

European Aviation Safety Agency

DECISION NO 2005/04/C OF THE EXECUTIVE DIRECTOR OF THE AGENCY

of 20/04/2005

on the acceptance of certification findings made by FOCA

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (hereinafter referred to as the “Basic Regulation”), in particular articles 4, 13(c) and 15(1)(2) thereof,

Having regard to the Commission Regulation (EC) No 1702/2003, of 24 September 2003, 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 organisations (hereinafter referred to as “Commission Regulation”), in particular its articles 3.2 and 4.2, and 21.A103 and 21A.437,

Whereas:

- (1) The Basic Regulation requires the Agency to issue type-certificates, supplemental type-certificates and to approve changes thereto, to products subject to that Regulation.
- (2) The Commission Regulation specifies the conditions for the Agency to issue approvals for changes and repair designs for products for which a type-certificate has been issued by the Agency in accordance with Annex I (Part 21) of the Commission Regulation or determined in accordance with article 2.3 of the Commission Regulation.
- (3) The Basic Regulation entitles the Agency to conduct technical inspections associated with products, parts and appliances certification through national aviation authorities or qualified entities; the Management Board of the Agency has adopted on December 2003 a decision defining the guidelines for the allocation of such certification tasks to national aviation authorities.

- (4) The Agency has signed the Cyprus arrangements on 25 November 2003, covering in particular the acceptance of technical findings made in accordance with common rules and procedures; these arrangements constitute the working arrangement required by the Management Board of the Agency for the allocation of certification tasks to a national aviation authority.
- (5) Switzerland fulfils the conditions for accreditation in the field of minor change and repair design approval specified by the Management Board of the Agency for the allocation of certification tasks to a national aviation authority.
- (6) The Commission Regulation describes the conditions under which Member States issue individual airworthiness certificates, in particular how proof of compliance of individual product with the type-certificate issued or determined by the Agency or in accordance with article 2.3 of the Commission Regulation shall be attested.
- (7) Switzerland has introduced in its legislation rules equivalent to Part 21 for the approval of design and production organisations and is subject to the JAA standardisation system providing for the acceptance of their certification findings under the Cyprus Arrangements.

HAS DECIDED:

Article 1

Approval of type-certificate holder's changes and repairs

An approval is hereby issued by the Agency to an organisation under the regulatory oversight of FOCA for:

- a minor change to a type design; or
- a repair design,

when:

- (a) such change or repair is of a product whose type-certificate:
 - (i) has been issued by the Agency in accordance with the Annex I (Part 21) of the Commission Regulation; or
 - (ii) is deemed to have been issued in accordance with article 2.3(a) of the Commission Regulation; or
 - (ii) has been determined by the Agency in accordance with article 2.3 of the Commission Regulation; and
- (b) this organisation is the holder of the type-certificate of the product; and
- (c) such change or repair has been approved by FOCA in accordance with procedures complying with the Cyprus arrangements.

Article 2

Approval of supplemental type-certificate holder's changes and repairs

An approval is hereby issued by the Agency to an organisation under the regulatory oversight of FOCA for:

- a minor change to a supplemental type-certificate; or
- a minor repair design related to a supplemental type-certificate

of a product whose supplemental type-certificate has been issued by the Agency or deemed to have been approved under the provisions of article 2.3(b) of the Commission Regulation, when:

- (a) this organisation is the holder of the supplemental type-certificate of the product; and
- (b) such change or repair has been approved by FOCA in accordance with procedures complying with the Cyprus arrangements.

Article 3

Approval of minor changes and repairs designed by legal or natural persons

An approval is hereby issued by the Agency to a legal or natural person under the regulatory oversight of FOCA for a minor change or a minor repair design of a product whose:

- (a) type-certificate:
 - (i) has been issued by the Agency in accordance with the Annex I (Part 21) of the Commission Regulation; or
 - (ii) is deemed to have been issued in accordance with article 2.3(a) of the Commission Regulation; or
 - (iii) has been determined by the Agency in accordance with article 2.3 of the Commission Regulation,
- (b) supplemental type-certificate:
 - (i) has been issued by the Agency; or
 - (ii) is deemed to have been approved under the provisions of article 2.3(b) of the Commission Regulation,

when such change or repair has been approved by FOCA in accordance with procedures complying with the Cyprus arrangements.

Article 4

Statements of conformity and authorised release certificates

It is hereby determined that the system of FOCA includes the same independent level of checking of compliance as provided by the Commission Regulation in the field of production.

Article 5

Final provisions

This Decision will remain into force as long as the Cyprus Arrangements on which it is based remain into force, unless the Executive Director determines that the conditions for the reciprocal acceptance of certification findings by FOCA are not met anymore.

Done at Köln, 20/04/2005

Patrick Goudou
Executive Director