

# BILATERAL AVIATION SAFETY AGREEMENT BETWEEN INDIA AND USA SOON

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## October 2010

The Directorate General of Civil Aviation (“**DCGA**”) and the Federal Aviation Administration (“**FAA**”) have initiated a bi-lateral process of certification of aeronautical products developed or produced in either India or the United States of America (“**US**”). This process will culminate into a Bilateral Aviation Safety Agreement (“**BASA**”) which will greatly facilitate trade in aero components and aeronautical products between the US and India. Two important activities towards achieving BASA that have been completed are (a) the technical assessment of DCGA by the FAA in eleven specific areas and (b) a shadow certification where the work done by the DCGA was reviewed by the FAA, and the FAA has so far been satisfied with the DCGA.

**PSA’s view:** The implementation of the BASA will provide a great boost to the Indian aviation sector in the US as well as globally. By bringing in the BASA, Indian manufactured aeronautical products will have world class certification, reducing the additional step of seeking airworthiness certificates in multiple jurisdictions. The BASA is a positive step towards streamlining the domestic certification procedures and systems with those applied and accepted internationally.

## **Divide between AERA and Civil Aviation Ministry over ANS tariffs**

AERA was established to fix aeronautical tariff at major airports; however the Civil Aviation Ministry (“**Ministry**”) has sought clarification from AERA for allegedly overstepping its mandate and fixing airport tariff at other airports. The Ministry considers that air navigation services (“**ANS**”) falls outside AERA’s purview since it is provided across the airports and is not limited to only major airports where AERA has jurisdiction. AERA, on the other hand, determines that aeronautical tariff includes ANS on the basis of airport operator’s cost and revenue and to bring consistency. AERA has suggested similarity of ANS charges for all airports i.e. in line with the 14 major airports since the infrastructure is common.

**PSA’s view:** There is always a sole ANS provider for any airspace. Given that AAI has sole control over Indian airspace, AAI has typically fixed the rate for ANS at all airports based on the investment on infrastructure and revenue generated from such airports. The current divide over the mandate over fixing is a natural result of the splitting of functions between AERA and AAI between major and other airports. In view of the fact that new navigation systems are intended to be used in India, it will be interesting to see whether AERA will prevail in this matter of ANS and will regulate this crucial feature as well.

## **Restriction on Mobile Phone use in Aircraft relaxed**

The DGCA has decided to allow passengers to use mobile phones after the aircraft lands and clears the runway. The DGCA has amended Rule 29B of the Aircraft Rules to provide for the use of mobile phones by passengers after the aircraft has landed and cleared the runway. However, use of mobile phones will remain prohibited during low-visibility conditions at the airport. The cabin crew in charge will make the announcement informing the passengers that use of mobile phones after landing of aircraft is permitted. So far, the use of mobile phones were allowed only after the aircraft came to a complete halt and boarding gates are opened. The purpose behind it was to ensure that mobile signals do not disturb the communication between the cockpit and the air traffic control. The new procedure would be implemented on October 22, 2010.

**PSA's view:** In most countries across the world, especially in North America and Western Europe, the use of mobile phones is permitted soon after the aircraft lands and exist the active runway. It is a positive step by DGCA to bring Indian carriers in line with these global practices.

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