Leaflet B-40 CAA Oversight of Military Registered Aircraft (COMRA) – Policy and Principles

1 Introduction

1.1 The CAA has agreed to support the MOD in providing oversight of civil-type military aircraft. This support is covered under the joint CAA/MAA policy and principles for CAA Oversight of Military Registered Aircraft described in this Leaflet and the detailed arrangements are set down in contracts between the CAA and relevant MOD Delivery Teams (DTs). For the aircraft operating within the policy framework set out in this Leaflet, reference should also be made to the suite of MAA Regulatory Publications (MRP), Regulatory Article (RA) 1165[1] "CAA Oversight of Military Registered Air Systems" and other associated Regulatory Articles. This Leaflet (B-40) is a jointly sponsored document between the CAA and MAA and defines the policy and principles for the CAA's oversight of military registered aircraft.

1.2 The MOD has a number of civil contractors who provide aircraft maintenance and airworthiness management services to the MOD. The obligations placed on the civil contractor include the provision of aircraft and continuing airworthiness management and maintenance of military registered aircraft. All military registered aircraft are within the jurisdiction of the Secretary of State for Defence. As such, the CAA has no regulatory jurisdiction or responsibility for the aircraft.

1.3 When this programme was first introduced the initial concept covered aircraft owned by civilian organisations but carrying military registrations, i.e. Civil Owned Military Registered (COMR) aircraft, subsequently retitled Military Registered Civil Owned Aircraft (MRCOA). However, the concept has now developed to a point where the MOD has exercised options to purchase certain aircraft with a civil type certificate and has contracted with civil operators/organisations for support. Hence, some aircraft covered by the principles of this Leaflet are MOD owned rather than civil owned. Consequently, this leaflet is now titled "CAA Oversight of Military Registered Aircraft (COMRA)" to better describe the agreement with the MOD for the continuing airworthiness oversight by the CAA of some MOD owned aircraft as well as civil owned aircraft.

1.4 In more recent times, we have seen contracts where Defence Contractor Flying Organisations (DCFO) operate UK military registered aircraft within the policy framework set out in this Leaflet. These DCFOs are required to operate under an appropriate approval scheme which will ensure such organisations comply with the MRP. This scheme is the Contactor Flying Approved Organisation Scheme (CFAOS). Aircraft operated under CFAOS contracts have an Accountable Manager (Military Flying) [AM(MF)] assigned from within the organisation. Unlike the Military Duty Holder construct , the AM(MF) is a single person legally accountable for Risk to Life within operations and that accountability cannot be transferred.

1.5 Under this agreement, the basic principles to be followed are:

- at the time of transfer to the military register, the aircraft will be civil type certificated, UK registered and hold a Certificate of Airworthiness issued by the CAA and a valid Airworthiness Review Certificate (ARC);

[1] Prior to 30 November 2020, RA 1165 was numbered RA 1124.

- the aircraft should be supported by a full suite of civil approvals to support the aircraft type when operating within the framework of Leaflet B-40. This includes the various A, B, C and D rated organisations required to maintain the aircraft and its component parts throughout the time it is operated under the COMRA framework.
- the aircraft will be modified in accordance with CAA approved/validated data, taking into account all equipment required for military operation. Where this is not possible, discussions will need to take place between the CAA and the Type Airworthiness Authority (TAA), Type Airworthiness Manager (TAM), Mil CAM, civil CAMO and MAA, as necessary, and specific arrangements will need to be agreed with the CAA for the project concerned, noting that only modifications undertaken in accordance with CAA approved/validated data are guaranteed to be acceptable should the aircraft be intended to transfer back onto the civil register;
- the civil contractors for continuing airworthiness management should hold the (UK) Part M Subpart G or Part CAMO or Part CAO approval with the appropriate Subpart I privileges for the applicable aircraft type. Such arrangements must be agreed with the Mil CAM and MAA for suitability;
- the civil contractors for maintenance should hold (UK) Part 145 approvals with the scope of work for the applicable aircraft type and level of maintenance. In addition, they will also be required to hold the MRP Part 145 Approval achieved by producing a Supplement set out in RA 4800;
- the Principal Place of Business of the civil aircraft maintenance contractors should be in the UK to ensure that the CAA will carry out oversight of the civil contractors as part of their routine approval procedures;
- the aircraft will be military registered;
- the aircraft will be under the jurisdiction of the MOD and subject to the applicable provisions of the MRP. The MAA requires the MOD contracting entities to detail in the contract the pertinent Regulatory Articles for their particular circumstances. Under Charter issued by the Secretary of State for Defence, the MAA is the single regulatory authority responsible for regulating all aspects of Air Safety across Defence.

