

ACAF FAQs

What is an “accountability framework”?

- An accountability framework is a structure where each stakeholder’s role and obligations, responsibilities and accountability are clearly established, and any unfulfilled obligations and responsibilities lead to some form of legal or punitive action.

What are the benefits of an accountability framework?

- An accountability framework is effective and efficient when stakeholders have clear understanding of their roles and responsibilities and no confusion exists on WHO is accountable for WHAT. Enhanced accountability will shift the emphasis from project surveillance to system oversight and, ultimately, more efficient safety oversight.

What are the consequences of not adopting an accountability framework?

- For Canada to not adopt accountability framework would ultimately lead to significant differences between our certification regulations and processes and those of EASA and the FAA.

Why change the existing framework?

- The shift in strategic direction of TCCA resulted in the realization that there was confusion about roles and obligations, weakening accountabilities of applicants and holders of design approvals, the Minister, and delegates in the design approval process.

How will ACAF impact Transport Canada’s bilateral partners?

- Transport Canada’s key partners (i.e., FAA, EASA) will be kept apprised regularly of any changes in how business is and will be conducted, thus promoting understanding and maintaining confidence in the domestic authority.

What is the regulatory basis for ACAF?

- CAR Part V, Subpart 21 will more clearly delineate the roles and obligations of the applicant, the holder and the delegate.

Will Transport Canada’s legal obligations to ICAO be met by the new framework?

- Yes, these obligations to ICAO, which include having an effective system for overseeing compliance with safety regulations that respect the ICAO Annexes and SARPS, will continue to be met under the new concept.

What does “ADO” mean?

- ADO means Accredited Design Organization, wherein formal recognition is given that an individual or an organization has demonstrated the necessary systems and expertise to execute certification tasks and/or support continuing airworthiness tasks on behalf of an applicant/holder. Certification tasks means all or part of the engineering inspections and assessments, and flight and ground tests necessary for the issuing of design approvals.
- The ADO will be authorized to sign a declaration of compliance within the scope (terms) of its accreditation, recognizing that the scope (terms) may vary between organizations.

Who may be a Design Approval Applicant? For what are they accountable?

- A Design Approval Applicant may be any individual or organization that makes an application for a design approval or for a change to a design approval.

- An applicant is accountable to: (i) develop a safe and compliant design; (ii) show the design is safe and compliant; and (iii) carry out test programs safely.
- A Design Approval Applicant's ADO is responsible for all activities and must identify in its procedures' manual how it will account for all subcontractors and the integration between subcontractors and itself.

What is the function of the Design Approval Holder?

- A Design Approval Holder is accountable for maintaining a safe and compliant design in compliance with the standards of airworthiness, and for the continuing airworthiness of their products.

What will be the responsibilities of the Minister in ACAF?

- The Minister remains accountable for: (i) making regulations; (ii) specifying the certification basis; (iii) specifying acceptable means of compliance; (iv) issuing certificates and approvals; (v) accrediting design approval organizations; (vi) overseeing compliance; (vii) taking enforcement actions as necessary; and (viii) mandating corrective action as required.

Will AEOs and DAOs still exist once ACAF is in place?

- These organizations will apply for ADO accreditation identifying the desired rating and product categories and the scope of work they request, including the means to be used to support the scope of work.

Does an applicant/holder need to be an ADO to obtain a design approval?

- A design approval applicant/holder may meet the requirements for knowledge and technical capability by simply having access to an ADO with a rating (*insert a link to explanation of Rating here*) appropriate to their intended application.

What if a design approval holder is not an ADO?

- The design approval holder will be auditable through the agreement between themselves, the chosen ADO, and the Minister.

What if a design approval applicant doesn't have an ADO?

- The applicant must then have a contractual agreement identifying how his/her obligations will be supported by the ADO. The applicant and TCCA must each agree on a plan as to how the applicant's obligations will be fulfilled. This plan is auditable by the Minister.

Can subcontractors be used?

- Yes, an ADO may use subcontractors (a person or an organization) in support of performing its activities. Those subcontractors may include another ADO, a Compliance Specialist or others with no specific recognition or accreditation. Subcontractors need not have an ordinary place of business in Canada. A decision on whether or not to use subcontractors with an industry-recognized accreditation is a business decision; however, the applicant/holder will be responsible to oversee the subcontractors..

What is a 'Compliance Specialist'?

- A Compliance Specialist (CS) is an individual who meets specified minimum standards for knowledge and technical capability that are necessary to determine compliance with the regulations and standards in the specified area of expertise.

Can an existing Design Approval Representative (DAR) transition to an ADO?

- Yes. DARs that apply for or hold design approvals, and that wish to retain the ability to issue design approvals, shall have the opportunity to transition to become an ADO over a specified time period. They will be entitled to make a declaration of compliance and to issue design approvals.
- DARs that provide a service as technical specialists and that do not desire to issue design approvals, shall have the opportunity to transition to Compliance Specialists under a system of industry recognition, or where required, by TCCA. These individuals would be Compliance Specialists (see above) who do not have the ability to issue a design approval.

What is a Determination of Compliance?

- Determination of Compliance is a confirmation by a Compliance Specialist that compliance has been substantiated within their area of specialization to a regulation contained within the basis of certification for the design approval being sought.

What constitutes a Declaration of Compliance?

