IMPLEMENTATION PROCEDURES

FOR

DESIGN APPROVAL, PRODUCTION ACTIVITIES, EXPORT AIRWORTHINESS APPROVAL, POST DESIGN APPROVAL ACTIVITIES, AND TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

Under the Agreement between
The Government of the United States of America
and
The Government of Romania
For Promotion of Aviation Safety

September 24, 2002

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IMPLEMENTATION PROCEDURES

for

Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities

SECTION I GENERAL

1.0 Authorization. These Implementation Procedures are authorized by Article III of the Agreement between the Government of the United States of America and the Government of Romania for the Promotion of Aviation Safety, dated September 10, 2002, also known as the Bilateral Aviation Safety Agreement, or "BASA executive agreement." In accordance with Article III, the Federal Aviation Administration (FAA) and the Romanian Civil Aeronautic Authority (RCAA) have determined that the aircraft certification systems of each authority for the design approval, production approval, airworthiness certification, and continuing airworthiness of civil aeronautical products, parts, and appliances are sufficiently similar in structure and performance to support these Implementation Procedures.

1.1 Purpose. The purpose of this document is to define the civil aeronautical products, parts, and appliances eligible for import into the United States and Romania (*See Section II – Scope*), and to define the interface requirements and activities between the authorities for the import and continued support of those civil aeronautical products.

1.2 Principles. These Implementation Procedures address the performance of design, production, airworthiness, and related certification functions, and are based on a high degree of mutual confidence in the FAA's and RCAA's technical competence and regulatory capabilities to perform these tasks within the scope of these Implementation Procedures. The FAA and RCAA, as importing civil airworthiness authorities, shall give the same validity to the certification made by the other, as the exporting civil airworthiness authority, as if the certification had been made by the FAA or RCAA in accordance with its own applicable laws, regulations, and requirements. Also, when a finding is made by one authority in accordance with the laws and regulations of the other authority and with these Implementation Procedures, that finding is given the same validity as if it were made by the other authority. Therefore, the fundamental principle of these Implementation Procedures is to maximize the use of the exporting civil airworthiness authority's aircraft certification system to ensure that the airworthiness standards of the importing civil airworthiness authority are satisfied.

1.2.0 The FAA and RCAA agree that all information, including technical documentation, exchanged under these Implementation Procedures will be in the English language. Exceptions for certification compliance data will be mutually agreed to on a case-by-case basis.

1.2.1 The FAA and the RCAA mutually recognize each other's delegation, designee, and organization approval systems as part of their overall aircraft certification systems. Findings made pursuant to these Implementation Procedures through these systems are given the same validity as those made directly by the authority. The FAA and the RCAA understand that there may be occasional situations where, upon prior notification to the other authority, either authority may interact directly with an individual designee or delegated organization of the other authority. In advance of designees or representatives of delegated or approved organizations traveling to the United States or Romania to witness tests, perform conformity inspections, and/or make determinations of compliance, the FAA or RCAA will coordinate designee or organization activities with the other authority.

1.3 Changes in Authority Aircraft Certification Systems.

1.3.0 These Implementation Procedures are based upon sufficiently similar aircraft certification systems being in place at the time of signing. Therefore, the importing and exporting authorities shall keep each other informed of significant changes within those systems, such as:

(a) statutory responsibilities;

(b) organizational structure (e.g., key personnel, management structure, technical training, office location);

(c) significant revisions to airworthiness and environmental standards and procedures;

(d) production quality control system oversight, including oversight of out-of-country production of parts; or

(e) delegated functions or the kinds of organizations to which functions have been delegated.

1.3.1 The FAA and RCAA recognize that revision by either authority to its regulations, policies, procedures, statutory responsibility, organizational structure, production quality control system oversight, or delegation system may affect the basis and scope of these Implementation Procedures. Accordingly, upon notice of such changes by one authority, the other authority may request a meeting to review the need for amendment to these Implementation Procedures.

1.4 Authority Meetings. The FAA and RCAA agree to meet as necessary to review these Implementation Procedures and their continued validity. The frequency of these meetings will be mutually agreed by both authorities, and will depend on the number and significance of the issues to be discussed between the authorities.

1.5 Applicable National Requirements, Procedures, and Guidance Material.

1.5.0 The FAA's standards for aircraft airworthiness and environmental certification are contained in the Code of Federal Regulations (CFR), Title 14, Parts 21, 23,

25, 27, 29, 31, 33, 34, 35, and 36. The FAA also uses Joint Aviation Requirements (JAR)-22 and JAR-VLA for some special class aircraft. Guidance material, policy and procedures are contained in FAA Advisory Circulars, Orders, Notices, and Policy Memoranda.

1.5.1 (a) The RCAA's standards for aircraft airworthiness and environmental certification are either Joint Aviation Requirements (JAR), or are contained in the Romanian Civil Aeronautic Regulations (RACR), the Airworthiness Technical Standards (NTN) as well as International Civil Aviation Organization (ICAO) Annex 16. For the JARs, guidance material and policy are contained in Advisory Circular Joint (ACJ), Advisory Material Joint (AMJ), Interim Policies, and Temporary Guidance Material (TGM). In other cases, guidance material, policy, and procedures are contained in RCAA Airworthiness Procedures and Instructions for Civil Aeronautics (PINAC) and Procedures and Instructions (P&I).

(b) RCAA products are either JAA products or non-JAA products.

(1) JAA products are jointly certificated/validated products using JAA procedures, including JAR-21 "caught-up" products.

(2) Non-JAA products are all other products certificated/validated by the RCAA not using a JAA procedure.

1.6 Interpretations. In the case of conflicting interpretations of the laws, airworthiness or environmental regulations/standards, requirements, or acceptable means of compliance pertaining to certifications, approvals, or acceptance under these Implementation Procedures, the interpretation of the civil airworthiness authority whose law, regulation/standard, requirement, or acceptable means of compliance is being interpreted shall prevail.

1.7 Amendments and Points of Contact.

1.7.0 These Implementation Procedures may be amended by mutual consent of the FAA and RCAA. Such amendments shall be made effective by signature of the duly authorized representatives of the FAA and RCAA.

1.7.1 The designated offices for the technical implementation of these Implementation Procedures are:

For the FAA:

Aircraft Certification Service
International Airworthiness Programs
Staff (AIR-4)
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
U.S.A.

Telephone: 1-202-267-7008
Fax: 1-202-267-5364

For the RCAA:

Romanian Civil Aeronautic Authority
Airworthiness Directorate
Airworthiness Engineering Department
Soseaua Bucuresti-Ploiesti km. 16.5
Sector 1, Cod 71950
Bucuresti
Romania

Telephone: 40-1-203-2721/203-2714
Fax: 40-1-203-2763/230-2942

1.7.2 The designated offices for administrative coordination of these Implementation Procedures are:

For the FAA:

Office of International Aviation (AIA-1)
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
U.S.A.

Telephone: 1-202-267-3213
Fax: 1-202-267-5032

For the RCAA:

Romanian Civil Aeronautic Authority
Airworthiness Directorate
Soseaua Bucuresti-Ploiesti km. 16.5
Sector 1, Cod 71950
Bucuresti
Romania
Telephone: 40-1-203-2702
Fax: 40-1-230-2942/203-2763

1.8 Entry Into Force and Termination. These Implementation Procedures shall enter into force upon signature and shall remain in force until terminated by either party. Either the FAA or RCAA may terminate these Implementation Procedures upon sixty days written notice to the other party. Termination will not affect the validity of activity conducted under these Implementation Procedures prior to termination.

1.9 Definitions. For the purpose of these Implementation Procedures, the following definitions are provided. Additional definitions can be found in Article II of the BASA executive agreement.

(a) "Additional Technical Condition" (ATC) means a requirement of the importing country that is in addition to the applicable airworthiness requirements of the State of Design or that may be prescribed to provide a level of safety equivalent to that provided by the applicable airworthiness requirements for the importing country.

(b) "Airworthiness Standards" means regulations governing the design and performance of civil aeronautical products, parts, and appliances.

(c) "Appliance" means

(1) to the FAA: any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, aircraft engine, or propeller.

(2) to the RCAA: "Parts and Appliances" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft. It includes parts of an airframe, aircraft engine, or propeller.

(d) "Civil Aeronautical Product" (herein also referred to as "product") means each civil aircraft, aircraft engine, or propeller.

(e) "Critical Component" means

(1) to the FAA: a part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of the manufacturer's maintenance manual or Instructions for Continued Airworthiness.

(2) to the RCAA: a part for which the failure analysis shows that the component must achieve and maintain a particularly high level of integrity if hazardous effects are not to occur at a rate in excess of extremely remote, and includes parts for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of the manufacturer's maintenance manual or Instructions for Continued Airworthiness.

(f) "Environmental Approval" means an approval issued when a civil aeronautical product has been found to comply with standards concerning noise, fuel venting, and/or exhaust emissions.

(g) "Environmental Standards" means regulations governing the certification of designs with regard to noise characteristics and/or exhaust emissions of civil aeronautical products and appliances.

(h) "Environmental Testing" means a process by which a civil aeronautical product or appliance is determined to comply with environmental standards.

(i) "Equivalent Level of Safety Finding" means a finding that alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought.

(j) "Exemption" means a grant of relief from requirements of a current regulation when processed through the appropriate regulatory procedure by the FAA or RCAA, and found to have a level of safety at least equal to the regulation for which the relief is granted.

(k) "Export" means the process by which a product, part, or appliance is released from the State-of-Manufacture's civil aviation authority's regulatory system for subsequent use by another country.

(l) "Exporting Civil Airworthiness Authority" means the national organization within the exporting State, charged by the laws of the exporting State, to regulate the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The exporting civil airworthiness authority will be referred to herein as the exporting authority.

(m) "Familiarization" means the process whereby the importing authority obtains information and experience on an aeronautical product designed in the exporting State in order to: prescribe additional technical conditions for that product; implement corrective airworthiness action in the event that the product experiences service difficulties during its operation in the importing State; and to ensure the development of appropriate maintenance, operating and pilot type rating information, if applicable, for the product.

(n) "Finding" means a determination of compliance/non-compliance as the result of an airworthiness authority's review, investigation, inspection, test, and/or analysis.

(o) "Glider" see (ab) Sailplane.

(p) "Import" means the process by which an exported product, part, or appliance is accepted by a country's civil aviation authority for its own use and subsequently placed under that authority's regulatory system.

(q) "Importing Civil Airworthiness Authority" means the national organization within the importing State, charged by the laws of the importing State with regulating the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The importing civil airworthiness authority will be referred to herein as the importing authority.

(r) "JAA Products" means jointly certificated/validated products using JAA procedures, including JAR-21 "caught-up" products.

(s) "Maintenance" means

(1) to the FAA: the performance of inspection, overhaul, repair, preservation, and the replacement of parts or appliances of a product, but excludes preventive maintenance to that product.

(2) to the RCAA: the performance of inspection, overhaul, repair, modification, defect rectification, preservation, and the replacement of parts or appliances of a product.

(t) "Manufacturer" means a person who, by FAA or RCAA regulation, is responsible for determining that all products or parts thereof produced within the quality control

system conform to an FAA- or RCAA-approved design or established government or industry standard and are in a condition for safe operation.

(u) "Multi-National Consortium" means a group of manufacturers from multiple countries who have agreed to form a single company for production of a particular product.

(v) "New Aircraft" means an aircraft that is still owned by the manufacturer, distributor, or dealer, if there is no intervening private owner, lease or time sharing arrangement, and the aircraft has not been used in any pilot school and/or other commercial operation.

(w) "Non-JAA Products" means all products certificated/validated by the RCAA not using a JAA procedure.

(x) "Person" means
(1) to the FAA: an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, or other similar representative of any of them.
(2) to the RCAA: a legal entity which is subject to the jurisdiction of Romania; it can include an Organisation or Company.

(y) "Priority Part" means each part or assembly in an FAA- or RCAA-approved design, that, if it were to fail, could reasonably be expected to cause an unsafe condition in an aircraft, aircraft engine, or propeller. For Romania, a "priority part" is also considered to be a "vital part".

(z) "Product" see (d) Civil Aeronautical Product.

(aa) "Production Quality System" means a systematic process which meets the requirements of the exporting authority and ensures that products, parts, and appliances will conform to the approved design and will be in a condition for safe operation.

(ab) "Sailplane" means a heavier-than air aircraft that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces, the free flight of which does not depend on an engine. For the purpose of these Implementation Procedures, the term "sailplane" and "glider" can be used interchangeably.

(ac) "Special Condition" means
(1) to the FAA: an additional airworthiness standard(s) prescribed by the FAA or RCAA when the airworthiness standards for the category of product do not contain adequate or appropriate safety standards due to novel or unusual design features. Special Conditions contain such safety standards as the FAA or RCAA finds necessary to establish a level of safety equivalent to that established in the applicable regulations.

(2) to the RCAA: an additional airworthiness standard(s) prescribed by the RCAA when the airworthiness standards for the category of product do not contain adequate or appropriate safety standards due to novel or unusual design features, unconventional use of the product, or experience in service with similar products showing that unsafe conditions may develop. Special Conditions contain such safety standards as the RCAA finds necessary to establish a level of safety equivalent to that intended in the applicable regulations.

(ad) "Supplier" means a person at any tier who contracts to provide a part, appliance, special process, or service to a product manufacturer to be incorporated into the manufacture of a product, part, or appliance. For Romania, a "subcontractor" is also considered to be a "supplier".