NOTE: Any UK civil registered aircraft chartered for military purposes iaw RA 1240 or utilized by the MOD iaw RA 1166 are not subject to this leaflet and remain under the regulatory jurisdiction of the CAA. The provisions of Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 and the Air Navigation Order, as applicable, apply to these aircraft at all times.

1.6 **Procedures Following UK Withdrawal From The EU -** Since 31 December 2020, any TC, FM or MMEL changes and all Modifications/STC's/Repairs installed on the aircraft (even though approved by another aviation authority) must first be approved by the CAA or an appropriate Design Organisation (UK Part 21 Subpart J approval). Where there is an applicable bilateral agreement and associated procedures, some changes which are approved by the State of Design are automatically accepted and require no action from the CAA, whilst others need to be validated by the CAA. The information about which changes are automatically accepted and which need to be validated are detailed in the applicable Implementation Procedures[2]. The TCH/STCH should be contacted to confirm if the changes are automatically accepted under any applicable Implementation Procedures and if they are not,

[2] A number of arrangements and their associated implementing procedures are in force that provide for technical cooperation between national civil aviation authorities. See https://www.caa.co.uk/Our-work/About-us/International/International-cooperation/

confirm if they have applied for validation to the CAA. The civil CAMO must be satisfied that any changes are accepted/validated by the CAA.

2 Background and Purpose

2.1 The MOD has identified that the use of certain civil type design aircraft under military operation is cost effective. This extends to the use of the normal CAA prescribed arrangements for airworthiness support. This concept is now well established.

2.2 In the context of using aircraft of civil type design for military purposes, it was recognised by the MOD that certain roles assigned to some aircraft would require operation outside the provisions of the Air Navigation Order, e.g. flight below 500 ft and certain helicopter winching operations. To facilitate such operations it was deemed that the aircraft should be placed on the military register and be subject to regulation by the MOD.

2.3 As the responsible authority for military registered aircraft, the MOD has agreed arrangements for the CAA to provide an airworthiness oversight service. One potential benefit is the relatively straightforward return of the aircraft to the civil register.[3] In addition, subject to the provisions of this agreement, the CAA accepts the pooling of aircraft components and appliances between aircraft on the civil and military registers when the policies set out in this leaflet are followed.

3 CAA Oversight Arrangements

3.1 General

3.1.1 The oversight by the CAA will be aligned with the requirements and procedures that would be applicable to a civil registered example of the aircraft type. As the aircraft are designated as military aircraft they are exempt from the need to comply with the Basic Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018. This means that the aircraft cannot legally be issued with a Certificate of Release to Service (CRS) or Airworthiness Review Certificate (ARC) under the CAA approvals. However, the CAA has accepted, and agreed with the MOD, that the aircraft shall be managed and maintained by an organisation approved to the CAA standards in order that the required level of airworthiness assurance is achieved.

3.1.2 The principal elements for CAA oversight are as follows:

a) Unless otherwise agreed by the CAA in conjunction with the MOD, aircraft listed under the CAA oversight agreement must be of a type capable of having an airworthiness certificate issued in accordance with UK Reg (EU) No. 748/2012.

NOTE: Aircraft that do not meet these criteria will be subject to review between the CAA and MOD and may require type validation by the CAA in order to qualify.

b) Each aircraft will require a Certificate of Airworthiness (C of A) and Airworthiness Review Certificate (ARC) to be issued by the CAA (signifying compliance with ICAO

[3] Annex A to this Leaflet provides “Guidance Material to Support the Return of Military Registered Aircraft Operating Within the Policy Framework of Leaflet B-40 Back onto the Civil Register”.

Annex 8 requirements) prior to transfer of the individual aircraft to the Military Register.

3.2 Maintenance

3.2.1 With regard to the maintenance of the aircraft the following principal elements apply:

a) The aircraft shall be maintained in accordance with a maintenance programme established in accordance with UK Reg (EU) 1321/2014 Annex I (Part M), M.A.302 or Annex Vb (Part ML), ML.A.302, as applicable.

b) Aircraft maintenance shall be undertaken by a CAA approved organisation holding a (UK) Part 145 maintenance approval for the aircraft type and the corresponding military approval. MRP RA 4800 (MRP Part 145 Supplement) provides a means of compliance for an organisation to qualify for an MRP Part 145 approval under the Maintenance Approved Organisation Scheme (MAOS). The MAA has assessed the requirements of (UK) Part 145 against those of MRP Part 145 and established the substantial degree to which MRP Part 145 compliance can be demonstrated by virtue of holding a current (UK) Part 145 approval of an applicable scope. Additional requirements applicable to maintenance organisations approved under (UK) Part 145 are detailed in RA 4800 (MRP Part 145 Supplement). Hence, a maintenance organisation approved under (UK) Part 145 must also apply to the MAA for an MRP Part 145 approval. The MRP Part 145 Supplement details how the additional military requirements are met (i.e. MRP Part 145 is equivalent to (UK) Part 145 + the additional military requirements). In order to preserve oversight under the framework, the Approved Maintenance Organisations (AMOs) involved must have both CAA and MRP 145 approvals. This excludes base maintenance being performed in third countries by moving aircraft between the Civil and Military registers.

