

## **Information and Advisory Notice No. 16**

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# **Airworthiness Directives**

### **Introduction**

The IAN is issued to serve as guidance and information related to Airworthiness Directives and their compliance.

### **Definition of Airworthiness Directive**

Commission Regulation (EU) No 748/2012 Part-21.A.3B gives a definition for 'Airworthiness Directive':

***"21.A.3B Airworthiness directives***

(e) An airworthiness directive means a document issued or adopted by the Agency which mandates actions to be performed on an aircraft to restore an acceptable level of safety, when evidence shows that the safety level of this aircraft may otherwise be compromised.

### **Responsibility of State of Registry**

The Convention on International Civil Aviation assigns responsibility for the airworthiness of aircraft to the State of Registry. According to its Annex 8, Part II, Chapter 4.2.3(d)

"The State of Registry shall

[...]

(d) upon receipt of mandatory continuing airworthiness information from the State of Design, adopt the mandatory information directly or assess the information received and take appropriate action

[...]"

### **Responsibility of State of Design**

Annex 8, Part II, Chapter 4.2.1.1(a) to the Convention on International Civil Aviation requires the State of Design to transmit to the State of Registry

"[...] any generally applicable information which it has found necessary for the continuing airworthiness of the aircraft and for the safe operation of the aircraft, hereinafter called mandatory continuing airworthiness information [...]"

According to Note 1 to Chapter 4.2.1.1(a), in that context "the term "mandatory continuing airworthiness information" (MCAI) is intended to include mandatory requirements for modification, replacement of parts or inspection of aircraft and

amendment of operating limitations and procedures. Among such information is that issued by Contracting States in the form of airworthiness directives.”

## EASA as a State of design

### European Regulatory Framework

#### Regulation (EC) No. 216/2008

5.1.1. In the domain of civil aviation safety, Regulation (EC) No. 216/2008 gives the Agency the exclusive power to issue type certificates/design approvals or changes thereof.

Article 20(1) states in this regard the following.

*“1. With regard to products, parts and appliances referred to in Article 4(1)(a) and (b), the Agency shall, where applicable and as specified in the Chicago Convention or its Annexes, carry out on behalf of Member States the functions and tasks of the State of design, manufacture or registry **when related to design approval**. To that end, it shall in particular:*

*[...]*

*(f) issue the appropriate type certificate or associated changes.*

*[...]*”

Furthermore, pursuant to Article 20(1)(j) of Regulation (EC) No. 216/2008, as part of its design responsibility, the Agency shall:

*” ensure the continuing airworthiness functions associated with the products, parts and appliances which are under its oversight, including reacting without undue delay to a safety problem and issuing and disseminating the applicable mandatory information.”*

Such mandatory information takes also the form of individual decisions (airworthiness directives).

5.1.3. Article 15(1) of Regulation (EC) No. 216/2008 – Information network – stipulates:

*“The Commission, the Agency and the national aviation authorities shall exchange any information available to them in the context of the application of this Regulation and its implementing rules.*

Also 21.A.3B states:

*“(b) The Agency shall issue an airworthiness directive when:*

- 1. an unsafe condition has been determined by the Agency to exist in an aircraft, as a result of a deficiency in the aircraft, or an engine, propeller, part or appliance installed on this aircraft; and*
- 2. that condition is likely to exist or develop in other aircraft.*

*(c) When an airworthiness directive has to be issued by the Agency to correct the unsafe condition referred to in paragraph (b), or to require the performance of an inspection, the holder of the type-certificate, restricted type-certificate, supplemental type certificate, major repair design approval, ETSO authorisation or any other relevant approval deemed to have been issued under this Regulation, shall:*

- 1. Propose the appropriate corrective action or required inspections, or both, and submit details of these proposals to the Agency for approval.*

2. *Following the approval by the Agency of the proposals referred to under subparagraph (1), make available to all known operators or owners of the product, part or appliance and, on request, to any person required to comply with the airworthiness directive, appropriate descriptive data and accomplishment instructions.*

