



Working Arrangement

between

The Hong Kong Civil Aviation Department

and

The European Aviation Safety Agency

**on validation of certificates for civil aeronautical products,
parts and appliances**

The Hong Kong Civil Aviation Department (HKCAD) and the European Aviation Safety Agency (EASA) hereinafter referred to as the “Authorities”,

Considering the common interest of HKCAD and EASA to preserve aviation safety and environmental compatibility,

Willing to reduce the economic burden imposed on the aviation industry by avoiding redundant technical inspections, evaluations and testing,

Acknowledging the fruitful cooperation between EASA and HKCAD formalised on 5 October 2012 by the adoption of a Working Arrangement on cooperation in Supplemental Type Certifications and ETSO activities,

Considering that the present Working Arrangement does not affect the validity of the Working Arrangement on cooperation in Supplemental Type Certifications and ETSO activities,

Being entitled by their respective constituting acts to conclude Working Arrangements¹ in their field of competence,

Have agreed the present Working Arrangement:

1. PURPOSE AND SCOPE

- a) This Working Arrangement defines the working relationship between HKCAD and EASA to facilitate and accomplish the HKCAD validation of certificates issued by EASA in respect of civil aviation products (aircraft, engines and propellers), parts and appliances, for which EASA carries out, on behalf of the Member States of the European Union and other States participating in its activities, the functions and tasks of the State of Design². It also covers the issuance of export airworthiness documentation for individual products to be delivered to organisations under the oversight of HKCAD.
- b) This Working Arrangement does not in any way affect the legal responsibilities that HKCAD and EASA respectively have under international, EU and/or national law. The final validation decision will be entirely the responsibility of HKCAD, and HKCAD retains the final discretion to decide whether any certificate or approval may be issued under the laws of Hong Kong.

¹ For EASA, Article 27(2) to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (OJ L 79, 19.3.2008, p. 1.), as last amended. For HKCAD, the requirements for this Working Arrangement result from Hong Kong Aviation Requirements (HKAR-21), as last amended.

² The European third countries that participate in the activities of EASA under Article 66 of Regulation (EC) No 216/2008 are Iceland, Liechtenstein, Norway and Switzerland.

2. OBJECTIVES

This Working Arrangement intends to accomplish the following objectives:

- a) To define the working procedures under the respective responsibilities of each authority:
 - i. for the type certificate validation process;
 - ii. for subsequent post-type certificate validation activities, including changes and repair design approvals;
 - iii. for the validation of Supplemental Type Certificates (STC);
 - iv. for the validation of design approvals of parts and appliances;
- b) To define export airworthiness documentation for individual products to be delivered to Hong Kong.
- c) To co-operate on ensuring the continued airworthiness of civil aviation products, parts and appliances covered by this Working Arrangement.

3. COMMUNICATION

- a) A focal point will be assigned by each Authority to facilitate the implementation of this Working Arrangement. All routine communication will take place between these focal points (see Appendix). The list of focal points may be amended by exchange of letters.
- b) All communications between the Authorities related to this Working Arrangement will be made in the English language.
- c) EASA will be copied in the correspondence between the applicant and the HKCAD, where the applicant has given his consent for HKCAD to do so relating to the validation activities conducted under the provisions of this Working Arrangement, in order for EASA to support the HKCAD and the applicant where necessary.

4. TYPE CERTIFICATE VALIDATION PROCESS

4.1. General

Considering the equivalence of the systems of approvals of organisations provided by HKAR-21³ and Commission Regulation (EU) No 748/2012⁴, the demonstration of capability required in HKAR-21 for the issue of Type Certificates, Supplemental Type Certificates, approval of major changes and major repair design, and Hong Kong Technical Standard Order Authorisation (HTSOA) is considered to be established when EASA has issued a Design Organisation Approval (DOA), or an approval under alternative procedures to DOA, as appropriate, in accordance with the Commission Regulation (EU) No 748/2012.

4.2. Application

EASA will forward the application for validation and related information to HKCAD.

