

## **Bilateral Airworthiness Agreement**

### **On the Acceptance of Airworthiness Statements For Aeronautical Products**

**Between**

**The General Administration of Civil Aviation of China**

**And**

**The Civil Aviation Authority of the Republic of Vanuatu**

#### **1. INTRODUCTION AND OBJECTIVES**

The General Administration of Civil Aviation of China and the Civil Aviation Authority of Vanuatu, as the competent Authorities of the respective Governments, desiring to promote to aviation safety and environmental quality, to enhance cooperation and increase efficiency relating to civil aviation and civil air commerce.

Whereas the both Authorities desiring to conclude an Agreement on the Acceptance of Airworthiness Statements for Aeronautical Products.

**Have agreed on the following objectives for cooperation on airworthiness matters**

- a) Each Authorities agrees to develop and apply procedures for granting airworthiness and environmental certification, approval, or acceptance for civil aeronautical products exported from the other state so as to give maximum practicable credit for technical evaluations, test results, inspections, conformity statements, marks of conformity, and certificates accepted or issued by or on behalf of the Exporting State's Authority in granting its own domestic certification of the products.
- b) In the interest of promoting aviation safety and environmental quality, each Authorities agrees to encourage cooperation and assistance toward achieving common safety and environmental quality objectives, to establish and maintain airworthiness and

environmental standards and certification systems which are as similar in both states as is practicable, and to cooperate to reduce to the minimum the economic burden imposed on each State's aviation industries and operators by avoiding redundant technical evaluations, tests and inspections.

## **2. SCOPE OF COVERAGE**

This Agreement applies to:

- a) The acceptance by the Importing State's Authority of the type design approval and the finding of compliance made by the Exporting State's Authority with the Importing State's design related operational and environmental requirements, for civil aeronautical products for which the Exporting State's Authority is the basic and primary type certification Authority;
- b) Cooperation and assistance on continued airworthiness of in-service aeronautical products;
- c) Cooperation, assistance, and exchange of information regarding safety and environmental standards and certification systems.

## **3. DEFINITIONS**

The following definitions are provided to supplement to this Agreement:

- a) "Additional Technical Condition" means the terms notified by the Importing State's Airworthiness Authority ("Importing Authority") for the acceptance of the type design, to account for differences between states in:
  - i). Adopted airworthiness and environmental standards;
  - ii). Special condition relating to novel or unusual features of the product design which are not covered by adopted airworthiness and environmental standards;
  - iii). Application of exemptions or equivalent safety findings from the adopted airworthiness and environmental standards;
  - iv). Design-related operational requirements;
  - v). Mandatory airworthiness actions taken to correct unsafe conditions.
- b) "Airworthiness Criteria" means criteria governing the design, performance, materials, workmanship, manufacture or modification of Authority of States enabling it to find the design, manufacture, and condition of these products comply with the applicable laws, regulations, standards and requirements of this State concerning airworthiness.

- c) "Compliance" means that, after examination by inspections, analysis, test, etc., the type design of a product is found to satisfy the notified airworthiness criteria.
- d) "Conformity" means that a product is examined against pertinent type design, test, and quality control data, and is found to meet these data.
- e) "Equivalent safety finding" means a determination that alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought.
- f) "Modification" means making a change to the type design.
- g) "Civil Aeronautical Products" means "product" and "part" and "appliances".
  - (i) "Product" means an aircraft, aircraft engine, or propeller.
  - (ii) "Part and appliances" means any instruments mechanism, equipment, part, apparatus, appurtenance, or accessory, including communication equipment, that it is used or intended to be used in operating or controlling an aircraft in flight and is installed in or attached to the aircraft. It includes parts of an airframe, engine, or propeller.
- h) "Civil Airworthiness Authority" means the national aviation organization within a State (i.e. the General Administration of Civil Aviation of China and the Civil Aviation Authority of the Republic of Vanuatu) is charged by the airworthiness and environmental certification, approval or acceptance of civil aeronautical product.
- i) "Design-related operational requirements" means the operational requirements affecting the design feature of the product or data on the design relating to the operation of the product that make it eligible for a particular kind of operation in a state.
- j) "Environmental Criteria" means criteria governing the design, performance, materials, workmanship, manufacture or modification of civil aeronautical products as prescribed by the Civil Airworthiness Authority of a State, to enable it to find that these product comply with the laws, regulations, standards, and requirements of this State concerning noise and emission abatement.
- k) "Exporting Authority" means the national organization within the exporting states, charged by the laws of the exporting state with regulating the airworthiness certification, approval, or acceptance of civil aeronautical product. The exporting civil airworthiness authority will be referred to herein as the Exporting Authority.
- l) "Importing Authority" means the national organization within the importing states, charged by the laws of the importing state with regulating the airworthiness certification, approval, or acceptance of civil aeronautical product. The importing civil airworthiness

authority will be referred to herein as the Importing Authority.

