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PART III

STATE OF REGISTRY

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Chapter 11

MAINTENANCE ON AIRCRAFT NOT UNDER THE RESPONSIBILITY OF THE CONTRACTING STATE ISSUING THE CERTIFICATION FOR THE APPROVED MAINTENANCE ORGANISATION (AMO)

11.0 Aircraft maintenance – Without a Contracting State issued AMO approval

11.0.1 General

11.0.1.1 Maintaining an aircraft under the oversight of a Contracting State's registry provides several benefits for all parties involved (i.e., the aircraft owner, the future aircraft operator, and the aviation community). It is recognized that there are cases when maintenance needs to be performed on an aircraft that is not currently on a registry and where a future State of Registry is unknown. Lack of information poses difficulties for an owner to store, preserve or restore the aircraft to an airworthy condition and may also make the assessment of the airworthiness status by a future State of Registry more complex.

11.0.1.2 All parties should have a common understanding of the proposed timing and requirements for the completion of the aircraft de-registration and re-registration process in a manner to avoid lengthy delays. It is essential to recognize the aircraft registration process remains distinct and separate from the aircraft Certificate of Airworthiness (C of A) issuance process, even though they may be closely related.

11.0.1.3 The information provided in this section is intended to raise awareness of the consequences and risks of having an aircraft without registration; provide examples that can be considered in developing ways to avoid lengthy time gaps between de-registration and registration of an aircraft. The information also provides aircraft owners, maintenance providers, and regulators with an internationally standardized methodology that may be considered for use, enabling approved maintenance providers to perform work on an aircraft without registration and document such maintenance activities when the State of Registry is not presently known. This may facilitate the determination by the Importing State of what, if any, credit could be given to work for the related airworthiness requirements. The State that issued the maintenance organization approval will not be responsible for the maintenance carried out on such aircraft.

11.1 Benefits and importance of keeping an aircraft on a State's register

11.1.1 Background

11.1.1.1 There are several benefits in maintaining an aircraft under the oversight of a Contracting State's registry: for the aircraft owner, the future aircraft operator, the aviation community, and ultimately the public. For example, the aircraft owner and/or the future operator have access to guidance from the Contracting State. A State, by providing guidance, may facilitate the future restoration of the aircraft to an airworthy condition, thereby expediting the processes to issue a C of A (C of A) in compliance with Annex 8 and the State's regulations condition. Such an aircraft issued with a C of A is deemed to conform to its approved design and be in condition for safe operation. It also represents the ability to operate internationally without operating restrictions.

11.1.1.2 In addition, the Contracting State can define to the applicant (aircraft owner, operator or other authorized person or organization) the specific items of non-compliance with airworthiness requirements that rendered the aircraft and the parts thereof ineligible for recognition under the provisions of Annex 8 (in the case of parts, it is the part ineligibility for installation on an airworthy aircraft). This applies in particular to situations such as the following:

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- a) New aircraft out of production lines waiting for their delivery to the initial aircraft operator,
- b) Used aircraft recovered in the frame of a sale or leasing contract waiting for their delivery to another aircraft owner or operator,
- c) Used aircraft exported from one country to another, transiting through a third country for maintenance work,
- d) Aircraft to be parted-out: where some of their parts are intended to feed the system used serviceable parts, or
- e) Aircraft without registration for an interim period pending identification of a new State of Registry.

11.1.1.3 The State of Registry may recommend managing the aircraft configuration, the storage conditions and any maintenance action performed on the aircraft based on existing data made available by the design approval holder (i.e., OEM). This may enable the aircraft owner to establish the aircraft status in relation to the airworthiness requirements, such as obtaining a permit to fly. It may also minimize maintenance costs if the aircraft owner intends to benefit from the use of some parts taken from the stored aircraft, for use on other aircraft in service. The cooperation between the aircraft owner and the State of Registry contributes to protect the worldwide aircraft part supply chain from suspected unapproved parts. This would benefit the whole aviation community and the public.

11.1.1.4 When a part is removed from an aircraft without registration, prior to its installation on a registered aircraft, the State of Registry may require that it undergo maintenance to ensure it is airworthy and has been issued an authorized release certificate to make the part eligible for installation. To do so, the part has to be maintained at the appropriate level by a maintenance organization approved by the State of Registry of the aircraft on which the part will be installed.

