

Topics relevant for the COB WG

1. Can on-going validation projects following previously agreed Working Arrangements transition to TIP provisions? If so, is there a process agreed by authorities for this matter?

Answer:

Yes, article 1.3.4. in the TIP foresees the possibility for validation projects from both parties to make use of relevant provisions foreseen by the EU-China BASA and thus be completed under this new framework. In this regard, and given the amount of professionals involved on both sides, applicants are advised to contact their respective CA to start discussions with the VA to assess how best to transition their projects so that work done is appropriately credited.

2. What is the process for prioritizing project evaluation with VA and how can a company request priority with respect to applicability of the TIP?

Answer:

There is no predefined process for prioritizing project evaluation within a VA. Instead, both CA and VA intend to regularly review the status of projects so that all applicants are treated in a fair and equitable manner.

3. What is the status of previous WAs? Are these cancelled? Which WAs are still applicable?

Answer:

In accordance with the processes defined in 1.3.4. of the TIP, previous WAs will be subject to amendment or termination, as appropriate. With this purpose, both Parties are conducting a joint review to assess each WA individually. The related organisations and the relevant official publications, website and/or others, will be updated accordingly.

Operational / practical implementation aspects

4. What are the elements of the application package? Are any templates foreseen for this purposes?

Answer:

First of all, an application to the VA, a CA's statement that the design complies with VA certification basis, and issuance of the VA design approval is required for all the application for validation (administrative, streamlined or technical). The application will be supported by use of a signed application form to provide the necessary administrative elements to set up the validation project. It should be filled in, where applicable, with the requested elements of the TIP application package (ref. §3.5.1.3).

The TIP provides guidelines for applicants in matters of application data package, notably in paragraph 3.5.1. as well as in paragraph 3.5.5.14 for the specific case of Parts & Appliances.

When applying validation approval to CAAC, the information of prospective end customer/operator of the product is necessary for applicants in their requests for validation, except for the VTC application for product of CCAR23/25/27/29/33/35 category. This is to facilitate allocation of the validation project to the best suited regional office. However, the information could be provided in a flexible way, such as a formal customer letter, an email, or other ways two sides agree on.

Application Forms available on EASA website:

<https://www.easa.europa.eu/document-library/application-forms>

Application Forms available on CAAC website:

<http://www.caac.gov.cn/XXGK/XXGK/GFXWJ/201511/P020151103347410146310.pdf>

(See Attachment 1 Application Form for VTC/VSTC & Attachment 2 Application Form for VDA)

To further facilitate the applicability, applicants are in any case advised to consult their CA for the latest on this matter.

5. Which party produces the validation work plan?

Answer:

The Validating Authority (VA) will produce the Work Plan according to paragraph 3.5.5.10. of the TIP.

6. For the criteria on Novel use of technology, which Party does it have to be Novel to? Applicant, CA, or VA?

Answer:

Novel use of technology is where a particular technology is being used in a manner that causes the precepts of the technology to be questioned. This known technology is being used in a manner different from previous experience of the CA or VA.

To qualify for a Project Validation Item (ref. TIP paragraph 3.5.5.8.4), this novel use of technology has to be new to the VA as a whole, not just the VA team members..

Besides, it does not mean that existing technology being applied for the first time to a particular product line is automatically novel.

7. How CAAC TC or STC holder would/can know and assess the impact on the EASA OSD constituents?

Answer:

Chinese applicants are expected to make a proposal of what they believe the impact on OSD constituents should be. The appreciable effect on OSD is to be determined in accordance with EASA Guidance Material GM 21.A.91.

8. What are the fees and charges of EASA and CAAC applicable for the Administrative Validation?

Answer:

The administrative validation path is only applicable in case of CAAC validation of an EU non-significant STC or EU ETSOA. EU applicants need to apply to EASA for a Certification Support for Validation (CSV) using EASA Form 41. Flat charges are applied in case of submittal to the Agency of a CSV after 1 January 2020, in accordance with the provisions of Article 15 of Implementing Regulation 2019/2153.

CAAC will calculate the fees according to the financial policy document and inform the applicant through Notification of Acceptance of Application in accordance with TIP paragraph 3.5.2.

9. Where is an English version of a CAAC TCDS (e.g. Airbus A320 family) available ?

Answer:

The information of all VTCDs is published on AMOS (Airworthiness Management Operating System) platform and the link is <https://amos.caac.gov.cn/#/certificate>.

Policy aspects

10. Is the EASA/CAAC production approval of parts and appliances by holders located in a 3rd country accepted by CAAC/EASA under the BASA?

Answer:

BASA Annex I Paragraph § 4.5.3 (b) covers the case of stand-alone Production Certificates for parts and appliance issued to a holder located in a 3rd country which may be acceptable to the other party..

