AIRWORTHINESS NOTICE

NOTICE 8401

Issue 1
22 March 2019

DESIGN ORGANISATION APPROVAL
(CAAM PART 21 SUBPART J)

IN exercise of the powers conferred by section 24O of the Civil Aviation Act 1969 [Act 3], the Chief Executive Officer makes this Airworthiness Notice ("Notice") – Design Organisation Approval (CAAM Part 21 Subpart J).

This Notice provides the procedures and requirements pertaining to a certificate of approval under regulation 21 of the Civil Aviation Regulations 2016 ("MCAR") and for any matters connected therewith.

This Notice is published by the Chief Executive Officer under section 24O of the Civil Aviation Act 1969 [Act 3] and come into operation on 1st April 2019.

Non-compliance with this Notice

Any person who contravenes any provision in this Notice commits an offence and shall on conviction be liable to the punishment under section 24O of the Civil Aviation Act 1969 [Act 3].

(Ahmad Nizar Zolfakar)
Chief Executive Officer
Civil Aviation Authority of Malaysia
22nd March 2019
CIVIL AVIATION REGULATIONS 2016
AIRWORTHINESS NOTICE – DESIGN ORGANISATION APPROVAL (CAAM PART 21 SUBPART J)

1.0 CITATION

This Notice may be cited as the Airworthiness Notice – Design Organisation Approval (CAAM Part 21 Subpart J) [Notice 8401].

2.0 APPLICATION [21.233]

2.1 The following persons shall be subject to this Notice—

(a) an applicant for a certificate of approval for design under regulation 21 of the MCAR; and

(b) a holder of a certificate of approval for design under regulation 21 of the MCAR.

3.0 INTERPRETATION

In this Notice, unless the context otherwise requires—

“aeronautical product” shall have the same meaning assigned to it under the MCAR;

“approved signatory” means approved signatory under regulation 33 of the MCAR;

“Authority” means Civil Aviation Authority of Malaysia;

“certificate of approval” means a certificate of approval issued under regulation 21 of the MCAR;

“DOM” means Design Organisation Manual;

“major modification”, “permit to fly”, “supplemental type certificate” and “type certificate” shall have the same meaning assigned to them under the MCAR;

“major repair” means any repair of an aeronautical product that might appreciably affect the structural strength, performance, engine, operation flight characteristics or other qualities affecting airworthiness or environmental characteristics;

“MCAR” means Civil Aviation Regulations 2016;

“minor repair” means a repair other than a major repair; and
“technical standard order” or “TSO” means a detailed airworthiness specification as a minimum performance standard for specified articles.

4.0 APPLICATION FOR THE ISSUANCE OF A CERTIFICATE OF APPROVAL

4.1 An applicant for a certificate of approval shall submit—

(a) an application form to the Authority and accompanied by the prescribed fee;

(b) data under paragraph 8.0 of this Notice and terms of approval requested to be issued under paragraph 12.0 of this Notice; and

(c) an application form for the nomination of post holders and approved signatories as follows—

   (i) Chief Executive;
   (ii) Head of Design Organisation;
   (iii) Chief of Airworthiness;
   (iv) Chief of Independent Monitoring;
   (v) Compliance Verification Engineers; and
   (vi) and any other persons responsible for making decision affecting airworthiness and environmental protection in the organisation.

4.2 The application forms under paragraphs 4.1(a) and 4.1(c) of this Notice shall be signed by the Chief Executive of the applicant.

5.0 APPLICATION FOR THE RENEWAL OF A CERTIFICATE OF APPROVAL

5.1 A holder of a certificate of approval shall submit an application form not less than 30 days prior to expiry date of the certificate of approval and accompanied by the prescribed fee.

5.2 The Authority may renew the certificate of approval if the Authority is satisfied that the holder of a certificate of approval has fulfilled all applicable requirements under this Notice.

6.0 ISSUANCE OF PROVISIONAL CERTIFICATE OF APPROVAL AND CERTIFICATE OF APPROVAL

6.1 The Authority may issue a provisional certificate of approval if the Authority is satisfied that the applicant complies with the applicable requirements under this Notice.
6.2 A holder of a provisional certificate of approval shall—
   (a) be entitled to perform design activity in accordance with the terms and
       conditions specified in the provisional certificate of approval; and
   (b) not release the design data without an authorisation from the Authority.
6.3 The Authority may issue a certificate of approval if the Authority is satisfied that
       the organisation who holds a provisional certificate of approval has
       demonstrated technical competency in the design and has fulfilled applicable
       requirements under this Notice.
6.4 Where a certificate of approval is issued—
   (a) the provisional certificate of approval shall have no effect; and
   (b) the holder of the provisional certificate of approval shall within a
       reasonable period from the date of issuance, return the provisional
       certificate of approval to the Authority.

