

NOTICE OF PROPOSED AMENDMENT TO DASR NPA 02/2017

MILITARY TYPE CERTIFICATE HOLDER ORGANISATIONS

INTRODUCTION

Applicability

1. This proposal is applicable to:
 - a. government organisations eligible to hold MTC, MSTC or major repair design approvals under the proposed derogations from DASR 21.A.14, 112B & 432B *Demonstration of capability*,
 - b. DASR military design organisations involved in the conduct or execution of holder obligations, and
 - c. organisations within the DASR environment that acquire and use major design products, such as Continuing Airworthiness Management Organisations (CAMO) or Through-Life-Support organisations.

Purpose

2. The proposed amendments are expected to:
 - a. revise regulatory provisions within DASR to enable government organisations to hold Military Type Certificates (MTC), Military Supplemental Type Certificates (MSTC) and major repair design approvals, and
 - b. bring the DASR regulations into alignment with EMAR 1.2 Edition updates.
3. The benefits flowing from the proposal are expected to:
 - a. provide clarity to responsibilities associated with the discharge of holder responsibilities for MTC, MSTC and major repair design approvals,
 - b. standardise DAVCOMP-DASA oversight of the holder responsibilities.
 - c. provide better international recognition and acceptance of DASR through increased alignment with EMAR.

Consultation

4. The aim of this NPA is to promulgate background and details of the proposed changes. Advice on how petitions on this proposal are to be presented to the DASA is also provided.

PROPOSAL

Background

5. DASR initial airworthiness instruments are issued to specific holders and mandate holder obligations to ensure management of the continued airworthiness of that instrument. The level and complexity of holder obligations varies in accordance to the instrument type with the most complex obligations associated to Military Type Certificates (MTC), Military Supplemental Type Certificates (MSTC) and major repair approvals.

6. In the above cases, application of DASR requires the holder to meet DASR 21.A.14, 112B or 432B *Demonstration of capability* requirements respectively and for those organisations to fulfil the holder obligations associated with the held instrument. However, in response to incompatibilities in legislative and legal arrangements between EMAR and DASR, the DASA has, since transition to the

DASR in October 2016, elected to retain all DASR MTC and delegated DASA responsibility to specific ADF individuals, known as AMTCH Delegates of the Safety Authority (DoSA), to assure arrangements are established to meet the holder obligations.

7. In the latest European Military Airworthiness Requirements (EMAR) update (edition 1.2, released 4 Oct 16) additional regulation related to holder organisations was introduced, which allowed for a government organisation to hold MTC, MSTC and major repair design approvals. DASA adoption of these clauses provides the opportunity to better clarify which organisations can apply for and hold these instruments.

Objective

The proposed regulation seeks to specify which organisations can hold major design instruments, how they can discharge the holder obligations, and how the DASA will provide assurance oversight on those functions.

Outcome

8. DASA has developed proposed regulatory and Acceptable Means of Compliance (AMC) changes that will introduce new requirements in DASR 21.A.14, 21.A.112B and 21.A.432B to align with the EMAR Edition 1.2 amendments.

9. DASA has also amended Acceptable Means of Compliance (AMC) and Guidance Material (GM) to 21.A.44 to clarify implementation of the proposed changes.

10. Following introduction of the proposed regulation amendments, DASA will also:

a. Apply the following principles:

- (1) DASA will issue MTC and major design change approvals for all ADF aircraft types,
- (2) The MTC / MRTC will only be held by a government holder organisation (the Military Type Certificate Holder organisation (MTCH organisation)),
- (3) All major changes to Type Design will be approved by DASA, and
- (4) Only the MTCH organisation will be eligible to hold major change approvals.

b. Withdrawal the AMTCH DoSA delegation. Oversight and assurance function of the MTCH organisations will now be conducted from within DAVCOMP. Where applicable, the individuals currently holding an AMTCH delegation will continue to retain Authority delegations for other Authority functions, such as Unsafe Condition Assessments, Issue of Airworthiness Directives, Approval of Flight Conditions and Military Permits to Fly, and issue of Military Certificate of Airworthiness etc.

11. DASA will develop Advisory Circulars for release over the next month to provide additional guidance on the impact of these changes, especially to the application for and holding of major design changes to ADF Type Design.

New or amended Regulations

12. The text of the proposed changes to DASR is detailed in annex A.

HOW TO SUBMIT COMMENTS ON THIS NPA

Format

13. Responses to this NPA are to be recorded on the NPA Response Sheet included at annex B, and as published on the DASA Intranet website.

14. Responses are to be submitted by email to [DASA.DASR NPA](#) hardcopies of the NPA Comment Sheet are not required.

Timing

15. Comments to NPA 02/2017 are to be received by close of business 15 September 2017.

Additional Information

16. Additional information concerning this NPA is available from DD DASR21, WGCDR Phillip Telfer, phillip.telfer@defence.gov.au or (03) 92823542.