11. Is EASA/CAAC production approval for which the State of Design responsibilities are exercised by a 3rd country accepted by CAAC/EASA under the BASA?

Answer:

BASA Annex I Paragraph § 4.5.3 covers the case of production approval for which the State of Design responsibilities are exercised by a 3rd country which may be acceptable to the other party.

12. Does the BASA EU-China also include EFTA countries (Norway, Iceland, Liechtenstein, Switzerland) as the EASA regulations are followed in these countries?

Answer:

No. Applicants from EFTA countries are advised to contact their relevant regulatory authorities.

13. Are certificates issued by Hong Kong Civil Aviation Department (CAD) covered by the BASA?

Answer:

Hong Kong CAD certificates will continue to be handled in accordance with the Working Arrangement between EASA and Honk Kong CAD.

14. Why Chinese Production Organisations need to be listed by EASA?

Answer:

CAAC Production Certificate (PC) holders need to be listed by EASA as per BASA Annex I paragraph 4.5.9 and TIP paragraph 6.

15. What will be the scope of Technical familiarisation for streamlined validation process

Answer

It will allow the VA to get an understanding of the approval to be validated. It will focus on general compliance methodologies used by the applicant to show compliance with the applicable VA requirements for the change (There is no VA involvement in compliance showing activities). It will allow the VA to check/confirm the applicable VA certification basis

16. Is Certification Oversight Board (COB) a permanent institution?

Answer

Yes as it will ensure the implementation of the Annex 1 of the BASA

17. Will EASA publish the list of Chinese PC holders according to paragraph 4.5.9 of BASA Annex I in the future?

Answer:

Yes, EASA will publish the list of CAAC PC holder according to par 4.5.9 of BASA Annex I.

18. Why EASA does not assess the Chinese aeronautic industry OEMs and MROs when validates CAAC PC?

Answer:

In matters of production, current provisions of the TIP do not foresee the assessment by any Party of the other Party's Production Certificate or Production Organisation Approval holders (see paragraph 6 for the specific case of Chinese PC holders). Instead, both Parties support a reciprocal process of Continued qualification of the Competent Authorities (paragraph 1.7.1) for this purpose.

19. First Validation of a given products category which require technical exposure. What kind of categories will be included? Are drones also included?

Answer:

In accordance with the provisions of Annex paragraph 4.4.2.2, special procedures and scrutiny will apply during the first validation of a product of a given category as defined in TIP paragraph 3.5.5.9.4). If there is any category not covered by paragraph 3.5.5.9.4), such as drone, according to paragraph 2.1.3, upon agreement by EASA and CAAC, it could also be dealt on a case by case basis through a Special Arrangement..

20. Is it possible to detail more the meaning the experience in Annex 4.4.2.1.(a) (Experience and records)?

Answer:

As explained in TIP paragraph 3.1.5.a), the experience and records of the Competent Authority of the other Party as Certifying Authority shall be duly taken into account by the Validating Authority when establishing its level of involvement. The more the Exporting Party has successful experience as CA, the more the VA shall rely on it.

21. Does CAAC request that manuals should be translated into Chinese?

Answer:

The manuals are not requested to be translated into Chinese. English versions of the manuals are acceptable.

22. Is design change equivalent to type certificate change?

Answer:

In most of the instances, the term “design change” is to be understood as encompassing also the changes to type certificates

TIP interpretation / Clarification

23. What are the criteria for classification of minor/major or significant /non-significant changes

Answer:

As per Annex 1 paragraph 9.3.2., the minor / major and significant / non-significant classifications are made by the Certifying Authority in accordance with the criteria and definitions defined in this Annex and interpreted in accordance with the applicable rules and procedures of the Certifying Authority.

Annex 1 paragraph 9.3.3. defines the criteria for the significant changes.

Annex 1 paragraph 2.1. (d) defines the criteria for the minor changes.

24. Is automatically accepted design change validated before the VTCDS updated?

Answer:

Yes. The fact that a design change is automatically accepted by the VA is irrespective of the need to update the VTCDS.

However, in case an automatically accepted design change requires the update of the Validating Authority Validation of Type Certificate (VTC) or its Data Sheet (VTCDS), a further application for administrative update of the VTC or VTCDS shall be made by the VTC holder, through the Certifying Authority and the necessary data shall be provided to the validating Authority, as prescribed in paragraph 3.2.

25. What are the Chinese design changes subject to automatic acceptance?

Answer:

In accordance with Annex 1 paragraph 9.2, minor design changes and repairs approved by CAAC are eligible for automatic acceptance.

26. Is the new VA standard indicated in § 3.5.5.8 applicable to AMC/GM?

Answer:

New VA standards may give rise to a General Validation Item (GVI) when falling within the situation described in TIP paragraph 3.5.5.8.2)

Application of a new MoC for an existing airworthiness standard is addressed under TIP paragraph 3.5.5.8 7) and could give rise to a Project Validation Item (PVI).