7.0 DESIGN ASSURANCE SYSTEM

7.1 A holder of a certificate of approval shall demonstrate that it has established
     and is able to maintain a design assurance system for the control and
     supervision of the design of products, part and appliances, and design changes
     of products, parts and appliances covered by the application.

7.2 A holder of a certificate of approval shall ensure that the design assurance
     system shall be such as to enable the holder of a certificate of approval to—
     (a) ensure that the design of products, parts and appliances and the design
         changes of products, parts and appliances comply with the applicable
         type certification basis, the applicable operational suitability data
         certification basis and environmental protection requirements;
     (b) ensure that its responsibilities are properly discharged in accordance
         with this Notice and the terms of approval under paragraph 12.0 of this
         Notice;
     (c) independently monitor the compliance with, and adequacy of, the
         documented procedures of the system which shall include a feed-back
         system to a person or a group of persons having the responsibility to
         ensure corrective actions.

7.3 A holder of a certificate of approval shall ensure the design assurance system
     shall include an independent checking function of the showings of compliance
     on the basis of which the organisation submits compliance statements and
     associated documentation to the Authority.
7.4 A holder of a certificate of approval shall specify the manner in which the design assurance system accounts for the acceptability of the products, parts or appliances designed or the tasks performed by its partners or subcontractors according to written methods and procedures which are agreed between applicant and its partners or subcontractors.

8.0 DATA

8.1 An applicant for a certificate of approval shall furnish a DOM to the Authority for approval which shall include—

(a) information on the organisation; and

(b) the relevant procedures, the products, parts and appliances and changes to products, part and appliances to be designed.

8.2 If flight tests are to be conducted, the applicant for a certificate of approval shall furnished a flight test operations manual to the Authority defining the organisation’s policies and procedures in relation to flight test. The flight test operations manual shall include—

(a) a description of the organisation’s processes for flight test, including the organisation involvement into the permit to fly issuance process;

(b) crewing policy, including composition, competency, currency and flight time limitations where applicable;

(c) procedures for the carriage of persons other than crew members and procedures for flight test training, when applicable;

(d) a policy for risk and safety management and associated methodologies;

(e) procedures to identify the instruments and equipment to be carried; and

(f) a list of documents that need to be produced for flight test.

8.3 Where any products, parts or appliances or any changes to the products, parts or appliances are designed by an applicant’s partners or subcontractors, the applicant shall furnish a DOM to the Authority which shall include—

(a) a statement of how the applicant is able to give, for all products, parts and appliances, as the case may be, the assurance of compliance required under paragraph 7.3 of this Notice; and

(b) descriptions and information on the design activities and the organisation of its partners or subcontractors.

8.4 A holder of a certificate of approval shall amend the DOM as necessary to remain an up-to-date description of the organisation, and copies of amendments shall be supplied to the Authority.
8.5 An applicant for and a holder of a certificate of approval shall furnish a statement of the qualifications and experience of the management staff and other persons responsible for making decisions affecting airworthiness, operational suitability and environmental protection in the organisation.

9.0 APPROVAL REQUIREMENTS

9.1 On the basis of the information submitted in accordance with paragraph 8.0 of this Notice and in addition to complying with paragraph 7.0 of this Notice, an applicant for and holder of a certificate of approval shall demonstrate to the satisfaction of the Authority the following—

(a) the staff in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities and these, together with the accommodation, facilities and equipment, are adequate to enable the staff to achieve the airworthiness and environmental protection objectives for the product; and

(b) there is full and efficient coordination between departments and within departments in respect of airworthiness, operational suitability and environmental protection matters.

10.0 CHANGES IN DESIGN ASSURANCE SYSTEM

10.1 A holder of a certificate of approval shall not make any changes to the design assurance system that is significant to the showing of compliance or to the airworthiness, operational suitability and environmental protection of the product, parts or appliances unless with the approval of the Authority.

10.2 For purposes of paragraph 10.1 of this Notice, the holder of a certificate of approval shall—

(a) submit an application form to the Authority; and

(b) demonstrate to the Authority, on the basis of submission of proposed changes to the DOM.

11.0 NON-TRANSFERABILITY

11.1 A certificate of approval issued by the Authority shall be personal to the person to whom it is issued and shall not be transferred or assigned to any other person.
12.0 TERMS OF APPROVAL [21.251]

12.1 The Authority may impose such terms and conditions on the certificate of approval granted under this Notice, which is known as “terms of approval”.

12.2 The terms of approval may include the types of design work, the categories of products, parts and appliances of the applicant, and the functions and duties that the applicant is approved to perform in regard to the airworthiness, operational suitability and characteristics of noise, fuel venting and exhaust emission of products.

12.3 For certificate of approval covering type certification or TSO for Auxiliary Power Units (APU), the terms of approval shall contain in addition the list of products or APU.

13.0 VARIATIONS TO THE TERMS OF APPROVAL [21.253]

13.1 In the case of variation to the certificate of approval or terms of approval attached to the certificate of approval, a holder of a certificate of approval shall submit—

(a) an application form and accompanied by the prescribed fee; and

(b) proposed amendments or variations.