DISPOSITION OF COMMENTS RECEIVED

17. A Summary of Responses will be prepared and published on <http://www.defence.gov.au/DASP/DASR-Regulations/DASRNPA/Default.asp> DASA will not individually acknowledge or respond to comments or submissions.

ORIGINAL SIGNED
25/08/17

J. D. HOOD
AIRCDRE
Director General
Defence Aviation Safety Authority
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/08/2017

Annex:

- A. NPA 02/2017 - Proposed Changes to DASR
- B. NPA 02/2017 - Comment Sheet

NPA 02/2017

PROPOSED CHANGES TO DASR REGULATIONS, AMC AND GUIDANCE

Clause	Current Wording	Ed 1.2 Wording	Notes
21.A.14.(c)		By way of derogation from paragraph (a) and (b), any government organisation applying for a type-certificate or restricted type-certificate may demonstrate its capability by having an agreement in place, accepted by the Authority, in accordance with EMAR 21.A.2 with a design organisation which has access to the type design data. The agreement shall include detailed statements how the actions and obligations are delegated to enable the government organisation, in cooperation with the contracted organisation, to comply with the requirements of EMAR 21 Subpart J, including demonstration of compliance with EMAR 21.A.44.	EMAR Ed 1.2
21.A.14.(c) AMC		In some countries a government organisation is approved by the Authority to execute the Military Type Certificate Holder (MTCH) responsibilities. This government organisation may apply for a type-certificate or restricted type certificate , without being the original design organisation. In this case the government organisation should, in accordance with EMAR 21.A.2, enter an agreement with a DASR 21.A.14 (a) or (b) compliant design organisation which has access to the Type Design data to ensure the undertaking of specific actions and obligations. Any alternative procedures for establishing a Design Assurance System should be acceptable to the Authority	EMAR Ed 1.2

		in fulfilling the obligations required under EMAR 21.A.44.	
21.A.112B.(c)		By way of derogation from paragraph (a) and (b), any government organisation applying for a supplemental type-certificate may demonstrate its capability by having an agreement in place, accepted by the Authority, in accordance with EMAR 21.A.2 with a design organisation which has access to the type design data. The agreement shall include detailed statements how the actions and obligations are delegated to enable the government organisation, in cooperation with the contracted organisation, to comply with the requirements of EMAR 21 Subpart J, including demonstration of compliance with EMAR 21.A.118A.	EMAR Ed 1.2
21.A.112B.(c) AMC		In some countries a government organisation is approved by the Authority to execute the Military Supplemental Type Certificate Holder (MSTCH) responsibilities. This government organisation may apply for a military supplemental type-certificate , without being the original design organisation. In this case the government organisation should, in accordance with EMAR 21.A.2, enter an agreement with a DASR 21.A.14 (a) or (b) compliant design organisation which has access to the Type Design data to ensure the undertaking of specific actions and obligations. Any alternative procedures for establishing a Design Assurance System should be acceptable to the Authority in fulfilling the obligations required under EMAR 21.A.118A.	EMAR Ed. 1.2
21.A.432.(c)		By way of derogation from paragraph (a) and (b), any government organisation applying for a major repair design approval may demonstrate its capability by having an agreement in place, accepted by the	EMAR Ed. 1.2

		Authority, in accordance with EMAR 21.A.2 with a design organisation which has access to the type design data. The agreement shall include detailed statements how the actions and obligations are delegated to enable the government organisation, in cooperation with the contracted organisation, to comply with the requirements of EMAR 21 Subpart J, including demonstration of compliance with EMAR 21.A.451.	
21.A.432.(c) AMC		In some countries a government organisation is approved by the Authority to execute the Repair Approval Holder responsibilities. This government organisation may apply for a repair approval from its Authority, without being the original design organisation. In this case the government organisation should, in accordance with EMAR 21.A.2, enter an agreement with a DASR 21.A.14 (a) or (b) compliant design organisation to ensure the undertaking of specific actions and obligations. Any alternative procedures for establishing a Design Assurance System should be acceptable to the Authority in fulfilling the obligations required under EMAR 21.A.451.	EMAR Ed. 1.2
21.A.44 Obligations of the holder (AUS)	<p>All Australian MTCs will be held by the Authority and not issued to a holder.</p> <p>A senior Defence engineer shall be delegated by the Authority as an Australian Military Type Certificate Holder (AMTCH) delegate to ensure MTC obligations are met on the Authority's behalf, the duties of which will consist of the following:</p> <ol style="list-style-type: none"> a. Ensure that the applicable MDOA holder (or equivalent) is contracted/tasked to perform a scope of work that includes the following 	<p>Australian MTCs will be issued by the Authority to Australian government organisations.</p> <p>Organisations to which the MTC is issued become the MTC Holder Organisation (MTCHO) for that Type Design. Duties of the MTCHO consist of the following:</p> <ol style="list-style-type: none"> a. Obligations specific to the MTC: <ol style="list-style-type: none"> 1. Obligations of the holder (under DASR 21.A.44). 2. The integration of Products, Weapons and 	Amended to reflect establishment of a government holder organisation (MTCHO) and a form 4 holder (MTCH, a senior defence engineer) within that organisation.