11.1.1.5 Some aircraft may eventually not return to service. Their disassembly may take more or less time and be carried out during successive periods separated by storage. During this time, the aircraft configuration changes. The aircraft manufacturer's recommendations for preservation (parking and storage) may not be utilized in this situation because they have been defined for an aircraft in a known and approved configuration, i.e., the aircraft complies with an approved design. Defining a preservation program for an aircraft that is being parted-out may require specific measures to protect the aircraft, and for the protection of its parts before and after their removal. The preservation in accordance with the basic recommendations of the aircraft manufacturer may no longer ensure suitable conditions to accept the removal of parts for installation on aircraft that are airworthy. The Contracting State should describe what is necessary to preserve an aircraft on its registry and its parts, depending on the phase (parking, storage, part-out, etc.) based on information made available by the aircraft manufacturer.

11.1.1.6 The absence of precautions taken during the successive phases of a disassembly of an aircraft may lead the relevant State of Registry (for the aircraft that will receive the part) to impose recertification for parts removed from an aircraft without registration. This process may require the involvement of:

- a) the Type Certificate holder relevant for the part to be recertified and/or
- b) the other Approved Design Organization(s) appropriate for the part to be recertified and/or
- c) the original equipment manufacturer and/or
- d) the Approved Production Organization, which manufactured the part.

11.1.1.7 The purpose is to establish the conformity of the part with the applicable design and production data. Before installing the part on an aircraft or releasing it into the supply chain, the aircraft owner or operator may need to (a) investigate (e.g., maintenance records) to rebuild the part's history and (b) require adequate maintenance. This may include additional cost and complications, if the aircraft from which parts are removed is not registered.

11.1.2 Establishing satisfactory evidence for the Issuance and continued validity of a C of A

11.1.2.1 Another benefit of keeping an aircraft on a register would be the ability to obtain a C of A readily. Annex 8, Part II, Chapter 3, provides the Standards for the issuance and continued validity of the C of A together with the required format for the certificate. Compliance with applicable State regulations enabling the

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issuance of a C of A also represents evidence that the aircraft conforms to the design aspects of the appropriate airworthiness requirements within that State.

11.1.2.2 The State of Registry has specific obligations to verify that the aircraft complies with the applicable Standards of Annex 8 to issue a C of A. Those obligations include the approval of a maintenance program that includes maintenance instructions for the aircraft to remain in an airworthy condition for safe operation. As a result, the aircraft owner and operator have known expectations and requirements regarding airworthiness, including the condition of the aircraft and the performance of maintenance. A valid C of A further sustains the monetary value of the asset. The related considerations of the aircraft and its condition may include situations related to finance, insurability and potential legal liabilities.

11.1.2.3 Doc 9760, Part III, Chapter 4, describes recommended procedures for issuing and rendering valid C of A. The responsibility for developing the procedures for issuing C of A is typically assigned to the State of Registry's Airworthiness Inspection Division (AID).

11.1.3 Aircraft under the responsibility of a contracting State and with a C of A

11.1.3.1 Aircraft on a register holding a C of A issued under Annex 8 standards and the applicable national legislation/regulations have the following benefits;

11.1.3.2 Standard form of C of A. The State of Registry can issue a C of A to the applicant that contains the required information as defined by Annex 8 Part II Chapter 3 once it has satisfactory evidence that the aircraft complies with the applicable national regulations and Standards of Annex 8. With this Certificate, the aircraft can be operated internationally.

11.1.3.3 The demonstration that an aircraft conforms to its approved design implies the proper management of its configuration. The aircraft configuration is the consistent set of the aircraft's functional and physical characteristics, as defined in the applicable documentation and achieved in the aircraft, including any hardware or software part for installation thereto. For each aircraft, it is defined by means of a complete description considering all the following configuration elements approved or adopted under the applicable national regulations:

- a) The aircraft type design under the Type Certificate,
- b) The unintentional deviations to the type design occurring in production, sometimes referred to as concessions, divergences, or non-conformances,
- c) The embodied changes to type design for which approval has been granted,
- d) The embodied changes under a Supplemental Type Certificate, and
- e) The embodied repairs for which approval has been granted.

11.1.3.4 This description of configuration elements of an individual aircraft is the baseline for determining the aircraft's conformity with the approved design. Also, some elements of the configuration of the individual aircraft influence the contents of the approved aircraft flight manual, instructions for continuing airworthiness, or other maintenance instructions, including repair instructions.

