

中国民用航空局与
香港特别行政区政府民航处
澳门特别行政区民航局

关于相互接受设计更改和修理设计批准的合作安排

中国民用航空局、香港特别行政区政府民航处和澳门特别行政区民航局（以下均简称“主管当局”或者统称为“三方主管当局”），

鉴于：

- 每一方主管当局认为另外两方有关民用航空产品适航审定的标准和系统与本方的标准和系统充分相当，使得制定合作安排是可行的；和
- 为了提高航空安全和环境保护的共同利益，促进三方主管当局的合作和协助以达至共同的安全目标；建立和保持三方主管当局尽可能相似的民用航空产品适航标准和审定系统；以及合作减轻航空工业界和运营人由于重复的技术评估、试验和检查引致的经济负担；

在对下述原则和合作已经达成一致的前提下：

- 有助于用户当局就另外两方主管当局颁发设计更改和修理设计批准的情况下，进行适航审定；
- 为上述目标和三方主管当局共同的利益，并且有助于航空器设计批准朝着世界性的设计、生产和交换显著发展趋势的管理，在三方主管当局之间制定程序；和

- 开展以保持安全质量为目标的合作；

就以下内容达成一致：

1 定义

1.1 为施行本合作安排：

“批准”是指由当局、或者当局批准或授权的设计机构颁发的设计更改和修理设计的批准。

“设计更改”是指型号设计更改。

“颁发当局”是指根据适用于该主管当局管辖权的法律和规章，颁发设计更改和修理设计批准的主管当局。

“产品”是指航空器、航空发动机或螺旋桨，及其相关设备和部件。

“用户当局”是指根据适用于该主管当局管辖权的法律和规章，接受设计更改和修理设计批准的主管当局。

“修理设计”是指为了消除损伤和/或恢复产品适航状态的修理的设计。

2 范围

本合作安排涵盖：

- a. 香港特别行政区政府民航处和澳门特别行政区民航局对根据中华人民共和国民用航空法颁发的设计更改和修理设计的批准的接受；
- b. 中国民用航空局和澳门特别行政区民航局对根据 1995 年飞行(香港)令颁发的设计更改和修理设计的批准的接受；

- c. 中国民用航空局和香港特别行政区政府民航处对根据澳门空中航行规章颁发的设计更改和修理设计的批准的接受^{*}；
- d. 三方主管当局就所述批准的合格审定的信息交流；和
- e. 三方主管当局就所述批准的合格审定互相提供技术评估和协助的合作。

*注：该“接受”不包含当局基于接受或认可国外批准而颁发的批准。

3 接受设计更改和修理设计的批准

3.1 倘若每一项交付到中国香港特别行政区的设计更改和修理设计的批准是按照某种形式进行了合格审定，该形式的合格审定是中国民用航空局或其授权机构/人根据中华人民共和国民用航空法颁发，或者该形式的合格审定是澳门特别行政区民航局或其批准的设计机构根据澳门空中航行规章颁发，声明该更改的产品符合适用的审定规范和环保要求，任何不满足的适航条款通过等效安全提供的因素进行补偿，并且产品没有影响安全使用的特征或特性；则香港特别行政区政府民航处将接受该合格审定，犹如该处已进行了相关的技术评估、试验和检查。

3.2 倘若每一项交付到中国澳门特别行政区的设计更改和修理设计的批准是按照某种形式进行了合格审定，该形式的合格审定是中国民用航空局或其授权机构/人根据中华人民共和国民用航空法颁发，或者该形式的合格审定是香港特别行政区政府民航处或其批准的设计机构根据 1995 年飞航(香港)令颁发，声明该更改的产品符合适

用的审定规范和环保要求,任何不满足的适航条款通过等效安全提供的因素进行补偿,并且产品没有影响安全使用的特征或特性;则澳门特别行政区民航局将接受该合格审定,犹如该局已进行了相关的技术评估、试验和检查。

3.3 倘若每一项交付到中国内地的设计更改和修理设计的批准是按照某种形式进行了合格审定,该形式的合格审定是香港特别行政区政府民航处或其批准的设计机构根据 1995 年飞航(香港)令颁发,或者该形式的合格审定是澳门特别行政区民航局或其批准的设计机构根据澳门空中航行规章颁发,声明该更改的产品符合适用的审定规范和环保要求,任何不满足的适航条款通过等效安全提供的因素进行补偿,并且产品没有影响安全使用的特征或特性;则中国民用航空局将接受该合格审定,犹如该局已进行了相关的技术评估、试验和检查。

