ARTICLE 11

Certification basis for the validation

1. For the purpose of validating a design certificate of a civil aeronautical product, the validating authority shall refer to the following requirements set out in laws, regulations and administrative provisions of its Party in determining the certification basis:

(a) the airworthiness requirements for a similar civil aeronautical product that were in effect on the effective application date established by the certificating authority, and complemented when applicable by additional technical conditions as detailed in the technical implementation procedures; and

(b) the environmental protection requirements for the civil aeronautical product that were in effect on the date of the application for the validation to the validating authority.

2. The validating authority shall specify, when applicable, any:

(a) exemption to the applicable requirements;

(b) deviation from the applicable requirements; or

(c) compensating factors that provide an equivalent level of safety when applicable requirements are not complied with.

3. In addition to the requirements specified in paragraphs 1 and 2 of this Article, the validating authority shall specify any special condition to be applied if the related airworthiness codes, laws, regulations and administrative provisions do not contain adequate or appropriate safety requirements for the civil aeronautical product, because:

(a) the civil aeronautical product has novel or unusual design features relative to the design practices on which the applicable airworthiness codes, laws, regulations and administrative provisions are based;

(b) the intended use of the civil aeronautical product is unconventional; or

(c) experience obtained from other similar civil aeronautical products in service or civil aeronautical products having similar design features, has shown that unsafe conditions may develop.

4. When specifying exemptions, deviations, compensating factors or special conditions, the validating authority shall give due consideration to those applied by the certificating authority and they shall not be more demanding for the civil aeronautical products to be validated than they would be for its own similar products. The validating authority shall notify the certificating authority of any such exemptions, deviations, compensating factors or special conditions.