



## Transfer, surrender, limitation, suspension and revocation of a product related certificate

**WI.CERT.00151-001**

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**DOCUMENT CONTROL SHEET****Reference documents****a) Procedures**

PR.CERT.00001 - Airworthiness of type design

**b) Internal documents**

WI.CERT.00005 – Decisions and signatures for certification

**Abbreviations/Definitions**

|                  |   |
|------------------|---|
| BASA             | Bilateral Aviation Safety Agreement               |
| Basic Regulation | Regulation (EU) 2018/1139                         |
| CT               | Certification Directorate                         |
| DOA              | Design Organisation Approval                      |
| EASA             | European Union Aviation Safety Agency             |
| ED               | EASA Executive Director                           |
| ETSO(A)          | European Technical Standard Order (Authorisation) |
| ICAO             | International Civil Aviation Organisation         |
| PCM              | Product Certification Manager                     |
| POA              | Production Organisation Approval                  |
| (R)CofA          | (Restricted) Certificate of Airworthiness         |
| (R)TC            | (Restricted) Type Certificate                     |
| STC              | Supplemental Type Certificate                     |
| SoD              | State of Design                                   |
| TCDS             | Type Certificate Data Sheet                       |
| TCDSN            | Type Certificate Data Sheet Noise                 |
| TIP              | Technical Implementation Procedures               |
| VA               | Validation Authority                              |
| WA               | Working Arrangement                               |
| WI               | Work instruction                                  |

**Log of issues**

| Issue | Issue date | Change description |
|-------|------------|--------------------|
| 001   | 21/03/2022 | Initial issue.     |





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# 1. Transfer of Certificates

## 1.1. General considerations

In accordance with Part 21, the transfer of a (Restricted) Type Certificate ((R)TC, ref: 21.A.47) or a Supplemental Type Certificate (STC, ref: 21.A.116) may only be made to a natural or legal person that is able to undertake the obligations as (R)TC/STC holder and for this purpose demonstrated its ability by holding a Design Organisation Approval (DOA) issued by the Agency or by meeting alternative eligibility criteria (ref: 21.A.14 (b) or (c)).

The transferee accedes to all rights and obligations of a certificate holder which includes the continued airworthiness responsibilities for all aircraft produced under that certificate.

In cases where the TC holder ceases to legally exist (e.g. due to financial or economic constraints), it may happen that a legal administrator is the only contact person for the former holder and that the former holder is not able to provide any relevant airworthiness related technical statement. In such cases EASA may rely on the capability of the new holder to perform an assessment of the available data and to confirm that all data are received to administer the certificate holder's responsibilities. It needs to be assessed that the information available to the new certificate holder is sufficient to exercise the continued airworthiness responsibilities. In these cases, the EASA Legal Department should be informed and involved as necessary.

When a TC is transferred, all change and repair approvals held by the former TC Holder are transferred as well.

By analogy with a transfer of an STC, for repairs (minor or major) and minor change approvals, held by a person different from the TC Holder, a transfer of the approval is also possible. In case of major repairs, the transfer shall follow the same process as for TC/STC, with the involvement of the assigned PCM and expert. In case of minor changes, since any natural or legal person is eligible for a minor change application as per 21.A.92 such transfer is an administrative action that does not need PCM or expert involvement.

An ETSO authorisation issued under Part 21 is not transferable except for a change in ownership of the holder (ref: 21.A.621).

The transfer of certificates may involve the transfer of the State of Design (SoD) responsibilities. The SoD, as defined by the ICAO Annex 8, means the State having jurisdiction over the organisation responsible for the type design.

Requests for transfer must be made by authorised persons of the current certificate holder (not the proposed, new holder).

When a certificate is transferred, the certificate must be reissued:

- TC – is reissued with a new date;
- TCDS – is reissued with an increased issue number;
- Major changes/repairs of the new TC Holder are reissued with an increased revision number;
- STC – is reissued with an increased revision number;





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- Minor change/repairs of non-TC/STC holder are reissued with an increased revision number;
- ETSOA are reissued with an increased revision number.