3.4 对于颁发当局颁发批准的设计更改或者修理设计,用户当局保留自己确认其符合适用于该用户当局管辖权的法律和规章的权力。

4 互相合作和协助

4.1 当涉及到某一颁发当局颁发的某一设计更改或修理设计的批准,颁发当局当接获用户当局的书面要求,将协助用户当局来确定一些受着用户当局监管的批准是否符合批准颁发当局初始颁发该批准所依据的适航标准和环保要求。

4.2 每一主管当局将不时向另外两方主管当局提供该当局所有相关的适航法律、规章、标准和要求以及适航审定系统的信息,并为

对方提供最新近的有关信息。

4.3 每一主管当局将在切实可行范围内尽快通知另外两方主管当局有关该局用作适航审定或者批准的标准和系统的预期重大更改；以使对方主管当局有机会发表意见，并且把对方主管当局对预期修订的意见予以应有的考虑。

4.4 每一主管当局将在切实可行范围内尽快通知另外两方主管当局对本合作安排涵盖的设计更改和修理设计批准的合格审定程序的预期更改。

4.5 三方主管当局将在书面要求下，互相提供技术评估和协助，以三方认为适当的情况下，延续本合作安排的目的及目标。

5 不符合状况的通知

5.1 每一方主管当局将：

- a. 书面通知另外两方主管当局失效、故障、缺陷或者其他的情况，该失效、故障、缺陷或者其他的情况与本合作安排的批准所涵盖的产品相关，并且已经产生或者可能产生不安全状况；和
- b. 对任何三方主管当局根据本合作安排而相互接受的设计更改或修理设计批准持有人的任何调查或者强制措施，及时以书面通知另外两方主管当局。强制措施包括撤销、暂停或者改变批准的范围。

5.2 当一方主管当局根据本节以及适用于该主管当局的法律和规章向另一方主管当局提供包括但不限于人员信息的信息时，应明确

该信息是否是敏感的或者保密的，以及这种敏感性或者保密性的特性。根据其法律和规章提供该信息的主管当局还可以增加接收当局使用或者披露该信息的限制。接收该信息的主管当局将根据其相关的法律和规章、以考虑其保密性或者敏感性的方式处理该信息，并且不得违反适用于该主管当局的隐私法律来处理人员信息。

6 解释

就本合作安排的某一接受，如对用户当局订明的适航准则有相抵触的诠释，则以用户当局的诠释为准。

7 执行

7.1 三方主管当局将致力于为本合作安排制定三方同意的实施程序细则。

7.2 三方主管当局就该细则达成一致后，将根据列明的实施程序实施本合作安排。

7.3 三方主管当局将定期共同审核该细则，并可通过书面协议适当修订该细则。

8 生效

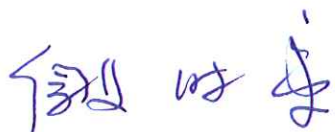
本合作安排在三方主管当局签字后生效。

9 终止

任何一方主管当局可随时以书面通知另外两方主管当局其终止本合作安排的决定。本合作安排将在另外两方主管当局收到通知起12个月后终止，除非所说的终止通知在该期限到期前通过共同商定被撤回。

于二零一三年八月二十八日签署

代表中国民用航空局签署



中国民用航空局航空器适航审定司司长

代表香港特别行政区政府民航处签署



香港特别行政区政府民航处处长

代表澳门特别行政区民航局签署



澳门特别行政区民航局局长

**COOPERATION ARRANGEMENT
ON MUTUAL ACCEPTANCE OF
APPROVALS OF DESIGN CHANGE AND REPAIR DESIGN
AMONG
CIVIL AVIATION ADMINISTRATION OF CHINA,
CIVIL AVIATION DEPARTMENT OF THE HONG KONG SPECIAL
ADMINISTRATIVE REGION GOVERNMENT
AND
CIVIL AVIATION AUTHORITY OF MACAO SPECIAL
ADMINISTRATIVE REGION**

