



Limitation, suspension and revocation of product certificate	Doc #	PR.SLC.00001-001
	Approval Date	20/07/2010

Limitation, suspension and revocation of product certificate

PR.SLC.00001-001

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DOCUMENT CONTROL SHEET

Process Area	Product airworthiness/ environment certification
Main Process	Limitation, suspension and revocation of product certificate
Main Process Owner	Alain LEROY

Reference documents**a) Contextual documents**

Commission Regulation (EC) 1702/2003 - Regulation 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 organisations

Commission Regulation (EC) 2042/2003 - Regulation of 20 November 2003 laying down implementing rules for the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L315, 28.11.2003)

ED Decision 2009/009/E - On the delegation of powers of the Executive Director to certain staff members of the Certification Directorate, and repealing ED Decision 2008/001/E

MB Decision 01-2004 - Decision of the Management Board concerning the arrangements to be applied by the Agency for public access to documents

MB Decision 12-2007 - Decision of 1 Oct 07 of the Management Board concerning the general principles related to the certification procedures to be applied by the Agency for the issuing of certificates for products parts and appliances (hereinafter referred to as PCP Decision)

Regulation (EC) 1049/2001 - Regulation of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents

Regulation (EC) 216/2008 - Regulation of European Parliament and of Council of 20 Feb. 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and repealing Council Directive 91/670/EEC, Regulation (EC) 1592/2002 and Directive 2004/36/EC

Regulation (EC) 45/2001 - Regulation of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

UG.TC.00002 - Certification general user guide

b) Internal documents

IC - Decision to limit, suspend or revoke a product certificate

IC - EASA list of product certificates

IC - Formal warning letter on non-compliance F&C

IC - Notification letter on decision to limit, suspend or revoke a product certificate

IC - Warning letter to limit, suspend or revoke a product certificate to be sent to the product certificate holder

WI.DRM.00040 - Records management within P&A section

WI.DRM.00041 - Rotorcraft section record management

WI.DRM.00042 - General aviation records management

WI.DRM.00043 - Propulsion section records management

WI.DRM.00044 - Large aeroplanes section records management

WI.TC.00006 - Request for legal advice for product safety oversight

WI.TC.00036 - Decisions and signatures for product safety oversight

Abbreviations/Definitions

AD
Airworthiness Directive

AMC
Applicable Means of Compliance

C
Certification Director

CAP
Continuing Airworthiness Procedure



Limitation, suspension and revocation of product certificate

Doc #

PR.SLC.00001-001

Approval Date

20/07/2010

DOA
Design Organisation Approval
ED
Executive Director
GM
Guidance Material
ICAO
International Civil Aviation Organisation
ITL
Inspection Team Leader
LD
Legal Department
MS
Member States
RCM
Responsible Certification Manager
WCM
Web Content Manager

Log of issues

Issue	Issue date	Change description
001	20/07/2010	First issue, Migration C.P003-00



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	Approval Date	20/07/2010

INTRODUCTION

Purpose and scope

This procedure describes how the Agency will internally handle limitations to, suspension and revocation of product certificates and related tasks.

The procedure shall be followed in order to achieve standardised processes within the Agency.

This procedure describes all technical aspects related to the limitation, suspension or revocation of product certificates according to Annex Part 21 to Commission Regulation (EC) No. 1702/2003.

This procedure applies to EU and non-EU aeronautical products.

Legal framework

According to Articles 20(1)(i) of Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency repealing Regulation (EC) No. 1592/2002 (hereinafter referred to as "the Basic Regulation"), the Agency shall limit, suspend or revoke the certificates and approvals it issues when the conditions according to which they were issued are no longer fulfilled or the holder of that certificate no longer fulfils the obligations imposed by the Basic Regulation or its Implementing Rules. The Implementing Rules listed above as reference documents contain various provisions that further develop the principle set out in the Basic Regulation, and provide further detail on the circumstances under which a product related certificate should be suspended, limited or revoked.