	<p>functions:</p> <ul style="list-style-type: none"> i. Obligations of the holder (under DASR 21.A.44). ii. The integration of Products, Weapons and other Systems onto the aircraft, except for approvals under Subpart E (under <u>DASR 21.A.42</u>). iii. Manage all applications for approval of major changes to a type design under <u>DASR 21.A.92(a)</u>. iv. Make arrangements with STC applicants under <u>DASR 21.A.115</u> with respect to the STC's impact on the MTC or MRTC, including the effect of any major design changes on certification basis elements. <ul style="list-style-type: none"> b. Oversight of MTC holder obligations as described in paragraph (a)(i) above. c. Ensure that a system for the in-service management of product hazards is implemented and maintained. d. Make assessments concerning technical risk during instances where a Defence product is required to operate outside its established type-certification basis. For example, where a product needs to be operated: <ul style="list-style-type: none"> i. with a defect present, or likely to be present, that is outside the scope of standard deferred defect provisions under <u>DASR M.A.301(a)(2)</u> and <u>DASR 145.A.50</u>; ii. with unrepaired damage, under <u>DASR 21.A.445</u>; iii. beyond OEM recommended component 	<p>other Systems onto the aircraft, except for approvals under Subpart E (under <u>DASR 21.A.42</u>).</p> <ul style="list-style-type: none"> 3. Manage all applications for approval of major changes to the type design under <u>DASR 21.A.92(a)</u>. 4. Make arrangements with STC applicants under <u>DASR 21.A.115</u> with respect to the STC's impact on the MTC or MRTC, including the effect of any major design changes on certification basis elements. <ul style="list-style-type: none"> b. Responsibility for holding subsequent DASR STC and major repair design approvals issued against the MTC, which entails: <ul style="list-style-type: none"> 1. For STC, obligations of the holder (under DASR 21.A.118A). 2. For Major Repairs, obligations of the holder (under DASR 21.A.451.a). c. For all MTC, STC and major repair design approvals held: <ul style="list-style-type: none"> 1. Ensure a system for the in-service management of product hazards is implemented and maintained. 2. Make assessments concerning technical risk during instances where a Defence product is required to operate outside its established type-certification basis or with an elevated level of risk. For example, where a product needs to be operated: <ul style="list-style-type: none"> a. with a defect present, or likely to be present, that is outside the scope of standard deferred defect provisions under <u>DASR M.A.301(a)(2)</u> and 	
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	<p>lifting or servicing interval limits, airworthiness limitations or certification maintenance requirements under DASR M.A.301(a)(5)(iii); or</p> <p>iv. where an Airworthiness Directive under <u>DASR GM 21.A.3B(a)</u> has not been fully incorporated.</p> <p>AMTCH delegate applications shall consist of the following:</p> <p>a. DASR Form 104—Delegate of the Defence Aviation Safety Authority (DoSA) Application, showing compliance against the following qualifications and experience requirements:</p> <p>Qualifications:</p> <ol style="list-style-type: none"> 1. Bachelor of Engineering degree in Mechanical, Mechatronics, Aerospace, Aeronautical, Electronics, Software or Electrical Engineering. 2. Qualifications must be Australian accredited or assessed to be equivalent to Australian qualification by Engineers Australia, the Australian Computer Society or the Australian Institute of Project Management. <p>Experience:</p> <ol style="list-style-type: none"> 1. Chartered Professional Engineer (CPEng) in the Institute of Engineers Australia or equivalent. 2. Ten years of Aviation experience. 3. For Commonwealth applicants, ten years' experience must comprise of at least two years' combined experience as staff of DASA or an organisation holding a Design Organisation 	<p><u>DASR 145.A.50;</u></p> <ol style="list-style-type: none"> b. with unrepaired damage, under <u>DASR 21.A.445;</u> c. beyond OEM recommended component lifing or servicing interval limits, airworthiness limitations or certification maintenance requirements under DASR M.A.301(a)(5)(iii); or d. where an Airworthiness Directive under <u>DASR GM 21.A.3B(a)</u> has not been fully incorporated. <p>Where the MTCHO is unable to provide the holder services internally, such as a government organisation holding the MTC under provision of DASR 21.A.14.(c), the MTCHO will ensure that a commercial design or engineering organisation that is compliant to DASR 21.A.14.(a) or (b) is contracted/tasked to perform any outstanding holder duties defined in paragraphs (a) through (c) above.</p> <p>In accordance with paragraph (b) above, the Authority will issue all major design change approvals, STC and major repair design approvals associated with the MTC to the MTCHO. The holder organisation will be responsible for the holder obligations of those instruments as defined in DASR 21.A.118A for STC and 21.A.451(a) for major repairs.</p> <p>Prior to issue of a MTC the MTC applicant (such as a Project Office) will nominate a suitable government organisation to become the MTC holder by:</p>	
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	<p>Approval under EASA, CASA, EMAR or DASR 21 Section A Subpart J.</p> <p>b. An AMTCH exposition that documents and justifies the arrangements for management of the MTC proposed by the applicant.</p> <p>AMTCH expositions shall follow the template available on the DASP internet website and hence contain the following:</p> <ul style="list-style-type: none"> a. A summary of the product’s design, including its lineage, maturity, issues/weaknesses/limitations, reliability, and validity of structural and propulsion certification and identified system safety hazards. b. The degree of ongoing support provided coincidentally through other civil or military TC holders that are fully or partially applicable to the Defence product’s configuration. c. A summary of Defence’s operational role and environment, relative to other fleets, including whether Defence products are likely to be fleet leaders, and the likelihood of changes to roles and environment or extensions to planned withdrawal date etc. d. Key organisations involved in the management of the product’s design, including their contractual relationships with Defence; their maturity, experience, capabilities, limitations, responsiveness, quality of product, impartiality, past performance, and future viability; and any gaps in overall coverage. e. An assessment of Defence capabilities to support the design, including structural and 	<ul style="list-style-type: none"> a. Submitting an exposition (Type Continued Airworthiness Exposition (TCAE)) that justifies the arrangements for management of the MTC and which can expand for subsequent STC and major repairs proposed by the applicant, and b. Submitting a Form 4 nomination for an individual responsible for managing the in-house and contracted holder obligations. The individual (Military Type Certificate Holder (MTCH)) is to show compliance against the following qualifications and experience requirements: <p>Qualifications:</p> <ol style="list-style-type: none"> 1. Bachelor of Engineering degree in Mechanical, Mechatronics, Aerospace, Aeronautical, Electronics, Software or Electrical Engineering. 