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MAINTENANCE OF NETHERLANDS REGISTERED AIRCRAFT OUTSIDE THE NETHERLANDS

1 INTRODUCTION

This AIC-B contains information about the maintenance of Netherlands (PH-) registered aircraft outside the Netherlands.

Netherlands-registered aircraft are distinguished in:

- a. EASA aircraft. These aircraft are regulated by European requirements in accordance with article 2 of Basic regulation (EU) 2018/113, and
- b. Aircraft not subject to the European requirements as determined for:
 1. non-military state aircraft for non-military state operations in accordance with art. 2, item 3(a) of Basic regulation (EU) 2018/1139, and
 2. annex I aircraft in accordance with art. 2, item 3(d) of Basic regulation (EU) 2018/1139.

Note: Regulations and permissions used for maintenance outside the Netherlands of non-military state aircraft and research aircraft (Annex I item b) are not addressed in this AIC-B.

With respect to the maintenance location outside the Netherlands it does matter whether an aircraft is an EASA aircraft or an Annex I-aircraft. In chapter 2 of this AIC-B maintenance outside the Netherlands for EASA aircraft is explained and in chapter 3 for Annex I-aircraft. The Certificate of Airworthiness (CoA) of the aircraft determines what kind of aircraft applies.

This AIC-B has a relation with AIC-B 04/2018 regarding "Acceptance of components, materials and standard parts" to be installed on Netherlands registered aircraft.

This AIC-B is based on:

- European Basic Regulation (EU) 2018/1139;
- European Regulation (EU) 748/2012 (Implementing Rules for Initial airworthiness);
- European Regulation (EU) No. 1321/2014 (Implementing Rules for Continuing airworthiness);
- EASA-FAA-MAG with the United States of America (part of the Bilateral Aviation Safety Agreement);
- EASA-TCCA-MAG with Canada (part of the Bilateral Aviation Safety Agreement);
- EASA-ANAC-MAG with Brazil (part of the Bilateral Aviation Safety Agreement);
- Wet Luchtvaart (Dutch Aviation Act);
- Luchtvaartwet BES (Dutch Aviation Act for Bonaire, St. Eustatius and Saba);
- Regeling onderhoud luchtvaartuigen (Regulation maintenance of aircraft);
- Regeling bijzondere bevoegdverklaringen luchtwaardigheid (Regulation special licenses airworthiness);
- Vierlandenovereenkomst tussen Nederland, Duitsland, Oostenrijk en Zwitserland (Four country agreement for general aviation aircraft maintenance between Germany, Austria, Switzerland and the Netherlands).

2 MAINTENANCE OF NETHERLANDS REGISTERED AIRCRAFT WITH AN EASA CERTIFICATE OF AIRWORTHINESS OUTSIDE THE NETHERLANDS

2.1 General

The applicable rules for maintenance outside the Netherlands or BES islands depend on the location, namely:

- a. a location in an EASA country (EU-member states + Iceland, Norway, Switzerland and Liechtenstein), or
- b. a location in a third country, being a country other than an EASA country. Third countries are distinguished in:
 1. countries having a bilateral aviation safety agreement signed by the EU, particularly the USA, Canada and Brazil;
 2. other ICAO member states.

Table 1 specifies per location where the applicable rules for EASA aircraft are explained.

Airworthiness certificate	Location in a:		
	EASA country	Third country	
		Bilateral Agreement countries	All ICAO member states other than afore mentioned countries
EASA CoA, EASA Restricted CoA, EASA Permit to Fly	See § 2.2	See § 2.3	See § 2.4

2.2 Maintenance on aircraft with an EASA Certificate of Airworthiness in EASA countries

For the maintenance on these aircraft the following EU regulations apply:

- Regulation (EU) 748/2012, Part-21 Subpart G (POA);
- Regulation (EU) 1321/2014, Annex I (Part-M), Annex II (Part-145) and Annex III (Part-66).

2.3 Maintenance on aircraft with an EASA Certificate of Airworthiness in countries having a bilateral aviation safety agreement signed by the European Community (currently limited to United States of America, Canada and Brazil)

Maintenance on these aircraft can only be performed and released by:

- a. an approved line-station of an EASA Part-145 organisation approved by the competent authority of an EASA country, or,
- b. a maintenance organisation appropriately approved by the FAA, TCCA or ANAC that holds a valid Part-145 approval issued by EASA.