4.3. Type Certificate Validation

- a) EASA will assist the HKCAD in getting familiarised with the design of the product, including environmental protection, with the assistance of the EASA Type Certificate (TC) holder (applicant), and explain in particular the reasons for possible EASA special conditions and equivalent safety findings, as well as the process followed for their adoption.
- b) HKCAD will establish a certification basis for the product as including the EASA type certification basis plus any additional technical conditions imposed by HKCAD in order to comply with the HKCAD requirements. HKCAD will define these additional technical conditions on a case-by-case basis. HKCAD will notify in writing both EASA and the applicant of any additional technical conditions necessary for the HKCAD type validation.
- c) HKCAD will accept the findings and approvals of EASA, unless notified formally, as subjects to be retained against additional technical conditions defined under b).
- d) HKCAD will assist EASA in understanding and applying its additional technical conditions. Subject to availability of resources and the required technical expertise, EASA will assist HKCAD, upon request, in evaluating compliance with those additional technical conditions.

³ HKAR-21 - Certification of Aircraft and Related Products, Parts and Appliances, and of Design and Production Organisations, as last amended.

⁴ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisation (EASA Part 21), as last amended.

- e) HKCAD will make the compliance determination with its requirements and retains the final discretion to determine the issuance of a Hong Kong Type Certificate based on that determination.

5. SUPPLEMENTAL TYPE CERTIFICATE VALIDATION PROCESS

5.1 Application

EASA will forward the application for the STC validation and related information to HKCAD.

5.2 Supplemental Type Certificate Validation

- a) EASA will assist the HKCAD in getting familiarised with the design of the STCs with the assistance of the EASA STC holder (applicant) and explain, in particular, the reasons for possible EASA special conditions and equivalent safety findings, as well as the process followed for their adoption.
- b) HKCAD will establish a validation basis for the STC as including the EASA supplemental type certification basis plus any additional technical conditions imposed by the HKCAD⁵ in order to comply with the HKCAD requirements. The HKCAD will define these additional technical conditions on a case-by-case basis. HKCAD will notify in writing, both to EASA and to the applicant, of any additional technical conditions necessary for the HKCAD supplemental type validation.
- c) The HKCAD will accept the findings and approvals of EASA, unless notified formally, as subjects to be retained against additional technical conditions defined under 5.2.b).
- d) The HKCAD will assist EASA in understanding and applying its additional technical conditions. Subject to availability of resources and the required technical expertise, EASA will assist HKCAD, upon request, in evaluating compliance with its additional technical conditions. It may in this context, at the request of HKCAD, evaluate whether the data submitted by the EASA STC holder demonstrates compliance with the HKCAD additional technical conditions.
- e) The HKCAD will make the compliance determination with its requirements and retains the final discretion to determine the issuance of the Hong Kong Supplemental Type Certificate on the basis of that determination.

⁵ The additional technical condition may result from the evaluation of any equivalent safety finding included in the EASA type certification basis.

6. PARTS AND APPLIANCES

Unless specifically notified by HKCAD to EASA, ETSOA will be accepted by HKCAD for the purpose of issuance of any approvals under HKAR-21.

7. ACCEPTANCE OF CHANGES AND REPAIRS

- 7.1** Unless specifically notified by HKCAD to EASA, EASA approval for design changes and repairs issued by the Type Certificate Holder will be accepted by HKCAD for the purpose of issuance of any approvals under HKAR-21. For significant design changes affecting the original type certification basis, EASA will assist the HKCAD in getting familiarised with such design changes.
- 7.2** Unless specifically notified by HKCAD to EASA, EASA approval for minor repairs and minor design changes issued by an EASA approved design organisation (EASA DOA) will be accepted by HKCAD for the purpose of issuance of any approvals under HKAR-21.

