

IMPLEMENTATION PROCEDURES

BETWEEN

CIVIL AVIATION ADMINISTRATION OF CHINA

AND

**CIVIL AVIATION SAFETY AUTHORITY
AUSTRALIA**

FOR

**THE ACCEPTANCE OF AIRWORTHINESS APPROVAL OF
AERONAUTICAL PRODUCTS**

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The Government of the People's Republic of China, represented by the Civil Aviation Administration of China (CAAC), and the Commonwealth of Australia, represented by the Civil Aviation Safety Authority (hereinafter referred to singularly as 'the Authority', and collectively, as "the Authorities"), considering that:

- a) Part III of the Memorandum of Understanding between CASA and CAAC (hereinafter referred to as 'the MoU') provides for Implementation Procedures to be developed describing methods by which the Authorities can permit reciprocal recognition of airworthiness approvals of aeronautical products;
- b) Each Authority has determined that the standards used by and the system of the other Authority for airworthiness certification, approval or acceptance of the aeronautical products, covered by these Implementation Procedures for Airworthiness (hereinafter referred to as 'the IPA'), are sufficiently equivalent to its own to make this IPA practicable; and
- c) In the interests of promoting aviation safety, each Authority will cooperate to reduce the economic burden imposed on the Authorities and the aviation industry and operators by avoiding redundant technical evaluations, tests and inspections;

have reached the following understandings:

1. GENERAL

1.1 Purpose

This IPA describes the Authorities' procedures for implementing the airworthiness approvals and testing procedures of aeronautical products as provided for under the MoU.

The objective of this IPA, in accordance with the MoU, is to outline the provisions under which the Authorities will accept each other's airworthiness approvals of aeronautical products, thereby reducing redundant technical inspections, evaluations and testing.

1.2 Basis

These procedures are made in accordance with Part III of the MoU. The Authorities have assessed each other's legislative standards and systems relating to the airworthiness approvals of aeronautical products and as a result, have established an understanding of such standards and systems, and have jointly decided that such standards and systems of the Authorities are sufficiently equivalent or compatible to make this IPA practicable.

This IPA is a document which embodies the understandings of the Commonwealth of Australia and the Government of the People's Republic of China and does not create legally binding rights or obligations. This IPA is subject to the applicable laws, regulations and policies of Australia and the People's Republic of China.

1.3 Definitions

In this IPA, in addition to the definitions in Part I of the MoU, unless the contrary intention appears:

- a) "Additional Technical Conditions" means the terms notified by the Importing Authority for the acceptance of the type design of an aeronautical product, or for the acceptance of an aeronautical product, to account for differences between the Authorities in:
 - i) Adopted or adapted airworthiness standards;
 - ii) Special conditions relating to novel or unusual features of the product design which are not covered by the adopted/adapted airworthiness standards;
 - iii) Exemptions or equivalent safety findings from the airworthiness standards; and
 - iv) Mandatory airworthiness action taken to correct unsafe conditions.
- b) "Aeronautical product" means any civil aircraft, or aircraft engine, propeller, appliance, part or component intended to be a part of or used in an aircraft.
- c) "Airworthiness requirements" means all the requirements governing the design, performance, materials, workmanship, manufacture or change of aeronautical products as prescribed by the Importing Authority to enable it to find that the design, manufacture, and condition of these products comply with the laws, regulations, standards, and requirements of the Importing State concerning airworthiness.
- d) "Airworthiness approval" means the airworthiness certification, approval, or acceptance, by one of the Authorities for an aeronautical product to permit operation or use of the product under the laws, regulations, standards and requirements of the issuing authority.

- e) "Design" means the description of all characteristics of an aeronautical product, including its design, manufacture, airworthiness limitations and instructions for continued airworthiness, which determine its airworthiness characteristics. When the design relates only to an aircraft, aircraft engine or propeller, the term "Type Design" is used in place of "Design".
- f) "Design approval" means the certification, approval or acceptance of the design of an aeronautical product, by or on behalf of one of the Authorities. When the design approval relates only to an aircraft, aircraft engine or propeller, the term "Type design approval" is used in place of "Design approval".
- g) "Design-related operational requirements" means the operational requirements affecting either the design features of the product or data or the design relating to the operations of the aeronautical product that make it eligible for a particular kind of operation in any State.
- h) "Exporting Authority" means the Authority of the State exporting an aeronautical product under the provisions of this IPA.
- i) "Importing Authority" means the Authority of the State importing an aeronautical product under the provisions of this IPA.

