

**AAIB Safety Study - 1/2016**  
**Airworthiness of aircraft registered overseas and resident in the UK**

**Safety Recommendation 2015-039**

It is recommended that the European Aviation Safety Agency determine the extent to which airworthiness standards of aircraft resident within a Member State but registered elsewhere are being applied consistently across Member States, and publish its findings.

**Date Safety Recommendation made:**

14 January 2016

**LATEST RESPONSE**

**Response received:**

20 December 2016

In addition to the answer provided on 13 April 2016 to Safety Recommendation UNKG-2015-039 and following the meeting held on 26 August 2016 between EASA and the UK AAIB, the following EASA actions and measures have been considered:

1. For all aircraft:

EASA and the Competent Authorities of the EASA Member States (MS) routinely analyse occurrences (Accidents, Serious Incidents and Incidents) reported under Regulation (EU) 376/2014 into the European Central Repository, as mandated within this regulation, in order to identify the main safety issues for each operational domain. This is done through the Network of Analysts (NoA), which is established in this regulation. This analysis and the associated safety issues are discussed at the NoA Meetings at least twice per year. So far, it has not identified any concerns related to the airworthiness of non-EU registered aircraft operating in an EU MS, or aircraft registered in an EU MS but resident in another EU MS.

The NoA, however, will raise this issue with the MS at the next meeting on 1st December 2016. The NoA will also perform additional analysis of the differences between the occurrences where State of Occurrence and State of Registry are the same and where they are different.

2. For aircraft registered in an EU MS, but resident in another EU MS:

EASA plans to collect aircraft reference data to support safety analysis activities within the NoA. This project was initially designed to capture fleet and movements data but to support better understanding of the issue, EASA will also request information from National Aviation Authorities on the numbers of aircraft where the registered owner resides outside their territory.

3. For foreign (Third Country) registered aircraft resident in an EU MS:

EASA will continue to work with the US FAA and other countries from where registered aircraft have accidents in an EU MS to better evaluate the size of their fleets operating in Europe.

4. Regarding the AAIB Safety Study-1/2016:

On 06 September 2016, formal contact was made with the Competent Authorities of the Hungarian NAA regarding the HA-LFB safety case found in the UK AAIB study. Based on Hungarian NAA actions that have been taken or will be taken and reported, EASA will consider whether a standardisation inspection would be required to investigate if there are now fixes in place to prevent recurrence of the highlighted non-conformities.

5. Regarding the implementation and oversight of the continued airworthiness standards to apply consistently across the EU MS:

The Agency will issue a notification to the EU MS in order to:

- a. Emphasise the EU regulatory framework applicable to these aircraft;
- b. raise awareness of the MS regarding the potential safety issues associated to these aircraft;

- c. recommend a package of actions to address the oversight of these aircraft within that EU regulatory framework, keeping in mind that the overall responsibilities for these aircraft always remain within the state of registry, in line with the ICAO Chicago Convention.
- d. Recommend the collection and sharing of data between the Member States and EASA in order to get a better understanding of these aspects.

**AAIB Assessment – Partially Adequate - Closed**

**RESPONSE HISTORY**

**Response received:**

13 April 2016

- For aircraft registered in a Member State and resident in a Member State different from the State of registry:

EASA performs standardisation activities to monitor the implementation by the Competent Authorities of the Basic Regulation and its Implementing Rules, including the airworthiness ones. These Rules contain uniform requirements for all aircraft registered in the Member States and provide detailed and robust standards and oversight requirements.

- For aircraft registered outside the EU and resident within a Member State (operated by "European operator" - ie Art.4.1(c) of Regulation 216/2008):

Although the Essential Requirements contained in Regulation (EC) 216/2008 are applicable to all aircraft resident in a Member State (regardless of whether they are registered in the EU or outside the EU), no detailed Implementing Rules existed to cover aircrafts registered outside the EU. Therefore, those aircraft residing in the EU (and not in the third country where they were registered) depends on the level of oversight performed by the State of Registry.

EASA proposed an Implementing Rule to the Commission (Opinion 06/2012) which covered all aircraft registered outside the EU which were residing in the EU.

However, and based on the consultation done to all the Member States, the Commission decided to only adopt those Implementing Rules in relation to third country aircraft dry-leased by EU licensed air carriers, which will apply as of 25 August 2016 (Regulation (EU) 2015/1536).

As a consequence, for any other aircraft registered outside the EU, the lack of Implementing Rules means that it is the responsibility of each competent authority to ensure compliance with the Essential Requirements of Regulation (EC) 216/2008. At the same time, they are not considered by standardisation activities.

**Previous AAIB Assessment – Not Adequate - Open**

**AAIB Safety Study - 1/2016**  
**Airworthiness of aircraft registered overseas and resident in the UK**

**Safety Recommendation 2015-040**

It is recommended that the United Kingdom Civil Aviation Authority take urgent action to ensure that foreign registered aircraft, permanently based and/or operated in the United Kingdom, comply with the requirements of the Air Navigation Order and their Certificate of Airworthiness.

**Date Safety Recommendation made:**

14 January 2016

**LATEST RESPONSE**

**Response received:**

12 April 2016

The CAA does not accept this recommendation. The CAA has considered the content of the Safety Study and recognises the concerns raised by the AAIB; however, responsibility for ensuring that foreign registered aircraft in the UK comply with the requirements applicable to their certificates of airworthiness belongs to the State of Registry. This is an established international agreement set out in the ICAO Convention on International Civil Aviation. For the CAA to act outside this Convention would require substantial evidence of serious safety issues. Unfortunately, the very small sample size used to generate the AAIB's conclusions would not satisfy this test. They cover just one type of helicopter and may not be representative of the wider fleet of foreign registered fixed and rotary wing aircraft resident in the UK. To further compound this issue, the CAA has surveyed four foreign registered helicopters as part of the Safety Study, including one survey with inspectors from the foreign airworthiness authority present, and found no significant concerns.

However, although the CAA cannot accept the action recommended by the AAIB, we do wish to remain confident that the condition of foreign registered aircraft resident in the UK remain compliant with international standards. To assist in achieving this aim, and potentially provide evidence to substantiate further action, further aircraft surveys across a wider range of aircraft types are required. The CAA intends to survey 24 aircraft in the next twelve months. These surveys will be performed through the auspices of the ramp inspection programmes specified in Commission Regulation (EU) 965/2012 and through product sample audits of aircraft undergoing maintenance in the UK. The results will be shared with the relevant State(s) of Registry, and will be used to determine if further any action is necessary.

**AAIB Assessment – Partially Adequate - Open**

**RESPONSE HISTORY**

N/A