



Transfer or surrender of a product certificate	Doc #	PR.TOC.00001-001
	Approval Date	13/09/2010

## Transfer or surrender of a product certificate

### **PR.TOC.00001-001**

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## DOCUMENT CONTROL SHEET

<b>Process Area</b>	Product airworthiness/ environment certification
<b>Main Process</b>	Transfer or surrender of a product certificate
<b>Main Process Owner</b>	Alain LEROY

### Reference documents

#### a) Contextual documents

Commission Regulation (EC) 1356/2008 - Regulation of 23 December 2008 amending Regulation (EC) No 593/2007 on the fees and charges levied by the European Aviation Safety Agency  
 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) 593/2007 - Regulation of 31 May 2007 on the fees and charges levied by the European Aviation Safety Agency Regulation (OJ L140, 01.06.2007)  
 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 04-2009 - Decision of the Management Board on guidelines for the allocation of certification tasks to National Aviation Authorities and Qualified Entities  
 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

#### b) Internal documents

EASA Form NR 38 - Application for transfer of certificate  
 EASA Form NR 90 - Type Certificate  
 EASA Form NR 91 - Supplemental type certificate  
 EASA Form NR 92 - ETSO-authorisation certificate  
 FO.ATCC.00012 - Specialist statement of technical satisfaction  
 FO.PREAG.00003 - Request for legal advice  
 IC - Decision to limit, suspend or revoke a product certificate  
 TE.TOC.00020 - Request to return TC or STC to EASA  
 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

PCM  
 Project Certification Manager  
 SofA  
 Scope of Approval  
 DOA  
 Design Organisation Approval  
 WCM  
 Web Content Manager



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RCM  
Responsible Certification Manager

**Log of issues**

Issue	Issue date	Change description
001	13/09/2010	First issue, migration of C.P105-00.



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## INTRODUCTION

### Purpose and scope

This procedure describes how to transfer a product certificate to a new certificate holder and how to surrender a product certificate.

This procedure applies to the transfer of a (Restricted) Type Certificate ((R)TC) and a Supplemental Type Certificate (STC) and to the surrender of a (Restricted) Type Certificate ((R)TC), a Supplemental Type Certificate (STC) and an European Technical Standard Order Authorisation (ETSOA) in accordance with the applicable provisions of Annex Part 21 to Commission Regulation (EC) No 1702/2003.

It does not include change of ownership for an ETSO authorisation.

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

### Legal framework

In accordance with Annex Part 21 to Commission Regulation (EC) No 1702/2003, the transfer of a (Restricted) Type Certificate ((R)TC: Part 21A.47) or a Supplemental Type Certificate (STC: Part 21A.116) may only be made to a natural or legal person that is able to undertake the obligations as TC/STC holder and for this purpose has demonstrated its ability by holding a Design Organisation Approval (DOA) issued by the Agency or by alternative procedures to. It does not include change of ownership for an ETSO authorisation.

It follows from Part 21A.51(b) ((R)TC) and Part 21A.118B(b) (STC) that a (R)TC, a STC and an ETSOA could be surrendered to the Agency.

Certificates related to major or minor change/repair approvals are not transferable. Further an ETSO authorisation is not transferable (Part 21A.621).

### Basic Principles

This procedure shall be followed by the Agency, and in particular by the responsible certification managers, when handling the transfer of a (R)TC and a STC.

This procedure applies also to the surrender of a (R)TC, a STC and an ETSOA in accordance with the applicable provisions of Annex Part 21 to Commission Regulation (EC) No 1702/2003.

The request for transfer of a product certificate shall be made by the certificate holder using EASA Form NR 38.

The request for surrender of a product certificate shall be made by the certificate holder. There is no dedicated EASA form available.

After transfer or surrender of the certificate the previous product certificate shall be returned to the Agency.

#### Transfer

The recipient of a certificate through the transfer of a certificate accedes to all privileges of a certificate holder and all responsibilities which include the continued airworthiness responsibilities for all aircraft produced under that certificate inclusive of those aircraft produced by previous certificate holders.

When a certificate is transferred, the certificate must be reissued. The signature on the request for transfer can only be made by the individual(s) shown as the certificate holder. In the case of a certificate issued to an organisation, it is necessary to submit an affidavit signed by a duly elected officer of the grantor organisation certifying that the person signing as grantor is duly authorised and empowered to execute the transfer endorsement on behalf of the certificate holder.

