



Defence
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MAA03: Military Aviation Authority Regulatory Processes

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MAA

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Scope of MAA03

Introduction

1. The MAA Regulatory Publications (MRP) has 3 overarching documents:
 - a. **MAA01: MAA Regulatory Principles.** This document provides Director MAA's overarching principles. These principles are enabled and regulated through a number of standardized Regulatory Articles (RA), each of which is limited in scope to a specific topic. Each RA contains Rationale, Regulation, Acceptable Means of Compliance (AMC) and Guidance Material (GM) and may be supported by additional documents where appropriate (ie editable MRP Forms and Templates (held on the MAA websites)).
 - b. **MAA02: MAA Master Glossary.** This document provides a single reference source for the definition of ► **Air Safety** ◀ terms as defined by the MAA. ► **Environmental Protection (EP) terms are defined in JSP 418 and JSP 816.** ◀
 - c. **MAA03: MAA Regulatory Processes.** This document is the third overarching document. It describes the processes that enable interaction between the Regulated Community and the MAA, including (but not limited to) the MRP amendment process, the process for submission / ratification of Alternative AMC (AAMC), Waivers and Exemptions.

MAA03 Construct

2. For clarity purposes, each of the key MAA processes (with associated forms) are detailed in individual Annexes.

Review

3. Each Annex will be reviewed by the sponsor on an annual basis. Changes to the Annexes will be endorsed by the relevant MAA Division / Group Deputy Head before being forwarded to the MAA Regulatory Publications Team (MRPT) for publication.

Initial Point of Contact for MAA Regulatory Publications (MRP) Enquiries

4. All Requests For Change (RFCs), proposals for AAMCs, Regulatory Waivers, Regulatory Exemptions, and general MRP or MAA enquiries should be directed to DSA-MAA-MRPEnquiries@mod.gov.uk. Freedom Of Information enquiries should be directed to DSA-Enquiries@mod.gov.uk.

Annex A: MAA Regulatory Publications Amendment

Sponsor: DSA-MAA-Reg-DepHd

Introduction

1. Sponsorship of the MRP and the authorization of amendments are the responsibility of the Director MAA¹.
2. The extant MRP may be subject to amendment following MAA routine review, MAA post-implementation review or because of²: policy change; capturing good practice; developing AAMC; Regulatory Waivers; Regulatory Exemptions; the need for new Regulation; the withdrawal of obsolete Regulation or Service Inquiry recommendations. Equally, the Regulated Community (RC) can submit a RFC where an error or omission has been identified, or to change or improve the wording of the MRP. The process for considering, developing and publishing changes to the MRP is detailed in this Annex.
3. **Visual Change Convention.** Any changes incorporated into regulatory documents will be shown by ► **red text** ◀ or ► ◀ when a word or sentence has been removed; ~~strikethrough~~ for deleted text will not be used, as the amended text should be clear and articulate. If the document contains a large amount of changes the statement ► **This [insert] has been substantially re-written; for clarity no change marks are presented – please read [insert] in its entirety** ◀ will be inserted at the top of the regulatory document.
 - a. To avoid confusion and to ensure that information is presented in a clear manner, amendments made to MOD Forms and Formats within the MOD Form 700 series will not be highlighted. Reference is to be made to both the Form / Format and the associated Instructions For Use (IFU) to ensure users fully understand all requirements.
 - b. To avoid confusion and to ensure that information is presented in a clear manner, amendments made to the editable forms and templates will not be highlighted. Reference is to be made to both the form / template and the associated IFU to ensure users fully understand all requirements.

Instigating a Change

4. To instigate a change to the MRP, the MAA RFC form should be used except for amendments to the Manual of Airworthiness Maintenance – Documentation (MAM-D) and MOD Form 700 series of Forms, where a MOD Form 765 is to be used³. The correct form to use for each of these requirements is depicted in Table A-1 below.

Table A-1: MRP Changes – Forms

Document	Form to use MOD Form 765	Form to use RFC
MAM-D	X	
MOD Form 700 series - Form amendments	X	
Remaining MRP		X

RFC Initial Action

5. The RC should use the RFC form to submit a proposal for change to the MRP (the RFC form is available on the MAA website⁴ under ► **Regulatory Publications** / ◀ Related Documentation). To request clarification of MRP wording or meaning, routine correspondence methods such as email,

¹ Authorization Delegations exist within the MAA to ensure new and amended Regulation is approved by Suitably Qualified and Experienced Persons (SQEP) at an appropriate seniority level.

² This is not an exhaustive list.

³ The "Manual of Airworthiness Maintenance – Process" (MAM-P) is not a part of the MRP as it is owned by the Military Commands.

⁴ <https://www.gov.uk/government/collections/maa-regulatory-publications>.

letter and telephone may be used⁵. Notwithstanding that formal amendment may result from a clarification request, initial requests for clarification should not be submitted as an RFC. The RFC form can be submitted via email to the MRPT at DSA-MAA-MRPEnquiries@mod.gov.uk and MOD Form 765s can be emailed to the MAA Continuing Airworthiness Regulations Team at DSA-MAA-MAMP-Enquiries@mod.gov.uk. If clarification is required regarding the need for submission of an RFC form, the RC should contact the MRPT in the first instance. When submitting an RFC form for a change to an editable MRP form or template (held on the MAA websites), the RC is to ensure that the form / template name is provided in the 'MAA Document Set(s) Affected' section of the RFC form, and wherever possible the related RA number.

6. When the MAA receives an RFC, it will be allocated a reference number by the MRPT; this reference number will be forwarded to the originator, thus confirming receipt. The MAA will consider the submission and decide on an outcome (Accepted, Partially Accepted, Not Accepted, or Noted) and inform the originator. It is expected that from the time of receipt of all the required information⁶ to deciding an outcome and releasing a response back to the originator should take no longer than 30 working days. RFC outcomes are detailed below:

Accepted - When the MAA agrees with the RFC subject, and with the proposed amendment.

Partially Accepted - When the MAA agrees with the RFC subject, and agrees that a change is required, but that the proposed amendment does not resolve the issue identified, and the MAA will provide an alternative amendment.

Not Accepted - When the MAA rejects the RFC subject, for reasons such as: a misunderstanding or misinterpretation of extant MRP wording, unintended consequences to the wider MRP or RC, or the change is contrary to MAA principles or strategic direction.

Noted - When the MAA considers that there is a valuable proposal from the RC, but one that requires wider consideration either as part of an existing or new work package. For Noted RFCs, when drafting the response to the originator, the MAA will be clear how the proposed change is to be managed and why it has not been Accepted / Partially Accepted / Not Accepted, including the likely timescale in which it will be considered further.

RFC Closure Action

7. The progression of the RFC will be managed by a Desk Officer, who can be contacted in the event of queries regarding the response to the RFC. Once an outcome has been agreed, the MRPT will send the completed and authorized RFC form to the originator. Accepted or Partially Accepted RFCs will be incorporated into the MRP at an appropriate time⁷, following the process detailed below.

MRP Change Process

8. The process for making changes to the MRP is both collaborative and scalable. Importantly, it will commence with the completion of a Regulatory Impact Assessment (RIA) ►◄, before drafting of the regulatory change commences. Engagement and feedback are important throughout the process, as is Key Stakeholder Endorsement ahead of publication. The process followed is depicted in Figure A-1 below:

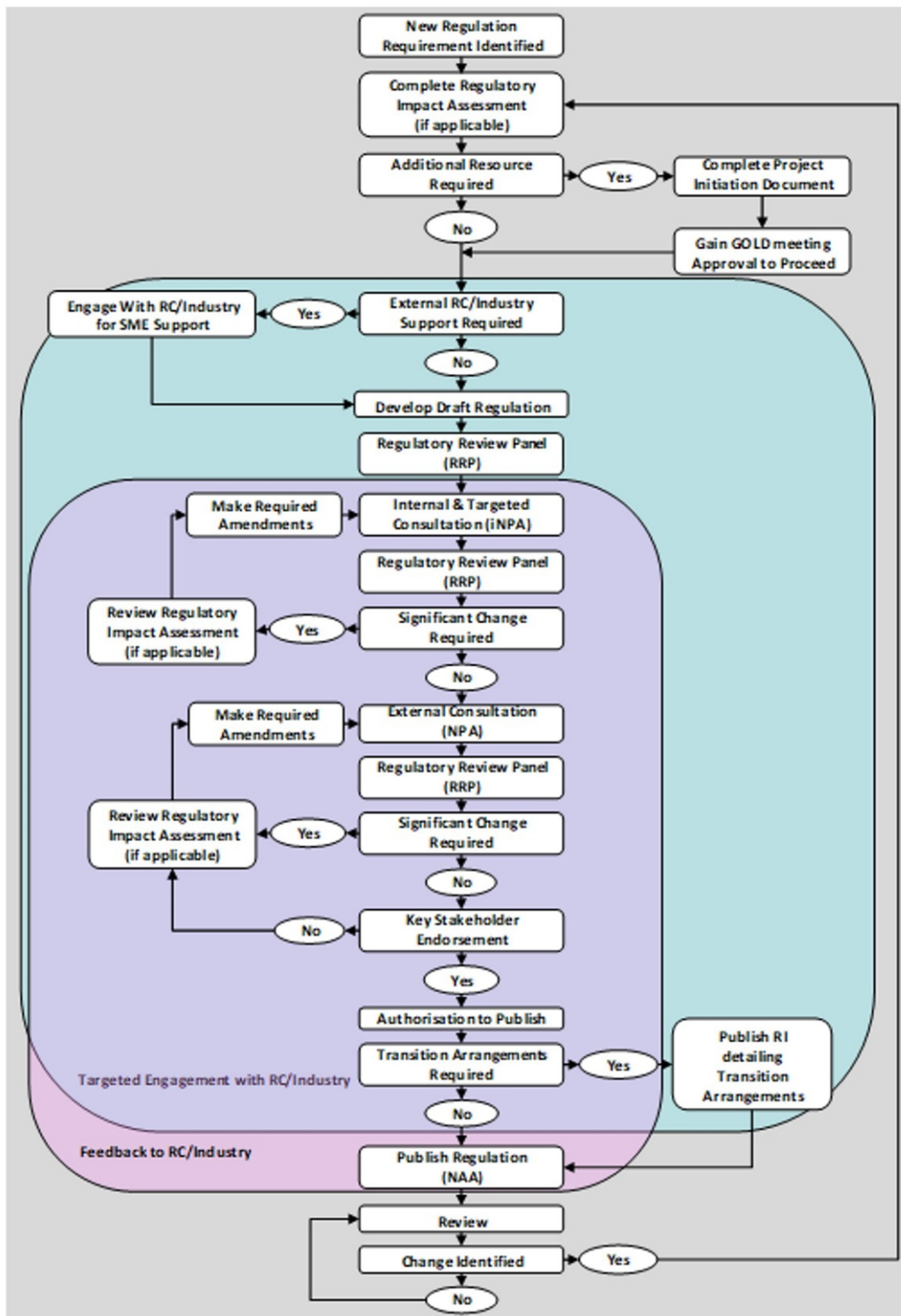
⁵ The MAA may still request a completed RFC form, depending on the nature of the enquiry.

