

RA 1124 - Civil ► Aviation Authority ◀ Oversight of Military Registered Aircraft

Rationale *To facilitate the use of common spares with civilian operators and the potential transition of aircraft back to the Civil Aircraft Register, the Type and Continuing Airworthiness of military registered aircraft derived from a civil type design must be subject to oversight by the Civil Aviation Authority (CAA), whilst still remaining under the jurisdiction of the MAA.*

Contents 1124(1): ► CAA ◀ Oversight of Military Registered Aircraft

Regulation 1124(1)

► CAA ◀ Oversight of Military Registered Aircraft

1124(1) The Type and Continuing Airworthiness arrangements for military registered aircraft subject to ► CAA ◀ oversight **shall** comply with the ► MAA Regulatory Publications ◀ (MRP). The oversight arrangements **shall** be agreed with the CAA ► and follow the policy and principles detailed in the CAA Civil Aviation Publication (CAP) 562¹ Leaflet B-40. ◀

Acceptable Means of Compliance 1124(1)

► CAA ◀ Oversight of Military Registered Aircraft

1. ► The Type Airworthiness Authority (TAA) **should** ensure that an assessment of the intended operation of the aircraft has been undertaken, and that the Type and Continuing Airworthiness arrangements in particular reflect the difference in configuration, environment and usage compared to operating the aircraft in a civil environment. The TAA **should** make this assessment available to the CAA.
2. In consultation with the Aviation Duty Holder (ADH) and Release to Service Authority, the TAA **should** create a draft Minimum Equipment List (MEL). The MEL **should** be based on the Master MEL (MMEL) and any CAA or European Aviation Safety Agency (EASA) MMEL policy documents that reflect the aircraft equipment configurations and intended usage. The TAA **should** forward this to the CAA who will carry out an assessment to establish if it satisfies the civil requirements before approval by the TAA.
3. The TAA **should** assess the applicability of all civil mandatory, advisory and deferred instructions (eg Airworthiness Directives (ADs) and Service Bulletins). A record of the assessment for applicability **should** be kept as an airworthiness record.
4. The TAA **should** ensure that all modifications are certified in accordance with (iaw) RA 1500².
5. The TAA **should** ensure the management of Type Airworthiness activity is detailed in the Airworthiness Strategy iaw RA 1220³ and conducted by competent organizations iaw RA 1005⁴. This **should** include up-to-date lists of those with Civil Type Certificate Holder (CTCH) or Civil Supplemental Type Certificate Holder (CSTCH) obligations and records of engagement during any transfer of such obligations⁵ in the event of the cessation of trading of a CTCH or CSTCH.
6. The TAA **should** undertake a training needs analysis in relation to the differences between the civil-type course requirements for the issue of an EASA Part 66 type rating and the need for additional training for the equipment fitted in order to

¹ ► CAP 562 - Civil Aircraft Airworthiness Information and Procedures (CAAIP).

² RA 1500 - Certification of UK Military Registered Air Systems. RA 1500 will be superseded by RA 5810 and RA 5820, at which time they will become the regulations to which modifications must be certified.

³ RA 1220 - Project Team Airworthiness and Safety.

⁴ RA 1005 - Contracting with Competent Organizations.

⁵ As defined in EASA Part 21 B, D or E: specifically, those obligations detailed within 21.A.44, 21.A.109 or 21.A.118 respectively. ◀

Acceptable Means of Compliance 1124(1)

undertake military operations.

