



ETSO Workshop 2007

Validation of ETSOAs by third countries

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European Aviation Safety Agency

Behind a validation

→ **VALIDATION** is based on a Bilateral Agreement (signed by the governments of two Countries) and subsequent working procedures set-up by the relative two Countries Airworthiness Authorities.



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What is a validation

→ **VALIDATION** is the "translation" of a ETSOA into the "language" of a third Country, and vice versa

→ **The result of this exercise could differ from the original certificate:**

- ✦ Something could be subtracted (an ETSOA becomes a TSO LODA)
- ✦ Something could be added (an ETSO-C39b becomes a TSO-C39c)

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Why a validation

→ **ETSOA, TSOA etc. are not mandatory; therefore their validation is an option viable for:**

- ✦ commercial reasons
- ✦ the privileges connected to.

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ANAC specific issues

- **ANAC Brazil accepts applications for validation of EASA ETSOAs even without a Working Arrangement**
 - ✦ Normal process as e.g. for FAA validations
 - ✦ EASA compliance statement to be added to data package from applicant
- **A mandate for negotiation of a bilateral agreement with Brazil is expected to be requested by the European Commission in the next year(s).**

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CAAC specific issues

- **A Working Arrangement between EASA and CAAC is under preparation to ease the administrative process for ETSOA validations by CAAC**
- **A first draft has been presented by EASA to CAAC on 26/10/2007 during a meeting in Beijing**
- **CAAC requested some changes, e.g. reciprocity and these changes are currently incorporated**
- **Potential signature 1st Quarter 2008**

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CAAC specific issues

- **Applications for validation in China must be accompanied by a specific CAAC Form which can be provided by EASA on request**
- **EASA intends to put in place a representative in Beijing**

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FAA specific issues

- **Applications which include Non-TSO functions**
 - ✦ **FAA letter to EASA dated 25/06/2007**

The FAA has recently received several Technical Standard Order (TSO) Letter of Design Approval (LODA) applications requesting FAA acceptance of non-TSO functions data. Unfortunately, we do not yet have the appropriate bilateral agreement authorization to accept such data.

However, we regret that we will not be able to consider additional approvals with acceptance of non-TSO functions data until the new aviation safety agreement is in place between the United States and the European Community. Referencing the guidance in FAA Notice N8150.4, Non-TSO Function(s) Integrated into TSO Articles, we must have a bilateral agreement with provisions to ensure the initial and continued validity of non-TSO data, or production and quality control, to ensure that the article conforms to the accepted non-TSO functions data. Also, the applicant must have a system to ensure that non-TSO functions design changes do not adversely impact the original TSO design.

We acknowledge that it is our intention to provide these privileges to EU applicants in the future and look forward to working with you to implement the non-TSO functions provisions once the new bilateral agreement is in force.

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FAA specific issues

- **This FAA position leads to the fact that several projects are being stuck even though they were applied for prior to the publication of the FAA Notice**
- **EASA tried to find a solution and to support EU applicants but so far without success**
- **Consequence**
 - ✦ EASA will not submit any new applications for FAA validation which include Non-TSO functions
 - ✦ EASA will not accept applications from US manufacturers which contain Non-TSO functions



FAA specific issues

- **Bilateral between Europe and the USA (1)**
 - ✦ The process for adoption of the Agreement at European level is almost finished. This creates the legal basis for the next step, the signature.
 - ✦ FAA argued, that due to the implementation of the new Fees & Charges regulation on 01/06/2007 the FAA will suspend the signing of the bilateral as they feel that the new F&C regulation put a disadvantage on US (non-EU) applicants
 - ✦ FAA and EASA are in contact on the issue of the F&C regulation



FAA specific issues

- **Bilateral between Europe and the USA (2)**
 - ✦ In the USA a legislative proposal on foreign repair stations was launched which might jeopardize any signature of the bilateral agreement as it would create additional administrative burden for the European side. For the time being no date for the signature has been agreed upon



TCA specific issues

- **A draft bilateral between Canada and the EU is currently discussed**
- **For Parts & Appliances it will have quite an impact as it foresees the automatic acceptance of each others approvals without any further involvement or issuing own approvals**
 - ✦ Some questions still need to be clarified
 - **Publication of Deviations**
 - **Continued Airworthiness**
 - **Fees & Charges**



Starting the process

- **Validating an ETSOA into a third Country certificate:**
 - ✦ Application (EASA Form 41)
 - ✦ specific CAAC Form (for China only)
 - ✦ Document package: Statement of Compliance, evidence of import, ...
- **Validating a third Country certificate into an ETSOA:**
 - ✦ Concurrence letter from the foreign Authority
 - ✦ Application (EASA Form 34)
 - ✦ Document package: DDP, Statement of Compliance (EASA Form 35), ...



Charges information

- **EASA charges** according to Commission Regulation (EC) No 593/2007 of 31 May 2007 articles 10 and 11:
 - ✦ for ETSOA to be validated
 - Effective hours spent for technical checks
 - Travel costs (if any)
 - ✦ for foreign certificates to be validated
 - A fixed sum related to the part value
- **EASA is not involved in the process for a Third Country validation fee payment, if any**



Deviations and Partial TSO

- **Deviations must be approved by EASA and by the Third Country as applicable**
- **Different policy between EASA and FAA on deviations:**
 - ✦ **EASA:**
the Equivalent Level of Safety can be demonstrated using operational or installation limitations
 - ✦ **FAA:**
the Equivalent Level of Safety "requires the compensating factors or features to be part of the appliance design".
An Equivalent Level of Safety supported by arguments from the Installer is not acceptable, and only a "Partial TSO for an Incomplete System" could be granted.



Minor Changes

- **Minor changes do not need be validated, pursuant the Bilateral Agreement, by the third Authority**
- **Amended Certificates as result of a Minor Change**
 - ✦ changing the p/n system,
 - ✦ adding a new p/n,
 - ✦ deleting a deviation**can be validated**



Non ETSO Functions

- Should be expressly foreseen by the Bilateral Implementation Procedures
- Examples already in place: ULDs, Cargo Loads, etc.
- Examples not covered by the Implementation Procedures: Active ULD



suggestions

- Early application
- Document package checked for completeness
- Courier awb no.



Questions