Furthermore, according to Article 12(2) of Commission Regulation (EC) No. 593 on the fees and charges levied by the European Aviation Safety Agency, as amended by Commission Regulation (EC) No. 1356/2008 the latter may also revoke product related certificates in the event of non-payment of the fees due by the applicant.

Basic Principles

The procedure shall be followed by EASA, and in particular by the responsible certification managers when taking decisions to limit, suspend or revoke approvals and certificates. It is important to understand that this procedure is not self-contained, and has close links to other procedures, that either provide input, or handle the output of this one. Thus, this procedure will apply normally at the end, and as a consequence of, other procedures, namely the procedures related to continuous oversight of approved products. Similarly, since the limitation, suspension or revocation of a certificate will have, in some cases, broader effects on safety, this procedure will probably have, at its end, connections with other procedures, namely the Continuing Airworthiness Procedure (CAP). The procedure also interfaces with the financial circuits in the case of non-payment of fees due by the applicant.

One of the basic principles of this procedure is that the holder of the certificate which limitation, suspension or revocation is being considered should always be aware of what is happening, and if time constraints allow it, be given a chance to have its say and rectify the situation before a decision is issued. Although in most cases this chance has already been given before, it is important that all the ways of reaching an amicable solution are exhausted before coming to the point of limiting, suspending or revoking a certificate. However, safety is of course the overriding objective to be ensured except in case of non-payment.

In the absence of guidance in the implementing rules, the following basic principles provide supportive material regarding the various actions that the competent authority may take.

a) Revocation: cancellation in whole or in part of an approval.

The certificate is removed. If the Certificate Holder wishes to have the certificate back then the Certificate Holder must re-apply for the product certificate. All findings must be closed before the former product certificate is re-issued. This implies that a new certificate has to be issued.

b) Suspension: temporary removal in whole or in part of the validity of the product certificate.

The product certificate is held in abeyance in whole or in part until compliance is re-established. No certificate issue or re-issue is required. Re-instatement of the validity of the product certificate does not systematically require a new investigation but may be based upon an acceptable corrective action plan.



Limitation, suspension and revocation of product certificate	Doc #	PR.SLC.00001-001
	Approval Date	20/07/2010

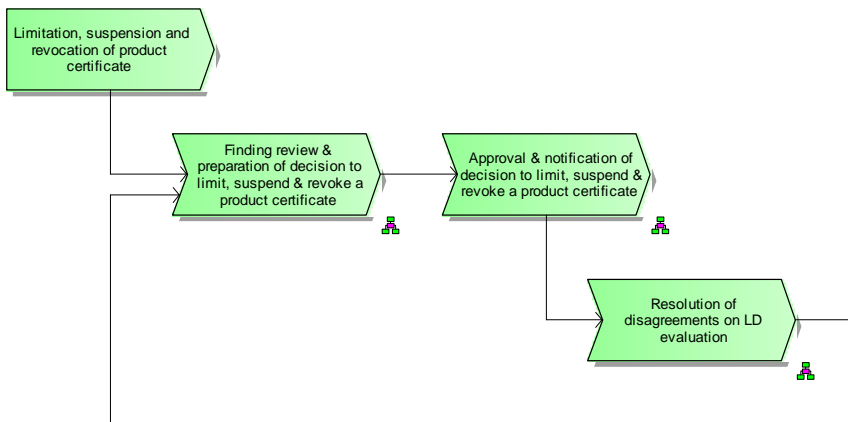
c) Limitation: removal of a particular privilege

Not the removal of a complete product certificate, but a specific model for instance.