2. SCOPE

This IPA applies to:

- a) The acceptance by the Importing Authority of the type design approval, including changes to the type design, and the findings of compliance made by the Exporting Authority with the Importing Authority's design-related operational requirements, for aeronautical products for which the Exporting Authority is the authority responsible for the type design;
- b) The acceptance by the Importing Authority of the airworthiness certification, approval or acceptance of aeronautical products for which either Authority is the authority responsible for the type design or the authority of the country of manufacture, including both new and used products which were designed or manufactured partially or wholly in third countries;
- c) Cooperation and assistance on the continuing airworthiness of in-service products;
- d) Technical cooperation and assistance, including the exchange of information, towards maintaining sufficiently equivalent airworthiness standards and certification systems between the Authorities;
- e) Cooperation in providing technical evaluation assistance to the other Authority.

3. PROCEDURES

3.1 General

Each Authority will develop procedures for granting airworthiness certification or approval to imported aeronautical products whose design or, where applicable, manufacture is under the responsibility of the other Authority so as to give maximum practicable credit for technical evaluations, test results, inspections, quality system monitoring, conformity statements, marks of conformity and certificates accepted or issued by the Exporting Authority in granting its own airworthiness approval for such aeronautical products. If the laws of an Authority require or assume an application for an airworthiness approval to be made, such an application must be made before an approval can be issued.

3.2 Type Design acceptance - aircraft, aircraft engine or propeller

- a) If the Exporting Authority certifies to the Importing Authority that the type design of an aircraft, aircraft engine or propeller, including the design-related operational requirements subject to paragraph 3.2(e) below, or a change to the type design previously approved by the Importing Authority, complies with airworthiness criteria prescribed by the Importing Authority by meeting all the requirements in the description of the meaning of *type design* in the applicable regulations (for Australia this is regulation 21.031 of the Civil Aviation Safety Regulations 1998, for the Government of the People's Republic of China this is section 21.31 of the Chinese Civil Aviation Regulation Part 21), the Importing Authority, in finding compliance with its own laws, regulations, standards and requirements for granting type design approval, will give the same validity to the technical evaluations, determinations, tests and inspections made by the Exporting Authority as if it had made them itself.
- b) The Importing Authority will prescribe the airworthiness criteria for the type design approval of a particular aeronautical product, in terms of the laws, regulations, standards, requirements and certification system applied by the Exporting Authority in granting its own type design approval together with the Additional Technical Conditions identified by the Importing Authority.
- c) To this end, the Importing Authority is entitled:
 - i) To become familiar with the aeronautical product to be imported and with the laws, regulations, standards, requirements and certification system applied by the Exporting Authority;
 - ii) Subject to any requirements or limitations in the applicable aviation legislation, to identify the Additional Technical Conditions which it finds necessary to ensure that the aeronautical product meets the airworthiness standards equivalent to that which would have been required for a similar product designed or manufactured in the country of the Importing Authority at the time the application was received for the approval of the product type design by the Exporting Authority; and
 - iii) To perform such additional analysis and testing considered necessary by the Importing Authority.

- d) The airworthiness criteria specified by the Importing Authority for the acceptance of type design requirements of an aeronautical product will be communicated to the Exporting Authority as soon as practicable after becoming familiar with the design of the product.
- e) The Importing Authority, on request from the Exporting Authority, will advise the latter of any design-related operational requirements.

3.3 Approval of aircraft flight manual and aircraft flight manual supplements

3.3.1 Where CASA is the Importing Authority and CAAC is the Exporting Authority - CASA will review the aircraft flight manual, aircraft flight manual supplements and the revision thereof for an aircraft and may ask CAAC questions about the flight manual, flight manual supplements and the revision thereof to assist it in deciding whether to approve these documents.

3.3.2 Where CAAC is the Importing Authority and CASA is the Exporting Authority - CAAC delegates CASA the power to approve the aircraft flight manual, aircraft flight manual supplements and revision thereof for an aircraft on behalf of CAAC in accordance to the CAAC approved type design. A note like *this is approved by CASA on behalf of CAAC* will be added on the approval page of the aircraft flight manual, aircraft flight manual supplement or revision accordingly.

3.4 Changes to the Type Design

3.4.1 Changes to a type design through supplemental type certificates will have to be validated by the Importing Authority before they are embodied on aircraft to be delivered to or being registered in the Importing State. A certification procedure similar to that described in paragraph 3.2 will be applied.

3.4.2 Where CASA is the Importing Authority and CAAC is the Exporting Authority

- a) CAAC will notify CASA of changes to the type design of an aircraft, aircraft engine or propeller that significantly affects the configuration of the aircraft, aircraft engine or propeller that CASA has certified, approved or accepted under this IPA. Examples of changes that the Authorities will consider as significantly affecting the approved type design are provided in Appendix 1 of this IPA.
- b) Following the review of the changes, CASA will notify CAAC of its approval or refusal to approve a change in the type design.