c) The (UK) Part 145 Maintenance Organisation Exposition (MOE) should be complemented with a supplement that fulfils the requirements of RA 4800 (MRP Part 145 Supplement). This supplement is approved by the MAA.

d) As the aircraft fall outside the scope of the Basic Regulation and its Implementing Rules, the (UK) Part 145.A.50 release statement is inappropriate, though compliance with the standards and procedures required by (UK) Part 145 are required.

For aircraft included in the CAA oversight agreement, the 'Release to Service' statement that should be used to differentiate it from a (UK) Part 145 release for an aircraft with a CAA C of A is:

'Certifies that the work specified, except where otherwise stated, has been carried out in accordance with the procedures and standards specified in Part 145 and MRP Supplement and in respect of that work the aircraft is considered ready for release to service.'

e) The maintenance of the aircraft shall be accomplished in accordance with the approved manufacturer's instructions for continuing airworthiness and the standards set out in (UK) Part M or Part ML (as applicable), (UK) Part 145 and the supplementary requirements set out in RA 4800.

f) Certification of maintenance will be accomplished in accordance with (UK) Part 145.A.50 by appropriately qualified (UK) Part 66 personnel authorised by the

approved organisation. The normal civil type rating requirements for the aircraft will apply. Any specific training needed to meet the standards required by the MOD prior to authorisation being granted (procedures and processes), should be clearly identified in the authorisation records of the individual.

g) Engine/component maintenance should be carried out by organisations appropriately approved in accordance with (UK) Part 145.

h) Parts and appliances that are not certified/validated by the CAA should be maintained in accordance with the applicable supporting maintenenance data set as per the MRP. This approach may require a temporary waiver until CAA approval is achieved. All such replacement or repaired components should be procured through the MOD process in accordance with the MRP.

3.3 Continuing Airworthiness

3.3.1 With regard to the continuing airworthiness of the aircraft the following principal elements apply:

a) The civil contractors for continuing airworthiness management should hold the (UK) Part M Subpart G or Part CAMO or Part CAO approval with the appropriate Subpart I privileges for the applicable aircraft type.

b) Within the military regulatory framework, the MOD is accountable for the continuing airworthiness of the aircraft. Consequently, in accordance with RA 1016(2) AMC, the "Delivery Duty Holder (DDH) or AM(MF) should appoint a suitably qualified and experienced individual as the Military Continuing Airworthiness Manager (Mil CAM) to manage and control all continuing airworthiness activity for the military registered Air System(s) for which they have Continuing Airworthiness responsibility". The Mil CAM acts in the same way as a civil (UK) Part M or Part CAMO CAM (i.e. instructs organisations to undertake tasks, extends maintenance periods etc.) and hence whilst a (UK) Part M or Part CAMO civil CAM is contracted, it is the Mil CAM who is accountable and thus holds the ultimate responsibility for the continuing airworthiness management of the aircraft fleets.

c) Consequently, within the constraints of Leaflet B-40, the tasks associated with continuing airworthiness are considered to be contracted by the Mil CAM to the civil CAMO, to keep the aircraft within civil oversight. It is preferable that the Mil CAM and the civil CAMO are co-located where practicable. The civil UK Part M or Part CAMO CAM therefore provides recommendations for the Mil CAM to act upon, informing the Mil CAM whether any tasks would take the aircraft out of civil oversight, as the Mil CAM is ultimately responsible for the airworthiness management of the platform.

d) The relationship/liaison and functional arrangements between the TAA, TAM, DT, civil CAM and the Mil CAM should be documented in the military Continuing Airworthiness Management Exposition (CAME). A relationship diagram should include both information routes and authority flows. A copy of the military CAME shall be made available to the CAA on request.

e) Upon completion of appropriate Defence Air Safety Occurrence Reports (DASORs), MORs should be raised by selecting the ASIMS MOR function and

selecting the CAA MOR/SARG distribution list[4] so that the CAA is aware of such occurrences.

3.4 Airworthiness Review

3.4.1 All aircraft will require an Airworthiness Review to be carried out by the civil contracted (UK) Part CAMO, Part CAO or Part M Subpart G organisation holding the privilege to perform an Airworthiness Review.

3.4.2 The (UK) Part CAMO, Part CAO or Part M Subpart G organisation will follow an identical process to that used for civil aircraft with the exception of issuing a CAA ARC. Following completion of the organisation's Airworthiness Review, or on completion of the ARC validity extension, a notification should be sent to the Mil CAM who will complete the military airworthiness review process and issue the MARC. A copy of the MARC (MOD Form 710) must be provided to the civil CAMO and the CAA. The CAA accepts the MARC as evidence that the civil requirements have been met throughout the time an aircraft is operated on the military register.

