

European Aviation Safety Agency

DECISION NO 2004/02/CF OF THE EXECUTIVE DIRECTOR OF THE AGENCY

of 10 December 2004

on the acceptance of certification findings made by Transport Canada, Civil Aviation Department (TCCA) for products designed in Canada

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, thereafter the “Basic Regulation”, in particular Articles 4, 13, 15(1)(a) and (e) and 18(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 organisations¹, in particular its articles 3.2 and 4.2, and 21A.103 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 or defined in accordance with Article 2 thereof.
- (3) The Basic Regulation recognises under Article 18.2 the possibility for the Agency to conclude working arrangements with aeronautical authorities of third countries.
- (4) 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

¹ OJ L 243, 27.9.2003, p. 6.

has adopted the decision MB/13/03 defining the conditions for the allocation of such certification tasks to national aviation authorities.

- (5) The Agency has signed with TCCA an administrative arrangement on product certification on 2 February 2004, covering in particular the acceptance of technical findings made in accordance with TCCA rules and procedures; this arrangement constitutes the working arrangement required by the Management Board of the Agency for the allocation of certification tasks to a national aviation authority.
- (6) TCCA fulfils the conditions for accreditation in the field of design approval specified by the Management Board of the Agency for the allocation of certification tasks to a national aviation authority, as attested by the JAR-21 Subpart N arrangement concluded between TCCA and the JAA Member States.
- (7) The Commission Regulation prescribes 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 defined in accordance with Article 2 of the Commission Regulation shall be attested.
- (8) TCCA has introduced in its legislation rules equivalent to Part 21 for the approval of production organisations providing for the acceptance of their certification findings, as attested by the JAR-21 Subpart N arrangement concluded between TCCA and the JAA Member States.
- (9) The Decision No 2/2003 of the Executive Director of the Agency of 14 October 2003 on the implementation of airworthiness directives for products, parts and appliances designed in third countries and repealing Decision No 1/2003 of the Executive Director of the Agency of 26 September 2003 on the implementation of airworthiness directives for aircraft designed in third countries prescribes how airworthiness directives from third countries State of design are adopted by the Agency.

HAS DECIDED:

Article 1

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

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

- a major level 2 or 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; 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(c) 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 TCCA in accordance with the procedures of the administrative arrangement between TCCA and the Agency.

Article 2

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

An approval is hereby issued by the Agency to a legal or natural person under the regulatory oversight of TCCA for or a minor change or a minor repair design of a product for which Canada is State of design whose type-certificate:

- (a) has been issued by the Agency; or
- (b) is deemed to have been issued in accordance with article 2.3(a) of the Commission Regulation; or
- (c) has been determined by the Agency in accordance with article 2.3(c) of the Commission Regulation,

when such change or repair design has been approved by TCCA in accordance with the procedures of the administrative arrangement in force between TCCA and the Agency.

Article 3

Approval of type-certificate holder's alternative means of compliance (AMOC) with an airworthiness directive

An approval is hereby issued by the Agency to an organisation under the regulatory oversight of TCCA for an AMOC with an airworthiness directive when:

- (a) it is applicable to a product whose type-certificate:
 - (i) has been issued by the Agency; 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(c) of the Commission Regulation; and

- (b) the related airworthiness directive has been adopted by the Agency in accordance to Decision No 2/2003; and
- (c) this organisation is the holder of the type-certificate of the product; and
- (d) such AMOC has been approved by TCCA.

Article 4

Production

Statements of conformity and authorised release certificates

It is hereby determined that the system of TCCA 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 Administrative arrangement on product certification on which it is based remain into force, unless the Executive Director determines that the conditions for the reciprocal acceptance of certification findings by TCCA are not met anymore.

Done at Cologne, 10 December 2004

P. GOUDOU