⁶ The MAA may determine that additional justification and / or supporting evidence is required following the submission of an RFC submission. The originator may be invited to discussions to ensure full understanding of the issue.

⁷ Embodiment of changes will be prioritized, based on an assessment of risk, complexity and resource.

► This Figure has been substantially re-written; for clarity no change marks are presented – please read in its entirety ◀

Figure A-1: MRP Change Process



Consultation

9. Other than when the RC has been invited to assist with the drafting of Regulation or in the review of developing Regulation, consultation will be co-ordinated through the Notice of Proposed Amendment (NPA) process. The NPA will explain the rationale behind the amendment, the

possible impact on the RC and set the deadline for comment / feedback; feedback is important to further develop the MRP wording and to highlight any unforeseen impact on the RC.

10. NPAs are published on the MAA websites⁴, under 'Regulatory Amendments' and will remain open to comments for a period of between 4 weeks and 3 months, depending on the complexity of the change. The RC can subscribe to automatically receive e-mail alerts through the MAA Internet site⁸, to ensure that NPAs are not missed.

11. Should significant changes be made following NPA, it may be necessary to repeat the consultation process.

Transitional Arrangements

12. Should Transitional Arrangements be required, these will be communicated to the RC through a Regulatory Instruction (RI), sufficiently ahead of Notice of Authorised Amendment (NAA), such that the RC can comply at the point of publication.

Publishing

13. Following development and consultation, approved changes will be published following the NAA process. The NAA will provide an overview of the changes, along with the revised Regulation. Unless specifically detailed through published Transitional Arrangements, the change will be effective at the point of publishing. Regulation will be published in accordance with Table A-2 below:

Table A-2: MRP Publication Cycle ▶^{9, 10} ◀

Mar	May	Sep	Nov
RA 1000 Series (GEN)	RA 1000 Series (GEN)	RA 1000 Series (GEN)	RA 1000 Series (GEN)
RA 2000 Series (FLY)	RA 4000 Series (CAE)	RA 2000 Series (FLY)	RA 4000 Series (CAE)
RA 3000 Series (ATM)	RA 5000 Series (TAE)	RA 3000 Series (ATM)	RA 5000 Series (TAE)

14. ▶ The extant MRP will be subject to Routine Review, which will not automatically trigger a change. The MAA will review all MRP documents no later than 5 years after publication. The purpose is to conduct a root and branch review to ensure that MRP documents remain current, fit for purpose and are written in line with the current MRP writing guidance. ◀

AAMCs, Regulatory Waivers, and Regulatory Exemptions (AWE)

15. AWEs should be reviewed, by the applicant, upon amendment of the related MRP documentation to ensure continued validity of extant AWEs. If the Regulatory amendment negates the need for the AWE, the applicant is to inform the MAA that the AWE is no longer required. If the Regulatory amendment invalidates some of the conditions / requirements specified in the application (and MAA response), the applicant ▶ must contact the MAA¹¹ to discuss the changes to determine if a new AWE application or revised approval letter is required. ◀

⁸ <https://www.gov.uk/government/news/maa-email-alert-guide>.

⁹ ▶ Safety Critical updates – at any time, as required.

¹⁰ All other MRP not listed in this table – at any time, as required.

¹¹ Via DSA-MAA-MRPEquiries@mod.gov.uk. It is recommended that the correspondence includes the AWE number to be discussed. ◀

Annex B: ► Air Safety ◀ Alternative Acceptable Means of Compliance, Waivers and Exemptions

Sponsor: DSA-MAA-Reg-DepHd

Introduction

1. AMC represent the preferred means by which the MAA expects the intent of the Regulation to be met. AMCs contain the permissive verb “**should**”, highlighted in bold for visual impact, to indicate that another approach may be acceptable.
2. If the Regulated Entity believes it can better achieve the intent of the Regulation ► / AMC ◀ by using an AAMC, and there is no increase in the Risk to Life (RtL), it will formally apply to the MAA to have this alternative means approved. Such approval will only be given where the accountable person¹² ► ◀ has endorsed the AAMC and the Regulated Entity can produce evidence that the AAMC can maintain the equivalent level of Air Safety.
3. If the Regulated Entity believes it cannot achieve the intent of the Regulation ► / AMC ◀ or the RtL associated with an AAMC proposal is greater than following the AMC, it will formally apply to the MAA to have a temporary Waiver, for a specified period, or permanent Exemption approved. Such approval will only be given where the accountable person¹² ► ◀ has endorsed the Waiver / Exemption and the Regulated Entity can produce evidence that the Waiver / Exemption can deliver a level of Air Safety that is acceptable to the ADH / AM(MF) ►¹³ ◀.
4. After MAA approval has been given, the applicant is responsible for ensuring that the activities defined in the AWE are promulgated, understood, and followed appropriately.
5. ► For EP related AWEs, see Annex C. ◀

Process

6. An AWE application flowchart is available at Appendix 1, and an optional MAA AWE application form template is available for use on the MAA websites.
7. Any application letter or email must, as a minimum, contain:
 - a. Originator’s name and unit / organization.
 - b. Originator’s post title.
 - c. Originator’s contact details.
 - d. The person to whom the MAA’s response should be addressed.
 - e. ► The MAA Regulation Affected.
 - f. Proposal text:
 - (1) For AAMC submissions, the proposal text for the AAMC will be in the same format as an AMC (ie a short statement in the format: “The (responsible person or organization) **should** (take this action)”).
 - (2) For Waiver and Exemption submissions, the Regulation / AMC text that cannot be complied with and the solution the Waiver / Exemption submission is proposing.

¹² This could be an Aviation Duty Holder (ADH), an Accountable Manager (Military Flying) (AM(MF)), an Accountable Manager (AM) ► ◀, a Sponsor, Heads of Establishment (HoE), ► ◀ the Head of an ADH-Facing Organization (► eg Air System ◀ Delivery Team Leaders (DTL), Commodity DTLs, Military Continuing Airworthiness Managers (Mil CAMs), etc), ► or the Head of an AM(MF)-Facing Organization (collectively ADH-Facing and AM(MF)-Facing is abbreviated to AA-Facing).

¹³ HoE submissions related to the provision of a Safe Operating Environment (SOE) are to provide evidence that the Waiver / Exemption can still provide a SOE and the HoE will be required to declare that a SOE remains. Where the Waiver / Exemption could affect an Air System Safety Case (ASSC) the HoE must inform the relevant ADH / AM(MF). ◀

Note:

Waivers are time bound with an intention for eventual compliance with the RA, whilst Exemptions are for the remaining life of the Air System or identified RA non-compliance. Thus Waivers require a validity period. ◀

g. ▶ Safety Assessment. The ◀ Safety Assessment ▶ must include ◀ as a minimum ▶ ◀:

- (1) ▶ Justification for the AWE. ◀
- (2) ▶ ◀ Details of any ▶ relevant ◀ AWEs ▶ (extant, expired, rejected, or other). ◀
- (3) ▶ ◀
- (4) ▶ ◀
- (5) A ▶ detailed ◀ Risk Assessment and ▶ appropriately detailed ◀ Risk mitigation.
- (6) ▶ Appropriate ◀ supporting comments ▶ ◀ annotated as references. Historical evidence is useful, but only as support to the Risk mitigation plans.

▶ Notes:

1. AAMCs will have no increase in the RtL. Waivers and Exemptions may have an increase in the RtL. Waivers and Exemptions supporting comments must include acceptance of the associated / mitigated Risk(s), as being As Low As Reasonably Practicable (ALARP) by the person responsible for ensuring that the task, that is the subject of the AWE, is undertaken. They must also ensure that the ADH / AM(MF) accepts the associated / mitigated Risk(s) as Tolerable.
 2. Head of Establishment (HoE) submissions related to the provision of a SOE. Supporting comments do not always require ADH / AM(MF) acceptance but must instead include comment from the Aerodrome Operator, acceptance of the associated / mitigated Risk(s) being ALARP by the HoE and confirmation from the HoE that a SOE remains. Additionally, the HoE must confirm that permanently based Aerodrome users have been appropriately consulted and outline how all potential Aerodrome users will be made aware of the information, that is the subject of the AWE. ◀
- (7) ▶ ◀
- (8) ▶ When the AWE is not submitted by an ADH / AM(MF), a statement of acceptance from all applicable ADHs / AM(MF)s is required. For HoE submissions related to the provision of a SOE, a statement of confirmation that a SOE remains is required from the HoE.

h. Promulgation and Control. A brief description of where and how the AWE activities will be promulgated. This must explain how the chosen method of promulgation will ensure that all affected, or potentially affected, stakeholders will be informed of the AWE. This should include any monitoring and control of the AWE's intended processes.

i. AWE application and Safety Assessment endorsement. ◀ The AWE application and its Safety Assessment ▶ must ◀ be endorsed by the individuals responsible:

- (1) **Type Airworthiness-related.** This should be Type Airworthiness Authority (with an appropriate Letter of Airworthiness Authority), the Type Airworthiness Manager (with an appropriate Letter of Appointment (LoA)), or the Commodity Chief Engineer (with an appropriate Letter of Airworthiness Authority).
- (2) **Continuing Airworthiness-related.** This should be the Military Continuing Airworthiness Manager.

- (3) **For all other subjects.** ▶ **This** ◀ must be specifically approved by the person responsible for ensuring that the task, that is the subject of the AWE, is undertaken.

j. ▶ **Waiver / Exemption Risk acceptance.** ◀ Waiver and Exemption applications ▶ **where** ◀ there ▶ **is** ◀ an increased ▶ **Risk**, ◀ must be accepted and held by the appropriate individual(s). The appropriate Risk holder(s) will be identified within the Safety Assessment and listed as part of paragraph 6g above. For guidance, consideration of the Risk holder will be dependent upon whether the Risk is Type Airworthiness-related, Continuing Airworthiness-related or Operating Environment-related:

- (1) **Type Airworthiness-related.** Consideration should include Operating Centre Director and / or Sponsor ▶ **along with the appropriate Delivery Duty Holder (DDH) and / or AM(MF).** ◀
- (2) **Continuing Airworthiness-related.** Consideration should include ▶ ◀ Accountable Manager (Maintenance) ▶ **along with the appropriate DDH and / or AM(MF).** ◀
- (3) **Operating Environment-related.** Consideration should include the ▶ ◀ HoE for Risks in providing a SOE, Heads of relevant ▶ **AA** ◀-Facing Organizations for Risks in providing aviation support and / or facilities, ▶ **and ADHs and / or AM(MF)s where there is an increased Rtl.** ◀

Note:

Against the requirements in paragraphs 6.i and 6.j, except for the specific cases detailed in paragraphs 6.i(1), 6.i(2), 6.j(1), and 6.j(2), a degree of judgement needs to be exercised by the applicant. If the applicant does not feel well placed to exercise this judgement, then they should pass the application upwards to a more senior applicant. Equally if there are too many permutations of application and interested parties for the applicant to define, early engagement with the MAA, even before formal submission, is encouraged. For Civilian-Owned and / or Civilian Operated Air Systems, where the AWE impacts the Sponsor's governance requirements as set out in the RA 1160 series, the Sponsor's endorsement is required by the MAA.

