

## ***European Aviation Safety Agency***

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### **DECISION OF THE MANAGEMENT BOARD CONCERNING THE GENERAL PRINCIPLES RELATED TO CERTIFICATION PROCEDURES TO BE APPLIED BY THE AGENCY FOR ISSUING CERTIFICATES FOR ORGANISATIONS (“ORGANISATIONS CERTIFICATION PROCEDURE”)**

The Management Board

- Whereas the European Parliament and the Council of the European Union, by adopting Regulation (EC) 1592/2002, (hereinafter the Basic Regulation), have created the European Aviation Safety Agency (hereinafter the Agency);
- Whereas Article 44 of the Basic Regulation requires, amongst others, the Management Board to establish transparent procedures the Executive Director shall follow for taking individual decisions.
- Having regard to the Opinion of the Advisory Body of Interested Parties.

Has adopted this Decision:

#### **Section 1 - basic principles and applicability**

##### *Article 1 - objectives*

1. The objective of this Decision is to establish general principles of the procedure to be followed by the Agency to issue organisation approvals in accordance with the applicable implementing rules of the Basic Regulation.
2. This Decision does not affect the rights and obligations derived from applicable bilateral agreements as specified in Article 9 of the Basic Regulation.

#### **Section 2 - certification procedure**

##### *Article 2 –applicable requirements, acceptable means of compliance and guidance material*

1. When the Agency handles an application for an organisation approval, it shall follow the requirements contained in the applicable implementing rule of the Basic Regulation and their related acceptable means of compliance and guidance material.
2. Deviations from the applicable acceptable means of compliance shall be published in the Official Publication of the Agency.
3. The administrative procedures for production organisations are defined in Section B of the Commission Regulation 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. The administrative procedures for continuing airworthiness management organisations, maintenance organisation and maintenance training organisations are defined in Section B of Annex I, Annex II and Annex IV to the Commission Regulation on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks. The administrative procedures for design organisations are defined in this decision and the related implementing measures adopted by the Executive Director in application of article 10 of this decision.

*Article 3 –reception and eligibility of the application*

1. The Agency shall widely publish all application forms relevant to the specific application field together with the scheme of charges covering applicable fees.
2. An acknowledgement of applications received shall be sent to the applicant within the ten working days following the receipt by the Agency of the application.. Applications received will be reviewed for correct completion a covering letter detailing the omissions and errors.
3. An acknowledgement and receipt for fees paid will be sent to the applicant
4. The Agency shall make a first check on admissibility according to the applicable implementing rule and will determine how it will proceed with the application. Such determination, including that of the applicable requirements, shall be communicated to the applicant within the month following receipt of the correct application.
5. When eligibility, where appropriate, has been fully assessed, the Agency shall inform the applicant whether its application is accepted or not. In case of refusal, any fees paid shall be returned to the applicant, except for administrative costs of handling the application as specified by the Commission Regulation on the Agency's fees and charges.

*Article 4 – investigation procedure*

1. An investigation team shall be established by the Agency as appropriate for the investigation to be performed. The team consists of a team leader and team members. Where the extent of the investigation does not justify the need for a team, one person may perform the investigation. Trainees may participate in investigation teams at no direct cost for the applicant.
2. Both team leader and team members shall be trained in audit techniques and have established knowledge of the applicable requirements and procedures. They shall have practical technical experience in the field where approval is applied for and shall be familiar with the concept of quality system investigation. There shall be no conflict of interest with the application to be investigated.
3. The composition and size of the investigation team shall be kept to a minimum taking into account:

- i. the size of the applicants' organisation,
  - ii. the scope and complexity of the organisation approval which is applied for and
  - iii. the nature of the services to be covered by the organisation and its direct impact to aviation safety.
4. The Agency shall communicate the composition of the investigation team to the applicant, as well as any change justified by the need to execute specific technical investigations.
5. The team shall make direct arrangements with the applicant for meetings and investigations at the relevant location(s).
6. Disagreements between the investigation team and the applicant during the investigation process shall be handled in accordance with the procedure of Article 12 of this Decision.
7. The Agency may terminate the certification process if it appears that it cannot be completed because of the lack of resources within the applicant's structure or its lack of commitment to complying with the applicable requirements. Such decision shall be notified to the applicant three months before the envisaged date of termination in a letter making reference to the possibility for appeal as specified in Articles 35 to 41 of the Basic Regulation.