Reissuance of a TC also requires the TC Data Sheet (TCDS) to be revised in order to show the new holder and the record of previous holders. A TCDS should be prepared by using the latest relevant template, especially in cases where there is no previous EASA TCDS (e.g. grandfathered types).

A 'Certification Information' shall be published on the EASA website to inform the public about the transfer.

Changes of name are considered administrative changes by EASA unless there is a change of the capability of the person/organisation holding the Certificate.

## 1.2. Possible Scenarios:

### 1.2.1. Transfer within EASA member States

When a certificate is transferred from a European holder to a new European holder, EASA continues to exercise the SoD responsibilities.

#### *Application*

Applications for transfer are made to EASA in the appropriate format (EASA Form 38). The EASA organisational unit responsible for applications checks and verifies the information contained in the application form.

The application shall include, or be supplemented after with, a statement made by the new certificate holder regarding its eligibility as certificate holder and its acceptance of the related responsibilities and obligations.

The application follows the usual internal process for task allocation according to the kind of approval to be transferred.

#### *Technical Investigation*

The PCM shall first check that the new (potential) certificate holder has demonstrated its capability (ref: 21.A.14 for (R)TC, 21.A.112B for STC; 21.A.432B for major repair and 21.A.602B for ETSO). In doing so, the PCM shall coordinate with the responsible DOA Team Leader (when relevant). In case of the ETSOA transfer (change of ownership), the capability for production shall be checked as well (if needed, in coordination with POA Team Leader).

If the new (potential) certificate holder is failing to demonstrate its capability, after the coordination with the respective product line Section Manager, the PCM shall inform the applicant in writing that EASA intends to refuse the transfer and the reasons for this refusal, giving the new (potential) certificate holder time to respond to EASA's intention. Should the non-ability as per 21.A.47, 21.A.116 or 21.A.621 still remain, EASA shall refuse the transfer by means of a letter, including the reasons for





the refusal and an appeal clause as specified in the Basic Regulation. In case of such negative decision, if necessary, the Legal Department should be consulted.

Once the capability demonstration is verified, the PCM, supported if needed by the relevant experts, shall check the ability of the new (potential) certificate holder to undertake the responsibilities associated with obligations as certificate holder (ref: 21.A.44 for (R)TC and APU ETSOA, 21.A.118A for STC, 21.A.451 for major repair and 21.A.609 for ETSO). These verifications shall include:

- the completion of the transfer of all certificate related data and records from the current holder to the new one (including evidence of title transfer (sales contract, etc.)). The certificate related data include for example: the type design data, the certification data (including application and approval letters), the certification basis and compliance documentation, summary of service experience (AD's, records of continued airworthiness meetings etc.), manuals (operation, life limits, maintenance, etc.)
- the readiness of the coordination arrangements between the future design approval holder and the production organisations, if relevant. The formal signature of such arrangements might be possible only once the transfer is confirmed by EASA;
- the transfer of open matters (e.g. on-going continued airworthiness aspects), if relevant.

The above list of verification items is not intended to be exhaustive. The PCM shall always refer to the actual applicable requirement to ensure compliance of the new certificate holder.

#### *Project closure*

The following steps are needed to complete the transfer:

1. Current Certificate Holder to submit the original Certificate to EASA;
2. PCM to submit the Technical Visa to the EASA organisational unit responsible for approval certificates. In case of TC transfer, the TC Technical Visa template (FO.CERT.00095) is to be used;
3. Product line section manager to sign the re-issued Certificate;
4. PCM (in coordination with RS.3.1) to complete the 'Certification Information' and EASA to publish the transfer decision and to amend the Certificates list on the [EASA website](#);
5. If applicable, the TCDS is created or updated and published;
6. If applicable, the TCDSN is created or updated and published.
7. PCM (in coordination with RS.3.1) to inform the Safety Information Section for the update of the Safety Publications Tool.
8. In case of aircraft TC transfer, the Safety Information Section will notify all ICAO Member States. For other product certificates / authorisations / approvals, in case these are validated, the PCM shall inform the Validating Authority regarding the change of the certificate holder. Notifications to BASA / WA partners, if relevant, shall be done according to the BASA/TIP or WA provisions respectively.





