

CAA Determination of same independent level of checking of compliance through an equivalent system of approvals of organisations under Article 4 (1A) UK Reg (EU) 1321/2014

CAA Decision pursuant to Article 76 UK Regulation (EU) 2018/1139 to adopt AMC and GM to UK Reg (EU) 1321/2014

CAA DECISION No. 24

Publication date: 23 December 2022

Decision enabling approved maintenance organisations to use maintained components which have been released by EASA approved maintenance organisations on an EASA Form 1

Background

1. On 31 December 2022, the “savings provisions” under the European Union (Withdrawal) Act 2018 and the Aviation Safety (Amendment etc.) Regulations 2019 will expire. The savings provisions provided that an organisation approval issued by the European Union Aviation Safety Agency (“**EASA**”) on or before 31 December 2020 was treated as if it was issued by the CAA i.e., as a CAA approval, until 31 December 2022. Subject to the conditions in them, CAA Exemptions detailed in ORS4 No. 1538 and ORS4 No. 1552 enabled those organisations based in the EU to continue to issue EASA Form 1 Authorised Release Certificates (rather than CAA Form 1s) for components maintained, repaired and overhauled for use on UK registered aircraft.
2. The CAA has determined that the EASA system, in certain specified, limited circumstances, includes the same independent level of checking compliance as provided by the UK system under Regulation (EU) No 1321/2014 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 (“**UK Reg (EU) 1321/2014**”). Pursuant to Article (4(1A)) **UK Reg (EU) 1321/2014**, the CAA has discretion to consider whether organisations in the EASA system have demonstrated capability such that they can maintain components fitted on UK registered aircraft notwithstanding the fact that they do not hold a UK approval.
3. The CAA recognises that there is currently a lack of UK CAA approved organisations providing maintained components used by the UK’s General Aviation community. Some components are highly specialised in nature and can only be maintained by a few organisations based within EASA participant States. Such organisations have to date expressed no interest in obtaining a UK CAA approval.
4. The CAA therefore has decided that it will use its powers to allow for the continued supply of some maintained components to the extent set out in this document. To achieve this, the CAA will, by this document take 2 steps.

5. First, the CAA will exercise its power under Article 4(1A) of **UK Reg (EU) 1321/2014** as a result of which the CAA has the discretion to permit the installation of aircraft components maintained by organisations (to the extent determined by the CAA) located in EASA participant States.
6. Secondly, the CAA will exercise that discretion by adopting additional Acceptable Means of Compliance (“**AMC**”) specifying that some of the aforementioned components are acceptable for the purpose of meeting the terms of the requisite regulation (and thereby to clarify that operators and maintenance organisations may fit such components released on EASA Form 1s onto UK-registered aircraft).
 - The CAA has decided to limit this decision to components of aircraft which fall within the scope of Part ML because this provides the most acceptable and proportionate dividing line within the CAA’s continuing airworthiness regulatory architecture for operators, maintenance organisations, and our safety assurance system; and
 - Additionally, the CAA has decided to limit this action only to components
 - released by an EASA approved organisation that is the Original Equipment Manufacturer (“**OEM**”) (or its authorised agent) of the relevant component; and
 - not available from
 - a CAA approved maintenance organisation (based either inside or outside of the UK);
 - a maintenance organisation approved or accepted under the terms of a Bilateral Aviation Safety Agreement between the United Kingdom and another state or;
 - a maintenance organisation approved or accepted under the terms of a Working Arrangement established by the CAA with another national aviation authority.
7. In addition the CAA has decided to adopt Guidance Material (“**GM**”) that guides users that where a component released on an EASA Form 1 cannot be fitted to a UK registered aircraft they can obtain a component from either a UK Part CAO organisation or a UK Part 145 which has subsequently been issued with a CAA Form 1 through the process which applies to components maintained by unapproved organisations set out in AMC1 to Part CAO.A.070(a)paragraph (2.8) or AMC 2 to Part 145.A.50(d) paragraph (2.8) respectively.
8. The CAA will keep both the need and the basis for this determination and these decisions under review. Relevant considerations include whether organisations seeking to obtain a UK approval emerge and the extent to which the UK and EASA regulatory systems diverge. It may be revoked prior to its expiry date. The CAA will endeavour to give as much notice as practical before such a revocation.

