

United Kingdom Overseas Territories Aviation Circular

OTAC 21-9
39-8

Mandatory Continued Airworthiness Requirements

Issue 2.00
6 July 2022

Effective: on Issue

GENERAL

Overseas Territories Aviation Circulars are issued to provide advice, guidance and information on standards, practices and procedures necessary to support Overseas Territory Aviation Requirements. They are not in themselves law but may amplify a provision of the Air Navigation (Overseas Territories) Order or provide practical guidance on meeting a requirement contained in the Overseas Territories Aviation Requirements.

PURPOSE

This Circular provides information and guidance on mandatory continued airworthiness requirements including those relating to airworthiness directives.

RELATED REQUIREMENTS

This Circular relates to OTAR Parts 21 and 39.

CHANGE INFORMATION

Second issue. Para 2, change to add UK CAA and ANAC Brazil as acceptable States of Design for Type Acceptance Certificates in accordance with OTAR 21.25(a). Para 4, minor changes to Permit to Fly and Special Flight Permit terminology.

ENQUIRIES

Enquiries regarding the content of this Circular should be addressed to Air Safety Support International at the address on the ASSI website www.airsafety.aero or to the appropriate Overseas Territory Aviation Authority.

CONTENTS

1	Introduction	3
2	Type Certification basis	3
3	Airworthiness Directives	3
4	Permit Directives	4
5	Security Directives	4
6	Alternative methods of compliance	5

1 Introduction

- 1.1 This Circular provides guidance material on the requirements for the acceptance, issue and applicability of the following Mandatory Directives:
- a) Airworthiness Directives
 - b) Mandatory Permit Directives
 - c) State of Type Design Directives
 - d) State of Type Certificate Directives
- 1.2 Also included is guidance material on Alternative Methods of Compliance to existing Airworthiness Directives and Permit Directives.

2 Type Certification basis

- 2.1 In accordance with OTAR 21 Subpart B the investigation and acceptance of an aircraft Type Certification will be documented by a Type Acceptance Certificate (TAC) issued by the Overseas Territory Aviation Authority (OTAA). The issue of the TAC will be based on the Type Certification granted by one of the following National Authorities:
- a) Federal Aviation Administration (FAA)
 - b) Transport Canada (TC)
 - c) European Aviation Safety Agency (EASA)
 - d) UK Civil Aviation Authority (UK CAA)
 - e) Agência Nacional de Aviação Civil (ANAC) of Brazil
- 2.2 The acceptance of the aircraft by the OTAAs can therefore be based on either the State of Type Design Certification or the State of Type Certification that has validated the State of Type Design Certification.

3 Airworthiness Directives

3.1 General

It is policy that the embodiment of Airworthiness Directives (AD) shall be consistent across all Overseas Territories. Therefore, any AD required to be embodied in one Territory shall be applicable in all Territories. This will be achieved, where necessary, via co-ordination through ASSI.

3.2 State of Type Certification ADs

The issue of an Airworthiness Directive (AD) by the State of Type Certification listed on the TAC will be automatically adopted by the OTAAs without any further investigation. Operators and owners of aircraft shall therefore comply directly with the requirements of the AD.

3.3 State of Type design ADs

State of Type Design ADs will normally also simply be adopted by the State of Type Certification. The OTAAs will therefore also automatically adopt these ADs.

3.4 Mandatory Airworthiness action in absence of a published AD

- 3.4.1 If an OTAA concludes that mandatory airworthiness action is necessary to address the findings of an investigation into an occurrence, incident or accident it will encourage the State of Type Design and/or the State of Type Certification to work with the Type Certificate Holder and introduce the required AD. Assuming the satisfactory issue of an AD no further OTAA action would be necessary. The AD would be adopted within the Territories as per paragraphs 3.2 and 3.3 above.
- 3.4.2 If mandatory AD action is considered necessary by an OTAA and the State of Design and/or State of Certification does not agree, the OTAA will raise the matter with ASSI for further review and action. ASSI will review the details of the investigation and if agreed will petition the State of Design/Certification NAA again for a satisfactory resolution or, if unsuccessful, will initiate mandatory AD action for compliance by all Overseas Territories; i.e. not just the single OTAA in question; therefore the ASSI Airworthiness Directive will be promulgated to all OTAAs for onward distribution to Operators and aircraft owners.