### ***1.2.2. Transfer of Certificates from/to EASA to/from a foreign Authority***

The transfer of a certificate between persons/organisations of different jurisdictions, which involves the transfer of the SoD responsibilities shall be administered according to an agreed transfer procedure. EASA and the foreign Authority might provide technical assistance to each other upon request and after mutual agreement to ensure the new certificate holder is able to fulfil their responsibilities.

Where applicable, relevant provisions from Bilateral Agreements (BASA) and associated Technical Implementation Procedures (TIP) or Working Arrangements (WA) are used. Where no existing transfer procedure exists an ad-hoc agreement may be concluded between the Authorities during a transfer exercise. In this case the involvement of the Directorate's International Certification officers is required. In addition, if the transfer is from EASA to a foreign Authority, the EASA management decision is needed to confirm that such transfer can be pursued.

#### ***Application***

The application for transfer shall be made by the holder through its competent Authority. In case of a holder located in an EASA member State, applications are made to EASA in the appropriate format (EASA Form 38). The EASA organisational unit responsible for applications verifies the information contained in the application form.

Upon receiving a transfer application, the competent Authority shall notify the receiving Authority.

In the event that EASA receives an application or notification for transfer, the application will follow normal internal rules for allocation of the application to the responsible department and allocation of a PCM.

#### ***Technical Investigation***

If the corresponding Certificate exists in the receiving Authority registries (i.e. as a result of a previous validation exercise), the State of Design and the Validating Authority need to be exchanged along with the transfer of the certificate. If there is no previous validation exercise, the actual transfer needs a concurrent validation exercise for transfers towards EASA or accepted under the terms of a relevant BASA. For transfers from EASA the receiving Authority will define its process for validation or acceptance of the EASA certificate (if not defined through a BASA or WA).

The activities involving the transfer of a Certificate shall be regulated by the appropriate competent Authority to ensure that the continuing airworthiness responsibilities under ICAO Annex 8 are maintained or retained by the new holder and the State of Design.

For transfers towards EASA, the PCM shall perform the same verifications as in case of a transfer within EASA Member States (refer to the previous scenario, in 1.2.1).

For transfers from EASA, the new SoD is responsible to determine the eligibility of the proposed certificate holder.



*Project closure*

The following steps are needed to complete the transfer:

| Transfers 'towards EASA'  | Transfers 'from EASA'   |
|---|---|
| 1. Current Certificate Holder to submit the original EASA validated Certificate to EASA;  | 1. Current Certificate Holder to submit the original EASA Certificate to EASA;  |
| 2. N/A  | 2. The receiving Authority to issue the TC/STC/TSOA in the name of the new holder.  |
| 3. The PCM to submit the Technical Visa to the EASA organisational unit responsible for approval certificates;  | 3. The PCM to submit the Technical Visa to the EASA organisational unit responsible for approval certificates;  |
| 4. Product line section manager to sign re-issued Certificate   | 4. Product line section manager to sign re-issued Certificate   |
| 5. The PCM to complete the 'Certification Information' and EASA to publish the transfer decision and to amend the Certificates list on the <a href="#">EASA website</a> . | 5. The PCM to complete the 'Certification Information' and EASA to publish the transfer decision and to amend the Certificates list on the <a href="#">EASA website</a> . |
| Note:<br>Transferring authority to reissue a TC/STC/ TSOA in the name of the new holder after EASA issues its TC/STC/ETSOA.   |   |

The transfer of the ICAO SoD responsibilities for the TC/STC to the receiving Authority will be considered complete when the receiving Authority confirms that all necessary data have been transferred to the new holder, that the new holder is able to perform the responsibilities required of a design approval holder and that the receiving Authority has issued a new TC/STC in the name of the new holder.

If the receiving Authority's TC covers only some of the models in the transferring Certifying Authority's original TC and the new holder does not apply for approval of the models not covered (by the receiving Authority's TC), the current holder will continue to hold the data for those models and the transferring Certifying Authority will continue to fulfil its SoD responsibilities for the models that are not covered (by the receiving Authority's TC).

In case of transfer towards EASA, if the new (potential) certificate holder is failing to demonstrate compliance with applicable obligation requirements (including the failure to demonstrate its capability), after the coordination with the respective product line Section Manager, the PCM shall inform the applicant in writing that EASA intends to refuse the transfer and the reasons for this refusal, giving the new (potential) certificate holder time to respond to EASA's intention. Should the non-ability as per 21.A.47, 21.A.116 or 21.A.621 still remain, EASA shall refuse the transfer by means of a letter, including the reasons for the refusal and an appeal clause as specified in the Basic Regulation. In case of such negative decision, if necessary, the Legal Department should be consulted.







### ***1.2.3. Transfer of certificates within/between foreign Authorities***

Transfers from a foreign holder to another foreign holder will affect EASA certificates that were issued based on the foreign certificate. When EASA is notified of a transfer, the case shall be assessed to determine the validity of the EASA certificate.

If the SoD is changing and there is no bilateral agreement with the new SoD, a decision by EASA management is needed to confirm that such transfer can be pursued. In case of a positive decision, the PCM shall perform the same verifications as in case of a transfer within EASA member states (refer to 1.2.1).

If a bilateral agreement exists, the transfer shall follow the relevant provisions of such agreement.

If re-issuance of an EASA certificate in the name of the new holder is not possible, EASA shall send the negative decision to the concerning parties. The EASA TC will need to be revoked (see the respective section in this WI).





## 2. Surrender of Certificates

### 2.1 General considerations

According to 21A.51(b) (for (R)TC), 21A.118B(b) (for STC) and 21.A.619(b) (for ETSOA), a (R)TC, a STC and an ETSOA can be surrendered by the holder.

The surrender of a certificate is a legal action in which the Certificate Holder voluntarily relinquishes the certificate and the associated privileges and obligations. Only the Certificate Holder may request the surrender. The surrender of a certificate renders it invalid.

Surrender of a TC precludes further production of the product covered by the TC.

Requests to the EASA organisational unit responsible for applications shall be in writing, in form of a letter and signed by the authorised representative of the Certificate Holder. There is no dedicated EASA form. The letter shall contain a legal statement with a list of civil operators on the registries of EU Member States. The request must clearly identify the affected certificate and a proposed date when the planned surrender becomes effective.

The surrender related notification to the public shall be made through 'Certification Information' published on the EASA website.

In case of a request for a surrender, the certificate (paper document) shall be returned to the Agency.

### 2.2 Process steps

The following steps shall be followed once a request for surrender of a product certificate is received:

1. Task allocation. The task of reviewing the surrender of the Certificate will be allocated to the PCM for the Type/ETSO following the usual internal process for task allocation.
2. Complete 'Certification Information'. The PCM shall complete an EASA 'Certification Information' stating the intention of the European Certificate Holder to surrender. The 'Certification Information' will be published on the EASA website offering the public (interested parties) the opportunity to provide comments. The 'Certification Information' shall include a provision detailing the possibility of a transfer of the certificate. In case a request for transfer is received, please refer to Chapter 1.
3. EASA will inform its BASA/WA partners when the surrendered certificate had been validated in accordance with the provisions of a BASA or WA.
4. A product becomes known as orphan when the type is no longer supported by a Type Certificate Holder and/or the State of Design. The EASA policy may permit the product in the EU to continue operation under a Permit to Fly. The application of this policy is limited to small aeroplanes (ref. to Certification Handbook, section 4).

If a non-EU certificate holder elects to surrender a foreign RTC, TC, STC or TSO validated by EASA, the foreign Authority should notify EASA in accordance with the relevant provisions of a BASA/WA. The foreign competent Authority usually continues to exercise its continuing airworthiness responsibilities as the State of Design for the surrendered certificate in accordance with Annex 8 provisions, and inform EASA of any identified unsafe condition, until the point of time the certificate is reissued to a new holder or the certificate is revoked.