Reissue of a TC requires the TC data sheet to be revised to show the new holder and the record of previous holders. The public shall be informed about the certificate transfer by issuing a new certificate referring to the previous one. In case of a TC a TC data sheet in the EASA format shall be prepared especially in cases where there has yet not been an EASA TCDS.

Transfers to a non-EU entity require special coordination.



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A company name change requires that the certificate be reissued in the name of the new certificate holder.

### Surrender

The surrender of a certificate renders it ineffective.

Surrender of the certificate is a legal action in which the certificate holder relinquishes the certificate and the associated privileges and obligations.

### Introduction

Surrender of a TC precludes further production of the product covered by the TC, but it does not affect the eligibility of the aircraft, produced prior to the surrender, for airworthiness certification.

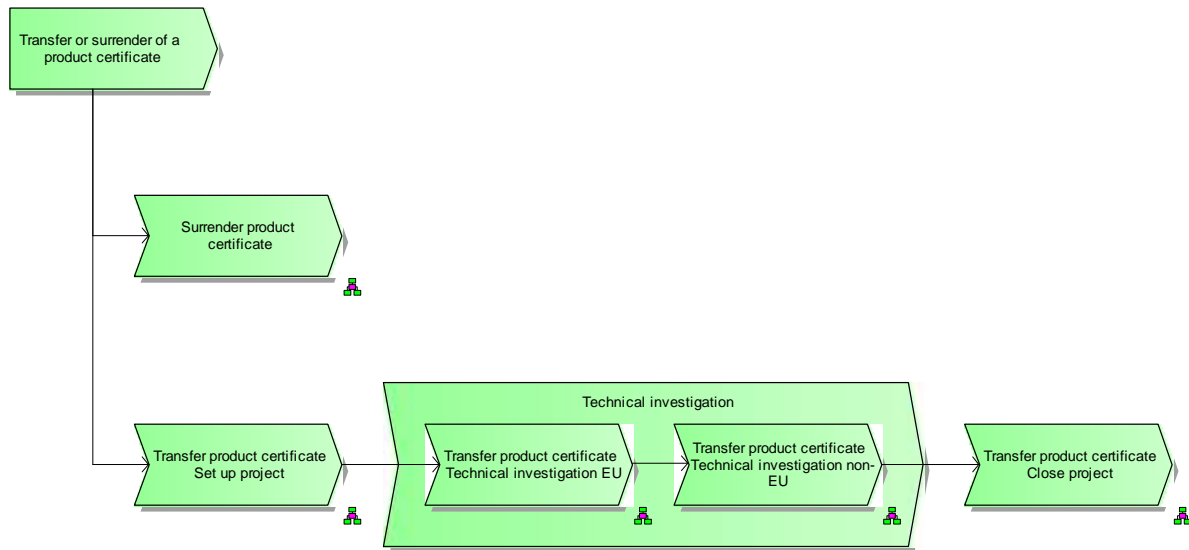
The surrender related notification to the public shall be made by using the airworthiness directive publication system and the EASA website.

Unless the surrendered certificate can be transferred, the surrendered certificate will be revoked.