(ae) "Used Aircraft" means each aircraft that is not a new aircraft, as defined in paragraph (v) above.

(af) "Validation" means the importing authority's process for type certification or equivalent of a product certificated by either the FAA or RCAA, as exporting authorities.

SECTION II SCOPE OF THESE IMPLEMENTATION PROCEDURES

2.0 General. These Implementation Procedures cover the products, parts, and appliances identified below, their approvals, and the provisions set forth in the following paragraphs. It should be noted that parts which are fabricated and/or produced in a supplier/subcontractor capacity ("supplied parts") in the other country are not included in the Scope of these Implementation Procedures because they are not considered an exported or imported product, appliance, or part, as previously defined. In this case, the provisions of paragraph 3.1.4.1 and of Section IV are applicable.

2.1 Products, Parts, and Appliances Manufactured in the Country of the Exporting Authority Accepted for Import Under These BASA Implementation Procedures.

2.1.0 Romanian Acceptance of FAA Export Certificates of Airworthiness for the Following Products:

(a) new and used aircraft,

(b) new aircraft engines, and

(c) new propellers.

See Summary Table 1 at the end of this Section for the listing of classes and categories of U.S. products and associated approvals eligible for import into Romania.

2.1.1 Romanian Acceptance of FAA Airworthiness Approval Tags for the Following Appliances and Parts:

(a) new appliances, and

(b) new parts that conform to RCAA-approved design data and are eligible for installation in a product or appliance which has been granted an RCAA design approval. This includes:

(1) Replacement parts for all products and appliances, regardless of the State of Design; and

(2) Modification parts for all products and appliances, regardless of the State of Design.

See Summary Table 1 at the end of this Section for the listing of classes and categories of U.S. appliances, parts, and associated approvals eligible for import into Romania.

2.1.2 U.S. Acceptance of RCAA Export Certificates of Airworthiness for the Following Products:

(a) new and used sailplanes and powered sailplanes;

(b) new and used very light airplanes certificated to JAR-VLA; and

(c) new small airplanes of U.S. design, having a passenger configuration of nine or less, excluding pilot seats; a maximum certificated take-off weight of 12,500 pounds or less; and manufactured in Romania under a Special Arrangement in accordance with paragraph 3.1.3.

See Summary Table 2 at the end of this Section for the listing of classes and categories of Romanian products and associated approvals eligible for import into the United States.

2.1.3 U.S. Acceptance of RCAA Authorized Release Documents for the Following Parts:

(a) new replacement parts that conform to FAA-approved design data and that are eligible for installation in an airplane which has been granted an FAA design approval for the following:

(1) Airplanes, as identified in paragraph 2.1.2(a) and (b), for which Romania is the State of Design;

(2) Airplanes, as identified in paragraph 2.1.2(c), for which the United States is the State of Design; and

(3) Sailplanes, powered sailplanes and very light airplanes for which the United States, or a third country, is the State of Design. These parts must be produced by a Romanian Production Organization Approval holder that has an arrangement with a U.S. or third country design approval holder for the manufacturing rights, as specified in paragraph 3.1.4 of these Implementation Procedures.

(b) new modification parts that conform to FAA-approved design data and that are eligible for installation in an airplane which has been granted FAA design approval, for the following:

(1) Airplanes, as identified in paragraph 2.1.2(a) and (b), for which Romania is the State of Design for both the airplane and the design change; and

(2) Sailplanes, powered sailplanes, and very light airplanes, regardless of the State of Design, for which the United States is the State of Design for the design change. These parts must be produced by an

Romanian Production Organization Approval holder that has an arrangement with a U.S. design approval holder for the manufacturing rights, as specified in paragraph 3.1.4 of these Implementation Procedures.

See Summary Table 2 at the end of this Section for the listing of classes and categories of Romanian parts and associated approvals eligible for import into the United States.

2.1.4 Acceptance of Standard Parts.

(a) RCAA Acceptance of Standard Parts. The RCAA shall accept Standard Parts for all products, parts, and appliances covered under these Implementation Procedures when they conform to established U.S. industry or U.S. government specifications, or to an FAA parts TSO (e.g., TSO C148, C149, or C150).

(b) FAA Acceptance of Standard Parts. The FAA shall accept Standard Parts for all products and parts covered under these Implementation Procedures when they conform to established European specifications, or established U.S. industry or U.S. government specifications.

2.1.5 Airworthiness Certification. These Implementation Procedures apply to aircraft type certificated by the FAA and RCAA in the standard category. Standard airworthiness certificates are issued in the normal, utility, acrobatic, commuter, and transport categories of aircraft, as well as for manned free balloons and special classes of aircraft such as airships, very light airplanes, sailplanes, and other non-conventional aircraft. Aircraft for which a special airworthiness certificate is to be issued will be dealt with on a case-by-case basis through the special arrangements provision in Section V of this document.

2.2 Acceptance of Used Aircraft Manufactured in Third Countries.

2.2.0 The FAA will accept RCAA Export Certificates of Airworthiness for used sailplanes, powered sailplanes, and very light aircraft which have been manufactured in third countries and are subsequently exported from Romania to the United States. This shall apply only when bilateral agreements/arrangements for this purpose have been formalized between these third counties and both the FAA and RCAA, covering the same class of products.

2.2.1 The RCAA will accept FAA Export Certificates of Airworthiness for used aircraft which have been manufactured in third countries and are subsequently exported from the United States to Romania. This shall apply only when bilateral agreements/arrangements for this purpose have been formalized

between these third countries and both the FAA and RCAA, covering the same class of products.

2.3 Provisions for Design Change Approvals.

2.3.0 Romanian Acceptance of the Following FAA-approved Design Changes:

(a) Amended type certificates for products for which the United States is the State of Design;

(b) Supplemental type certificates for all products for which the United States is the State of Design for the design change;

(c) Other FAA-approved design changes (as identified in Section III, paragraph 3.3.1.1) for products, parts, and appliances for which the United States is the State of Design; and

(d) FAA-approved design data used in support of repairs (as identified in Section III, paragraph 3.3.2) for products, parts, and appliances for which the United States is the State of Design.

2.3.1 U.S. Acceptance of the Following RCAA-approved Design Changes:

(a) Amended type certificates for airplanes, as identified in paragraph 2.1.2, for which Romania is the State of Design;

(b) Supplemental type certificates for airplanes, as identified in paragraph 2.1.2, for which Romania is the State of Design;

(c) Other RCAA-approved design changes (as identified in Section III, paragraph 3.3.1.0) for airplanes and parts for which Romania is the State of Design; and

(d) RCAA-approved design data used in support of repairs (as identified in Section III, paragraph 3.3.2) for airplanes and parts for which Romania is the State of Design.

2.4 Provisions for Environmental Testing and Approvals.

2.4.0 Romanian Acceptance of FAA Compliance Statements for the Following Environmental Requirements:

(a) noise certification requirements for subsonic transport category large airplanes and subsonic turbojet powered airplanes;

(b) noise certification requirements for propeller-driven small airplanes and propeller-driven commuter category airplanes;

(c) noise certification requirements for helicopters; and

(d) fuel venting and exhaust emissions certification requirements for turbine powered airplanes.

2.4.1 U.S. Acceptance of RCAA Compliance Statements for the Following Environmental Requirements:

[Reserved]

2.5 Provisions for Technical Assistance. The scope of all technical assistance activities between the FAA and RCAA are specified in Section IV.

2.6 Provisions for Special Arrangements. These Implementation Procedures provide for designated officials within the FAA and RCAA to make special arrangements -- with respect to design approval, production activities, export airworthiness approval, post design approval, or technical assistance -- in unique situations which have not been specifically addressed in these Implementation Procedures, but which are anticipated by the BASA. All special arrangements between the authorities are listed in Appendix C.

2.7 Summary Tables. The following tables summarize the new products, appliances, and parts manufactured in the United States or Romania that are eligible for import under these Implementation Procedures. These tables do not show third country products eligible for import.

Table 1

Summary of

U.S. Products, Appliances, and Parts and Associated FAA Approvals
Eligible for Import into Romania.

Products, Appliances, & Parts	Type Certificate, and Amendments	Supplemental Type Certificate	Technical Standard Order Authorization	Parts Manufacturer Approval
Airplanes in the following categories:				
Normal	✓	✓	N/A	N/A
Utility	✓	✓	N/A	N/A
Acrobatic	✓	✓	N/A	N/A
Commuter	✓	✓	N/A	N/A
Transport	✓	✓	N/A	N/A
Rotorcraft in the following categories:				
Normal	✓	✓	N/A	N/A
Transport	✓	✓	N/A	N/A
Balloons	✓	✓	N/A	N/A
Engines	✓	✓	N/A	N/A
Propellers	✓	✓	N/A	N/A
Aircraft in Special Classes:				
Airships	✓	✓	N/A	N/A
VLA	✓	✓	N/A	N/A
Gliders/Motorized Gliders	✓	✓	N/A	N/A
Powered Lift	✓	✓	N/A	N/A
TSO Appliances	N/A	N/A	✓	N/A
New parts, including replacement and modification parts, for the above airplanes, rotorcraft, balloons, engines, propellers, special class aircraft, and articles / appliances	✓ Note: Produced under production approval.	✓ Note: Produced under production approval.	✓	✓

Note 1: Aircraft certified in the primary, provisional, and restricted categories will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

Table 2

Summary of

Romanian Products, Parts and Appliances, and Associated RCAA Approvals Eligible for Import into the United States.

Products, Parts, & Appliances	Type Certificate, and Amendments	Supplemental Type Certificate
Airplanes in the following categories:		
Large (Turbine Powered)	N/A	N/A
Normal	N/A	N/A
Utility	N/A	N/A
Aerobatic	N/A	N/A
Commuter	N/A	N/A
Very Light Aeroplanes	✓	✓
Sailplanes/Powered Sailplanes	✓	✓
Rotorcraft in the following categories:		
Small	N/A	N/A
Large	N/A	N/A
Engines	N/A	N/A
Propellers	N/A	N/A
Parts and Appliances	N/A	N/A
New parts, including replacement and modification parts, for the above very light aeroplanes, sailplanes/powered sailplanes, and parts	✓ Note: Produced under production approval.	✓ Note: Produced under production approval.

Note 1: Aircraft intended for a special airworthiness certificate will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

Note 2: This chart does not address airplanes referenced in paragraph 2.1.2(c) that are produced under a Special Arrangement.

SECTION III ESTABLISHED WORKING PROCEDURES

3.0 DESIGN APPROVAL PROCEDURES

3.0.0 General.

(a) The FAA and RCAA, as importing authorities, will normally conduct certification activities using a validation process on a product in order to make a finding of compliance and issue its design approval. The validation process is initiated by an application and normally entails a familiarization briefing by the applicant, the establishment of the certification basis by the importing authority, a technical information exchange in the form of data, specialists meetings on technical compliance and/or the development of issue papers, establishment of the scope of delegation to the exporting authority, compliance determinations, and finally, the issuance of the design approval. The design approval issued by the importing authority is based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance determinations made by the exporting authority.

(b) The expectation is that, with only a few exceptions, the determinations of compliance with the importing authority's requirements would be made by the exporting authority, as delegated by the importing authority. The importing authority is able to make findings of compliance, without further showing, based upon statements of compliance by the exporting authority. Since the exporting authority must understand the importing authority's position on all the items for which the exporting authority will be making determinations of compliance, both authorities shall ensure that they communicate adequately on these items. Also, the importing authority will normally seek the exporting authority's opinions before significant issues are resolved and, accordingly, may postpone a meeting with the applicant to discuss and resolve technical issues until the exporting authority is adequately represented. Working in accordance with the principle that communications should occur authority-to-authority, correspondence will be answered through or coordinated with the exporting authority. The FAA and RCAA also recognize that direct communications between the validating authority and the applicant are sometimes necessary. Direct communications should be limited to technical questions regarding the product (familiarization). The certificating authority should be informed on the outcome from these communications.

(c) Close cooperation between the importing and exporting authorities is necessary to provide for effective management of the validation process and for the most cost effective utilization of resources.

(d) The FAA does not normally issue a design approval for a product manufactured outside the United States, except for an aircraft to be U.S.-registered, or an engine, propeller, or part to be incorporated into the design of

a U.S.-registered aircraft or U.S.-manufactured product. Therefore, Romanian applicants for U.S. design approval should provide the FAA with evidence that the product or part will be imported into the United States, or will be installed on a U.S.-registered or U.S.-manufactured product.

(e) The RCAA does not normally issue a design approval for a product manufactured outside of Romania, except for an aircraft to be Romanian-registered or engine, propeller, appliance, or part to be incorporated into the design of a Romanian-registered aircraft or Romanian-manufactured product. Therefore, U.S. applicants for Romanian design approval should provide the RCAA with evidence that the product, part, or appliance will be imported into Romania, or will be installed on a Romanian-registered or Romanian-manufactured product.

3.0.1 Design Approval Procedures for U.S. Type Certificates.

3.0.1.0 Application for U.S. Type Certification.

(a) An application for a U.S. Type Certificate (TC), in accordance with 14 CFR §21.15, from an applicant in Romania should be sent to the RCAA. Applications may be submitted for products with an RCAA Type Certificate, or for products where application for type certification has been made to the RCAA. The RCAA should ensure the application has the following information:

(1) The RCAA Type Certificate and TC Data Sheet, if available, a definition of the national airworthiness and environmental standards upon which the RCAA design approval was (or is to be) based, and the amendment level of U.S. airworthiness and environmental standards the RCAA believes to be satisfied by its own standards; and

(2) A planning date for FAA type certification.

