

2008/03

Applicability: Owners of aircraft with an EASA Certificate of Airworthiness

**CONTINUING AIRWORTHINESS RESPONSIBILITIES FOR OWNERS/
OPERATORS OF AIRCRAFT NOT USED FOR COMMERCIAL AIR TRANSPORT**

1 Introduction

1.1 Commission Regulations (EC) 2042/2003 (Annex 1) and (EC) 1056/2008 came into force on 28 September and 27 October 2008 respectively. These regulations, which are collectively known as Part M, place responsibility on an aircraft owner for ensuring that no flight takes place unless their aircraft:

- conforms to an EASA recognised type design, and;
- has all modifications and repairs approved in accordance with Part 21, and;
- is maintained in a condition for safe operation, and;
- is operated within the limitations of the approved flight manual.

1.2 This AIRCOM is intended to explain the responsibilities set out in paragraph M.A.201 of Part M for the owners of aircraft that are not defined as a large aircraft⁽¹⁾ when not used for Commercial Air Transport (CAT). It is also intended to set out the options that the Regulation provides to contract certain responsibilities from the owner/operator to approved Continuing Airworthiness Management Organisations (CAMOs).

2 Background

2.1 Paragraph M.A.201(a) of Part M states:

‘The owner is responsible for the continuing airworthiness of an aircraft and shall ensure that no flight takes place unless:

1. the aircraft is maintained in an airworthy condition, and;
2. any operational and emergency equipment fitted is correctly installed and serviceable or clearly identified as unserviceable, and;
3. the airworthiness certificate remains valid, and;

⁽¹⁾ A large aircraft is any aeroplane with a maximum take-off mass exceeding 5700kg, or a multi-engined helicopter.

4. the maintenance of the aircraft is performed in accordance with the approved maintenance programme as specified in M.A.302'
- 2.2 Part M provides options for the owner/operator in relation to this continuing airworthiness management responsibility. These are detailed in Section 3 below.

3 Owner/Operator Continuing Airworthiness Management Options

3.1 Continuing Airworthiness tasks are listed in Part M, M.A.301 and M.A.302 and require:

1. the accomplishment of pre-flight inspections;
2. the rectification to an officially recognised standard of any defect and damage affecting safe operation taking into account, for all large aircraft or aircraft used for commercial air transport, the minimum equipment list and configuration deviation list if applicable to the aircraft type;
3. the accomplishment of all maintenance in accordance with the approved aircraft maintenance programme;
4. the accomplishment of any applicable:
 - i) airworthiness directive,
 - ii) operational directive with a continuing airworthiness impact,
 - iii) continuing airworthiness requirement established by the Agency,
 - iv) measures mandated by the Competent Authority in immediate reaction to a safety problem;
5. the accomplishment of modifications and repairs in accordance with M.A.304;
6. maintenance check flights when necessary.

3.2 Option 1: The owner may contract a suitability approved CAMO

3.2.1 In this case, the responsibility to perform the tasks associated with continuing airworthiness management are transferred to the CAMO. Under these arrangements, the aircraft, if maintained in accordance with the requirements of Part M will, after 12 months, be considered to be in a controlled environment⁽²⁾.

3.2.2 The controlled environment provides a high level of assurance that all applicable continuing airworthiness management tasks are properly planned, accomplished and recorded. Aircraft in this environment benefit from being able to have the period of validity of their Airworthiness Review Certificates (ARC) extended twice, rather than requiring a full airworthiness review to be performed annually.

⁽²⁾ An aircraft is in a controlled environment when it has been continuously managed by the same CAMO for the preceding 12 months and has been maintained by a Part 145 or Subpart F organisation, except for permitted pilot maintenance tasks (accomplished by the owner of the aircraft or an independent Part 66 licensed aircraft engineer).

3.2.3 For those aircraft in a controlled environment, an Airworthiness Review is only required every three years. For the 2nd and 3rd year, the contracted CAMO can extend the ARC for a year each time.

3.3 Option 2: The owner may enter into a limited contract with a CAMO for the development of the Aircraft Maintenance Programme

3.3.1 The limited contract transfers the responsibility for the development and approval of the Aircraft Maintenance Programme to the contracted CAMO only. The owner still retains responsibility for all other continuing airworthiness tasks. Under these circumstances, the aircraft will not be in a controlled environment.

3.3.2 An aircraft not managed within a controlled environment must have a full Airworthiness Review carried out, and be issued with an ARC, on an annual basis. For aircraft not exceeding 2730kg, this may be done by a CAMO. For aircraft exceeding 2730kg, the CAMO can carry out the Airworthiness Review but will have to make a recommendation to the CAA for an ARC to be issued.

3.4 Option 3: The owner/operator may manage all the Continuing Airworthiness tasks themselves

3.4.1 When choosing this option, the aircraft will not be in a controlled environment and will require a full airworthiness review every year. The owner/operator remains responsible for all aspects of continuing airworthiness management.

4 Continuing Airworthiness Management Contracts

4.1 Where a contract has been put in place between the owner and CAMO under Option 1, the contract should take into account the requirements of Part M. The contract shall define the obligations of the signatories in relation to the continuing airworthiness of the aircraft.

4.2 The contract shall also specify the aircraft type, the aircraft registration and serial number, the aircraft owner or registered lessee's name or company (including their address as a minimum) and the approved CAMO details, including their address.

4.3 The contract shall include the following (extract from Appendix I to Part M):

'The owner entrusts to the approved organisation the management of the continuing airworthiness of the aircraft, the development of a maintenance programme that shall be approved by the airworthiness authorities of the Member State where the aircraft is registered, and the organisation of the maintenance of the aircraft according to said maintenance programme in an approved organisation.

According to the present arrangement both signatories undertake to follow the respective obligations of this arrangement.

The owner certifies, to the best of their belief that all the information given to the approved organisation concerning the continuing airworthiness of

the aircraft is and will be accurate and that the aircraft will not be altered without prior approval of the approved organisation.

In case of any non-conformity with this arrangement, by either of the signatories, it will become null. In such a case, the owner will retain full responsibility for every task linked to the continuing airworthiness of the aircraft and the owner will undertake to inform the competent authorities of the Member State of registry within two full weeks.'

5 Recommendation

- 5.1 Aircraft owners are recommended to take note of this AIRCOM and visit the CAA website where further details of the above summary items can be found at www.caa.co.uk/arc.

6 Queries

- 6.1 Any queries as a result of this AIRCOM should be addressed to Airworthiness Strategy and Policy Department at the following e-mail address: Requirements@caa.co.uk



Padhraic Kelleher
Head Airworthiness Division

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Recipients of new AIRCOMs are asked to ensure that these are copied to their 'in house' or contracted organisations, to relevant outside contractors, and to all members of their staff who could have an interest in the information or who need to take appropriate action in response to this Communication.

Review ASAP December 2009