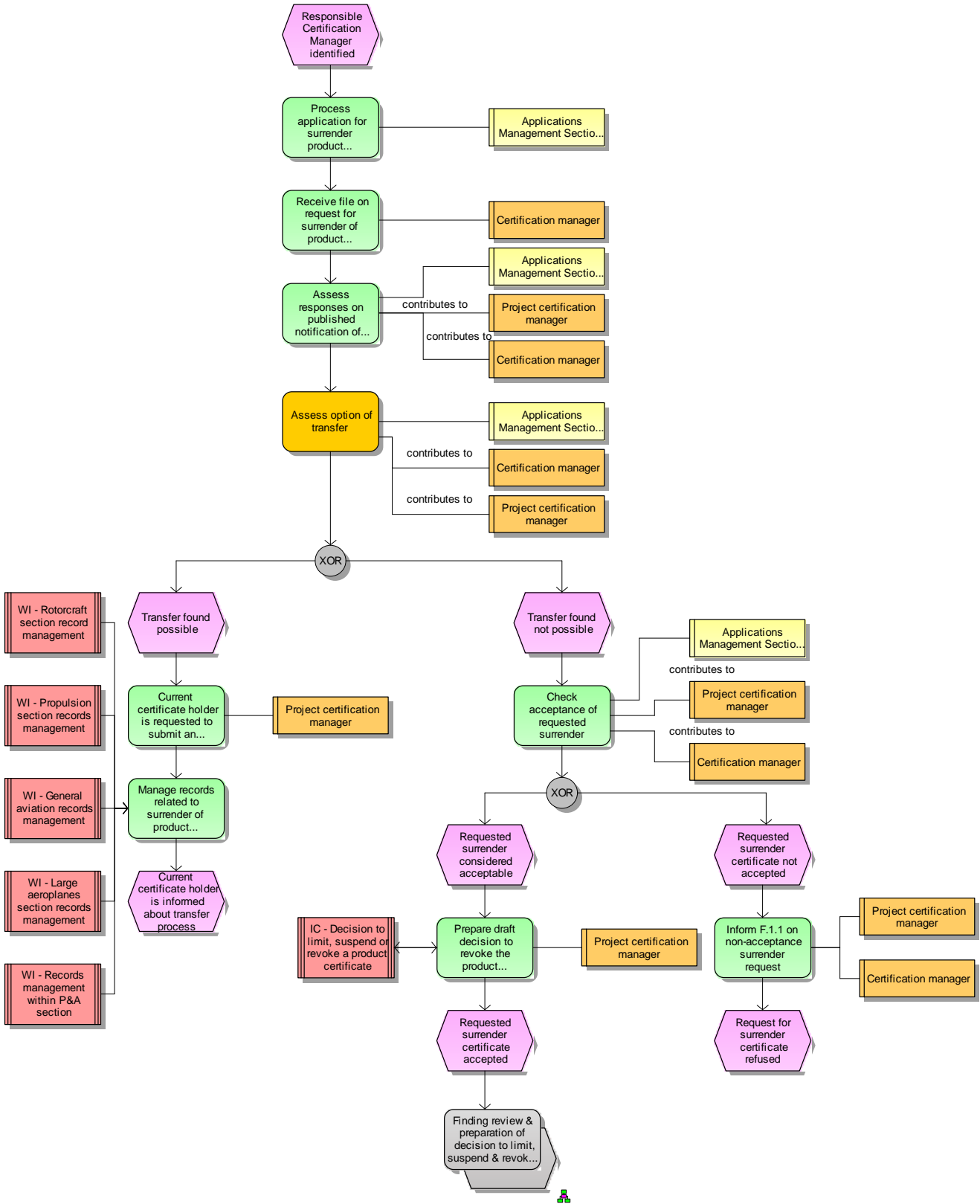
Structure of process charts

Transfer or surrender of a product certificate





Surrender product certificate





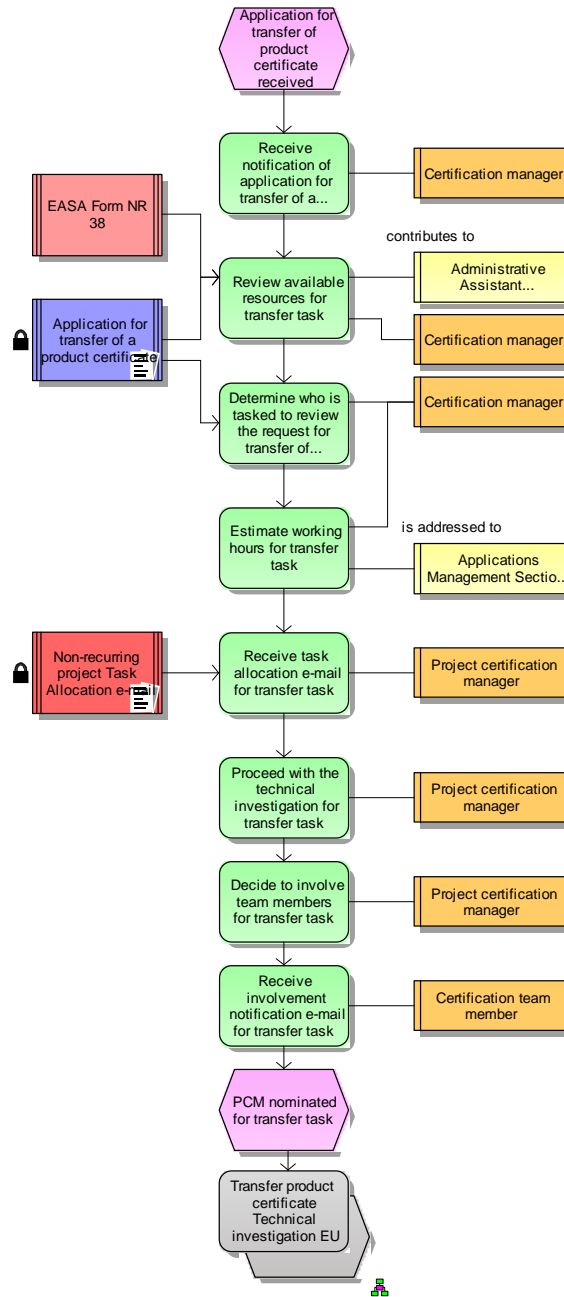
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Activity	Description to the process activity
Process application for surrender product certificate	<p>Only the product certificate holder can request the surrender.</p> <p>The request should be in writing, in form of a letter. The request must clearly identify the affected certificate and a proposed date when the planned surrender becomes effective.</p> <p>Only the product certificate holder can request the surrender. The letter shall contain a legal statement with a list of civil operators on the aircraft type or stating that to its knowledge there is no known civil operator. The letter shall be signed by the authorised representative of the Certificate Holder.</p> <p>CURRENT refers to the certificate holder who is willing to surrender the certificate.</p>
Receive file on request for surrender of product certificate	<p>The responsible Certification Manager within the EASA products department receives the file and further coordinates with F.1.3.</p> <p>A notification will be sent to all ICAO contracting states informing them on the intention of the certificate holder to surrender the certificate. The AD distribution system is used for this purpose. A 4 weeks deadline for response is adequate.</p>
Assess responses on published notification of the intention of the CH to surrender	---
Assess option of transfer	<p>In order to keep the certificate valid the transfer may be transferred to a new certificate holder.</p> <p>If no transfer is possible the surrendered shall be revoked.</p> <p>If there is a candidate for taking over the duties as new certificate holder the certificate is transferred.</p>
Current certificate holder is requested to submit an application for transfer of certificate	---
Manage records related to surrender of product certificate	---
Check acceptance of requested surrender	---
Prepare draft decision to revoke the product certificate	---
Inform F.1.1 on non-acceptance surrender request	The PCM/CM informs F.1.1 on the non-acceptance of the surrender request and requests F.1.1 to notify this decision in writing to the applicant together with the reasons thereto, including a reference to the possibility of appeal as specified in Articles 44 to 50 of the Basic Regulation.

