Council Decision (EU) 2020/1698 of 12 October 2020 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 No 0011 adopting Annex 4 to the Agreement

COUNCIL DECISION (EU) 2020/1698

of 12 October 2020

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 No 0011 adopting Annex 4 to the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 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 safety[(1)] ('the Agreement') was approved on behalf of the Union by Council Decision 2011/719/EU[(2)] 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 1[(3)] 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) 2018/61[(4)].

(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.), have proposed that the Bilateral Oversight Board adopt a Decision to develop a new Annex 4 to the Agreement to cover the reciprocal acceptance of findings of compliance and documentation for Flight Simulation Training Devices ('FSTD').

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/1698. (See end of Document for details)*

(6) Developing the new Annex will generate savings for both Technical Agents and, at the same time, reduce costs for industry (FSTD operators) and subsequently, air carriers will profit from increased access to FSTD for their pilots.

(7) Article 19.C of the Agreement provides for newly developed 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 No 0011 of the Bilateral Oversight Board adopting Annex 4 on Flight Simulation Training Devices 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 No 0011 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 4 of the Agreement, shall be based on draft Decision No 0011 of the Bilateral Oversight Board, and on the signature of the Joint Declaration[(5)].

Article 2

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

Article 3

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

Done at Luxembourg, 12 October 2020.

For the Council

The President

J. BORRELL FONTELLES