

19 Aug 15

MAA/RN/2015/08 (D TECH) – RECOGNITION OF OTHER MILITARY AIRWORTHINESS REGULATORS

Issue

1. There is a requirement to provide the Regulated Community (RC) with guidance on the MAA's implementation of Recognition of other Military Airworthiness Regulators.

Scope

2. This Regulatory Notice (RN) provides guidance to the RC on the MAA's implementation of Recognition.

Aim

3. The aim of this Regulatory Notice (RN) is to explain the MAA's implementation of Recognition and to describe how the RC should request that a Recognition is initiated or renewed. This guidance supports the RN on the 'Use of Existing Certification Evidence as Credit Towards Demonstrating Compliance with the Military Air Systems Certification Process'¹ (MACP)¹ which will be issued shortly.

Implementation

4. This guidance is effective immediately.

Introduction to Recognition

5. Other Nation's military airworthiness regulatory and assurance activities may be executed to different standards, using different processes to the UK's, and with a different risk appetite. Therefore, the MAA cannot take the work of another Military Airworthiness Regulator at face value without taking the risk of accepting a product that falls below the standards that the UK would normally expect.

6. It is very difficult to accept airworthiness artefacts from other nations as underpinning evidence to support national approvals unless the nations concerned share the same airworthiness rules and terminology. Civil aerospace, the civil automotive industry and even shipping companies solve similar issues by agreeing to use common standards or a mutually agreed equivalence of their different standards.

7. The only way to make an informed and auditable judgement on the extent to which another nation's military airworthiness activities or products would be acceptable to the UK is to look and compare. This process, known as Recognition, ensures there is a structured evidence base to support this judgement, while identifying areas of difference and residual risk.

8. Both the European Defence Agency (EDA) Military Airworthiness Authorities (MAWA) Forum and the Air & Space Interoperability Council (ASIC) have evolved similar Recognition

¹ RA1500.

processes and, due to the unique UK position of engagement in both organizations, we are able to use either as appropriate. However, the EDA process, using the European Military Airworthiness Document - Recognition (EMAD R) is the default process used by the MAA and can be found on the EDA webpage². A Recognition undertaken by the MAA is valid for 4 years and will be subject to review at the 3½ year point.

9. It should be noted that whilst this Recognition process can be used for non-EDA Military Airworthiness Regulators, it does not apply to Civilian Regulators or to certification bodies who are not Military Airworthiness Regulators. In addition, the Recognition process does not assess the validity or appropriateness of any Primary Certification Code or certification process used by a Military Airworthiness Regulator. To carry out this level of assessment would take months rather than the 3-4 day process that the EDA and ASIC regulators have agreed and defined as the scope.

Scope of a Recognition

10. The process for gaining Recognition using the EMAD R revolves around the completion of the Military Authorities' Recognition Questionset (MARQ) which is based on the Air Safety Goals from the International Civil Aviation Organization (ICAO) Doc 9760 (Airworthiness Manual). Analysis of a nation's MARQ responses enables the MAA to assess the similarity of the 2 countries' airworthiness rules and to understand the differences. This MARQ response analysis enables assessment of the scope of their responsibilities in the following areas:

- a. General functions of an Airworthiness Authority.
- b. Airworthiness Inspection regulations.
- c. Production Oversight regulations.
- d. Aircraft Certification regulations.

11. A Recognition can only be considered to be valid if it includes an assessment of the Military Airworthiness Regulator of a Recognition Partner (RP) (i.e. sub-paragraph a. above) but the other sections (sub-paragraphs b. to d. above) are optional depending on the Business Need intended to be satisfied by the Recognition.

12. Recognition is not directly linked to the implementation of European Military Airworthiness Requirements (EMARs) by the RP (as Recognition can be completed with a RP that is not a participating Member State (pMS) of the EDA) but any amendment of a Nation's Regulations to implement the EMARs will make the comparison undertaken during Recognition much easier and reduce the possibility of misinterpretation of the RP's Regulations.

13. Recognition can be undertaken on a one-way 'Internal' or two-way 'Mutual' basis depending on the Business Needs of the RPs involved. Recognition to satisfy a shared Business Need can be undertaken in conjunction with 2 or more Military Airworthiness Regulators but would be concluded by the issue of multiple Recognition Certificates (i.e. one for each Regulator the MAA is Recognizing).

14. Regardless of the scope of an existing or proposed Recognition, the MAA may choose to undertake its own additional surveillance activity of a maintenance or a design organisation.