(b) Also, the application should contain the following, if known at the time of application:

(1) A description of all novel or unusual design features known to the applicant or the RCAA at the time of application which might necessitate issuance of FAA special conditions under 14 CFR §21.16, or which might require a special review of acceptable means of compliance;

(2) All known or expected exemptions or equivalent level of safety findings relative to the RCAA's national standards for design approval that might affect compliance with the applicable U.S. airworthiness and environmental standards; and

(3) Available information on U.S. market potential, including specific customers and U.S. content of the product, if known.

(c) The RCAA should forward the application to the Small Airplane Directorate. Appendix A contains a list of addresses for the FAA Aircraft Certification Service Directorates.

3.0.1.1 Familiarization Meeting.

(a) The RCAA will arrange a familiarization meeting between the FAA, the RCAA, and the applicant to discuss the validation process, the approved or proposed Romanian certification basis, and all novel or unusual features of the product.

(b) At this meeting the FAA will work to establish the U.S. type certification basis and the means of compliance for the product under application by determining the U.S. airworthiness and environmental standards that would be applied to a similar product if it were to be produced in the United States. The extent to which these activities are accomplished at the meeting will depend on the FAA's familiarity with the product and applicant, the applicant's familiarity with the FAA's process and, in general, the overall preparedness of all parties.

(c) For simple projects, technical familiarization may be streamlined if agreed by both the FAA and RCAA.

3.0.1.2 Establishment of Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The FAA and RCAA will mutually agree on a plan to ensure adequate compliance finding capability. The FAA will notify the RCAA of its Project Manager.

3.0.1.3 Establishment of U.S. Type Certification Basis.

(a) New type certificates. The FAA will develop the certification basis using:

(1) For type designs that do not hold an approval from the RCAA, the applicable airworthiness standards in effect on the date the application is made to the FAA; or

(2) For type designs that hold an approval from the RCAA, the applicable airworthiness standards in effect on the date the application was made to the RCAA for a Romanian TC.

(b) Additional requirements.

(1) In general, the FAA may require the applicant to comply with additional technical conditions in the interests of safety. These requirements may include actions deemed necessary for continued safe operation in the United States as a result of service history and actions taken by the RCAA to correct unsafe conditions.

(2) The FAA will review all novel and unusual design features for development of special conditions. The FAA will work closely with the RCAA in the development of special conditions and exemptions providing the RCAA and the applicant an opportunity to comment on the proposal.

(c) Environmental (Type) Certification Basis. The regulatory basis for compliance with 14 CFR Parts 34 and 36 is the effective amendment on the date of FAA certification. An applicant for a TC or STC must show that the aircraft meets the applicable airworthiness standards, special conditions, fuel venting and exhaust emission standards of 14 CFR Part 34 and the noise standards of 14 CFR Part 36.

3.0.1.4 Compliance to the U.S. Certification Basis. The RCAA should review the FAA's proposed U.S. type certification basis and notify the FAA Project Manager of the proposed compliance option. The FAA may accept either a statement of compliance to the U.S. Type Certification Basis, or the Romanian Type Certification Basis plus all FAA Additional Technical Conditions.

(a) If the findings of compliance are to the applicable U.S. standards, the FAA will not need to develop Additional Technical Conditions.

(b) If the findings of compliance are to the Romanian standards, the FAA will start the process of developing ATCs to cover the additional FAA requirements. The FAA will coordinate with the RCAA in the development of ATCs to allow (1) the FAA to benefit from the technical expertise of the RCAA and, (2) the RCAA to better understand how to make a determination of compliance when requested by the FAA.

3.0.1.5 Data Submittal & Design Review.

(a) In order to find compliance with U.S. material specifications, the FAA may request, in writing, additional substantiation from the RCAA. These requests will be limited to those materials not already accepted by the FAA as part of a previous FAA design approval.

(b) In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the FAA may make written requests for data to the RCAA. The RCAA, in responding to such requests, should verify that the data provided have been reviewed and, if required, approved by

the RCAA. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) should be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

3.0.1.6 Technical Meetings.

(a) In addition to the initial familiarization meeting, other technical meetings may be necessary to assure that any additional technical conditions that have been communicated to the RCAA are well understood, and that any outstanding technical issues are resolved. These meetings should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the RCAA and will normally have both authorities' representatives in attendance.

(b) Early in the program, based on the known design and information presented in the familiarization and technical meetings, the FAA will identify the areas in which further activity will be required (e.g. required data, reports, tests and test witnessing, areas of concern or special emphasis). The anticipated level of activity by the FAA will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or significant design changes are made.

(c) The RCAA will keep the FAA informed of the progress of its type certification program on a periodic basis. The RCAA should notify the FAA Project Manager as soon as possible of additional novel or unusual design features, and all other design features that might cause or have caused the RCAA to develop a special condition or to make an equivalent level of safety finding.

3.0.1.7 Issue Papers.

(a) The FAA will prepare issue papers which identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent level of safety findings, and special conditions. However, when the FAA's and RCAA's positions are equivalent, the RCAA's issue papers may be used directly by the FAA in lieu of an FAA issue paper. Nevertheless, the FAA must process its own issue papers which address equivalent levels of safety or special conditions.

(b) The FAA will coordinate all issue papers and changes to issue papers with the RCAA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

3.0.1.8 Environmental Testing and Approval Procedures.

(a) The FAA is authorized to make findings of compliance to 14 CFR Parts 34 and 36 based upon FAA witnessed tests, conducted in accordance with FAA-approved test plans, and based upon FAA review and approval of all data and compliance demonstration reports submitted via the RCAA.

(b) Environmental Testing and Approval Process. The typical process for environmental testing and approvals includes the following:

(1) Environmental (noise, fuel venting, and exhaust emissions) certification compliance demonstration plans must be submitted to the FAA for review, comment, and subsequent approval prior to undertaking certification testing.

(2) Information and data must be supplied to the FAA in order to conduct a finding in accordance with the Noise Control Act of 1972 (P.L. 92-574 §44715(a)(3)). The FAA, before issuing an original type certificate for an aircraft of any category, must assess the extent of noise abatement technology incorporated into the type design and determine whether additional noise reduction is achievable. This examination must be initiated as soon as possible after the application for type certification in each original type certification project and reflect noise reduction potentials that become evident during the design and certification process.

(3) Information and data must be supplied to the FAA in order to conduct an evaluation of the measurement and analysis methods and practices, and data correction procedures of the applicant for aircraft noise certification under 14 CFR Part 36, Subpart B, Subpart F, and/or Subpart H.

(4) Compliance demonstration aircraft noise test plans and engine exhaust emissions test plans to be used for demonstrating U.S. environmental certification compliance must be submitted to the FAA for review and comment, and subsequent approval not less than 90 days prior to commencing testing.

(5) Proposed equivalent procedures to be used by the applicant during testing, data processing, data reduction, and data analysis must be specifically identified to the FAA and approved in advance by the FAA as part of items (1) and (4).

(6) Compliance demonstration tests must be witnessed by FAA personnel or FAA designated engineering representatives. Prior to the start of testing, it is necessary to assure the conformity of the

test article (aircraft or engine configuration) to that identified in the FAA approved compliance demonstration test plans.

(7) Compliance demonstration reports must be submitted to the FAA for review and comment and subsequent approval prior to type certification approval.

3.0.1.9 Final Certification Meeting/Issuance of the Type Certificate. Upon issuance of the Romanian TC and demonstrated compliance with the U.S. Type Certification Basis, the RCAA shall forward a certifying statement to the FAA, in accordance with 14 CFR §21.29, along with all additional requested materials. The FAA, upon receipt and review of the documents, will prepare the TC and TC Data Sheet and forward them to the RCAA for transmittal to the applicant. A final meeting would only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

3.0.1.10 Evaluation of U. S. Operational and Maintenance Aspects. The FAA has established Aircraft Evaluation Groups (AEG) located at the product-accountable Directorates. The AEGs are responsible for the operational and maintenance aspects of the type certification process. The AEG will conduct Boards, as appropriate, to review the following items on Romanian products prior to their entry into U.S. operations: Maintenance Review Board (MRB) Report and associated Instructions For Continued Airworthiness (ICAW) documentation; Operational configuration; Pilot training and licensing requirements; and the formulation and approval of a Master Minimum Equipment List (MMEL). The AEG will be invited to participate in the familiarization meeting by the FAA Project Manager and will generate issue papers as appropriate to the type design. Compliance with AEG requirements is not required at the time of issuance of the U.S. Type Certificate, but to avoid operational suitability problems, applicants are encouraged to complete AEG requirements early in the project.

3.0.2 Design Approval Procedures for Romanian Type Certificates.

3.0.2.0 Application for a Romanian Type Certificate.

(a) An application for a Romanian TC from an applicant in the United States electing to follow the joint validation procedures for JAA products should be made in accordance with JAR-21 Sub-subpart N-B.

(b) An application for a Romanian TC from an applicant in the United States electing to follow Romanian national validation procedures should be made in accordance with RCAA NTN 21 and PINAC 21/2, *Airworthiness Certification of Civil Aircraft, Engines, and Propellers Imported to Romania*,

(c) Applications may be submitted for products with an FAA TC, or for products where application for type certification has been made to the FAA.

All applications from an applicant in the United States should be sent to the FAA ACO responsible for the applicant's geographic area. The ACO should ensure that the application has the following information:

(1) The FAA TC and TC Data Sheet, if available, and a definition of the national airworthiness standards upon which the FAA design approval was (or is to be) based, and the amendment level of the Romanian airworthiness and environmental standards that the FAA believes to be satisfied by its own standards;

(2) A general description of the product, including a 3-view drawing from aircraft or a cross-section drawing for engines and propellers; and

(3) A planning date for RCAA type certification.

(d) Also, the application should contain the following, if known at the time of application:

(1) A description of any novel or unusual design features known to the applicant or the FAA at the time of application which might necessitate issuance of RCAA special conditions, or which might require a special review of acceptable means of compliance,

(2) Any known or expected exemptions or equivalent level of safety findings relative to the FAA's national standards for design approval that might affect compliance with the airworthiness requirements; and

(3) Available information on Romanian market potential, including specific customers and Romanian content of the product, if known.

(e) The ACO should forward the application with an FAA cover letter to the RCAA in the manner prescribed by either JAR-21 or PINAC 21/2**.**

3.0.2.1 Familiarization Meeting.

(a) The FAA will arrange a familiarization meeting between the RCAA, the FAA, and the applicant to discuss the validation process, the approved or proposed domestic (U.S.) certification basis, and all novel or unusual features of the product.

(b) At this meeting the RCAA will work to establish the Romanian type certification basis and the means of compliance for the product under application by determining the Romanian airworthiness and environmental standards that would be applied to a similar product if it were to be produced in Romania. The extent to which these activities are accomplished at the meeting will depend on the RCAA's familiarity with the product and applicant,

the applicant's familiarity with the RCAA's process and, in general, the overall preparedness of all parties.

(c) For simple projects or less complex products, technical familiarization may be streamlined if agreed by both the RCAA and FAA.

3.0.2.2 Establishment of Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The RCAA and FAA will mutually agree on a plan to ensure adequate compliance finding capability. The RCAA will notify the FAA of its Project Manager.

3.0.2.3 Establishment of Romanian Type Certification Basis.

(a) New type certificates. The RCAA will develop the certification basis using:

(1) For type designs that do not hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application is made to the RCAA; or

(2) For type designs that hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application was made to the FAA for a U.S. TC.

(b) Additional requirements.

(1) In general, the RCAA may require the applicant to comply with additional technical conditions in the interests of safety. These requirements may include actions deemed necessary for continued safe operation in Romania as a result of service history and actions taken by FAA to correct unsafe conditions.

(2) The RCAA will review all novel and unusual design features for development of special conditions. The RCAA will work closely with the FAA in the development of special conditions and exemptions providing the FAA and the applicant an opportunity to comment on the proposal.

(c) Environmental (Type) Certification Basis. The regulatory basis for compliance to environmental requirements (ICAO Annex 16) is the effective amendment on the date of application to the RCAA. An applicant for a TC must show that the aircraft meets the applicable airworthiness standards, special conditions, noise, fuel venting and exhaust emission standards of ICAO Annex 16.

3.0.2.4 Compliance to the Romanian Certification Basis. The FAA should review the RCAA's proposed Romanian type certification basis and notify the RCAA Project Manager of the proposed compliance option. The RCAA may accept either a statement of compliance to the Romanian Type Certification Basis, or the U.S. Type Certification Basis plus all RCAA Additional Technical Conditions (ATC).

(a) If the findings of compliance are to the applicable Romanian standards, the RCAA will not need to develop any ATCs.

(b) If the findings of compliance are to the U.S. standards, the RCAA will start the process of developing ATCs to cover the additional RCAA requirements. The RCAA will coordinate with the FAA in the development of ATCs to allow (1) the RCAA to benefit from the technical expertise of the FAA and, (2) the FAA to better understand how to make a determination of compliance when requested by the RCAA.

3.0.2.5 Data Submittal & Design Review. In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the RCAA may make written requests for data to the FAA. The FAA, in responding to such requests, should verify that the data provided have been reviewed and, if required, approved by the FAA. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) should be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

3.0.2.6 Technical Meetings.

(a) In addition to the initial familiarization meeting, other technical meetings may be necessary to assure that any additional technical conditions that have been communicated to the FAA are well understood, and that any outstanding technical issues are resolved. These meetings should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the FAA and will normally have both authorities' representatives in attendance.