13.2 The Authority may vary the certificate of approval or terms of approval if the Authority is satisfied that the holder of a certificate of approval has fulfilled all applicable requirements under this Notice.

14.0 DESIGN INVESTIGATION [21.257]

14.1 A holder of a certificate of approval shall make arrangements that allow the Authority to make any investigations, including investigations of its partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirements of this Notice.

14.2 A holder of a certificate of approval shall allow the Authority to access and inspect any aeronautical product, aviation facility, place or building, to review any report and perform or witness any flight and ground test necessary to check the validity of the compliance statements submitted by the applicant under paragraph 7.3 of this Notice.

15.0 FINDINGS [21.258]

15.1 In the case of a holder of certificate of approval who fails to comply with any requirements of this Notice, the finding shall be divided into three (3) levels as follows—
(a) a level one finding is any non-compliance with this Notice which could lead to uncontrolled non-compliance with applicable requirements and which could affect the safety of the aircraft;

(b) a level two finding is any non-compliance with this Notice which is not classified as level one; and

(c) a level three finding is any item where it has been identified, by objective evidence, to contain potential problem that could lead to any non-compliance under paragraph (a) and (b) above.

15.2 For the purpose of paragraph 15.1 of this Notice, the holder of certificate of approval shall--

(a) in the case of a level one finding, demonstrate corrective action to the satisfaction of the Authority within a period of no more than 21 working days after written notification of the finding by the Authority;

(b) in the case of level two finding, demonstrate corrective action to the satisfaction of the Authority within a period of no more than 3 months after written notification of the finding by the Authority. In certain circumstances and subject to the nature of the finding, the Authority may extend the 3 months period subject to a satisfactory corrective action plan agreed by the Authority.

(c) in the case of a level three finding, demonstrate corrective action to the satisfaction of the Authority within a period which may be determined by the Authority.

15.3 In the case level one or level two finding, a holder of certificate of approval shall comply with any order, instruction, requirement or direction by the Authority for purposes of safety of civil aviation.

16.0 DURATION AND CONTINUED VALIDITY

16.1 A certificate of approval shall be valid for a period of not more than 1 year.

16.2 The certificate of approval is subject to suspension, revocation and variation under regulation 193 of the MCAR.

16.3 A holder of a certificate of approval may surrender the certificate of approval in accordance with regulation 192 of the MCAR.

17.0 PRIVILEGES

17.1 A holder of a certificate of approval shall be entitled to perform design activities under this Notice and within its scope of approval.
17.2 Subject to paragraph 14.2 of this Notice, a holder of a certificate of approval may submit compliance documents for the purpose of obtaining—

(a) the approval of flight conditions required for a permit to fly;
(b) a type certificate or approval of a major change to a type certificate;
(c) a supplemental type certificate;
(d) a TSO article design approval; or
(e) a major repair design approval.

17.3 A holder of a certificate of approval shall be entitled, subject to its terms of approval and under the relevant procedures of the design assurance system—

(a) to classify changes to the type certificate and repairs as ‘major’ or ‘minor’;
(b) to approve minor changes to type certificate and minor repairs;
(c) to issue information or instructions containing the following statement:
   ‘The technical content of this document is approved under the authority of the DOA ref. no. [xxxxxx].’;
(d) to approve minor revisions to the aircraft flight manual and supplements, and issue such revisions containing the following statement:
   ‘Revision no. [xx] to the AFM (or supplement) ref. [xx] is approved under the authority of the DOA ref. no. [xxxxxx]’;
(e) to approve the design of major repairs to products or APU for which it holds the type certificate or the supplemental type certificate or TSO article design approval;
(f) to prepare and submit data packages for major modifications and major repair;
(g) to approve flight conditions not related to the safety of the design; and
(h) to enter into arrangements acceptable to the Authority for the production of approved designs by organisations acceptable to the Authority.

18.0 OBLIGATIONS OF THE HOLDER

18.1 A holder of a certificate of approval shall—

(a) maintain the DOM in conformity with the design assurance system;
(b) ensure that the DOM is used as a basic working document within the organisation;
(c) determine that the design of products, parts and appliances or changes or repairs to the products, parts and appliances, as applicable, comply with applicable requirements and have no unsafe feature;

(d) except for minor changes or repairs approved under the privilege of paragraph 17.0 of this Notice, provide to the Authority statements and associated documentation confirming compliance with paragraph 18.1(c) of this Notice;

(e) provide information and instructions as required by the Authority related to required actions that relates to airworthiness directives; and

(f) subject to the privilege of paragraph 17.3(g) of this Notice, determine the flight conditions under which a permit to fly can be issued.

19.0 CANCELLATION

This Notice revokes Airworthiness Notice No. 96 Issue 1 dated 1 February 2009.