² <http://www.eda.europa.eu/certification/mawa-documents>

Business Need for Recognition

15. One or more of the following potential benefits of Recognition should form the Business Need which must be detailed in a platform support strategy (or similar formal document) before any Recognition activity can be considered:

- a. To enable the MAA to potentially simplify the process and reduce the associated resources required to grant approval to organizations or products that have been previously approved by a RP.
- b. To enable DE&S Project Teams to potentially re-use design organizational approvals, maintenance organizational approvals and/or certification artefacts³ from RPs in their UK Military Type Certification and Main Gate processes (i.e. as AAMC to RA 1005).
- c. To enable UK industry to use MAA Organizational Approvals as credit with RPs towards similar approvals for non-UK acquisition or maintenance contracts.
- d. To bring significant reputational and interoperability advantages to the UK (such as US personnel being able, in accordance with their Department of Defense Airworthiness Policy Directive 5030.61, to fly in UK aircraft) through successful Recognition of the MAA by a RP.
- e. To enable DE&S Project Teams to simplify the process of contracting for shared maintenance facilities and to utilize common military spares pools with Nations whose Military Airworthiness Regulators have been Recognized.

Requesting that the MAA undertakes or renews a Recognition

16. A Type Airworthiness Authority (TAA) who wishes to consider the use of another Military Airworthiness Regulator's certification artefacts or organisational approvals can check which Regulators are currently Recognized on the following MAA webpage (<https://www.gov.uk/government/publications/maa-recognition>) and are advised to seek guidance in the first instance from the DE&S Airworthiness Team.

17. TAAs who require a Military Airworthiness Regulator to be Recognized by the MAA, or an existing Recognition to be renewed, should approach the Head of Analysis and Plans, MAA with a clearly articulated Business Need supporting their request.

Prerequisites for use of an existing Recognition within MAA Certification

18. TAAs proposing to use an existing Recognition to support their request for credit towards compliance with the MACP should ensure that the following prerequisites have been met:

- a. A successful Recognition of the Military Airworthiness Regulator has been completed by the MAA (denoted by the issuing of a Recognition Certificate).
- b. The Recognition is still valid (as detailed on the Recognition Certificate).
- c. The design organization approvals and/or certification processes explained in the RP's MARQ answers during the Recognition process were the same as, or sufficiently similar to, those that the RP applied to the relevant air system during the certification of that air system.

³ Further information on the use, in the MACP, of Certification Artefacts from a RP will be issued in due course.

d. The scope of the Recognition (as specified in the MAA Recognition Report and on the Recognition Certificate) included the acceptance of the RP's design organization approvals towards the award of a MAA Design Approved Organization Scheme (DAOS) approval and/or the use of the RP's certification artefacts.

19. In addition, a TAA should ensure that:

a. The contractual arrangements are in place to ensure continuing and unrestricted access to the RP's organizational approvals or artefacts through-life (i.e. to meet the planned UK out of service date for the air system).

b. Their Business Need is re-stated to the MAA during the Recognition Review period (6 months prior to a Recognition lapsing) to ensure that the re-validated or renewed Recognition covers their required scope.

Prerequisites for use of an existing Recognition in lieu of DAOS or MRP Part 145 Maintenance Organisation Approval

20. TAAs proposing to use an existing Recognition to support their request to use a non-MAA design organisation approval (e.g. using another nation's version of DAOS) and/or a non-MRP Part 145 maintenance organisation approval (e.g. using another nation's derivative of EMAR 145) can submit these approvals as AAMC against the RA 1005 series but should ensure that the following prerequisites have been met:

a. A successful Recognition of the Military Airworthiness Regulator has been completed by the MAA (denoted by the issuing of a Recognition Certificate).

b. The Recognition is still valid (as detailed on the Recognition Certificate).

c. The design organisation approval process and/or maintenance organisation approval process explained in the RP's MARQ answers during the Recognition process was the same as, or sufficiently similar to, the one used by the RP during the approval of that maintenance organisation.

d. The scope of the Recognition (as specified in the MAA Recognition Report and on the Recognition Certificate) included MAA acceptance of the RP's design organisation approvals and/or maintenance organisation approvals.

21. In addition, a TAA should ensure that:

a. The contractual arrangements are in place to ensure continuing and unrestricted access to the RP's organizational approvals and supporting documentation (i.e. to meet the planned UK out of service date for the air system).

b. Their Business Need is re-stated to the MAA during the Recognition Review period (6 months prior to a Recognition lapsing) to ensure that the re-validated or renewed Recognition covers their required scope.

Queries

22. Any queries or requests for further guidance on the content of this RN should be submitted in the first instance to MAA Regulation Europe1 via DSA-MAA-MRPEenquiries@mod.uk.

D (TECH) MAA