*Article 5 – issuing of the organisation approval certificate*

1. When satisfied that the applicant complies with the applicable requirements, the Agency shall issue the approval certificate, including necessary conditions or restrictions, as the case may be, and taking into account the opinions of the Panels of Experts, if such opinions have been sought in accordance with article 12 of this decision. This decision will be notified by letter to the applicant. This letter will make reference to the possibility for appeal as specified in Articles 35 to 41 of the Basic Regulation.
2. Approvals shall be numbered in a way which allows tracing of any approval statement or release certificate issued by an organisation approval holder under its privileges.

*Article 6 - continued surveillance*

1. The continued surveillance of an approved organisation shall be made up in accordance with the requirements of Sections B of the applicable implementing rule of the Basic Regulation.
2. For design organisations such surveillance shall follow the principles applicable to production organisations as specified in Section B of Commission Regulation (EC) No 1702/2003. The number of audits may vary depending upon the complexity of the organisation, the number of sites and the criticality of the activity. The surveillance shall include the direct observations made during product, part and appliance certification activities and shall be made on the basis of a 36 months cycle. It shall include specific investigations if deficiencies in the approved organisation's output are found.

3. Depending on the size and activity to be surveyed, the Agency shall appoint a team or single specialist and shall inform the approval holder about this appointment.
4. A continued surveillance plan will be established at the beginning of the surveillance cycle, and will be communicated to the approval holder. This plan can be modified and changed during the cycle of surveillance to take into account the experience gained with the approved organisation. All changes should be communicated to the approval holder.

*Article 7 - changes*

1. Following an application for the change to an approval the Agency shall determine and notify the approval holder within the month following the receipt of that application, whether an investigation is required and if so, its extend, taking into account the impact of the proposed changes to the organisation and/or its exposition.
2. The investigation on compliance of the changes with the applicable requirements and the issuing of the modified certificate shall be done in accordance with the procedures defined in Article 4 and 5 of this Decision.
3. By derogation from paragraph 2, when the change is limited to that of the organisation exposition or is a minor change or when compliance can be evaluated from the continued surveillance, the decision of the Agency may be issued without establishing a certification team.

*Article 8 – limitation, suspension and revocation of a certificate*

1. For the suspension, limitation and revocation of a certificate, the Agency shall follow the relevant provisions of the applicable implementing rules of the Basic Regulation. For design organisation it shall follow the provisions applicable to production organisations as specified in Commission Regulation (EC) No 1702/2003.
2. Upon issuance of the written notice of limitation, suspension or revocation, the Agency shall justify the reasons for the decision and inform the approval holder of its right to appeal as specified in Articles 35 to 41 of the Basic Regulation.

*Article 9 - publication of decisions*

Decisions of the Agency related to the issuing, modification, limitation, suspension or revocation of organisation approval certificates shall be published in the official publication of the Agency.

**Section 3 - final provisions**

*Article 10 - implementing measures*

The Executive Director shall establish the necessary associated detailed procedures for the implementation of this Decision.

The Executive Director shall ensure that the guidelines prescribed in this Decision are applied when certification tasks are allocated to national aviation authorities

The Executive Director shall define procedures to describe how the teams responsible for the oversight of the production and design organisations and the product certification team work together to ensure the airworthiness of the product.

*Article 11 – panels of experts*

1. Panels of Experts shall be set up by the Agency in order to provide advice on general organisation, approval principles and opinions on the technical interpretation of implementing rules of the Basic Regulation. Their opinions are not binding on the Agency.
2. The panels shall be composed of experts with extensive technical knowledge of technical disciplines necessary for the approvals of organisation in the related field of approvals
3. A panel of experts shall be appointed for each of the various type of organisations approval field.
4. . One expert can be sitting in several panels.
5. Panels members shall notify any possible conflict of interest and abstain from participating in deliberation when such a situation arises
6. The Agency shall provide the panels with the administrative and logistical support necessary for their operation.

*Article 12 – resolution of disagreements*

1. Every effort shall be made to resolve all disagreements between the applicant or the approval holder and the Agency at the lowest possible level.
2. If case of disagreement of the applicant or approval holder with the Agency during the investigation process or the continued surveillance process, the Executive Director shall seek the opinion of the competent panel of experts. Such opinion shall not be binding on the Agency.
3. The applicant or the certificate holder shall have the right to be heard by the panel of experts

4. The opinion of the panel of experts shall be communicated to the applicant or approval holder together with the final decision of the Agency.

*Article 13 - entry into force*

This decision enters into force in its entirety on the day of its publication in the Official Publication of the Agency.