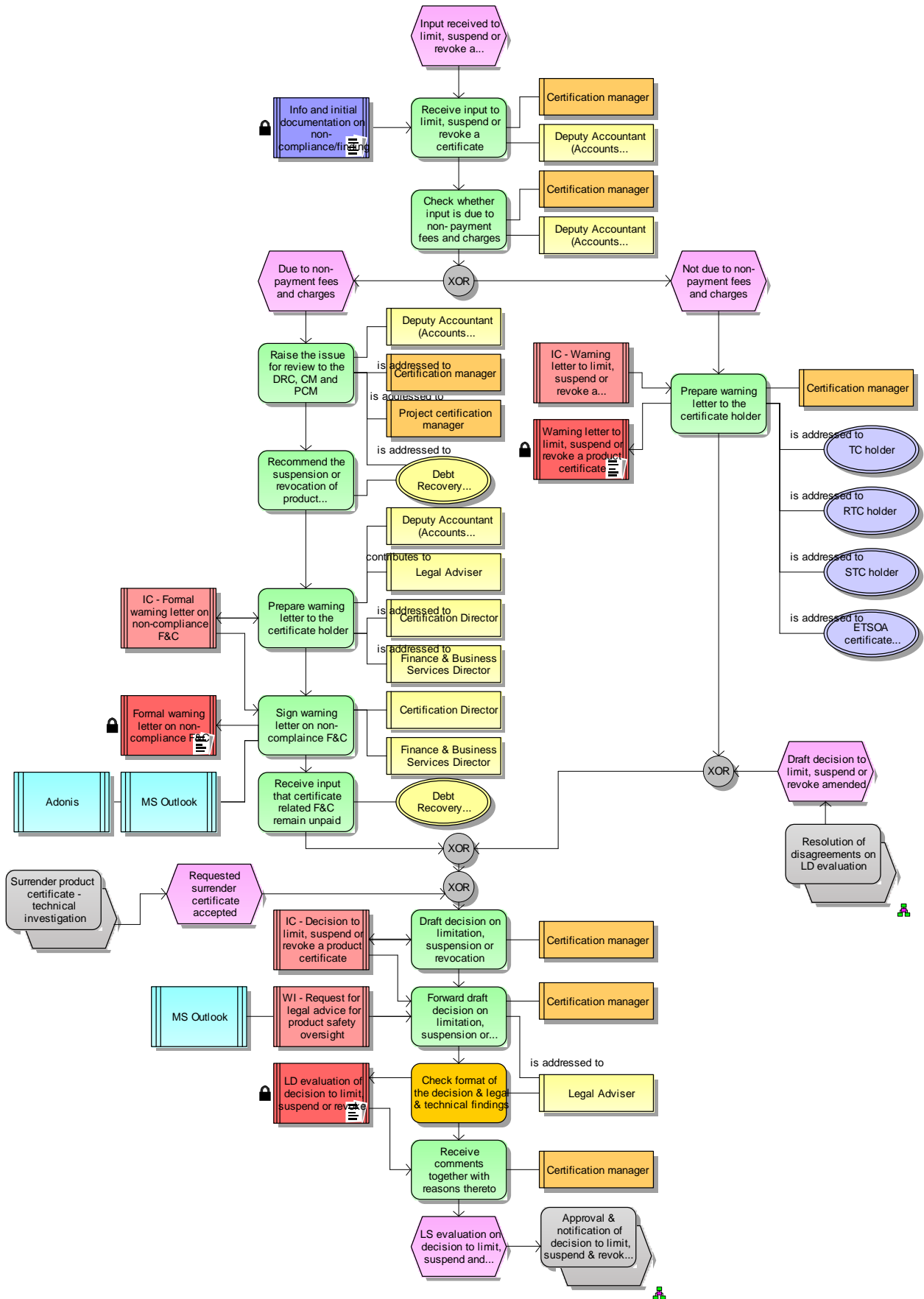
Structure of process charts

Limitation, suspension and revocation of product certificate





Finding review & preparation of decision to limit, suspend & revoke a product certificate





Limitation, suspension and revocation of product certificate	Doc #	PR.SLC.00001-001
	Approval Date	20/07/2010