NOTE: This process will commence at the point of transfer to the military register.

3.4.3 Any aircraft that has been operated outside of civil oversight due to urgent operational or exceptional airworthiness need will be required to undergo an Airworthiness Review to ensure that the aircraft meets the requirements of this leaflet before formally being accepted back into civil oversight. This will form part of the recovery process agreed between the MAA and CAA (see 3.8.1). This review is a bridging exercise to cover the period that the aircraft was outside of civil oversight and should include a review of the aspects identified in (UK) Part M, M.A.901 (k), (l) & (m) [or (UK) Part ML, ML.A.903, as applicable] based on the known and demonstrable activity that the aircraft has performed while outside of civil oversight. An essential element is that the aircraft is inspected, and any recovery action is completed and recorded. In most circumstances, this need not affect the current ARC cycle and need not require a re-issue of the MARC by the Mil CAM. Both the exit and entry back into civil oversight shall be recorded in the aircraft log book.

3.5 Aircraft Surveillance

3.5.1 All aircraft and the associated records will be subject to an Aircraft Continuing Airworthiness Monitoring (ACAM) programme equivalent to the survey programme set out in (UK) Part M, M.B. 303 or (UK) Part ML, ML.B.303, as applicable. The ACAM sampling programme will be agreed between the CAA and the MOD.

3.5.2 To aid planning the accomplishment of the ACAM programme, the (UK) Part 145 approved maintenance organisation/Part CAMO, Part CAO or Part M Subpart G continuing airworthiness management organisation must notify their assigned CAA surveyor of their scheduled hangar maintenance plans.

3.6 Approval of Modifications and Repairs

3.6.1 Modifications shall be compliant with the requirements of (UK) Part 21 except where the modification requires the installation of specific equipment for military operations which cannot, due to security provisions, be accommodated within a CAA civil modification. The MOD requires that all changes comply with RA 5820 and RA 5810.

[4] See RA 1410.

3.6.2 Modifications and repairs to aircraft included in the CAA oversight agreement and that are intended to remain on the aircraft should it return to the civil register, must be approved in accordance with (UK) Part 21.

3.6.3 Modifications approved under (UK) Part 21, by UK 21J design organisations, shall be classed as Part 'A' modifications (e.g. a civil modification that approves the installation of provisions/hardware). Wherever possible, this is the preferred solution. Modifications where (UK) Part 21 approval is not possible, shall be classed as Part 'B' modifications (e.g. concerning the activation of equipment installed under Part A). If the modification is classified as a major design change, on application, the CAA will evaluate the modification with a view to issuing a 'Statement of Technical Satisfaction' (SOTS). The SOTS will contain the details of the extent of the evaluation e.g. recognition that the modification does not hazard the aircraft. Where the modification is a minor design change, a BCAR A8-21 approved Design Organisation can declare compliance with the applicable type certification basis under their existing privileges. In this case a SOTS will not be required. When a modification does not fully comply with the civil requirements it is then classified as a major change (Ref: BCAR A8-21 Appendix 2, 3.3.1) and a SOTS is required.

Example: Documentation describing the installation of additional communications equipment may be divided into 2 separate parts:

a) Part 'A' containing the details of the permanent fitment of hardware (brackets, looms, aerial); and

b) Part 'B' (which may cross reference Part A) describing the installation of the operational equipment that can be removed when necessary.

3.6.4 No 'guarantee of CAA civil approval' can be offered for any investigation performed by an A8-21 approved Design Organisation or the CAA, as at the time of transfer to the civil register the aircraft becomes a Part 21 aircraft and compliance to the regulations then in force will need to be demonstrated by the applicant to the Competent Authority of the state of registry. At that point, any deltas (such as installations/components intended to remain on the aircraft when transferred to the civil register which are not supported by (UK) Part 21 certification) will need to be reviewed and approved on an individual basis at the time of transfer.

3.6.5 Clarification of the status of a 'Statement of Technical Satisfaction' - The oversight agreement support arrangements offered by the CAA include the evaluation of modifications destined for installation on to civil type certificated aircraft on behalf of the MOD. The evaluation is conducted against current, known civil standards in use by the CAA. For changes classified as major, following the technical investigation, and when satisfied, a Statement of Technical Satisfaction (SOTS) will be issued by the CAA to the applicant, the MAA and to the platform TAA, which will identify where compliance with applicable standards has been demonstrated and, if applicable, where there may be deviation from civil standards. The assessment does not confer any form of civilian approval in the manner that a Supplemental Type Certificate (STC) would. The issue of a 'Statement of Technical Satisfaction' confers no indication that the equipment is fit for its intended operational purpose. Minor changes for which a BCAR A8-21 (or UK Part 21 Subpart J) approved Design Organisation has declared compliance with the applicable type certification basis do not require a SOTS.