2. Qualifications must be Australian accredited or assessed to be equivalent to Australian qualification by Engineers Australia, the Australian Computer Society or the Australian Institute of Project Management. <p>Experience:</p> <ol style="list-style-type: none"> 1. Chartered Professional Engineer (CPEng) in the Institute of Engineers Australia or equivalent. 2. Ten years of Aviation experience. 3. For Commonwealth applicants, ten years’ experience must comprise of at least two years’ combined experience as staff of DASA or an organisation holding a Design Organisation 	
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	<p>propulsion systems integrity specialists, explosive ordnance and aircraft/stores clearance specialists, reliability and maintainability specialists, non-destructive testing procedure development, software and avionics support capabilities. Within this assessment, the competency of individual key engineering positions, the ability to recruit and train new staff, and access to data.</p> <p>f. An assessment of the likelihood of leveraging other military and civil operator's programs to support the Defence product's design, including Defence's ability to influence those programs, and the type of data that will be accessible.</p> <p>Arrangements for the management of the MTC that provides for mitigation of the risks identified in the above assessments.</p>	<p>Approval under EASA, CASA, EMAR or DASR 21 Section A Subpart J.</p> <p>The TCAE shall follow the template available on the DASP internet website and contain the following:</p> <ol style="list-style-type: none"> a. A summary of the product's design, including its lineage, reliability, and validity of structural and propulsion certification and identified system safety hazards. b. The degree of ongoing support provided coincidentally through other civil or military TC holders that are fully or partially applicable to the Defence product's configuration. c. A summary of Defence's operational role and environment, relative to other fleets, including whether Defence products are likely to be fleet leaders, and the likelihood of changes to roles and environment or extensions to planned withdrawal date etc. d. Key organisations involved in the management of the product's design, including their contractual relationships with Defence; their maturity, experience, capabilities, limitations, responsiveness, quality of product, impartiality, past performance, and future viability; and any gaps in overall coverage. e. An assessment of Defence capabilities to support the design, including structural and propulsion systems integrity specialists, explosive ordnance and aircraft/stores clearance specialists, reliability and maintainability specialists, non-destructive testing procedure development, software and avionics support capabilities. Within this 	
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		<p>assessment, the competency of individual key engineering positions, the ability to recruit and train new staff, and access to data.</p> <p>f. An assessment of the likelihood of leveraging other military and civil operator’s programs to support the Defence product’s design, including Defence’s ability to influence those programs, and the type of data that will be accessible.</p> <p>g. Arrangements for the management of the MTC (and subsequent STC and Major Repairs) that provides for mitigation of the risks identified in the above assessments.</p>	
<p>GM 21.A.44 - Obligations of the holder (AUS)</p>	<p>Type-certificates under DASR. Unlike civil Type-certificates (TC), Military Type-certificates (MTC) and Military Restricted Type-certificates (MRTC) are issued for internal Defence purposes, and hence are subject to additional requirements that relate to how Defence products are both acquired and supported in-service. The applicant for an MTC or MRTC is not the product’s OEM; rather, the applicant is the Defence project acquiring the product under a contract with the OEM. Unlike civil TC obligations, Defence MTC and MRTC obligations are not enforceable via national legislation; DASR (in general) are enforceable for commercial organisations only via contract law. As a result, there is no enduring obligation placed on the MTC applicant to manage the basis of certification through to the product’s life of type. To maintain consistency with other DASR 21 MTC requirements, Australian MTCs are therefore treated as if they were ‘orphaned’, ie no longer held or supported by the OEM, and therefore</p>	<p>Type-certificates under DASR. Unlike civil Type-certificates (TC), Military Type-certificates (MTC) and Military Restricted Type-certificates (MRTC) are issued for internal Defence purposes, and hence are subject to additional requirements that relate to how Defence products are both acquired and supported in-service. The applicant for an MTC or MRTC is not the product’s OEM; rather, the applicant is the Defence project acquiring the product under a contract with the OEM. Unlike civil TC obligations, Defence MTC and MRTC obligations are not enforceable via national legislation; DASR (in general) are enforceable for commercial organisations only via contract law. As a result during the certification or approval process, the Authority will assess an applicant nominated Australian government organisation, and when satisfied issue the Australian MTC to that organisation. That organisation becomes the MTC holder organisation (MTCHO).</p>	<p>Amended to reflect the establishment of a government holder organisation (MTCHO) and a form four holder (MTCH – a senior defence engineer) within that organisation.</p>

