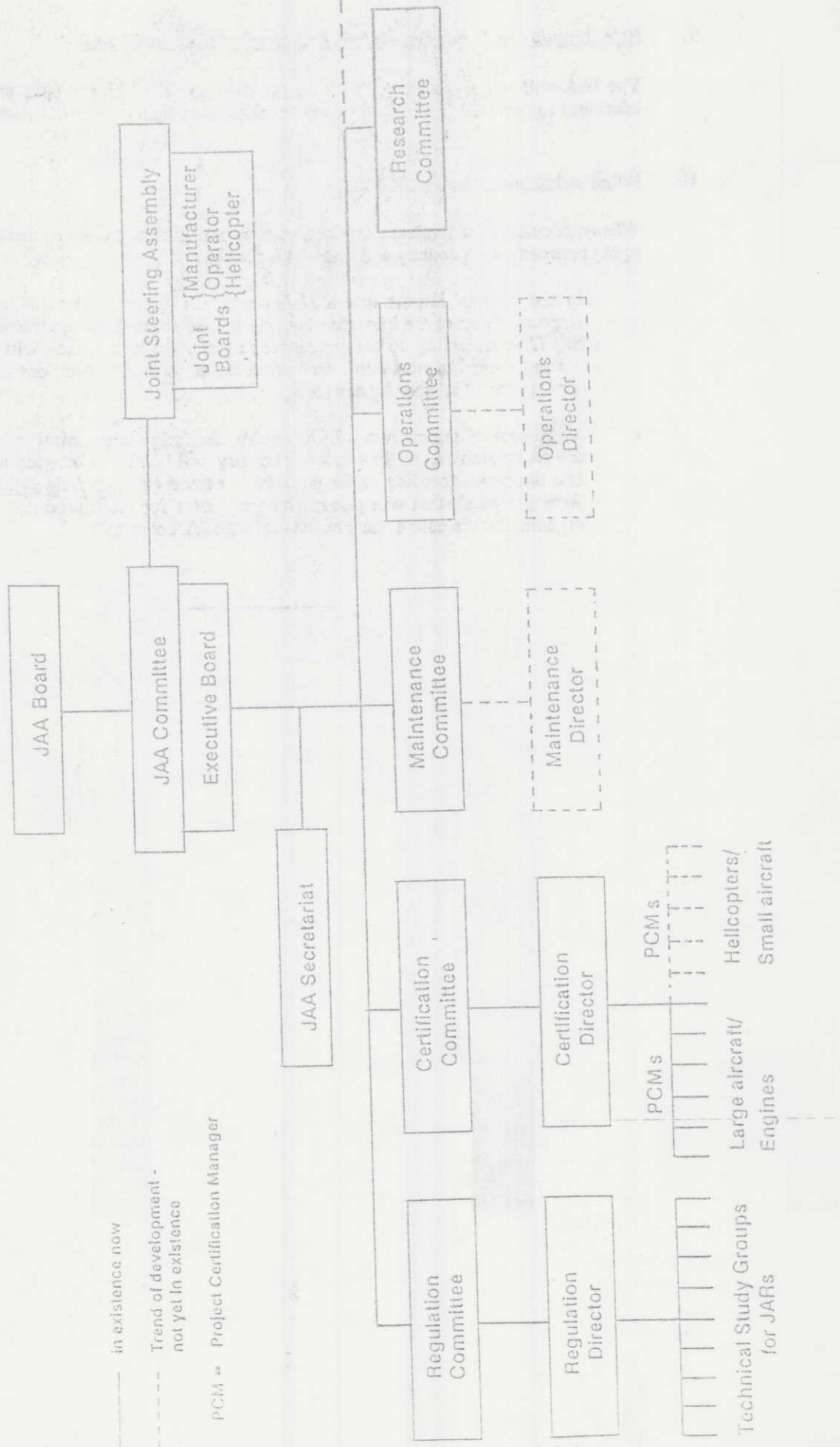
The relationship between JAA and the European Community will be handled within the framework of relations between ECAC and the European Community. The JAA may act directly in relationship with European Community when instructed by the JAA Board (see paragraph 4(b) of the Arrangements).



ECAC

Associated body of

JOINT AVIATION AUTHORITIES - JAA



— in existence now

- - - - - Trend of development - not yet in existence

PCM \*\* Project Certification Manager

Technical Study Groups for JARs

Large aircraft/  
Engines

Helicopters/  
Small aircraft

