

## Part 3

**1 AIRCRAFT AND COMPONENT ORIGINAL CERTIFICATION**

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<sup>1</sup> This content is revised according to Appendix 2 to Circular 21/2017/TT-BGTVT dated 30 June 2016

### Subpart A: GENERAL

#### 3.001 APPLICABILITY

- (a) This Part prescribes the requirements of Vietnam for the:
  - (1) Aircraft type-certificate and supplemental type certificate standards that will be applied during the issuance and renewal of airworthiness certificates;
  - (2) Designation of applicable rules for original certification of aircraft and components.
- (b) This Part is applicable to the owners and operators of aircraft registered in Vietnam and the persons and organizations that maintain these aircraft.
- (c) The implementing standards published by CAAV in support of the aircraft design standards of ICAO Annex 8 shall be applicable to the issuance of aircraft-related certificates and continuing airworthiness of aircraft registered in Vietnam.

#### 3.003 DEFINITIONS

- (a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.007) of these regulations.

#### 3.005 ACRONYMS

- (a) The meanings of acronyms in this Part are contained in Part 1 (Appendix 1 to 1.008) of these regulations.

### SUBPART B: TYPE CERTIFICATES

#### 3.010 VALID CERTIFICATES

- (a) No aircraft may be issued an Vietnam Certificate of Airworthiness unless a State of Design or Manufacture has issued a valid type certificate for that aircraft.
- (b) A copy of that type certificate shall be presented to the CAAV.
- (c) The CAAV shall establish the validity of that type certificate having been issued through a process that parallels the requirements of this Subpart.

#### 3.013 DESIGN ASPECTS OF THE APPROPRIATE AIRWORTHINESS REQUIREMENTS

- (a) The CAAV shall take steps to establish that the type certificates presented for validation are from Contracting States that comply with the Standards of Annex 8.
- (b) The CAAV shall take steps to ascertain when an airworthiness requirement of Annex 8 is considered inappropriate and determine if the assigned equivalent level of safety is acceptable before issuing an airworthiness certificate.
- (c) In any situation where the design aspects are considered inadequate, the CAAV shall require a corrective action that results in an equivalent level of safety to the requirements of this Part and any implementing standards for aircraft and component design published by the CAAV (which shall not be less than the (and the Standards of ICAO Annex 8) before issuing an airworthiness certificate.
- (d) The design aspects of the appropriate airworthiness requirements, used by a State of Design or Manufacture for type certification in respect of a class of aircraft or for any change to such type certification, shall be such that compliance with them will ensure compliance with the design Standards of ICAO Annex 8.
- (e) The design shall not have any features or characteristics that render it unsafe under the anticipated operating conditions.
- (f) The design shall meet appropriate requirements that give at least an equivalent level of safety where the design features of a particular aircraft render any of the design aspects of the appropriate airworthiness requirements of the implementing standards for aircraft and component design (which shall not be less than the ICAO Annex 8 Standards for the type of aircraft).

#### 3.015 PROOF OF COMPLIANCE

- (a) The CAAV shall take steps to ascertain that the proof of compliance with the design aspects is available in any

- situation where there is not adequate knowledge of the manufacturer and/or the State of Design or Manufacturer's compliance with Annex 8 Standards.
- (b) In addition to determining compliance with the design aspects of the appropriate airworthiness requirements for an aircraft, the CAAV shall take whatever other steps they deem necessary to ensure that the certificate of airworthiness is withheld if the aircraft is known or suspected to have dangerous features not specifically guarded against by those requirements.
  - (c) Any approval for the design of a modification, of a repair or of a replacement part shall be provided to the CAAV as satisfactory evidence that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the type certification of that aircraft type or amended Type Certificate.
  - (d) If required by the CAAV, the manufacturer shall be able to show an approved design consisting of such drawings, specifications, reports and documentary evidence as are necessary to define the design of the aircraft and to show compliance with the design aspects of the appropriate airworthiness requirements.
  - (e) If required by the CAAV, the manufacturer shall be able to show that the aircraft was subjected to such inspections and ground and flight tests as are deemed necessary by the State of Design and Manufacturer to show compliance with the design aspects of the appropriate airworthiness requirements.

### 3.017 SATISFACTORY EVIDENCE

- (a) The applicant for an airworthiness certificate shall present to the CAAV satisfactory evidence that meet the following requirements:
  - (1) The State of Design, upon receipt of satisfactory evidence that the aircraft type is in compliance with the design aspects of the appropriate airworthiness requirements, shall issue a Type Certificate to define the design and to signify approval of the design of the aircraft type.
  - (2) When a Contracting State, other than the State of Design, issues a Type Certificate for an aircraft type, it shall do so on the basis of satisfactory evidence that the aircraft type is in compliance with the design aspects of the appropriate airworthiness requirements.

