

CHAPTER 6—FEDERAL AVIATION ADMINISTRATION/JOINT AVIATION AUTHORITIES HARMONIZATION

PURPOSE

This chapter provides working group members with specific information to enable them to participate in the Federal Aviation Administration (FAA)/Joint Aviation Authorities (JAA) harmonization process. This chapter supplements the information for working group members in chapter 5.

Note: The functions of the JAA will be transferred to a new European Aviation Safety Agency in 2003.

GENERAL INFORMATION ABOUT HARMONIZATION AND THE JAA

Harmonization

The goal of harmonization is to ensure that, wherever possible, regulations affecting domestic and foreign parties do not require those parties to operate or manufacture to different standards for each country involved.

The FAA and JAA are harmonizing (where possible) the regulations and requirements and associated advisory material related to—

- Civil aircraft and related parts and products design and manufacture, operation, and maintenance;
- Aircraft and aircraft engine noise and emissions; and
- Flight crewmember licensing.

Harmonization is a joint rulemaking approach established between the FAA and the JAA to coordinate and develop regulations and associated advisory material mutually acceptable to the FAA and the JAA.

Role of the JAA in Harmonization

The JAA is an associated body of the European Civil Aviation Conference representing the civil aviation regulatory authorities of a number of European countries. These countries have agreed to cooperate in developing and implementing common safety regulatory standards and procedures. This cooperation is intended to provide high and consistent standards of safety and a level playing field for competition in Europe.

The JAA also places emphasis on harmonizing the JAA requirements with those of the United States. Countries that have signed the “Arrangements Concerning the Development and the Acceptance of the Joint Airworthiness Requirements” and have full JAA membership are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Monaco, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

Role of ARAC in harmonization

The Aviation Rulemaking Advisory Committee (ARAC) is the mechanism used by the FAA and JAA to achieve harmonization during the June 1992 FAA/JAA Annual Meeting in Toronto, Canada. The FAA and the JAA subsequently developed the Harmonization Work Program.

ORGANIZATION OF A HARMONIZATION WORKING GROUP

A harmonization working group addresses harmonization tasks assigned to ARAC. A harmonization working group supports both ARAC and the JAA.

A harmonization working group consists of members from the FAA, the JAA, U.S. and European aviation industry organizations, and the public.

Two co-chairs (one from the United States and one from Europe) lead harmonization working group activities.

RESPONSIBILITIES OF A HARMONIZATION WORKING GROUP CO-CHAIRS

The responsibilities of the harmonization working group co-chairs are the same responsibilities described in chapter 5 for the working group chair. The responsibilities of a harmonization working group member are the same responsibilities described in chapter 5 for a working group member.

FAA/JAA HARMONIZATION PROCESS—HARMONIZATION WORKING GROUP

Task phase

The task phase for a harmonization working group is different from that of other working groups. During the task phase, the FAA and the JAA must first decide whether the task to be established should be part of the Harmonization Work Program. To have any task included in the Harmonization Work Program, the FAA submits its suggested task, through appropriate channels, to the Harmonization Management Team for review. The task statement must be in the format prescribed for harmonized Terms of Reference and be suitable for publication in the Federal Register. The Harmonization Management Team coordinates the task and, if appropriate, includes the task in the Harmonization Work Program.

Work plan/concept paper phase

In the work plan/concept paper phase, the harmonization working group presents its work plan and concept paper to ARAC issue area and the relevant JAA study group for review.

ARAC must accept and the JAA must concur with the work plan and concept paper. If ARAC does not accept or the JAA study group does not concur with the work plan and/or concept paper—

- The reasons for disapproval must be stated, and
- The harmonization working group must reconvene, address the objections, and adjust the work plan and/or concept paper for resubmission to the ARAC issue area.

Recommendation development phase

The harmonization working group must present its final recommendation document to ARAC and the JAA study group for acceptance. If ARAC does not accept the recommendation document, the document must be sent back to the harmonization working group for action.

For harmonization tasks there are simultaneous FAA/JAA reviews. The purpose of simultaneous reviews is to accept or reject the recommendation document based on the harmonization objectives stated in the harmonized Terms of Reference. The decision to accept the recommendation document is a joint FAA/JAA decision. If the reviews determine that the harmonization objectives have not been met, the FAA and the JAA send the recommendation document back to the harmonization working group.