8. An ▶ **Air Safety AWE** ◀ application ▶ ◀ should be made ▶ **to** ◀ DSA-MAA-MRPEnquiries@mod.gov.uk ▶ ◀.

Initial Action

9. When the MAA receives an application, it will be allocated a reference number by the MRPT; this reference number will be forwarded to the originator, thus confirming receipt. The MAA will then establish if the AWE contains the required information to progress the application¹⁴. It is expected that from the time of receipt of all the required information¹⁵ to releasing a response back to the originator should take no longer than 30 working days. If it is likely that the 30 working day timescale will not be met, the originator will be informed by the Desk Officer dealing with the application and regularly updated until the AWE is approved and issued, or rejected¹⁶.

10. If information is missing from the application, or further clarity is required from the applicant, the MAA will pause the application's progress. The 30 working day countdown will be paused until the information or clarity is received and the process is able to resume. If the required additional information or clarity has not been received within 2 months, starting from the date the application was paused, the application will be reviewed and if no clear path to provision agreed, may be cancelled and the applicant informed accordingly.

¹⁴ Key to this will be the justification and / or supporting evidence for the AWE and completion of the mandatory fields at paragraph 6.

¹⁵ The MAA may determine that additional justification and / or supporting evidence is required following the submission of an AWE application. The originator may be invited to discussions to ensure full understanding of the issue.

¹⁶ **Management of Mass / Short Notice AWE requests.** Situations may, from time to time, dictate that the Regulated Community moves to submit large numbers of AWEs for the same platform at the same time. In such cases, prior discussion with the MAA is required to ensure capacity for timely progression of the application(s).

11. Submission of an AWE request does not constitute compliance nor guarantee that it will be approved.

Closure Action

12. The AWE will ultimately be approved or rejected at the appropriate level in accordance with the MAA Authorization Matrix¹⁷. Once completed, the MAA's response will be sent to the originator, under cover of a letter¹⁸ with details of the agreement and any conditions such as enhanced recording or monitoring activity. Copies of the AWE will also be forwarded to relevant stakeholders to ensure the Audit and Assurance process is kept informed.

Validity of AWEs

13. AWEs are to be reviewed, by the applicant, upon amendment of the related RA to ensure continued validity of the AWE. If the RA amendment negates the need for the AWE, the applicant should inform the MAA that the AWE is no longer required. If the RA amendment invalidates some of the conditions / requirements specified in the application (and MAA response), then the applicant should resubmit the application for MAA reassessment.

14. AAMCs and Exemptions will remain valid unless the conditions / requirements specified in the application (or the MAA's response) change.

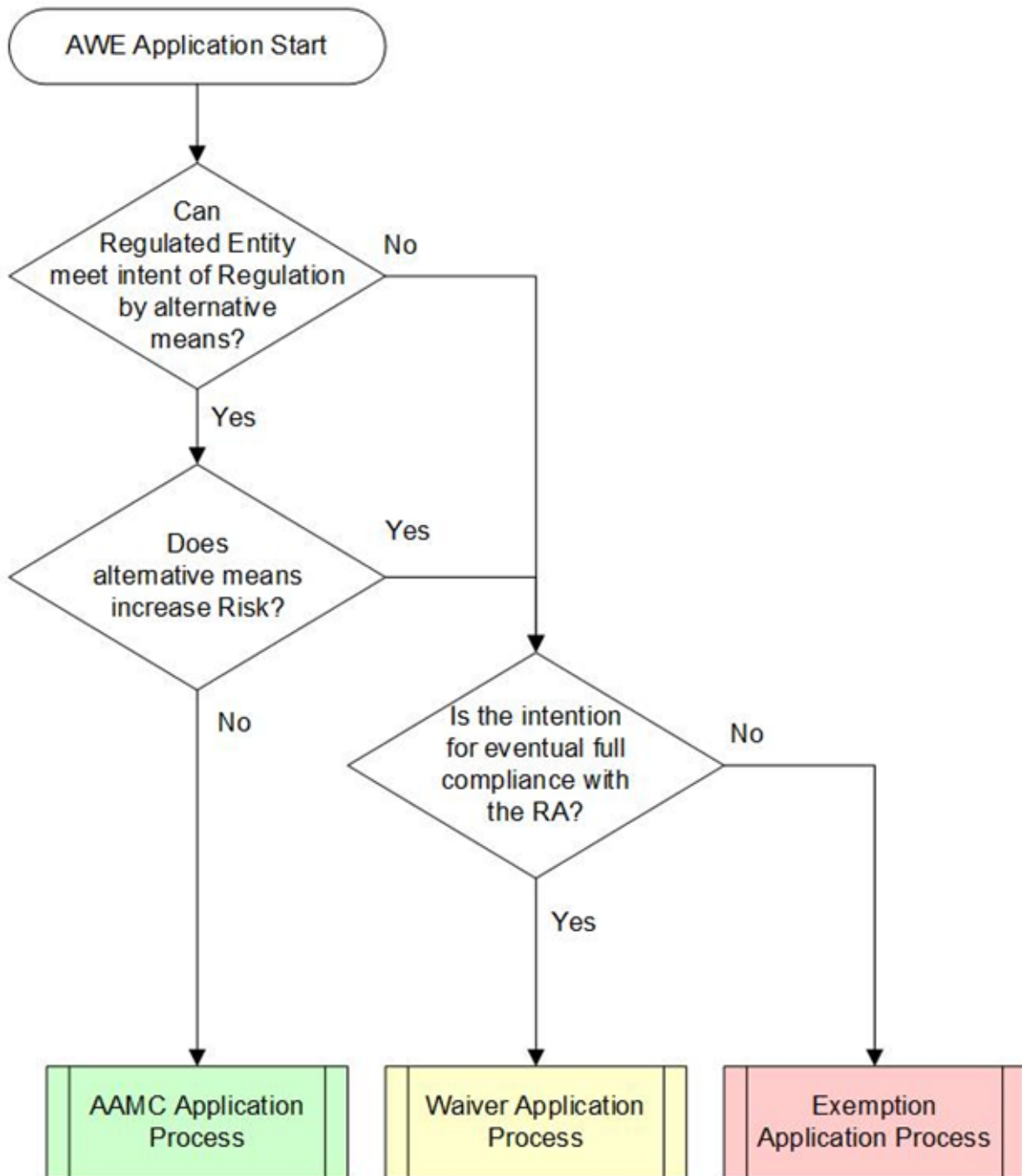
15. In addition to the conditions-based validity criteria described in paragraph 13 above, Waivers will also have a stipulated end date, beyond which they will be invalid. Any request for use of ▶ a ◀ Waiver after the stipulated end date should be submitted (including any changes to the requirements detailed above in paragraph 7) at least 30 working days in advance of the stipulated end date to enable the MAA time to process the request (so that there is no gap in Waiver coverage), although early engagement with the MAA is helpful where an extension request can be foreseen. ▶ The originating organization should provide a statement from the person who approved the Safety Assessment, or their replacement if the originator is no longer in post, that says that the Safety Assessment remains valid and they accept the Risk associated with the Waiver. If this is not the case, then a new Waiver application is required. ◀ If a Waiver is required after the stipulated end date, but the originating organization has not requested an extension prior to the stipulated end date, the originating organization should assume the Waiver has expired and submit a request for a new Waiver.

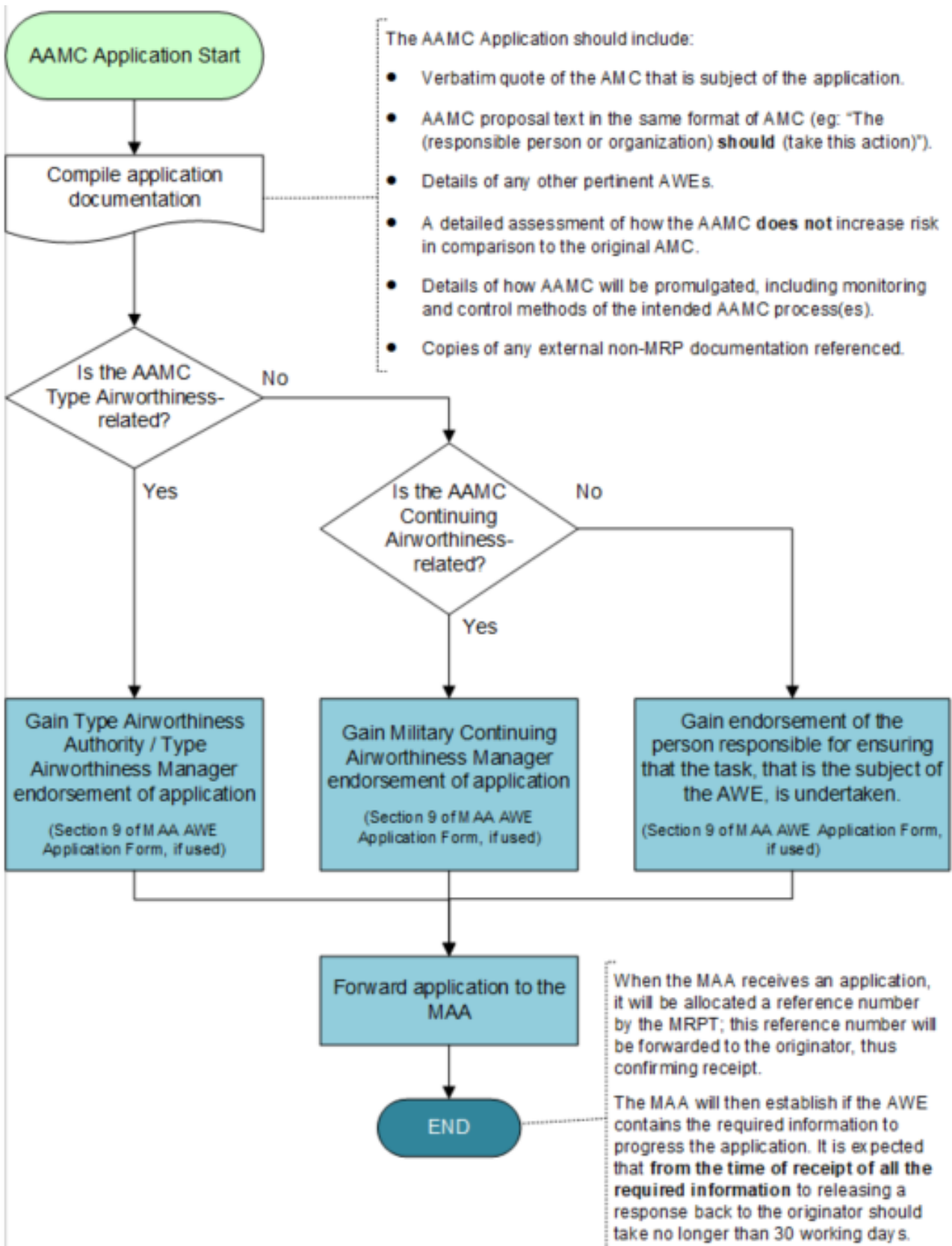
16. MAA activity may include the review of valid AWEs, and if the review highlights that valid AWEs are no longer required (eg due to an amendment to the RA the AWE relates to), the MAA will either expire the AWE or discuss the activity the applicant needs to take.