- m) "Manufacturer" means the person responsible for the final assembly of a product under the civil airworthiness authority approved quality assurance system which ensures conformity of the product to an approved type design and is in a condition for safe operation.
- n) "Quality assurance (including quality control)" means a systematic process which provides confidence that aeronautical product will conform to the approved type design and will be in a condition for safe operation.
- o) "Product Airworthiness approval" means the issuance of an airworthiness certificate, approval, or acceptance, as appropriate, by or on behalf of a contracting Authority for a particular civil aeronautical product to permit operation or use of the product under laws, regulations, standards, and requirements of the respective State.
- p) "Type design" means the description of all characteristics of a product, including its design, manufacture, limitations, and continued airworthiness instructions which determine its airworthiness.
- q) "Type design approval" means the certification, approval, or acceptance, by the issuing Airworthiness authority of the design of a product including its performance, operating characteristics, operating limitations, and environmental qualities.
- r) "Validation" means the acceptance by the Importing Authority of products and/or product modification first certificated or approved under the Exporting Authority's system.

#### **4. AERONAUTICAL PRODUCT TYPE DESIGN APPROVAL**

- a) If the Exporting Authority certifies to the Importing Authority that the type design of an aeronautical product or a change to the type design of an aeronautical product previously approved by the Importing Authority, complies with the airworthiness and environmental requirements of the Importing Authority, the Importing Authority shall, in finding compliance with its own laws, regulations, standards, and requirements for granting type design approval, give the same validity to the technical determinations, tests and inspections made by the Exporting Authority as if it had made them itself, provided that the certification by Exporting Authority was based on evaluations of the type design using the acceptance certification system it would have applied in finding compliance with its own requirements.
- b) The Importing Authority shall communicate to the Exporting Authority all airworthiness, environmental and additional technical and administrative conditions,

in effect at the time of first application for the type certification to the Exporting Authority necessary to ensure that the product meets all respective legal and airworthiness requirements of the Importing Authority.

- c) The Exporting Authority shall enable the Importing Authority to familiarize itself with the product to be imported and to be operated under the jurisdiction of the Importing Authority and with the type certification requirements, regulations, laws, and procedures applied by the Exporting Authority. The Importing Authority may identify the additional technical conditions, which it finds necessary to ensure that the product meet airworthiness and environmental standard equivalent.
- d) The Importing Authority upon request from the Exporting Authority shall advise the Exporting Authority of its current operational requirements having an impact on the design of the product. If by mutual consent of each of the Authority that the design of the product, or data on the design relating to the operation of the product comply with these operational requirements, the Importing Authority shall give the same validity to the technical evaluations, determinations, tests, and inspections made by the Exporting Authority as if it had made them itself. Mutual consent may be accomplished either on a case by case basis, or by development of a permanently updated list of design related operational requirements for specific kinds of products and/or categories of operation.
- e) Additional type investigation test may be required and witnessed by the Importing Authority to ensure compliance to airworthiness and other requirements and/or interpretations of requirements unique to the Importing Authority.

#### **5. PRODUCTION AIRWORTHINESS APPROVAL**

- a) If the Exporting Authority certifies to the Importing Authority that a product, the type design of which has been approved by the Exporting Authority and validated by the Importing Authority, conforms to the type design definitions (built standard) on which the validation is based, and that it is in condition for safe operation, the Importing Authority shall give the same validity to the technical evaluations, determinations, tests, and inspections made by the Exporting Authority as if it had performed them itself on the date of the certification by the Exporting Authority.
- b) Additional inspections may be required and/or carried out by the Importing Authority as deemed necessary at the time of approval or acceptance of an aeronautical product.

#### **6. CONTINUED AIRWORTHINESS**

- a) Each Authority shall cooperate in analyzing airworthiness concerns originating from accidents and incidents having occurred on products to which this Agreement applies.

