



By email

27-9-2016

Additional Submission

The Joint Standing Committee on Treaties

Subject: Amendment 1 to Revision 1 of the Implementation Procedures for Airworthiness covering Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance between Authorities under the Agreement on the Promotion of Aviation Safety and Addendum to the Implementation Procedures for Airworthiness between the Government of Australia and the Government of the United States of America.

Firstly, AMROBA welcomes the invitation to add to our previous submission and to comment on the questions that committee members have raised.

This amendment should be approved as quickly as possible so Australian Supplemental Type Certificates (ASTC) holders and CASA can reap the benefits.

The major benefactors of this amendment to the Implementation Procedures are the innovative, resourceful holders of Australian Supplemental Type Certificates (ASTC) related to aeroplanes certificated under CASR Part 25 and helicopters certificated under CASR Parts 27 & 29. There are no additional benefits for FAA STC holders.

- CASR Part 23 aeroplanes are already covered by the Bilateral Aviation Safety Agreement (BASA) and Implementation Procedures (IP) with the USA/FAA
- FAA approved STCs have had automatic acceptance in Australia for decades.

CASA is the other benefactor by gaining insight into the FAA certification practices during the FAA validation process. CASA needs that insight to align and harmonise.

FAA validation process: The FAA validation process for ASTCs' will be and is accepted by current holders of ASTCs, including having to provide additional resources for any additional requirements to satisfy the FAA so they may issue a FAA STC. Over time, any additional requirements should be minimised by harmonisation of the CASA approval process with the FAA system.

The CASA system is, and has been, based on the FAA STC approval system since the making of CASR Part 21 in 1998. CASR Part 21 was adapted from FAR Part 21 and should be continually amended to remain harmonised with FAR Part 21 as expected by the BASA/IP. Refer:

1.3.1 The Parties recognize that revision by either implementing authority of its regulations, policies, procedures, statutory responsibility, organizational structure, production quality control system oversight, or delegation system may affect the basis and the scope of these Implementation Procedures. Accordingly, upon notice of such changes by Implementation Procedures for Airworthiness Revision 1 - 7 May 2010 2 one implementing authority, the other implementing authority may request a meeting to review the need for amendment to these Implementation Procedures.

Our members strongly support speedy approval of this IP amendment so they can obtain a FAA STC to gain access not only to the US market but subsequently a global market by also holding the FAA STC.

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FAA STCs are accepted in many countries whereas the ASTC is not yet universally accepted and is dependent on government to government and/or NAA to CASA technical agreements yet to be negotiated by CASA with probable trading countries.

The FAA process requires ASTC holders to submit their ASTC to them through CASA. This enables CASA to answer any specific “certification” questions NAA to NAA. Questions may relate to how CASA provided the approval of the ASTC.

NB: CASA does not issue “noise certificates”, so any ASTC being validated by the FAA that requires a “noise certificate” will have added costs to provide evidence and data that demonstrates that the ASTC meets the FAA noise certificate standards.

- These differences should & could be removed by government by empowering CASA to perform the same functions as the FAA in product certification.

Committee Questions: With regards to the questions raised by the committee, this amendment does not affect the current CASA ASTC approval process except to provide CASA with insight into the FAA STC approval system – these systems should be fully harmonised under this BASA/IP.

The committee questions mainly relate to CASA’s processes and workload relating to applicants obtaining an ASTC prior to any validation by the FAA of an ASTC.

- Not all ASTC holders will apply to the FAA for validation and issue of a FAA STC. Marketing globally could be costly for an ASTC holder.
- The ASTC approval process used by CASA is supposed to be based on the FAA system and has been since the making of CASR Part 21 in 1998.
- It is important that CASA continue to harmonise with the FAA STC approval process to maintain the benefits that this BASA/IP brings to Australian aviation design and manufacturing businesses.
- CASA has been handling the workload to approve ASTCs up till now and current reforms will lessen that workload in the very near future.
 - CASA is in the process of devolving CASA functions, based on current international practice by both FAA & EASA.
 - Once these functions are devolved and harmonised with FAA/EASA, industry authorised and/or approved persons and organisations will perform these devolved functions thus removing the technical approval of design data to professional experienced engineers practicing these technical functions on a daily basis.

Please note: CASA’s ability and workload to assess and issue ASTCs has little relevance to the actual amendment to the IP. The amendment is based on FAA’s assessment that CASA has that ability.



CASA, since 1998, when CASR Part 21 was made, has issue over 220 odd ASTCs. Basically they average about 12/14 ASTCs per year – this is not an insurmountable number of ASTCs to approve considering CASA involvement is mainly a regulatory oversight role. The designers and professional engineers approving the data are employed in industry.

Current Process Issue: Without this IP amendment, many Australian aircraft registered operators are obligated to de-activate modifications, including ASTCs, when they sell their aircraft into a foreign country. Having a FAA STC issued, based on a CASA ASTC, will benefit aircraft owners selling their aircraft overseas as the FAA STC is accepted in many foreign countries.

Summary and Recommendation:

Expectations of our members was that this amendment to the IP would, and should have been approved 12 months ago. It is needed to encourage innovators to invest in new technologies and especially modernisation of older aircraft.

CASA, and our members, have been positively discussing the adoption of the FAR/EASA devolvement of these functions currently performed by CASA. The experience of industry, especially those that exercised some of these functions prior to CASR Part 21, will see safer practices, clearer responsibilities and higher productivity.

Regulatory support, though requiring minor amendment, is available under CASR Part 21, Subpart J.

Approval of this amendment and the minor changes to Subpart 21J will enable a more productive system commencing early in 2017.

We see this amendment as the first stage in the modernisation and streamlining of the CASA/Industry product certification process.

We look forward to the committee's support for this IP amendment.

Sincerely

Ken Cannane

AMROBA

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