Decisions:

1. The CAA, under Article 4 (1A) of **UK Reg (EU) 1321/2014**, has determined:
 - a) EASA participant states have established a system which provides the same independent level of checking compliance through an equivalent system of approvals of organisations for Part ML aircraft and therefore has an equivalent

- system of approvals for maintained components as is required in the United Kingdom;
- b) This determination is limited to organisations which maintain components for aircraft which fall within the scope of Part ML; and
 - c) This determination is limited to Original Equipment Manufacturer organisations or one of their appointed agents.
2. The CAA, pursuant to Article 76 Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 (“**UK Reg (EU) 2018/1139**”), has decided to adopt the new AMC for **AMC1.ML.501(a)(ii) and AMC1 145.A.42(a)(i) set out in Schedule 1** below that clarifies a document *equivalent to a CAA Form 1* also includes an EASA Form 1 Authorised Release Certificate issued after 31 December 2022 for a Part ML aircraft component maintained by an EASA approved organisation based in an EASA Member State, if that organisation is the OEM (or their appointed agent) of the component but only if the required components cannot be obtained from:
- a) a CAA approved maintenance organisation (based either inside or outside of the UK);
 - b) a maintenance organisation approved or accepted under the terms of a Bilateral Aviation Safety Agreement between the United Kingdom and another state or;
 - c) a maintenance organisation approved or accepted under the terms of a Working Arrangement established by the CAA with another national aviation authority.
3. The CAA, pursuant to Article 76 **UK Reg (EU) 2018/1139**, has decided to adopt the new GM for **GM1 ML.A.501(a)(ii) and for GM1 145.A.42(a)(i) set out in Schedule 1**.
4. These decisions will remain in force until 31 December 2024 unless otherwise revoked or amended by the CAA.
5. The impact of this decision on the UK market for aviation components will be kept under continuous review by the CAA. This decision may be revoked at any time by the CAA in response to emerging market trends or changes to the regulatory landscape.

Definitions

1. All references to ‘*Regulations*’ are to the UK law bearing that title or number, being EU retained law as retained (and amended in UK domestic law) pursuant to the European Union (Withdrawal) Act 2018.
2. ‘*Maintained*’ means Overhauled, Repaired, Inspected/Tested or Modified as defined in Appendix II to Annex I (Part-M) of **UK Reg (EU) 1321/2014**.
3. Part ML applies to the following non-complex motor-powered aircraft not listed in the air operator certificate of an air carrier:
 - a) aeroplanes of 2 730 kg maximum take-off mass (MTOM) or less;
 - b) rotorcraft of 1 200 kg MTOM or less, certified for a maximum of up to 4 occupants;
 - c) other ELA2 aircraft (noncomplex motor-powered aeroplane, sailplane or powered sailplane with an MTOM less than 2 000kg).

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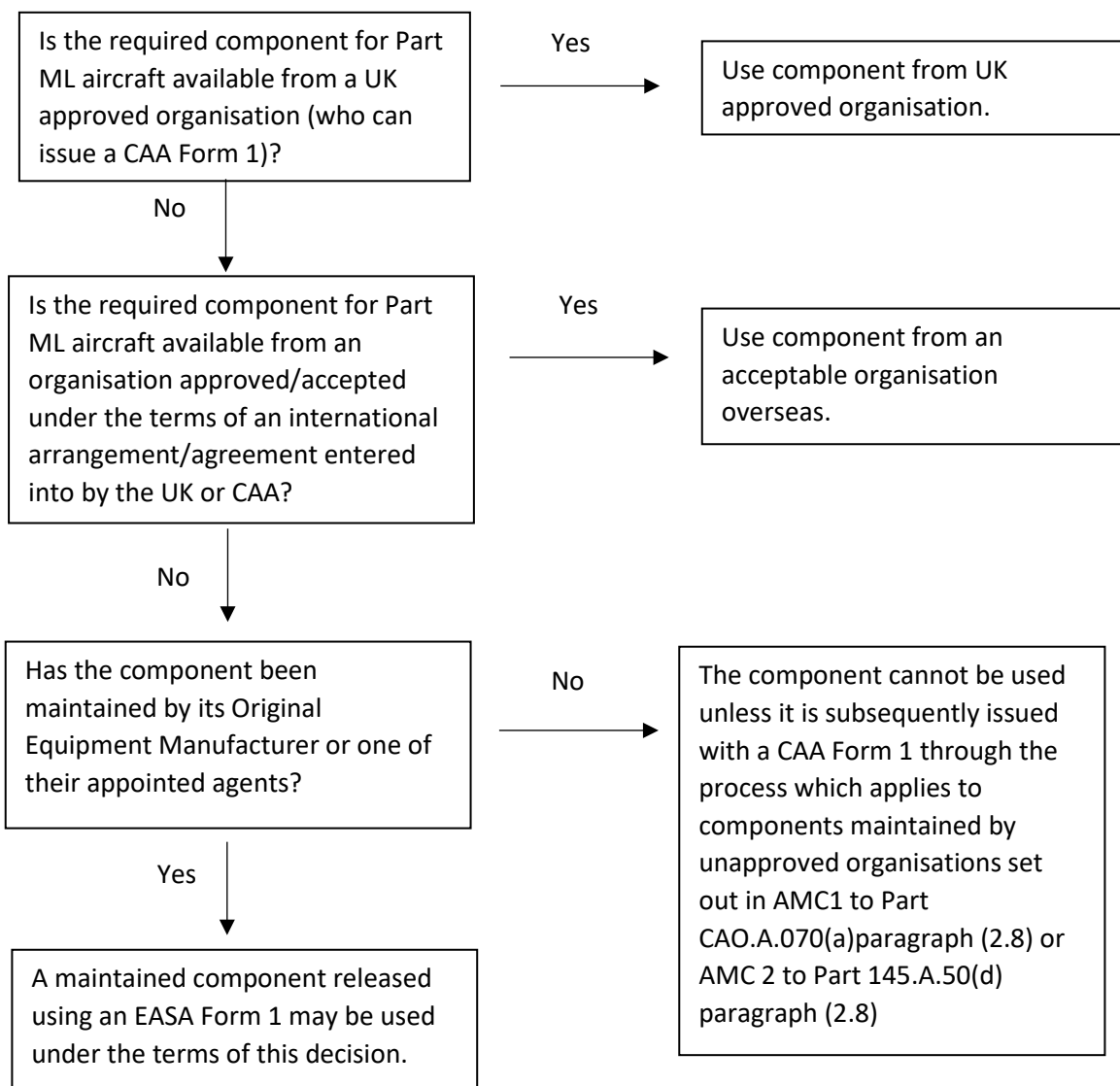
Rob Bishton
For the Civil Aviation Authority and the United Kingdom