	<p>retained by the Authority, ie not issued to a holder organisation.</p> <p>Full or partial civil TC applicability. Products that are fully or partially covered by a civil TC should not rely exclusively on the civil TC holder's design support, unless there are no differences in the Defence product's configuration, role and environment when compared to the civil product, eg a Defence registered VIP aircraft. In these circumstances:</p> <ul style="list-style-type: none"> a. An MTC would not be issued, and hence this GM would not be applicable. b. The Defence product would: <ul style="list-style-type: none"> i. fully leverage the civil TC and its artefacts, including export Certificates of Airworthiness; and ii. use the flight manual and ICA issued by the OEM, ie with no changes to airworthiness limitations, certification maintenance requirements. <p>Delegation of Obligations. DASR 21.A.2 provides for the delegation of MTC holder obligations required by DASR 21.A.44. These obligations, or their intent, will be fulfilled either by commercial contract or through a tasking agreement with a foreign military or commercial organisation. Despite their contribution to fulfilling holder obligations, these organisations will not be considered the MTC holder. Since the Authority is unable to oversee all of these arrangements, the Authority will delegate to an appropriate Defence engineer to manage MTC holder obligations for individual aircraft types on the Authority's behalf, ie the AMTCH delegate.</p>	<p>Full or partial civil TC applicability. Products that are fully or partially covered by a civil TC should not rely exclusively on the civil TC holder's design support, unless there are no differences in the Defence product's configuration, role and environment when compared to the civil product, e.g. a Defence registered VIP aircraft. In these circumstances:</p> <ul style="list-style-type: none"> a. An MTC would not be issued, and hence this GM would not be applicable. b. The Defence product would: <ul style="list-style-type: none"> i. fully leverage the civil TC and its artefacts, including export Certificates of Airworthiness; and ii. use the flight manual and ICA issued by the OEM, i.e. with no changes to airworthiness limitations, certification maintenance requirements. <p>Contracting of holder responsibilities</p> <p>Where the holding government organisation does not meet DASR 21.A.14.(a) or (b) provisions, or is unable to meet all obligations internally DASR 21.A.14.(c) allows for the MTCHO to contract the provision of the 21.A.44, 21.A.118A & 21.A.451(a) aligned holder obligations to commercial engineering organisations via 21.A.2 delegation.</p> <p>For non-DASR/EASA/EMAR commercial organisations contracted under these provisions, the holder organisation will need to pay particular attention to the equivalence of obligations in the areas of major/minor design change classification (DASR 21.A.91) and</p>	
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	<p>For non-DASR/EASA/EMAR organisations, the AMTCH will need to pay particular attention to the equivalence of obligations in the areas of major/minor design change classification (<u>DASR 21.A.91</u>) and reporting to the Authority of failures, malfunctions and defects (<u>DASR 21.A.3A</u>). This is to ensure that Authority interfaces are established at the same equivalent level and hence the Authority's safety assurance function is not compromised by the incorrect translation of processes. Oversight. While MTC holder oversight functions may fall within the scope of the Authority's oversight programme for MDOA holders, the AMTCH delegate is nevertheless required to perform specific oversight of MTC holder obligations. There are many methods available to oversight these obligations, such as collocated oversight by Defence staff, formal audits, informal visits, participation in key meetings/boards, and being on the distribution of key reports and performance metrics etc. The degree and nature of oversight required is a function of the specific circumstances surrounding management of the Defence product's design, which are outlined and justified as part of the AMTCH exposition (refer to <u>DASR AMC 21.A.44(c)</u> (AUS)).</p> <p>Operational Hazards. There will be occasions where a Defence aircraft will be required to operate outside its established type-certification basis. Such occasions represent a hazard, which must be eliminated or reduced so far as is reasonably practicable. Notification of the instance will typically be initiated by the Continuing Airworthiness Manager (CAM) on behalf of</p>	<p>reporting to the Authority of failures, malfunctions and defects (<u>DASR 21.A.3A</u>). This is to ensure that Authority interfaces are established at the same equivalent level and hence the Authority's safety assurance function is not compromised by the incorrect translation of processes. For non DASR 21 organisations (and hence meeting DASR 21.A.14.(b)) attention should also focus on the processes to meet the Safety Management System requirements (DASR 21.A.239.(c)) equivalence. This is to ensure that the holder organisation's risk management of operational hazard is based on a sound risk and safety management system.</p> <p>Oversight. The MTCHO is required to establish a Type Continued Airworthiness Exposition (TCAE) detailing arrangements in place to meet the MTC (and subsequent STC and Major Repair) holder obligations. The Authority shall approve the TCAE and establish a compliance oversight framework to assure ongoing arrangements remain suitable and adequate. The MTCHO shall also oversight conduct of the contracted MTC holder obligations. There are many methods available to oversight these obligations, such as collocated oversight by Defence staff, formal audits, informal visits, participation in key meetings/boards, and being on the distribution of key reports and performance metrics etc. The degree and nature of oversight required is a function of the specific circumstances surrounding management of the Defence product's design, which are outlined and justified as part of the TCAE.</p> <p>Operational Hazards. Occasions will arise when a</p>	