*(d) An airworthiness directive shall contain at least the following information:*

- 1. An identification of the unsafe condition;*
- 2. An identification of the affected aircraft;*
- 3. The action(s) required;*
- 4. The compliance time for the required action(s);*
- 5. The date of entry into force.”*

EASA has issued Decision 2/2003 of 14 October 2003 in accordance to which, EASA adopts AD's issued by (non-EASA) State of Design of aircraft, products and parts. However EASA may also decide not to adopt AD's issued by the State of Design.

### **Discharge of Responsibility by EASA as a State of Design**

According to its statute, the Agency is responsible for the design of products, parts and appliances designed, manufactured or used by persons under the regulatory oversight of EU Member States. In that context it shall issue airworthiness directives to ensure the continuing airworthiness of such products, parts and appliances. When doing so, EASA only exercises the responsibilities of a State of Design or those related to the design of such products, parts and appliances of a State of Registry. Airworthiness Directives are therefore addressed to the holders of the design approvals affected by such airworthiness directives. The dissemination of airworthiness directives to aircraft owners and operators does not belong to EASA.

For products, parts and appliances, for which EASA only exercises the design responsibilities of the State of Registry, its policy is to endorse automatically the airworthiness directives issued by the State of Design, except if it itself issues a different airworthiness directive before the date of effectivity of the State of design airworthiness directive (Decision 2/2003 of 14 October 2003).

The EASA website states that EASA may issue AD's for products, parts and appliances designed by third countries, which supersede or complement the state of design airworthiness directive

Since EASA can only take responsibility for the issue of AD's related to design issues of aircraft, parts and products on behalf of state of registry in accordance with Article 66 of (EC) No 216/2008, it cannot issue Mandatory Continuing Airworthiness Information (MCAI) in the form of AD's for issues concerning safety of aircraft not stemming from design but from operational or maintenance issues.

In order to cover the potential gap between design approval-related ADs that may only be issued by EASA, and non-design related MCAI, EASA will issue "Emergency Conformity Information" (ECI) for cases where it cannot issue an AD.

This would normally be limited to unsafe conditions resulting from manufacturing or maintenance deficiencies where there is a need to inspect and to restore conformity of

individual aircraft with the approved design before the next flight. EASA issued MCAI will therefore be composed of both ADs and ECIs.

### **Discharge of Responsibility by TM CAD as a State of registry / Competent Authority**

State of registry / competent authority responsibility as stated in ICAO Annex 8, Part II, Chapter 4.2.3(d) is discharged by the following:

In the rare case that an “Emergency Conformity Information” (ECI) is issued by EASA, TM CAD shall take the necessary action to ensure aircraft conformity for Maltese registered aircraft.

TM CAD would issue AD’s for aircraft falling under Annex II to Regulation (EC) No 216/2008 ‘Basic Regulation’, when EASA issues or adopts an AD for parts, products and appliances installed on Annex II (non-EASA) aircraft types registered in Malta. The TM CAD would also issue AD’s when the conditions referred to in 21.A.3B (b) exist for Annex II aircraft.

AD’s issued by TM CAD are accessible on TM website:  
<http://www.transport.gov.mt/aviation/aircraft/airworthiness/airworthiness-directives>.

It is also the responsibility of the competent authority performing safety oversight of the aircraft to disseminate MCAI and to ensure that compliance with Airworthiness Directives is being controlled and implemented in a systematic manner. In the case of TM CAD this is carried out through notifications, inspections on aircraft and their records, audits on control systems, and review and approval of procedures.

## **Responsibility of the owner/operator of the aircraft**

### **Compliance with Airworthiness Directives**

In accordance with Regulation (EC) 2042/2003 Annex I, Part-M.A.301, the continuing airworthiness of an aircraft shall be ensured by embodying applicable ADs. Consequently, no person may operate an aircraft to which an AD applies, except in accordance with the requirements of that AD unless otherwise specified by the Agency [EC 2042/2003 Annex I, Part-M.A.303] or agreed with TM CAD pursuant to Article 14(4) of Regulation (EC) No 216/2008.

