

16 Sept 20

MAA/RN/2020/12 – Use of Existing Organization Approvals as Evidence Towards Demonstrating Compliance for Contracting with Competent Organizations

Issue

1. This Regulatory Notice (RN) provides guidance to the Regulated Community on the use of an existing organizational approval from a Recognized Military Airworthiness Regulator in support of providing Alternative Acceptable Means of Compliance¹ (AAMC) to holding an appropriate organizational approval from the MAA.

Scope

2. This guidance is supplementary to RA 1005² and should also be read in conjunction with MAA/RN/2015/08 (D Tech)³.

Aim

3. The aim of this RN is to provide guidance on the use of organizational approvals from a Recognized Military Airworthiness Regulator as evidence towards demonstrating compliance for contracting with competent organizations and it describes in detail the process that Applicants⁴ should follow.

Implementation

4. This guidance is effective immediately.

Background

5. MAA/RN/2016/11⁵ provides comprehensive guidance to the Applicant on the circumstances in which existing certification evidence from other Airworthiness Regulators can be used as credit towards demonstrating compliance with the Military Air Systems Certification Process (MACP), as detailed within RA 5810⁶.

6. However, there is no such guidance for the Applicant looking to use a Design or Maintenance Organizational Approval from other Airworthiness Regulators, although for the latter the Applicant can provide a MAA Regulatory Publication (MRP) Part 145 Supplement in conjunction with an European Union Aviation Safety Agency (EASA) Part 145 approval, providing the scope of approval is commensurate with the activity proposed.

7. Instead, under RA 1005², the Applicant is required to submit a request for AAMC to utilize the organizational approval, without offering any clear guidance on what information is required to support the request or what oversight is expected by the foreign Military Airworthiness Regulator to provide assurance of the organization in question.

¹ The guidance detailed herein does not aim to replace or undermine the procedure in MAA03: Military Aviation Authority Regulatory Processes, Annex B - Alternative Acceptable Means of Compliance, for submitting AAMC.

² Refer to RA 1005 - Contracting with Competent Organizations.

³ Refer to MAA/RN/2015/08 (D Tech) - Recognition of other Military Airworthiness Regulators.

⁴ The Applicant is typically expected to be the Type Airworthiness Authority or Continuing Airworthiness Manager.

⁵ MAA/RN/2016/11 - Use of Existing Certification Evidence as Credit Towards Demonstrating Compliance with the Military Air Systems Certification Process.

⁶ Refer to RA 5810 - Military Type Certificate (MRP 21 Subpart B).

8. Consequently, these requests for AAMC often have a different approach ranging from expectation of automatic acceptance simply as a result of MAA Recognition⁷ of the foreign Military Airworthiness Regulator, through to near duplication of the organizational approval assessment process.

9. Although both the MAA Design Approved Organization Scheme⁸ (DAOS) and Maintenance Approved Organization Scheme⁹ (MAOS) pre-date the development of the European Military Airworthiness Requirements (EMAR), it is noted that they currently have similarities with the corresponding EMARs (21 and 145 respectively).

10. Whilst most European nations have adopted the EMARs into their regulatory frameworks, there are some nations who have retained their own national regulations and do not have organizational approval schemes, yet they still provide assurance of the relevant organization by different means. This must be taken into account when considering how to utilize an existing organizational approval from a Recognized Military Airworthiness Regulator.

Guidance

11. The MAA already has an established process for undertaking Recognition of another Military Airworthiness Regulator which primarily focusses on the sequence of steps covering the Military Authorities Recognition Questionset (MARQ) and the engagement with the Regulator to be Recognized.

