

NPA/25/12

Title of Proposal: RA 1005 – Contracting with Competent Organizations

RA(s) or Manual Chapter(s): Whole Document

Organizations and / or business sectors affected: Whole Regulated Community

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MAA Author

Post	Name	Rank	Signature
DSA-MAA-Reg-Eng-1000a	Redacted	Redacted	Redacted - Original Signed

MAA Supervisor

Post	Name	Rank	Signature
DSA-MAA-Reg-Eng	Redacted	Redacted	Redacted - Original Signed

MAA Independent

Post	Name	Rank	Signature
DSA-MAA-Regs-Eng-4800a	Redacted	Redacted	Redacted - Original Signed

MAA LegAd (if required)

Post	Name	Rank	Signature
N/A	N/A	N/A	N/A

Cross-references to Other Documents or Relevant Sources

Other MRP Amendments: N/A

Service Inquiry Recommendations: N/A

AAIB Recommendations: N/A

Other Investigation Recommendations: N/A

Any Other Document: N/A

Feedback Notes for the Regulated Community

The Regulated Community are invited to offer feedback about the proposed amendment in the following areas:

- Air or Flight Safety impact
- Operational impact
- Errors or omissions
- Timescale for implementation
- Cost of implementation
- Amendment to internal processes/orders
- Resourcing the outcome of change
- (Contract amendments because of the change)

The format for feedback is available within a single Excel Template file on both internal and external MAA websites; it is important to use this format to ensure that your responses are considered and answered correctly.

Summary of Proposed Amendment

Objective: To ensure RA 1005 remains up-to-date with current MoD aviation terminology and policy.

Changes made: RA 1005 has been amended further to incorporate accepted comments from the Regulated Community during the previous NPA.

Impact Assessment: Minimal to moderate dependant on organization. (RI will be published with NAA detailing transitional arrangements.)

Consultation Period Ends: 2 Weeks

The consultation period for this proposed amendment ends on the stated date. Please send your feedback, using the Response Form, via email to DSA-MAA-MRPEnquiries@mod.gov.uk

MAA Approval

Post	Name	Rank	Signature
DSA-MAA-Reg-Eng	Redacted	Redacted	Redacted - Original Signed

RA 1005 – Contracting with Competent Organizations

Rationale

Organizations within the Defence Air Environment (DAE) may be Contracted¹ to carry out specified Type and Continuing Airworthiness management, Contractor Flying, and Air Traffic Management Equipment activities. Not having Competent organizations Contracted to carry out these activities may result in a compromised level of Air Safety. To assure the Secretary of State for Defence that organizations Contracted to provide Air Safety related products and services to the UK MOD are Competent to do so, the MAA provides a number of Approval schemes. Moreover, correctly contracting to the MAA Regulatory Publications (MRP) is of vital importance to ensure the latest regulatory standards and practices are adhered to.

Contents

1005(1): General Principles

1005(2): Design Organizations

1005(3): Maintenance Organizations

1005(4): Contractor Flying Organizations

1005(5): Air Traffic Management Equipment Organizations

Regulation 1005(1)

General Principles

1005(1) Organizations that let contracts in the DAE **shall** ensure that activities are carried out by Competent organizations.

Acceptable Means of Compliance 1005(1)