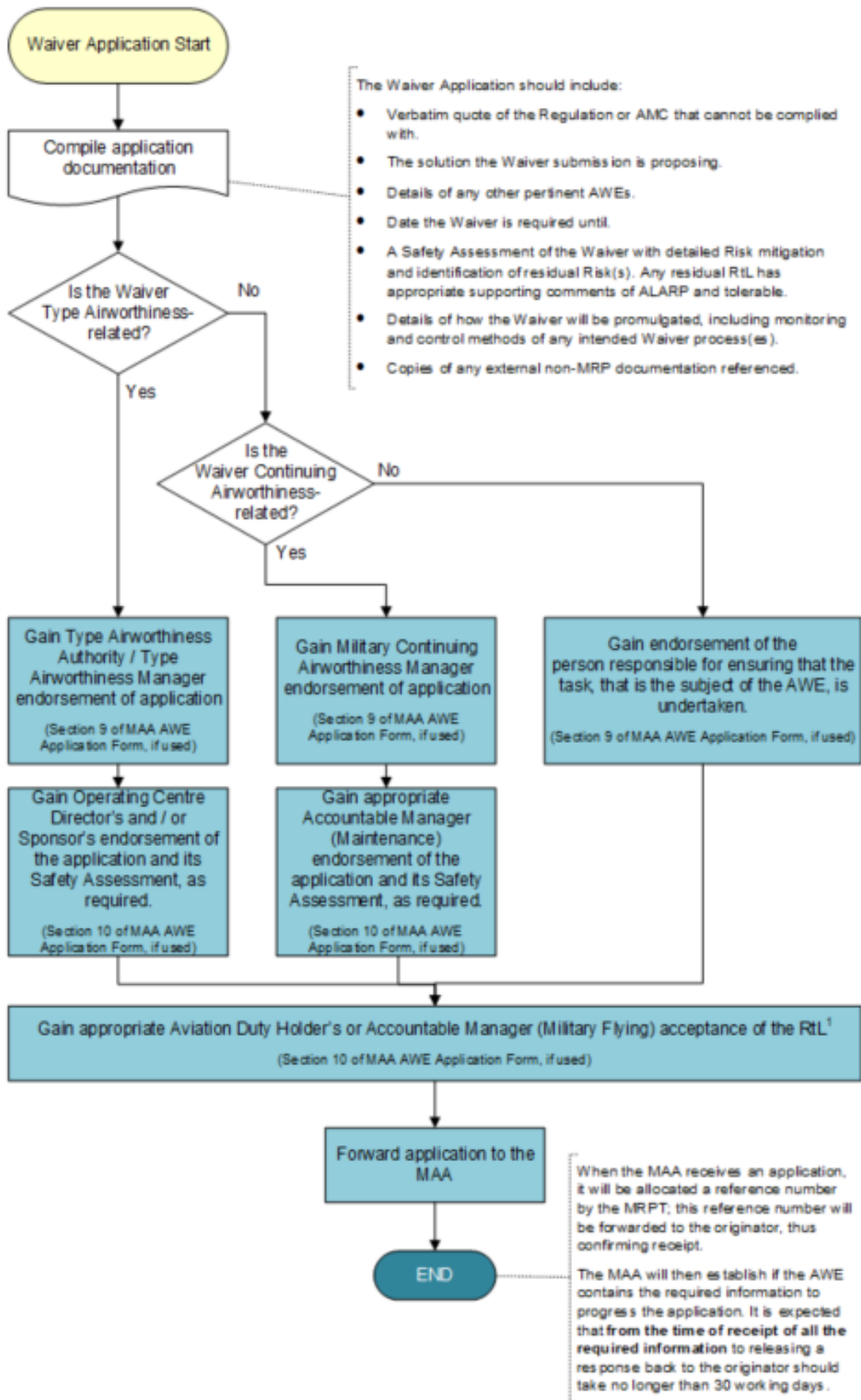
¹⁷ An internal MAA framework that outlines the levels of authority for decision making in each of the MAA's functional areas.

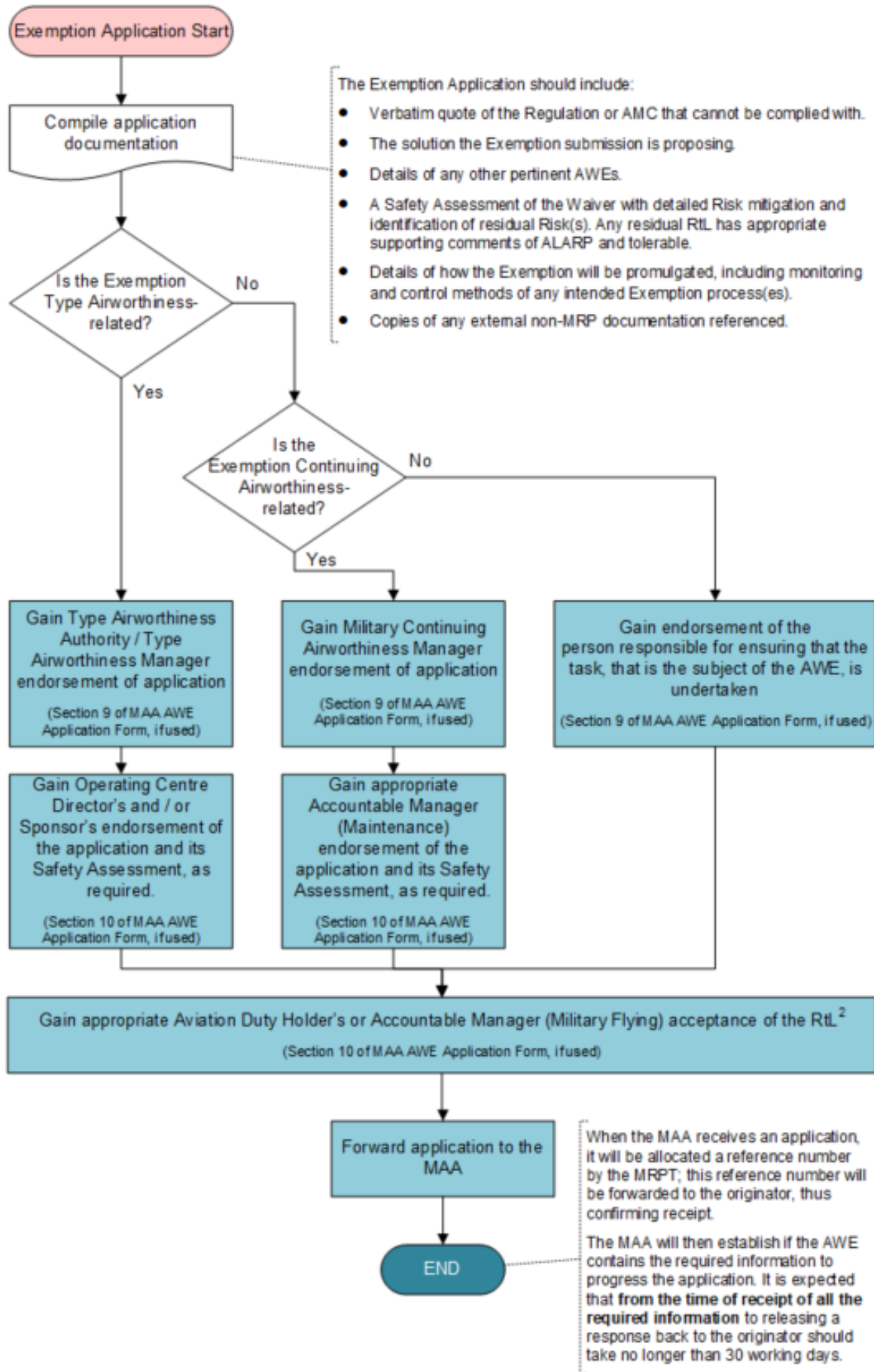
¹⁸ For rejections, the reasons for rejection will be included in any correspondence.

Appendix 1
AWE Application flowchart









2 Where the submission relates to the provision of a SOE, the HoE should provide confirmation that a SOE remains.

► This Annex has been substantially re-written; for clarity no change marks are presented – please read Annex in its entirety ◀

Annex C: Environmental Protection Alternative Acceptable Means of Compliance, Waivers and Exemptions

Sponsor: DSA-MAA-Reg-DepHd

Introduction

1. AMC represent the preferred means by which the MAA expects the intent of the Regulation to be met. AMCs contain the permissive verb “**should**”, highlighted in bold for visual impact, to indicate that another approach may be acceptable.
2. If the Regulated Entity believes it can better achieve the intent of the Regulation / AMC by using an EP AAMC, and there is no increase in adverse environmental impacts or environmental risks, it will formally apply to the MAA to have this alternative means approved. Such approval will only be given where the accountable person¹⁹ has endorsed the EP AAMC and the Regulated Entity can produce evidence that the EP AAMC can maintain the equivalent level of EP.
3. If the Regulated Entity believes it cannot achieve the intent of the Regulation / AMC or the increase in adverse environmental impacts or environmental risks associated with an EP AAMC proposal is greater than following the AMC, it will formally apply to the MAA to have a temporary EP Waiver, for a specified period, or permanent EP Exemption approved. Such approval will only be given where the accountable person¹⁹ has endorsed the EP Waiver / EP Exemption and the Regulated Entity can produce evidence that the EP Waiver / EP Exemption can deliver a level of EP that is acceptable to the ADH / AM(MF) / Senior Responsible Owner (SRO).
4. After MAA approval has been given, the applicant is responsible for ensuring that the activities defined in the EP AWE are promulgated, understood, and followed appropriately.
5. For non-EP related AWEs, see Annex B.