3.6.6 The MOD requires that all changes comply with RA 5820 and RA 5810. Additionally, in accordance with RA 5850(11) AMC, where a Design Organisation acts upon a design privilege conferred by its BCAR A8-21 or (UK) Part 21 Subpart J approval to introduce a minor civil-design change, there must be a system in place such that the TAA/TAM is notified of that change before it is embodied in any military registered aircraft.

3.7 Acceptance of Components

3.7.1 Depending on the modification status of the components being produced the following processes shall apply:

3.7.2 Approval certification and release certification of components:

a) New parts for a modification where the design data is approved by the CAA or by an appropriately approved (UK) Part 21 DOA holder shall be provided with a CAA Form 1 release (or equivalent).

NOTE: CAP 562 Leaflet B-110 “The Acceptance of Aircraft Components” provides further information.

b) MOD specific equipment for military operations used in modifications for which CAA has issued a SOTS, will be provided with release documents in accordance with RA 4809 from an MOD accepted supplier.

3.7.3 (UK) Part 145 approved organisations who intend installing components on aircraft subject to the arrangements set out in this Leaflet will need to ensure the procedures in their Maintenance Organisation Exposition relating to the acceptance, storage and provisioning of components address the differences from (UK) Part 145 set out above. The MOE may refer to procedures detailed elsewhere.

3.7.4 Continuing airworthiness standards for (UK) Part 21 aircraft require that all components will be supplied to the standard described in (UK) Part M, or Part ML, as applicable. Such components must have a CAA Form 1 release or equivalent. Pooling of such components for aircraft included in the CAA oversight agreement is accepted between aircraft on the civil and military registers.

NOTE: Only components which continue to meet the CAA approved/validated type design standard will have access to the civil spares pool e.g. components with Airworthiness Life Limitations that have been approved by the CAA.

3.8 Exceptions

3.8.1 It is recognised that there may be instances when there is an urgent operational or exceptional airworthiness need for the military Aviation Duty Holder (ADH), AM(MF) or Operational Commander to deviate from conformity with the civil standard. It is preferable that any such exception (e.g. to mitigate an increased risk to life, deferral of maintenance due to operational imperative, lack of civil CAMO oversight due to location restrictions and implementation of non-STC or SOTS equipment under Special Instructions (Technical)) should be agreed between the Mil CAMO and the civil CAMO before the exception occurs. The exception is to be recorded within the aircraft technical log and be endorsed by an appropriately authorised Crown Servant. The civil CAMO must notify the CAA of the exception within seven calendar days in order that the consequences of the non-compliance can be reviewed and a recovery process agreed between both the MAA and the CAA. It is likely that each case will be different and need to be treated individually but discussions will be required between the TAA, TAM, Mil CAM, civil CAMO, CAA and

MAA to agree whether or not the aircraft can stay within the CAA oversight framework or whether affected components remain eligible for civil use (see 3.4.3). The focal point for these discussions should be the MOD contract holder.

NOTE: Where the application of any such task is deemed to affect components, such as by modification, or use of non-civil approved spares, then access to the civil spares pool may be removed or limited for the subject component/aircraft.

4 Operations

4.1 In accordance with MOD policy, promulgated in the MRP RA 1000 Series, the conditions and limitations of the aircraft being operated are detailed in a Release to Service (RTS) document, to which the MOD may introduce supplementary conditions and limitations for aircraft operation within the Defence Air Environment. This RTS will rely heavily upon the civil Pilot Operating Handbook/approved Flight Manual and will not normally go beyond any limitations imposed therein. Consequently, the operation of the aircraft will normally remain within the limitations of the CAA approved Flight Manual and any relevant data associated with modification approved by a suitably approved DOA or the CAA. The MOD will consult with the CAA if there is intent to deviate from the approved civil data set. In addition, the MOD will include the CAA in the distribution of the RTS and subsequent amendments.

NOTE: The RTS in the military context has no direct civil equivalence but, contains aspects of a Civil Type Certificate, Operations Manual and Aircraft Flight Manual. Where the aircraft are civilian-operated they may be subject to a Military Permit To Fly (MPTF) in lieu of an RTS; therefore, all reference to RTS within this Leaflet may also be read as MPTF.

4.2 The Flight Manual is the source document for how to operate the aircraft and should be kept up to date as it will need to be current for any subsequent return to the civil register and the issue of a civil C of A. If Flight Reference Cards (FRCs) are being used in lieu of, or in conjunction with, the Flight Manual, any amendment to the Flight Manual should be accurately reflected by a revision to the associated FRC(s) and a copy made available to the (UK) Part M organisation (CAMO). The FRCs must always be amended to reflect the current/latest Flight Manual since any departure from the FM limits would take the aircraft outside the civil framework. Arrangements for amending the FRCs to align with the Flight Manual should be detailed by the TAA in the Aircraft Document Set management plan iaw RA 1310 and RA 5406.