(b) Early in the program, based on the known design and information presented in the familiarization and technical meetings, the RCAA will identify the areas in which further activity will be required (e.g. required data, reports, tests and test witnessing, areas of concern or special emphasis). The anticipated level of activity by the RCAA will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or significant design changes are made.

(c) The FAA will keep the RCAA informed of the progress of the U.S. type certification program on a periodic basis. The FAA should notify the RCAA

Project Manager as soon as possible of additional novel or unusual design features, and all other design features that might cause or have caused the FAA to develop a special condition or to make an equivalent level of safety finding.

3.0.2.7 Certification Review Items (CRI).

(a) The RCAA will prepare CRIs which identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent level of safety findings, and special conditions. However, when the RCAA's and FAA's positions are equivalent, the FAA's issue papers may be used directly by the RCAA in lieu of an RCAA CRI. Nevertheless, the RCAA must still process its own CRIs which address equivalent levels of safety or special conditions.

(b) The RCAA will coordinate all CRIs and changes to CRIs with the FAA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

3.0.2.8 Environmental Testing and Approval Procedures. The RCAA will make findings of compliance to the environmental requirements based upon FAA witnessed tests, conducted in accordance with 14 CFR Parts 34 and 36 and FAA approved test plans, and based upon FAA review and approval of all data and compliance demonstration reports. The applicant will submit all requested compliance records to the RCAA via the FAA.

3.0.2.9 Final Certification Meeting/Issuance of the Type Certificate. Upon issuance of its domestic TC and demonstrated compliance with the Romanian Type Certification Basis, the FAA shall forward a certifying statement to the RCAA, in accordance with PINAC 21/2, along with all additional requested materials. The RCAA, upon receipt and review of the documents, will prepare the TC and TC Data Sheet and forward them to the FAA for transmittal to the applicant. A final meeting would only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

3.0.3 Design Approval Procedures for U.S. Supplemental Type Certificates.

(a) U.S. Supplemental Type Certificates (STC) may be issued under the provisions of 14 CFR §21.117 for approval of major changes to the type design of an aircraft which has been validated by the FAA, when the RCAA is the authority of the State of Design for both the aircraft and the design change, and the RCAA has issued an STC.

(b) The FAA will develop the STC certification basis in accordance with FAA Order 8110.4, *Type Certification* and 14 CFR § 21.115. The date of application is the date application is made to the RCAA for the Romanian STC.

(c) Romanian applicants shall submit an STC application to the RCAA with a request that the application and required information be forwarded to the FAA Small Airplane Directorate. Appendix A contains a list of addresses for FAA Offices.

(d) Each application should contain the following information:

(1) A description of the change, together with the make and model of the aircraft;

(2) A copy of the Romanian STC and certification basis; and

(3) The applicant's requested date for FAA issuance of the STC;

(4) A description of all novel or unusual design features which might necessitate issuance of FAA special conditions; and

(5) All exemptions or equivalent level of safety findings granted by the RCAA for the Romanian STC.

(e) The basic design approval procedures for U.S. Type Certification (paragraph 3.0.1 above) should be used for STCs, but both authorities may agree to streamline these procedures based on the magnitude and complexity of the design change.

(f) The following documentation will be required, as applicable, for review by the FAA during the STC approval process:

(1) Compliance Checklist,

(2) Airplane Flight Manual (AFM) Supplement,

(3) Master Documentation List/Master Drawing List,

(4) Manufacturing and Installation Instruction Drawings,

(5) Maintenance/Repair Manual Supplements,

(6) Weight and Balance data, and

(7) Instructions for Continued Airworthiness.

(g) The FAA will issue an STC when compliance with the applicable U.S. airworthiness requirements has been verified and a compliance statement has been made by the RCAA.

3.0.4 Design Approval Procedures for Romanian Supplemental Type Certificates.

(a) Romanian Supplemental Type Certificates (STC) may be issued for approval of major changes to the type design of an aircraft, aircraft engine, or propeller which has been validated by the RCAA, when the FAA is the authority of the State of Design for the design change and the FAA has issued an STC.

(b) The RCAA will develop the STC certification basis in accordance with JAR 21 and ACJ21N101. The date of application is the date application is made to the FAA for the U.S. STC.

(c) For applicants electing to follow JAA STC procedures, the STC application shall be made in accordance with the JAA STC Procedure and with JAR 21N113(a), and include the information required in JAR 21N113(b). In cases where the STC applicant has not entered into an arrangement with the Type Certificate holder, the FAA shall review the applicant's justification and concur with the applicant's position that an arrangement is not necessary The applicant's justification and the FAA concurrence statement will be provided to the RCAA.

(d) For applicants electing to follow the Romanian national STC procedures, the STC application shall be made in accordance with NTN Part 21 and PINAC 21/2.

(e) U.S. applicants shall submit an STC application to the FAA Aircraft Certification Office responsible for the applicant's geographic area, with a request that the application and required information be forwarded to the RCAA.

(f) Each application should contain the following information:

(1) A description of the change, together with the make and model of the product;

(2) A copy of the U.S. STC and the certification basis; and

(3) The applicant's requested date for RCAA issuance of the STC;

(4) A description of all novel or unusual design features which might necessitate issuance of RCAA special conditions; and

(5) All exemptions or equivalent level of safety findings granted by the FAA for the U.S. STC.

(g) The basic design approval procedures for Romanian Type Certification (paragraph 3.0.2 above) should be used for STCs, but both authorities may

agree to streamline these procedures based on the magnitude and complexity of the design change.

(h) The following documentation will be required, as applicable, for review by the RCAA during the STC approval process:

(1) Compliance Checklist,

(2) Airplane or Rotorcraft Flight Manual Supplement,

(3) Master Documentation List/Master Drawing List,

(4) Manufacturing and Installation Instruction Drawings,

(5) Maintenance/Repair Manual Supplements,

(6) Weight and Balance data, and

(7) Instructions for Continued Airworthiness.

(i) The RCAA will issue an STC when compliance with the applicable RCAA airworthiness requirements has been verified and a compliance statement has been made by the FAA.

3.0.5 Design Approval Procedures for FAA Letters of Technical Standard Order (TSO) Design Approval.

[Reserved]

3.0.6 RCAA Design Approval Procedures for Appliances.

3.0.6.0 Application. The RCAA recognizes appliances of a kind for which a minimum performance standard has been published in an FAA TSO. All U.S. applicants for an RCAA design approval that hold an FAA TSO shall make application through the FAA Aircraft Certification Office responsible for the applicant's geographic area, with a request that the application and required information be forwarded to the RCAA, at the address indicated in Appendix A. For appliances that do not meet an FAA TSO standard, the appliance must be approved as part of a product's type certification program. A holder of FAA TSOA under TSO-C148 fasteners, TSO-C149 bearings, and TSO-150 seals should not apply for a Romanian design approval as the RCAA considers such parts to be standard parts (see paragraph 2.1.4(a)).

3.0.6.1 Installation Approval. RCAA appliance type design approval does not constitute an installation approval for the TSO appliance on an aircraft. The installer must obtain installation approval from the RCAA for use on an aircraft registered in Romania.

3.0.7 Joint Design Approval Procedures. The FAA and RCAA may undertake concurrent type certification/validation and other design approval projects with respect to products covered by the Scope of these Implementation Procedures when it is in the interest of both authorities and their aviation industries. The procedures for such projects will be mutually agreed by the FAA and RCAA.

3.1 PRODUCTION AND SURVEILLANCE ACTIVITIES

3.1.0 Production Quality System. All products, parts and appliances exported under the provisions of these Implementation Procedures shall be produced in accordance with a production quality system which assures conformity to the approved design of the importing authority and ensures that completed products are in a condition for safe operation. This production quality system covers the fabrication of products, parts and appliances within and outside of the country of export. When these fabrication and/or production activities occur outside of the country of export, the associated products or parts thereof shall be considered as being manufactured in the exporting country.

3.1.1 Surveillance of Production Activities.

3.1.1.0 The FAA and RCAA, as exporting authorities, shall conduct regulatory surveillance of manufacturers and their suppliers, in accordance with the exporting authority's specific policies, practices, and/or procedures. Both ongoing and scheduled evaluations should be conducted to verify that the manufacturer is in continual compliance with its production quality system, manufacturing products, parts, and appliances which fully conform to the approved design, and are in a condition for safe operation. The correction of all deficiencies should be verified by the exporting authority.

3.1.1.1 Production surveillance includes the surveillance of manufacturers and their suppliers who may be fabricating prototype or pre-production parts for products which are still undergoing type certification. These parts must be produced by the manufacturer, or its approved supplier, with the concurrence of the exporting authority, using an existing approved production quality system for similar type certificated products. The approved production quality system must ensure the prototype or pre-produced parts are properly controlled so that a final determination of airworthiness can be undertaken prior to export.

3.1.1.2 FAA production approval and supplier surveillance programs are described in FAA Order 8120.2, *Production Approval and Certificate Management Procedures*; Advisory Circular 21-20, *Supplier Surveillance Procedures*; and FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program*.

3.1.1.3 RCAA production approval and supplier surveillance programs are described in JAR 21, Subpart G and associated JAA Joint Production Organization Approval Procedures; PINAC 1, *Civil Aviation Organizations Approval Procedures;* PINAC 3, *Official Technical Surveillance Procedure for the Manufacture of Aviation Products*; and RACR-ASC, *Selection, Surveillance and Evaluation of Subcontractors to an Organisation Authorized to Perform Civil Aeronautic Activities*. There is also information concerning these programs in Supplemental Procedure and Instruction (P&I) PI-BA-001, *"Procedures for Approval of the Organizations within Civil Aeronautics*."

3.1.2 Extensions of Production Approvals.

3.1.2.0 When a production approval has been granted or extended by the FAA or RCAA, as exporting authorities, to include manufacturing sites and facilities in each other's countries or in a third country, the exporting authority remains fully responsible for the surveillance and oversight of these manufacturing sites and facilities.

3.1.2.1 The FAA is responsible for surveillance and oversight of its manufacturers located in Romania. Routine surveillance and oversight may be performed by the RCAA on behalf of the FAA through the provisions of Section IV. The RCAA is responsible for surveillance and oversight of its manufacturers located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the RCAA through the provisions of Section IV.

3.1.2.2 The FAA or RCAA may seek assistance from the civil airworthiness authority of a third country in the undertaking of FAA or RCAA regulatory surveillance and oversight functions when a production approval has been granted or extended to that third country. This should be done only when an arrangement for technical assistance has been formalized between the FAA or RCAA and the civil airworthiness authority of the third country.

3.1.3 Product Production Approval Based on a Licensing Agreement.

3.1.3.0 Either the FAA or RCAA can grant a production approval for a product in their respective country based on design data obtained through a licensing agreement with a type design holder in the other country (i.e., licensing the rights to use the design data). In this case, the authority granting that production approval shall ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each product conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the licensee are approved. These design changes shall be submitted to the type design holder who shall obtain approval from its authority using normal procedures. These product production approvals based on a licensing

agreement will be addressed on a case-by-case basis under the Special Arrangements provision of Section V.

3.1.3.1 The FAA and RCAA may also enter into a Special Arrangement when the United States is the State of Design and Romania is the State of Manufacture for small airplanes having a passenger configuration of nine or less, excluding pilot seats, and a maximum takeoff weight of 12,500 pounds or less. Any such licensing agreement and production arrangement will be evaluated and subject to conditions outlined in a special arrangement.

3.1.4 Parts Production Approval based on a Licensing Agreement or Arrangement under JAR-21.133(b). Romania may grant a Production Organization Approval for parts production based on design data obtained through a licensing agreement or arrangement under JAR-21.133(b) with a design approval in the United States or a third country. In this case, Romania shall ensure the establishment of adequate manufacturing processes and a quality system to assure that each part conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the licensee are approved by the design approval holder. These design changes shall be submitted to the design approval holder who shall obtain approval from its authority using normal procedures.

3.1.5 Supplier Surveillance - Outside the Exporting Country.

3.1.5.0 The FAA and RCAA, as exporting authorities, shall include in their regulatory surveillance and oversight programs a means of surveilling their manufacturer's suppliers who are located outside the exporting country. This surveillance and oversight program will be equivalent to their program for domestic suppliers. This surveillance activity will assist the FAA and RCAA in determining conformity to approved design and whether parts are safe for installation on type certificated products.

3.1.5.1 The FAA is responsible for surveillance and oversight of its manufacturer's suppliers located in Romania. Routine surveillance and oversight may be performed by the RCAA on behalf of the FAA through the provisions of Section IV. The RCAA is responsible for surveillance and oversight of its manufacturer's suppliers located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the RCAA through the provisions of Section IV.

3.1.5.2 The FAA or RCAA may seek assistance from a third country civil airworthiness authority at the supplier's location when an agreement has been formalized with that authority in the undertaking of FAA or RCAA regulatory surveillance and oversight functions at suppliers to manufacturers of the exporting country. This should only be done when an arrangement for technical assistance has been formalized between the FAA or RCAA and the civil airworthiness authority of the third country.

3.1.5.3 The manufacturer may not use a supplier in a country where the authority of the manufacturer is denied unimpeded access, by either the supplier or the supplier's civil aviation authority, to the supplier's facility to perform surveillance activities. The manufacturer also may not use a supplier located in a country if that country denies entry to the authority of the manufacturer.