11.1.3.5 The State of Registry has the ability to provide approvals to the applicant for a flight manual, placards, or other documents stating the approved limitations, such as the Airworthiness Limitations Section of Instructions for Continued Airworthiness, within which the aircraft is considered airworthy.

11.1.3.6 The demonstration that an aircraft is in condition for safe operation implies that its overall condition relative to wear and deterioration (e.g., skin corrosion, window crazing/delamination, fluid leaks, tire wear) is conducive to safe functioning. It necessitates the use of instructions for continuing airworthiness and/or other maintenance instructions (including repair instructions, if necessary) pertinent to the aircraft configuration.

11.1.3.7 The State of Registry can provide appropriate airworthiness requirements, any additional instructions, and information necessary for the safe functioning of the aircraft. The State of Registry is also able to approve maintenance instructions, which the applicant needs within the framework of continuing airworthiness.

11.1.3.8 Continuing airworthiness. Annex 8, Part I defines 'continuing airworthiness' as the set of processes to ensure the aircraft complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life. These processes address scheduled maintenance. Scheduled maintenance encompasses one-off and repetitive tasks performed no later than a specified period is expired. (i.e., flight hours and/or flight cycles and/or calendar time and/or any other applicable utilization measurement unit, as appropriate). These processes also address unscheduled maintenance. Unscheduled maintenance embraces, in particular, tasks performed following abnormal or particular conditions or events with an impact on the airworthiness of the aircraft at the time of its return to service. Some abnormal or particular conditions or events include hard landings, propeller or rotor over-speed, over-torque, impact on the main rotor blade, lightning strikes, long-term storage, etc.

11.1.3.9 Maintenance practices. Maintenance practices, sometimes referred to as maintenance procedures, may be used in the context of scheduled or unscheduled maintenance tasks. The performance of such maintenance may be either required/mandatory or recommended and may include any one or combination of preservation, overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair. The applicant for a C of A organizes the maintenance of each aircraft in accordance with a maintenance program. The term 'maintenance program' is intended to include tasks, procedures, and standard practices.

11.1.3.10 Damage to aircraft. Annex 8 states that when the State of Registry considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, it is required to prohibit the aircraft from resuming flight until it is restored to an airworthy condition. Damage may follow an abnormal or particular condition or event. For example, in the context of aircraft permanently withdrawn from service, the use of parts removed from an aircraft dismantled in accordance with an inappropriate manner and/or inappropriately preserved to ensure suitable conditions to accept their reinstallation may result in damage to the aircraft fitted with those parts.

11.1.3.11 The State of Registry will have the ability to judge whether the damage is of a nature such that the aircraft is no longer airworthy and permit aircraft movement for specific reasons. The State of Registry may elect to prescribe particular limiting conditions for the applicant which permit the aircraft to carry out a non-commercial flight to an aerodrome at which it will be restored to an airworthy condition. The aircraft restoration to an airworthy condition is achieved by implementing maintenance instructions specified in the maintenance program approved by the state of registry.

11.1.3.12 Temporary loss of airworthiness. Although an aircraft may conform to its approved design and be maintained according to its approved maintenance program, the State of Registry may define specific items of non-compliance with airworthiness requirements that render the aircraft ineligible for air navigation. This is, for example, the case when a Mandatory Continuing Airworthiness Information is issued or when the aircraft preservation can no longer ensure suitable conditions to accept the removal of parts for installation on aircraft that are airworthy. The State of Registry can define this information to the applicant, facilitating the restoration of the aircraft to an airworthy condition.

11.1.3.13 Additional guidance regarding the State airworthiness responsibilities is described in Doc 9760 Part II chapter 1.

11.2 Potential complications and risks of having an aircraft without registration

11.2.1 Background

11.2.1.1 If an aircraft is de-registered by a State and remains unregistered for an extended period, no State is responsible for its oversight in accordance with the Chicago Convention and the applicable Annexes, which may result in complications. The main consequence is that an aircraft without registration lacks a specific regulatory airworthiness framework because no State is responsible for the aircraft in accordance with the Chicago Convention and applicable Annexes. However, maintenance on an aircraft without registration may be necessary to assure that the aircraft does not fall into a situation of abandonment and deterioration from which recovery to an airworthy condition may be difficult or impossible. Other considerations compelling

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maintenance could be related to the preservation, finance, insurability, avoidance of potential liabilities, and sustainment of the monetary value of the aircraft.