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	<p>the aircraft operator, in response to a condition/need identified (or suspected to exist) with one or more aircraft. The CAM will engage the AMTCH delegate to make assessments concerning the hazard and its impact from a type design perspective; assessments concerning the ongoing airworthiness of an individual aircraft are the responsibility of the CAM. Note also that AMOs, CAMOs and MDOAs are all required to report to the Authority any unsafe or potentially unsafe conditions under respective DASRs, and in most cases this reporting would be occurring in parallel to the risk assessments required by this subparagraph.</p> <p>Some design deficiencies discovered in-service may not jeopardise the type-certification basis, provided additional controls, eg additional maintenance inspections, are implemented to reduce the hazard so far as is reasonably practicable. These circumstances require little (if any) coordination or communication with the CAM and operator.</p> <p>More substantial deficiencies may require the operator to implement additional controls to reduce the hazard so far as is reasonably practicable, and hence will require coordination with the CAM and operator. Examples of controls include a maximum number of flights, with minimum crew, for ferry flights only, with an unpressurised cabin and undercarriage extended, etc. These controls are considered Flight Conditions (DASR 21.A.708) and are approved as part of a Military Permit to Fly (MPTF) that may be drafted by the AMTCH delegate, but approved by the Authority. AMTCH delegates will not be delegated the ability to approve MPTFs for a number of reasons:</p>	<p>Defence aircraft will be required to operate at elevated risk levels or outside its established type-certification basis. Such occasions represent a hazard, which must be eliminated or reduced so far as is reasonably practicable. Notification of the instance will typically be initiated by the Continuing Airworthiness Manager (CAM) on behalf of the aircraft operator, in response to a condition/need identified (or suspected to exist) with one or more aircraft. The CAM will engage the holder organisation to make assessments concerning the hazard and its impact from a type design perspective; assessments concerning the ongoing airworthiness of an individual aircraft are the responsibility of the CAM. Note also that AMOs, CAMOs and MDOAs are all required to report to the Authority any unsafe or potentially unsafe conditions under respective DASRs, and in most cases this reporting would be occurring in parallel to the risk assessments required by this subparagraph.</p> <p>On the occasions where communication of risk and technical advice is required between the MTCHO and the CAM / operator, the Form 4 holder (MTCH) within the holder organisation should be the primary point of contact and conduit of information.</p> <p>Some design deficiencies discovered in-service may not introduce undue risk or jeopardise the type-certification basis, provided additional controls, e.g. additional maintenance inspections, are implemented to reduce the hazard so far as is reasonably practicable. These circumstances require little (if any) coordination or communication with the CAM and operator.</p>	
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	<ul style="list-style-type: none"> a. MPTF approval is frequently privileged to an MDOA holder but rarely (if ever) delegated to an individual. b. Pressure to resume flying operations may compromise the quality of the decision by an AMTCH to approve the MPTF in isolation. c. In contrast, approval of the MPTF by the Authority or appropriately privileged MDOA holder allows for its independent review by multiple staff. <p>The most serious deficiencies will represent hazards for which there are no further controls available, and elimination of the hazard by not operating the aircraft is an unacceptable outcome for operational reasons. These circumstances invoke the unique military aviation provision for an aircraft operator to operate aircraft with residual risk; this provision is covered by basic regulation BR.80—Flexibility Provisions (EASA BR Article 14).</p> <p>Eliminating the risk. Should the operator choose to eliminate the risk by <i>suspending flying operations</i>, the operator may request any or all of the following:</p> <ul style="list-style-type: none"> a. The CAM can withdraw the aircraft’s Military Airworthiness Review Certificate (MARC) under DASR M.A.902. b. The AMTCH delegate may withdraw affected Certificates of Airworthiness (CoA) (DASR 21.A.181(a)(4)). c. The AMTCH delegate may release an Airworthiness Directive (AD) that is effective upon receipt, ie ‘before next flight’ – DASR 21.A.3B. 	<p>More substantial deficiencies may require the operator to implement additional controls to reduce the hazard so far as is reasonably practicable, and hence will require coordination with the CAM and operator. Examples of controls include a maximum number of flights, with minimum crew, for ferry flights only, with an unpressurised cabin and undercarriage extended etc. These controls are considered Flight Conditions (DASR 21.A.708) and are approved as part of a Military Permit to Fly (MPTF) that may be drafted by the operator, but approved by the Authority (or DoSA).</p> <p>The most serious deficiencies will represent hazards for which there are no further controls available, and elimination of the hazard by not operating the aircraft is an unacceptable outcome for operational reasons. These circumstances may be managed via MPTF or, where time or operational need dictates, via the unique military aviation operational airworthiness provisions covered in SPA.10 <i>Command Clearances</i>. In these circumstances:</p> <ul style="list-style-type: none"> a. The MTCH must convey to the military aircraft operator and CAM all relevant information that characterises the hazard to the residual Risk Management Authority. b. The military aircraft operator will evaluate whether reasonably practicable operational treatments exist (including the cessation of flying), and present their recommendation to the command appointment with authority to make the ‘residual risk retention’ decision. In so doing, the MTCH should consider whether the 	
