

RA 1165 – ►UK◄ Civil Aviation Authority Oversight of ►UK◄ Military Registered Air Systems

Rationale

There may be a requirement to use common spares with civilian operators and have the requirement to transition an Air System back to the ►UK◄ Civil Aircraft Register. As the ►UK◄ Civil Aviation Authority (►UK◄ CAA) have no regulatory authority for Air Systems on the UK Military Aircraft Register (►UK◄ MAR), not having the oversight arrangements in place may incur configuration control issues, impact Continuing Airworthiness (CAw) arrangement, contravene national agreements and impact the ability of the Air System to return to the ►UK◄ Civil Aircraft Register. This RA sets out the minimum oversight arrangements required if the Sponsor elects to invoke CAA Oversight of a ►UK◄ Military Registered Air System.

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1165(1) The Type and Continuing Airworthiness arrangements for ►UK◄ Military Registered Air Systems subject to ►UK◄ CAA oversight **shall** comply with the MAA Regulatory Publications (MRP) and follow the policy and principles detailed in the ►UK◄ CAA Civil Aviation Publication (CAP) 562¹ Leaflet B-40.

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1. The Type Airworthiness Authority² (TAA) **should** ensure that an assessment of the intended operation of the Air System has been undertaken, and that the Type Airworthiness (TAW) and CAw arrangements in particular reflect the difference in configuration, environment and usage compared to operating the Air System in a civil environment. The TAA **should** make this assessment available to the ►UK◄ CAA.
2. In consultation with the Aviation Duty Holder (ADH) or Accountable Manager (Military Flying) (AM(MF)) and Release To Service Authority or Sponsor, the TAA **should** endorse a draft Minimum Equipment List (MEL). The MEL **should** be based on the Master MEL (MMEL) and any ►UK◄ CAA or European Aviation Safety Agency (EASA) MMEL policy documents that reflect the Air System equipment configurations and intended usage. The TAA **should** forward this to the ►UK◄ CAA who will carry out an assessment to establish if it satisfies the civil requirements before approval by the TAA.
3. The TAA and / or TAM, depending on the TAW management model as defined by the Sponsor, **should** assess the applicability of all civil mandatory, advisory and deferred instructions (eg Airworthiness Directives and Service Bulletins). A record of the assessment for applicability **should** be kept as an Airworthiness record.
4. The TAA and / or TAM, **should** ensure that all modifications are certified in accordance with (iaw) RA 5810³ and RA 5820⁴, and all repairs are certified iaw RA 5865⁵.
5. The TAA or TAM, **should** ensure the management of TAW activity is detailed in the Airworthiness Strategy⁶ and conducted by competent organizations⁷. This **should** include up-to-date lists of those with Civil Type Certificate Holder (CTCH) or Civil

¹ Refer to CAP 562 – Civil Aircraft Airworthiness Information and Procedures (CAAIP).

² For Special Case Flying Air Systems the term 'TAA' may be read as 'Type Airworthiness Manager (TAM)' throughout this RA.

³ Refer to RA 5810 – Military Type Certificate (MRP 21 Subpart B).

⁴ Refer to RA 5820 – Changes in Type Design (MRP 21 Subpart D).

⁵ Refer to RA 5865 – Repairs (MRP 21 Subpart M).

⁶ Refer to RA 1220 – Delivery Team Airworthiness and Safety.

⁷ Refer to RA 1005 – Contracting with Competent Organizations.

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Supplemental Type Certificate Holder (CSTCH) obligations and records of engagement during any transfer of such obligations⁸ in the event of the cessation of trading of a CTCH or CSTCH.

6. The TAA or TAM, **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 undertake military operations.

7. The Military Continuing Airworthiness Manager (Mil CAM) **should** ensure, on behalf of the ADH / AM(MF), 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 CAw arrangements⁹ comply with the MRP. The Mil CAM **should** ensure there is an exchange of exposition and sharing of information with the EASA Part M Subpart G Continuing Airworthiness Management Organization (CAMO) and, upon request, with the ►UK◄ CAA¹⁰.

9. The Mil CAM **should** assure the Delivery Duty Holder or AM(MF) 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.

10. The Mil CAM **should** approve the initial Rectification Interval Extension (RIE) and apply to the MAA for any further RIE requests iaw MAA03¹¹.

11. The TAA or TAM **should** ensure that contracts placed for the conduct of EASA Part M and EASA Part 145 activity includes that ►UK◄ CAA audit reports are forwarded to the appropriate MAA CAw Desk Officer within 10 working days of receipt.

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12. The ►UK◄ CAA has agreed to support the MOD in providing oversight of civil-type military Air Systems. This support is covered under the joint ►UK◄ CAA / MAA policy and principles for ►UK◄ CAA Oversight of ►UK◄ Military Registered Air Systems described in CAP 562 Leaflet B-40¹⁰ and the detailed arrangements are set down in contracts between the ►UK◄ CAA and relevant MOD Delivery Team.