Transfer, surrender, limitation, suspension  
and revocation of a product certificate

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If a holder of an EASA validated certificate surrenders its validated certificate to EASA, EASA shall immediately notify the Competent Authority of the SoD in writing of this action.

The surrender of a certificate\* renders the respective certificate / authorisation invalid. In case of the surrender of a (R)TC, the related airworthiness certificates (the (R)CofA issued for aircraft conforming with the (R)TC) become invalid as well – 21.A.181 refers. In case of the surrender of another type of certificate, the (R)CofA continues to remain valid. When reported in-service occurrences are found by EASA indicating a (potential) unsafe condition related to the non-TC certificate, mandatory continued airworthiness actions will be taken by EASA to address this condition. However, without the support of the certificate holder, such actions may be limited to mandating the removal of the certificate from service.

\* a type-certificate, restricted type-certificate, change certificate, supplemental type-certificate, European Technical Standard Order (ETSO) authorisation, major repair design approval or any other relevant approval deemed to have been issued under Part 21





### 3. Limitation, suspension and revocation of Certificates

The Basic Regulation, Art. 62(2), requires the Agency to take all enforcement measures in order to terminate identified infringements. These measures include limiting, suspending or revoking certificates.

In accordance with 21.A.51 (for (R)TC), 21.A.118B (for STC) and 21.A.619 (for ETSOA) EASA may revoke a (R)TC, STC or ETSOA when the holder can no longer maintain compliance with relevant Part 21 requirements.

Also, in accordance with 21.B.65, the competent authority may limit, suspend or revoke the product certificates when it considers that there are reasonable grounds that such action is necessary to prevent a credible threat to aircraft safety. For (R)TC, STC, major and minor change approval, major and minor repairs approval and ETSO Authorisations the competent authority is EASA.

Furthermore, according to Article 11(1) of Commission Implementing Regulation (EU) 2019/2153 on the fees and charges levied by EASA, the Agency may also suspend or revoke product related certificates in the event of non-payment of the fees due by the certificate holder.

In the absence of specific definition in Basic Regulation or Part 21, the terms limitation, suspension and revocation, in relation with product certificates, shall be used with the following meaning:

- **Limitation** consists of a partial invalidation of a certificate;
- **Suspension** is a temporary invalidation of a certificate;
- **Revocation** is the cancellation and permanent invalidation of a certificate.

The suspension, revocation and potentially limitation of a certificate\* renders the respective certificate / authorisation invalid. In case of suspension, revocation and potentially limitation of a (R)TC, the related airworthiness certificates (the (R)CofA issued for aircraft conforming with the (R)TC) become invalid as well – 21.A.181 refers. In case of the suspension, revocation and potentially limitation of another type of certificate, the (R)CofA continues to remain valid. When reported in-service occurrences are found by EASA indicating a (potential) unsafe condition related to the non-TC certificate, mandatory continued airworthiness actions will be taken by EASA to address this condition. However, without the support of the certificate holder, such actions may be limited to mandating the removal of the certificate from service.

\* a type-certificate, restricted type-certificate, change certificate, supplemental type-certificate, European Technical Standard Order (ETSO) authorisation, major repair design approval or any other relevant approval deemed to have been issued under Part 21

EASA is required to be proportionate and consistent in its decisions. This means that EASA needs to take the action that is most lenient but at the same time mitigates any potential safety risk, e.g. if the safety threat can be mitigated by a limitation, the certificate should not be revoked. EASA also needs to ensure that similar cases receive similar decisions, e.g. if in a similar occurrence a certificate was suspended, it should not be revoked in the next similar instance. If it is not clear which decision to take, the Legal Department should be consulted.

The instructions below are referring to the revocation process. In general, the same procedure and steps apply for limitation or suspension. If specific provisions are needed these are indicated.