11.2.1.2 An aircraft without a current registration cannot have a valid C of A. Without a C of A, an aircraft cannot be used for international air navigation. Contracting States would not allow such aircraft to navigate freely in their national airspace due to the unknown condition of the aircraft.

11.2.2 Extended delays in aircraft registration leading to non-conformity

11.2.2.1 An extended delay in registration can result in an aircraft's airworthiness status becoming progressively unknown or more difficult for a proposed Importing State to assess. Expanding issues of non-conformity to an approved design typically results in a more complex airworthiness assessment. Some examples include:

- a) Successive component removals may lead to an aircraft configuration that does not conform to an approved design and may reveal the use of maintenance instructions (e.g., for storage) that are not valid for this configuration.
- b) An aircraft on the ground may require maintenance, including parking and/or storage, on the day or the day following the last flight and subsequently on a recurrent basis until the next flight. A delay in complying with an appropriate maintenance instruction may result in a condition of deterioration that is unconducive to the safe functioning of the aircraft.
- c) Over time, Mandatory Continuing Airworthiness Information may also not be accurately managed, complied with, and/or recorded.

11.2.2.2 Any maintenance performed on an aircraft without registration may have a negative effect on the airworthiness condition of the aircraft when such maintenance calls into question:

- a) the conformity to the aircraft approved design, or
- b) the aircraft condition for safe functioning.

11.2.2.3 This may significantly impact the monetary value of the aircraft. A more complex situation regarding the importation process by the Importing State typically results from:

- a) an extended delay and expanding issues of aircraft non-conformity to its approved design, and/or
- b) expanding issues with the aircraft condition for safe functioning.

11.2.2.4 Additional guidance regarding the potential risks linked to components removed from aircraft withdrawn from service and the associated verification process are described in Doc 9760 Part III chapter 9.

11.3 Best practices to avoid lengthy delays between de-registration and re-registration of an aircraft in regards to maintenance and C of A

11.3.1 Background

11.3.1.1 Article 18 of the Chicago Convention provides that an aircraft cannot be validly registered in more than one State at the same time. Still, registration may be successively changed from one State to another. In most instances involving cross-border transfers of registration, the next State of Registry (i.e., the Importing State) has been identified, and a reasonable period is available for the relevant States and other involved parties to coordinate the change of registration. In these circumstances, consultation among the Exporting and Importing States, the relevant operators and (if different) the aircraft owner can assure that all such parties have a common understanding of the proposed timing and requirements for issuance of an Export C of A (if being provided) and completion of the de-registration and re-registration which can be accomplished virtually concurrently.

11.3.2 Various reasons for delays in the change of national aircraft registrations

11.3.2.1 However, a time gap of some duration frequently happens between registrations for various reasons. For instance, a time gap of only a few minutes or hours may occur due to time zone differences or

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the time needed for an Importing State to execute its final registration procedures. A time gap of several days or longer may occur if the Exporting State is obligated to conclude a de-registration before the new State of Registry has been identified or has completed its assessment of the aircraft's registration application. For example, a State of Registry that is a party to the Cape Town Convention and its Aircraft Protocol absolutely must, in accordance with those instruments, de-register an aircraft immediately when requested to do so by the holder of an Irrevocable De-Registration and Export Request Authorization (IDERA) even if an Importing State has not been identified or has not completed its importation process.

11.3.3 Best practices to minimize the delay in the transfer of regulatory responsibility

11.3.3.1 As outlined in Section 11.2 and above, complications may arise if an aircraft remains unregistered for an extended period. The following best practices are provided for the applicant and regulator to minimize the delay in the transfer of regulatory responsibility between de-registration from the Exporting State and the registration with the Importing State, the maintenance of the aircraft and the issuance of its C of A.

