

Memorandum of Understanding

In Accordance With Chapters 4 And 7 Of The Schedule Of Implementation Procedures Of The U.S./Canada Bilateral Airworthiness Agreement For Design Approval Of Aeronautical Product Repairs

Between

Transport Canada Civil Aviation

And

**Federal Aviation Administration Department Of Transportation United States Of
America**

Article I. Purpose

- a. This Memorandum of Understanding (MOU) between the Federal Aviation Administration (FAA) and Transport Canada Civil Aviation (TCCA) sets forth procedures for implementing the Design Approval of Repairs provisions of the Bilateral Airworthiness Agreement (BAA) between the Government of the United States of America and the Government of Canada. This MOU provides, in pertinent part, that the FAA and TCCA shall cooperate in accepting each other's design approval of repairs.
- b. The objective of this MOU, in accordance with the Schedule of Implementation Procedures of the BAA, is to avoid duplication of design approvals by giving maximum permissible credit for the repair design approvals made by each authority.

Article II. Scope Of Work

This MOU applies to the design approval of repairs to aeronautical products, except field approvals using FAA Form 337, granted by either the FAA or TCCA for aeronautical products for which the U.S. or Canada is the State of Design.

Article III. Basis And Definitions

- a. The basis of this MOU is Chapter 4, Maintenance, Alteration, or Modification of Aeronautical Products, and Chapter 7, Special Arrangements, of the BAA Schedule of Implementation Procedures.
- b. For purposes of this MOU, the following definitions apply:
 1. The following forms and certificates are commonly used to issue design approvals:
 - i. FAA Form 8110-3, Statement Of Compliance, which is used by a Designated Engineering Representative (DER) to approve data and identifies the regulations to which compliance was found.
 - ii. TCCA Form AE-100, STATEMENT OF COMPLIANCE, which is used by a TCCA delegate to approve data.
 - iii. TCCA Repair Design Certificate, which is a TCCA design approval issued by the TCCA or a TCCA delegate for a specific repair on an aeronautical product.
 2. A TCCA delegate is an individual or organization authorized by TCCA to make findings of compliance and issue a design approval on behalf of the Minister of

Transport, in accordance with the TCCA delegate's scope of authority and the TCCA-approved Engineering Procedures Manual. TCCA delegates include:

- i. A Design Approval Representative, who may be an individual engineer or consultant;
- ii. An Airworthiness Engineering Organization (AEO), which is an engineering organization within a Canadian air carrier; and
- iii. A Design Approval Organization (DAO), which is a type certificate holder of an aeronautical product, a repair and overhaul organization (e.g. Approved Maintenance Organization) with engineering capabilities, or an engineering consulting firm.

(Both AEOs and DAOs utilize qualified individuals within the organization called designated engineers or a similar name.)

3. An FAA designee is an individual or organization authorized by the FAA to make findings and issue a design approval on behalf of the FAA Administrator in accordance with the FAA designee's scope of authority and the appropriate FAA orders, rules, and regulations. FAA designees include:
 - i. A DER, who is an individual designated to act as a representative of the FAA Administrator to make findings of compliance with the Federal Aviation Regulations. There are two categories of DERs: consultant and company. FAA Advisory Circular 183.29-2B (or any subsequent revisions), Designated Engineering Representatives, lists all consultant DERs and each DER's approval authority based on his/her technical limitations.
 - ii. A Delegation Option Authorization, which is an organization designated to act as a representative of the FAA Administrator to make findings of compliance.
 - iii. A holder of Special Federal Aviation Regulation 36 (SFAR 36) authority, which allows certain certificate holders to perform a major repair on a product or article using technical data that have not been approved by the Administrator, and to approve that product or article for return to service.