For the maintenance on these aircraft, the following EU regulations apply:

- Regulation (EU) 1321/2014, Annex I (Part-M), Annex II (Part-145) and Annex III (Part-66).

For the maintenance organisation approved by the FAA, TCCA or ANAC, holding a valid Part-145 approval issued by EASA one of the following respective rules applies:

- EASA-FAA-MAG with the United States of America;
- EASA-TCCA-MAG with Canada;
- EASA-ANAC-MAG with Brazil.

2.4 Maintenance on aircraft with an EASA Certificate of Airworthiness in countries without a bilateral aviation safety agreement signed by the European Community.

The maintenance on these aircraft at such a location can be performed and released by:

- a. an outstation of a Part-145 organisation approved by an EASA country;
- b. an outstation of a Part-M subpart F organisation approved by an EASA country (not allowed for Commercial Air Transport aircraft and Complex Motor Powered Aircraft);
- c. a maintenance organisation in such a country that holds an appropriate Part-145 approval issued by EASA for the work to be carried out.

For the maintenance on these aircraft Annex I (Part-M), Annex II (Part-145) and Annex III (Part-66) from Regulation (EU) 1321/2014 apply.

During flight planning it is important to investigate whether above mentioned maintenance facilities are available en route. If a defect occurs that requires rectification in order to continue a safe flight (M.A.403) which requires particular capabilities not available, then Part-145 articles 145.A.30(j)4 and (j)5 have requirements for provisional procedures that can be used by a Part-145 organisation. These provisions can only be used if the Part-145 organisation has been contracted for this work and the required procedures have been incorporated into the Maintenance Organisation Exposition and approved by the authority who issued the approval certificate. For further details, see the Acceptable Means of Compliance (AMC) for Part-145.A.30(j) and 145.A.70.

Part M subpart F article M.A.606(h)(2) has provisions how to deal with similar situations. In such cases there needs to be a written contract between the owner/operator of the aircraft and the contracted Part-M Subpart F organisation.

Part-M has provisions in article M.A.801(d) for similar situations.

3 MAINTENANCE OF NETHERLANDS REGISTERED AIRCRAFT WITH AN ICAO STANDARD CERTIFICATE OR AIRWORTHINESS OUTSIDE THE NETHERLANDS OR THE BES-ISLANDS

3.1 General

For the Dutch registered aircraft, which are not ruled by the EU Basic Regulation, all countries outside the Netherlands, or the BES islands (Bonaire, St. Eustatius and Saba) are considered as "Foreign Countries".

The competent authority of the Netherlands as signatory of the Chicago Convention 1944 is responsible for the compliance with the recommendations issued by ICAO.

In § 3.2 the rules for Annex I aircraft with an ICAO CoA are explained and in §3.3 the rules for a national Special CoA.

3.2 Maintenance outside the Netherlands or BES-islands on Annex I aircraft with a Netherlands ICAO Standard Certificate of Airworthiness or a Netherlands Special Certificate of Airworthiness (orphan or Netherlands historic aircraft)

On this location maintenance can be performed on aircraft by:

- a. a maintenance organisation approved by an EASA country competent authority for Part M Subpart F of Part 145 (ref. ROL art. 8.1.a) taking into regard the CRS requirements of "Regeling onderhoud luchtvaartuigen" article 9.

Note: If the Part-145 or Part-M Subpart F approved maintenance organisation would release the aircraft with an EASA Part-145 or EASA Part-M subpart F reference, then this release would not be legal since it would imply that the aircraft involved complies to Part-21, which is in contradiction with the Annex I status of the aircraft.

- b. a Netherlands maintenance organisation that is appropriately approved for maintenance according to the Netherlands regulation "Regeling erkenningen luchtwaardigheid 2008" with an approved facility in that country;
- c. a technician with a Netherlands AML66 licence that includes a national statement in Box XIV "National Privileges" of the licence concerning the endorsed aircraft types as defined in the Netherlands regulation "Regeling bijzondere bevoegdverklaringen luchtwaardigheid", article 3 sub 2 item 2;
- d. a technician with a Netherlands AML for (motor powered) sail planes as defined in the Netherlands regulation "Regeling bijzondere bevoegdverklaringen luchtwaardigheid", article 2.1;

Note: The maintenance performed by a technician is released with a certified release statement (CRS) referring to his licence number according to the "Regeling onderhoud luchtvaartuigen" article 9 be phrased as:
 'Certifies that, unless otherwise specified on this statement, the work identified on this statement was accomplished in accordance to the requirements of "Regeling onderhoud luchtvaartuigen 2008" and in respect to that work the aircraft is considered ready for release to service'.
 or
 'Certificate of release to service, released in accordance with the approval by the Minister of Infrastructure and Watermanagement of the Netherlands, reference AML66 (of AML) LIC NO: NL(66).####';
 The CRS is endorsed with the personal stamp of the responsible certifying staff (organisation authorisation holder of the AML(66) holder and signature.