Activity	Description to the process activity
Receive input to limit, suspend or revoke a certificate	The input shall be a non-compliance/finding established and notified to the approval Holder in accordance with the applicable provisions together with related AMC/GM and the EASA procedures listed as reference documents.
Raise the issue for review to the DRC, CM and PCM	The Deputy Account - Accounts Receivable will notify the responsible CM and PCM whenever the due fee remains unpaid after receipt of the second reminder and invite the Head of Product Department and the responsible Certification Manager and Project Certification Manager to take part in related discussions in the Debt Recovery Committee (DRC).
Check whether input is due to non- payment fees and charges	---
Recommend the suspension or revocation of product certificate, if appropriate, further to review of the reasons for non-payment.	Further to these discussions the DRC will recommend follow-up actions, amongst those where required the discontinuation (put on hold) of related certification activities, suspension or revocation of the related product certificate to the Certification Director and to the Finance & Business Services Director.
Prepare warning letter to the certificate holder	<p>The Deputy Accountant - Accounts Receivables shall prepare, in coordination with the Legal Adviser, a warning letter to the approval holder.</p> <p>The letter shall refer to the corrective actions required and inform about consequences of failure to comply (stop certification activities, limitation, suspension, revocation).</p> <p>The user shall use the template which has been approved by the LD. Any time the process user departs from the template already approved, the LD is to be consulted again.</p>
Sign warning letter on non-compliance F&C	<p>The letter shall be signed by the Certification Director and Finance and Business Services Director.</p> <p>The letter shall be sent to the certificate holder by registered mail and against a "return receipt" which will include stating the date of receipt and the signature of the recipient.</p> <p>Simultaneously, mail or fax for immediate notification.</p>
Prepare warning letter to the certificate holder	<p>The responsible CM shall send a warning letter to the approval holder by registered mail and against a "return receipt" which will include stating the date of receipt and the signature of the recipient. The letter shall refer to the corrective actions required and inform about consequences of failure to comply (limitation, suspension, revocation).</p> <p>The user shall use the template which has been approved by the LD. Any time the process user departs from the template already approved, the LD is to be consulted again.</p> <p>Simultaneously, mail or fax for immediate notification.</p>
Receive input that certificate related F&C remain unpaid	---
Draft decision on limitation, suspension or revocation	---
Forward draft decision on limitation, suspension or	---



Limitation, suspension and revocation of product certificate

Doc #

PR.SLC.00001-001

Approval Date

20/07/2010

revocation	
Check format of the decision & legal & technical findings	<p>LD will check the following:</p> <ul style="list-style-type: none"> * Format is correct * Legality of the intended decision against the applicable rules * Procedure has been followed <p>LD will send a reasoned reply to RCM proposing amendments if necessary.</p>
Receive comments together with reasons thereto	---

Internal Process Interfaces

Surrender product certificate - technical investigation
 Resolution of disagreements on LD evaluation
 Approval & notification of decision to limit, suspend & revoke a product certificate



Approval & notification of decision to limit, suspend & revoke a product certificate





Limitation, suspension and revocation of product certificate	Doc # Approval Date	PR.SLC.00001-001 20/07/2010
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Activity	Description to the process activity
Amend draft decision as recommended by LD, if required	After having received the reply from the LD, amend the Decision in accordance with LD assessment.
Sign decision to limit, suspend or revoke a product certificate	Check delegation according to the latest applicable ED Decision. Negative decisions should not be signed by the same person who took the primary decision affected by the negative decision.
Inform the ED on intended decision to limit, suspend or revoke a product certificate	If no negative reply was received within 2 working days from the ED send the Decision to the approval holder.
Review whether LD evaluation draft decision is acceptable	---
Check that no negative reply from ED has been received	---
Notify the decision to limit, suspend or revoke a product certificate & updated certificate (if any)	If no negative reply was received within 2 working days from the ED send the Decision to the approval holder. An advance copy will be sent by e-mail.
Send decision on (partial) revocation and updated certificate (if any)	Send letter by registered mail and against a "return receipt" which will include stating the date of receipt and the signature of the recipient, notifying the Decision to partially/totally revoke together with an appeal instruction. Simultaneously mail or fax for immediate notification. Archive proof that it was sent and received.
Update EASA list of products & send the list and the Decision to the Web Content Officer / Web Master for publication	---
Mark the concerned product certificate on the easa website as limited, suspended or revoked.	The Products Sections Secretaries, under the CM's direction, will annotate the concerned product certificate on the EASA List of Products as "limited", "suspended" or "revoked".
Assess if subsequent measures are required	Examples: Is an AD needed, to ground aircraft? Do MS, or any organisations, need to be notified? Compliance with obligations deriving from the Chicago Convention is required. See in this regard EASA procedures PR.CAP.00001 and PR.CAP.00007.
Manage publication of amended list of product certificates and decision	Send the amended EASA list of product certificates and the decision to the Web Content Officer / Web Master for publication.
Inform the Certification Director on subsequent measures	---
Provide all relevant documents and evidence to Certification Director	---
Inform ICAO MS on limitation, suspension or revocation	Send out the notification by means of the AD tool.
Archive and/or file relevant records for limitation, suspension and revocation process	Archiving and/or filing of relevant records is ensured through the respective section's work instruction on records management.