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



Transfer product certificate - Set up project





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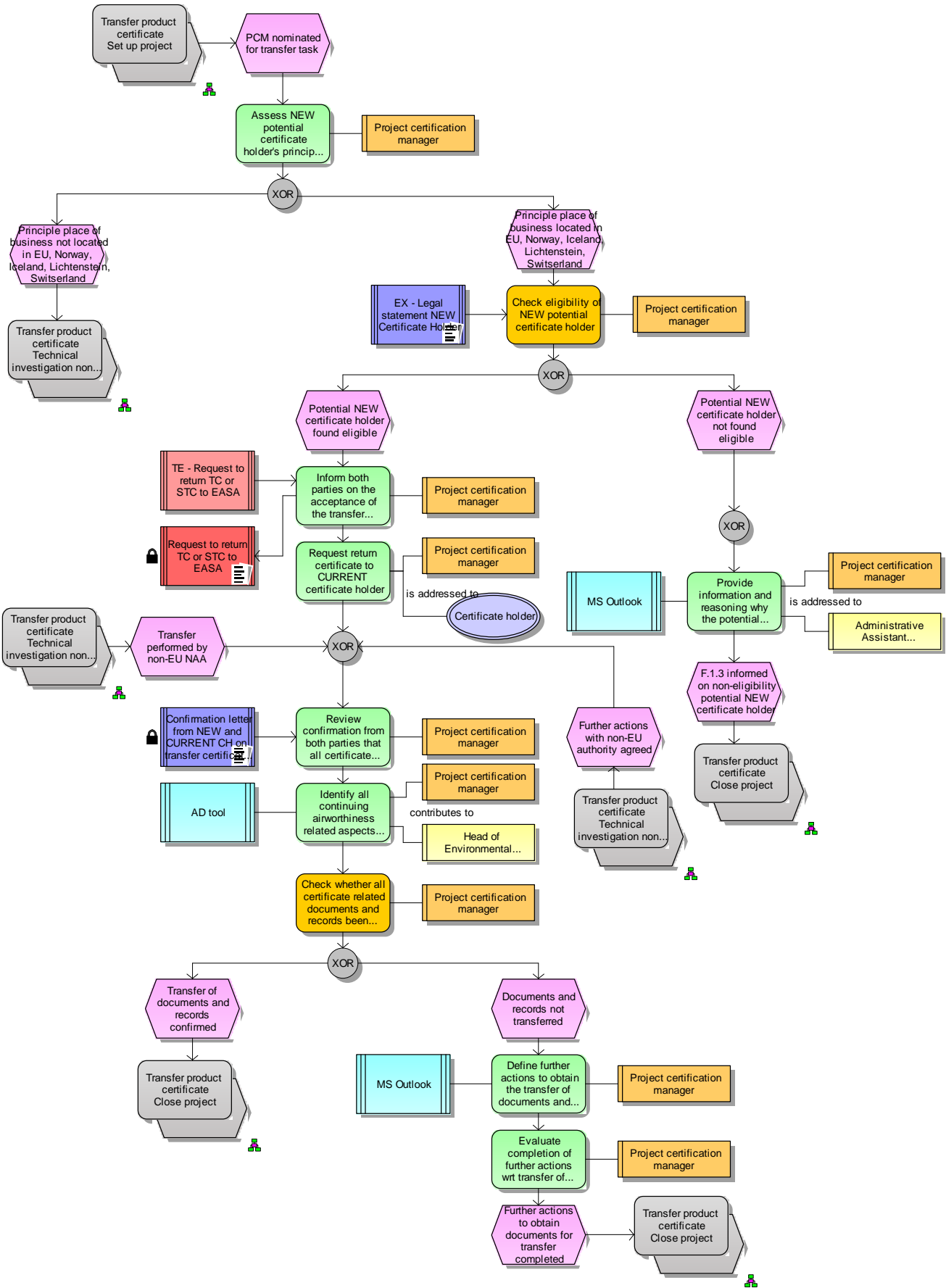
Activity	Description to the process activity
Receive notification of application for transfer of a product certificate and process sheet	---
Review available resources for transfer task	---
Determine who is tasked to review the request for transfer of product certificate	In case of a (R)TC transfer the task is internally allocated to the EASA PCM. In case of a STC transfer the task is allocated either to the EASA PCM or to the NAA as state of design.
Estimate working hours for transfer task	The responsible Certification Manager or his/her deputy advises F.1.2 during the task allocation meeting on the workload estimate to conduct the technical investigation. F.1.2 will then allocate the task accordingly.
Receive task allocation e-mail for transfer task	The nominated PCM or NAA receives a task allocation e-mail (EASA PCM) or Purchase Order (NAA seconded PCM or NAA). The task allocation e-mail / Purchase Order requests the PCM / NAA to conduct the technical investigation associated with the transfer of a product certificate.  Upon receipt of the task allocation e-mail / Purchase Order, the technical investigation commences.
Proceed with the technical investigation for transfer task	---
Decide to involve team members for transfer task	If there is a need to extend the involvement of team members, the PCM (and where applicable together with the CM) will identify the team members and their level of involvement.  The PCM will request F.1.2 (using Assignment request - fees and charges) for the assignment of team members to the project in SAP.  Note: if there is a need to extend the involvement to team members outside EASA, such request will only be taken into consideration in the event the required technical expertise is not available in-house.
Receive involvement notification e-mail for transfer task	The EASA team member selected to participate in the project will receive an Involvement Notification e-mail directly generated by SAP. The external team member selected to participate in the project will receive a Purchase Order through their NAA administrative contact).  In case the work volume is amended, an e-mail / PO is sent again to the affected team members.