3.4.3 Where CAAC is the Importing Authority and CASA is the Exporting Authority

- a) Design changes that result in the re-issuance of the CASA type certificate, which will constitute the basis for the issuance of the CAAC Validation of Type Certificate (VTC) under these Implementation Procedures, will have to be validated by CAAC by applying a certification procedure similar to that described in paragraph 3.2.
- b) CASA will verify that design changes affecting the CAAC type design that are introduced after issuance of the CAAC VTC, and embodied on aircraft to

be delivered to or being registered in China, comply with the CAAC certification requirements.

- i) **For design change affecting the CAAC validated type certificate datasheet:** A formal application from the applicant is required by CAAC for validation. CAAC will make a technical validation and will inform the applicant and CASA of the approval.
- ii) **For major design changes not affecting the CAAC validated type certificate datasheet:** A notification from the applicant is required by CAAC. CAAC will normally accept such design changes without technical validation on the basis on CASA statement of compliance to CAAC certification basis for validation. However, CAAC reserves the right to perform a technical validation. Where CAAC decides to perform a validation, it will notify CASA and the applicant of its decision accordingly.
- iii) **For all other design changes:** this category of design changes is automatically accepted by CAAC if it has already been approved by CASA or its appropriately authorized delegate. There is no need to notify CAAC.

3.5 Acceptance of Product Airworthiness Approval

- a) Subject to paragraph 3.5 (b), if the Exporting Authority, or a person designated in accordance with the regulations of the Exporting Authority, certifies to the Importing Authority that an aeronautical product, for which an airworthiness approval has been issued or is in the process of being issued by the Importing Authority, conforms with applicable type design requirements notified by the Importing Authority and is in a condition for safe operation, the Importing Authority will give the same validity to the technical evaluations, determinations, tests and inspections made in accordance with the regulations of the Exporting Authority, as if it had made them itself on the date of the certification by the Exporting Authority.
- b) Additional inspections may be made or specified by the Importing Authority, as it deems necessary, at the time of its airworthiness certification, approval or acceptance of an aeronautical product.
- c) The airworthiness release document for products, granted by the CAAC or a CAAC designated person, according to paragraph 3.5(a) will be provided in the format of CAAC Export Certificate of Airworthiness (Form AAC-157) and Authorized Release Certificate/Airworthiness Approval Tag (Form AAC-038).
- d) The airworthiness release document for products, granted by CASA or a CASA approved organization, according to paragraph 3.5 (a) will be provided in the format of a CASA Certificate of Airworthiness for Export, Certificate of Conformity for Export, or CASA Form 1, as applicable.

3.6 Production Overview

- a) By separate mutual arrangement, an Authority will, on behalf of the other Authority:
 - i) Monitor the approved design data and quality system for the manufacture or production of aeronautical products, accepted by both Authorities, to evaluate the need for improvement, to initiate corrective action and/or to assure conformance to the approved type design; and
 - ii) Certify conformity against the design and of parts and assemblies produced where the manufacture or production of the aeronautical product is first authorised by the other Authority.
- b) If the legislation of a State requires an imported aircraft engine or propeller to be type certificated, it is taken to be type certificated under that legislation as these implementation procedures are an arrangement for the acceptance of the aircraft engine and propeller for export or import;
- c) If the legislation of a State requires an imported material, part or appliance to be approved, it is taken to be approved under that legislation as these implementation procedures are an arrangement for the acceptance of the imported material, part or appliance for export or import;
- d) Each Authority will make available to the other Authority all data, drawings, reports, specifications, instructions, guidelines, policies and other information necessary to perform the functions referred to in paragraph 3.6 (a); and
- e) By separate mutual arrangement, an Authority may participate, with the other Authority, in production control and engineering activities as necessary and, periodically, in quality system audits conducted by the other Authority.

4 MUTUAL COOPERATION AND TECHNICAL ASSISTANCE

4.1 Continuing Airworthiness

- a) Each Authority will provide support in analysing airworthiness aspects of accidents and incidents occurring on aeronautical products to which this IPA applies and which raise concerns regarding the airworthiness of such products.
- b) The Exporting Authority will, in respect of aeronautical products designed or manufactured in its State, specify any appropriate action it considers necessary to correct any unsafe condition that may be discovered after such product is placed in service, including any actions in respect of components designed and/or manufactured by a supplier under contract to a prime contractor.
- c) The Exporting Authority will, in respect of aeronautical products designed or manufactured in its State, assist the Importing Authority in determining any action considered to be necessary by the Importing Authority for maintaining the continuing airworthiness of such product.

- d) Each Authority will keep the other Authority informed of all mandatory airworthiness modifications, special inspections, special operating limitations or other actions which it deems necessary for maintaining the continuing airworthiness of relevant products designed or manufactured in either State and that have been imported or exported under this IPA, or prior to the effective date of this IPA.

