EASA
European Union Aviation Safety Agency

Product Certification and Design Organisation Approval Workshop 2019

BASA negotiations with China

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Your safety is our mission.

An Agency of the European Union

What is a BASA?

- A Bilateral Aviation Safety Agreement (BASA) is a strong institutional link (international agreement) between the EU and a given Third Country that enables, as provided in the Annexes, the reciprocal acceptance of certificates and findings of compliance issued by the respective Competent Authorities.

- It allows derogation from EU law and creates rights and obligations for the EU (including EU-MS and the Industry).

Background – Why BASAs?

Improve aviation safety through:

- Increased cooperation between Aviation Authorities
- Sharing of information and best practices
- Resource allocation to highest added-value tasks (from risk management perspective) both for Authorities and Applicants

Support aviation industry by:

- Providing a sound regulatory framework to support transnational design/production industrial schemes
- Reducing un-necessary duplication of certification / validation tasks

What is special about the EU-China BASA?

→ Strong economic, safety and diplomatic constraints

=> Special focus from Industry and NAAs

→ Scope (one Annex)

→ No experience => Technical Roadmap – Track 1 / Track 2

→ Cultural dimension

Arrangement

between

The Civil Aviation Administration of China (CAAC)

and

The European Aviation Safety Agency (EASA)

On the implementation of a Technical Roadmap

Possible “global deal” on important issues

China step towards EU:[…]

Agreement-Annex-TIP interfaces: Who is responsible for what?

Agreement

+ Annexes

Negotiation: Commission + EASA support (EASA manages confidence building process)

Conclusion: Consent EP + Decision Council of the EU

Annexes: Amendment / New Annexes

European Commission

中国民航 CAAC

Agreed EU-China Joint Committee (JC) – Article 11.2 of the Agreement.

(EU - formally adopted Decision of Council of the EU)

Technical Implementation Procedures (TIP)

EASA European Union Aviation Safety Agency

中国民航 CAAC

EASA-CAAC Certification Oversight Board (COB)

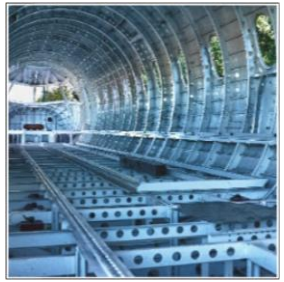
Article 3.2.1 of Annex 1

Certification Oversight Board

→ Main Roles / Mandate of the COB:

- Contributing to minimise the differences in the regulatory systems, standards and certification processes of the Parties;
- Developing, approving, and revising the Technical Implementation Procedures
- Sharing information on major safety concerns and, where appropriate, developing action plans to address them;
- Resolving technical issues falling within the responsibilities of the Competent Authorities affecting the implementation of this Annex;
- Proposing amendments regarding the Annex to the Joint Committee of the Parties.

High level description of Annex



Scope:

- Design and production (all aeronautical products)
- No temporary limitations

OSD / AEG within the scope

Production:

- Mutual acceptance of production systems and export forms under conditions
- Various production schemes covered

Certain *ad hoc* cases

Relations between Authorities:

- Several provisions on cooperation
- Provisions on recurrent mutual assessments

Structure of the Annex

AIRWORTHINESS AND ENVIRONMENTAL CERTIFICATION

Table of Contents

1. SCOPE 3
2. DEFINITIONS 3
3. CERTIFICATION OVERSIGHT BOARD 5
4. IMPLEMENTATION 6
5. QUALIFICATION OF COMPETENT AUTHORITIES 18
6. COMMUNICATIONS 19
7. TECHNICAL CONSULTATIONS 19
8. SUPPORT FOR CERTIFICATION ACTIVITIES 20
9. APPENDIX 1 – MODALITIES OF ACCEPTANCE AND VALIDATION OF CERTIFICATES 21

High level description of signed Annex

Scope:

- Covers reciprocal acceptance of findings of compliance and certificates regarding:
  - Airworthiness, Environmental Protection and Continued Airworthiness of civil aeronautical products
  - Design and Production Organisations
- Not limited in terms of product category (LA, GA, Helicopters, Engines), from both sides from the day of entry into force of the Annex.
- Few Exclusions:
  - Used or rebuilt engines, propellers, parts and appliances
  - Chinese PMAs are excluded.

Structure of the Annex

Table of Contents

1. SCOPE 3
2. DEFINITIONS 3
3. CERTIFICATION OVERSIGHT BOARD 5
4. IMPLEMENTATION 6
   - 4.1. COMPETENT AUTHORITIES 6
   - 4.2. TECHNICAL IMPLEMENTATION PROCEDURES 7
   - 4.3. EXCHANGE AND PROTECTION OF CONFIDENTIAL AND PROPRIETARY DATA AND INFORMATION 7
   - 4.4. DESIGN 7
   - 4.5. PRODUCTION 12
   - 4.6. EXPORT CERTIFICATES AND FORMS 14
   - 4.7. CONTINUING AIRWORTHINESS 17
5. QUALIFICATION OF COMPETENT AUTHORITIES 18
6. COMMUNICATIONS 19
7. TECHNICAL CONSULTATIONS 19
8. SUPPORT FOR CERTIFICATION ACTIVITIES 20
9. APPENDIX 1 – MODALITIES OF ACCEPTANCE AND VALIDATION OF CERTIFICATES 21

§4.4 Design

Automatic acceptance

- the Validating Authority (VA) recognises and accepts the Certificating Authority's (CA) certificates without any technical investigation or validation exercise.
- Certificate of the CA is recognised by the VA as equivalent to its own certificate issued in accordance with its legislation and procedures.
- The VA does not issue its own corresponding certificate