The Civil Aviation Administration of China (CAAC), the Civil Aviation Department of the Hong Kong Special Administrative Region Government (CAD), and the Civil Aviation Authority of Macao Special Administrative Region (AACM), hereinafter referred to as the "Authority" or collectively the "Authorities",

recognising -

- that each Authority has determined that the standards and systems of the other two authorities for the airworthiness certification of civil aviation products are sufficiently comparable to its own to make a cooperation arrangement practicable; and
- the interest of promoting aviation safety and preservation of the environment with a view to fostering cooperation and assistance among the Authorities in achieving common safety objectives, establishing and maintaining airworthiness standards and certification systems of civil aviation products which are similar among the three Authorities and cooperating in the reduction of the economic burden on aviation industries and operators arising from repetitive technical evaluations, tests and inspections;

and having agreed on certain principles and arrangements to:

- facilitate the airworthiness certification by the user Authority of the approvals of design change and repair design issued by the other two authorities;
- provide for the development of procedures among the Authorities for the above purposes and for facilitating the management of the emerging trend toward worldwide design, manufacture, and interchange of aircraft design approvals involving the joint interests of the Authorities in airworthiness certification; and
- provide for cooperation in sustaining safety quality objectives;

agree as follows:

1 **Definitions**

For the purpose of this Cooperation Arrangement:

"Approval" means the approval of design change and repair design issued by the Authorities or design organisations/individuals approved or designated by the Authorities.

"Design change" means the change in type design of a product.

"Issuing Authority" means the Authority that issues approvals of design change and repair design under the laws and regulations applicable to the jurisdiction of the Authority.

"Product" means an aircraft, an aircraft engine, or a propeller, including equipment/components thereof.

"User Authority" means the Authority regulating the acceptance of approvals of design change and repair design under the laws and regulations applicable to the jurisdiction of the Authority.

"Repair design" means the design of repair for the elimination of damage and/or restoration to an airworthy condition of a product.

2 Scope

This Cooperation Arrangement covers:

- a. the acceptance by CAD and AACM of approvals of design change and repair design issued under the Civil Aviation Law of The People's Republic of China*;
- b. the acceptance by CAAC and AACM of approvals of design change and repair design issued under the Air Navigation (Hong Kong) Order 1995*;
- c. the acceptance by CAAC and CAD of approvals of design change and repair design issued under the Air Navigation Regulation of Macao*;
- d. the exchange of information among the Authorities regarding certification as stated in the approvals; and
- e. the cooperation among the Authorities in providing each other with the technical evaluations and assistance in relation to certification as stated in the approvals.

*Note: The "acceptance" does not cover approvals issued by the Authorities based on acceptance or validation of foreign approvals.

3 Acceptance of Approvals of Design Change and Repair Design

- 3.1 Provided that each approval of design change or repair design is delivered to the Hong Kong Special Administrative Region, China in the form issued by CAAC, CAAC designated representatives, or CAAC designated organisation representatives under the Civil Aviation Law of The People's Republic of China, or in the form issued by AACM or AACM approved design organisations under the Air Navigation Regulation of Macao, stating that the changed product meets the applicable certification specifications and environmental protection requirements; any airworthiness

provisions not complied with are compensated for by factors that provide an equivalent level of safety; and no feature or characteristic makes the product unsafe for the uses for which certification is requested, CAD will accept that certification as if it had made the relevant technical evaluations, tests and inspection itself.

- 3.2 Provided that each approval of design change or repair design is delivered to Macao Special Administrative Region, China in the form issued by CAAC, CAAC designated representatives, or CAAC designated organisation representatives under the Civil Aviation Law of The People's Republic of China, or in the form issued by CAD or CAD approved design organisations under the Air Navigation (Hong Kong) Order 1995, stating that the changed product meets the applicable certification specifications and environmental protection requirements; any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and no feature or characteristic makes the product unsafe for the uses for which certification is requested, AACM will accept that certification as if it had made the relevant technical evaluations, tests and inspection itself.
- 3.3 Provided that each approval of design change or repair design is delivered to Mainland China in the form issued by CAD or CAD approved design organisations under the Air Navigation (Hong Kong) Order 1995, or in the form issued by AACM or AACM approved design organisations under the Air Navigation Regulation of Macao, stating that the changed product meets the applicable certification specifications and environmental protection requirements; any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and no feature or characteristic makes the product unsafe for the uses for which certification is requested, CAAC will accept that certification as if it had made the relevant technical evaluations, tests and inspection itself.

