

**Proposal to Amend BCAR Sections A and B –
Second Consultation
 BCAR Section A and B Working Group**

Commentor:	Bill Taylor, Chief Executive, de Havilland Support Ltd
Chapter	A6-1 Working Draft Paper A961
Paragraph:	12.1
Comment:	In paragraph 12.1, I believe that Chapter A8-24 should be added also – see paragraph 17.1 of A8-24. Released parts are also required for aircraft > 5,700 kg operating on a C of A but not used for Commercial Air Transport.
Author's Response:	Comment accepted, A8-24 added.

Commentor:	Bill Taylor, Chief Executive, de Havilland Support Ltd
Chapter	A8-3, A8-23 and A8-24
Paragraph:	General
Comment:	In viewing those planned changes I was left wondering about the future status of the BCAR A8-3 B1 Overhauler approval. Could you advise if there are any current plans to dispose of that approval and see it subsumed within A8-23 or A8-24?
Author's Response:	The B1 overhaul approval will be withdrawn at the completion of the current round of BCAR transitions discussed in Information Notices 2012/18 and 2013/126. It was covered in the original consultation in 2011 that introduced A8-23, 24 and 25. The privileges associated with the approval can all be encompassed in A8-23 or 24.

Commentor:	Bill Taylor, Chief Executive, de Havilland Support Ltd
Chapter	A8-23; Working Draft Paper No A968
Paragraph:	9.5
Comment:	The heading of para 9.5 states "Spares Procurement for Aircraft of Military Origin". We know from our own experience that many aircraft owners and maintenance organisations are confused by the term 'military origin'. Our understanding is that this paragraph might be aimed at spares for use on aircraft operating on a Permit to Fly, rather than those operating on a C of A. We understand that parts for an aircraft operating on a C of A will continue to require release to service using a CAA Approved Certificate. If that remains the case after the publication of these changes, we think the position needs to be made clearer, or at least a definition of 'military origin' should be provided. Our experience shows that owners and maintainers of Tiger Moths, Chipmunks and Bulldogs, which are certificated types and some continue to operate on a C of

	A, see their aircraft as being of 'military origin' and they use an interpretation like paragraph 9.5 to avoid sourcing spares with the appropriate certification; this undermines the ability of approved organisations to provide spares with the required level of release.
Author's Response:	Comment accepted. Heading amended to clarify applicability of paragraph 9.5

Commentor:	Wayne Littlewood, Senior Quality Assurance Surveyor Monarch Aircraft Engineering
Chapter	A8-23
Paragraph:	General
Comment:	<p>MAEL note with interest the proposed changes to BCAR section A8-23 – Approval of Organisations responsible for Maintenance and restoration of Non EASA aircraft.</p> <p>Monarch Aircraft Engineering Limited (MAEL) an existing EASA Part 145 approved maintenance organisation, currently maintain, within the scope of its existing Part 145 approval schedule the civilian "Air Tanker consortiums" Airbus A330 – 200 series voyager aircraft (Air to Air refuelling & troop transport), which are Military Registered Civil Owned Aircraft covered by the MRCOA agreement as defined in CAP 562 Leaflet B-40 as amended.</p> <p>In accordance with the requirements of the MRCOA legislation MAEL already have an approved appendix to our existing Part 145 MOE which takes cognisance and consideration of the MRCOA requirements.</p> <p>It's been suggested by elements of the regulatory authority (UKCAA) that MAEL will also be required to comply with the requirements of the pending revision to BCAR section A8-23 and apply for approval to maintain the "Air Tanker consortium aircraft" under jurisdiction of that legislation.</p> <p>This advice appears to conflict, contradict and add duplicity to compliance with existing legislation, in respect of both Part 145 and MRCOA protocols.</p> <p>Within section 1.3 of the MRCOA protocols, it states that:</p> <ul style="list-style-type: none"> The applicable aircraft will be military registered to facilitate military ops at or below 500ft as an example as is the case with the Air Tanker consortium aircraft. Note: The Air Tanker consortium aircraft also appear of the civil aircraft register with qualifying notes indicating they are transferred to the Military register. <p>Under section 1.4 of the MRCOA protocols, it states that:</p> <ul style="list-style-type: none"> Any civil registered aircraft operating on contract to the MOD remain under the Regulatory jurisdiction of EASA and the CAA. The provisions

	<p>of European legislation and the Air Navigation Order, as applicable, apply to these aircraft at all times.</p> <p>Section 2.2.1 of the MRCOA protocols contains the following statement:</p> <ul style="list-style-type: none"> • NOTE: Whilst the aircraft are designated as military aircraft they are exempt from the need to comply with Regulation No. 216/2008. This means that the aircraft cannot legally be certified under the EASA 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 EASA standards in order that the required level of airworthiness assurance is achieved. <p>Section 2.2.3b of the MRCOA protocols contains the following statement</p> <ul style="list-style-type: none"> • Maintenance of MRCOA shall be undertaken by an organisation holding a Part 145 Maintenance approval for the aircraft type. As the aircraft are exempt from the Requirements under Regulation No. 216/2008, the final release to service Statement will declare that the maintenance has been performed to the Part 145 Standard and is accepted by the MOD as meeting the conditions of the Airworthiness support contract. <p>Example of a civil 'Release to Service' statement that should be used for MRCOA to differentiate it from a Part 145 release for an aircraft with an EASA C of A:</p> <p>‘ Certifies the work recorded above has been carried out in accordance with the Procedures and standards specified in the Part 145 and in respect of that work the aircraft is considered ready for release to service’.</p> <p>NOTE: The Maintenance Organisation Exposition (MOE), should be amended to include an appendix that describes the processes and procedures and contract references relating to the maintenance and management of MRCOA as detailed herein.</p> <p>The recent intimation from within the regulatory authority, UK CAA that MAEL will also be required to apply to the UKCAA and be approved under BCAR section A8-23 to maintain the Air Tanker consortium A330 aircraft simply adds duplicity and currently confuses the matter, when the combined compliance with already existing</p>
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	<p>legislative requirements are taken into account, principally,</p> <ul style="list-style-type: none">• MAEL's compliance with already existing regulations and requirements, principally EASA Part 145 and MRCOA supplementary appendices• Content of the MRCOA agreement extracted above.
Author's Response:	<p>The changes being proposed do not apply to aircraft in the MRCOA program as the CAA is not the Competent Authority (CA) for aircraft in military service. Oversight of MRCOA platforms is performed by the CAA under a contractual arrangement with the MOD, who through the MAA are the CA. The MOD recognizes that Part 145 is an appropriate standards against which maintenance can be accomplished.</p>