13. When the TAw and CAw of ►UK◄ Military Registered Air Systems are subject to oversight by the ►UK◄ CAA, the following is to be considered:

a. The TAA is to consider the implications of any deviations between the intended full standard Statement of Operating Intent and Usage and the Design Usage Spectrum assumed in the civil Type Certification Basis. Any deviations are to be quantified through liaison with the ►UK◄ CAA, and the CTCH or CSTCH. In consultation with the Mil CAM, the TAA is to also consider any implications of the deviations for the TAw and CAw arrangements. The implications of operating outside the limitations and assumptions applied by the CTCH or the CSTCH and / or the State of Design is to always be fully discussed with the CAA and CTCH or CSTCH as soon as possible. Any implications for CAw is to 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 Air Systems are operated without the agreement of the ►UK◄ CAA, the TAA is to take into account that such deviations may have an effect on the right to use common spares and the ultimate return of the Air Systems to the ►UK◄ Civil Aircraft Register.

c. Where a Design Organization is to be employed to modify the Air System, the TAA or TAM must ensure full liaison between the organization approved to meet the requirements of EASA Part 21 Subpart J and the ►UK◄

⁸ 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.

⁹ Refer to RA 1016 – Military Continuing Airworthiness Management.

¹⁰ CAP 562 Leaflet B-40 paragraph 3.3.1.d details the information expected to be within the Continuing Airworthiness Management Exposition for CAA oversight arrangements that **should** be shared with the Civil CAMO and, upon request, the ►UK◄ CAA.

¹¹ Refer to MAA03: MAA Regulatory Processes.

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CAA. CAP 562 Leaflet B-40 requires that for Air System operating under ►UK◄ CAA oversight, any modifications must be approved by EASA or reviewed by the ►UK◄ CAA following the EASA modification statement of satisfaction process.

d. EASA manages all Civil Type Certificates and Civil Supplementary Type Certificates. When entering the construct of ►UK◄ CAA oversight of a ►UK◄ Military Registered Air System, the ►UK◄ CAA does not provide oversight of the TAw of modifications provided with a statement of satisfaction. It is for the TAA or TAM to ensure that suitable instructions for CAw are in place and being updated (by contract if required).

14. In order to give the ►UK◄ CAA confidence to permit the use of common spares with civilian operators, and to allow smooth transition of the Air System back to the ►UK◄ Civil Aircraft Register, the TAA or the TAM is to afford the ►UK◄ CAA:

- a. Full visibility of the type of flying, and the details of repair, overhaul, Maintenance and modification of each Air System.
- b. The opportunity to evaluate and decide if the Air System remains a candidate for an International Civil Aviation Organization compliant Certificate of Airworthiness.
- c. The opportunity to audit as required.

15. If during any work carried out to assess and validate MOD clearances¹², the TAA identifies any anomalies, contradictions or abnormal risks in the civil clearances, they are to draw them to the attention of the ►UK◄ CAA for guidance and action. If the ►UK◄ CAA decides to take no action, the TAA is to consider whether the risks are such that MOD specific action is necessary.

16. Basic Regulation (EU) 2018/1139 applies as law in the UK and allows Air Systems to be released under EASA Part 145 (and other Parts as appropriate). This law (and associated Implementing Rules) does not apply to ►UK◄ Military Registered Air Systems 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 Air System 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 Air System to remain subject to ►UK◄ 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.

17. For Air Systems subject to CAP 562 Leaflet B-40 arrangements the Military Airworthiness Review Certificate (MARC), generated by the requirements of RA 4971¹³, 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 Air System 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 Air System does not fall out of civil oversight, the MARC extensions of up to 90 calendar days detailed within RA 4971¹³ are not to be applied to Air Systems subject to this RA.

18. The TAM will be approved within a MAA approved DAOS organization and, for generation of an Airworthiness Strategy and the management of TAw, will have the organizational resource and process support of a competent organization.

¹² MOD clearances refer to MOD modifications / repairs (non-civil approved) or limitations.

¹³ Refer to RA 4971 – Military Airworthiness Review and Certification - MRP Part M Sub Part I.

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19. MELs 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 limits¹⁴ of the Air System. Air Systems operated under this regulation will require MELs 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 Air System, 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 MELMSs is to follow the style and layout of the ►UK◄ CAA assessed MEL and is to be derived from a documented assessment of the impact on safe operation of the Air System in the event of one or multiple failures. It is to also specify that, if deferred, the items contained within the MELMSs pose no hazard to the overall Airworthiness of the Air System.

Rectification Interval Extensions

20. Latitudes for extending the deferral of items listed within the MEL are known within the civil system as 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 ►UK◄ CAA, and must be applied for through the MAA03¹¹ 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 is to be agreed by the Mil CAM.

¹⁴ Such as tolerable avionic failures or redundancy of multiple systems.