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	<p>Operating with residual risk. BR.80 flexibility provisions exempt certain DASRs from regulated organisations in the event of ‘compelling operational imperatives or emergencies’, which enables an aircraft operator to operate an aircraft with residual risk. In these circumstances:</p> <ul style="list-style-type: none"> a. The AMTCH delegate must convey to the military aircraft operator and CAM all relevant information that characterises the hazard to the residual Risk Management Authority. b. The military aircraft operator will evaluate whether reasonably practicable operational treatments exist (including the cessation of flying), and present their recommendation to the command appointment with authority to make the ‘residual risk retention’ decision. In so doing, the AMTCH delegate should consider whether the operator to operate the aircraft would greatly increase the likelihood of aggregated risk being realised. c. In the event that a risk retention decision is escalated to the Command Aviation Authority or Defence Aviation Authority, the AMTCH delegate will immediately provide the Authority with the same risk assessment as that conveyed to the aircraft operator. <p>Application. An AMTCH delegate should apply for delegation immediately prior to the issue of an MTC or MRTC. An MTC or MRTC will not be issued unless a suitable AMTCH delegate has been identified.</p> <p>AMTCH Exposition. The purpose of the AMTCH exposition is to inform the Authority of the applicant’s</p>	<ul style="list-style-type: none"> c. operator to operate the aircraft would greatly increase the likelihood of aggregated risk being realised. c. In the event that a risk retention decision is escalated to or above a one-star rank within the chain of command, the MTCH will immediately provide the Authority with the same risk assessment as that conveyed to the aircraft operator. <p>Eliminating the risk. Should the operator choose to eliminate the risk by <i>suspending flying operations</i>, the operator may request any or all of the following:</p> <ul style="list-style-type: none"> a. The CAM can withdraw the aircraft’s Military Airworthiness Review Certificate (MARC) under <u>DASR M.A.902</u>. b. The Authority (or DoSA with Certificate of Airworthiness delegation) may withdraw affected Certificates of Airworthiness (CoA) (<u>DASR 21.A.181</u>(a)(4)). c. The Authority (or DoSA with Airworthiness Directive delegation) may release an Airworthiness Directive (AD) that is effective upon receipt, i.e. ‘before next flight’ – <u>DASR 21.A.3B</u>. <p>Application. During the work program culminating in issue of a new MTC or MRTC the Project Office, or equivalent, will identify an appropriate government organisation best placed to fulfil the 21.A.44 holder obligations. The selected organisation will develop a TCAE and Form 4 application for the MTCH and submit for Authority approval. An MTC or MRTC will not be</p>	
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	<p>proposed MTC holder management arrangements. The nature of those arrangements will vary considerably between aircraft types, and will depend on the product's design itself; how the product is operated; and the depth and ability of organisations supporting the product's design. If the AMTCH delegate is also Head of Design of an MDOA holder under Subpart J, the Authority will accept the reflection of AMTCH exposition content within the applicable Military Design Organisation Exposition (MDOE).</p> <p>An AMTCH exposition satisfies the following needs:</p> <ul style="list-style-type: none"> a. Provides confidence that the AMTCH delegate applicant understands the nature of the product's design and its supporting organisations sufficiently to uphold the delegate's responsibilities. b. Provides key information influencing the specific solution to providing oversight of MTC holder obligations required under DASR, particularly where obligations are fulfilled remotely from main operating bases, eg via foreign military sales or other global fleet support arrangement 	<p>issued unless a TCAE has been approved.</p> <p>Type Continued Airworthiness Exposition. The purpose of the TCAE is to inform the Authority of the proposed MTC holder management arrangements. The nature of those arrangements will vary considerably between aircraft types, and will depend on the product's design itself; how the product is operated; and the depth and ability of organisations supporting the product's design.</p> <p>A TCAE satisfies the following needs:</p> <ul style="list-style-type: none"> a. Provides confidence that the MTCHO applicant understands the nature of the product's design and its supporting organisations sufficiently to uphold the delegate's responsibilities. b. Provides key information influencing the specific solution to providing oversight of MTC holder obligations required under DASR, particularly where obligations are fulfilled remotely from main operating bases, e.g. via foreign military sales or other global fleet support arrangement. c. Is a working document able to expand to reflect arrangements for subsequent MTC Changes, STC issues, and major repair design approvals. 	
<p>GM 21.A.115 Issue of Supplemental Type- Certificate</p>		<p>In response to applications the Authority shall issue all STC or major design change approval to the relevant government MTCH organisation.</p>	
<p>GM</p>		<p>In response to applications the Authority shall issue all</p>	