12. The guidance in this RN builds on the established process, providing additional clear and coherent guidance for the MAA to engage with the Applicant and assess the subsequent AAMC as evidence towards demonstrating compliance for contracting with competent organizations, through the following steps:

- a. Prior to submitting the AAMC to use an organizational approval, the Applicant should confirm with the MAA whether Recognition is in place with the appropriate Military Airworthiness Regulator and that the scope of Recognition, if it exists, covers the type of organizational approval required.
- b. If Recognition is not in place or if the scope of it does not cover the necessary type of organizational approval required, the Applicant should request the MAA considers undertaking or extending the scope of Recognition to cover the necessary requirement.
- c. This request, in the form of a Recognition Requirement¹⁰, should include a clearly articulated business need identifying the type of organizational approval required and why it is appropriate for use in lieu of a MAA organizational approval. It is expected that this requirement will also be captured in the Defence Equipment & Support (DE&S) Delivery Team's Airworthiness Strategy¹¹, thereby linking the business need to their Airworthiness Strategy. The Recognition Requirement effectively becomes a 'contract' between the Applicant and MAA to establish the correct scope of Recognition required and commits each party to fulfil certain obligations.
- d. If a Recognition visit is required, it should ideally include representation from the Applicant's organization to allow for a greater understanding of how the organizational approval they are looking to utilize is awarded and the subsequent surveillance. From this, the Applicant should be able to tailor their AAMC submission ensuring appropriate oversight arrangements once the contract is placed.
- e. On the completion of the Recognition visit and corresponding assessment, the MAA will compile a Recognition Report describing the foreign Military Airworthiness Regulator's organizational structure and governance, and the acceptability of their processes and procedures for issuing artefacts and approvals.

⁷ Refer to EMAD R - European Military Airworthiness Document Recognition, Edition 2.0, dated 3 February 2016.

⁸ Refer to RA 5850 - Military Design Approved Organization (MRP 21 Subpart J).

⁹ Refer to RA 4800-4849 - Approved Maintenance Organizations (MRP Part 145).

¹⁰ An example of a Recognition Requirement is presented at <https://www.gov.uk/government/publications/maa-recognition>.

¹¹ Refer to RA 1220 - Delivery Team Airworthiness and Safety.

- f. The MAA and the foreign Military Airworthiness Regulator will be responsible for jointly producing an Implementing Agreement¹² which is signed and applied by both parties describing the caveats and conditions under which any artefacts or approvals issued by one Regulator can be accepted for re-use by the other Regulator.
- g. The Implementing Agreement will also include any arrangements for one Regulator to provide regulatory oversight of an approved organization on behalf of the other Regulator, and how any changes to the scope of approval or any findings from oversight visits will be promulgated to the Applicant. These aspects of the Implementing Agreement will have to satisfy any liability and sovereign concerns.
- h. The MAA will make available a copy of the Recognition Report to the Applicant, complemented by a briefing to explain what and how specific artefacts or approvals can be re-used from the Implementing Agreement in support of the AAMC final submission.
- i. Commensurate with the Recognition visit and as part of the AAMC submission, the Applicant should provide the MAA with a mapping of the foreign Military Airworthiness Regulator's regulatory framework against the MRP, specifically pertaining to the requirement of the relevant organizational approval regulation. The mapping will demonstrate the Applicant's understanding of any differences between the MRP requirements and those of the foreign Military Airworthiness Regulator's corresponding regulatory framework, and hence how the Applicant can provide assurance on how those differences are being managed. This should include any Type specific information the Applicant (or their staff) has obtained from attending a Recognition visit.
- j. In submitting the AAMC, the onus is on the Applicant to extract the relevant information from the Recognition Report and Implementing Agreement to provide the necessary evidence and justification that the scope of the approval is applicable and appropriate for use. The Applicant will also have to provide assurance of how that organization is satisfying the requirements of the corresponding MAA organization approval. It is stressed that the AAMC should be approved prior to award of contract to the organization involved.
- k. The MAA will also arrange with the foreign Military Airworthiness Regulator to participate as Observers in a one-off joint audit of the relevant organization to validate the scope and re-use of the organizational approval is commensurate with the requirements of the MRP.

13. It should be noted that in approving the AAMC to utilize an organizational approval from a Recognized Military Airworthiness Regulator, the MAA will not issue a covering or equivalent organizational approval.

Further Information

14. Requests for the MAA to undertake Recognition activity with another nation's Military Airworthiness Regulator, or for further guidance on the content of this RN, should be submitted by email to DSA-MAA-MRPEnquiries@mod.gov.uk.

MAA Head of Regulation & Certification

¹² The Implementing Agreement will be a bespoke document co-owned by the MAA and the foreign Military Airworthiness Regulator.