Or

Validation:

- Level of Involvement principles
- Validation through an administrative process in some cases

§4.4.2 Design - Level of Involvement of the VA

- The level of involvement of the Validating Authority (VA) during validation process is defined in details in the Technical Implementation Procedures (TIP).
- Based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance certifications made by the other Technical Agent.
- Special procedures and scrutiny during the first validation of a given product category, as detailed in the TIP Procedures.
- The effective implementation of the validation / be regularly measured, monitored and reviewed by defined in the Technical Implementation Procec

§4.4.2 Design - Level of Involvement of the VA

→ It shall be mainly determined by;

(a) the experience and records of the Competent Authority of the other Party as Certificating Authority;

(b) the experience already gained by the VA during previous validation exercises with the Competent Authority of the other Party

(c) the nature of the validated design, the performance and experience of the applicant with the Validating Authority

(d) the outcome of initial and continued qualification requirements assessments, defined in paragraph 5.2 of the Annex.

Design - §9 - Modalities of acceptance/validation of certificates

EU to China

Certificate	Acceptance / Validation	Comment
Type certificate issued by the European Union Competent Authority	Validation	Validation in accordance with Level of Involvement principles documented in Annex §4.4.2 and in the Technical Implementation Procedures; some data will be automatically accepted as specified in the TIP, which will include in particular, the following: a) Aircraft flight manual; b) Engine installation manual (for engine type certificate); c) Airworthiness limitation requirement (including airworthiness limitation instructions and certification maintenance requirements); d) Structural repair manual; e) Instruction for continued airworthiness of electrical wiring interconnection systems; f) Weight balance manual.

Design - §9 - Modalities of acceptance/validation of certificates

EU to China

Certificate	Acceptance / Validation	Comment
Supplemental type certificate & Significant Major changes approved by the EU Competent Authority	Validation	○ Significant Supplemental type certificate, significant major change: validation in accordance with Level of Involvement principles documented in Annex §4.4.2 and in the Technical Implementation Procedures. Some significant Supplemental type certificates or significant major changes, as detailed in the Technical Implementation Procedures, will be validated under a streamlined validation process limited to technical familiarisation without involvement of the Validating Authority in the showing of compliance activities. ○ Non-significant Supplemental type certificate: validation through an administrative process detailed in the Technical Implementation Procedures.

Design - §9 - Modalities of acceptance/validation of certificates

EU to China

Certificate	Acceptance / Validation	Comment
Non-significant major changes and major repairs approved by the EU Competent Authority ---- Minor Changes and repairs approved by EU	Automatic Acceptance	CAAC recognises and accepts the EASA certificates without any technical investigation or validation exercise. EASA approval is recognised by CAAC as equivalent to its own certificate issued in accordance with its legislation and procedures. CAAC does not issue its own corresponding certificate.

Design - §9 - Modalities of acceptance/validation of certificates

EU to China

Certificate	Acceptance / Validation	Comment
Technical Standard Order Approval issued by the EU Competent Authority	Validation	Validation through an administrative process detailed in the Technical Implementation Procedures.

Design - §9 - Modalities of acceptance/validation of certificates

China to EU

Certificate	Acceptance / Validation	Comment
Type certificate issued by CAAC	Validation	Validation in accordance with Level of Involvement principles documented in Annex §4.4.2 and in the Technical Implementation Procedures
Supplemental type certificate & Major changes & Major Repairs approved CAAC	Validation	Validation in accordance with Level of Involvement principles documented in Annex §4.4.2 and in the Technical Implementation Procedures

Design - §9 - Modalities of acceptance/validation of certificates

China to EU

Certificate	Acceptance / Validation	Comment
Technical Standard Order Approval issued by CAAC	Validation	Validation process, in accordance with Level of Involvement principles documented in Annex §4.4.2 and in the TIP. Some Technical Standard Order Approvals, as detailed in the TIP, will be validated under a streamlined validation process limited to technical familiarisation without involvement of the Validating Authority in the showing of compliance activities.

Design - §9 - Modalities of acceptance/validation of certificates

China to EU

Certificate	Acceptance / Validation	Comment
Minor Changes and repairs approved by CAAC	Automatic Acceptance	EASA recognises and accepts the CAAC certificates without any technical investigation or validation exercise. CAAC approval is recognised by EASA as equivalent to its own certificate issued in accordance with its legislation and procedures. EASA does not issue its own corresponding certificate.

Design - §9 - Modalities of acceptance/validation of certificates – Implementation Provisions

- Administrative process (EU TSOA and Non-significant STCs) = **NO technical investigation**:
  Complete application package (detailed in TIP) received by the Validating Authority → Validated Certificate is issued by the VA within a maximum of three (3) to five (5) weeks, depending on the complexity of the product.

- The minor / major and significant / non-significant classifications are made by the Certificating Authority in accordance with the criteria and definitions defined in the Annex (similar to EU Part 21) and interpreted in accordance with the applicable rules and procedures of the Certificating Authority.

Next Steps

Ratification and exchange of diplomatic notes

Conclusion: Consent EP + Decision Council of the EU

Entry into force

(Art. 17.1 of the Agreement)

Adoption of the TIP

Signature on 20.05.2019 + Council Decision on EU side = published on 15.06, also included an Explanatory Memorandum explaining the reasons for such agreement

See following link https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018PC0308

EASA
European Union Aviation Safety Agency

Thank you for your attention!

Questions are welcome.

easa.europa.eu/connect

Your safety is our mission.

An Agency of the European Union