Internal Process Interfaces

Finding review & preparation of decision to limit, suspend & revoke a product certificate



Limitation, suspension and revocation of product certificate

Doc #

PR.SLC.00001-001

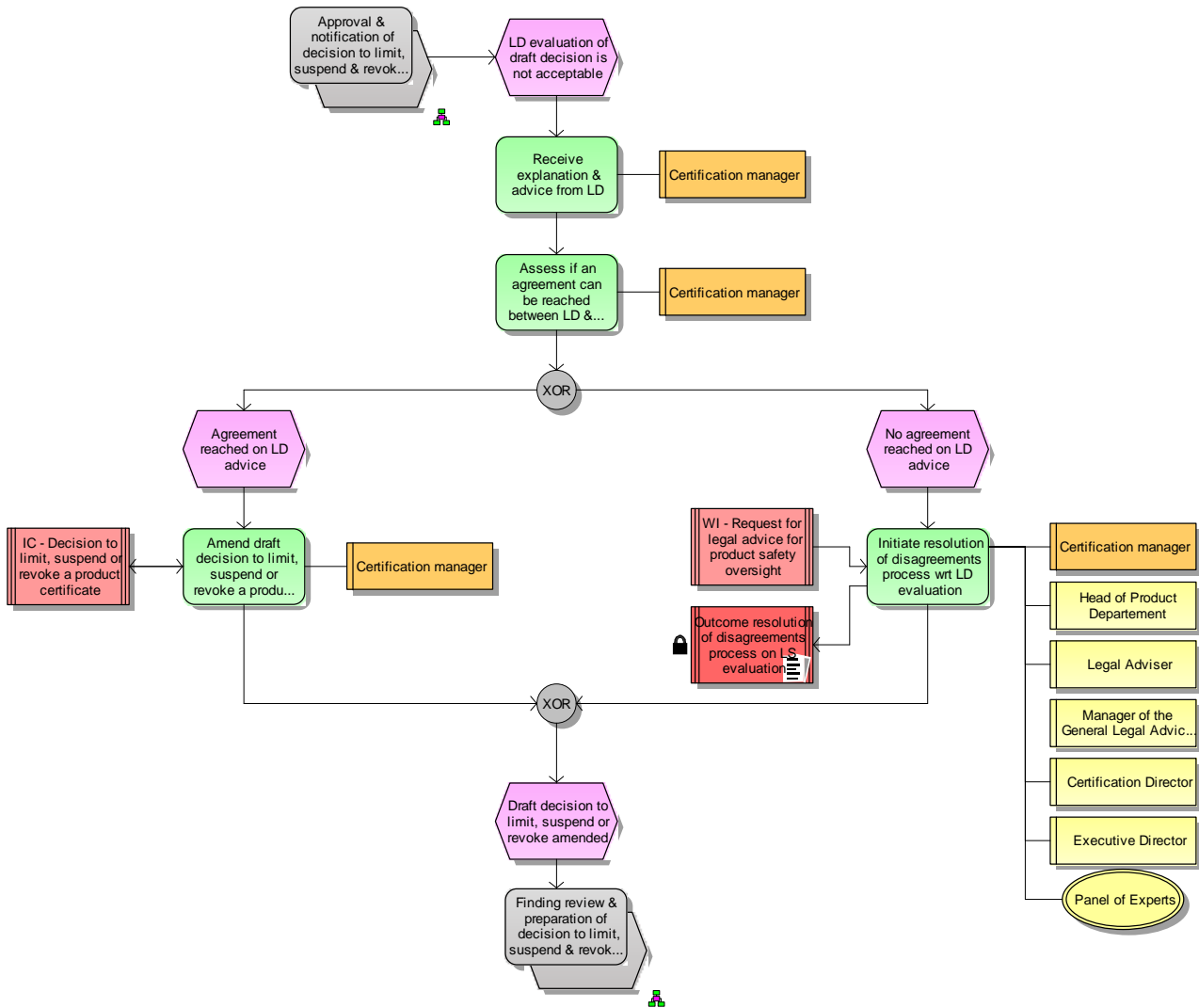
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20/07/2010

