

IMPLEMENTATION PROCEDURES

BETWEEN

CIVIL AVIATION SAFETY AUTHORITY, AUSTRALIA

AND

AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL - BRAZIL

FOR

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

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The Civil Aviation Safety Authority, Australia (CASA) and the Agência Nacional de Aviação Civil - Brazil (ANAC) referred in this document, for convenience, as the Contracting Authorities, considering that:

- A) The Memorandum of Understanding (MoU) between the Civil Aviation Safety Authority - Australia and Agência Nacional de Aviação Civil - Brazil, provides for Implementation Procedures to be developed in the airworthiness approval of aeronautical products;
- B) Each Contracting Authority has determined that the standards used by and the system of the other Contracting Authority for airworthiness certification, approval or acceptance of the aeronautical products, covered by this Implementation Procedure (hereinafter referred to as "IPA"), are sufficiently equivalent to its own to make this IPA practicable; and
- C) In the interest of promoting aviation safety, each Contracting Authority will cooperate to reduce, to the minimum, the economic burden imposed on the Contracting Authorities and the aviation industry and operators by avoiding redundant technical evaluations, tests and inspections;

have reached the following understanding:

1. GENERAL

1.1 Purpose

This document sets forth the Contracting Authorities procedures for implementing the airworthiness approvals and testing procedures of aeronautical products under the provision of the MoU.

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

1.2 Basis

This Arrangement is based on Paragraph III of the MoU, and in that respect, the Contracting Authorities have assessed each other's 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 agreed such standards and systems of the Contracting Authorities are sufficiently equivalent or compatible to make this IPA practicable.

1.3 Definitions

For the purposes of this IPA, the following definitions apply:

- 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 Contracting Authorities in:
 - 1) Adopted or adapted airworthiness standards;
 - 2) Special conditions relating to novel or unusual features of the product design which are not covered by the adopted/adapted airworthiness standards;
 - 3) Exemptions or equivalent safety findings from the airworthiness standards; and
 - 4) Mandatory airworthiness action taken to correct unsafe conditions.
- b) "Aeronautical product" means any civil aircraft, or aircraft engine, propeller, appliance, part or component to be installed thereon.
- c) "Airworthiness requirements" means 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, as appropriate, by or on behalf of an authority for a particular 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 is referred only to 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 an Authority. When the design approval is referred only to 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 on the design relating to the operations of the product that make it eligible for a particular kind of operation in a State.
- h) "Exporting Authority" means the Authority of the State exporting a type design, a modification thereof, or a product under the provisions of this IPA.
- i) "Importing Authority" means the Authority of the State importing a type design, a modification thereof, or a product under the provisions of this IPA.

2. SCOPE OF COVERAGE

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 Contracting Authority is the authority responsible for the type design or the authority of the State 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 Contracting Authorities;
- e) Cooperation in providing technical evaluation assistance to the other Authority.

3. PROCEDURES

3.1 General

Each Contracting Authority will develop procedures for granting airworthiness certification to imported aeronautical products whose design

or, where applicable, manufacture is under the responsibility of the other Contracting Authority so as to give maximum practicable credit for technical evaluations, tests results, inspections, quality system monitoring, conformity statements, marks of conformity and certificates accepted or issued by the Exporting Authority in granting its own domestic certification for such aeronautical products.

3.2 Type Design Approval

- a) If the Exporting Authority certifies to the Importing Authority that the type design of an aeronautical product, including the design-related operational requirements subject to paragraph 3.2 e) below, or a change to an aeronautical product type design previously approved by the Importing Authority, complies with airworthiness criteria prescribed by the Importing Authority, 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 will have the right:
 - 1) 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;
 - 2) 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 Importing State at the time the application was received for the approval of the product type design by the Exporting Authority; and
 - 3) To perform such additional analysis and testing as deemed necessary.
- d) The airworthiness criteria specified by the Importing Authority for its type design approval 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 its current design-related operational requirements.

3.3 Approval of aircraft flight manual and aircraft flight manual supplements

The Importing Authority will review the aircraft flight manual and aircraft flight manual supplements and, after acceptance, will request the Exporting Authority to approve the flight manual and flight manual supplements for imported aircraft on its behalf according to the type design approval of the Importing Authority.

3.4 Changes to the Approved Type Design

- a) The Exporting Authority will notify the Importing Authority of changes in the approved type design that significantly affect the configuration of the aeronautical product that the Importing Authority has certified, approved or accepted under this IPA. Examples of changes that the Contracting 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, the Importing Authority will notify the Exporting Authority of its acceptance, modification or non-acceptance of these changes.

3.5 Approval of revisions to aircraft flight manual

CASA and ANAC may delegate review and signature of revisions to the flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. Revisions associated with the additional contents that the Importing Authority requires to describe in the flight manuals, supplements and appendices must be submitted to the Importing Authority for review and acceptance before any signature on behalf of the Importing Authority.

