

## Guernsey ODCA Notice of Proposed Amendment: 2022-3

### 1. Title

**GAR 145: deletion of the ‘equivalent standards’ eligibility option; UK added to list of host states eligible for validation of an AMO; editorial correction to Subpart C title**

### 2. Introduction

This Notice of Proposed Amendment proposes to:

- delete the option of validating maintenance organisation approvals issued on the basis of standards equivalent to those of trusted authorities;
- add the United Kingdom CAA to the list of trusted authorities;
- remove a potential source of ambiguity in the title of GAR 145 Subpart C; and
- make consequential changes to GAR 43.

### 3. Consultation and timeline

#### 3.1 Consultation categories

This Notice of Proposed Amendment is offered to interested parties for both information and public consultation. The proposals in this NPA fall into two categories<sup>1</sup>, as follows:

Category 1 – information only. This applies to those proposals that would have no material impact on interested parties, or codify policies and practices that are already in use, or are adaptations to external developments that cannot be influenced by Guernsey;

Category 3 – comments invited on both the proposed implementation period and the substance of the change. This applies to those changes that may have a material effect on interested parties. Comments that propose changes to the substance of the proposal should state the reason and preferably contain an alternative text proposal, and be supported with evidence. Any comment for extending the implementation period should be substantiated with the reason and supported with evidence.

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<sup>1</sup> The Guernsey ODCA NPA process has three different consultation categories. In this NPA, category 2 is not used.

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## 3.2 Consultation categories and proposed implementation periods

Proposal no.	Title of proposal	Consultation category	Interested parties	Proposed effectivity date
1	GAR 145.1(a) and 145.5(b) – deletion of current validation option 2; consequential changes to GAR 43.101(c), (d) and (e).	3	AMO holders from non-EASA countries	3 months from GAR revision date
2	GAR 145.5(a) – addition of UK to the list of host states for validation of an Approved Maintenance Organisation	1	CAMOs from non-EASA countries	upon publication
3	GAR Subpart C - remove ambiguity as to scope of Subpart C by changing its title	1	Guernsey-issued AMO approval holders	upon publication

## 3.3 Method of consultation

Interested parties should use the commenting form [\[link\]](#) for submitting their comments.

## 3.4 Timeline

The commenting period for this NPA is three months. All comments received by 30 June 2022 will be processed by the Guernsey Office of the Director of Civil Aviation (ODCA). It is expected that this process will take 2 months and result in publication of the revised GARs and GACs on 1 September 2022. The changes that would materially affect interested parties would then become effective 3 months after that, i.e. 1 December 2022. Changes that have no effect or would be a relaxation will become effective on the publication date.

## 4. Proposals - rationale

### 4.1 Proposal 1 – GAR 145.5(b) – deletion of current validation option 2

AMO validations option 2 was introduced in 2014. The difference between option 1 and option 2 is that option 1 specifically refers to authorities from which AMOs are accepted for validation without further scrutiny (the ‘trusted authorities’). Option 2 refers to states that have adopted (‘copied’) regulations from one of these trusted authorities. Examples are the United Arab Emirates and South Africa. This option is only open to those AMOs that do not hold an appropriate approval by either of the trusted authorities. Although not specifically stated, common practice is that when accepting such an AMO for validation, the applicant is required to demonstrate equivalency of the local regulations to those of any of the trusted authorities. This demonstration is only required at initial application and not on a repetitive basis so as to cover regulatory changes. This however has the inherent risk that over time, the equivalency will be lost without the Director being aware and thus being able to re-evaluate the validation. Rather than introducing a requirement for such repetitive checks, which requires additional resources, the Director has now decided to discontinue the practice of validating AMOs that are based on standards equivalent to those of the trusted authorities. AMO validations that have been issued as per current option 2 will be rescinded not later than 3 months after publication date. Current option 3 will be renumbered in option 2.

In GAR 43.101, references to GAR 145 option 2 will be changed accordingly.

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## 4.2 Proposal 2 – GAR 145.5(a) – addition of UK to the list of host states for validation of an Approved Maintenance Organisation

Since 1 January 2021, the United Kingdom (UK) is no longer a member state of the European Union Aviation Safety Agency (EASA). However, the United Kingdom has a continuing airworthiness certification and oversight system that the Director considers is robust. In addition, the UK will continue to use standards based on those of EASA for approving maintenance organisations. It is therefore proposed to add the United Kingdom to the list of host states for validation of a Maintenance Organisation Approval.

## 4.3 Proposal 3 – GAR Subpart C - remove ambiguity as to scope of Subpart C by changing its title

The current title of Subpart C ('Option 1 and 2 requirements') implies that it is not applicable to approvals per option 3 (now option 2), but limited to validations per options 1 and 2 (now option 1). This in spite of the fact that the individual requirements in this section actually not only refer to validations but indeed also to approvals. This is a clerical error that came to light during a verification of GAR 145 against ICAO Annex 8, sections 6.2.4, 6.2.5 and 6.3 1(j). It is corrected by changing the title into 'Requirement applicabe to both approval and validation holders'.