Article IV. Design Approval Of Aeronautical Product Repairs

- a. The following are the procedures for mutual acceptance of the design approval of repairs. In accordance with these procedures and the airworthiness regulations of the FAA or TCCA, and provided the procedures outlined in Article V are complied with, the FAA and TCCA agree that data generated in the design approval of repairs and found to comply with the regulations of both authorities shall be considered approved by both the FAA and TCCA without any other required actions.
- b. Design approval of repairs accepted under this MOU shall be developed in accordance with the requirements set forth by the FAA or TCCA in Article V.
- c. The FAA, acting through an authorized FAA employee or FAA designee holding the appropriate authorization, may issue design approvals of repairs or any portion of the data used to support the repair. Findings of compliance or approvals issued by an FAA designee shall be performed in accordance with the designee's scope of authority and the appropriate FAA orders, rules, and regulations.
- d. The TCCA, acting through an authorized TCCA employee or TCCA delegate holding the appropriate authorization, may approve repair designs or any portion of the data used to support the repair. Findings of compliance or approvals issued by a TCCA delegate shall be performed in accordance with the delegate's scope of authority and the TCCA approved Engineering Procedures Manual.

Article V. Acceptance Of Design Approvals

- a. The FAA and TCCA agree that when the following standard procedures are utilized each authority may accept the other's design approval of repairs. Either authority retains the right to request a review of any data approved by the other authority.
- b. The TCCA may accept the following repair design approvals for incorporation on Canadian registered aircraft or other aeronautical products that are intended to be installed on Canadian registered aircraft:
 1. Repair design approvals issued by either an FAA Aircraft Certification Office/Engine Certification Office or an appropriately authorized FAA designee on aeronautical products where the United States is the State of Design.
 2. Repair design approvals issued by an FAA Aircraft Certification Office/Engine Certification Office on aeronautical products where Canada is the State of Design.
- c. The FAA may accept the following repair design approvals for incorporation on U.S. registered aircraft or other aeronautical products that are intended to be installed on U.S. registered aircraft:
 1. Repair design approvals issued by either the Transport Canada Aircraft Certification Branch (including regional offices) or an appropriately authorized Transport Canada delegate on aeronautical products where Canada is the State of Design.
 2. Repair design approvals issued by Transport Canada Aircraft Certification Branch (including regional offices) on aeronautical products where the United States is the State of Design.

Article VI. Mutual Assistance

- a. The FAA and TCCA shall:
 1. Provide each other with information and assistance regarding design approvals and the supporting data for repairs to be accepted under the terms of this MOU; and
 2. Develop and circulate appropriate publications to inform the public of the terms of this MOU and to outline the associated regulatory requirements and any additional technical conditions necessary under the terms of this MOU.
- b. The FAA and TCCA agree to provide technical evaluation assistance to each other upon request, to further the purposes and objectives of this MOU. Such areas of assistance may include, but are not limited to the following:
 1. Providing recommendations to each other for design approval of repairs relating to any certification requirement under FAA or TCCA requirements.
 2. Conducting and reporting on TCCA delegate/FAA designee oversight investigations at the request of the other authority and to the extent permitted by the laws applicable to each authority.
 3. Obtaining and providing data for reports as requested.
- c. Exchange of Information: The FAA and TCCA shall provide each other with complete sets of standards, regulations, policies, guidance, practices and interpretive material relevant to this MOU, and shall ensure that such documents are updated in a timely manner. In addition, each FAA or TCCA proposal to amend standards or regulations shall be provided to the other authority for the opportunity to review and comment prior to the amendment being effected.
- d. Establishing and Amending Standards Regulations, Policies and Guidelines: The FAA and TCCA shall make arrangements to consult each other in establishing and amending standards, regulations, policies, guidelines, practices and interpretive material relevant to this MOU, including expanding the scope of these procedures. Such expansion could relate to any aspect of design approval of repairs.

- e. Notification of Non-Compliance and Safety Issues: The FAA and TCCA agree to notify each other of each non-compliance with standards or regulations, including additional technical requirements set forth in this MOU. FAA and TCCA shall also notify each other promptly of each investigation having a potential effect on the safety of an aeronautical product.
- f. Cooperation in any Required Corrective Actions: The FAA and TCCA shall, to the extent permitted by the laws applicable to each authority, cooperate and assist each other in any investigation that may lead to corrective action imposed on a TCCA delegate/FAA designee due to a lack of qualifications, technical incompetence, or violation of any procedural issue as identified in this MOU or incorporated by reference.