- a) The time between de-registration and registration should be minimized to the greatest extent possible. During the transition, the aircraft is subject to conditions regarding loss of conformity to its approved design and/or wear and deterioration. The amount of loss of conformity to its approved design and/or wear and deterioration directly affects the time and cost of transition to another register and/or the issuance of a C of A by the Importing State. In extreme situations, with excessive time in transition, the conformity of the aircraft may become uneconomical to re-conform to its approved design and restore its condition for safe operations.
- b) The Owner or their representative should consult the importing State (if known) to assess the likelihood that the aircraft does or will be able to meet its registration and airworthiness standards in the regulatory framework of that importing State. For example, either or both States may require evidence of removal or installation of painted registration markings on the fuselage, national flag decals, or fireproof identification plates. The satisfactory form of such evidence (e.g., photograph or approved modification data and documentation) should also be made clear. Where modification paperwork will need to be acceptable to both the Exporting and Importing States (e.g., if both removal and replacement of markings are all carried out in one modification), the parties should agree on those requirements in advance.
- c) A Contracting State may allow its approved maintenance organizations to perform maintenance work on aircraft without having it being on its or any other registry. The State may assume responsibility for the oversight of the aircraft pursuant to an agreed-upon airworthiness programme.
- d) Any maintenance performed on aircraft without registration should be performed only under particular circumstances and for an interim period based on specific needs to limit the loss of existing conformity to the aircraft elected State's airworthiness certification requirements (i.e., conformity to the aircraft's State-approved design and aircraft in condition for safe operations).
- e) Once an aircraft airworthiness certification project has been defined, a qualified individual or organization with prior experience in airworthiness certification needs to determine how best such a project needs to be accomplished in a specific manner to receive the Importing State's approval.
- f) Once the Importing State is known, the work to meet the aircraft airworthiness certification requirements should be processed in compliance with existing regulations and published guidance of that State. The airworthiness certification requirements processes should be readily available to all relevant parties.
- g) Representatives of the aircraft owner (and, if different, the intended operator) and the Importing State should establish a working relationship as early as possible during the initial project planning and maintain periodic communications during the registration and airworthiness certification processes. Such communications help to clarify requirements and resolve issues that may arise from the importing State's regulations, practices, methods, or technology, which may not be familiar to the aircraft owner's representatives.

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- h) As a part of the scheduled project meetings, progress on certification needs to be discussed. The periodic meetings provide an excellent opportunity for the Importing State to provide additional information/clarification to the applicant. It is critical for the authority to plan adequate human resources and time or make other arrangements to review and respond in due time to the applicant.
- i) While using a qualified individual or organization, it is recommended that the work should be embodied in a formal Project Plan (PP) consistent with the Known Level of Work Performed (KLWP) methodology (see 11.5.3.2 below). The use of a PP is especially critical in cases of aircraft not being under the responsibility of a Contracting State and would be the means to provide to an Importing State specific information as a matter of record regarding the basis, how maintenance was performed, and thus, would facilitate the determination by the Importing State of which, if any, credit could be given to the work for the related airworthiness. The PP should also contain a clear schedule for the associated C of A activities.
- j) The applicant must submit a complete application for a C of A in compliance with the State of Registry published requirements. The applicant must be prepared to make all needed records and other documents available when requested in a form and manner acceptable to the State of Registry for appropriate evaluation. The applicant must make arrangements for the aircraft to be open and accessible for conformity inspection as required by the State of Registry.

11.3.3.2 An aircraft can be de-registered at a time when it has no valid C of A or while it is in the midst of completion of a major maintenance event. Partially completed maintenance, particularly exterior structural tasks or major component removals before de-registration, may present a maintenance provider with a complicated situation in which an aircraft needs to be adequately maintained and stored and could compound many of the issues already discussed. An Importing State's process for assessing airworthiness may be expedited by having proof that a current C of A was in place at the time of de-registration, so if circumstances permit, the aircraft owner or IDERA holder should consider arranging for the issuance of an Export C of A by the Exporting State before requesting final de-registration (the Exporting State will not have authority to issue an Export C of A after de-registration). An Export C of A may be issued with specified exceptions, if necessary. Even an expired Export C of A may help the ultimate Importing State establish a point in time baseline of aircraft condition as a starting point in its assessment.

11.3.3.2 Additional guidance regarding the issuance of an Export Certificate of Airworthiness is described in Doc 9760 Part V chapter 7.