21.A.437.(a) Issue of repair design approval		major repair design approvals to the relevant government MTCH organisation.	
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NPA 02/2017 Comment Sheet

MILITARY TYPE CERTIFICATE HOLDER ORGANISATIONS

Please return this response sheet by {insert date}, via email attachment to [DASA.DASR NPA](#)

Please indicate your acceptance or otherwise of this proposal by ticking the appropriate box below. Additional comments, suggested amendments or alternative action are welcome and may be provided on this response sheet or by separate correspondence.

- The proposal is **acceptable without change**.
- The proposal is **acceptable but would be improved if the following changes were made**:
- The proposal is **not acceptable but would be acceptable if the following changes were made**:

LSN	NPA Reference: (i.e Regulation number, NPA paragraph etc)	Comment or suggested change	Explanation
1			
2			
3			
4			
5			

RESOURCE IMPLICATIONS

Please provide specific comment on any significant resource implications that this proposal may have for your organisation, for both its implementation and ongoing compliance. Your comments should address both financial and human resource considerations.

Resource implications – Proposal implementation	
Resource implications – Proposal sustainment	

RESPONDENT DETAILS

Your name:	
Submission date:	
Your organisation:	
Email address:	
Postal address:	
Phone:	
Whose views are represented in your response? i.e. Is your response the authoritative response from your organisation?	Responding on behalf of : Individual [] ADF DASR 21 / CAMO / Pt 145 [] Commercial DASR 21 / CAMO / Pt 145 [] Military Air Operator (Wing HQ) [] Military Air Operator (Group HQ) [] ADF Regulatory, Technical or Logistics policy agency [] CASG (prospective government holder organisation) [] Other commercial entity [], Other [] Please describe:-
Consent to publish your name as an NPA respondent within the DASA Summary of Responses:	YES [] NO []