27. How the application to cover the EASA OSD element in the Chinese system should be filed?

Answer:

A separate AEG evaluation application should be filed with CAAC FSD in addition to the airworthiness application.

For FCD or MMEL, a validation path may be followed as per Appendix C principles.

28. How does CAAC issue Airworthiness Directives (ADs) and how to get access to the ADs?

Answer:

In accordance with TIP paragraph 4.3, EU SoD issued ADs will be evaluated by CAAC and CAAC will issue its own AD with a clear reference to the EU AD, and publish it on the CAAC website.

For ADs issued by CAAC on Chinese products, CAAC will issue the ADs in both Chinese and English and publish them on its website.

29. How will CAAC accept a deviation for the validation of an ETSOA?

Answer:

ETSOA is validated through an administrative process (deviations included). In accordance with TIP 3.5.1.3.e.3), a statement has to be made by the CA to certify that the part or appliance has been examined, tested and has been found to meet the applicable VA Parts and Appliance standard with the applicable limitations and deviations compensated for by factors or design features providing an equivalent level of safety.

30. For an accepted design change impacting the AFM, is the AFM also accepted by CAAC?

Answer:

Yes. This is considered as part of the acceptance of the design change.

31. In paragraph 1.1 Purpose and scope, “the difference between the airworthiness and environmental systems of the Parties to the Agreements”, why using “the parties” instead of using “the Technical Agents (EASA and CAAC)”?

Answer:

In this reference, Parties to the Agreements refer to the European Union and the Government of the People’s Republic of China as per the Agreement (i.e. the ‘Agreement on civil aviation safety between the European Union and the Government of the People’s Republic of China’ – the ‘Agreement’).

32. Will EASA automatically accept the TC issued by CAAC to Chinese industry companies, e.g. C919, MA700 or AECC CJ-1000?

Answer:

In accordance with Annex 1 paragraph 9.2, type certificates issued within the Chinese regulatory system are subject to a validation process described in TIP.

33. What is procedure for “Major Design Changes” approval and validation?

Answer:

Details for each case are provided in the TIP under section 3 “APPROVAL PROCEDURES FOR DESIGN CERTIFICATES” .

34. Could the CAAC request an acceptance page in the AFM for example?

Answer:

Acceptance of the approved manuals like AFM depends on the pursued validation path. In case of automatic acceptance, CA approved manuals are automatically accepted by the VA.

In case of administrative and streamlined validation process, the VA will accept the CA’s approved manuals when the application package is complete and the CA’s statement of compliance is accepted.

In the technical validation process, if there is a need to revise an approved manual to comply with the CAAC requirements as a result of the compliance verification, the relevant technical data shall be revised accordingly. The CAAC, when satisfied with the revised data, will request the EASA to approve the data which will be accepted by the CAAC then.

No acceptance page is foreseen by the TIP in either case.

35. In the specific case of European engine TC holders, the respective TCDS does not strictly reflect whether a new model/derivative is a significant or non-significant major change. How will the information be transmitted to the Chinese VA?

Answer:

Applicants are encouraged to contact EASA on the matter so that appropriate authority-to-authority communication can be put in place on such cases so that necessary clarifications

are made well in advance of any processes. EASA cover letter will identify whether the new model/derivative is a significant major change or not.

36. In Streamlined Validation, at which point is Technical Familiarisation achieved? Would there be an opportunity to reclassify the validation path to Technical?

Answer:

Following TIP paragraph 3.5.4.6, the VA shall complete its technical familiarisation within twenty (20) working days after beginning working on the streamlined validation project and - when applicable – following the completion of any necessary specific meeting, with concurrent notification to the CA.

Concerning the validation path to be followed, there is always a dialogue taking place between the CA and the VA and if there would be good reasons not to apply the streamlined process for an EU Significant STC (disagreement about applicability or not of Appendix B criteria) then a technical validation could be jointly agreed. This particular case is not described in the TIP.

For the validation of CTSOAs, in accordance with TIP paragraph 3.4.2.b) the type of validation path will be agreed by consensus by both Technical Agents.

37. Which validation route will apply for validation of an additional aircraft model to an already validated model

Answer:

The term "model" is not a recognized regulatory term. Both Technical Agents recognize as more efficient using regulatory terms for such purpose e.g. major/minor change, significant/non-significant.

38. if one product was previously certificated based on old version regulation or TSO MOPS, and now the validated authority has new version of regulation of TSO MOPS, will EASA or CAAC as validated authority requires the validated product compliance with the newer version during the technical validation?

Answer:

TIP §3.5.1.3 Note 2: [Note 2](#): For Parts and Appliances, while the CA verifies compliance to the VA standards, the CA certificate may use a different revision of the standard than the one used for the validation upon agreement by the VA.