11.4 Registration and airworthiness determinations are separate functions

11.4.1 General

11.4.1.1 It is essential that during the aircraft transition between registers, an applicant clearly understands the airworthiness requirements of the Importing State to demonstrate that the aircraft conforms to the importing State's approved design and is in condition for safe operation. It should be recognized that, in general, the aircraft registration process described in this document remains distinct and separate from the aircraft C of A issuance process, even though they may be closely related and, in some Contracting States, may occur concurrently. Further guidance on the registration and deregistration of aircraft can be found in the Manual on the Registration and Deregistration of Aircraft (Doc 10142).

11.4.2 Acceptance of a C of A by other Contracting States

11.4.2.1 Distinct from registration, the acceptance of a C of A by the other Contracting States for recognition under Articles 29, 31 and 33 of the Convention is dependent on meeting the Standards provided in Annex 8 through compliance with appropriate airworthiness requirements prescribed by the State of Registry. The applicable laws and regulations for airworthiness of the State where the aircraft is registered, or to be registered, define various requirements that apply to that aircraft regarding its airworthiness.

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11.4.2.2 Further guidance concerning the Registration, deregistration and transfer of aircraft from one State to another in accordance with the provisions of the Convention on International Civil Aviation and Annex 7 – Aircraft Nationality and Registration Marks are contained in the Manual on the Registration and Deregistration of Aircraft (Doc 10142).

11.5 Methodology to assist States, aircraft owners, operators and maintenance providers regarding the performance of maintenance on aircraft which are not under the responsibility of the Contracting State issuing the maintenance organization's approval.

11.5.1 General

11.5.1.1 This section is intended to provide aircraft owners, maintenance providers (such as approved maintenance organizations) and regulators with an internationally established methodology for an approved maintenance provider to perform work on an aircraft without registration and document it when the applicable State of Registry for that aircraft is not presently known. Providing the ability for the applicant (aircraft owner or other authorized person or organization) to formally describe the method and provide evidence of how the maintenance is performed to the Importing State is critical.

11.5.1.2 Once the registration of an aircraft is surrendered, the lack of regulatory oversight by a State of Registry calls the aircraft's continued conformity to its approved design and condition for safe operation into question. Without a State of Registry, the approved maintenance programme for continuing airworthiness describing how an aircraft, engine, propeller, or part complies with applicable airworthiness requirements is no longer legally binding, enforceable, or required and the associated conditions for safe operation may become unknown.

11.5.1.3 It should be recognized that any maintenance on such aircraft should be performed only under particular circumstances, such as changes in register, and for an interim period based on specific needs. The Importing State may give credit for the performance of any such maintenance as a part of the airworthiness certification process, and impose additional requirements as necessary to ascertain the airworthiness status of that aircraft.

11.5.2 Maintenance Instructions for aircraft not under the responsibility of the Contracting State issuing the maintenance provider's approval

11.5.2.1 In these circumstances (unregistered/no Importing State identified), the owner currently has the following three existing best practices for enabling the performance of maintenance on the aircraft:

- a) Continued use of the maintenance instructions specified in the former approved aircraft maintenance programme for the specific aircraft. (see Section 11.5.2.2) or;
- b) Utilization of generic maintenance instructions provided by the aircraft manufacturer (Type Certificate (TC) holder (see Section 11.5.2.3) or;
- c) Development of a combination of maintenance instructions from several sources (see Section 11.5.2.4).

Although the first option is considered optimal for most situations, especially immediately following the surrender of the prior C of A, the aircraft owner and any other involved parties should carefully consider the pros and cons of each option, taking into account such factors as the expected duration of the unregistered period, the likely ultimate Importing State, ease of adhering to the guidance on Known Level of Work Performed (KLWP), see Section 11.5.3 and other prevailing considerations.

11.5.2.2 Continued use of the maintenance instructions specified in the former approved aircraft maintenance programme to the extent possible has several advantages. The specific aircraft configuration has been incorporated into the former aircraft maintenance programme as a part of the approval by the Exporting State. The aircraft maintenance programme refers typically to published information that can provide airworthiness requirements, including Mandatory Continuing Airworthiness Information, additional instructions and other information necessary regarding the safe functioning of the aircraft. Information from the Exporting State can be provided by an export C of A or other documentation as a matter of record for consideration by the importing State. The continued use of the previously approved aircraft maintenance programme would limit the impact on the conformity of the aircraft to its previously approved design (by exporting State) and the condition of the aircraft for safe operation.