**Internal Process Interfaces**

Transfer product certificate Technical investigation EU



Transfer product certificate - Technical investigation EU





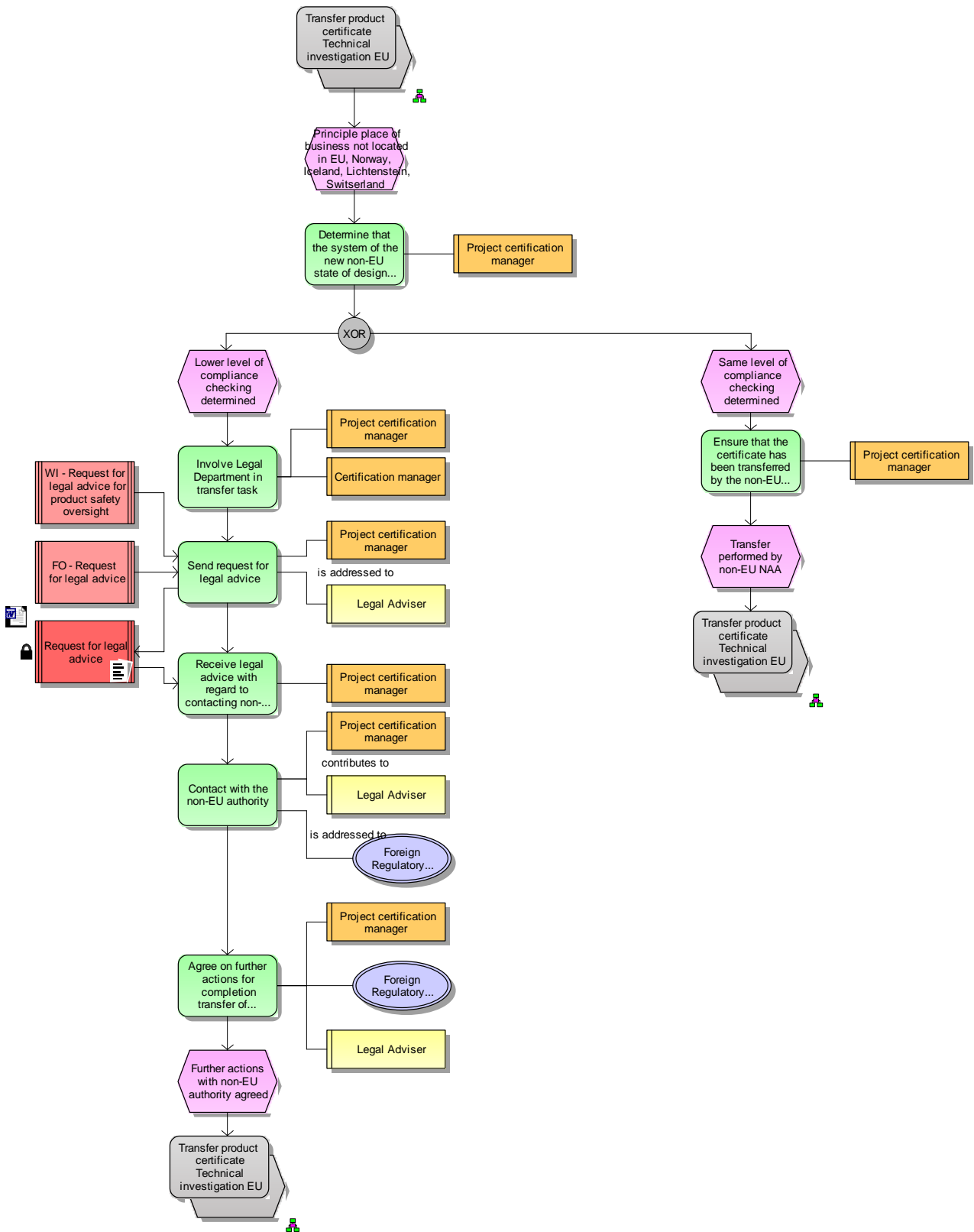
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Activity	Description to the process activity
Assess NEW potential certificate holder's principle place of business	MS refers to all EU member states and Norway, Iceland. There may be other MS that participate in the activities of EASA.  The definition "principle place of business" is taken from Article I.3.1.d) of the "Framework Service Contracts concerning the provision of services to EASA..." and the NAAs of the related MS.
Inform both parties on the acceptance of the transfer request	---
Check eligibility of NEW potential certificate holder	Capability must be demonstrated in accordance with 21A.14 (TC) or 21A.112B (STC)
Request return certificate to CURRENT certificate holder	---
Review confirmation from both parties that all certificate related documents and records have been transferred	The certificate related documents are e.g. certification basis and compliance documentation (incl. application and approval letters), summary of service experience (AD's, records of continued airworthiness meetings etc.), manuals (operation, life limits, maintenance, etc.), relevant airworthiness requirements (if applicable).  The examples are not intended to be exhaustive.
Identify all continuing airworthiness related aspects, including AD's	The PCM shall make a status quo of all relevant continued airworthiness aspects including AD's, if applicable.  The PCM shall ensure that the relevant documents are provided
Provide information and reasoning why the potential certificate holder is not eligible	Provide short feedback to the applicant before the negative decision is taken.  The PCM shall inform F.1.3 that the potential NEW certificate holder is not eligible. The email shall define the legal and technical motivation of the refusal.  Request F.1.3 to notify this decision in writing to the Applicant together with the reasons thereto, including a reference to the possibility for appeal as specified by Articles 44 to 50 of the Basic Regulation.
Check whether all certificate related documents and records been transferred	The old certificate shall be sent back to EASA prior to the re-issuance of the certificate.  The amount and kind of the documents to be transferred depends on the time of certification and on the certification basis.
Define further actions to obtain the transfer of documents and records	The PCM consults with both parties and define further actions to solve the problem.  The PCM shall ensure that the communication is in written format to ensure traceability.  Always set a deadline for answering.
Evaluate completion of further actions wrt transfer of documents and records	---