## 5 Proposals – The changes and their justification

### 5.1 Proposal 1 – GAR 145.1(a) and 145.5(b) – deletion of current validation option 2

#### 5.1.1 The change

Current GAR 145 text	Proposed GAR 145 text	Gist of change
<b>145.1(a)</b>	<b>145.1(a)</b>	
The requirements of this GAR Part cover the grant or validation and renewal of aircraft maintenance organisation approvals. There are three approval options under this GAR Part: (1) Option 1: validation of an approval granted to a standard listed in 145.5(a) (2) Option 2: validation of an approval granted to a standard listed in 145.5(b). (3) Option 3: the approval of an organisation that does not hold any maintenance approvals granted to the standards listed in either 145.5(a) or 145.5(b).	The requirements of this GAR Part cover the grant or validation and renewal of aircraft maintenance organisation approvals. There are two options under this GAR Part: (1) Option 1: validation of an approval granted to a standard listed in 145.5(a) (2) Option 2: the approval of an organisation that does not hold any maintenance approvals granted to the standards listed in 145.5(a).	Deletion of the option of equivalent standards
<b>145.5 Standards</b>	<b>145.5 Standards</b>	
(a) Option 1: maintenance organisation requirements of EASA (EASA Part 145), United States of America (FAA FAR Part 145) or Canada (TCCA CAR Part V Subpart 73).	(a) Option 1: maintenance organisation requirements of EASA (EASA Part 145), United Kingdom (EASA Part 145 as amended), United States of America (14 CFR Part 145) or Canada (TCCA CAR Part V Subpart 73).	<ul style="list-style-type: none"> <li>Deletion of the option of equivalent standards</li> <li>Clarification that Subpart C is not</li> </ul>

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(b) Option 2: maintenance organisation requirements of other states which are equivalent to any of those listed in 145.5(a), subject to acceptance by the Director of Civil Aviation.	(b) Option 2: Organisations seeking approval under this option shall comply with the requirements of this GAR Part, except Subpart C.	applicable for approvals
(c) Option 3: Organisations seeking approval under this option shall comply with the requirements of this GAR Part, all subparts.		
<b>Global changes</b>		
In remainder of document, replace: 'option 1 and [or 'or'] 2' by 'option 1'; 'option 3' by 'option 2'.		Deletion of the option of equivalent standards

## 5.1.2 – Justification

Drive for this proposal	Safety impact:	Regulatory verification:
See introduction	The safety impact will be positive. By eliminating the option to validate AMOs issued by authorities other than those trusted, AMOs based on standards that can potentially digress from those of the trusted authorities are no longer acceptable.	<b>ICAO:</b> Annex 8 (at amendment 106), Part II, chapter 1  <b>ANL</b> (as valid Feb 2021): s. 3

## 5.2 Proposal 2 – GAR 145.5(a) – addition of UK to the list of host states for validation of an Approved Maintenance Organisation

### 5.2.1 The change

Current GAR 145 text	Proposed GAR 145 text	Gist of change
<b>145.5(a)</b>	<b>145.5(a)</b>	
(a) Option 1: maintenance organisation requirements of EASA (EASA Part 145), United States of America (FAA FAR Part 145) or Canada (TCCA CAR Part V Subpart 73).	(a) Option 1: maintenance organisation requirements of EASA (EASA Part 145), United Kingdom (EASA Part 145 as amended), United States of America (14 CFR Part 145) or Canada (TCCA CAR Part V Subpart 73).	Addition of the United Kingdom to the list of host states for a maintenance organisation validation

### 5.2.2 – Justification

Drive for this proposal	Safety impact:	Regulatory verification:
'Brexit'	The United Kingdom will continue to issue maintenance organization approvals based on EASA standards. Consequently, there is no impact on safety.	<b>ICAO:</b> Annex 8 (at amendment 106), Part II, chapter 1  <b>ANL</b> (as valid Feb 2021): s. 3

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5.3 Proposal 3 – GAR Subpart C – remove ambiguity as to scope of Subpart C by changing its title

## 5.3.1 The change

<b>Current GAR 145 text</b>	<b>Proposed GAR 145 text</b>	<b>Gist of change</b>
<b>Subpart C (title)</b>	<b>Subpart C (title)</b>	
Option 1 and 2 requirements	Requirements applicable to both approval and validation holders	Removal of ambiguity as to scope of Subpart C by clarifying that it contains requirements that are applicable to both approval and validation holders.

## 5.3.2 – Justification

<b>Drive for this proposal</b>	<b>Safety impact:</b>	<b>Regulatory verification:</b>
Clarity of scope of Subpart C	Neutral, as it essentially is an editorial correction only. Also, there are currently no approval holders, only validation holders.	<b>ICAO:</b> Annex 8 (at amendment 106), Part II, chapter 6  <b>ANL (as valid Feb 2021):</b> s. 11