11.5.2.3 The utilization of the generic maintenance instructions from the aircraft manufacturer for a specific make/model can significantly impact the conformity of the aircraft to its previous State approved design and the condition of the aircraft for safe functioning. It can provide mixed results. In this situation, the specific aircraft configuration may not have been incorporated into the manufacturer's standard programme. The information regarding any additional airworthiness requirements, instructions and information necessary for the safe functioning of the aircraft may not be available or configured for the specific aircraft. The manufacturer's instructions may not cover all aspects of a specific aircraft and may be more restrictive in nature for items such as configuration, equipment, and scheduling.

11.5.2.4 The applicant's development of a combination of maintenance instructions from several sources for a specific aircraft can have several disadvantages. The utilization of collection of maintenance instructions can have a very significant impact on conforming the aircraft to its importing State-approved design in an appropriate and timely manner to demonstrate the aircraft is in condition for safe operation. Incorporating the specific aircraft configuration into an appropriate aircraft maintenance programme may be insufficient to produce the desired aircraft conformity. The information regarding any additional airworthiness requirements, instructions and information necessary for the safe functioning of the aircraft may be incomplete, not configured appropriately for the specific aircraft, or nonexistent. The instructions may not cover all aspects required for a particular aircraft and may be permissive regarding configuration, equipment, and scheduling.

11.5.2.5 Additional guidance regarding the air operator's continuing airworthiness responsibilities are described in Doc 9760 Part III chapter 7.

11.5.3 Considerations for maintenance performed on aircraft without registration.

11.5.3.1 With the need for maintenance on an aircraft without registration, and when the aircraft owner does not find a State that agrees as per 11.3.3 c), the applicant (i.e., the aircraft owner or other authorized person or organization) may consider the development of a formal statement as described in this guidance, that establishes a factual record of the KLWP as per 11.5.3.2 The use of the KLWP is specifically for aircraft without registration. The use of KLWP and the associated maintenance performed will be voluntary and shall not conflict with applicable national legislation or regulations of the State issuing the maintenance provider's approval.

11.5.3.2 The KLWP statement should be composed by the aircraft owner (or other authorized person or organization)). The KLWP statement should describe the actual condition of the specific aircraft as it relates to conformity to a specified approved design and provide specific information on the status of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair performed by the involved approved maintenance providers. The KLWP statement is intended to help the Importing State determine what, if any, credit could be given to work performed.

11.5.3.3 The KLWP statement developed should include several items but should not be necessarily limited to:

- a) Identifying the desire to use the KLWP process as described in this guidance.
- b) Identifying the individual or organization establishing and maintaining the formal KLWP statement during the transition period.
- c) The KLWP should record any expressed acceptance of a Contracting State that may assume oversight responsibility pursuant to an agreed-upon airworthiness programme for an aircraft's maintenance without it being on its registry.
- d) The KLWP should also record the Contracting State(s) that issued the approval of the involved maintenance provider(s).
- e) Describing the conformity of the aircraft to a KLWP, which is identified by cross-reference to the approved design granted by the State of Design (SoD) of the aircraft, and make specific information available on the current status of maintenance performed to maintain the safe functioning of the aircraft.
- f) Specifying the current period of aircraft transition
- g) Identifying the appropriate maintenance instructions (former aircraft maintenance program, manufacturer's generic maintenance instructions, mixed maintenance instructions, or any other acceptable alternative) used for the performance of maintenance on an aircraft without registration.

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- h) For each maintenance visit, establish a record of the work to be performed (i.e., ordered by the aircraft owner or other authorized person or organization) and the clear identification of the approved maintenance provider(s) who will perform it. This includes verifying that maintenance provider(s) is/are qualified and authorized to perform maintenance on the same make/model aircraft by the regulatory authority that issued its/their approval;
- i) Providing a record of the instructions provided for the performance of the maintenance
- j) Retaining a record from the approved maintenance provider(s) in a form and manner consistent with Annex 8 and Doc 9760 and describing work performed, including supporting documentation.
- k) Providing any information regarding any flight performed by the aircraft due to maintenance; and
- l) Retaining the statement(s) from the approved maintenance provider(s) describing the basis for the work performed and the conformity of the approved maintenance provider(s) with the instructions provided.

11.5.3.4 During the transition between registries, the KLWP statement should be subject to periodic reviews, by the aircraft owner/operator, maintenance provider and the Contracting State that has allowed its approved maintenance organizations to perform maintenance work on aircraft without having it being mentioned on its or any other registry for continued accuracy.