- A Declaration of Compliance is a statement made by an ADO that all necessary determinations of compliance made by Compliance Specialists, either within the ADO or subcontracted by the ADO, have been completed for the design approval being sought.

What is a Design Assurance System?

- A Design Assurance System (DAS) is a set of processes involving specific planned and systematic actions that together provide confidence that errors or omissions in requirements or design have been identified and corrected to the degree that the product, as implemented, satisfies applicable certification requirements.

Are the ACAF terms consistent/harmonized with other Authorities?

- Every effort is being made to research and review the terminology used by TCCA's bilateral partners, and then select the terminology as appropriate to reduce risk of misunderstanding.

Will there be a change regarding Instructions for Continued Airworthiness (ICA)?

- The requirements of CAR 591 and 593 still exist; therefore, there is no change to the continuing airworthiness requirements. ICAs are required as part of the application.

What is the cost of becoming an ADO?

- A Regulatory Impact Analysis Statement (RIAS) will be prepared by TCCA and will include such elements as the detailed costs of transition, additional resource needs and financial and resource costs to the holder.

What are "terms of accreditation"?

- These include specific ratings, which are required for each class of application and aeronautical product category. A class identifies the specific design approval, for which application may be made, i.e., a type certificate. A group is the particular aeronautical product grouping, for which application may be made, i.e., Subpart 541. An ADO accreditation is an entitlement, not a privilege.

What are the privileges of an ADO?

- An ADO's privileges could include the ability to issue design approval documents.

What is an ADO certificate?

- An ADO certificate is an operating certificate, which will specify the entitlements of the ADO, or terms of accreditation. These terms of accreditation will include, as a minimum, the (i) General conditions (records, obligations, etc.); (ii) Rating (class and group); (iii) Product Category; (iv) Scope of Work; and (v) Duration.

Does an ADO require a Safety Management System (SMS)?

- Yes, since the ADO will have an operating certificate (see above), SMS will be invoked through CAR Subparts 106, 107 and 521, when in force.

How will "Region shopping" be eliminated?

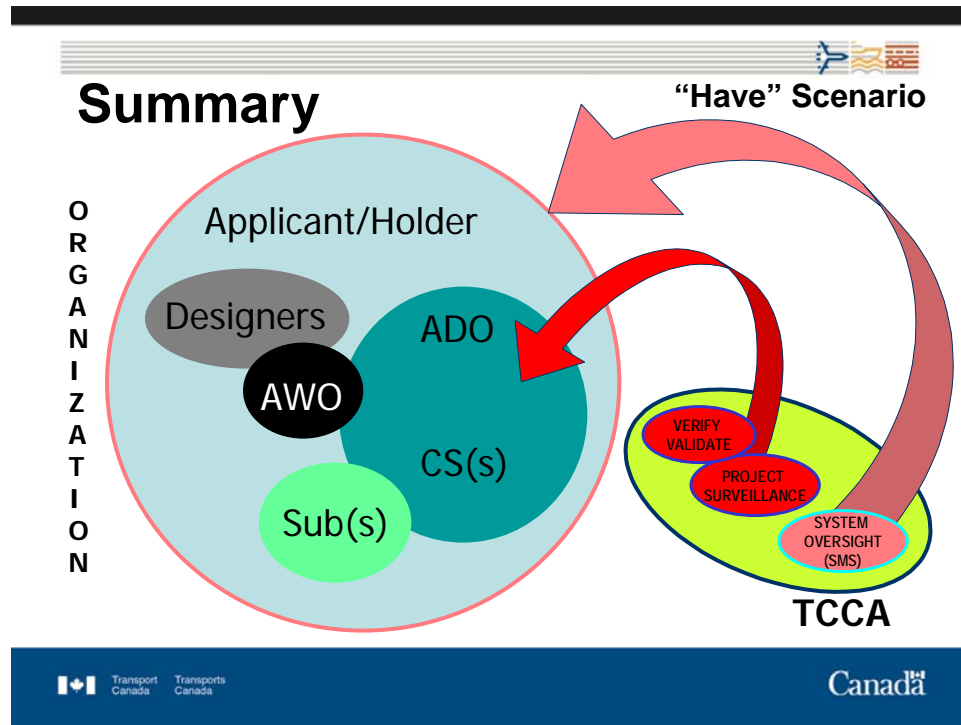
- Since all future applications will only be accepted by TCCA through an ADO (which will have a manual documenting the procedures to be used to meet the requirements of CAR 521), national standardization of program delivery will be enhanced. TCCA offices will be auditable to the procedures agreed with the ADO.

What supporting guidance material will be developed?

- As a start, the following guidance material will be developed:
 - (a) in respect of TCCA evaluation and accreditation of an ADO, what a declaration of compliance should contain, and a means that an applicant for an ADO may use to comply with the requirements as part of their application;
 - (b) in respect of the evaluation of a DAS and a means of compliance with the requirements for a DAS; and
 - (c) in respect of the evaluation of an SMS and a means of compliance with the requirements for an SMS.

Will TCCA still require Level of Involvement (LOI)?

- The intent of LOI will not change, however, its implementation will need to be tailored to the new systemic approach to oversight. Therefore, TCCA and the aviation industry will work together to define the changes to the implementation of LOI needed to support the accountability framework.



or