3.1.6 Multi-National Consortia.

3.1.6.0 Multi-national consortia may be issued approvals for the design and production of products, appliances, and/or parts in either the United States or Romania. These consortia clearly define one responsible design approval holder and manufacturer, for the purposes of regulatory accountability, located in the exporting country. There may be, however, suppliers to the manufacturer(s) which are located both domestically and in other countries which produce parts for use in the final product which is to be exported.

3.1.6.1 The FAA and RCAA, as exporting authorities, shall continue to conduct regulatory surveillance and oversight of the domestic design approval holder and manufacturer, and should emphasize surveillance and oversight of priority parts suppliers. The exporting authority shall use its regulatory surveillance and oversight programs to best enable it to determine that consortia suppliers are producing parts that conform to the approved design and are in a condition for safe operation.

3.2 EXPORT AIRWORTHINESS APPROVAL PROCEDURES

3.2.0 General. For the FAA, Export Certificates of Airworthiness are issued for completed aircraft, aircraft engines, and propellers. Airworthiness approval tags are issued by the FAA for TSO appliances and parts. For the RCAA, Export Certificates of Airworthiness are issued for completed aircraft. Authorized Release Certificates are issued for aircraft engines, propellers and parts.

3.2.1 FAA Acceptance of RCAA Export Certificates of Airworthiness and Authorized Release Documents.

(a) The FAA's requirements and procedures for import are described in 14 CFR Part 21, FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*, and Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States*.

(b) The RCAA's process for issuing export airworthiness approvals is described in JAR-21 and NTN 21, *Certification of Civil Aircraft, Aircraft Engines and Propellers*.

3.2.1.0 New Aircraft.

(a) Except as provided in paragraph 3.2.1.5, the FAA shall accept the RCAA's Export Certificates of Airworthiness on new aircraft, as identified in Section II, only when the RCAA certifies that each aircraft:

(1) Conforms to a type design approved by the FAA, as specified in the FAA's type certificate data sheet and any additional supplemental type certificates approved/accepted by the FAA;

(2) Is in a condition for safe operation, including compliance with applicable FAA Airworthiness Directives, as notified; and

(3) Meets all additional requirements prescribed by the FAA, as notified.

(b) Each aircraft exported to the United States with an RCAA airworthiness approval will have an RCAA Form DN-004, *Export Certificate of Airworthiness*. The Certificate should contain the following statement: "The [INSERT AIRCRAFT MODEL] covered by this certificate conforms to the type design approved under the U.S. Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation," and/or any other "import requirements" text as specified in the U.S. Type Certificate Data Sheet.

3.2.1.1 New Aircraft Engines and Propellers.

[Reserved]

3.2.1.2 New TSO Appliances.

[Reserved]

3.2.1.3 New Parts, including Modification and/or Replacement Parts.

(a) Each part exported to the United States with an RCAA airworthiness approval will have a JAA Form One, *Authorized Release Certificate*. The FAA shall accept the RCAA authorized release certificates on new parts, including modification and/or replacement parts, for aircraft for which Romania is the State of Design, as identified in Section II, only when the RCAA certifies, by the issuance of the JAA Form One, that each part:

(1) Is eligible for installation in an aircraft which has been granted an FAA design approval.

(2) Conforms to FAA-approved design data and is safe for installation;

(3) Is marked in accordance with paragraph 3.2.3.0 of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by the FAA, as notified.

(b) The FAA must be provided evidence of direct shipment authorizations extended to approved suppliers. If a part is shipped under direct shipment authorization, the RCAA's authorized release certificate must indicate that the Romanian manufacturer has authorized direct shipment. This indication may be a supplemental "remark" entry on the authorized release certificate indicating the authorization to the supplier for direct shipment of parts from the supplier's location.

3.2.1.4 Used Aircraft for Which There Has Been a Design Approval Granted by the FAA.

(a) The FAA shall accept Export Certificates of Airworthiness on used sailplanes, powered sailplanes, and very light airplanes certificated to JAR-VLA for which either the United States or Romania is the State of Design for import into the United States for airworthiness certification when the RCAA certifies that each used aircraft:

(1) Conforms to the FAA-approved type design, as specified in the FAA's type certificate data sheet, and any additional supplemental type certificates approved by the FAA, as notified;

(2) Is in a condition for safe operation, including compliance with all applicable FAA Airworthiness Directives, as notified;

(3) Has been properly maintained using approved procedures and methods during its service life (evidenced by logbooks and maintenance records);

(4) Meets all additional requirements prescribed by the FAA, as notified; and

(5) The RCAA Export Certificate of Airworthiness includes the statement in paragraph 3.2.1.0(b).

(b) Acceptance of Used Aircraft Manufactured in Third Countries. The FAA shall also accept RCAA's Export Certificate of Airworthiness for used sailplanes, powered sailplanes, and very light airplanes certificated to JAR-VLA manufactured in a third country when that third country has a bilateral agreement/arrangement with both the FAA and RCAA covering the

same class of product as identified in Section II, paragraph 2.1.2, and conditions of paragraph 3.2.1.4(a) (1) through (5) have been met.

(c) Requests for Additional Information.

(1) When a used aircraft for which Romania is the State of Design is to be imported into the United States from a third country, the RCAA will, upon request, assist the FAA in obtaining information regarding the configuration of the aircraft at the time it left the manufacturer. The RCAA will also provide, upon request, information regarding subsequent installations on the aircraft that have been approved by the RCAA as the exporting authority.

(2) The FAA may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the RCAA Export Certificate of Airworthiness; records which verify that all overhauls, major changes, and repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.1.5 Export Certificate of Airworthiness Exceptions. The RCAA shall notify the FAA's geographic responsible Manufacturing Inspection Office (MIO) prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the FAA's approved type design is to be noted under the "Exceptions" section of the Export Certificate of Airworthiness. Addresses for all FAA MIOs are listed in Appendix A. This notification should help to resolve all issues concerning the aircraft's eligibility for a U.S. airworthiness certificate. A written acceptance from the FAA is required before the issuance of the RCAA's Export Certificate of Airworthiness.

3.2.2 RCAA Acceptance of FAA Export Certificates of Airworthiness and Airworthiness Approval Tags.

(a) The RCAA's requirements for import of products, parts, and appliances are described in JAR-21 and PINAC 21/2, *Airworthiness Certification of Civil Aircraft, Engines, and Propellers Imported to Romania*.

(b) The FAA's process for issuing export airworthiness approvals is described in 14 CFR Part 21, FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*, FAA Order 8130.21, *Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag*, and FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*.

3.2.2.0 New Aircraft.

(a) Except as provided in paragraph 3.2.2.5, the RCAA shall accept the FAA's Export Certificates of Airworthiness on new aircraft, as identified in Section II, only when the FAA certifies that each aircraft:

(1) Conforms to an RCAA-approved type design, as specified in the RCAA's type certificate data sheet and any additional supplemental type certificates approved/accepted by the RCAA;

(2) Is in a condition for safe operation, including compliance with applicable RCAA Airworthiness Directives, as notified; and

(3) Meets all additional requirements prescribed by the RCAA, as notified.

(b) Each aircraft exported to Romania with an FAA airworthiness approval will have an FAA Form 8130-4, *Export Certificate of Airworthiness*, issued in accordance with the requirements of 14 CFR Part 21, Subpart L. The FAA Form 8130-4 should contain the following statement: "The [INSERT AIRCRAFT MODEL] covered by this certificate conforms to the type design approved under RCAA Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation", and/or any other "import requirements" text as specified in the Romanian Type Certificate Data Sheet.

3.2.2.1 <u>New Aircraft Engines and Propellers</u>.

(a) The RCAA, as the importing authority, shall accept the FAA's Export Certificates of Airworthiness on new aircraft engines and propellers, as identified in Section II, only when the FAA certifies that each new aircraft engine or propeller:

(1) Conforms to a type design approved by the RCAA, as specified in the RCAA's type certificate data sheet;

(2) Is in a condition for safe operation, including compliance with applicable RCAA Airworthiness Directives, as notified;

(3) Has undergone a final operational check; and

(4) Meets all additional requirements prescribed by the RCAA, as notified.

(b) Each aircraft engine or propeller exported to Romania with an FAA airworthiness approval will have an FAA Form 8130-4, *Export Certificate of Airworthiness*, issued in accordance with the requirements of 14 CFR Part 21, Subpart L. The FAA Form 8130-4 should contain the following statement:

"The [INSERT AIRCRAFT ENGINE OR PROPELLER] covered by this certificate conforms to the type design approved under RCAA Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], is found to be in a condition for safe operation and has undergone a final operational check," and/or any other "import requirements" text as specified in the Romanian Type Certificate Data Sheet.

3.2.2.2 New TSO Appliances.

(a) Each appliance exported to Romania with FAA airworthiness approval will have an FAA Form 8130-3, *Airworthiness Approval Tag*. The RCAA shall accept an FAA airworthiness approval tag on a new TSO appliance, as identified in Section II, only when the FAA certifies, by the issuance of the FAA Form 8130-3, that each TSO appliance:

(1) Conforms to the design as specified in the FAA TSO Authorization and, if applicable, the JTSO Authorisation for Import;

(2) Complies with applicable RCAA Airworthiness Directives, as notified;

(3) Is marked in accordance with paragraph 3.2.3.1; and

(4) Meets all additional requirements prescribed by the RCAA, as notified.

3.2.2.3 New Parts, Including Modification and/or Replacement Parts.

(a) Each part exported to Romania with an FAA airworthiness approval will have an FAA Form 8130-3, *Airworthiness Approval Tag*. The RCAA shall accept FAA airworthiness approval tags on new parts, including modification and replacement parts, for the products and appliances identified in Section II only when the FAA certifies, by the issuance of the FAA Form 8130-3, that each part:

(1) Is eligible for installation in a product or appliance which has been granted an RCAA design approval;

(2) Conforms to RCAA-approved design data and is safe for installation;

(3) Is marked in accordance with paragraph 3.2.3.1 of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by the RCAA, as notified.

3.2.2.4 Used Aircraft for Which There Has Been a Design Approval Granted by the RCAA.

(a) The RCAA shall accept Export Certificates of Airworthiness on used aircraft for which either the United States or Romania is the State of Design, as identified in Section II, for import into Romania for airworthiness certification when the FAA certifies that each used aircraft:

(1) Conforms to an RCAA-approved type design, as specified in the RCAA's type certificate data sheet, and any additional supplemental type certificates approved by the RCAA, as notified;

(2) Is in a condition for safe operation, including compliance with all applicable RCAA Airworthiness Directives, as notified;

(3) Has been properly maintained using approved procedures and methods during its service life (evidenced by logbooks and maintenance records); and

(4) Meets all additional requirements prescribed by the RCAA, as notified.

(5) The FAA Export Certificate of Airworthiness includes the statement in paragraph 3.2.2.0(b).

(b) Acceptance of Used Aircraft Manufactured in Third Countries. The RCAA shall also accept the FAA's Export Certificate of Airworthiness for used aircraft manufactured in a third country when that third country has a bilateral agreement with both the FAA and RCAA covering the same class of product as identified in Section II, and conditions of paragraph 3.2.2.4 (a) (1) through (5) have been met.

(c) Requests for Assistance.

(1) When a used aircraft for which the United States is the State of Design is to be imported into Romania from a third country, the FAA will, upon request, assist the RCAA in obtaining information regarding the configuration of the aircraft at the time it left the manufacturer. The FAA will also provide, upon request, information regarding subsequent installations on the aircraft that have been approved by the FAA as the exporting authority.

(2) The RCAA may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness, or equivalent, issued by the FAA; records which verify that all overhauls, major changes, and repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the

used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.2.5 Export Certificate of Airworthiness Exceptions. The FAA shall notify the RCAA prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the RCAA's approved type design is to be noted under the "Exceptions" section of the Export Certificate of Airworthiness. This notification should help to resolve all issues concerning the aircraft's eligibility for a Romanian airworthiness certificate. A written acceptance from the RCAA is required before the issuance of the FAA's Export Certificate of Airworthiness.

3.2.3 Additional Requirements for Imported Products, Parts, and Appliances. The following identifies those additional requirements which must be complied with as a condition of acceptance for products, parts, and appliances imported into the United States or Romania, or for use on either a U.S. or Romanian-registered aircraft.

3.2.3.0 U.S. Requirements.

(a) Identification and Marking.

(1) Aircraft must be identified as required in 14 CFR §45.11.

(2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with 14 CFR §45.14.

(3) Each replacement or modification part must be marked with the part number, serial number if applicable, and a manufacturer's name or trade mark. The model designation of the type certificated product on which the part is eligible for installation must be marked on the part, or included on the appropriate airworthiness approval document if it is impractical to mark the part. In addition:

(i) For parts produced under a licensing agreement/arrangement for a product for which the United States is the State of Design, the part must be traceable to the POA holder in order to ensure continued airworthiness control.

(ii) For parts produced to U.S. STC design data, the part must be accompanied with information that identifies the applicable U.S. STC. This information may be included on the appropriate airworthiness approval document.

(b) Instructions for Continued Airworthiness. Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness

and manufacturer's maintenance manuals having airworthiness limitation sections, as prescribed in 14 CFR §21.50.

(c) Maintenance Records. Each aircraft, including the aircraft engine, propeller, rotor, or appliance, must be accompanied by maintenance records equivalent to those specified in 14 CFR §91.417.

3.2.3.1 Romanian requirements.

(a) Identification and Marking.

(1) Aircraft, aircraft engines, and propellers must be identified as required in JAR-21 Subpart N- Q.