7. The Military Continuing Airworthiness Manager (Mil CAM) **should** ensure, on behalf of the ADH, that the training derived from the requirement at paragraph 6 is completed, prior to the issuance of certifying privileges by the Approved Maintenance Organization.
8. The Mil CAM **should** ensure that the Continuing Airworthiness arrangements⁶ required by the MRP are complied with. The Mil CAM **should** ensure there is an exchange of exposition and sharing of information with the EASA Pt M Subpart G CAMO and, upon request, with the CAA⁷.
9. The Mil CAM **should** assure the Delivery Duty Holder that all maintenance is carried out by organizations that hold current EASA Part 145 approvals for the scope of work undertaken, in addition to MRP Part 145 approvals achieved through the supplement route. ◀

Guidance Material 1124(1)

▶ **CAA** ◀ **Oversight of Military Registered Aircraft**

10. ▶ The CAA has agreed to support the MOD in providing oversight of civil-type military aircraft. This support is covered under the joint CAA/MAA policy and principles for CAA Oversight of Military Registered Aircraft described in CAP 562 Leaflet B-40 and the detailed arrangements are set down in contracts between the CAA and relevant MOD Project Team (PT). ◀
11. When the Type and Continuing Airworthiness of military registered aircraft are subject to oversight by the CAA, the following must be considered:
 - a. The TAA must consider the implications of any deviations between the intended full standard Statement of Operating Intent and ▶ Usage ◀ (SOIU) and the ▶ Design Usage Spectrum assumed in the civil Type Certification Basis ◀. Any deviations must be quantified by liaison with the CAA, and the ▶ CTCH or CSTCH. ◀ The TAA must also consider ▶ whether any implications of the deviations for ◀ the Type and Continuing Airworthiness arrangements are catered for. The implications of operating outside the limitations and assumptions applied by the ▶ ◀CTCH ▶ ◀ or the ▶ CSTCH and/or the ◀ State of Design must always be fully discussed with the CAA and CTCH ▶ /CSTCH ◀ as soon as possible. ▶ Any implications for Continuing Airworthiness must be discussed with the ADH through the Mil CAM. ◀
 - b. Whilst the MOD retains the right to vary the limitations within which these UK military registered aircraft are operated without the agreement of the CAA, the TAA must take into account that such deviations may have an effect on the right to use common spares and the ultimate return of the aircraft to the Civil Aircraft Register.
 - c. ▶ ◀ Where a specialist design organization is to be employed to modify the aircraft, the TAA must ensure full liaison between the ▶ organization approved to meet the requirements of EASA Part 21 Subpart J and the CAA. ◀ CAP 562 Leaflet B-40 requires that for aircraft operating under ▶ CAA ◀ oversight, any modifications must be approved by EASA or reviewed by the CAA under the statement of satisfaction process.
 - d. ▶ EASA manages all Civil Type Certificates and Civil Supplementary Type Certificates. When entering the construct of CAA oversight of a military registered aircraft, the CAA does not provide oversight of the Type Airworthiness of modifications provided with a statement of satisfaction. It is for the TAA to ensure that suitable instructions for Continuing Airworthiness are in place and being updated (by contract if required). ◀

⁶ ▶ RA 1016 - Continuing Airworthiness Responsibilities.

⁷ CAP 562 Leaflet B-40 paragraph 3.3.1.d details the information expected to be within the CAME for CAA oversight arrangements that **should** be shared with the Civil CAMO and, upon request, the CAA. ◀

**Guidance
 Material
 1124(1)**

12. In order to give the CAA confidence to permit the use of common spares with civilian operators, and to allow smooth transition of the aircraft back to the Civil Aircraft Register, the TAA must afford the CAA:

- a. Full visibility of the type of flying, and the details of repair, overhaul, maintenance and modification of each aircraft.
- b. The opportunity to evaluate and decide if the aircraft remains a candidate for ► **an International Civil Aviation Organization** ◀ (ICAO) compliant Certificate of Airworthiness.
- c. The opportunity to audit as required.

13. If during any work carried out to assess and validate MOD clearances⁸, the TAA identifies any anomalies, contradictions or abnormal risks in the civil clearances, he must draw them to the attention of the CAA for guidance and action. If the CAA decides to take no action, the TAA must consider whether the risks are such that MOD specific action is necessary.