4.2 Technical Assistance and Cooperation

- a) At the request of the Importing Authority, the Exporting Authority will, in respect of aeronautical products designed or manufactured in its State, assist the Importing Authority in determining whether the design of major changes or repairs made under the control of the Importing Authority comply with the airworthiness standards under which such product was originally approved by the Exporting Authority.
- b) Each Authority will make available to the other Authority all its relevant airworthiness laws, regulations, standards and requirements, and its system for airworthiness certification or approval.
- c) Each Authority will, to the maximum extent practicable:
 - i) Ensure that the other Authority is notified of proposed significant revisions to its standards and system for airworthiness certification or approval, that may affect the provisions of this IPA;
 - ii) Offer the other Authority an opportunity to comment; and
 - iii) Give due consideration to the comments made by the other Authority on the proposed revisions.
- d) By mutual arrangement and upon request, each Authority will, where practicable, provide technical evaluation and assistance to the other Authority.
- e) Both Authorities may undertake joint type design approval projects in respect of products covered by this IPA when it is in the interest of both Authorities.

5 PREVAILING INTERPRETATION

In the case of conflicting interpretations of the airworthiness requirements or design-related operational requirements prescribed by the Importing Authority pertaining to certifications, approvals, or acceptances under this IPA, and after having exhaustively discussed all technical subjects, the interpretation of the Importing Authority will prevail.

6 ACCOUNTABILITY

6.1 Implementation

The CASA Manager Airworthiness and Engineering and the Director General of the Aircraft Airworthiness Certification Department of CAAC will be

responsible for the administration and implementation of the provisions of this IPA.

6.2 Organisational Changes

The Authorities will advise each other of any significant change to their organisation affecting the administration and implementation of the provisions of this IPA, including the identity of the persons identified in paragraph 6.1.

6.3 Amendments

Subject to Part III. 3. and Part V of the MoU, the Authorities will jointly review this IPA from time to time and may amend it as appropriate as outlined in Part IX of the MoU.

7 INTERPRETATION

Any disagreement regarding the interpretation or application of this IPA will be resolved by consultation, pursuant and subject to the provisions of Part VII of the MoU entitled "Dispute Resolution".

8 COMING INTO EFFECT

In accordance with Part X of the MoU, this IPA will come into effect on the date of signature of both Authorities and will remain in effect subject to the provisions of the MoU. An Authority may terminate this IPA by giving the other Authority sixty days' notice in writing or other timeframe as agreed by both parties.

9 COMMUNICATION

Communications between the Authorities, regarding the subjects covered by this IPA, will be forwarded to the address indicated below:

CIVIL AVIATION ADMINISTRATION OF CHINA - CAAC
Director General
Aircraft Airworthiness Certification Department
155 Dongsu Street West
Beijing 100710
People's Republic of China

Phone: +86 10 6409 1304
Fax: +86 10 6403 3087

CIVIL AVIATION SAFETY AUTHORITY - CASA
Manager
Airworthiness and Engineering Branch
16 Furzer Street
PHILLIP ACT 2606
GPO Box 2005, Canberra 2601 ACT
Australia

Phone: +61 2 6217 1449

Home page: www.casa.gov.au

E-mail: airworthiness.certification@casa.gov.au

10 AUTHORITIES SIGNATURES

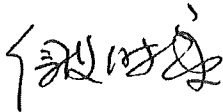
The foregoing represents the understandings reached between the duly authorised representatives of the respective national Civil Aviation Authorities of the Commonwealth of Australia and the Government of the People's Republic of China.

Signed in duplicate at Beijing/Canberra in English, both texts having equal validity.

FOR CIVIL AVIATION
ADMINISTRATION OF CHINA

FOR CIVIL AVIATION SAFETY
AUTHORITY AUSTRALIA

Original Signed by



Yin Shijun
Director General, Aircraft
Airworthiness Certification Department

Original Signed by



Peter Boyd
Executive Manager, Standards
Division

Date: 2013-06-13

Date: 3-7-2013

APPENDIX 1

EXAMPLES OF CHANGES THAT SIGNIFICANTLY AFFECT THE APPROVED TYPE DESIGN

The following changes are considered to significantly affect the type design approved by the Importing Authority:

- a) Significant changes to the cabin interior configuration;
- b) Modifications which would result in changes to the Importing Authority's Type Certificate Data Sheet;
- c) Modifications which would result in changes to the Limitations Section of the Aircraft Flight Manual;
- d) Modifications which result in aircraft configurations not addressed in the Importing Authority's accepted Flight Manual (including supplements);
- e) Modifications which result in changes to the Airworthiness Limitations of the Instructions for Continued Airworthiness;
- f) Modifications which have an impact on any Additional Technical Conditions prescribed by the Importing Authority;
- g) Modifications requiring (or affecting) Exemptions or Findings of Equivalent Safety; and
- h) Other modifications considered necessary by the manufacturer or the Exporting Authority.