Internal Process Interfaces
Transfer product certificate Set up project Transfer product certificate Technical investigation non-EU Transfer product certificate Close project



Transfer product certificate - Technical investigation non-EU





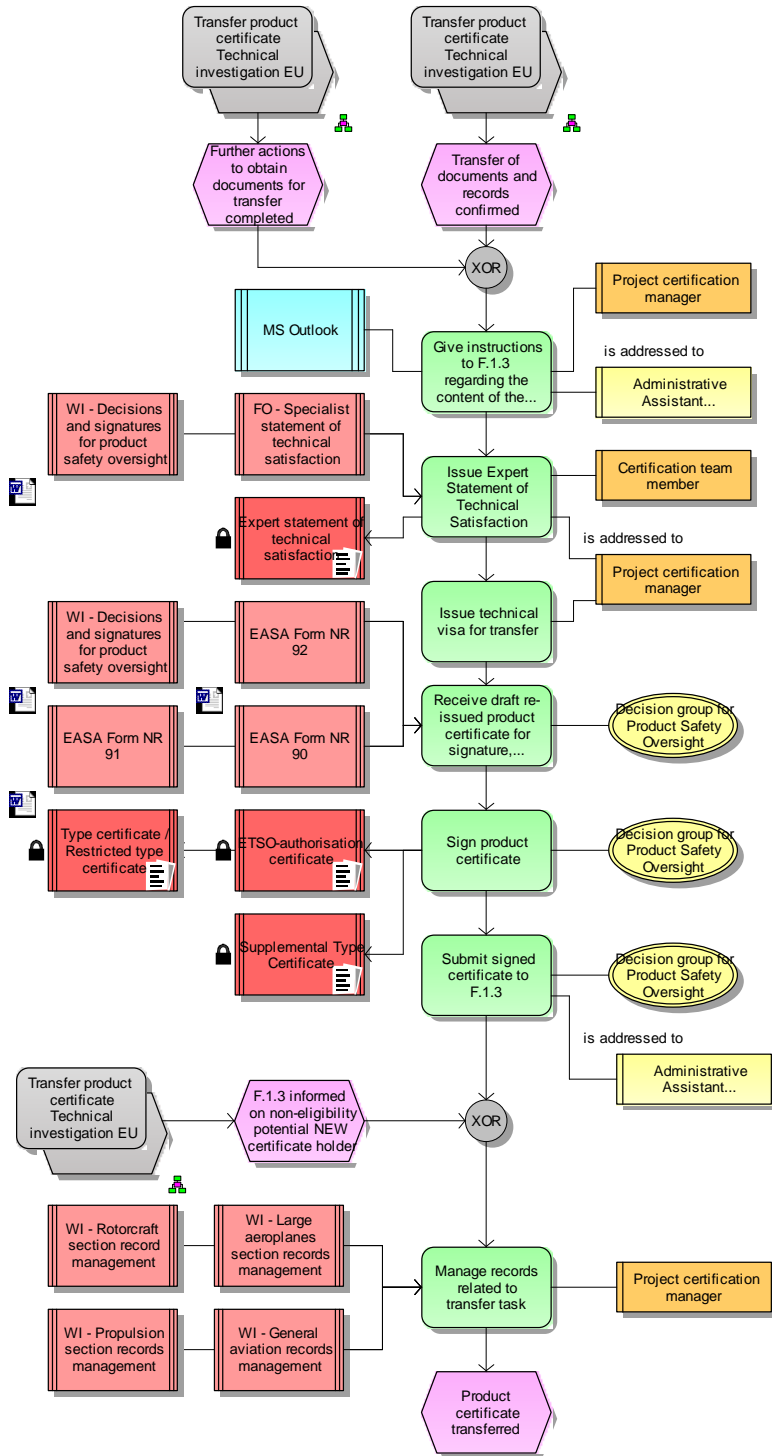
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Activity	Description to the process activity
Determine that the system of the new non-EU state of design includes the same level of compliance checking as Part 21	Article 3 of Commission Regulation (EC) No 1702/2003, as last amended.
Involve Legal Department in transfer task	---
Send request for legal advice	---
Receive legal advice with regard to contacting non-EU authority	---
Contact with the non-EU authority	This step needs to be approached on a case by case basis with the involvement of the legal department.
Ensure that the certificate has been transferred by the non-EU NAA	The PCM shall archive proof that the certificate has been transferred by the non-EU NAA.  Upon a transfer performed by the non-EU NAA the transfer by EASA is made identically in order to have identical certificates. The same principle is followed that during validation process of e.g. FAA-STC.
Agree on further actions for completion transfer of certificate	---