39. Will complete LOI principles be used during validation? So also risk classification, DOA performance, etc?

Answer:

The principles of level of involvement used for validation in the frame of this Agreement are defined in TIP paragraph 3.1.5; they are different from the LoI principles stemming from EASA Part 21 point 21.B.100.

40. What means "as notified by that Party" in TIP paragraphs 7.2.1. and 7.2.2? Does ADs have to be notified for each model separately or for each individual export case?

Answer:

The mention “as notified by that Party” in TIP paragraphs 7.2.1. and 7.2.2 refer to the applicable airworthiness directives or the importing requirements prescribed by the Importing Party. It sets a requirement to the Importing party to notify these airworthiness directives or importing requirements, but it does not prescribe the way to do so. The possible ways include incorporating a paragraph of importing requirements in the VA TCDSs.

41. What requirements should be met when exporting engines?

Answer:

In accordance with BASA Annex I par 4.6.4, new engines can be exported to the other party if they conform with design data approved by the importing party, are safe for operation and meet additional requirements notified by the importing party.

However, export of used engines is excluded from the scope of the Agreement

42. What about spare parts with Form AAC-038. Are they accepted in EASA?

Answer:

In accordance with BASA Annex I par 4.6.1.1 and 4.6.4.2, and provided the CAAC Production Certificate holder (including holder of Chinese Technical Standard Order Approvals) is listed on EASA website as per BASA Annex I par 4.5.9, the spare parts can be imported into EU with Form AAC-038.

43. Must the CofA for Export for new and used aircraft refer to the importing country TCDSs? E.g. exporting used aircraft from China to EU, the CofA for Export must state EASA TCDSs, regardless if the content of the CAAC TCDSs – is this correct?

Answer:

Yes, as per BASA Annex I par 4.6.2.1 and 4.6.3.1 the Export Certificate of Airworthiness should state compliance with the importing authority requirements.

44. Will EASA STCs with CRIs, which are classified as non-significant, be subject to Administrative Validation?

Answer:

In accordance with Annex 1 article 9.1 and TIP paragraph 3.4.3, Non-Significant Supplemental Type Certificates issued by the EU Competent Authority are subject to the administrative validation path, irrespective of the fact that CRIs are applicable to them.

45. If a Chinese enterprise is an ETSOA holder, but the approved Part Number is fixed, how does it apply for minor design change?

Answer:

For Chinese CTSOA holders that have been validated and granted ETSOA, as long as the minor design change after certification is approved under the CAAC management system, EASA will automatically accept it.

However, according to paragraph 3.3.2 of the TIP, in case the minor change requires the update of the VA certificate (for instance to add a part-number), a further application for administrative update of the validated CTSOA or validated ETSOA shall be made by the approval holder and the necessary data shall be provided to the VA.

46. Is EU ETSOA automatically accepted by CAAC under China-EU BASA?

Answer:

No. ETSOA issued by EASA is not automatically accepted by CAAC. According to paragraph 3.4.3 of the TIP, ETSOA holders should apply to CAAC for validation through an administrative process and obtain Validated Design Approval (VDA) issued by CAAC.

47. Can Chinese enterprises apply for EASA stand-alone certificates such as DOA, POA or ETSOA in the future?

Answer:

In principle, no. The principle of the BASA is that each Party shall rely on the design and production oversight system of the other Party, under the conditions defined in the Annex/TIP. It is therefore not expected that an applicant primarily located in the territory of one Party would receive in the future a stand alone certificate for organization from the other Party. Typically, as stated in Annex paragraph 4.5.2 *“unless otherwise agreed between the Technical Agents, the Technical Agent of the Importing Party shall not issue a production approval for a manufacturer primarily located in the Exporting party.”* This is further recalled in the TIP paragraph 1.3 *“as provided for by the Annex, the Technical Agent of one Party shall not issue a stand-alone certificate for organisations located in the other Party’s territory after the entry into force of the TIP”*.

48. UK applicants have submitted validation approval to CAAC based on EASA design approval before December 31, 2020, but validation inspections have not been completed. Will the applicants obtain the corresponding validation approval after January 1, 2021?

Answer:

The transition period for UK exiting the EU ended on December 31, 2020. After December 31, 2020, UK is no longer a member of the European Union, and thus TIP is not applicable to the UK. For the projects that have not completed the validation inspection, whether they can continue to be inspected and finally issued with validation approval depends on the coordination among CAAC and UK CAA, which is now the Civil Aviation Authority discharging the State of Design responsibility for these approvals.

49. For European companies that have obtained stand-alone certificates issued by CAAC such as CTSOA, will the CAAC regional administration not supervise them in the future?

Answer:

Before the stand-alone certificate is converted to validated certificate, the companies that have already obtained the certificate will still be supervised as usual. China and the EU technical agents are discussing how to transition such certificates to supervise them under the framework of TIP in the future.