Date of Decision: 23 December 2022

Date of Decision Coming into force: 1 January 2023

Explanatory note

1. The UK has established a Trade and Cooperation Agreement with the EU which covers the design and production of new aviation components. This agreement includes the acceptance of **new** aircraft components produced by organisations based in the EU and is therefore not addressed in this decision. This determination only applies to used components that have been maintained, repaired or overhauled and subsequently released to service using an EASA Form 1 (for Part ML aircraft). This decision also adopts revised AMC for AMC1.ML.501(a)(ii) and AMC1 145.A.42(a)(i) to clarify this additional means of compliance with the requirements of the relevant regulation.
2. A list of international arrangements and agreements, including those including aircraft and component maintenance is provided on the CAA’s website here: [International Co-operation | Civil Aviation Authority \(caa.co.uk\)](https://www.caa.co.uk/International-Co-operation)
3. The following process should be followed when determining whether a component is acceptable under the provisions of this decision:



Schedule 1

Includes the Acceptable Means of Compliance (AMC) and Guidance Material (GM) documents referenced below.

The text of the amendment is arranged to show deleted text, new or amended text as shown below:

- (a) ~~Text to be deleted is shown struck through;~~
- (b) **New text is highlighted in grey;**
- (c) ~~Text to be deleted is shown struck through~~ followed by the replacement text which is **highlighted in grey.**

AMC1 ML.A.501(a)(ii) Classification and installation

CAA FORM 1 OR EQUIVALENT

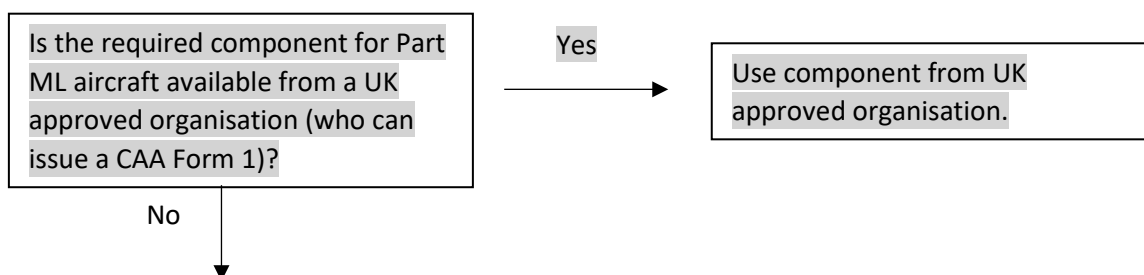
A document equivalent to a CAA Form 1 ~~may be~~ **is:**