3.6 Acceptance of Product Airworthiness Approval

- a) 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 a type design approval has been issued or is in the process of being issued by the Importing Authority, conforms in construction to a type design definition 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 appliances and parts, granted by ANAC or an ANAC designated person, according to paragraph 3.6.a) will be provided in the format of an ANAC Form SEGVOO 003.
- d) The airworthiness release document for appliances and parts, granted by the CASA or a CASA approved organization, according to paragraph 3.6 a) will be provided in the format of CASA Certificate of

Airworthiness for Export, Certificate of Conformity for Export, or CASA Form 917 (Authorised Release Certificate), as applicable.

3.7 Production Overview

- a) By mutual arrangement, a Contracting Authority will, on behalf of the other Contracting Authority:
 - 1) Monitor the quality system for the 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
 - 2) Certify conformity of parts and assemblies produced.
- b) Each Contracting Authority will make available to the other Contracting Authority all data, drawings, reports, norms, specifications, instructions, guidelines, policies and other information necessary to perform the functions referred to in paragraph 3.7 a).
- c) By mutual arrangement, a Contracting Authority may participate, with the other Contracting Authority, in production control and engineering activities as necessary and, periodically, in quality system audits conducted by the other Contracting Authority.

4 MUTUAL COOPERATION AND TECHNICAL ASSISTANCE

4.1 Continuing Airworthiness

- a) Each Contracting Authority will provide full support in analyzing airworthiness aspects of accidents and incidents occurring on aeronautical products to which this IPA applies and which would 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 deems 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 Contracting Authority will keep the other Contracting 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 Contracting Authority will make available to the other Contracting Authority all its relevant airworthiness laws, regulations, standards and requirements, and its system for airworthiness certification or approval.
- c) Each Contracting Authority will, to the maximum extent practicable:
 - 1) Ensure that the other Contracting 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;
 - 2) Offer the other Contracting Authority an opportunity to comment; and
 - 3) Give due consideration to the comments made by other Contracting Authority on the proposed revisions.
- d) By mutual arrangement and upon request, each Contracting Authority will, as practicable, provide technical evaluation and assistance to the other Contracting Authority.
- e) Both Contracting Authorities may undertake joint type design approval projects in respect of products covered by this IPA when it is in the interest of both Contracting 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 Executive Manager, Standards Development and Future Technology, and the ANAC Superintendent of Airworthiness will be in charge of the administration and implementation of the provisions of this IPA.

6.2 Organizational Changes

The Contracting Authorities will advise each other of any significant change to their organization 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 Paragraph V of the MoU, the Contracting Authorities will jointly review this IPA from time to time and may amend it as appropriate by written arrangement and as outlined in Paragraph 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 Paragraph VII of the MoU entitled "Dispute Resolution".

8 COMING INTO EFFECT

As outlined in Paragraph X of the MoU, this IPA will come into effect on the date of signature of both parties and will remain in effect subject to the provisions of the MoU.

9 COMMUNICATION

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

- a) AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL (ANAC) - BRASIL
Superintendência de Aeronavegabilidade
Avenida Cassiano Ricardo, 521
Bloco B – 2º Andar – Jardim Aquarius
12246-870 – São José dos Campos – SP

Phone: 55 (12) 3797-2525
Fax: 55 (12) 3797-2330
Home page: www.anac.gov.br
E-mail: prodcert.arrang@anac.gov.br

- b) CIVIL AVIATION SAFETY AUTHORITY - CASA
Executive Manager
Standards Development and Future Technology
16 Furzer Street
PHILLIP ACT 2606
GPO Box 2005, Canberra 2601 ACT

Phone: 61 2 6217 1534
Fax: 61 2 6217 1209

Home page: www.casa.gov.au
E-mail: airworthiness.certification@casa.gov.au

10 INTERIM MEASURE

- a) Notwithstanding paragraph 3.6 a), if the Exporting Authority, or a person designated in accordance with the regulations of the Exporting

Authority, certifies to the Importing Authority that an appliance, a part or a component to be installed on an aeronautical product, for which a type design approval is not issued by the Importing Authority, but for one of the same type of which an airworthiness certification was issued by the Importing Authority before the signature date of that IPA, conforms in construction to a type design approved by the Exporting 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) The provisions of paragraphs 3.6 b) through 3.6 d) will apply accordingly to paragraph 10 a).

11 AUTHORITIES SIGNATURES

IN WITNESS WHEREOF, the undersigned, being duly authorized representatives of the respective Authorities have signed this Implementation Procedure in duplicate and in English.

Original Signed by



Dino Ishikura
Superintendent, Airworthiness
Superintendence

Agência Nacional de Aviação Civil -
Brazil

Date: 3 September 2010

Original Signed by



Peter Boyd
Executive Manager, Standards
Development and Future Technology

Civil Aviation Safety Authority -
Australia

Date: 6 August 2010



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.