General Principles

1. Contracts **should** be let against the latest issue of each applicable Regulatory Article and / or other MRP. The contract **should** allow provision for:
 - a. The Contracted organization to support on-site access for the MAA or its appointed agents to undertake oversight and Assurance activities.
 - b. Changes in the MRP to be addressed through contract amendment.
2. Air Safety Risk Assessments **should** be conducted by the contracting organization to assess the effects of changes in the MRP when they occur, and an Auditable trail of Risk Management **should** be maintained.
3. Where ►proposed Contractor◀ activity falls within ►the scope of an MAA Approval scheme, the contract **should** be let against that scheme.◀
4. Where the Contracted organization is required to hold but has yet to gain MAA Approval the contracting organization **should**:
 - a. Have a Contracted route to achieving Approval.
 - b. Ensure that an application has been submitted to the MAA for assessment against the relevant scheme.
5. Where no MAA Approval scheme exists, or activity is beyond the scope of the MAA Approval scheme, the contracting organization **should** assure themselves of the Competency of the Contracted organization and record their decision-making process and assumptions. Any associated Risk to Life **should** be communicated to and ►managed²◀ by the appropriate Aviation Duty Holder (ADH) or Accountable Manager.
6. The MOD may contract with intermediate organizations, which do not hold an MAA Approval, to manage or deliver products or services; in these cases the organization performing the activity that is covered by an MAA Approval scheme **should** hold the relevant MAA Approval, noting the requirements of paragraphs 4 and 5. The intermediate organization **should** flow down MRP Regulations that are relevant to the organization performing the activity.

¹ Contracting includes other arrangements such as: Internal Business Agreements, Joint Business Agreements, Service Level Agreements, Foreign Military Sales agreements, etc.

² ►Refer to RA 1210 – Ownership and Management of Operating Risk (Risk to Life).◀

Acceptable Means of Compliance 1005(1)

7. The Contracted organization **should** have a nationally accredited Quality Management System with an appropriate scope for the Contracted activity (eg ISO 9001 and AS 9100, accredited by the UK Accreditation Service).
8. If a Type Airworthiness Authority (TAA)³ wishes to contract with an organization that does not hold an appropriate Airworthiness organizational Approval from the MAA but instead holds a relevant Airworthiness organizational Approval from a foreign Military Airworthiness Authority, they **should** check if that foreign Regulator is currently Recognized⁴ by the MAA⁵.
9. If this Recognition, the scope of which includes the type of organizational Approval required, does exist, the TAA **should** submit a request for Alternative Acceptable Means of Compliance (AAMC) to utilize the organizational Approval from the foreign Military Airworthiness Authority. A contract **should** only be awarded if this AAMC has been approved by the MAA.
10. If a Recognition with the required scope does not exist, the TAA **should** approach the MAA⁶ to request the undertaking of Recognition activity with the foreign Military Airworthiness Authority. This request **should** include a clearly articulated Business Need that details the TAA's understanding of the applicability of the other Military Airworthiness Authority's organizational Approval. The Business Need **should** also contain details of the expected duration of use of that organizational Approval and the TAA's intended actions if that foreign Military Airworthiness Authority Approval be withdrawn or the MAA Recognition expires.
11. Contracting organizations **should** ensure that the responsibilities for the appropriate development, management, upkeep of, or contribution to, the Air System Safety Case⁷ are clearly articulated and Contracted for.

Guidance Material 1005(1)

General Principles

12. The MAA or its appointed agents will assess the suitability of a Contractor's personnel, processes and facilities to conduct their Contracted activities for inclusion in the relevant MAA Approval scheme. Approval will only be granted following a successful assessment by the MAA.
13. Contracting organizations are advised to engage with the MAA at the earliest opportunity because the time required to gain an MAA Approval can vary considerably. Contributing factors can include: the scope of the activity, the familiarity of the Contracted organization with the MRP, the Quality of the evidence submitted to the MAA and MAA workload and priorities.
14. Recognition is a process by which the MAA can make an informed and auditable judgement on the extent to which the Airworthiness outputs of a foreign Military Airworthiness Authority could be accepted for use within the MRP. Airworthiness outputs, including Airworthiness organizational Approvals, from a Recognized foreign Military Airworthiness Authority are not automatically accepted by the MAA. TAAs will need to assure themselves that they understand the source, scope and applicability of any such Airworthiness output before submitting the AAMC.
15. Costs of periodic MAA Assurance activities cannot be recovered from the MAA.