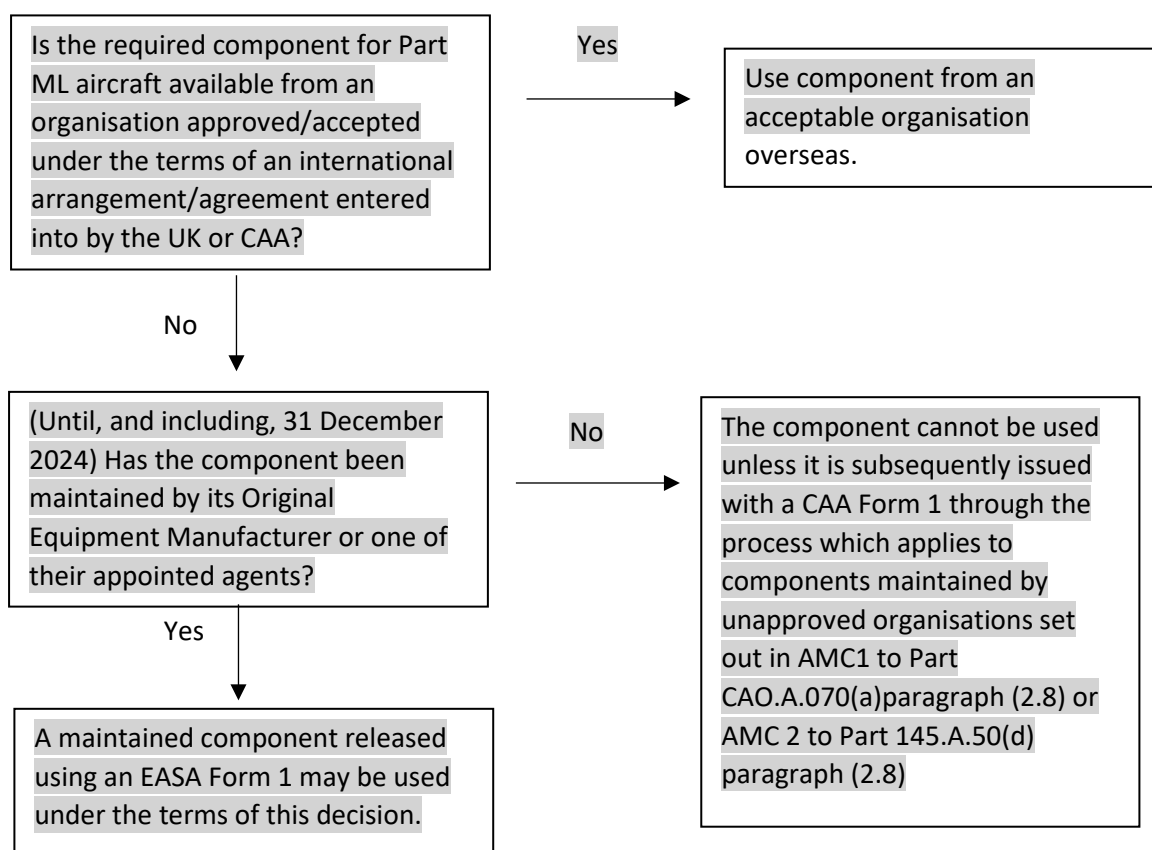
[...]

(k) **(Until, and including, 31 December 2024) for ML aircraft, an EASA Form 1 issued by the component’s Original Equipment Manufacturer, or one of its appointed agents, EXCEPT WHEN those components are available from a UK approval holder, or an organisation approved or accepted under the terms of a Bilateral Aviation Safety Agreement with the United Kingdom or a maintenance organisation approved or accepted under the terms of a Working Arrangement established by the CAA.**

GM1 ML.A.501(a)(ii) Classification and installation

Where a component released on an EASA Form 1 cannot be fitted to a UK registered aircraft a component supplied by a UK Part CAO organisation or a UK Part 145 organisation which was released on an EASA Form 1 and has subsequently been submitted through the process which applies to components maintained by unapproved organisations set out in AMC1 to Part CAO.A.070(a)paragraph (2.8) or AMC 2 to Part 145.A.50(d) paragraph (2.8) respectively and released on a CAA Form 1 can be used instead. This is set out in the flow diagram below:





AMC1 145.A.42(a)(i) Components

CAA FORM 1 OR EQUIVALENT

A document equivalent to a CAA Form 1 may be is:

[...]

(g) (Until and including 31 December 2024) for ML aircraft, an EASA Form 1 issued by the component's Original Equipment Manufacturer, or one of its appointed agents, EXCEPT WHEN those components are available from a UK approval holder, or an organisation approved or accepted under the terms of a Bilateral Aviation Safety Agreement with the United Kingdom or a maintenance organisation approved or accepted under the terms of a Working Arrangement established by the CAA.

GM1 145.A.42(a)(i) Components

Where a component released on an EASA Form 1 cannot be fitted to a UK registered aircraft a component supplied by a UK Part CAO organisation or a UK Part 145 organisation which was released on an EASA Form 1 and has subsequently been submitted through the process which applies to components maintained by unapproved organisations set out in AMC1 to

Part CAO.A.070(a)paragraph (2.8) or AMC 2 to Part 145.A.50(d) paragraph (2.8) respectively and released on a CAA Form 1 can be used instead. This is set out in the flow diagram below:

