



**EASA**  
European Aviation Safety Agency



ETSO workshop 2018

# Transfer of ETSOA, Change of Ownership

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- Introduction on Transfer of ETSOA
  - Change of Ownership
- Transfer and Re-issuance of certificate
  - EASA rules
  - FAA rules
- Validation cases



# Introduction on Transfer of ETSOA

➤ An ETSO authorization is by definition not transferable ....unless there is a change of ownership of the ETSO holder...

## ➤ 21.A.621 Transferability

*Except for a change in ownership of the holder, which shall be regarded as a change of significance, and shall therefore comply with points 21.A.147 and 21.A.247 as applicable, an ETSO authorisation issued under this Annex I (Part 21) is not transferable.*



# Change of ownership of the ETSO holder

➤ What does it mean a change of ownership ?...



➤ It is more than Applicant A selling its certificate to Applicant B...

Applicant A holds ETSOA with approved ...

- ...Design capabilities
- ...Data package



Applicant B has to

- Acquire design capabilities of the article...(design team, specific means, etc...)
- Acquire data package

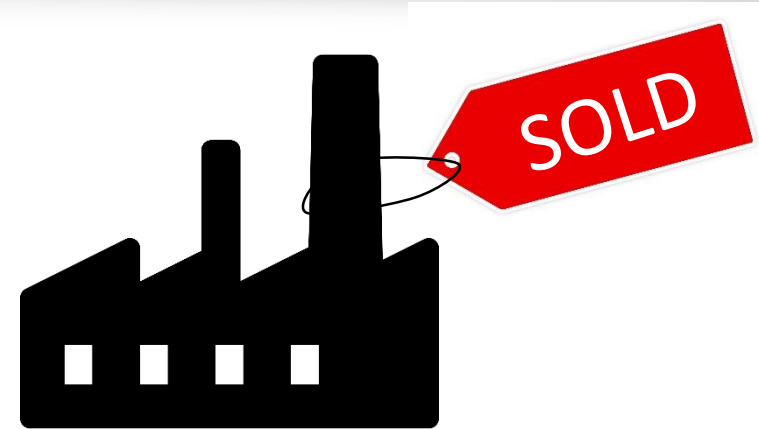
ETSOA  
Appl B





# Change of ownership of the ETSO holder

- A change of ownership can be
  - on the full company:  
company A is acquired by company B
- Or



- Partial acquisition of the company A and  
of some ETSOA articles



Applicant B has to be ADOA & POA +

- Acquire design capabilities of the article...(design team, means, etc...) & data package
- Demonstrate production capabilities of the article (POA scope)
- Send Form 81 + company legal registration + new ADOA Manual



# Transfer of certificates – re-issuance of ETSOA

- It is not mandatory to re-issue certificate for declaration of change of ownership
  - After change of ownership is assessed and approved, EASA publishes up-to-date ETSO list under the new company name
  - New applicant (ETSOA holder) can continue to perform minor changes as anticipated under the initial ETSOA
  - In case of non-anticipated minor change, re-issuance of the ETSOA certificate is necessary and will be with new company name
- If re-issue of the ETSOA certificate is preferred, (for instance in case of partial acquisition, trading under new company name...), new applicant should apply to EASA (via EASA Form 34)

# TSOA Transfers – Introduction

- **The FAA may transfer TSOA/LODA by request of the current holder**

## §21.614 Transferability

*The holder of a TSO authorization or letter of TSO design approval may not transfer the TSO authorization or letter of TSO design approval.*

# TSOA Transfers – Initiation

- **Change in company ownership**
  - Company A to be acquired by Company B
    - Full or partial acquisition of business holding TSOA
    - Name change only is not considered a transfer
- **Agreement between two companies**
  - Company A to sell TSOA design data to Company B



# TSOA Transfers – Transfer Request

- **Transfer request letter must be sent by the current holder to the FAA ACO**
  - Applies to approved TSOA design(s) only
- **Receiving company is evaluated by MIDO for production capabilities per §21.607**
  - ACO reissues TSOA letter after MIDO concurrence
  - Coordinate early to minimize production impact
- **New holder is responsible for COS of previously manufactured articles**



# Transfer of validated articles – how the change of ownership affects ETSOA/LODA?



- Validated articles → we apply the bilateral in place
- What has been already approved, remains such until the Exporting authority updates the certificate
  - When Exporting authority is re-issuing a certificate, the latest applicable bilateral and TIP enters into force.



# Transfer of validation – how change of ownership affects (E)TSOA?

For EU-USA,

- Exporting authority shall inform the Importing authority of the change of ownership - per TIP §5.6
- Re-issuance of certificates by Exporting authority invalidates the existing LODA or ETSOA (validations) issued by the Importing authority
  - Per BilateralP, validations certificate shall/can not be re-issued by the Importing authority
  - Existing certificates of the Importing authority have to be revoked by the Importing authority





## Q14) What happens to previously “validated” TSOA, CAN-TSO and ETSOAs?

The previous TSOAs, CAN-TSO, and ETSOAs, as well as previously issued TCCA Article Type Certificates remain valid. However, major changes to these TSO articles will require reciprocal acceptance process to be used. Minor changes to existing TSOAs, CAN-TSO, and ETSOAs will continue to be managed through the process under which they were originally approved. Nevertheless, **for articles where the exporting authority issues a revised certificate based on a minor change the reciprocal acceptance process shall be used.**



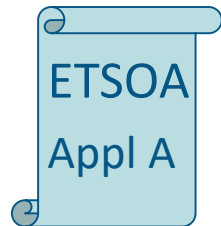


# Transfer/Change of ownership through examples – 1/4

## Exporting Authority - EASA



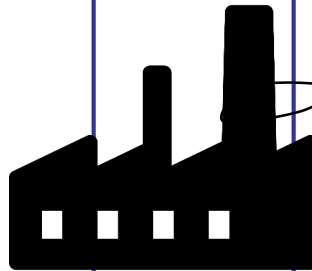
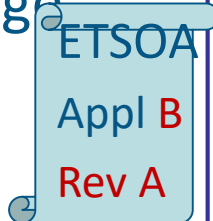
### ➤ Before mutual acceptance



### ➤ Company A sold to company B (all EU based) + Inform IA = FAA

### ➤ Appl. B makes minor change that needs update of cert. + Inform IA = FAA

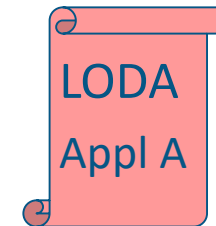
### ➤ Produce - without LODA marking



## Importing Authority - FAA

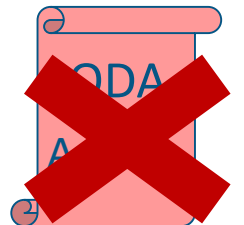


### ➤ Validation



### ➤ IA = FAA Informed → no action, LODA are still valid

### ➤ IA – LODA is no longer valid





# Transfer/Change of ownership through examples – 2/4

...also true reversely

## Exporting Authority - FAA



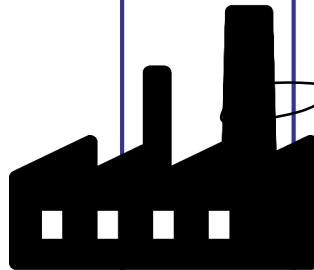
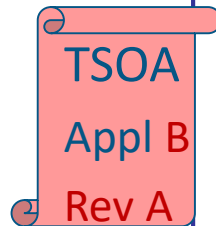
### ➤ Before mutual acceptance



### ➤ Company A sold to company B (all US based) + Inform IA = EASA

### ➤ Appl. B makes minor change that needs update of cert. + Inform IA = EASA

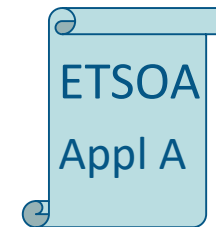
### ➤ Produce- without ETSO marking



## Importing Authority - EASA



### ➤ Validation



### ➤ IA = EASA Informed → no action, ETSOA are still valid

### ➤ IA revokes existing ETSOA



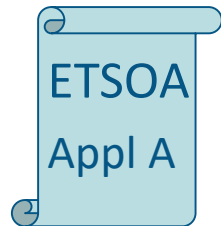


# Transfer/Change of ownership through examples – 3/4

## Exporting Authority - EASA

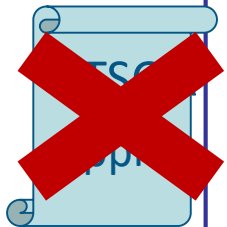


### ➤ Before mutual acceptance



- EU Company A sold to **US** company B  
**EASA and FAA process the transfer !**

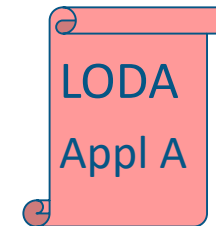
- EASA revokes certificate ... with no ETSO marking



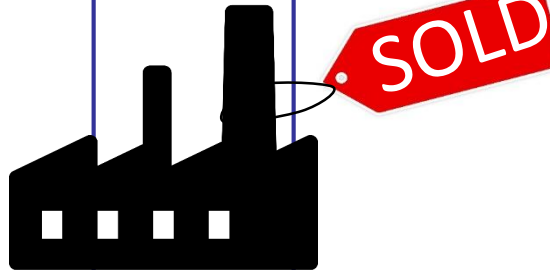
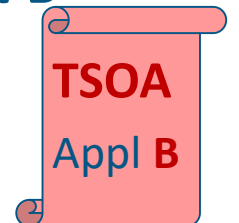
## Importing Authority - FAA



### ➤ Validation



- FAA existing LODAs are invalid and reissues new TSOA to Applicant B





# Transfer/Change of ownership through examples – 4/4

## Exporting Authority - FAA

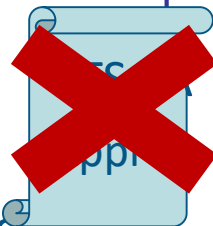


### ➤ Before mutual acceptance



- US Company A sold to **EU** company B  
**EASA and FAA process the transfer !**

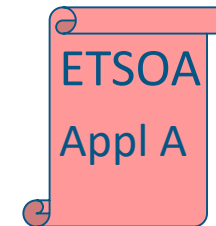
- FAA TSOA letter is no more valid,... with no TSO marking



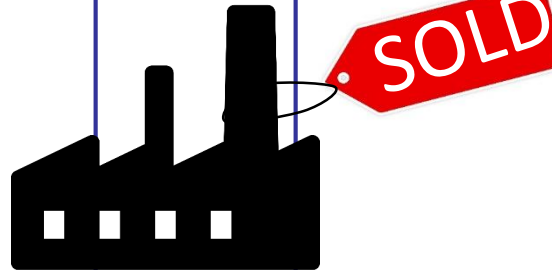
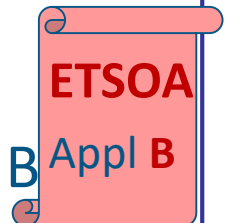
## Importing Authority - EASA



### ➤ Validation



- EASA revokes existing ETSOA and reissues new ETSOA to Applicant B







# Transfer **without** change of ownership

## Exporting Authority - FAA

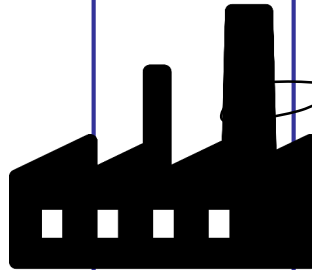
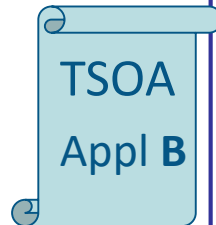


- Before mutual acceptance



- US Company A sold TSOAs & related data to company B  
**FAA processes the transfer!**  
**EASA will not transfer.**

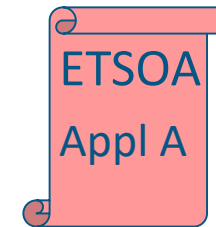
- FAA re-issues TSOA



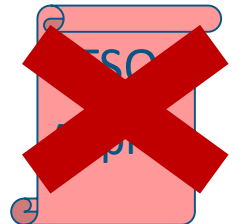
## Importing Authority - EASA



- Validation



- EASA revokes existing ETSOA





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**Thank you for your attention!**

Any questions?

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