### 3.1 General considerations

The holder of the certificate / authorisation for which the revocation is being considered shall always be aware of the measures EASA intends to take, and be given a chance to provide their position and rectify the situation before a decision is issued. This consultation may be skipped if well justified and explained in the decision. See further in 3.2

When the revocation is triggered by the non-payment of the fees due the process is managed by the RS Directorate. The CT Directorate through the responsible PCM and Product Line Section Manager contribute as requested by providing inputs for the recommendation of the best course of action.

In case of certificates validated by EASA, when receiving a revocation notification from the Certifying Authority (according to the BASA /TIP relevant provisions), EASA also revoke the validated certificate. The below process steps are not applicable in such case.

### 3.2 Process steps

1. Collection of evidence for a negative decision.

When there is evidence of the certificate / authorisation holder non-compliance with relevant Part 21 requirements and the EASA notifications of such non-compliance have not been followed up by the respective holder with satisfactory corrective actions, the responsible PCM escalates the case to the attention of the Product Line Section Manager.

In addition and in parallel, if relevant, the PCM coordinates with the DOATL responsible for the respective organisation. If the organisation is holding a DOA, the DOATL shall assess the impact on the DOA and follow-up the identified non-compliances with DOA findings.

2. Warning letter.

The responsible Product Line Section Manager sends a warning letter to the certificate / authorisation holder. The letter shall refer to the expected corrective actions and inform about consequence of failure to comply (e.g. revocation).

The draft letter should be consulted with the Legal Department.

\*Note: When the non-payment is the reason for the contemplated revocation action, the warning letter is prepared by RS, endorsed by Product Line Section Manager, and signed by RS and CT Directors.

3. Public information.

The responsible Product Line Section Manager shall publish the intention to revoke the certificate / authorisation on an EASA 'Certification Information'. In case of an aircraft TC, the Certification Information also serves the role of notification of all States of Registry for the respective affected aircraft type(s).

When relevant, for the validated EASA certificates / authorisations, the notifications of intention to revoke shall be made according to the applicable BASA/TIP or WA provisions.

4. Draft revocation decision.

When after the warning letter the certificate / authorisation holder fails to define and implement corrective actions to the satisfaction of the Agency, the PCM in coordination with the Product Line Section Manager initiate the certificate / authorisation revocation decision. The decision shall contain indication of the legal basis, reasons and





an appeal clause. For additional instructions regarding the drafting, review and signature of negative decisions refer to WI.CERT.00005.

The draft decision shall be consulted with the Legal department and the comments received, if any, need to be considered.

5. Signing the revocation decision

Negative decisions shall only be signed by a person who has received delegation to take such decision. If no delegation is in place, the decision is to be signed by the ED. In addition, negative decisions shall not be signed by the same person who took the primary decision affected by the negative decision.

Refer to the latest ED Decision on signature delegation and the Work Instruction WI.CERT.00005 for Decisions and signatures for certification.

6. Inform CT Director and ED

The Product Line Section Manager (or the respective Head of Department) shall inform the CT Director and the ED, if relevant, about the intended negative decision. Refer to Work Instruction WI.CERT.00005 for Decisions and signatures for certification.

7. Notify the decision.

Once the letter is signed, notify the negative decision to the certificate / authorisation holder. Mandate the holder to return the certificate / authorisation.

8. Subsequent measures.

The Product Line Section Manager together with the responsible PCM shall assess if subsequent measures are required and implement such measures.

These measures may include: issuance of an AD, information to the Member States (e.g. State of Manufacture in case of TC), information to the FS Directorate (e.g. for standardisation purposes).

9. Public information

The responsible Product Line Section Manager shall publish the revocation decision on an EASA 'Certification Information'.

In addition, EASA Product Lists need to be updated accordingly.

10. ICAO notifications.

In case of aircraft TC revocation, the Safety Information Section shall notify all ICAO Member States.

Notifications to BASA / WA partners, if relevant, shall be done according to the BASA/TIP or WA provisions respectively.