### 3.020 GRANT OF TYPE CERTIFICATES AS THE STATE OF DESIGN

- (a) Prior to the grant of an aircraft type certificate as a State of Design, the CAAV shall establish the internal capability, standards and qualifications to ensure that their approval process for the design and testing of the prototype aircraft is accomplished in accordance with international standards.
- (b) The CAAV shall not grant a type certificate unless it has adequate qualified personnel to ensure that each stage of the certification process for a prototype aircraft is accomplished creditably.

### 3.023 VALIDATION OF TYPE CERTIFICATES

- (a) The CAAV shall validate the type certificate of the State of Design or State of Manufacture when issuing an certificate of airworthiness for an aircraft on the Vietnam registry of aircraft
- (b) The CAAV may not validate a type certificate issued by a State other than the State of Design or Manufacture.

### 3.025 VALIDATION OF SUPPLEMENTAL TYPE CERTIFICATES

- (a) The CAAV may validate a Supplemental Type Certificate (STC) issued by a State of Design or Manufacture that approved the Type Certificate (TC) for that aircraft or product.
- (b) Any person who alters a product by introducing a major change in type design, not great enough to require a new application for a type certificate, shall apply for a Supplemental Type Certificate to the regulatory agency of the State of Design that approved the type certificate for that product, or to the State of Registry of the aircraft. The applicant shall apply in accordance with the procedures prescribed by that State.

## SUBPART C: AIRCRAFT CERTIFICATION REGULATIONS

### 3.030 APPLICABLE AIRCRAFT CERTIFICATION REGULATIONS

- (a) The CAAV will apply the detailed and comprehensive aircraft certification regulations of the ICAO Contracting State which issued the type certificate to the determination of continued airworthiness of the aircraft, provided:
  - (1) These regulations are in conformance with the Standards of ICAO Annex 8,
  - (2) These regulations are in English or certified translation to English,
  - (3) A copy of these regulations are provided with the application for the airworthiness certificate, and
  - (4) There is a satisfactory method of updating the CAAV's copy of these regulations throughout the period of time the aircraft is registered in Vietnam.
- (b) The CAAV shall apply the aircraft design and testing Standards of ICAO Annex 8 to make a determination as to the

- (c) satisfactory nature of the aircraft certification regulations of another Contracting State.
- (c) The aircraft certification regulations which are available to and applied by the CAAV in the determination for issuance of a certificate of airworthiness and continuing airworthiness are those of the:
- (1) United States Federal Aviation Administration, for aircraft type certificates issued by the FAA;
  - (2) European Joint Aviation Authorities, for aircraft type certificates issued by the EASA;
  - (3) Canada Ministry of Transport, for aircraft type certificates issued by the Canadian MOT;
  - (4) National Civil Aviation Agency of Brazil, for aircraft type certificates issued by Brazil; and
  - (5) Russian Air Ministry, for the aircraft type certificate issued by Russia.

### SUBPART D: PRODUCTION

#### 3.039 APPLICABILITY

- (a) This Subpart provides the general requirements applicable to the production of aircraft or aircraft parts in Vietnam.

#### 3.040 COMPLIANCE WITH PRODUCTION & TYPE CERTIFICATE

- (a) No person may manufacture aircraft or aircraft parts in the Vietnam unless they are the holder of a production certificate granted by the CAAV.
- (b) The holder of a production certificate shall hold, for each aircraft or aircraft part concerned, a design approval as or the right of access under an agreement or arrangement to the approved design data relevant for production purposes.
- (c) The holder of a production certificate for any aircraft or aeronautical product thereof for manufacture in Vietnam shall comply with the type certificate as required by the State of Design for approval.

#### 3.043 PRODUCTION CONTROL

- (a) No person may manufacture aircraft or aircraft parts unless there are adequate quality control personnel to ensure that production is performed in a controlled manner including the use of a quality system so that construction and assembly are satisfactory.

#### 3.045 TRACEABILITY

- (a) The holder of a production certificate shall maintain traceability records such that the origin of the aircraft and of the aircraft parts, and their identification with the approved design and productions can be established.

#### 3.047 ARRANGEMENTS FOR PRODUCTION OF AIRCRAFT OR AIRCRAFT PARTS

- (a) The CAAV shall ensure the obligations of the State of Manufacture are met before issuing a production certificate for the manufacture of aircraft or aircraft parts, including:
- (1) all necessary coordination and agreements with the State of Design are completed;
  - (2) all necessary coordination and agreements with the holder of the prototype Type Certificates are completed;
  - (3) the applicant has the facilities, equipment, personnel and technical data to accomplish the production authorized; and
  - (4) If the applicant has arrangements to ensure that aircraft parts to be manufactured by sub-contractors and/or suppliers are airworthy; and
  - (5) all necessary coordination and agreements to ensure that the manufacturing organization cooperates with the organization responsible for the type design in assessing information received on experience with operating the aircraft.