- e. a foreign country authority approved maintenance organisation or a foreign country licensed technician for which the aircraft owner/operator received a permission from CAA-NL according to the "Regeling onderhoud luchtvaartuigen" article 8 sub 2. The maintenance is performed and released according to the requirements of the foreign country authority. The CAA-NL permission letter needs to be retained in the continuing airworthiness records of the aircraft according to the "Regeling onderhoud luchtvaartuigen".
- f. a maintenance organisation, approved according to the requirements of Germany, Austria or Switzerland may perform and release maintenance according to their national procedures on:
 1. aeroplanes with a MTOM of 5700 kg or less;
 2. helicopters with a MTOM of 2730 kg or less;
 3. balloons and sailplanes.

unless operated under an exemption for company transport purposes according to the Netherlands Aviation Act (Luchtvaartwet) article 16. The maintenance is released in accordance with the requirements of one of the countries mentioned above. All within the requirements of the Four Country Agreement as mentioned in the "Regeling onderhoud luchtvaartuigen" article 8 sub 1 item b.

3.3 Maintenance outside the Netherlands or BES-islands on amateur-built aircraft or MLA/MLH/ motor-powered parachutes with a Netherlands Special Certificate of Airworthiness

The maintenance outside the Netherlands can only be performed by:

- a. the pilot-owner of the aircraft as ruled by the "Regeling amateurbouwvliegtuigen" or the "Regeling MLA/MLH/gemotoriseerde schervvliegtuigen";
- b. a technician with a Netherlands AML66 licence that includes a national statement in Box XIV "National Privileges" of the licence concerning the endorsed aircraft types as defined in the Netherlands regulation "Regeling bijzondere bevoegdverklaringen luchtwaardigheid", article 3 sub 2 item 2;
- c. a Netherlands maintenance organisation approved for maintenance according to the Netherlands regulation "Regeling erkenningen luchtwaardigheid 2008" with an approved facility in that foreign country;
- d. a maintenance organisation approved by an EASA country competent authority for Part-M Subpart F or Part-145 (ref. ROL art. 8.1.a);
- e. a foreign country authority approved maintenance organisation or a foreign country licensed technician for which the aircraft owner/operator received a permission from CAA-NL according to the "Regeling onderhoud luchtvaartuigen" article 8 sub 2. The maintenance is performed and released in accordance with the requirements of the foreign country authority. The CAA-NL permission letter needs to be retained in the continuing airworthiness records of the aircraft according to the "Regeling onderhoud luchtvaartuigen".

Note: All parties mentioned in paragraph 3.3 may depending on their competency perform the maintenance tasks under the responsibility of the pilot-owner of the aircraft, with exception of the tasks regarding complex maintenance (Part-M, Appendix VII) and mandatory periodic functional checks according to the "Regeling onderhoud luchtvaartuigen" article 7 sub 2 and 3. This task must be performed by a technician or an approved maintenance organisation as mentioned under b. thru e. above. The pilot-owner takes full responsibility for the maintenance tasks performed and releases the aircraft according to the "Regeling onderhoud luchtvaartuigen" article 9.

4 APPLICATION FOR PERMISSION OF MAINTENANCE ON A NETHERLANDS REGISTERED ANNEX I AIRCRAFT IN A FOREIGN COUNTRY

As described in the paragraphs 3.2 and 3.3 above a permission can be required depending on what situation is applicable and which choice the aircraft pilot-owner makes. The application must be submitted via e-mail address div.hoofddorp@ilent.nl.

The form to be used can be downloaded from the ILT website www.ilent.nl. For the processing of the application a fee will be charged according to the Dutch regulation Regeling tarieven luchtvaart 2008.

5 FURTHER INFORMATION

This AIC-B is issued to renew the outdated AIC-B 16/2002 (08 DEC 2005). Further information about this AIC-B may be obtained at CAA-NL. Contact details can be found on the website (www.ilent.nl).

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AIC-B 16/2002 (08 DEC 2005) is hereby cancelled.

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