4.3 Within the military regulatory framework, the Duty Holder (DH) or AM(MF) is responsible and accountable for the type of operations conducted by the aircraft. Whilst on the military register, all aircraft operations are to be conducted within the civil approved limitations and assumed usage parameters defined in the civil type certificate (TC). If the Duty Holder or AM(MF), for operational reasons, chooses to operate the aircraft outside the civil limitations or assumed usage parameters (SOIU) then the MOD TAA will need to consult with the civil TC and/or STC Holder to review what action is required to bring the aircraft back to a standard that is acceptable for civil operations. Any operations conducted outside these limitations or assumed usage parameters will need to be accepted and accounted for by the civil TC and/or STC Holder before the aircraft can be considered eligible to return to the civil register. For this reason, as part of the process to return an aircraft back onto the civil register at the end of a contract, the CAA will require Statements of Assurance for each individual aircraft (see Annex A section 5). The relationship/liaison and functional arrangements between the civil TC Holder and the TAA (effectively the military TC Holder) are documented in the military

Airworthiness Strategy (RA 1220). The Airworthiness Strategy references the means by which assurance and review of the airworthiness management activities are undertaken.

4.4 Flight testing and check flights that may be necessary, such as following embodiment of modifications, shall be conducted on the military register and in accordance with the MRP.

4.5 Minimum Equipment List

4.5.1 The MOD will create a draft MEL based on the Master Minimum Equipment List (MMEL), published by the State of Design, and any CAA/EASA MMEL policy documents that reflect the aircraft equipment fit and particular operational requirements[5]. The MEL cannot be less restrictive than the MMEL. Since 31 December 2020, any subsequent changes to the MMEL (even though approved by another aviation authority) must first be approved by the CAA before the MMEL can be used to generate the MEL (see 1.6). The TAA/TAM should contact the TCH/STCH and ask them to confirm if the changes to the MMEL are automatically accepted under any applicable Implementation Procedures and if they are not, confirm if they have applied for validation to the CAA. The resulting MEL will then be submitted to the CAA by the MOD to establish if it satisfies the civil requirements. The CAA will advise the applicant of the outcome of its review.

4.5.2 The final decision on the acceptance of the MEL and the issue of permission to the operator will be the responsibility of the respective TAA/TAM.

4.5.3 Rectification Interval Extensions (RIE) are permissible within the civil system. An RIE is a single extension of the rectification interval up to a maximum of the interval specified within the MEL. A further extension may only be granted by the MAA (Ref: RA 1165) in consultation with the CAA. Defining the policy for the use of RIEs rests with the TAA/TAM and is published in the MEL. The civil CAMO must record any RIE usage in the aircraft records.

4.5.4 The CAA will review how MEL limitations are being applied in practice, its approval by the MOD, the use of RIEs and reference to the latest revision of the MMEL, during its aircraft surveys.

4.5.5 A review of and use of RIEs will be carried out at the 6-monthly Project Safety Working Group meetings.

5 Aircraft Transferring From One Military Contract To Another

5.1 If it is known that the aircraft is coming off one military contract and moving to another military contract within the policy framework of Leaflet B-40, consideration should be given by all parties concerned as to whether it is necessary for the aircraft to be issued with a civil C of A for just the short interim period between contracts. In order to explore the possibilities, early discussions with the CAA are recommended since this would be subject to agreement/consent from all parties.

[5] For ELA1 aircraft and ELA2 aircraft (such as the Grob 120 PT), design approval applicants have an alternative option to producing an MMEL. For these aircraft, this option is described in GM No 1 to 21.A.15(d) of UK Reg (EU) No 748/2012, Annex 1 (Part 21).

6 Aircraft Leaving the COMRA Programme To Be Sold as Parts

6.1 In some cases, when an aircraft leaves the COMRA programme, the owner may choose to sell the aircraft “sold as seen” to an aircraft breaker for the aircraft to be broken up to provide parts. For these parts to be sold as spares, they would need to pass through a maintenance organisation approved under (UK) Part-145 and be issued with a Form 1. The end user of any part is responsible for the validity of that part fitted to their aircraft. (UK) Part 145.A.50 Certification of Maintenance is applicable, and the advisory material AMC2 to 145.A.50(d) should be consulted.

6.2 If the aircraft is first being exported for transfer to a foreign register, it is necessary to comply with the requirements set by the importing authority. If an Export C of A is requested, the CAA can only issue this after the aircraft has been issued with a UK C of A following an Airworthiness Review.