Article 14(4) exemptions would however only be issued when it is deemed that there is enough justification for such an exemption to be issued, upon a written justification being submitted by the operator/owner of the aircraft.

Aircraft operators and owners should also be proactive in maintaining good technical liaison and reporting to the TC Holders on technical and safety issues related to AD compliance. This applies also to technical and safety issues raised as part of reliability programmes and/or occurrence evaluation and follow-up, which may lead to the issue of AD’s.

## Alternative Method of Compliance (AMOC) to an AD

### 1 EASA AD's

An Alternative Method of Compliance (AMOC) is an EASA approved deviation to an AD. It is a different means, other than the one specified in an AD, to address an unsafe condition on products, parts and appliances. An AMOC must provide an acceptable level of safety equivalent to the level of safety intended for compliance with the original AD.

To apply for AMOC to ADs, an EASA Form 42 [FO.CAP.00042-002](#) can be downloaded from the EASA website (<http://easa.europa.eu>) filled up and sent back to EASA using: [amoc@easa.europa.eu](mailto:amoc@easa.europa.eu) email address.

### 2 Federal Aviation Administration AD's

In accordance with EASA Decision No 2004/04/CF (as amended), where the US is the state of design of the type certificate or supplemental type certificate holder, AMOC's approved by FAA are automatically approved by EASA.

### 3 Transport Canada AD's

In accordance with Heading 3.5 of the [TCCA – EASA Technical Procedures for Airworthiness and Environmental Certification](#), where Canada is the state of design of the type certificate, AMOC's approved by Transport Canada are automatically approved by EASA.

### 4 Agencia Nacional de Aviacao Civil (Brazil) AD's

In accordance with Heading 3.5 of the [ANAC - EASA Technical Implementation Procedures for Airworthiness and Environmental Certification](#), where Brazil is the state of design of the type certificate or supplemental type certificate holder, AMOC's approved by ANAC are automatically approved by EASA.

## The Airworthiness Directives publishing tool

The EASA Airworthiness Directives publishing tool offers a complete list of Airworthiness Directives that have been issued by EASA or have received an EASA approval number since 28 September 2003. The tool also contains all Proposed Airworthiness Directives (PAD) and allows users to submit their comments during the consultation period.

After 15th of September 2008, new Safety Information Bulletins, Foreign State of Design Safety Publications and Foreign State of Design ADs are published within the EASA AD tool.

The subscription service for new publications enables users to define their own filter and to receive notifications for these filtered Documents.

The EASA publishing tool has the following URL: <http://ad.easa.europa.eu/>

FAA AD's can be accessed from:

[http://www.faa.gov/regulations\\_policies/airworthiness\\_directives/](http://www.faa.gov/regulations_policies/airworthiness_directives/)

Transport Canada's Continuing Airworthiness Web Information System (CAWIS), provides access to the Airworthiness Directives database.

<http://wwwapps3.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/awd-lv-cs1401.asp?rand>

Brazil ANAC AD's can be accessed from:

<http://www2.anac.gov.br/certificacao/DA/DAE.asp>

### **Sensitive Security Airworthiness Directive (SSAD)**

An SSAD is an AD issued or adopted by EASA that mandates certain corrective actions, the content of which includes security sensitive information. These AD's will be communicated by the Airworthiness Inspectorate to the competent postholders in the respective organizations.

### **Emergency Airworthiness Directives**

The Airworthiness Inspectorate will disseminate Emergency AD's by email to the postholders responsible for AD compliance or aircraft owners as applicable as soon as they are received.

#### **References:**

- EASA AD policy;
- EASA website.
- TCCA-EASA TIPs
- ANAC-EASA TIPs