Process

6. An EP AWE application flowchart is available at Appendix 1, and an optional MAA EP AWE application form template is available for use on the MAA websites.
7. Any application letter or email must, as a minimum, contain:
 - a. Originator’s name and unit / organization.
 - b. Originator’s post title.
 - c. Originator’s contact details.
 - d. The person to whom the MAA’s response should be addressed.
 - e. The MAA Regulation Affected.
 - f. Proposal text:
 - (1) For EP AAMC submissions, the proposal text for the EP AAMC will be in the same format as an AMC (ie a short statement in the format: “The (responsible person or organization) **should** (take this action)”).
 - (2) For EP Waiver and EP Exemption submissions, the Regulation / AMC text that cannot be complied with and the solution the EP Waiver / EP Exemption submission is proposing.

Note:

¹⁹ This could be an ADH, an AM(MF), an AM, a Sponsor, HoE, the Head of an ADH-Facing Organization (eg Air System DTLs, Commodity DTLs, Mil CAMs, etc), or the Head of an AA-Facing Organization.

EP Waivers are time bound with an intention for eventual compliance with the RA, whilst EP Exemptions are for the remaining life of the Air System or identified RA non-compliance. Thus EP Waivers require a validity period.

- g. Environmental assessment. The Environmental assessment must include as a minimum:
- (1) Justification for the EP AWE.
 - (2) Details of any relevant Air Safety / EP AWEs (extant, expired, rejected, or other).
 - (3) A detailed impact and risk assessment and appropriately detailed impact and risk mitigation.
 - (4) Appropriate supporting comments annotated as references of how the environmental impacts and risks are being assessed and managed using the Best Practicable Environmental Option (BPEO). Historical evidence is useful, but only as support to the risk mitigation plans.
 - (5) When the EP AWE is not submitted by an ADH / AM(MF) / SRO, a statement of acceptance from all applicable ADHs / AM(MF)s / SROs is required.
- h. Promulgation and Control. A brief description of where and how the EP AWE activities will be promulgated. This must explain how the chosen method of promulgation will ensure that all affected, or potentially affected, stakeholders will be informed of the EP AWE. This should include any monitoring and control of the EP AWE's intended processes.
- i. EP AWE application and Environmental assessment endorsement. The EP AWE application and its Environmental assessment must be endorsed by the individuals responsible. The application for an AWE must be specifically approved by the person responsible for ensuring that the task, that is the subject of the AWE, is undertaken.
- j. EP Waiver / EP Exemption increase adverse EP impacts and / or risk acceptance. EP Waiver and EP Exemption applications where there is an increased adverse environmental impact or risk, must be accepted and held by the appropriate individual(s). The appropriate risk holder(s) will be identified within the Environmental assessment and listed as part of paragraph 6g above.

Note:

Against the requirements in paragraphs 6.i and 6.j, a degree of judgement needs to be exercised by the applicant. If the applicant does not feel well placed to exercise this judgement, then they should pass the application upwards to a more senior applicant. Equally if there are too many permutations of application and interested parties for the applicant to define, early engagement with the MAA, even before formal submission, is encouraged. For Civilian-Owned and / or Civilian Operated Air Systems, where the EP AWE impacts the Sponsor's governance requirements as set out in the RA 1160 series, the Sponsor's endorsement is required by the MAA.

8. An EP AWE application should be made to DSA-MAA-MRPEenquiries@mod.gov.uk.

Initial Action

9. When the MAA receives an application, it will be allocated a reference number by the MRPT; this reference number will be forwarded to the originator, thus confirming receipt. The MAA will then establish if the EP AWE contains the required information to progress the application²⁰. It is expected that from the time of receipt of all the required information²¹ to releasing a response back to the originator should take no longer than 30 working days. If it is likely that the 30 working day

²⁰ Key to this will be the justification and / or supporting evidence for the EP AWE and completion of the mandatory fields at paragraph 7.

²¹ The MAA may determine that additional justification and / or supporting evidence is required following the submission of an EP AWE application. The originator may be invited to discussions to ensure full understanding of the issue.

timescale will not be met, the originator will be informed by the Desk Officer dealing with the application and regularly updated until the EP AWE is approved and issued, or rejected²².

10. If information is missing from the application, or further clarity is required from the applicant, the MAA will pause the application's progress. The 30 working day countdown will be paused until the information or clarity is received and the process is able to resume. If the required additional information or clarity has not been received within 2 months, starting from the date the application was paused, the application will be reviewed and if no clear path to provision agreed, may be cancelled and the applicant informed accordingly.

11. Submission of an EP AWE request does not constitute compliance nor guarantee that it will be approved.

Closure Action

12. The EP AWE will ultimately be approved or rejected at the appropriate level in accordance with the MAA Authorization Matrix²³. Once completed, the MAA's response will be sent to the originator, under cover of a letter²⁴ with details of the agreement and any conditions such as enhanced recording or monitoring activity. Copies of the EP AWE will also be forwarded to relevant stakeholders to ensure the Audit and Assurance process is kept informed.

Validity of EP AWEs

13. EP AWEs are to be reviewed, by the applicant, upon amendment of the related RA to ensure continued validity of the EP AWE. If the RA amendment negates the need for the EP AWE, the applicant should inform the MAA that the EP AWE is no longer required. If the RA amendment invalidates some of the conditions / requirements specified in the application (and MAA response), then the applicant should resubmit the application for MAA reassessment.

14. EP AAMCs and EP Exemptions will remain valid unless the conditions / requirements specified in the application (or the MAA's response) change.

15. In addition to the conditions-based validity criteria described in paragraph 13 above, EP Waivers will also have a stipulated end date, beyond which they will be invalid. Any request for use of an EP Waiver after the stipulated end date should be submitted (including any changes to the requirements detailed above in paragraph 7) at least 30 working days in advance of the stipulated end date to enable the MAA time to process the request (so that there is no gap in EP Waiver coverage), although early engagement with the MAA is helpful where an extension request can be foreseen. The originating organization should provide a statement from the person who approved the Environmental assessment, or their replacement if the originator is no longer in post, that says that the Environmental assessment remains valid and they accept the adverse environmental impact and environmental risk associated with the EP Waiver. If this is not the case, then a new EP Waiver application is required. If an EP Waiver is required after the stipulated end date, but the originating organization has not requested an extension prior to the stipulated end date, the originating organization should assume the EP Waiver has expired and submit a request for a new EP Waiver.

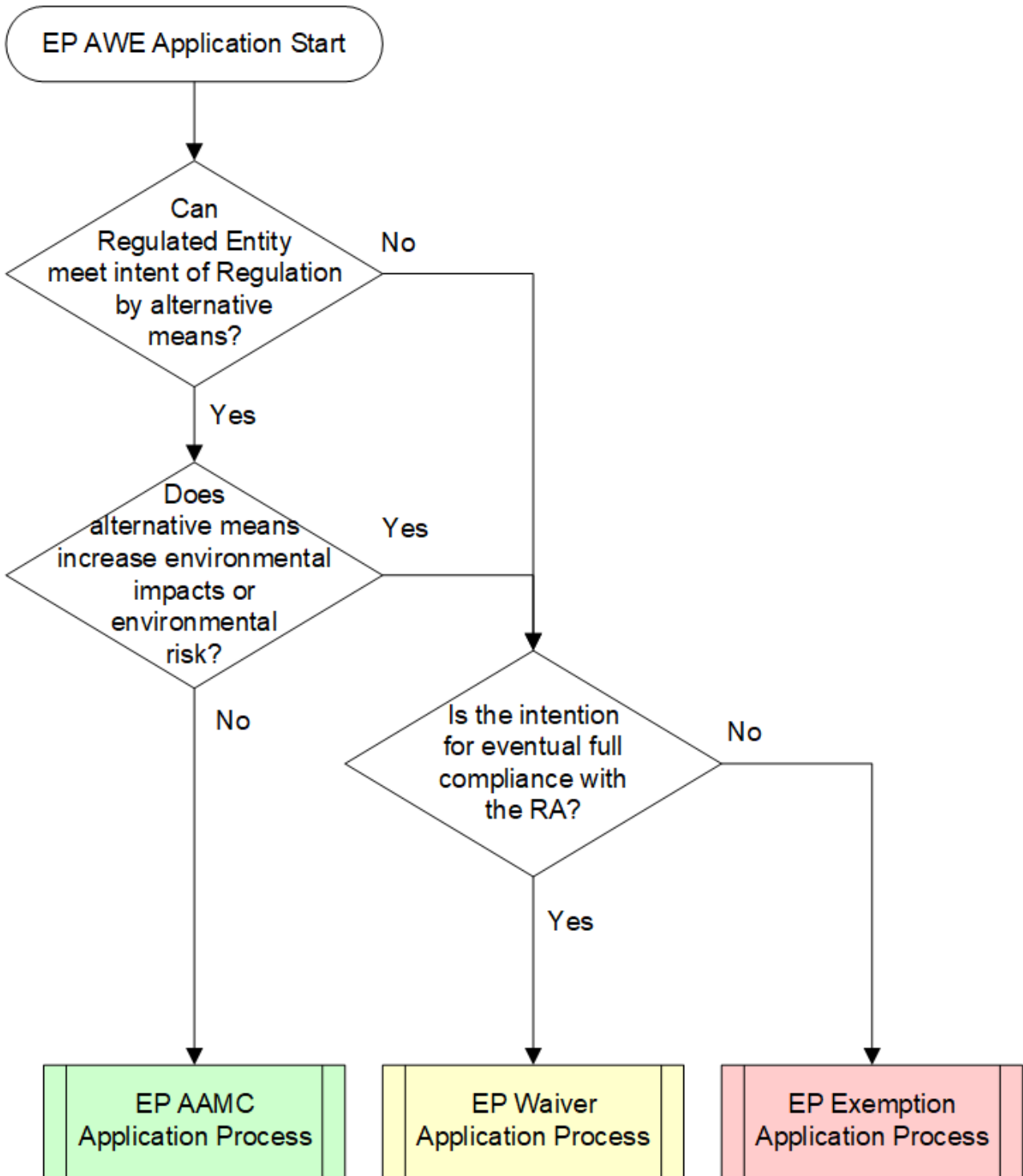
16. MAA activity may include the review of valid EP AWEs, and if the review highlights that valid EP AWEs are no longer required (eg due to an amendment to the RA the EP AWE relates to), the MAA will either expire the EP AWE or discuss the activity the applicant needs to take.