Resolution of disagreements on LD evaluation



Resolution of disagreements on LD evaluation





Limitation, suspension and revocation of product certificate	Doc #	PR.SLC.00001-001
	Approval Date	20/07/2010

Activity	Description to the process activity
Receive explanation & advice from LD	In case of a disagreement with the LD evaluation, LD will further explain the reasons of its reply.
Assess if an agreement can be reached between LD & RCM	---
Amend draft decision to limit, suspend or revoke a product certificate	---
Initiate resolution of disagreements process wrt LD evaluation	<p>If an agreement cannot be reached, a resolution of disagreements process should be initiated involving in a first phase the Manager of the General Legal Advice Section / Chief Legal Adviser and the Head of Product Department.</p> <p>Every effort shall be made to resolve any disagreements at the lowest possible level. The Legal Adviser and the responsible Certification Manager will be the primary decision maker in the process. They shall have the ability and power to take the first decisions to the largest possible extent.</p> <p>If the responsible Certification Manager does not agree with the decision of the Legal Advisor, he will bring the matter to the Head of Product Department who will together with the Manager of the General Legal Advice Section / Chief Legal Adviser try to reach a mutually acceptable resolution.</p> <p>If an agreement still cannot be reached, the Head of Product Department will bring the matter to the Certification Director who will take a decision thereto.</p> <p>If further escalation is necessary, the final decision will be made by the EASA Executive Director, following consultation with the PE. The final decision will be communicated to the responsible CM.</p>

Internal Process Interfaces
<p>Approval & notification of decision to limit, suspend & revoke a product certificate</p> <p>Finding review & preparation of decision to limit, suspend & revoke a product certificate</p>



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Doc #

PR.SLC.00001-001

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RECORDS**Appendix A : Operational Documents**

Finding review & preparation of decision to limit, suspend & revoke a product certificate	
Record	Activity
Warning letter to limit, suspend or revoke a product certificate	- Prepare warning letter to the certificate holder
LD evaluation of decision to limit, suspend or revoke	- Check format of the decision & legal & technical findings
Formal warning letter on non-compliance F&C	- Sign warning letter on non-compliance F&C

Approval & notification of decision to limit, suspend & revoke a product certificate	
Record	Activity
EASA list of product certificates	- Mark the concerned product certificate on the easa website as limited, suspended or revoked.
EASA Certification Information on limitation, suspension or revocation	- Inform ICAO MS on limitation, suspension or revocation
Notification letter on decision to limit, suspend or revoke a product certificate	- Notify the decision to limit, suspend or revoke a product certificate & updated certificate (if any) - Send decision on (partial) revocation and updated certificate (if any)
Notification e-mail certification information ICAO Member States	- Inform ICAO MS on limitation, suspension or revocation
E-mail notification to ED of decision to limit, suspend or revoke a product certificate	- Inform the ED on intended decision to limit, suspend or revoke a product certificate
Decision to limit, suspend or revoke a product certificate	- Sign decision to limit, suspend or revoke a product certificate

Resolution of disagreements on LD evaluation	
Record	Activity
Outcome resolution of disagreements process on LS evaluation	- Initiate resolution of disagreements process wrt LD evaluation

Appendix B : External Documents

Finding review & preparation of decision to limit, suspend & revoke a product certificate	
Record	Activity
Info and initial documentation on non-compliance/finding	- Receive input to limit, suspend or revoke a certificate