<b>Internal Process Interfaces</b>
Transfer product certificate Technical investigation EU



Transfer product certificate - Close project





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Activity	Description to the process activity
Give instructions to F.1.3 regarding the content of the new and the old product	The content of the re-issued certificate shall be precisely defined. The old certificate shall be sent back to EASA prior to the re-issuance of the certificate.
Issue Expert Statement of Technical Satisfaction	---
Issue technical visa for transfer	---
Receive draft re-issued product certificate for signature, together with technical visa	---
Sign product certificate	---
Submit signed certificate to F.1.3	<p>The preparation and signature of the certificate is performed in the same manner as for other product certificates. The certificate will be dispatched to the applicant by F.1.3.</p> <p>F.1.3 shall publish the information by amending the products list and by publication of the decision on the EASA website. Relevant list of product certificates means: TC, STC, ETSOA- lists or database.</p> <p>The AD publication system is used to notify the public by means of a certification information.</p>
Manage records related to transfer task	---

<b>Internal Process Interfaces</b>
Transfer product certificate Technical investigation EU



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## RECORDS

### Appendix A : Operational Documents

<b>Transfer product certificate - Technical investigation EU</b>	
<b>Record</b>	<b>Activity</b>
Request to return TC or STC to EASA	- Inform both parties on the acceptance of the transfer request

<b>Transfer product certificate - Technical investigation non-EU</b>	
<b>Record</b>	<b>Activity</b>
Request for legal advice	- Send request for legal advice

<b>Transfer product certificate - Close project</b>	
<b>Record</b>	<b>Activity</b>
Expert statement of technical satisfaction	- Issue Expert Statement of Technical Satisfaction
Supplemental Type Certificate	- Sign product certificate
Type certificate / Restricted type certificate	- Sign product certificate
ETSO-authorisation certificate	- Sign product certificate

### Appendix B : External Documents

<b>Transfer product certificate - Set up project</b>	
<b>Record</b>	<b>Activity</b>
Application for transfer of a product certificate	- Review available resources for transfer task - Determine who is tasked to review the request for transfer of product certificate

<b>Transfer product certificate - Technical investigation EU</b>	
<b>Record</b>	<b>Activity</b>
Confirmation letter from NEW and CURRENT CH on transfer certificate related documents and records	- Review confirmation from both parties that all certificate related documents and records have been transferred