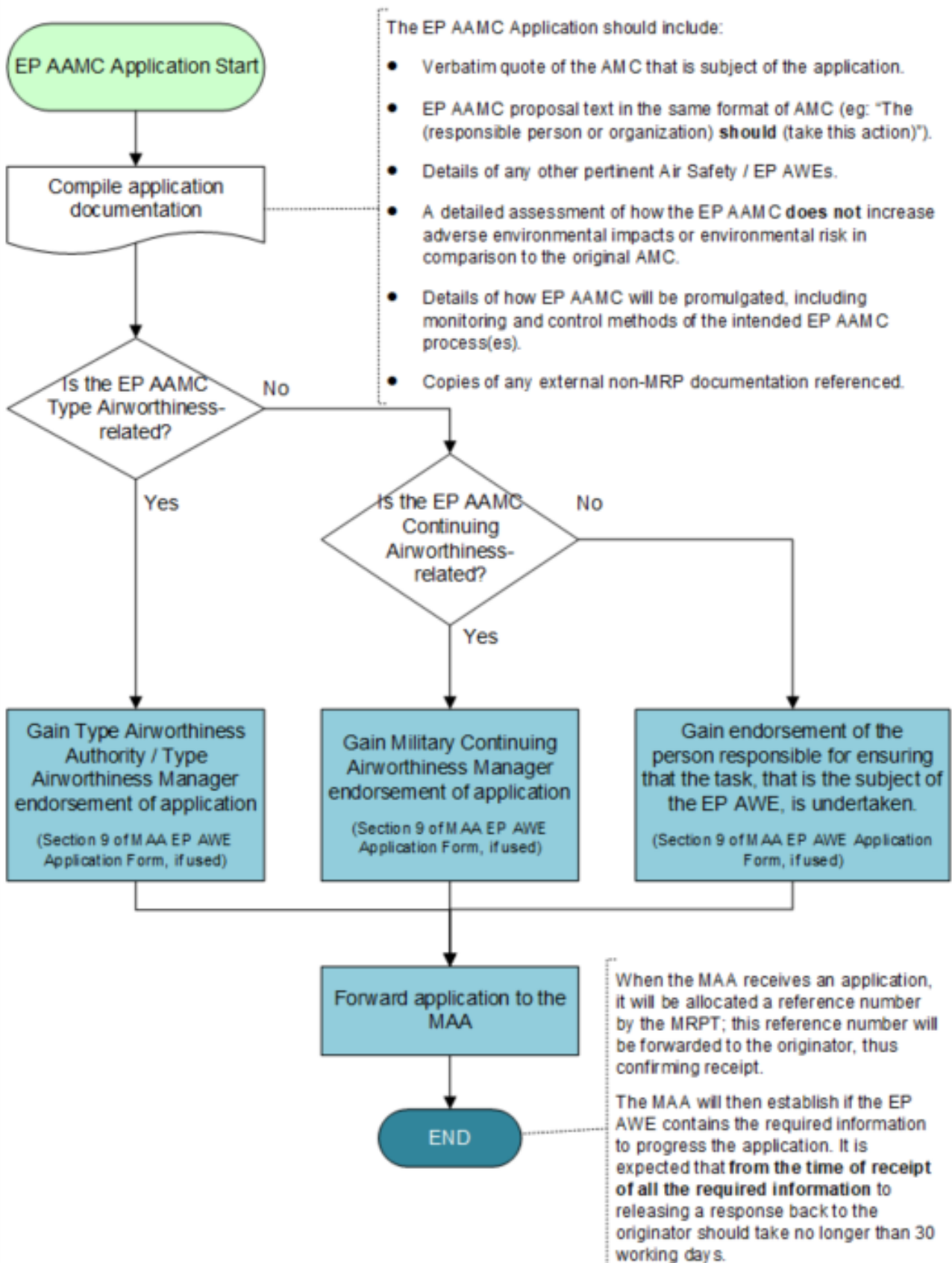
²² **Management of Mass / Short Notice EP AWE requests.** Situations may, from time to time, dictate that the Regulated Community moves to submit large numbers of EP AWEs for the same platform at the same time. In such cases, prior discussion with the MAA is required to ensure capacity for timely progression of the application(s).

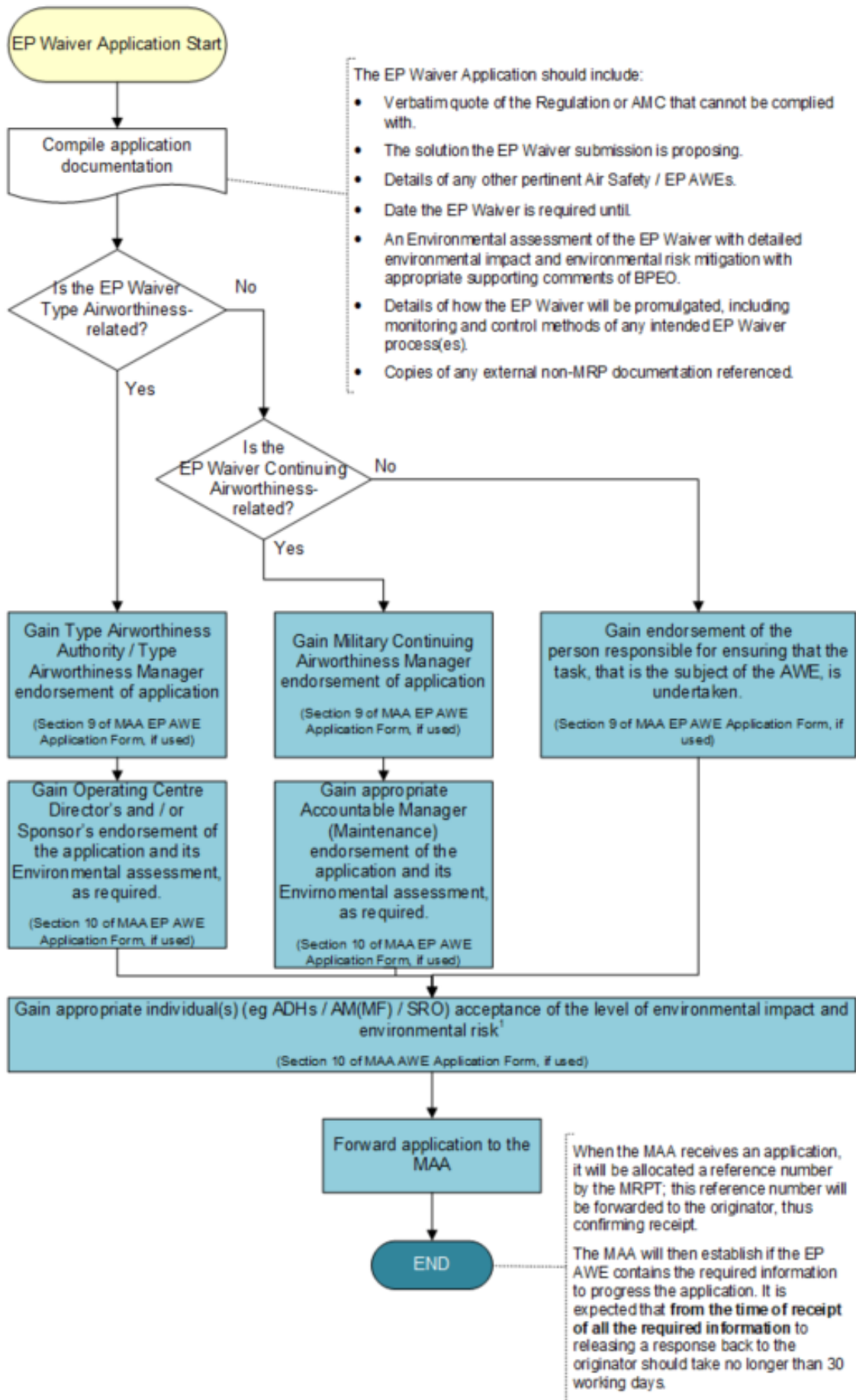
²³ An internal MAA framework that outlines the levels of authority for decision making in each of the MAA's functional areas.

²⁴ For rejections, the reasons for rejection will be included in any correspondence.

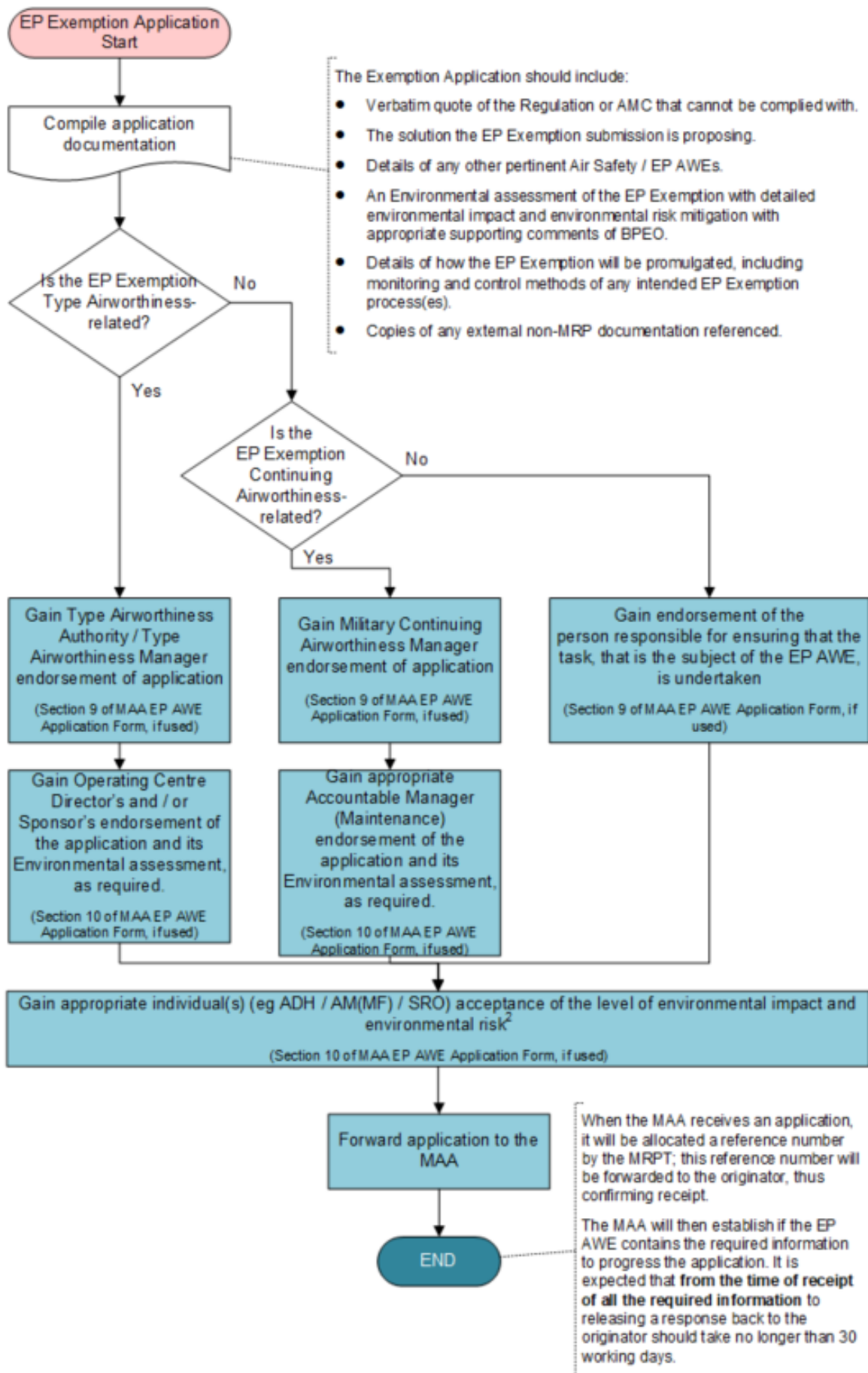
Appendix 1
Environmental Protection AWE Application flowchart







¹ Where the submission relates to the provision of a SOE, the HoE should provide confirmation that a SOE remains.