4 Permit Directives

- 4.1 If an aircraft type does not qualify for the issue of a Certificate of Airworthiness as detailed in OTAR Part 21.703(a), it may be possible to grant the aircraft a Permit to Fly for the purpose of flying within the Territory of Registry. These aircraft will have previously been certified for flight by the FAA, Transport Canada, a EASA member State or the UK CAA via a National Permit to Fly or Special Airworthiness Certificate in the Experimental Category processes.
- 4.2 Mandatory Permit Directives (MPDs) issued by either the State of Type Design or State of Type Acceptance will be automatically adopted by the OTAAs. Owners of such aircraft are therefore required to comply with the requirements of the MPDs.
- 4.3 If an MPD is considered necessary by an OTAA but the State of Design or State of Type Acceptance does not agree, the OTAA will raise the matter with ASSI for further review and action. ASSI will review the details of the investigation and if agreed will petition the State of Design/Acceptance NAA again for a satisfactory resolution or, if unsuccessful, will initiate MPD action on an Overseas Territories wide basis i.e. not just the single OTAA.
- 4.4 The ASSI instigated MPD will be promulgated to all OTAAs for onward distribution to aircraft owners.

5 Security Directives

- 5.1 Airworthiness Directives and Mandatory Permit Directives are widely published on NAA websites and other propriety information systems. Operators and aircraft owners therefore have ready access to the necessary mandatory safety data for continued airworthiness purposes.
- 5.2 In addition there are Airworthiness Directives that address deficiencies in aircraft security measures that are not widely published, for example flight deck door modifications.
- 5.3 These security ADs are circulated to Airworthiness Authorities as the need arises. ASSI and the OTAAs will therefore advise operators and owners directly of the existence of these security ADs and the need for compliance, as appropriate.

6 Alternative methods of compliance

- 6.1 An Alternative Method of Compliance (AMOC) is a different approach or technique not specified in an AD/MPD that can assure a level of safety equivalent to that offered by direct compliance with the subject AD/MPD.
- 6.2 AMOC's may be issued in respect of, but not necessarily limited to alternative:
- a) Design changes (modifications);
 - b) Inspection procedures and/or maintenance intervals;
 - c) Changes to specified operating procedures or limitations.
- 6.3 A request for a timescale change (i.e. extension) to an AD/MPD is not a candidate for an AMOC. A timescale change, if agreed, should be approved by the issue of an exemption to the AN(OT)O for the non-compliance with the AD/MPD. When approved, an AMOC should not have a specified period of validity since it has been accepted as an equivalent safety case to an existing AD/MPD. AMOCs are not considered a routine approach to compliance with mandatory airworthiness requirements. Compliance with the AD/MPD is often the simplest and most direct method of addressing the airworthiness concern.
- 6.4 The preferred acceptance of an AMOC, by an OTAA, is to utilise an already existing AMOC approved by the State of Design or State of Certification that issued the original AD/MPD. Applicants will be requested to comply with this existing AMOC. The suitability of any existing AMOC may require assessment using engineering assistance and/or TC/STC/TA support. An example of a possible alternative AMOC would be one where the aircraft serial number applicability on the AD/MPD is different from that of the subject aircraft which would require further investigation as to its suitability.
- 6.5 If a suitable AMOC does not already exist, the application, to an OTAA, for an AMOC must be from the TC/STC Holder or have the support of the TC/STC Holder, or Type Approval Holder for a Permit Aircraft.
- 6.6 The OTAA will review the content of any proposed AMOC application and determine whether an equivalent level of safety to the original AD/MPD has been demonstrated. The OTAA will advise the applicant in writing if the AMOC is acceptable on the Territory aircraft.