#### 3.050 AIRCRAFT PRODUCTION APPROVAL

- (a) When approving production of aircraft or aircraft parts, the CAAV shall:
- (1) examine the supporting data and inspect the production facilities and processes so as to determine that the manufacturing organization is in compliance with the appropriate production requirements; and
  - (2) ensure that the manufacturing organization has established and can maintain a quality system or a production inspection system such as to guarantee that each aircraft or aircraft part produced by the organization or by sub-contractors and/or suppliers is airworthy.
- (b) Before a production approval can be issued, there shall be an agreement or arrangement acceptable to the State of Design and the CAAV to:
- (1) ensure that the manufacturing organization has the right of access to the approved design data relevant for production purposes; and
  - (2) address the responsibilities of each State with regard to design, manufacture and continued airworthiness of the aircraft.

### SUBPART E: CERTIFICATE OF AIRWORTHINESS

#### 3.060 APPLICABILITY

- (a) The requirements of this Subpart are applicable in respect to the issue of the initial certificate of airworthiness for all aircraft registered in Vietnam.

#### 3.063 INITIAL ISSUANCE OF A CERTIFICATE OF AIRWORTHINESS

- (a) A Certificate of Airworthiness shall not be issued by the CAAV unless there is satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements. More specific information regarding the issuance of a Certificate of Airworthiness is provided in Part 4 of these regulations.
- (b) The CAAV shall not issue or render valid a Certificate of Airworthiness international operations unless there is satisfactory evidence that the aircraft complies with the applicable Standards of Annex 8 through compliance with appropriate airworthiness requirements.
- (c) A Certificate of Airworthiness for aircraft on the Vietnam registry shall be renewed or shall remain valid, subject to compliance with the system of inspection prescribed by the CAAV that requires periodical inspections at appropriate intervals having regard to lapse of time and type of service. The general criteria for those inspections is provided in Part 4 of these regulations.
- (d) The CAAV shall accept applications for an aircraft possessing a valid Certificate of Airworthiness issued by a Contracting State to be entered on the register of Vietnam.
- (e) The CAAV may consider prior issuance of the Certificate of Airworthiness by another Contracting State, when issuing another Certificate of Airworthiness or rendering the original certificate valid.
  - (1) This CAAV may accept the original Certificate of Airworthiness, in whole or in part, as satisfactory evidence that the aircraft is airworthy and in compliance with the appropriate airworthiness requirements.
  - (2) The validity of this authorisation shall not extend beyond the period of validity of the original Certificate of Airworthiness.
- (f) The CAAV may exercise this alternative when the aircraft is registered for the first time and when the aircraft changes its nationality.

#### 3.065 STANDARD FORM OF CERTIFICATE OF AIRWORTHINESS

- (a) The Certificate of Airworthiness issued by the CAAV shall be generally similar to the example contained in ICAO Annex 8 and shall contain the following information:
  - (1) State of Registry = Republic of Vietnam;
  - (2) Issuing Authority = Civil Aviation Authority of Vietnam;
  - (3) Nationality and registration marks;
  - (4) Manufacturer and manufacturer's designation of aircraft;
  - (5) Serial Number;
  - (6) Categories and operation;
  - (7) The following statement: "This Certificate of Airworthiness is issued pursuant to the Convention on International Civil Aviation dated 07 December 1944, and the Law on Civil Aviation of Vietnam in respect of above mentioned aircraft which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitation."
  - (8) Signature of authorized representative of the CAAV;
  - (9) Date of Issue;
  - (10) Date of expiry;
  - (11) Remarks.
- (b) The CAAV shall include an English translation within the Certificates of Airworthiness.

#### 3.067 AIRCRAFT LIMITATIONS & INFORMATION

- (a) Each applicant for an Certificate of Airworthiness will make available to the CAAV a flight manual, placards, or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft.

#### 3.070 TEMPORARY LOSS OF AIRWORTHINESS

- (a) Any failure of the owner or operator to maintain an aircraft in an airworthy condition as defined by the appropriate airworthiness requirements of these regulations shall render the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.

#### 3.073 DAMAGE TO FOREIGN AIRCRAFT

- (a) If a foreign aircraft has sustained damage or is ascertained to be unairworthy when located in Vietnam, the CAAV

shall be entitled to prevent the aircraft from resuming its flight on the condition that contact is made immediately with the CAAV by the State of Registry, communicating to it all details necessary to formulate a judgement regarding airworthiness status of the aircraft. When an aircraft holding a Certificate of Airworthiness issued by Vietnam is ascertained by the civil aviation authorities of another Contracting State to be damaged or unairworthy, the requirements of Part 4 of these regulations shall apply.

- (b) The State of Registry shall judge whether the damage is of a nature such that the aircraft is no longer airworthy as defined by the appropriate airworthiness requirements be carried on board every aircraft engaged in international air navigation.
- (1) When the State of Registry considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, it shall prohibit the aircraft from resuming flight until it is restored to an airworthy condition.
  - (2) The State of Registry may, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft to fly without fare-paying passengers to an aerodrome at which it will be restored to an airworthy condition.
  - (3) When the State of Registry considers that the damage sustained is of a nature such that the aircraft is still airworthy, the aircraft shall be allowed to resume its flight.