8. AIRWORTHINESS SUPPORT ACTIVITIES

8.1. Individual product deliveries

- a) When required, each aircraft will be delivered to Hong Kong with an export certificate of airworthiness based on an individual 'EASA Form 52' issued in accordance with a Production Organisation Approval (POA) granted under Commission Regulation (EU) No 748/2012.
- b) A Flight Manual (FM) in the English language will be provided with each aircraft to be delivered to Hong Kong. The FM will be approved under the EASA system, upon confirmation by the HKCAD of their agreement of the relevant drafts.
- c) In the case of engines and / or propellers, an Installation Drawing and Manual, an Operating Instruction Manual as well as a Maintenance and Overhaul Manual in the English language will be provided for each engine and / or propeller to be delivered to Hong Kong. The above-mentioned documents will be in accordance with the approved type design, and the airworthiness limitations sections will be approved under the EASA system.
- d) Each engine and / or propeller will be delivered to Hong Kong with an individual 'EASA Form 1', issued in accordance with a POA granted under Commission Regulation (EU) No 748/2012, stating that the engine and / or propeller were manufactured in conformity with approved design data and are in a condition for safe operation.

- e) If applicable, each part and appliance will be delivered to Hong Kong with an individual 'EASA Form 1', issued in accordance with a POA granted under Commission Regulation (EU) No 748/2012.

8.2. Continued Airworthiness

- a) In accordance with the relevant provisions of ICAO⁶'s Annex 8 to the Chicago Convention⁷, EASA will inform the HKCAD of all mandatory airworthiness information necessary for maintaining the airworthiness of the products, parts and appliances, subject to this Working Arrangement.
- b) The HKCAD will promptly notify EASA and the applicant of any unsafe condition associated with the design or manufacturing of the products, parts and appliances which are in service in Hong Kong and for which EASA acts as the State of Design.
- c) In addition, the HKCAD will report information to EASA on specific occurrences⁸, as soon as practicable, and will assist EASA, if necessary, in analysing their effect on the safety of the products which are in service in Hong Kong. EASA will respond to specific question(s) of HKCAD on the continuing airworthiness of the product concerned.

9. TECHNICAL TRAINING

On request of the HKCAD and when EASA resources permit, EASA may provide technical training to HKCAD staff involved in the regulatory oversight activities in the fields covered by the present Working Arrangement. Provision of such training may be on a cost-recovery basis.

10. ENTRY INTO FORCE, INTERPRETATION, AMENDMENT, DURATION, TERMINATION AND FINAL PROVISIONS

10.1. Entry into force

This Working Arrangement shall enter into force at the date of signature by the Authorities' duly authorised representatives.

⁶ International Civil Aviation Organisation

⁷ International Convention for Civil Aviation, signed in Chicago, 1944.

⁸ For the purpose of this Working Arrangement, occurrences, means: An operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and has not resulted in an accident or serious incident.

10.2. Interpretation and amendment

- a) Any disagreement regarding the interpretation or application of this Working Arrangement will be resolved by consultation between the Authorities.
- b) In the case of conflicting interpretation of the laws, regulations, requirements, or acceptable means of compliance which cannot be resolved through consultations, the interpretation of the Authority whose law, regulation, requirement, or acceptable means of compliance is being interpreted, shall prevail.
- c) This Working Arrangement may be amended by mutual consent. Such amendments will be made in writing and will take effect at the date of the last signature of the Authorities' duly authorised representatives.

10.3. Duration and termination

- a) This Working Arrangement will remain in force until terminated by either Authority upon prior notice.
- b) Either Authority may at any time give written notice to the other Authority of its decision to terminate this Working Arrangement. This Working Arrangement will terminate three months after the receipt of the notice by the other Authority, unless the said notice has been withdrawn by mutual agreement before the expiry of the three months period.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto, have signed this Working Arrangement, in duplicate in English language in Hong Kong on 25 November 2014.

For the Hong Kong Civil Aviation
Department



Mr Norman Lo
Director-General of Civil Aviation

For the European Aviation Safety
Agency



Mr Patrick Ky
Executive Director

Appendix
Focal Points
(Issue 1)

For HKCAD:	For EASA:
Inquiries relating to this Working Arrangement should be addressed to: Chief, Airworthiness Standards awo@cad.gov.hk	Inquiries relating to the Agency's product certification should be addressed to: TC@easa.europa.eu
Inquiries relating to certification activities should be addressed to: Senior Airworthiness Officer (Certification) certification @cad.gov.hk	Inquiries relating to Design Organisation Approvals should be addressed to: doa@easa.europa.eu