- 3.4 The User Authority retains the right to satisfy itself that the design change or repair design concerned by an approval issued by the Issuing Authority is able to comply with the laws and regulations applicable to the jurisdiction of the User Authority.

4 Mutual Cooperation and Assistance

- 4.1 In respect of an approval issued by an Issuing Authority, the Issuing Authority will on written request assist the User Authority in determining whether subsequent design change or repair design to be made under the control of the User Authority, comply with the airworthiness and environmental protection requirements under which such approval was originally approved by the Issuing Authority.
- 4.2 Each Authority will provide and update the other two Authorities from time to time of all its relevant airworthiness laws, regulations, standards and requirements, and of its airworthiness certification system.
- 4.3 Each Authority will as soon as practicable notify the other two Authorities of proposed significant revisions to its standards and system for airworthiness certification; offer the other two Authorities an opportunity to comment and give due consideration to the comments made by the other two authorities on the intended revisions.
- 4.4 Each Authority will as soon as practicable notify the other two Authorities of any proposed revisions to certification procedures for approvals of design change and repair design covered by this Cooperation Arrangement.
- 4.5 Each Authority will provide to other two Authorities such technical evaluation assistance, upon written request, to further the purposes and objectives of this Cooperation Arrangement when deemed appropriate by relevant Authorities.

5 Notification of Non-compliance

5.1 Each Authority will:

- a. forthwith notify the other two Authorities in writing of any failure, malfunction, defect or other occurrence which is related to a product covered by the Approval under this Cooperation Arrangement and which has resulted in or may result in an unsafe condition.
- b. promptly advise the other two Authorities in writing of any investigation or enforcement action, including revocation, suspension or change of scope of approval, against any approval holder in respect of any approval mutually accepted by the other two Authorities pursuant to this Cooperation Arrangement.

5.2 Where an Authority provides any of the other Authorities any information, including but not limited to personal information, pursuant to this paragraph and in accordance with the laws and regulations applicable to the Authority, it will clearly identify whether that information is sensitive or confidential and the nature of that sensitivity or confidentiality. The Authority giving the information, subject to its relevant laws and regulations, may also impose a limitation on the use or disclosure of the information by the receiving Authority. The Authority receiving the information will handle the information in accordance with its relevant laws and regulations and in a manner having regard to its confidentiality or sensitivity, and will not deal with personal information contrary to the privacy laws applying to the Authority.

6 Interpretation

In the case of conflicting interpretations of the airworthiness criteria prescribed by the User Authority pertaining to an acceptance under this Cooperation Arrangement, the interpretation of the User Authority will prevail.

7 Implementation

- 7.1 The Authorities will endeavour to develop a mutually agreed schedule of implementation procedures for this Cooperation Arrangement.
- 7.2 When such a schedule has been agreed among the Authorities, this Cooperation Arrangement will be implemented in accordance with the implementation procedures set out therein.
- 7.3 The Authorities will jointly review such schedule from time to time and may amend it as appropriate by written agreement.

8 Entry into Force

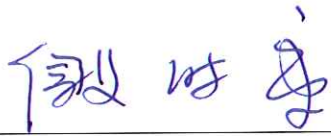
This Cooperation Arrangement will enter into force upon the signature by the Authorities.

9 Termination

Any Authority may at any time give written notice to the other two Authorities, of its decision to terminate this Cooperation Arrangement. This Cooperation Arrangement will terminate twelve months following the date of receipt by the other two Authorities of that notice, unless the said notice of termination has been withdrawn by mutual agreement before the expiry of such period.

Signed on 28 August 2013

on behalf of Civil Aviation Administration of China



Director General of Aircraft Airworthiness Certification Department,
CAAC

and on behalf of Civil Aviation Department of the Hong Kong Special
Administrative Region Government



Director-General of Civil Aviation, CAD

and on behalf of Civil Aviation Authority of Macao Special
Administrative Region



President, AACM