2 Where the submission relates to the provision of a SOE, the HoE should provide confirmation that a SOE remains.

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Annex D: MAA Letter of Endorsement Application (Operating Centre Directors, Type Airworthiness Authorities and Design Organization Type Airworthiness Managers)

Sponsor: DSA-MAA-OpAssure-Eng-DepHd

Introduction

1. In accordance with the MRP²⁵, Defence Equipment and Support (DE&S) Operating Centre Directors (OCD), DE&S intermediate Line Managers, Type Airworthiness Authorities (TAA), Design Organization (DO) Type Airworthiness Managers (TAM)²⁶, and Commodity Chief Engineers (CE)²⁷ should apply to the MAA for endorsement of their suitability to hold an LoAA or LoA. The MAA will review this application and, if content, issue an appropriate Letter of Endorsement (LoE) recognising the suitability of the applicant. As part of the MAA's responsibility to the Secretary of State for providing an independent end-to-end Assurance of Air Safety Standards, the MAA is charged with assuring the suitability of nominated OCDs, intermediate Line Managers, TAAs, TAMs, and Commodity CEs.

Process

2. The following process describes the steps required to receive a LoE.
- a. **Nomination.** Once nominated for a LoAA / LoA post that requires a LoE, the applicant must complete a self-assessment against the Airworthiness Competency Set (ACS). The ACS is hosted on the MAA internet site²⁸.
 - b. **Submission.** The applicant should forward copies of the following to the MAA Operating Assurance Group at DSA-MAA-OA-ACC@mod.gov.uk.
 - (1) A completed ACS self-assessment aided by the MAA ACS Assessment Tool²⁸ or DE&S Airworthiness Safety Competence Assessment Tool (DASCAT).
 - (2) A current Curriculum Vitae based on the generic template at Appendix 1.
 - (3) The post profile and Terms of Reference for their appointment including any specific additions or exclusions.
 - c. **MAA Recommendation.** The MAA will formally review the submission and make a recommendation to the endorser, who will also conduct an independent review of the application. If the application does not provide sufficient evidence, the applicant may be asked for additional information or invited to attend an interview to discuss their experience and competence.
 - d. **Issuing of the LoE.** Following the assessment of the application, the following options are available:
 - (1) **Fully Evidenced Application.** When an applicant is deemed to meet all required criteria, the endorser will issue a LoE to the relevant OCD / Sponsor and send a copy to the applicant. For OCD applications, the endorser will issue a LoE to Director General (Air) (DG(Air)) and send a copy to the applicant.
 - (2) **LoE with Limitations.** When an applicant is not deemed to meet all required criteria, the endorser will make a recommendation to the MAA Head of the Certification and Regulation Group that the LoE requires either temporary or permanent limitations, or the applicant requires enhanced supervision / mentoring. For 1*, TAA, TAM, and Commodity CE applications, the MAA Head of the Certification and Regulation Group will then approve issue of a LoE to the relevant OCD / Sponsor and send a copy to the

²⁵ Refer to RA 1003(1): Delegation of Airworthiness Authority within DE&S.

²⁶ The assessment of the TAM will only be undertaken in response to a request by the Sponsor, as detailed within RA 1003(3): Delegation of Airworthiness Authority within a Design Organization holding Type Airworthiness Management responsibilities.

²⁷ The assessment of a Commodity CE will only be undertaken if they are to hold a Letter of Airworthiness Authority (LoAA) to amend the Air System Document Set.

²⁸ <https://www.gov.uk/government/publications/letter-of-endorsement-loe-airworthiness-competence>.

applicant, detailing the limitations and / or required supervision / mentoring. For OCD applications, the MAA Technical Director will then issue a LoE to DG(Air) and send a copy to the applicant, detailing the limitations and / or required supervision / mentoring.

(3) **Rejection.** Where a 1*, TAA, TAM, or Commodity CE applicant is assessed as not suitable to hold Airworthiness responsibilities, the MAA Head of the Certification and Regulation Group will inform the appropriate OCD / Sponsor and applicant of the reason(s). Where an OCD is assessed as not suitable to hold Airworthiness responsibilities, the MAA Technical Director will inform DG(Air) and applicant of the reason(s).

e. **Validity.** The LoE remains valid only for the duration of the applicant's current assignment and will require re-assessment if the job role changes, such as moving to work with different Type Design.

Appendix 1

Model Template for the completion of a CV

Rank / Grade / Title	
Initials	
Name	
Post Nominals	
Branch / Organization	
Post	

Experience to Date

1. This section should include all relevant previous experience by date and post and should include as much detail and supporting evidence as possible. Applicants should focus on those elements of their previous experience that are most relevant to the post, including any previous LoAA, LoA or Letter of Airworthiness Notification held. For a TAM this includes Airworthiness Delegation within a DO.

Qualifications

Degree	
Technical / Functional	
Any Other (specifically include dates of attendance at the Airworthiness of Military Aircraft Course – Practitioner (AMAC-P))	

Experience Pertinent to Post

2. This section should focus on attributes pertinent to the post; for example, applying a systems approach, applying strategic direction, managing performance and business and product awareness. This list is not exhaustive, and applicants should carefully consider this element of the CV and provide as much supporting evidence as possible for relevant attributes.

Additional Information

3. The applicant should include any relevant information or supporting evidence, which may not have fitted into the previous CV elements.

Candidate’s Statement

4. CVs are to include the following candidate statement: “I certify that the information supplied above is accurate to the best of my knowledge. I believe that the courses attended and my training, together with my relevant experience, enable me to accept responsibility as within the Delivery Team / DO.”

Signature _____

Date _____

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Annex E: MAA Appeals

Sponsor: DSA-MAA-Reg-DepHd

Introduction

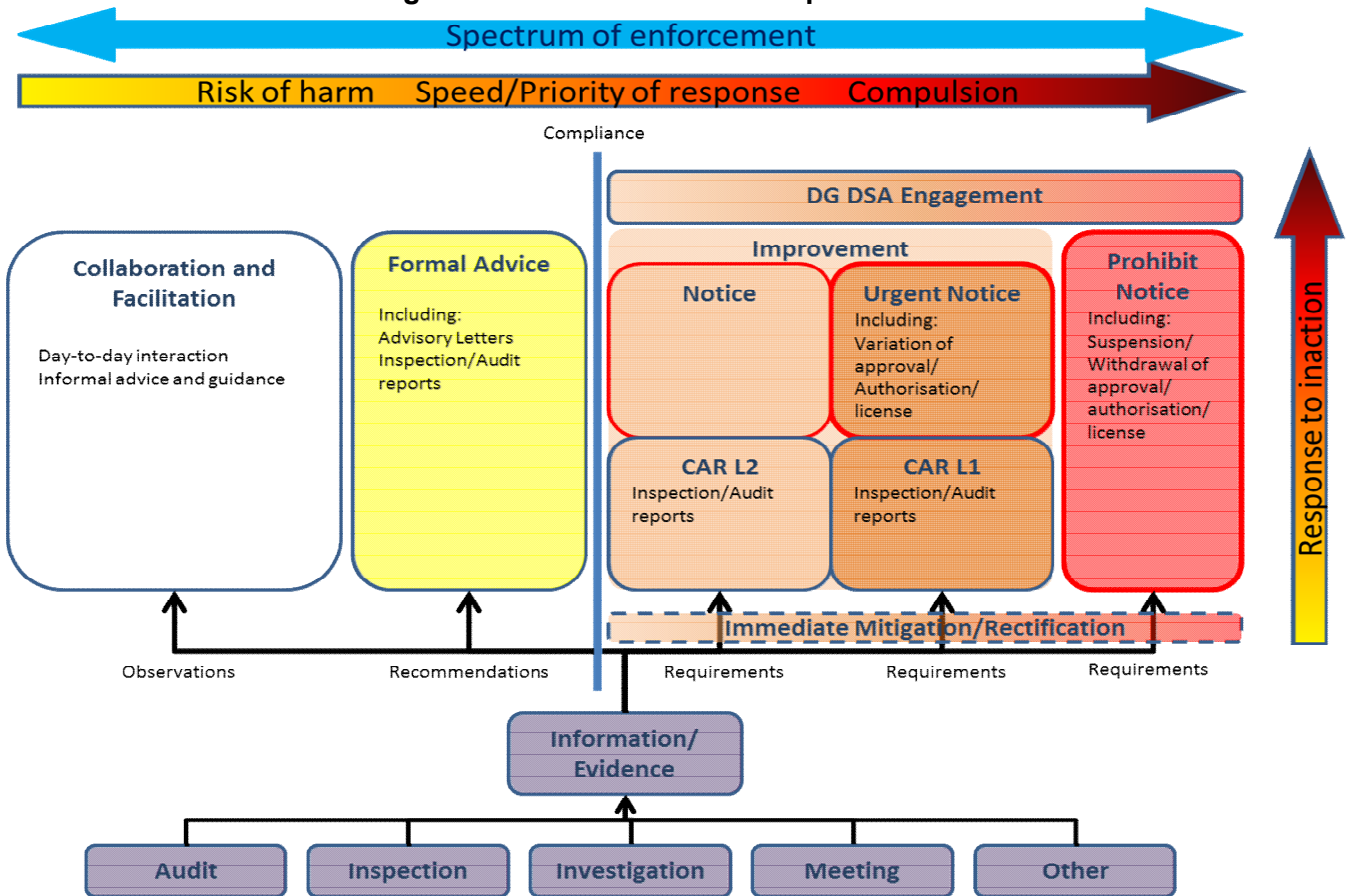
1. The MAA enforcement policy is laid out in MAA01²⁹ and includes a brief summary of the appeals process against MAA enforcement action. This Annex details the process for lodging an appeal against MAA enforcement action.

