

Working Arrangement

between

**The Civil Aviation Bureau of the Ministry of Land,
Infrastructure, Transport and Tourism of Japan (JCAB)**

and

The European Union Aviation Safety Agency (EASA)

**On the production in Japan of the MBB BK117 D-2 and D-3
helicopters**

The European Union Aviation Safety Agency (EASA) and the Civil Aviation Bureau of the Ministry of Land, Infrastructure, Transport and Tourism of Japan (JCAB) (hereinafter referred to as the "Technical Agents"),

Acknowledging the fruitful cooperation between the Technical Agents formalised by the adoption in the past of a Working Arrangement¹,

Bearing in mind that the Type Certificate issued by EASA on the MBB BK117 D-2 helicopter has been validated by JCAB and that the MBB BK117 D-3 helicopter will be certified by EASA and subsequently validated by JCAB,

Considering that the JCAB Approved Production Organisation is in the process of JCAB approval of the limitation change (scope of approval) to cover the production of the MBB BK117 D-2 and D-3 helicopters under JCAB oversight at the Kawasaki Heavy Industries, Ltd. (KHI) Final Assembly Line located in Gifu (Japan),

Considering that in accordance with Annex 8 to the Convention on International Civil Aviation "Where the State of Manufacture is other than the State of Design, there shall be an agreement or arrangement acceptable to both States to address the responsibilities of each State with regard to design, manufacture and continuing airworthiness of the aircraft, engine or propeller",

Considering that the future cooperation between the European Union and Japan should be governed by an Agreement on Civil Aviation Safety between the European Union and Japan and that the matters of this Working Arrangement are consistent with the draft Agreement²,

Being entitled by their respective constituting acts to conclude Working Arrangements³ in their field of competence,

Have confirmed the present Working Arrangement:

1. PURPOSE AND SCOPE

1.1 This Working Arrangement addresses the responsibilities of JCAB and EASA in relation to the production of the MBB BK117 D-2 and D-3 helicopters in Japan under EASA Type Certificate⁴ (EASA TC) where EASA fulfils the responsibilities of the State of Design and JCAB Approved Production Organization (JCAB APO) where JCAB fulfils the responsibilities of the State of Manufacture. For the applicable Manufacture Facilities location and civil aeronautical products, see Appendix 1.

1.2 This Working Arrangement does not in any way affect the legal responsibilities that EASA and JCAB respectively have under international, EU and/or national law. The final type certificate validation decision and production certification decision will be entirely the sovereign responsibility of JCAB.

¹Working Arrangement signed by EASA on 24.02.2011 and by JCAB on 27.12.2010.

² This Working Arrangement will be appropriately referenced in the future Technical Implementation Procedures (TIP) implementing the Agreement on Civil Aviation Safety between the European Union and Japan.

³For EASA Article 90(2) to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency. For JCAB Article 176(1) to Cabinet Order No. 255, 2000 on the organization of the Ministry of Land, Infrastructure, Transport and Tourism.

⁴TC holder, Airbus Helicopters Deutschland GmbH, Industriestrasse 4, 86609 Donauwörth.

2. OBJECTIVES

This Working Arrangement intends to accomplish the following objectives:

- 2.1** To address the relevant responsibilities between EASA (State of Design⁵) and JCAB (State of Manufacture) regarding the production in Japan under JCAB APO and EASA TC, of the MBB BK117 D-2 and D-3 helicopters.
- 2.2** To cooperate on ensuring the continued airworthiness of helicopters covered by this Working Arrangement.

3. COMMUNICATION

- 3.1** The JCAB Airworthiness Division, Aviation Safety and Security Department being the production certification authority and the EASA Certification Directorate being the helicopters certification authority, will be responsible for the implementation of this Working Arrangement.
- 3.2** A focal point will be assigned by each Technical Agent to facilitate the implementation of this Working Arrangement. All routine communication will take place between these focal points (see Appendix 2). The list of focal points will be modified as decided by the Technical Agents, by exchange of letters.
- 3.3** All communications between the Technical Agents related to the activities of this Working Arrangement will be made in the English language.
- 3.4** Unless otherwise specified, EASA will be copied with all correspondence between JCAB and "Airbus Helicopters Deutschland GmbH" the type certificate holder related to the activities of the project conducted under the matters of this Working Arrangement in order for EASA to support "Airbus Helicopters Deutschland GmbH" and JCAB where necessary pursuant to this Working Arrangement.
- 3.5** EASA and JCAB will keep in communication through the focal points and exchange in time with any important or necessary information related to this project.

4. PRODUCTION IN JAPAN UNDER JCAB APO

4.1 EASA responsibilities

EASA will continue to fulfil the responsibilities of State of Design and will inform JCAB of all the applicable mandatory continuing airworthiness information, including Airworthiness Directives, related to the referenced helicopters.

4.2 JCAB responsibilities

⁵In accordance with Article 77.1 of Regulation (EU) 2018/1139, with regard to the products, parts, non-installed equipment and the equipment to control unmanned aircraft remotely, referred to in point (a) and (b)(i) of Article 2(1), the Agency shall, where applicable and as specified in the Chicago Convention or its Annexes, carry out on behalf of the Member States the function and tasks of the State of Design.