11.5.4 How maintenance organizations may perform maintenance on an aircraft without an approved maintenance programme.

11.5.4.1 Maintenance providers who are otherwise qualified, and not prohibited by national regulation, may be identified and authorized by the aircraft asset owner or its representatives to perform maintenance on an aircraft without registration in accordance with and reflected in the KLWP process.

11.5.4.2 The organization identified by the aircraft owner (or other authorized person or organization) to perform maintenance on a specific aircraft without registration under a KLWP must meet the considerations for a maintenance provider as defined by Annex 8, Part II, Chapter 6 to include:

- a) Hold an approval to be a maintenance provider and an appropriate rating to perform work on the same make/model/series aircraft by its regulatory authority;
- b) maintenance provider's procedures to include appropriate guidance for its personnel on how to perform maintenance on aircraft without registration, which is not under the responsibility of the national regulatory authority issuing the maintenance provider's approval and a quality assurance system for the work performed
- c) have a safety management system;
- d) adequate facilities, equipment, tools, materials and technical data;
- e) trained and qualified personnel;
- f) the ability to generate and maintain records in support of the KLWP process; and
- g) the ability to provide the aircraft owner (or other authorized person or organization) with a statement of conformity for the work performed.

Note – *The maintenance provider cannot complete a standard maintenance release to certify that the maintenance work has been performed in accordance with the approved maintenance programme or other data and procedures when there is no current State of Registry for the aircraft. Some regulators may expressly prohibit such certifications by regulation.*

11.5.4.3 Each organization chosen to perform maintenance on an aircraft without registration should be identified in the KLWP statement as a matter of record.

11.5.4.4 The KLWP statement should ensure that the activity is controlled by a contractual arrangement between the approved maintenance provider(s) and the aircraft owner or operator as appropriate. The approved maintenance provider(s) should show that all maintenance organization procedures, tools, facilities, equipment, technical data and personnel as specified can be made available when needed. This same information may be required as part of a conformity inspection by an Importing State.

11.5.5 Generating records for maintenance performed on an aircraft without registration that other States may recognize.

11.5.5.1 Establishing maintenance records documenting the work performed is a critical element of the KLWP process for maintenance performed on aircraft, not under the responsibility of the Contracting State issuing the maintenance provider's approval. Such records provide formal written evidence of the work performed on the aircraft and provide a representation to an Importing State to establish conformity with its airworthiness requirements.

11.5.5.2 The maintenance records generated for work performed under a KLWP on aircraft without registration should be kept in a form and manner consistent with Annex 8 and Doc 9760.

11.5.5.3 Maintaining such records consistent with international standards and guidance will assist in an effective assessment by an Importing State.

11.5.5.4 The records required for work performed under the KLWP should include:

- a) the maintenance instructions used as the basis for the work performed;
- b) aircraft inspection records;
- c) records regarding the performance of maintenance on aircraft and parts thereof;
- d) records of any corrective actions completed during maintenance;
- e) records in respect of maintenance of engines, propellers, or associated parts.;
- f) applicable test records;
- g) copies of the pertinent aircraft maintenance records under the KLWP indicating:
 - i. work in respect of Mandatory Continuing Airworthiness Information and any other instructions for continuing airworthiness; a mass and balance statement, if necessary, records related to aircraft parking/storage, when appropriate, and
 - ii. statement of conformity applicable to the work performed.

11.5.5.5 Under the KLWP, a statement of conformity shall be completed and signed by an authorized representative of the maintenance provider to certify that the work performed has been completed satisfactorily and in accordance with the maintenance instructions provided by the aircraft owner (or other authorized person or organization) and the procedures described in the maintenance provider's procedures manual.

11.5.5.6 A statement of conformity shall contain a certification including:

- a) basic details of the maintenance carried out, including detailed reference of the data used;
- b) details of any pending maintenance to be completed in accordance with the data in a) above (tasks and defect rectifications);
- c) the date such maintenance was completed;
- d) the identity of the approved maintenance provider; and
- e) the identity of the person or persons signing the statement of conformity.

11.5.5.7 Additional guidance regarding approved maintenance organizations and State of Registry responsibilities are described in Doc 9760 Part III chapter 10.