Annex A to Leaflet B-40

Guidance Material to Support the Return of Military Registered Aircraft Operating Within the Policy Framework of Leaflet B-40 Back onto the Civil Register

1 Introduction

The CAA oversight of the aircraft within the policy framework of Leaflet B-40 means that the CAA accepts the pooling of parts and spares between aircraft on the civil and military registers. In addition, as the aircraft have been kept in a civil approved condition and maintained in a manner recognised by the CAA, this assists in the transition back onto the civil register when the aircraft comes to the end of its contract.

This Guidance Material is provided to give additional information to assist in the process of transferring the aircraft back to the civil register and the qualification for a civil Certificate of Airworthiness. It addresses the information that is typically required for each aircraft and aims to assist in understanding the overall objectives.

2 Physical Survey/Desktop Process

The process for returning COMRA aircraft to the civil register should recognise the high level of oversight these aircraft receive, and therefore the need for a physical survey should be minimal.

Where there are a number of aircraft of the same type, the CAA may set up a “desktop” procedure which involves a review of the paperwork only, without a physical survey of the aircraft by a CAA surveyor. This enables the CAA to more effectively deal with a larger number of aircraft returning to the civil register.

For each aircraft, the CAA Airworthiness Capability Team are best placed to decide whether the aircraft can be dealt with by a “desktop” procedure or whether a visit to the CAMO/aircraft is necessary to undertake a physical survey. Hence, following receipt of each application for a C of A, the CAA will determine how the aircraft application will be treated and whether a desktop process is appropriate. Depending on the circumstances, such as number of similar aircraft, our knowledge and confidence in the CAMO etc, a sample number of aircraft may be surveyed initially but this will be determined by the Airworthiness Capability Team. It should be noted that the desk top process requires complete and timely paperwork in order to be successful.

3 Airworthiness Review (MARC)

While the aircraft are within the Leaflet B-40 policy framework, the CAA accepts the Military ARC (MARC) as evidence that the civil requirements have been met throughout the time an aircraft is operated on the military register.

In recognition of the regular oversight of these aircraft in the B-40 framework, the MARC can be considered as similar to the export C of A statement that is provided for

a civil aircraft from a previous State of Registry. It serves as a statement to attest to the airworthiness of the aircraft at the time of transfer.

The CAA's expectation is that the Airworthiness Review and subsequent ARC recommendation should be as close as possible to when the aircraft is presented for civil C of A. In accordance with Regulation (EU) No 748/2012 Annex 1 (Part 21) 21A.174, as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018, the Airworthiness Review and subsequent ARC recommendation should be dated no more than 60 days before presentation of the aircraft for civil C of A.

4 Modifications/Repair Statement

As part of the C of A application process, the CAA will require a modification/repair statement specific to each individual aircraft (i.e. tail number), stating all modifications/repairs installed on the aircraft. This document, which could be provided by the Mil CAM, should confirm that all Modifications/STC's/Repairs installed on the aircraft are approved by an appropriate Design Organisation (UK Part 21 Subpart J approval) or accepted under a grandfathered approval. If there are any Modifications/STC's/Repairs installed on the aircraft that are not appropriately approved, they must be removed from the aircraft or subsequently be approved within the CAA system.

5 Statements of Assurance

Although the CAA has oversight of the airworthiness of the aircraft within the Leaflet B-40 programme, the CAA does not have direct oversight of how the aircraft are operated. For this reason, the CAA requires assurance that each aircraft has been operated during the programme in line with the expectations agreed at the start of operations. This enables the CAA to validate the maintenance programme that will be applied to the aircraft on its return to the civil register.

Hence, for each individual aircraft, the CAA will require Statements of Assurance to be provided in a reasonable time frame before date of transfer, confirming how each aircraft has been operated. In particular, these Statements of Assurance should confirm that:

1. The Statement of Operating Intent and Usage (SOIU) applicable to the aircraft remains relevant with no changes in aircraft role, operational use or deployment since the last independent quantitative review submitted to the TC Holder.

2. The Statement of Operating Intent and Usage (SOIU) represents the actual usage, operating environment and configuration of the particular aircraft and that the aircraft has only been operated within the limitations of the Release to Service (RTS) and the approved Flight Manual.

3. A full historical record of the aircraft's usage is available.

4. Where applicable, the effects of any changes regarding usage are accounted for and appropriately approved. For example, revised component lives, inspection intervals and maintenance schedules.

5. The CAA has been notified of any exceptions (ref section 3.8.1 of Leaflet B-40) that may affect compliance with the applicable civil standard.

It is recognised that these Statements of Assurance may need to be provided by more than one party and may differ depending on the contract. Table 1 (below) provides further information on the relevant responsible person and the appropriate route to obtaining the assurance via the associated supporting information.