³ Where the Air System is ►not UK MOD-owned, Type Airworthiness (TAW) management◄ regulatory responsibility by either the TAA or Type Airworthiness Manager (TAM) needs to be agreed within the Sponsor's approved model ►◄; refer to RA 1162 – Air Safety Governance Arrangements for Civilian Operated (Development) and (In-Service) Air Systems, or refer to RA 1163 – Air Safety Governance Arrangements for Special Case Flying Air Systems. Dependent on the agreed delegation of TAW responsibilities TAM may be read in place of TAA as appropriate throughout this RA.

⁴ ►Refer to the Manual of Military Airworthiness Recognition.◄

⁵ This information is available from the following MAA webpage (<https://www.gov.uk/government/publications/maa-recognition>) and additional guidance can be obtained from the Defence Equipment & Support (DE&S) Airworthiness Team.

⁶ Contact via DSA-MAA-MRPEnquiries@mod.gov.uk.

⁷ Refer to RA 1205 – Air System Safety Cases.

Regulation 1005(2)

Design Organizations

1005(2) For the procurement of Air Systems (including their Products, Parts and Appliances), Airborne Equipment (AE)⁸, Air Launched Weapons (ALW)⁸, ► **Aircrew Equipment Assemblies (AEA)⁸ and Survival Equipment (SE)⁸**, ◀ TAw management and Post-Design Services (PDS), the contracting organization **shall** only contract with a Competent Design Organization (DO).

Acceptable Means of Compliance 1005(2)

Design Organizations

16. The DO **should** be approved under the Design Approved Organization Scheme (DAOS)⁹.

17. Any requirement for TAw management **should** be approved specifically under the TAw Management Supplement¹⁰ and only be undertaken within an Air System Coordinating DO.

Guidance Material 1005(2)

Design Organizations

18. Where a DO holds a European Aviation Safety Agency (EASA) / Civil Aviation Authority (CAA) Part 21 Subpart J Approval, the EASA / CAA approved DO Handbook (DOH) may be submitted together with supporting evidence addressing the differences in Regulation. As these ► **may be significant**, ◀ DOs are advised to seek guidance from the MAA DAOS Branch as early as possible to assist with the regulatory differences and ► **to seek advice regarding** ◀ the documentary evidence needed to demonstrate compliance¹¹. The Approved DOH and agreed supporting evidence may be considered as acceptable to support the organization's application for inclusion in the DAOS.

19. There are cases where DAOS is not required, specifically:

- a. For PDS contracts, where the proposed design element of such contracts is limited to holding engineering drawings of equipment or where changes to legacy equipment Configuration are not anticipated. If design changes are subsequently required, DAOS Approval must be sought⁹.
- b. For equipment contracts involving manufacture and supply, where there is no change to the original design produced by a DAOS approved organization. If design changes are subsequently required these will ► **need to** ◀ be referred back to the original designer.

Regulation 1005(3)

Maintenance Organizations

1005(3) For the Maintenance of Air Systems (including their Products, Parts and Appliances), ► **AE⁸** ◀ and ALW⁸, the contracting organization **shall** only contract with Competent Maintenance organizations.

Acceptable Means of Compliance 1005(3)

Maintenance Organizations

20. ► **Contracting organizations should only contract with Maintenance organizations approved under the Maintenance Approved Organization Scheme (MAOS) for the following Contractor-run activities:**

- a. **On Aircraft Maintenance;**
- b. **Aircraft Engine Maintenance (B1, B2 and B3)¹²;**

⁸ As defined in MAA02: Military Aviation Authority Master Glossary.

⁹ Refer to RA 5850 – Military Design Approved Organization (MRP Part 21 Subpart J).

¹⁰ The TAw Management Supplement is available on the MAA websites.

¹¹ Refer to MAA03: Military Aviation Authority Regulatory Processes.

¹² ► **Refer to RA 4804 – Terms of Approval (MRP 145.A.20) – Approved Maintenance Organizations only.** ◀

Acceptable Means of Compliance 1005(3)

- c. Helicopter Transmission Maintenance (C11)¹²;
- d. Aircraft component Maintenance on UK Government Property^{8, 13}.
- e. AE⁸. ◀

21. MAOS Approval **should** be achieved by demonstration of full compliance with MRP Part 145.

22. For Maintenance activities out of the scope of MAOS, the Contracting organization **should** refer to paragraph 5.

Guidance Material 1005(3)

Maintenance Organizations

23. Contractor-run off Aircraft Maintenance ▶ (with the exception of engine¹² or helicopter transmission¹² Maintenance) not ◀ carried out ▶ on ◀ UK Government Property is beyond the scope of MAOS.