14. Basic Regulation (EC) 216/2008 applies as law in the UK and allows aircraft to be released under EASA Part 145 (and other Parts as appropriate). This law (and associated Implementing Rules) does not apply to ► **military registered aircraft as they are 'State Aircraft'**. ◀ The treatment of State Aircraft has been clarified by EASA in ► **its** ◀ note: Cologne/Jan/kgu/R(4)2013(D) 51397 dated 20 Mar 13 – Rulemaking interpretation on "Maintenance release of aircraft not covered by the Basic Regulation". ► ◀ Accordingly, CAP 562 Leaflet B-40 obliges maintenance providers to hold an EASA Part 145 approval to ensure that the organization meets the EASA Part 145 standards and enables access to civil spares, but does not authorize them to release the aircraft to service using this approval for the reasons described above. The MAA ► **accepts the** ◀ release statement made ► **iaw** ◀ CAP 562 Leaflet B-40 ► ◀. In order for the aircraft to remain subject to CAA oversight ► **iaw** ◀ CAP 562 Leaflet B-40, it will be necessary for the contractors to continue to hold ► **EASA** ◀ Part 145 and/or ► **EASA** ◀ Part M Subpart G ► **with Subpart I privilege** ◀ approvals. In addition, the MAA requires ► **EASA Part 145 organizations** ◀ to hold an ► **MRP Part 145 approval achieved through the supplement route.** ◀

15. ► **For aircraft subject to CAP 562 Leaflet B-40 arrangements the Military Airworthiness Review Certificate (MARC), generated by the requirements of RA 4971⁹, includes the civil Airworthiness Review (AR), undertaken by an EASA Part M Subpart G with Subpart I privileges. The civil AR certificate cannot be released, as the EASA regulation does not apply to State Aircraft, as described above. The civil AR is undertaken to meet the requirements of providing evidence to the Mil CAM that the aircraft has remained within the civil "controlled environment" for the previous 12 months. In order to remain within the limits of the civil framework, such that the aircraft does not fall out of civil oversight, the MARC extensions of up to 90 days detailed within RA 4947(2)¹⁰ are not to be applied to aircraft subject to this RA.**

Guidance on MEL

16. **MEL are a necessary component of the fixed risk management construct operated by the civil airworthiness system, providing operators and maintainers authoritative guidance, as approved data, on the fault tolerance limits¹¹ of the aircraft. Aircraft operated under this regulation will require MEL to provide operational flexibility to the users within the Service Environment. In addition to the MEL derived from the MMEL for the civilian type certified aircraft, the MOD may wish to provide a MEL Military Supplement (MELMS) for those items used for military purposes not already specified (such as military communications equipment). All MELMS must follow the style and layout of the CAA assessed MEL and must be derived from a documented assessment of the impact on safe operation of the aircraft in the event of one or multiple failures. It must also specify that, if deferred, the items contained within the MELMS pose no hazard to the overall airworthiness of the aircraft.**

⁸ MOD clearances refer to MOD modifications/repairs (non-civil approved) or limitations.

⁹ ► RA 4971 - Military Airworthiness Review (Mil AR) and Certification - MRP Part M Sub Part I.

¹⁰ RA 4947 - Continuing Airworthiness Management - MRP Part M Sub Part G

¹¹ Such as tolerable avionic failures or redundancy of multiple systems. ◀

**Guidance
Material
1124(1)****Rectification Interval Extensions**

17. Latitudes for extending the deferral of items listed within the MEL are known within the civil system as Rectification Interval Extensions (RIE). An RIE is a single 100% extension to the rectification interval for the acceptance of faults to the item or system as specified within the MEL. As an example, an item that has been deferred for 3 days iaw the MEL rectification interval may only be granted a maximum deferral of 3 further days using the RIE process. A further extension, in the form of a time limited waiver or exemption, may only be granted by the MAA, in consultation with the CAA, and must be applied for through the MAA03 exemptions and waivers process. A deferred fault may not be reviewed and re-deferred outside of this process (ie it is not acceptable for the licenced engineer to review a deferred fault and continually defer it outside of the RIE process). Application of RIE must be agreed by the Mil CAM. ◀