Principles

2. The MAA enforcement policy is founded on the following 2 principles:
- a. **Principle 1:** Enforcement action may be taken in the event of regulatory non-compliance.
 - (1) The MAA will provide guidance and information on regulatory compliance matters; it will encourage early engagement with the Regulator and compliance with the MRP.
 - (2) Where necessary, the MAA's enforcement policy, supported by appropriate enforcement action, will aim to secure regulatory compliance.
 - b. **Principle 2:** Enforcement action shall be fair and proportionate.
 - (1) Full details of the nature of non-compliance will be given.
 - (2) The response to non-compliance will be proportionate.
 - (3) There is an appeals process to ensure that individuals and organizations are able to challenge decisions.
 - (4) The enforcement policy will be reviewed periodically.
 - (5) Enforcement action will relate directly to the non-compliance and associated Risks.
 - (6) A programme to verify compliance will be initiated following enforcement action.
 - (7) Details of enforcement action may be disclosed to relevant stakeholders and, where appropriate, the wider public.
3. These principles are consistent with the engaged Air Safety Culture that underpins continual improvement in Air Safety, as defined in the Manual of Air Safety. ► **These principles also align with JSP 816 Volume 1 Defence Environmental Management System Framework; Expectation 4.5 promoting continual improvement in environmental risk management.** ◀
4. The range of enforcement action is summarized in Figure E-1.

²⁹ Refer to MAA01: MAA Regulatory Policy.

Figure E-1: The Enforcement Spectrum



Handling Appeals

5. There may be occasions where the accountable person does not agree with the enforcement action being taken by the MAA, either on the basis of the evidence used or the process followed. In such cases, informal engagement between the accountable person and the MAA should be used in the first instance, preferably before the enforcement notice is served. The MAA standards for handling appeals against MAA enforcement action are as follows:

- a. The MAA will accept appeals by email or letter.
- b. The MAA will treat all appeals seriously.
- c. The MAA will treat appellants fairly and courteously.
- d. The MAA will deal with appeals promptly.

Appeals Process

6. If disagreement remains, there are 2 stages to the MAA’s appeals process.

Stage 1 – Initial Review

7. The accountable person should raise a formal appeal in writing, usually within 10 working days of the enforcement notice being served, to MAA Enforcement Action Appeals (see contact details at paragraph 10 below):

- a. Stating their appeal (providing the detail of the enforcement action they are appealing).
- b. Providing details of who issued the MAA enforcement action.
- c. Including any documents or correspondence in support of the appeal.

8. The MAA will identify a member of staff with suitable authority to review the case and acknowledge initial receipt of an appeal within 5 working days of receipt. This individual will conduct an independent examination of the enforcement action which will be reviewed by the MAA Director (DSA-MAA-D) prior to release. A response will be issued to the accountable person within 20 working days of the appeal being received. It is anticipated that most appeals will be resolved at this stage.

9. In the case of an appeal against a Prohibit Notice, the requirement to cease activity remains extant while the appeal is being considered, unless an Operational Imperative exists, as defined in ► **DSA01.3 Enforcement.** ◀

10. Appellants are to provide the formal appeal by email to DSA-MAA-MRPEnquiries@mod.gov.uk, or by letter to:

MAA Enforcement Action Appeals
Military Aviation Authority MRP Team
Juniper, Wing 3, Floor 1, #5102
MOD Abbey Wood North
BS34 8QW

Stage 2 – Further Review

11. If the accountable person is not satisfied with the result of Stage 1, they may escalate the appeal up their command / management chain to appeal to the DSA Director General (DSA-DG) via the DSA Secretariat Team (see contact details at paragraph 13 below). In such cases, the appeal is to be raised by email or letter within 20 working days of the response to the original appeal being received by the accountable person. DSA-DG is to investigate the appeal and respond within 20 working days of the appeal being received in accordance with ► **DSA01.3 Enforcement.** ◀

12. In the case of an appeal against a Prohibit Notice, the requirement to cease activity remains extant while the appeal is being considered, unless an Operational Imperative exists, as defined in ► **DSA01.3 Enforcement.** ◀

13. Appellants are to provide the formal appeal by email to DSA-Enquiries@mod.gov.uk, or letter to:

DSA Enforcement Action Appeals
DSA Secretariat Team
Juniper, Wing 3, Floor 1, #5004
MOD Abbey Wood North
BS34 8QW

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Annex ▶F◀: MAA Assurance**Sponsor: DSA-MAA-OpAssure-Eng-DepHd****Introduction**

1. The MAA conducts Assurance of the RC in accordance with the DSA Charter³⁰. These Assurance activities range from informal surveillance of routine meetings, through to formal Audits of an organization³¹.

Assurance Activity outputs

2. Each of the Assurance activities can lead to the MAA raising Corrective Action Requirements (CAR)³².

3. A CAR can be either a Non-Compliance against the MRP, or a Non-Conformance against local processes or single-Service policies. A CAR can either be categorised as a Level 1 or Level 2 as defined below:

a. Non-Compliance:

(1) Level 1: A failure to meet Regulation that could lead to a major Risk to Air Safety.

(2) Level 2: Any non-compliance that is not judged to be Level 1.

b. Non-Conformance:

(1) Level 1: A deviation from or omission of a requirement that may contribute to a major Air Safety Risk.

(2) Level 2: Any non-conformity that is judged not to be a Level 1.

4. During Audits, the MAA may also note Positive or Negative Observations as detailed below:

a. Positive Observation: This is for good practice that warrants sharing with the wider RC (subject to commercial sensitivities).

b. Negative Observation: This is for shortcomings which do not yet justify a CAR, but which raise concern of a trend towards a potential future Non-Compliance or Non-Conformance. Negative Observations will be monitored during future MAA Assurance activities.

5. The MAA produce a report from each Audit in addition to issuing CARs and Observations. The report should be issued within 20 working days from completion of the final on-site Audit activity, noting that an Audit may cover multiple sites. Specific details of the reporting process will be briefed by the MAA at the Audit out-brief for each organization. The report will be issued by the MAA to the audited organization plus MOD organizations identified by the MAA as being key stakeholders. Further copies should be requested from the audited organization if required.

Timescales

6. Each CAR requires a Corrective Action Plan (CAP) to be agreed with the MAA to provide Assurance that the specific issue will be corrected and prevented from recurring. The required timings are as follows:

a. Level 1: The CAP must be sent to the MAA within 10 working days of the CAR dispatch date. The specific time allowed for CAR closure, as described in the CAP, should be agreed with the MAA, noting that the provisional target is within 20 working days from CAR dispatch date.

b. Level 2: The CAP must be sent to the MAA within 20 working days of the CAR dispatch date. The specific time allowed for CAR closure, as described in the CAP, should be agreed

³⁰ Which is hosted on the DSA website <https://www.gov.uk/government/organisations/defence-safety-authority/about>.

³¹ The MAA Audit process is based upon ISO 19011 – Guidelines for Auditing Management Systems.

³² The full DSA Enforcement Policy is described in MAA01: MAA Regulatory Principles.

with the MAA, noting that the provisional target is within 120 working days from CAR dispatch date.

CAP Extensions

7. Extension of CAP timings must be agreed by the MAA, but will be considered on a case by case basis, subject to the provision of suitable justification.

Feedback

8. The MAA provide an online feedback mechanism for each Audit and details are provided during the initial on-site Audit briefings.

Annex G: MAA Letter of Endorsement Application (Operating and Delivery Duty Holders)

Sponsor: DSA-MAA-D

Introduction

1. In accordance with the MRP³³, each Service Chief will be a Senior Duty Holder (SDH) by virtue of position, and will personally appoint by name Operating Duty Holders (ODH) and DDH. It is the SDH's responsibility to ensure that the ODHs and DDHs that they appoint are SQEP. The Service career management agencies should apply to the MAA for endorsement of the ODH or DDH suitability to hold the Duty Holder posting. The MAA will review this application and, if content, issue an appropriate LoE recognizing the suitability of the applicant. As part of the MAA's responsibility to the Secretary of State for providing an independent end-to-end Assurance of Air Safety Standards, the DSA-MAA-D is charged with assuring the suitability of nominated Duty Holders.

Process

2. The following process describes the steps to receive a LoE.
 - a. **Nomination.** Service career management agencies are to submit supporting evidence detailing individual competencies, training and experience for endorsement no later than 3 months prior to the individual assuming their appointment.
 - b. **Submission.** Service career management agencies should forward completed copies of the template at Appendix 1 to the DSA-MAA-D at DSA-MAA-D@mod.gov.uk.
 - c. **MAA Recommendation.** The MAA Operating Assurance Group will formally review the submission and make a recommendation to the DSA-MAA-D. Exceptionally, the applicant may be invited to interview to inform the MAA's assessment.
 - d. **Issuing of the LoE.** Following approval by the MAA, the Service career management agency will be issued with a personal LoE for the nominated individual no later than 2 months prior to the appointment date. The LoE should be held as a record by the Service career management agency and a copy issued to the successful Duty Holder. Should the MAA judge that further professional or experiential development is required to enable the nominee to hold Duty Holder responsibilities, or that the nominee is not suitable to hold Duty Holder responsibilities, the respective Service career management agency will be informed of the reasoning no later than 2 months prior to the appointment date.
 - e. **Limitations and Surveillance.** The MAA may judge that the LoE requires temporary or permanent limitations or that the nominee requires continuing surveillance.
 - f. **Validity.** The LoE remains valid only for the duration of the nominee's specified assignment and cannot be transferred between platforms / stations / roles.

³³ Refer to RA 1020(2): Aviation Duty Holder Nomination.

Appendix 1
ODH / DDH Submission Template

Post	
Assignment Dates – From:	
Assignment Dates – To:	
Rank	
Initials	
Name	
Service Number	
Post Nominals	
Branch	

Terms of Reference	<p>Detail to include:</p> <ul style="list-style-type: none"> - Scope of activity - Units - Aircraft - Role (specifically RA 2370 – Test & Evaluation endorsement requirement) - Planned and endorsed Duty Holder changes
--------------------	---

Evidence Based SQEP Argument	<p>Detail to include:</p> <ul style="list-style-type: none"> - Relevant operator qualification - Operator experience: <ul style="list-style-type: none"> o Unit Command Experience o Station / DDH Experience (ODH nominees) o Test & Evaluation Experience (if applicable to role³⁴) o Air Operations Command Experience - Additional relevant experience: <ul style="list-style-type: none"> o Specifically relevant Air Safety training
Duty Holders Air Safety Course (DHASC)	
Submitted by (name of Service career management staff):	
Service career management staff email:	
Submitted by	
Date	

³⁴ A separate Test and Evaluation Endorsement will be required in accordance with RA 2370 – Test and Evaluation.

Annex H: MAA Assurance

▶ Content moved to MAA03 Annex F. ◀

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