Article VII. Additional Provisions

The FAA and TCCA each shall permit qualified employees and representatives of the other party to participate in its delegate/designee training seminars, annual oversight reviews, or routine technical oversight activities. The appropriate representatives of the FAA and TCCA shall coordinate arrangements for such participation as needed.

Article VIII. Points Of Contact

Appendix 1 identifies the TCCA and FAA personnel designated as the points of contact for the Design Approval of Repairs to Aeronautical Products.

Article IX. Language

All documents and correspondence exchanged under this MOU shall be at least in the English language.

Article X. Protection Of Data

Neither party shall disclose information exchanged under this MOU without the written consent of the owner or subject of the data or unless required by law.

Article XI. Amendment

- a. This MOU may be amended at any time by mutual consent of the FAA and TCCA. Amendments shall be written and enter into force upon the signature of the authorized representatives of the parties. Each amendment shall specify its effect, if any, on activities conducted under this MOU prior to the amendment.
- b. The FAA and TCCA recognize that significant revision by either authority to its organization, regulations, procedures or standards may affect the basis for this MOU. Accordingly, upon notice of such changes by one authority, the other authority may request consultations on the need for amendment to this MOU as to either scope or substance.


Article XII. Entry Into Force And Termination

This MOU shall enter into force upon the signature of both parties and shall remain in effect until terminated or incorporated into the Schedule of Implementation Procedures. Either TCCA or FAA may terminate this MOU by providing the other party sixty (60) days notice in writing. Such termination shall not, by itself, affect any actions taken in accordance with this MOU prior to termination.

ARTICLE XIII. AUTHORITY

The FAA and TCCA agree to the provisions of this MOU as indicated by the signature of their authorized representatives.


 K.J. Mansfield
 Director, Aircraft Certification
 Transport Canada Civil Aviation
 Date: 6 May 1998


 Thomas E. McSweeney
 Director, Aircraft Certification Service,
 Federal Aviation Administration
 Date: 5/6/98

Appendix 1

FAA And TCCA Designated Contacts

For the FAA:	
Department of Transportation Federal Aviation Administration New York Aircraft Certification Office, Systems and Flight Test Branch, ANE-172 Greg Marino, Project Manager 10 th Fifth Street, 3 rd Floor Valley Stream, NY 11581-2716 Phone: (516) 256-7536 Fax: (516)568-2716	Department of Transportation Federal Aviation Administration New York Aircraft Certification Office, Systems and Flight Test Branch, ANE-172 Michele Maurer, Manager 10 th Fifth Street, 3 rd Floor Valley Stream, NY 11581-2716 Phone: (516) 256-7519 Fax: (516) 568-2716
Department of Transportation Federal Aviation Administration New York Aircraft Certification Office Airframe and Propulsion Branch, ANE-171 Anthony Socias, Manager 10th Fifth Street, 3rd Floor Valley Stream, NY 11581-2716 Phone: (516) 256-7537 Fax: (516)568-2716	
For the TCCA:	
Transport Canada Civil Aviation Aircraft Certification (AARD) Jodi Diamant Boustead Place de Ville, Tower C 330 Sparks Street, 3rd Floor Ottawa, Ontario K1A 0N8 Phone: (613) 941-8382 Fax: (613)996-9178 Internet: DIAMANJ @TC.GC.CA	Transport Canada Civil Aviation Chief, Aircraft Certification Standards (AARDH) Maher Khouzam Place de Ville, Tower C 330 Sparks Street, 2nd Floor Ottawa, Ontario K1A 0N8 Phone: (613) 990-2738 Fax: (613)996-9178 Internet: KHOUZAM @TC.GC.CA