6 Continuing Airworthiness

In some circumstances, the maintenance programme to be applied to the aircraft when back on the civil register may have to be adjusted if, for example, there is something that has to be carried forward and managed for the rest of the aircraft life, or until a particular component is removed, because the available life has been consumed faster than the normal civil usage cycle.

The CAMO that is presenting the aircraft for transfer to the civil register, is required to provide all necessary records to ensure that any limitations resulting from aircraft service when operating on the military register transfer across to when operating on the civil register. This requires visibility of the aircraft maintenance programme that applied during military service. Any addition or change in Airworthiness Limitations (structural lives, component lives, additional inspections etc.) shall be approved through the appropriate regulatory mechanism and made available to the new operator and ideally referenced in approved data e.g. the Type Certificate Data Sheet, Airworthiness Limitations document or equivalent.

7 Checklist of Required Information

Information relating to application for a civil C of A is available on the CAA website. The CAA will process the application and provide full details of what is required.

Typically, the information required is likely to include:

- Completed Airworthiness Review Report including a summary of the information required under UK Regulation (EU) No 1321/2014 Annex 1 (Part M) M.A.710
- Last UK CAA C of A and ARC
- Copy of the last issued Military ARC (MARC)
- Completed Check Flight Report (if required in order to complete a Recommendation for the issue of an ARC)
- Completed Recommendation for the issue of an ARC, dated within an acceptable timescale (see Section 3 above)
- Modification/Repair Statement (see Section 4 above)
- Statements of Assurance (see Section 5 above)
- Maintenance Programme reference
- CAA Noise Record number applicable to the aircraft
- Confirmation of UK registration markings
- Confirmation that fireproof registration plate is installed
- Confirmation all instrument markings & placards are present and in English
- Anticipated date for survey/C of A issue

Applicants should be aware that for aircraft that entered the Leaflet B-40 framework prior to 2003, and were therefore initially issued with a UK (pre-EASA) C of A,

additional information and assessment of the transfer documents may be required prior to return to the civil register and re-issue of a C of A.

Table 1 is on the following page.

Table 1 – Statements of Assurance: Responsible Person and Route to Obtaining the Assurance via Associated Supporting Information

The CAA will require a statement confirming the manner in which each aircraft has been operated. In particular, the statement should confirm that:	Responsible Person	Route to Obtain
1. The Statement of Operating Intent and Usage (SOIU) applicable to the aircraft remains relevant with no changes in aircraft role, operational use or deployment since the last independent quantitative review submitted to the TC Holder.	Aviation Duty Holder or AM(MF). (Delivery Duty Holder or Operating Duty Holder)	TAAs often drive the update of the SOIU. The MRP requires: a. A basic annual review by the appropriate ADH, to confirm that the SOIU remains an accurate record. b. A triennial review by an appointed competent organization, using usage data to carry out a quantitative update.
2. The Statement of Operating Intent and Usage (SOIU) represents the actual usage, operating environment and configuration of the particular aircraft and that the aircraft has only been operated within the limitations of the Release to Service (RTS) and the approved Flight Manual.	Aviation Duty Holder or AM(MF) and Mil CAM	SOIU often summarises/aggregates fleet usage and environment. Accurate information relating to usage and configuration is captured within the Aircraft Log (typically MF700 and supporting records) (Mil CAM).
3. A full historical record of the aircraft's usage is available.	Aviation Duty Holder or AM(MF) via Mil CAM	As above.
4. Where applicable, the effects of any changes regarding usage are accounted for and appropriately approved. For example, revised component lives, inspection intervals and maintenance schedules.	TAA	TAA in response to the ADH review of the SOIU. This activity is typically overseen by the Integrity Management (IM) arrangements put in place by the TAA (using the ESVRE protocol) and will be articulated within the respective IM documentation (e.g. meeting minutes IM Plans etc). This may also be enhanced by Records of Platform Safety Panels (PSP), Maintenance Schedule Reviews, Responses to Airworthiness Issues, and broader technical and configuration management oversight at the Local Technical Committee and Configuration Control Board.

The CAA will require a statement confirming the manner in which each aircraft has been operated. In particular, the statement should confirm that:	Responsible Person	Route to Obtain
5. The CAA has been notified of any exceptions (ref section 3.8.1 of Leaflet B-40) that may affect compliance with the applicable civil standard.	TAA and/or Sponsor	TAA makes a declaration at 2* reviews regarding compliance with relevant civil SBs and ADs. In addition, the MRP requires the TAA to: 'Ensure that the Air System Type Design complies with all applicable Certification Airworthiness Regulatory requirements, through-life; for Air Systems with civil Type Certificates, this includes appropriate civil mandatory, advisory and deferred instructions (e.g. Airworthiness Directives (AD) and Service Bulletins (SB)).'