- 4.2.1 JCAB will take the regulatory responsibility for the production certification and fulfil the responsibilities of State of Manufacture for the continued production surveillance of the MBB BK117 D-2 and D-3 helicopters produced in Japan, including the parts and appliances installed in the helicopters produced in Japan under JCAB APO and their suppliers.
- 4.2.2 JCAB will inform EASA in writing of manufacturing and quality issues related to the airworthiness of MBB BK117 D-2 and D-3 helicopters produced in Japan in accordance with the JCAB APO.

4.3 Joint responsibilities

EASA and JCAB will cooperate in analysing possible design, manufacturing or quality issues related to airworthiness as they concern to accidents, incidents or reported in-service difficulties. EASA and JCAB will establish a review program to periodically assess the effectiveness of the technical assistance performed under this Working Arrangement. The review program will consist of data sharing, analysis, and technical meetings for the purpose of maintaining communication in line with this Working Arrangement.

4.4 Coordination between Design and Production

- 4.4.1 It is intended that Airbus Helicopters Deutschland GmbH as the holder of the helicopter type-certificate, and KHI approved under JCAB APO will enter into a Design / Production arrangement to ensure the satisfactory coordination of design and production required by respective EASA and JCAB regulations, and to ensure the appropriate support of the continued airworthiness of the product, part or appliance.
- 4.4.2 It is intended that this collaboration and coordination will include the communication and transmission by KHI approved under JCAB APO to Airbus Helicopters Deutschland GmbH of the unintentional divergences (concessions or non-conformances) during the manufacturing process; EASA will ensure that Airbus Helicopters Deutschland GmbH, as the holder of the helicopter type-certificate will review and provide appropriate disposition of the incurred production non-conformances.

4.5 Identification and Delivery

- 4.5.1 The serial number of the MBB BK117 D-2 and D-3 helicopters produced in Japan under EASA TC and JCAB APO will be listed in EASA TCDS and JCAB VTCDS. EASA and JCAB will accordingly revise and update the respective TCDS/VTCDS for the MBB BK117 D-2 and D-3 helicopters to provide the identification and traceability of the helicopters manufactured in Japan including reference to the Japanese production organisation and the JCAB APO number.
- 4.5.2 The identification data plate for the MBB BK117 D-2 and D-3 helicopters manufactured in Japan in accordance with the JCAB APO issued to KHI will identify this production facility as the manufacturer.
- 4.5.3 Marking of parts and appliances related to the MBB BK117 D-2 and D-3 helicopters manufactured in Japan in accordance with the JCAB APO issued to KHI will identify this production facility as the manufacturer.
- 4.5.4 When required, JCAB will ensure that Export airworthiness certificates are issued, for the new MBB BK117 D-2 and D-3 helicopters manufactured in Japan, in accordance with ICAO Annex 8 standards and JCAB regulatory system.

5. COMMENCEMENT, INTERPRETATION, MODIFICATION, DURATION AND TERMINATION

5.1 Commencement

This Working Arrangement will commence at the date of signature by the Technical Agents' duly authorized representatives. When the signature process is performed by exchange of letters, the Working Arrangement will commence at the date of the last signature of the Technical Agents' duly authorized representatives.

This Working Arrangement will apply as of the date of the JCAB approval of the limitation change (extension of the scope) of the JCAB Production Organisation Approval to cover the production of the MBB BK117 D-2 and D-3 helicopters under JCAB oversight at the KHI Final Assembly Line located in Gifu (Japan).

5.2 Interpretation and modification

Any disagreement regarding the interpretation or application of this Working Arrangement will be resolved by consultation between the Technical Agents.

This Working Arrangement may be modified by mutual consent. Such modifications will be in writing and will commence at the date of the last signature of the Technical Agents duly authorized representatives or its designees.

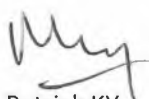
5.3 Duration and termination

This Working Arrangement will continue until terminated by either Technical Agent upon prior notice.

Either Technical Agent may at any time give written notice to the other Technical Agent of its decision to terminate this Working Arrangement. This Working Arrangement will terminate three months following the receipt of the notice by the other Technical Agent, unless the said notice has been withdrawn by mutual arrangement before the expiry of the three months period.

The Technical Agents confirmed the matters of this Working Arrangement as indicated by their duly authorised representatives. Signed in duplicate in English language.

For EASA



Mr. Patrick KY

Executive Director

Date: 17. MRZ. 2020

For JCAB



Mr. KODA Toshihiro

Director

Date: March 5, 2020

Appendix 1

Applicable Manufacture Facilities location

1, Kawasaki-Cho, Kakamigahara City, Gifu Prefecture, Japan

Applicable civil aeronautical products

MBB BK117 D-2 and D-3 helicopters

Appendix 2
(issue 0)

FOR EASA	FOR JCAB
Medium and Light Rotorcraft Section Manager	Chief Airworthiness Engineer
Certification Directorate	Airworthiness Division
Postfach 10 12 53 D-50452 Cologne, Germany	2-1-3 Kasumigaseki, Chiyoda-ku, Tokyo, Japan
vtol@easa.europa.eu	hqt-cab-aeg-kka@gxb.mlit.go.jp