24. The MAA recognizes that, where on-Aircraft Maintenance activity is carried out by a civil organization accredited with the appropriate scope, approved under ▶ ◀ CAA Part 145, and where CAA oversight under CAA Civil Aviation Publication (CAP) 562 Leaflet B-40 is invoked, then the ▶ ◀ CAA Part 145 Approval may meet the majority of MAOS requirements. In this case, all differences must be addressed and MAOS Approval obtained as detailed in RA 4800¹⁴.

Regulation 1005(4)

Contractor Flying Organizations

1005(4) For the delivery of UK military registered Air System flying operations, the contracting organization **shall** only contract with Competent flying organizations.

Acceptable Means of Compliance 1005(4)

Contractor Flying Organizations

25. Contracting organizations **should** only contract with flying organizations that are ▶ ◀:

- a. Approved under the Contractor Flying Approved Organization Scheme (CFAOS) ▶¹⁵ (for the operation of crewed Aircraft, specific S2 sub-category RPAS or certified category RPAS) ◀ or:
- b. ▶ Approved under the Contractor Flying Approved Organization Scheme (Basic Remotely Piloted Air Systems) (CFAOS(BR))¹⁶ (for the operation of RPAS in the Open Category or Specific S1 sub-category), or: ◀
- c. Operating under the governance of ▶ an ◀ ADH.

Guidance Material 1005(4)

Contractor Flying Organizations

26. Documented Systems and processes in support of other aviation operations regulatory Approvals may be used and credited towards CFAOS Approval, using the Contractor Flying Organization Exposition (CFOE)¹⁵ ▶ or for CFAOS(BR) Approval, using the CFOE(BR)¹⁴ ◀ to show cross-linkages.

27. CFAOS ▶ / CFAOS (BR) ◀ organizations contracting non-UK military registered Air System support (such as for trials support or chase Aircraft) in support of CFAOS ▶ / CFAOS (BR) ◀ activity are responsible for ensuring that correct regulatory Approvals are in place based on Air System registration. Appropriate due diligence would be expected to be enacted through the CFAOS organization's Air Safety Management System¹⁷ ▶ or an appropriate process for CFAOS(BR) organizations. ◀

¹³ ▶ For the purpose of this RA, UK Government Property relates to Land, His Majesty ships and Royal Fleet Auxiliary ships. ◀

¹⁴ Refer to RA 4800 – General Requirements (MRP Part 145).

¹⁵ ▶ Refer to RA 1028 – Contractor Flying Approved Organization Scheme.

¹⁶ Refer to RA 1031 – Contractor Flying Approved Organization Scheme (Basic Remotely Piloted Air Systems). ◀

¹⁷ Refer to RA 1200 – Air Safety Management.

**Regulation
1005(5)****Air Traffic Management Equipment Organizations**

1005(5) For the provision and / or installation of Air Traffic Management (ATM) Equipment, and / or the provision of technical services that support ATM Equipment, contracting organizations **shall** only contract with Competent ATM Equipment Organizations.

**Acceptable
Means of
Compliance
1005(5)****Air Traffic Management Equipment Organizations**

28. Contracting organizations **should** only contract with ATM Equipment organizations approved under the ATM Equipment Approved Organization Scheme¹⁸ when contracting for the provision and / or installation of ATM Equipment, and / or the provision of technical services that support ATM Equipment.

**Guidance
Material
1005(5)****Air Traffic Management Equipment Organizations**

29. Nil.

¹⁸ Refer to RA 1027 – Air Traffic Management Equipment Organizations - Responsibilities of Contracted Organizations.

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