(2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in a manner outlined in JAR-21N805.

(3) Each appliance approved by an FAA TSO Authorization must be marked in accordance with the requirements in 14 CFR Part 21, Subpart O, and all additional marking requirements specified in the particular TSO. In addition, each part and appliance approved by a JTSO Authorisation for Import must also be marked in accordance with the requirements in JAR-21 Subpart N-Q, and any additional marking requirements specified in the JTSO.

(4) Each part to be used as a replacement or modification part must be identified by a part number, serial number if applicable, and the manufacturer's name or trade mark. In addition, information concerning the model designation of the type certificated product for which the part is eligible for installation must be furnished.

(b) Instructions for Continued Airworthiness. Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections must be provided as prescribed in JAR-21N61.

(c) Maintenance Records. Each aircraft, including the aircraft engine, propeller, or appliance, must be accompanied by maintenance records equivalent to JAR OPS 1.920 (for airplanes) and 3.920 (for helicopters), or those described in RACR-AOA].

3.3 POST DESIGN APPROVAL PROCEDURES

3.3.0 CONTINUED AIRWORTHINESS

3.3.0.0 General.

(a) The exporting authority is responsible as the State of Design (under International Civil Aviation Organization (ICAO) Annex 8) for resolving in-service safety issues related to design or production. The exporting authority shall provide applicable information which it has found to be necessary for mandatory modifications, required limitations and/or inspections to the importing authority to ensure continued operational safety of the product, part, or appliance. The importing authority will review and normally accept the corrective actions taken by the exporting authority in the issuance of its own mandatory corrective actions.

(b) At the request of the importing authority, the exporting authority shall assist the importing authority in determining what action is considered necessary by the importing authority for the continued operational safety of the product, part, or appliance. The decision as to the final action to be taken with respect to the products, parts, or appliances under the jurisdiction of the importing country lies solely with the importing authority.

3.3.0.1 Reporting of Malfunctions, Failures, and Defects (MF&D).

(a) The FAA and RCAA agree to perform the following functions for the products, parts, and appliances exported to the other country:

(1) Tracking of MF&D reports and accident/incidents.

(2) Evaluating MF&D and accident/incidents.

(3) Investigating and resolving all suspected unsafe conditions.

(4) Advising the importing authority of all unsafe conditions and the necessary corrective actions (see paragraph 3.3.0.2 below).

(5) Upon request, providing the importing authority with the following:

(i) Reports of MF&D and accidents/incidents;

(ii) Status of investigations into MF&D and accidents/incidents;

(iii) Copies of conclusions reached in its investigation into MF&D; and

(iv) Copies of conclusions reached in investigations into accidents/incidents in accordance with ICAO Annex 13.

(6) Making a reasonable effort to resolve issues raised by the importing authority concerning matters of safety for products registered in the importing country.

(b) The FAA and RCAA, as importing authorities, agree to perform the following functions:

(1) Advising the exporting authority of MF&D and accidents/incidents which are believed to be potentially unsafe conditions occurring on the products or appliances which are imported from the country of the exporting authority.

(2) Supporting the exporting authority in investigations of unsafe conditions and their occurrences on the imported aircraft.

(3) Advising the exporting authority, if as a result of investigations made by the importing authority into MF&D and accidents/incidents, it has determined that it will make corrective actions mandatory.

(c) Copies of U.S. MF&D reports are available from the FAA Mike Monroney Aeronautical Center, Delegation and Airworthiness Programs Branch. Copies of U.S. MF&D reports are also available on the Mike Monroney Aeronautical Center internet web site at http://av-info.faa.gov/isdr. Copies of Romanian MF&D reports are available from the RCAA, Airworthiness Directorate, Airworthiness Engineering Department, Type Certification Office.

3.3.0.2 Unsafe Condition and Mandatory Continuing Airworthiness Actions.

(a) The FAA (under 14 CFR Part 39) and RCAA (under RACR 39) issue mandatory continuing airworthiness actions. The FAA and RCAA agree to perform the following functions for the products, parts, and appliances for which it is the State of Design (exporting authority):

(1) Issuing a mandatory continuing airworthiness action (Airworthiness Directive) whenever the authority determines that an unsafe condition exists in a type certificated product or appliance, and is likely to exist or develop on a type certificated product or appliance of the same design. This may include a product or appliance that has another product, part, or appliance installed on it and the installation causes the unsafe condition. The contents of such a mandatory continuing airworthiness action should include, but are not limited to, the following:

(i) Make, model, and serial numbers of affected aircraft, aircraft engines, propellers, appliances, and parts;

(ii) Description of the unsafe condition, reasons for the mandatory action, and its impact on the overall aircraft and continued operation;

(iii) Description of the cause of the unsafe condition (e.g., stress corrosion, fatigue, design problem, quality control, unapproved part);

(iv) The means by which the unsafe condition was detected and, if resulting from in-service experience, the number of occurrences; and

(v) Corrective actions and corresponding compliance times, with a list of the relevant manufacturer's service information including reference number, revision number and date;

(2) Ensuring that the following information is provided to the other authority as part of the mandatory continuing airworthiness action or directly from the approval holder:

(i) The number of aircraft world-wide needing the corrective action;

(ii) A statement on the availability of parts; and

(iii) An estimate of the number of labor hours and the cost of parts required for the corrective actions.

(3) Issuing a revised or superseding mandatory continuing airworthiness action whenever the exporting authority finds any previously issued mandatory continuing airworthiness action was incomplete or inadequate to fully correct the unsafe condition.

(4) Notifying the importing authority of the unsafe condition and the necessary corrective actions by submitting a copy of the mandatory continuing airworthiness action at the time of publication to the address referenced in 3.3.0.1(c) above. Additionally, for Romanian products, the RCAA should arrange for copies of all relevant service bulletins referenced in the mandatory action, as well as other supporting documentation, to be forwarded to the appropriate focal point in the FAA Small Airplane Directorate.

(5) In the case of emergency airworthiness action, the exporting authority should ensure special handling so that the importing authority is notified immediately.

(6) Advising and assisting the importing authority in defining the appropriate actions for the importing authority to take in the issuance of its own mandatory continuing airworthiness action.

(7) Providing sufficient information to the importing authority for its use in making determinations as to the acceptability of alternative means of compliance to mandatory continuing airworthiness actions.

(8) On a annual basis, providing the importing authority a summary index list of mandatory continuing airworthiness actions issued by the exporting authority for products and appliances exported to the country of import.

(b) The FAA and RCAA recognize that they may disagree as to the finding of an unsafe condition. In that case, it is expected that the importing authority will normally consult with the authority of the State of Design (exporting authority) prior to issuing its own airworthiness directive.

(c) The FAA and RCAA, as importing authorities, agree to respond quickly to the issuance of a mandatory continuing airworthiness action by the exporting authority in making its own determination of the need for issuing its own similar mandatory continuing airworthiness action that addresses the unsafe condition on the affected products or appliances certified, approved or otherwise accepted by the importing authority.

3.3.1 DESIGN CHANGES

3.3.1.0 Procedures for Changes to a U.S. Type Certificate.

(a) Changes to a type design that require a new or amended type certificate should be done in accordance with paragraph 3.0.1, except that, for an amended TC, the FAA's date of application is the date application was made to the RCAA for the amended TC. Also, the procedures in paragraph 3.0.1 should be adjusted as appropriate for the magnitude and complexity of the design change. For amended type certificates, the FAA will develop the certification basis in accordance with 14 CFR § 21.101 and § 21.93(b) and (c). Also, if the TC holder has applied for an STC, this should be done in accordance with paragraph 3.0.3.

(b) To assist the FAA in determining its level of activity with a specific design change, the RCAA should notify the FAA of each major type design change proposed by the type certificate holder that would affect:

(1) the Flight Manual,

(2) the Approved Airworthiness Limitations,

(3) the Type Certificate Data Sheet,

(4) the Master Minimum Equipment List,

(5) a Certification Maintenance Requirement, or

(6) all other specific changes identified by the FAA.

Based on this information, the FAA will determine whether the changes can be considered approved by the FAA upon RCAA's approval under its normal procedures.

(c) The RCAA must notify the FAA whenever the certification basis of a proposed change includes a requirement where the FAA may exercise discretion in making the finding. This includes findings of equivalent level of safety, additional technical conditions, special conditions, and other requirements where the FAA exercises its judgment in making the finding.

(d) Major changes to a type certificated design (for products identified in paragraph 2.1.2) which are not great enough to require new application for a type certificate may also be approved through the issuance of a U.S. STC. Procedures for the issuance of a U.S. STC are found in paragraph 3.0.3.

(e) Minor design changes made by the type certificate holder shall be considered approved by the FAA upon approval by the RCAA under its normal procedures.

(f) As specified in 14 CFR §21.93, for the purpose of complying with 14 CFR Part 34, each voluntary change in the type design of an airplane or engine that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR Part 36, each voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an "acoustical change", requiring further demonstration of compliance.

3.3.1.1 Procedures for Changes to a Romanian Type Certificate.

(a) Changes to a type design that require a new or amended type certificate should be done in accordance with paragraph 3.0.2, except that, for an amended TC, the RCAA's date of application is the date application was made to the FAA for the amended TC. Also, the procedures in paragraph 3.0.2 should be adjusted as appropriate for the magnitude and complexity of the

design change. For amended type certificates, the RCAA will develop the certification basis in accordance with JAR 21N101. Also, if the TC holder has applied for an STC, this should be done in accordance with paragraph 3.0.4.

(b) To assist the RCAA to determine its level of activity with a specific design change, the FAA should notify the RCAA of each major type design change proposed by the type certificate holder that would affect:

(1) the Flight Manual,

(2) the Approved Airworthiness Limitations,

(3) the Type Certificate Data Sheet,

(4) the Master Minimum Equipment List,

(5) a Certification Maintenance Requirement, or

(6) all other specific changes identified by the RCAA.

Based on this information, the RCAA will determine whether the changes can be considered approved by the RCAA upon FAA's approval under its normal procedures.

(c) The FAA must notify the RCAA whenever the certification basis of a proposed change includes a requirement where the RCAA may exercise discretion in making the finding. This includes findings of equivalent level of safety, additional technical conditions, special conditions, and other requirements where the RCAA exercises its judgment in making the finding.

(d) Major changes to a type certificated design which are not great enough to require new application for a type certificate may also be approved through the issuance of a Romanian STC. Procedures for the issuance of a Romanian STC are found in paragraph 3.0.4.

(e) Minor design changes made by the type certificate holder shall be considered approved by the RCAA upon approval by the FAA under its normal procedures.

3.3.1.2 Procedures for Minor Changes to a Type Design by Persons Other Than the Type Certificate Holder. For the FAA, minor design changes are approved using the same procedures as minor design changes presented by the TC holder. For the RCAA, the applicant must apply for approval of the minor change to the type design in accordance with JAR 21.92. The FAA and RCAA, as importing authorities, normally accept or approve minor changes without technical involvement.

3.3.1.3 Procedures for Changes to a Supplemental Type Certificate. The FAA and the RCAA agree to follow the procedures in paragraphs 3.3.1.0 and 3.3.1.1 to the extent applicable. Where unique situations may occur, the FAA and RCAA will consult with each other on the specific process to be applied.

3.3.1.4 FAA Noise and Emissions Requirements for Changes to a Type Design (TC/STC) by Any Person. For the purpose of complying with 14 CFR Part 34, each voluntary change in the type design of an airplane that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR Part 36, each voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an "acoustical change," requiring further demonstration of compliance. The FAA retains all findings of acoustical or emissions change under 14 CFR § 21.93(b) & (c).

3.3.1.5 Procedures for Changes to a Flight Manual. The FAA and the RCAA may delegate the review and signature of revisions to flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. Minor revisions will be reviewed by the exporting authority on behalf of the importing authority, and the exporting authority will ensure that the data meets the importing authority's requirements. Significant revisions must be submitted to the importing authority for review and acceptance before any signature on behalf of the importing authority. For an individual certification project, the exporting authority will consult with the importing authority when it decides which revisions are significant and which are minor.

3.3.1.6 Procedures for Changes to an FAA Letter of TSO Design Approval.

[Reserved]

3.3.1.7 Romanian Procedures for a Change to an Appliance Design Approval.

[Not applicable]

3.3.2 APPROVAL OF DESIGN DATA USED IN SUPPORT OF REPAIRS.

3.3.2.0 General. Design data used in support of repairs for the products identified in Section II must be approved or accepted, as appropriate, by the exporting authority (State of Design) in a manner which is acceptable to the importing authority.

(a) FAA as Exporting Authority. Design data used in support of major repairs will be approved in accordance with FAA Order 8110.4, *Type Certification*. Minor repairs are made in accordance with "acceptable" data as required by 14 CFR Part 43.

(b) RCAA as Exporting Authority. Design data used in support of repairs must be approved in accordance with JAR-21, Subpart M.

3.3.3 ADMINISTRATION OF DESIGN APPROVALS

3.3.3.0 Transfer of a U.S. Type Certificate to a Person in Romania.

(a) Upon transfer or an agreed-upon date, the RCAA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products, and will notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) The FAA will transfer to the RCAA the ICAO State of Design responsibilities for type certificates only for sailplanes, powered sailplanes, and very light airplanes certificated to JAR-VLA. The RCAA will not assume ICAO State of Design responsibilities for models that have not been found to meet the RCAA certification requirements.

