



# EASA

European Aviation Safety Agency

# Product Certification and Design Organisation Approval Workshop

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# EASA

European Aviation Safety Agency

# Design Organisation Approval Certificate Transfer

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- This presentation
  - will highlight the experience and the interpretation given by the DOA Department in the recent past regarding cases of DOA transfer requests
  - does not intend to be exhaustive and to create additional guidance material
- Each case has to be considered specifically in the context of the particular situation



The DOA Certificate transferability provisions are contained in EASA Part 21, 21.A.249 and in the GM 21.A.249:

## 21.A.249 Transferability

Except as a result of a change in ownership, which is deemed significant for the purposes of point 21.A.247, a design organisation approval is not transferable.



# Regulatory basis – Part 21

For completeness:

## **21.A.247 Changes in design assurance system**

After the issue of a design organisation approval, each change to the design assurance system that is significant to the showing of compliance or to the airworthiness, operational suitability and environmental protection of the product, shall be approved by the Agency. An application for approval shall be submitted in writing to the Agency and the design organisation shall demonstrate to the Agency, on the basis of submission of proposed changes to the handbook, and before implementation of the change, that it will continue to comply with this Subpart after implementation.

**GM 21.A.247** details what should be considered as a significant change

**4 categories** are identified:

1. Changes to the Organisation
2. Changes to Responsibilities
3. Changes of Procedures
4. Changes to Resources



## GM 21.A.249 Transferability

1. Transfer of the approval would normally only be agreed in cases where the organisation itself remains substantially unchanged.

2. ...

3. ...

Unchanged = same resources leading to the same scope of work.



## GM 21.A.249 Transferability

1. ...
2. An acceptable transfer situation could be for example a change of company name (supported by the appropriate certificate from the National Companies Registration Office or equivalent) but with no changes to site address or Chief Executive. **However**, if the same legal entity were to relocate to new premises with a new Chief Executive **and/or** new departmental heads, then a substantial investigation by the Agency would be necessary such that the change would be classified as a re-approval.
3. ...

## GM 21.A.249 Transferability

1. ...

2. ...

3. In the event of receivership there may be good technical justification for continuation of the approval provided that the company continues to function in a satisfactory manner. It is likely that at a later stage the approval might be surrendered by the receiver **or** transferred to another legal entity in which case the former paragraphs apply.

Receivership such as in case of bankruptcy, insolvency or other equivalent legal process.



# EASA general understanding

A transfer of the DOA is possible only in case the organization itself remains substantially unchanged following a change of ownership

However there may be “borderline” cases!



# Cases (1)

Case	Description	New Company Registration?	Signif. Change or New DOA?
<b>DOAH bankrupt</b>	staff creating a new company (at a new site)	Yes	New DOA
<b>DOAH bankrupt</b>	staff "moving" to an existent company (not having DOA)	Yes	New DOA
<b>DOAH split</b>	The separate part of the Organisation will have a new company registration.	Yes	New DOA



# Cases (2)

Case	Description	New Company Registration?	Signif. Change or New DOA?
<b>DOAH split</b>	The existing DOA approval could be kept applying for the significant change if the company registration remain the same.	<b>No</b>	<b>SC</b>
<b>DOAH sold (new owner)</b>	no changes in the organisation	<b>No</b>	<b>SC</b>



# Cases (3)

Case	Description	New Company Registration?	Signif. Change or New DOA?
DOAH sold (new owner)	Changes affecting the legal entity (name, address)	YES	Evaluation by EASA
DOAH merging with another company	Changes affecting the legal entity (name, address)	YES	Evaluation by EASA
Change of ownership at the level of "parent" company	However the organisation is unchanged moving from a separate company of a group to a business unit / department.	YES	Evaluation by EASA



# Conclusion

- In general a DOA is not transferrable except as a result of a change in ownership. However each case has to be individually assessed.
- An accumulation of various significant events in the organisation changes (*such as change of site or Chief Executive or department heads*) can lead to a **substantial** change requiring (re-)approval
- (Re-)approval is a **new** approval that could be either:
  - a complete new investigation; or
  - a simplified new investigation



## Conclusion (cont'd)

- An application for either a SC or a New DOA is always needed
- The spirit of Part 21 and GM is considering the transfer of DOA as a situation with minimum increase of “entropy”
- It is therefore recommended:
  - to keep the transfer “event” as simple as possible, postponing to a later stage additional changes
  - to contact EASA (DOATL) at earliest stage before any definitive decision will be taken



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# Questions?

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