- b) For product designed and/or manufactured in its State, the Exporting Authority shall specify any appropriate action that it finds necessary to correct any unsafe condition of the type design discovered after the product is placed into service, including any actions in respect to components designed and/or manufactured by a supplier under contract to the type certificate holder in its state.
- c) For product designed and/or manufactured in its state, the Exporting Authority shall assist the Importing Authority in determining actions considered necessary by the Importing Authority for the continued airworthiness of the product.
- d) Exporting Authority shall keep the Importing Authority fully informed on all airworthiness directives, mandatory modifications, special inspections, special operating limitations, or other actions determined to be necessary for the continued airworthiness of the product.
- e) Importing Authority shall keep the Exporting Authority informed on all notification of serious service difficulties. The content of the serious service difficulties is listed in Appendix I.

## **7. MUTUAL COOPERATION AND ASSISTANCE**

- a) The Exporting Authority shall, in respect of products designed or manufactured in its States, assist the Importing Authority in determining whether the design of major changes or repairs made under the control of the airworthiness and environmental standards under which the product was originally approved by the Exporting Authority.
- b) Each Authority may agree to variations of procedures in respect to certification for products covered by this Agreement.
- c) Importing Authority may delegate to the Exporting Authority any tasks of certification test witnessing and conformity inspections on behalf of Importing Authority.

## **8. IMPLEMENTATION**

- a) Each Authority will work in accordance with this Agreement from the date at which it has been signed by both authorities. It may be revised by mutual agreement of the two authorities.
- b) Each Authority shall keep the other authority advised as to its identification and any changes in its competence with relevance to this Agreement.

9. **COMMUNICATION**

Communication concerning airworthiness statement and continued airworthiness between both Authorities should be provided to the addresses listed in Appendix I.

10. **TERMINATION**

This Agreement shall enter into force upon signature of both parties on the date of the latest signature.

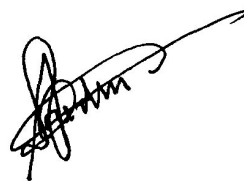
Each Authority may terminate this Agreement by providing the other authority a ninety days prior written notice.

**The General Administration of  
Civil Aviation of the People's  
Republic of China**

**The Civil Aviation Authority  
of the Republic of Vanuatu**



**Yang Guoqing**  
Vice Minister



**Joseph Kasten**  
Director

Signed on the 5<sup>th</sup> day of April in the year of 2006 at Nadi, Fiji.

## **APPENDIX I Continued Airworthiness Information Exchange Between CAAC and CAA Vanuatu**

All notifications of serious service difficulties (Malfunction or Defect Reports/Aircraft Operational Main Event Reports) will be provided to the CAAC designated office within 20 working days of the CAA Vanuatu receiving notification. Both authorities will use the most expedient means available to deliver this information, e.g. fax or electronic mail.

Notification will be provided of the following failures, malfunctions, or defects encountered in service.

- (i) Structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft which derogates the flying qualities.
- (ii) A complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft.
- (iii) Failure or malfunction of more than one altitude, airspeed, or altitude display, respectively, during a given operation.
- (iv) Parts or assemblies such as engine, flaps, etc, separating from aircraft during operation.
- (v) Hazardously misleading information from navigation systems.
- (vi) Flight crew indicating, alerting, or warning system failures, malfunctions, or defects.
- (vii) Loss of brake actuating force during aircraft operation.
- (viii) Fuselage de-pressurization.
- (ix) Any other safety situation viewed as serious by CAA Vanuatu.

The following are the contact addresses between The General Administration of Civil Aviation of China and the Civil Aviation Authority of the Republic of Vanuatu.

### **The People's Republic of China**

General Administration of Civil Aviation of China  
Aircraft Airworthiness Department  
Airworthiness Liaison Div.  
155 Dongsì St. West Beijing 100710  
China  
Phone: 86-10-64091329  
Fax: 86-10-64091327  
e-mail: jy\_zhao@caac.gov.cn



General Administration of Civil Aviation of China  
Aircraft Airworthiness Department  
Airworthiness Certification Div,  
155 Dongsu St. West  
Beijing 100710  
China  
Phone: 86-10-64091331  
Fax: 86-10-64092331  
e-mail:xf\_zhu@caac.gov.cn

**The Republic of Vanuatu**  
Civil Aviation Authority  
Private Mail Bag 9068  
Port Vila  
Vanuatu  
Phone: (678) 22819 or 23301  
Fax: (678) 23783  
e-mail: civav@vanuatu.com.vu