(c) Upon notification of a transfer by a U.S. type certificate holder to a person in Romania, the FAA office that issued the type certificate will notify the RCAA and establish procedures to transfer the ICAO State of Design responsibilities for the type certificate to Romania. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.

(d) If a corresponding Romanian type certificate exists for the product, the transfer of the ICAO State of Design responsibilities will apply to all models listed on that Romanian type certificate. For any FAA-certificated model not listed on the Romanian type certificate, the FAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable RCAA certification requirements. This support would include the FAA's statement of compliance that the model meets RCAA's certification requirements. Upon acceptance, the RCAA will place the additional model on the Romanian type certificate.

(e) If the transferee of the type certificate applies for a Romanian type certificate, the FAA will provide support to establish acceptance of the U.S. type certificate as showing compliance to the applicable certification requirements of the RCAA. This would include the FAA's statement of compliance that the product meets the RCAA's certification requirements. Upon acceptance, the RCAA will issue the Romanian type certificate.

(f) The transfer of the ICAO State of Design responsibilities for the type certificate to the RCAA will be considered complete when the RCAA confirms that all necessary data have been transferred to the new holder, and the new

holder is able to perform the responsibilities required of a type certificate holder.

(g) The FAA will reissue a type certificate in the name of the transferee after the RCAA type certificate issuance, unless the new holder does not wish to maintain FAA approval.

(h) If the transferee does not hold and does not apply for a Romanian type certificate, or if the transferee's RCAA type certificate covers only some models covered by the FAA type certificate and the transferee does not apply for additional approval, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to the RCAA. The FAA will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on the FAA.

3.3.3.1 Transfer of a Romanian Type Certificate to a Person in the United States.

(a) Upon transfer or an agreed-upon date, the FAA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected aircraft, and will notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) The RCAA will transfer to the FAA the ICAO State of Design responsibilities for type certificates only for sailplanes, powered sailplanes, and very light airplanes certificated to JAR-VLA. The FAA will not assume ICAO State of Design responsibilities for models that have not been found to meet the FAA certification requirements.

(c) Upon notification of a transfer by a Romanian type certificate holder to a person in the United States, the RCAA will notify the FAA Office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibilities for the type certificate to the United States. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.

(d) If a corresponding U.S. type certificate already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on the U.S. type certificate. For any RCAA certificated model not listed on the U.S. type certificate, the RCAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable FAA certification requirements. This support would include the RCAA's statement of compliance that the model meets the U.S. certification requirements. Upon acceptance, the FAA will place the additional model on the U.S. type certificate.

(e) If the transferee of the type certificate applies for a U.S. type certificate, the RCAA will provide support to establish acceptance of the Romanian type certificate as showing compliance to the applicable certification requirements of the FAA. This would include the RCAA's statement of compliance that the product meets the FAA's certification requirements. Upon acceptance, the FAA will issue the U.S. type certificate.

(f) The transfer of the ICAO State of Design responsibilities for the type certificate to the FAA will be considered complete when the FAA confirms that all necessary data have been transferred to the new holder, and the new holder is able to perform the responsibilities required of a type certificate holder.

(g) The RCAA will reissue a type certificate in the name of the transferee after the FAA type certificate issuance, unless the new holder does not wish to maintain RCAA approval.

(h) If the transferee does not hold and does not apply for a U.S. type certificate, or if the transferee's FAA type certificate covers only some models covered by the RCAA's type certificate and the transferee does not apply for an additional approval, the RCAA will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. The RCAA will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on the RCAA.

3.3.3.2 Transfer of a U.S. Supplemental Type Certificate to a Person in Romania.

(a) The RCAA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products.

(b) The FAA may only transfer to the RCAA the ICAO State of Design responsibilities for STCs within the scope of these Implementation Procedures. The RCAA will not assume ICAO State of Design responsibilities for design changes to models that have not been found to meet the RCAA's certification requirements.

(c) Upon notification of a transfer by a U.S. STC holder to a person in Romania, the FAA office that issued the STC will notify the RCAA and establish procedures to transfer the ICAO State of Design responsibilities for the STC to the RCAA. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.

(d) If a corresponding RCAA STC already exists for the changed product, the transfer will apply to the model listed on that RCAA STC.

(e) If the transferee of the STC applies for an RCAA STC, the FAA will provide support to establish acceptance of the FAA STC as showing compliance to the applicable certification requirements of the RCAA. This would include the FAA's statement of compliance that the changed product meets the RCAA's certification requirements. Upon acceptance, the RCAA will issue the RCAA STC.

(f) The transfer of the ICAO State of Design responsibilities for the STC to the RCAA will be considered complete when the RCAA confirms that all necessary data have been transferred to the new holder and the new holder is able to perform the responsibilities required of an STC holder.

(g) The FAA will only reissue an STC in the name of the transferee after RCAA STC issuance and when the STC is within the scope of these Implementation Procedures, as identified in Section II, paragraph 2.3.1(b). If the transferee does not wish to maintain FAA approval, the FAA will not reissue the STC.

(h) If the RCAA has not issued the corresponding type certificate for the product being changed, or if the transferee does not hold and does not apply for an RCAA STC for the same design change, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to the RCAA. The FAA will continue to fulfill ICAO State of Design responsibilities for the STC only as long as an undue burden is not placed on the FAA.

3.3.3.3 Transfer of an RCAA Supplemental Type Certificate to a Person in the United States.

(a) The FAA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products.

(b) The RCAA will only transfer to the FAA the ICAO State of Design responsibilities for STCs within the scope of these Implementation Procedures. The FAA will not assume ICAO State of Design responsibilities for design changes to models that have not been found to meet the FAA's certification requirements.

(c) Upon notification of a transfer by a Romanian STC holder to a person in the United States, the RCAA will notify the FAA Office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibilities for the STC to the FAA. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.

(d) If a corresponding U.S. STC already exists for the changed product, the transfer will apply to the model listed on that U.S. STC.

(e) If the transferee of the STC applies for a U.S. STC, the RCAA will provide support to establish acceptance of the RCAA STC as showing compliance to the applicable certification requirements of the FAA. This would include the RCAA's statement of compliance that the changed product meets the FAA's certification requirements. Upon acceptance, the FAA will issue the U.S. STC.

(f) The transfer of ICAO State of Design responsibilities for the STC to the FAA will be considered complete when the FAA confirms that all necessary data have been transferred to the new holder and the new holder is able to perform the responsibilities required of an STC holder.

(g) The RCAA will only reissue an STC in the name of the transferee after U.S. STC issuance and when the STC is within the scope of these Implementation Procedures, as identified in Section II, paragraph 2.3.0(b). If the transferee does not wish to maintain RCAA approval, the RCAA will not reissue the STC.

(h) If the FAA has not issued the corresponding type certificate for the product being changed, or is the transferee does not hold and does not apply for a U.S. STC for the same design change, the RCAA will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. The RCAA will continue to fulfill ICAO State of Design responsibilities for the STC only as long as an undue burden is not placed on the RCAA.

3.3.3.4 Surrender of Type Certificate or Supplemental Type Certificate. If a type certificate holder elects to surrender a type certificate or supplemental type certificate issued by either the FAA or the RCAA as the exporting authority, the FAA or RCAA shall immediately notify the other in writing of the action. The FAA and RCAA, as exporting authorities, shall accomplish all actions necessary to ensure continued airworthiness of the product until such time as:

(a) The type certificate or supplemental type certificate is reissued to a new holder when that new holder demonstrates competence to fulfill the necessary obligations; or

(b) The FAA or RCAA, as the exporting authority, terminates the type certificate or supplemental type certificate. Prior to termination, the exporting authority shall notify the importing authority of the pending cancellation.

3.3.3.5 Revocation or Suspension of Type Certificate or Supplemental Type Certificate.

(a) In the event that the RCAA revokes or suspends a type certificate or supplemental type certificate of a product for which the RCAA is the authority of the State of Design, it should immediately inform the FAA product-responsible Directorate. The FAA, upon notification, will conduct an investigation to determine if action is required in the United States. If the revocation or suspension was "for cause" and the FAA concurs with the RCAA's certificate action, the FAA will initiate revocation or suspension of the U.S. type certificate or supplemental type certificate. The FAA may decide to assume continued airworthiness responsibilities if there is sufficient information for it to support the continued operational safety of the fleet in the United States. In this case, the RCAA should obtain and provide type design data, as requested, to the FAA. Final certificate action is at the sole discretion of the FAA. The FAA may revoke the U.S. type certificate or supplemental type certificate if the continued airworthiness responsibilities would cause an undue burden for the FAA.

(b) In the event that the FAA revokes or suspends a type certificate or supplemental type certificate of a product for which the FAA is the authority of the State of Design, the FAA product-responsible Directorate should immediately inform the RCAA. The RCAA, upon notification, will conduct an investigation to determine if action is required in Romania. If the revocation was "for cause" and the RCAA concurs with the FAA's certificate action, the RCAA will initiate revocation or suspension of the Romanian type certificate or supplemental type certificate. The RCAA may decide to assume continued airworthiness responsibilities if there is sufficient information for it to support the continued operational safety of the fleet in Romania. In this case, the FAA should obtain and provide type design data, as requested, to the RCAA. Final certificate action is at the sole discretion of the RCAA. The RCAA may revoke the Romanian type certificate or supplemental type certificate if the continued airworthiness responsibilities would cause an undue burden for the RCAA.

3.3.3.6 Surrender or Withdrawal of TSO Authorization.

(a) Surrenders. If an FAA TSO Authorization holder elects to surrender the appliance approval issued by the FAA, the FAA will immediately notify the RCAA, in writing, as importing authority, of the action. The FAA shall accomplish all actions necessary to ensure continued airworthiness of the appliance, until such time as the TSO Authorization is formally withdrawn by the FAA.

(b) Withdrawals. If an appliance approval is withdrawn, the FAA, as the exporting authority, will immediately notify the RCAA in writing of the action. The FAA shall, if possible, accomplish all actions necessary to ensure continued airworthiness of the appliance produced under its appliance

approval. In the event of withdrawal of an appliance approval for noncompliance, the FAA will investigate all nonconformities for corrective action and notify the RCAA of the corrective action. The FAA still has the responsibility for the continued airworthiness of those appliances manufactured under its authority.

SECTION IV TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

4.0 General. Upon request and after mutual agreement, and as resources permit, the FAA and RCAA may provide technical assistance to each other when significant activities are conducted in either the United States or Romania. These technical assistance activities will help to avoid the undue burden imposed on the exporting authority in the undertaking of its regulatory surveillance and oversight functions at locations outside of the country of export. These supporting technical assistance activities shall in no way relieve the exporting authority of the responsibilities for regulatory control and airworthiness certification of products, appliances, and parts manufactured at facilities located outside the exporting country. Each authority will use its own policies and procedures when providing technical assistance to the other authority, unless other special arrangements are agreed upon. Types of assistance may include, but are not limited to, the following:

(a) Determination of Compliance.

(1) Witnessing tests;

(2) Performing compliance and conformity inspections;

(3) Reviewing reports; and

(4) Obtaining data.

(b) Surveillance and Oversight.

(1) Witnessing of first article inspection of parts;

(2) Monitoring the controls on special processes;

(3) Conducting sample inspections on production parts;

(4) Monitoring the activities and functions of designees or approved organizations;

(5) Conducting investigations of service difficulties; and

(6) Evaluating/surveilling of production quality systems.

4.1 Witnessing of Tests During Design Approval.

(a) The airworthiness authority of the country in which a design approval applicant is located may request assistance in the witnessing of tests from the airworthiness authority of the country in which a design approval applicant's supplier is located.

(b) Only authority-to-authority requests are permissible and authorities will not respond to a test witnessing request from the manufacturer or supplier. Witnessing of tests will be conducted only after consultations between the two airworthiness

authorities on the specific work to be performed and agreement has been obtained from the airworthiness authority in the country in which the supplier is located. The airworthiness authority of the country in which the design approval applicant is located makes the written request for witnessing of tests.

(c) Approval of the design approval applicant's test plans, test procedures, test specimens, and hardware configuration remains the responsibility of the airworthiness authority of the country in which the design approval applicant is located. Establishing the conformity of each test article prior to the conduct of the test is the responsibility of the design approval applicant.

(d) Requests for witnessing of tests must be specific enough to provide for identification of the location, timing, and nature of the test to be witnessed. An approved test plan must be provided by the requesting authority at least two weeks prior to each scheduled test.

(e) The RCAA's requests for witnessing of tests will be sent to the appropriate FAA Aircraft Certification Office. For tests associated with a current RCAA or FAA validation program, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For tests associated with a Romanian certification program only, the requests should be sent to the FAA Aircraft Certification Office which has geographic responsibility for the State in which the tests will take place. FAA Aircraft Certification Offices are listed in Appendix A. RCAA requests for witnessing of tests will be sent by letter to the FAA. The FAA requests for witnessing of tests will be sent by letter to the RCAA Headquarters.

(f) Upon completion of tests witnessing on behalf of the requesting authority, the FAA or RCAA will send a report stating that the test was conducted in accordance with approved test plans and confirming the test results, as well as any other documentation as notified by the requesting authority.

4.2 Conformity Certifications During Design Approval.

(a) The airworthiness authority of the country in which a design approval applicant is located may request conformity certifications from the airworthiness authority in the country in which the design approval applicant's supplier is located for prototype parts produced by that supplier.

(b) Only authority-to-authority requests are permissible and authorities will not respond to a conformity certification request from the manufacturer or supplier. Certifications will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed, and agreement has been obtained from the airworthiness authority in the country in which the supplier is located. Requests for conformity certifications should be limited to prototype parts that are of such complexity that they are not inspectable by the manufacturer or its airworthiness authority prior to installation in the final product. Conformity certifications may require the development of a working procedure based on the complexity of the requested

certifications. At the discretion of the authority in receipt of such requests, conformity certifications may be delegated to authorized designees or approved organizations.

(c) RCAA requests for conformity certifications will be sent to the appropriate FAA Office. For conformity inspections associated with a current RCAA or FAA validation program, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For conformity certifications associated with a Romanian certification program only, the requests should be sent to the FAA Directorate Manufacturing Inspection Office which has geographic responsibility for the State in which the conformity certification will take place. FAA Offices are listed in Appendix A. RCAA requests for conformity will be sent by letter to the FAA. FAA requests for conformity certifications will be sent on FAA Form 8120-10, *Request for Conformity*, to the RCAA Headquarters.

(d) Upon completion of all conformity inspections conducted on behalf of the requesting authority, the FAA or RCAA will complete and return all documentation to the requesting authority, as notified. The airworthiness authority of the country in which the supplier is located will note all deviations from the requirements notified by the design approval applicant's airworthiness authority on the conformity certification for the particular part. Any nonconformity described as a deviation should be brought to the attention of the FAA or RCAA for evaluation and disposition. The FAA or RCAA should receive a report stating the disposition required on each deviation before an FAA Form 8130-3 or JAA Form One is issued.

(e) Neither conformity certifications on prototype parts, nor inspections on production parts, should be construed as being an export airworthiness approval, since a conformity certification does not constitute an airworthiness determination. Airworthiness determinations remain the responsibility of the design holder and/or manufacturer and their airworthiness authority.

4.3 Airworthiness Certificates. There may be certain programs and conditions that warrant technical assistance from each authority for the issuance of standard airworthiness certificates so that aircraft may be placed directly into operation from the site of manufacture. The importing authority may seek assistance from the exporting authority in the final processing and delivery of an airworthiness certificate when the aircraft has completed its manufacturing cycle, and has subsequently been granted an Export Certificate of Airworthiness by the exporting authority. This will require the development of a special procedure between the exporting and importing authorities to mitigate all undue regulatory burdens.

4.4 Protection of Proprietary Data and Freedom of Information Act (FOIA) Requests.

4.4.0 Protection of Proprietary Data. Both authorities recognize that data submitted by a design approval holder is the intellectual property of that holder, and release of that data by the FAA or RCAA is restricted. The FAA and RCAA agree that they will not copy, release, or show proprietary data obtained from either authority to anyone other than an FAA or RCAA employee without

written consent of the design approval holder or other data submitter. This written consent should be obtained by the FAA or RCAA from the design approval holder through the authority of the country in which the holder is located and will be provided to the other authority.

4.4.1 FOIA Requests. The FAA often receives requests from the public under the United States Freedom of Information Act (FOIA) to release information which the FAA may have in its possession. Each record the FAA has in its possession must be disclosed under the FOIA unless a FOIA exemption applies to that record. One exemption is for trade secrets, and financial or commercial information that is confidential or privileged. Design approval holders' data may include trade secrets or other information that is confidential because release of the information would damage the competitive position of the holder or other person. When the FAA receives a FOIA request related to a product, part, or appliance of an FAA approval holder or applicant who is located in Romania, the FAA will request the RCAA's assistance in contacting the FAA approval holder or applicant to help determine what portions of that information may qualify for exemption under the criteria above and ask them to provide factual information justifying use of the exemption. If the approval holder or applicant consents to the release of information, the RCAA must provide the written consent to the FAA. If the release is objected to, a statement of the reasons must be furnished by the RCAA to the FAA.

4.5 Accident/Incident and Suspected Unapproved Parts Investigation Information Requests. When either the FAA or RCAA needs information for the investigation of service incidents, accidents, or suspected unapproved parts involving a product, part, or appliance imported under these Implementation Procedures, the request for the information should be directed to the appropriate office of the exporting authority. In turn, upon receipt of the request for information, the exporting authority should immediately do everything necessary to make sure the requested information is provided in a timely manner. If urgency requires that the FAA or RCAA requests the information directly from the manufacturer because immediate contacts cannot be made with the exporting authority, the importing authority shall inform its counterpart authority of this action as soon as possible.

SECTION V SPECIAL ARRANGEMENTS

5.0 It is anticipated that urgent or unique situations will develop which have not been specifically addressed in these Implementation Procedures, but which are within the scope of the BASA. When such a situation arises, it shall be reviewed by the respective FAA Aircraft Certification Service Director and the RCAA Airworthiness Director, and a procedure shall be developed to address the situation. The procedure shall be mutually agreed upon by the FAA and the RCAA in a separate working procedure. If it is apparent that the situation is unique, with little possibility of repetition, then the working procedure shall be of limited duration. However, if the situation has anticipated new technology or management developments which could lead to further repetitions, then these Implementation Procedures shall be revised accordingly by the FAA and the RCAA.

5.1 It should be noted that, when the unique or urgent situation falls within the responsibility of an FAA Aircraft Certification Service Directorate Manager, that Manager will be responsible for developing the necessary procedures with the RCAA. The special arrangements co-developed between the authorities are listed in Appendix C.

SECTION VI AUTHORITY

The FAA and RCAA agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives.

FEDERAL AVIATION ADMINSTRATION DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA	ROMANIAN CIVIL AERONAUTIC AUTHORITY ROMANIA
By *Original signed by John J. Hickey* John J. Hickey	By *Original signed by Alexandru Tănăsescu* Alexandru Tănăsescu
Title Director, Aircraft Certification Service	Title Director, Airworthiness Division
Date September 24, 2002	Date September 24, 2002

APPENDIX A

List of Addresses for

FAA Headquarters Offices, FAA Mike Monroney Aeronautical Center,
FAA Aircraft Certification Service Directorates, FAA Manufacturing Inspection Offices,
and FAA Aircraft Certification Offices,
and

RCAA Offices

FAA Headquarters - Aircraft Certification Service

International Policy Office
Policy Branch
AIR-40
Room 600W
c/o Wilbur Wright Building
800 Independence Avenue, SW
Washington, DC 20591
Telephone: 1-202-385-8940
Fax: 1-202-493-5144

Aircraft Certification International
AEU-100
15 Rue de la Loi (1st Floor)
B-1040 Brussels
Belgium

Telephone: 011-32-2-508-2710
Fax: 011-32-2-230-6899

Aircraft Engineering Division
AIR-100
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-9580
Fax: 1-202-267-5340

Production & Airworthiness Division
AIR-200
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-8361
Fax: 1-202-267-5580

FAA Headquarters - Environmental Policy and Regulations

Office of Environment and Energy
AEE-1
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-3576
Fax: 1-202-267-5594

FAA Headquarters – Administrative Coordination

Office of International Aviation
AIA-1
6th Floor, East
c/o Wilbur Wright Building
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-385-8857
Fax: 1-202-267-5032

FAA Mike Monroney Aeronautical Center - Contact Point for FAA Airworthiness Directives

Mailing Address

Delegation and Airworthiness
Programs Branch
AIR-140
P.O. Box 26460
Oklahoma City, OK 73125

Telephone: 1-405-954-4103
Fax: 1-405-954-4104

Office Address

Delegation and Airworthiness
Programs Branch
AIR-140
ARB, Room 304
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169

FAA Aircraft Certification Service Directorates

Engine and Propeller Directorate
ANE-100

Regulatory and policy responsibility for all aircraft engines, propellers, and auxiliary power units.

12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7100
Fax: 1-781-238-7199

Rotorcraft Directorate
ASW-100

Regulatory and policy responsibility for normal and transport category rotorcraft.

2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5100
Fax: 1-817-222-5959

Small Airplane Directorate
ACE-100

Regulatory and policy responsibility for:

1. Airplanes weighing less than 12,500 pounds and having passenger configurations of 9 seats or less,
2. Commuter airplanes weighing 19,000 pounds or less, with passenger configurations of 19 seats or less, and
3. Gliders, airships, manned free balloons, and VLA.

901 Locust
Room 301
Kansas City, MO 64106-2641

Telephone: 1-816-329-4100
Fax: 1-816-329-4106

Transport Airplane Directorate
ANM-100

Regulatory and policy responsibility for all transport category airplanes.

1601 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-227-2104
Fax: 1-425-227-1100

FAA Manufacturing Inspection Offices

Engine and Propeller Directorate Manufacturing Inspection Office

For the States of: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

ANE-180
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7180
Fax: 1-781-238-7199

Rotorcraft Directorate Manufacturing Inspection Office

For the States of: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

ASW-180
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5180
Fax: 1-817-222-5136

Small Airplane Directorate Manufacturing Inspection Office

For the States of: Alabama, Alaska, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, and Wisconsin.

ACE-180
Room 301
Kansas City, MO 64106-2641

Telephone: 1-816-329-4180
Fax: 1-816-329-4157

Transport Airplane Directorate Manufacturing Inspection Office

For the States of: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

ANM-108
1601 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-227-2108
Fax: 1-425-227-1320

FAA Aircraft Certification Offices

Boston Aircraft Certification Office
ANE-150
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7150
Fax: 1-781-238-7199

Boston Engine Certification Office
ANE-140
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7140
Fax: 1-781-238-7199

New York Aircraft Certification Office
ANE-170
1600 Stewart Avenue
Suite 410
Westbury, NY 11590

Telephone: 1-516-228-7300
Fax: 1-516-794-5531

Atlanta Aircraft Certification Office
ACE-115A
One Crown Center
1895 Phoenix Boulevard, Suite 450
Atlanta, GA 30349

Telephone: 1-770-703-6035
Fax: 1-770-703-6097

Chicago Aircraft Certification Office
ACE-115C
2300 East Devon Avenue
Room 323
Des Plaines, IL 60018

Telephone: 1-847-294-7357
Fax: 1-847-294-7834

Wichita Aircraft Certification Office
ACE-115W
1801 Airport Road
Room 100, Mid-Continent Airport
Wichita, KS 67209

Telephone: 1-316-946-4106
Fax: 1-316-946-4107

Anchorage Aircraft Certification Office
ACE-115N
222 West 8th Avenue,
Anchorage, AK 99513

Telephone: 1-907-271-2669
Fax: 1-907-271-6365

Seattle Aircraft Certification Office
ANM-100S
1801 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-917-6400
Fax: 1-425-917-6590

Denver Aircraft Certification Office
ANM-100D
Technical Operations Center (TOC)
26805 E. 68th Avenue, Room 214
Denver, CO 80249

Telephone: 1-303-342-1080
Fax: 1-303-342-1088

Los Angeles Aircraft Certification Office
ANM-100L
3960 Paramount Blvd.
Lakewood, CA 90712

Telephone: 1-562-627-5200
Fax: 1-562-627-5210

Fort Worth Airplane Certification Office
ASW-150
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5150
Fax: 1-817-222-5960

Fort Worth Rotorcraft Certification Office
ASW-170
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5170
Fax: 1-817-222-5960

Fort Worth Special Certification Office
ASW-190
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5189
Fax: 1-817-222-5136

RCAA Offices

Airworthiness Directorate
Romanian Civil Aeronautic Authority
Soseaua Bucuresti-Ploiesti No. 38-40
Sector 1, Cod 013695
Bucuresti
Romania

Phone: 4021-208-1502
Fax: 4021-208-1563
4021-208-1572

APPENDIX B

List of Referenced Documents

FAA Referenced Documents

1. Code of Federal Regulations, Title 14, Parts 21-36, 39, 43, 45, 91, and 183.

2. FAA Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported into the United States.*

3. FAA Order 8110.4, *Type Certification Process.*

4. FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products.*

5. FAA Order 8130.21, *Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag.*

6. FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures.*

7. ICAO Annex 8, *Airworthiness of Aircraft.*

8. FAA Order 8120.2, *Production Approval and Certificate Management Procedures.*

9. FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program.*

10. FAA Advisory Circular 21-20, *Supplier Surveillance Procedures.*

11. Authorized Release Certificate FAA Form 8130-3, *Airworthiness Approval Tag*.

12. FAA Form 8130-4, *Export Certificate of Airworthiness.*

13. FAA Form 8120-10, *Request for Conformity*.

14. FAA Order 8120.10, *Suspected Unapproved Parts Program*

RCAA Referenced Documents

1. Joint Aviation Requirements (JAR)

2. Advisory Circular Joint (ACJ)

3. Advisory Material Joint (AMJ)

4. Temporary Guidance Material (TGM)

5. Romanian Civil Aeronautic Regulations (RACR)

6. Technical Airworthiness Standards (NTN), Part 21, *Certification of Civil Aircraft, Aircraft Engines and Propellers*

7. RCAA Airworthiness Procedures and Instructions for Civil Aeronautics (PINAC), Part 1, "*Civil Aviation Organizations Approval Procedures*"

8. PINAC Part 3, "*Official Technical Surveillance Procedure for the Manufacture of Aviation Products*"

9. Procedures and Instructions (P&I) PI-BA-001, *"Procedures for Approval of the Organizations within Civil Aeronautics*."

10. PINAC 21/2: *Airworthiness Certification of Aircraft, Aircraft Engines and Propellers, Imported to Romania*.

11. RACR-AOA

APPENDIX C

List of Special Arrangements

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1. Name of Special Arrangement:

   Date of Issue:

2. Name of Special Arrangement:

   Date of Issue:

3. Name of Special Arrangement:

   Date of Issue: