

**THE EUROPEAN HARMONIZED
MILITARY AIRWORTHINESS BASIC FRAMEWORK**

**CONCERNING THE DEVELOPMENT,
THE ACCEPTANCE AND THE IMPLEMENTATION
OF EUROPEAN MILITARY AIRWORTHINESS REQUIREMENTS**

WHEREAS

- 26 European nations, participating Member States (pMS), agreed on the 10th of November 2008 to the formation of a Military Airworthiness Authorities (MAWA) Forum under the auspices of the European Defence Agency (EDA). This MAWA Forum is charged with harmonizing military airworthiness arrangements across Europe. To achieve this goal the pMS agreed to the adoption of the following Roadmap:

1. Common Regulatory Framework;
2. Common Certification Processes;
3. Common approach to Organisational Approvals;
4. Common certification/design codes;
5. Common approach to preservation of airworthiness;
6. Arrangements for mutual recognition;
7. Formation of European Military Joint Airworthiness Organisation.

CONSIDERING

- Regulation (EC) No 216/2008 requires member states to have due regard as far as practicable to the objectives contained there in when engaged in military services.
- The potential savings in time, cost and effort if a common approach to airworthiness could be applied to multinational programmes.
- The benefit in having a co-ordinated view on military airworthiness as a counterbalance to EASA and non-European military authorities.
- The benefits of a consistent approach to airworthiness for industry.

The EDA steering board in Defence Minister's formation declared their political support for national airworthiness authorities to develop and implement the EMARs (European Military Airworthiness Requirements).

0) Definitions (for the purpose of these Arrangements)

(a) "Product" means a military aircraft, engine or propeller;

(b) "Parts and appliances" means any instrument, equipment, mechanism, part, apparatus, appurtenance, software or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight and is installed in or attached to the aircraft. It shall include parts of an airframe, engine or propeller.

(c) "Authority" means a Military Authority responsible for the airworthiness of military aircraft hereto and "the Authorities" means all the military Authorities responsible for airworthiness hereto.

(d) "Findings" means that under the national regulations and procedures, the applicant for a certification having shown compliance to the requirements, the Authority "finds" that compliance is achieved, ie: makes the findings of compliance.

(e) "Certification" (of a product, service, organisation, person) means the national recognition that such a product, service, organisation or person complies with the applicable requirements. Such a certification comprises 2 activities:

(i) The activity of checking that technically the product, service, organisation or person complies with the applicable requirements; this activity is referred to as making the technical findings of compliance

(ii) The act of recognizing formally such compliance with the applicable requirements by granting a certificate, licence, approval or other document as required by national arrangements and procedures; this activity is referred to as making the national findings of compliance. Unless it is otherwise specified in the text, "certification" means certification to applicable EMAR (European Military Airworthiness Requirements).

(f) "Additional requirement for import" means a technical requirement that the Authority of a country in which an Applicant is seeking certification (the importing country) finds necessary to add to the technical requirements applied by the Authority of the country in which the Applicant has already obtained certification in order to obtain the safety level which would have been obtained if the product, service, organisation or person had been certificated by the Authority of the importing country to its own applicable requirements.

(g) "Applicant" means an organisation requiring certification from the Authorities for products, services, organisations or persons.

(h) "Special condition" means any condition for a given product, service, person or organisation that an Authority finds necessary to add to its current certification technical requirements to cover situations or characteristics not adequately covered for that product, service, person or organisation by the current applicable certification requirements¹.

(i) "Sole regulation". A regulation is called a sole regulation if it is used exclusively by a country to certificate products, services, persons or organisations.

(j) Military aircraft means an aircraft registered or intended to be registered on the military register of a pMS national authority.

¹ A special condition, as defined here, may, in the case of import, become an "additional requirement for import" as defined above, if no such requirement exists in the requirements applied by the Authority of the country of manufacture.

1) General

The Authorities commit themselves to co-operate in all aspects related to the airworthiness to ensure that a high consistent level of safety is achieved throughout the pMS, to avoid duplication of work between the Authorities and to facilitate exchange of products, services and persons with associated data not only between the Authorities but also between the Authorities and others.

To that end the Authorities have established the Military Airworthiness Authorities Forum (MAWA) so as to develop, adopt and implement the European Military Airworthiness Requirements (EMARs) and so as to make only once all the technical findings of compliance in those fields while each national Authority would still make national findings of compliance.

2) Functions of MAWA

The Authorities will use the MAWA to perform the following functions:

- (a) To further develop, with adequate consultation, and publish European Military Airworthiness Requirements (EMARs) for the use of the Authorities in the field of airworthiness as stated in Appendix 1; the MAWA will also develop special conditions where applicable.
- (b) To define as soon as practicable the general structure of the whole set of EMARs and the scope of each EMAR so that each Authority can adopt this structure and to work to minimize any national regulatory differences across European programmes with the aim that each individual existing EMAR becomes a uniform code for all European countries and minimal further national regulatory differences are applied.
- (c) To establish procedures based on the use of the Authorities' resources, that:
 - (i) Allow the use of only one set of technical findings of compliance in the field of design, manufacture and maintenance for the benefit of and in a manner acceptable to all Authorities.
 - (ii) Include practical measures for making the technical findings of compliance only once to the benefit of all Authorities (See Appendix 2). These measures may include acceptance of technical findings of compliance made by industry, where industry conforms to agreed approval standards.
 - (iii) Cover the initial certification (of products, services, organisations or people) as well as the continuation of safety standards in service.
- (d) To establish administrative and technical procedures which would require a single administrative action from the applicant for each application and which would replace the currently existing national administrative documents by a single one valid under the national regulations and procedures of each Authority.
- (e) To take into account existing harmonized arrangements for appropriate multinational programmes.

(f) To work to explore the practicality and form of a European Military Joint Airworthiness Organisation to cover the fields of design and manufacture of products and their maintenance. Note that any proposals for the constitution of such an organisation will require approval at Ministerial Steering Board level.

3) Commitments of Authorities

The Authorities will:

(a) Participate in the rulemaking process as defined in paragraph 2(a); and use their best endeavours to provide experts within the different groups involved in this process.

(b) Adopt the structure of the whole set of future EMARs and adopt the existing EMARs as soon as practicable² with minimal national regulatory differences. Declare to the other pMS Authorities differences between their national regulation and that of the EMARs.

In the meantime the national regulations may make provision for products, services, organisations or persons which meet other regulations to be accepted for use in that country. For such cases, that nation recognizes that the efforts and resources of the MAWA will be devoted only to those products, persons, organisation or services in the field of certification or maintenance to whom or which the EMARs would be applied; the efforts and resources of the MAWA would not be devoted to those products, persons, organisations or services to which or whom other national regulations might be applied. Thus the advantages linked to the use of EMARs (such as facilitation of exchange) would not apply to products, persons, organisations or services covered by another regulation than an EMAR.

NOTE: Each Authority intends to withdraw the provision for regulations other than EMAR where the procedures established to check compliance of products, services, persons or organisations with EMAR are deemed to be satisfactory by the Authority concerned both technically and time-wise, i.e.: when that Authority estimates that the procedures are such that they allow fulfilment of its national obligations as military airworthiness Authority and achievement of the associated deadlines using only EMARs. The certification of products imported from non-EMAR Parties is specifically important as well as the assurance that the EMAR system as a whole would provide assistance to any Authority, especially those with a lower level of staff and/or expertise.

(c) Declare all their national regulatory differences to existing EMARs (whether they stem from a technical difference or from a difference in the structure between the set of EMARs and their national regulations) and commit themselves to work towards the reduction of these national regulatory differences or their embodiment in the appropriate EMAR.

(d) Participate in the definition of procedures enabling the technical findings of compliance to be made only once in a way satisfactory to all Authorities.

(e) Make (in accordance with the agreed procedures in paragraph 2(c)) the technical findings of compliance needed to show compliance with EMARs.

² The Authorities do reserve the right not to fully apply the EMARs in certain circumstances for national reasons. However in these instances the opportunities for mutual recognition; may be limited.

(f) Accept these procedures and use them exclusively when checking compliance with the EMARs.

(g) Make without undue delay the national findings for compliance for those products, services, organisations or persons which have been found to comply with the relevant EMAR (and, until they are removed, any remaining national regulatory differences).

(h) Pay their share of the budget of the MAWA (see paragraph 5) and use their best endeavours to support the activities of the MAWA.

4) Organisation and Procedures

(a) The MAWA will be chaired by the EDA. However the EDA does not have any regulatory authority. This remains the responsibility of each nation.

(b) See Appendix 3 for further details on the Terms of Reference.

5) Budget

(a) Two strands of funding are available through the EDA: operational budget and earmarked budget. The operational budget is associated with day to day management activities whereas a proposal for the use of earmarked budgetary funds would be considered when a significant work package is being initiated. [Reference: Appendix 4, Council Joint Action 2004/551/CFSP of 12 July 2004].

(b) Each Authority commits itself to bear the cost and expenses of its experts participating in the MAWA, Study Groups or teams and will charge the Applicant according to its national practices, e.g. for certification, licences or approvals.

6) Membership

(a) MAWA membership is open to the Authorities of the pMS. [Reference: Appendix 3, Terms of Reference]

7) Commencement of Operation

These Arrangements come into operation:

(a) As from 31 December 2009.

(b) At a date agreed by the MAWA Forum for the EMARs.

(c) At a date mutually agreed for those new members once the conditions for membership have been met.

8) Record of Meetings

A record of the MAWA hereto will be kept by the EDA Secretariat.

9) Amendment to these Arrangements

These Arrangements may be amended by the MAWA hereto at the relevant time.

Any pMS attending the MAWA can propose an amendment to these Arrangements. Any proposal of amendment must be sent in writing to the EDA Secretariat for distribution to all authorities.

The decision of acceptance of an amendment requires a two-thirds majority of the MAWA (those in attendance only) and can be made no sooner than 8 weeks after the initial written proposal has been sent.

When an amendment is approved, the members of the MAWA will agree on the date on which the amendment will also enter into operation.

Further Appendices and Annexes can be added to the present Arrangements under these amendment arrangements.

10) Withdrawal

Except in the case of withdrawal due to the non-acceptance of an amendment (see para. 9 above), which may be immediate, any Authority may withdraw from these Arrangements by giving one year's written notice to the EDA Secretariat which will inform the other Authorities of such withdrawal. Any Authority who withdraws from these Arrangements must commit itself to keeping, during the period set by the EMARs, the archives related to work acceptable to all Authorities and making them available on request to the other Authorities.

11) Airworthiness

Aircraft where arrangements for mutual recognition are required by the pMS shall comply with the essential requirements for airworthiness laid down in Annex I.

Compliance of these aircraft and of products, parts and appliances mounted thereon shall be established in accordance with the following:

(i) Products shall have a military type-certificate. The military type-certificate, and certification of changes to that military type-certificate, shall be issued when the applicant has shown that the product complies with a type-certification basis, established to ensure compliance with the essential requirements at Annex I, and when it has no feature or characteristic making it unsafe for operation. The military type-certificate shall cover the product, including all parts and appliances fitted thereon.

(ii) Parts and appliances may be issued with specific certificates when they are shown to comply with detailed airworthiness specifications established to ensure compliance with the essential requirements at Annex I.

(iii) Each aircraft shall be issued with an individual certificate of airworthiness when it is shown that it conforms with the type design approved in its military type-certificate and that relevant documentation, inspections and tests demonstrate that the aircraft is in condition for safe operation. This certificate of airworthiness shall remain valid as long as it is not suspended, revoked or terminated and as long as the aircraft is maintained in accordance with the

essential requirements related to continuing airworthiness set out in point 1.d of Annex I and the measures and conditions referred to on the following page.

(iv) For aircraft with no appropriate military type certificate a Military Flight Test Permit may be issued when it is shown that the aircraft is capable of performing safely a basic flight. It shall be issued with appropriate limitations, in particular to protect third parties' safety.

(v) Organisations responsible for the design and manufacture of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their approval. Unless otherwise accepted these capabilities and means shall be recognised through the issuance of an organisation approval. Any privileges granted to the approved organisation and the scope of the approval shall be specified in the terms of approval.

(vi) Organisations responsible for the maintenance of products, parts and appliances shall demonstrate their capability and means to discharge the responsibilities associated with their approval. Unless otherwise accepted these capabilities and means shall be recognised through the issuance of an organisation approval. Any privileges granted to the approved organisation and the scope of the approval shall be specified in the terms of approval.

When adopting the measures referred to above the MAWA shall take specific care that they:

- (i) Reflect the state of the art and the best practices in the field of airworthiness.
- (ii) Take into account worldwide aircraft experience in service, and scientific and technical progress.
- (iii) Allow for immediate reaction to established causes of accidents and serious incidents.

ANNEX I

Essential Requirements for Airworthiness

List of acronyms/definitions/explanations

Airworthiness	The ability of an aircraft or other airborne equipment or system to operate in flight and on the ground without significant hazard to aircrew, ground crew, passengers (where relevant) or to third parties.
Aircraft	Includes UAV system.
Crew / Aircrew	Includes Pilot(s) and other personnel on-board the aircraft and/or the UAV control station with responsibilities to ensure the safe conduct of the flight.
Crew Compartment(s)	Includes control station for UAV.
Ground operation(s)	Includes also engine ground running and taxiing under its own power.
Occupant	All personnel on-board the aircraft.
Passenger	Occupant minus Crew / Aircrew during the flight.
Pilot	Includes UAV pilot of a UAV system.
UAV system	A UAV system comprises individual UAV System elements consisting of the aerial vehicle (UAV), the UAV control station and any other UAV System elements necessary to enable flight such as a command and control data link, communication system and take-off and landing element. There may be multiple UAV, UCS, or take-off and landing elements within a UAV System (STANAG 4671).
UCS	UAV Control Station.

1. Introduction

The International Convention on Civil Aviation signed at Chicago on 7 December 1944 “shall be applicable to civil aircraft, and shall not be applicable to state aircraft” (Chapter I, article 3 a); “Aircraft used in military, customs and police services shall be deemed to be state aircraft” (Chapter I, article 3 b); “the contracting States undertake, when issuing regulation for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft” (Chapter I, article 3 d).

The regulation (EC) N°216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Safety Aviation Agency states in its article 1.2 of Chapter 1 that “This Regulation shall not apply when products, parts, appliances, personnel and organisations ... are engaged in military, customs, police, or similar services. The Member States shall undertake to ensure that such services have due regard as far as practicable to the objectives of this Regulation”. Essential requirements for civil aircraft airworthiness are defined in Annex I to the EC regulation.

2. Aim

The aim of this Annex I is to define joint essential military airworthiness requirements consistent with the ICAO and EC principles exposed above. To this end, this document is based on Annex I to (EC) regulation N°216/2008 and takes into account specific aspects of military operations. The detailed product specification including the airworthiness certification basis, shall be established for each product with due regard to the airworthiness essential requirements and agreed with the Authorities involved in a particular programme

These essential requirements are the minimum that must be met and any deviation must be agreed with the Authorities. It should be noted that the Authorities involved in a particular programme can define more stringent requirements to meet particular National needs.

3. Requirements

3.1 Product integrity

Product integrity must be assured for all anticipated flight conditions and ground operations for the operational life of the aircraft. Compliance with all requirements must be shown by assessment or analysis, supported, where necessary, by tests.

3.1.1 Structures and materials

The integrity of the structure must be ensured throughout, and by a defined margin beyond, the operational envelope for the aircraft, including its propulsion system, and maintained for the operational life of the aircraft.

3.1.1.1 All parts of the aircraft, the failure of which could reduce the structural integrity, must comply with the following conditions without detrimental deformation or failure. This includes all items of significant mass and their means of restraint.

3.1.1.1.1 All combinations of load reasonably expected to occur within, and by a defined margin beyond, the weights, centre of gravity range, operational envelope and life of the aircraft must be considered. This includes loads due to gusts, manoeuvres, pressurisation, movable surfaces, control and propulsion systems both in flight and on the ground.

3.1.1.1.2 Where applicable to the product, consideration must be given to the loads and likely failures induced by emergency landings either on land or water.

3.1.1.1.3 Dynamic effects must be covered in the structural response to these loads.

3.1.1.2 The aircraft must be free from any aero elastic instability and excessive vibration.

3.1.1.3 The manufacturing processes and materials used in the construction of the aircraft must result in known and reproducible structural properties. Any changes in material performance related to the operational environment must be accounted for.

3.1.1.4 The effects of cyclic loading, environmental degradation, accidental and discrete source damage must not reduce the structural integrity below an acceptable residual strength level. All necessary instructions for ensuring continued airworthiness in this regard must be promulgated.

3.1.2 Propulsion

The integrity of the propulsion system (i.e. engine and, where appropriate, propeller) must be demonstrated throughout, and by a defined margin beyond, the operational envelope of the propulsion system and must be maintained for the operational life of the propulsion system.

3.1.2.1 The propulsion system must produce, within its stated limits, the thrust or power demanded of it at all required flight conditions, taking into account environmental effects and conditions.

3.1.2.2 The fabrication process and materials used in the construction of the propulsion system must result in known and reproducible structural behaviour. Any changes in material performance related to the operational environment must be accounted for.

3.1.2.3 The effects of cyclic loading, environmental and operational degradation and likely subsequent part failures must not reduce the integrity of the propulsion system below acceptable levels. All necessary instructions for ensuring continued airworthiness in this regard must be promulgated.

3.1.2.4 All necessary instructions, information and requirements for the safe and correct interface between the propulsion system and the aircraft must be promulgated.

3.1.3 Systems and equipment

3.1.3.1 The aircraft must not have design features or details that experience has shown to be hazardous.

3.1.3.2 The aircraft, with those systems, equipment and appliances required for military type-certification, or by operating rules (e.g. under operational air traffic (OAT) and general air traffic (GAT)), must function as intended under any foreseeable operating conditions, throughout and by a defined margin beyond the operational envelope of the aircraft, taking due account of the system, equipment or appliance operating environment. Other systems, equipment and appliance not required for type-certification, or by operating rules, whether functioning properly or improperly, must not reduce safety and must not adversely affect the proper functioning of any other system, equipment or appliance. Systems, equipment and appliances must be operable without needing exceptional skill or strength.

3.1.3.3 The aircraft systems, equipment and associated appliances, including the control station, its data links etc for the uninhabited aerial vehicles, considered separately and in relation to each other, must be designed such that any catastrophic failure condition does not result from a single failure not shown to be extremely improbable. An inverse relationship must exist between the probability of a failure condition and the severity of its effect on the aircraft, crew,

ground-crew, passengers (where relevant), other airspace users or other third parties. Due allowance must be made for the size and broad configuration of the aircraft (including specific military systems and operations) and that this may prevent this single failure criterion from being met for some parts and some systems on helicopters, small or single engine aeroplanes and uninhabited aerial vehicles.

3.1.3.4 Information needed for the safe conduct of the flight and information concerning unsafe conditions must be provided to the crew, or maintenance personnel, as appropriate, in a clear, consistent and unambiguous manner. Systems, equipment and controls, including signs and announcements must be designed and located to minimise errors which could contribute to the creation of hazards.

3.1.3.5 Design precautions must be taken to minimise the hazards to the aircraft, crew, passengers (where relevant), other airspace users or other third parties from reasonably probable threats, both inside and external to the aircraft, including protecting against the possibility of a significant failure in, or disruption of, any aircraft appliance.

3.1.4 Continued airworthiness of the aircraft

3.1.4.1 Instructions for continued airworthiness must be established to ensure that the aircraft military type certification airworthiness standard is maintained throughout the operational life of the aircraft.

3.1.4.2 Means must be provided to allow inspection, adjustment, lubrication, removal or replacement of parts and appliances as necessary for continued airworthiness.

3.1.4.3 The instructions for continued airworthiness must be in a format appropriate for the quantity of data to be provided (e.g. paper or electronic). The instructions must cover maintenance and repair instructions, servicing information, trouble-shooting and inspection procedures.

3.1.4.4 The instructions for continued airworthiness must contain airworthiness limitations that set forth each mandatory replacement time, inspection interval and related inspection procedure.

3.2 Airworthiness aspects of product operation

3.2.1 The following must be shown to have been addressed to ensure a satisfactory level of safety for those onboard or on the ground during the operation of the product:

3.2.1.1 The kinds of operation for which the aircraft is approved must be established and limitations and information necessary for safe operation, including environmental limitations and performance, must be established.

3.2.1.2 The aircraft must be safely controllable and manoeuvrable under all anticipated operating conditions and where applicable, up to the point where the in flight emergency escape system is activated or in the case of a UAV system the activation of the recovery system. Due account must be taken of pilot

strength, flight deck environment, pilot workload and other human-factor considerations and of the phase of flight and its duration.

3.2.1.3 It must be possible to make smooth transition(s) from one flight phase to another without requiring exceptional piloting skill, alertness, strength or workload under any probable operating condition.

3.2.1.4 The aircraft must have handling qualities that ensures the demands made on the pilot are not excessive taking into account the phase of flight and its duration.

3.2.1.5 Procedures for normal operations, failure and emergency conditions must be established.

3.2.1.6 Warnings, or other deterrents intended to prevent exceeding the normal flight envelope, must be provided, as appropriate to type.

3.2.1.7 The characteristics of the aircraft and its systems must allow a safe return from extremes of the flight envelope that may be encountered.

3.2.2 The operating limitations and other information necessary for safe operation must be made available to the crew members.

3.2.3 Product operations must be protected from hazards resulting from adverse external and internal conditions, including environmental conditions.

3.2.3.1. In particular, account must be taken of the exposure to phenomena such as, but not limited to, adverse weather, lightning, bird strike, high frequency radiated fields, ozone, etc., expected to occur during product operation.

3.2.3.2. Where applicable, cabin compartments must provide passengers with suitable transport conditions and adequate protection from any expected hazard arising in flight operations or resulting in emergency situations, including fire, smoke, toxic gases and rapid decompression hazards. Provisions must be made to give occupants every reasonable chance of avoiding serious injury and quickly evacuating the aircraft and to protect them from the effect of the deceleration forces in the event of an emergency landing on land or water. Clear and unambiguous signs or announcements must be provided, as necessary, to instruct occupants in appropriate safe behaviour and the location and correct use of safety equipment. Required safety equipment must be readily accessible.

3.2.3.3. Crew compartments must be arranged in order to facilitate flight operations, including means providing situational awareness, and management of any expected situation and emergencies. The environment of crew compartments must not jeopardise the crew's ability to perform their tasks and its design must be such as to avoid interference during operation and misuse of the controls.

3.3 Organisations (including natural persons undertaking design, manufacture or maintenance).

3.3.1 Organisations involved in design (including flight test), production (manufacture) or maintenance activities must satisfy the following conditions³:

3.3.1.1 The organisation must have all the means necessary for the scope of work. These means comprise, but are not limited to the following: facilities, personnel, equipment, tools and material, documentation of tasks, responsibilities and procedures, access to relevant data and record-keeping.

3.3.1.2 The organisation must implement and maintain a management system to ensure compliance with these essential requirements for airworthiness, and aim for continuous improvement of this system.

3.3.1.3 The organisation must establish arrangements with other relevant organisations, as necessary, to ensure continuing compliance with these essential requirements for airworthiness.

3.3.1.4 The organisation must establish an occurrence reporting and/or handling system, which must be used by the management system under point 3.3.1.2 and the arrangements under point 3.3.1.3, in order to contribute to the aim of continuous improvement of the safety of products ("continuing airworthiness of the type design").

3.3.2 In the case of maintenance training organisations, the conditions under points 3.3.1.3 and 3.3.1.4 do not apply.

³ Shows equivalent capabilities to approval terms of civil aviation. In the future it is likely that all Nations will follow the civil approach.

APPENDIX 1 to the Framework

DEVELOPMENT AND PUBLICATION OF REQUIREMENTS

(a) The Authorities will co-operate to produce common comprehensive and detailed requirements, and where necessary acceptable means of compliance with and interpretations of them, referred to as "European Military Airworthiness Requirements" (EMARs).

They will also co-operate to define special conditions and to agree on the applicable additional requirements for mutual programmes of interest.

(b) Those requirements will cover all the fields related to aircraft safety and safe operation of aircraft, in particular:

- The design and manufacture of products and components
- The maintenance of those products, appliances and components
- The competence of persons and organisations responsible for the design, manufacture and maintenance of products, appliances and components.

(c) The Authorities will also co-operate to produce administrative requirements, also referred to as European Military Airworthiness Requirements (EMARs) and administrative procedures, so that any applicant can finally use one single administrative document and one set of procedures and practices for any application to one of the Authorities.

(d) The MAWA Forum in developing the EMARs will:

- take into account the duties and obligations under EC Regulation 216/2008
- consult the Parties to whom those requirements would be applied
- take into account other aviation regulations so as to facilitate exchange of products, services or persons or reliance on organisations, between the EC countries and other countries in the world

(e) The Authorities will make available the necessary experts who will meet and organise their work according to the procedures agreed by the MAWA Forum.

(f) The MAWA Forum will publish the European Military Airworthiness Requirements (EMARs) with corresponding effectiveness dates.

APPENDIX 2 to the Framework

JOINT IMPLEMENTATION OF EMAR AND JOINT PERFORMANCE OF CERTIFICATION

(a) The Authorities will make all necessary arrangements so that any technical finding in the field of design, manufacture or maintenance can be made only once for the benefit of, and in a way acceptable to, all member Authorities.

In doing so, the MAWA Forum will take into consideration the needs of all Authorities and agree priority criteria and working methods which allow the performance of the work in an acceptable timescale.

(b) The technical work considered is mainly the gathering of all technical findings of compliance needed for the different certifications, e.g. the issuance of military type certificates, certificates of airworthiness, certificates of conformity, licences, approvals and authorizations of persons and organisations, approvals of manuals.

This will embrace in the end all activities in the field of airworthiness, continued airworthiness and maintenance.

(c) The MAWA Forum may, for specific cases, exclude some applications from this general scope when they feel that the use of the national Authorities in succession might be more efficient (e.g. in cases such as catching up for old products).

(d) The MAWA Forum will develop procedures of work for the different activities; it will consult the Authorities on these procedures and seek their acceptance – once accepted, these procedures will be deposited within EDA website as appropriate as an annex to the present Arrangements.

(e) In defining procedures in d) above, the MAWA Forum will take into account:

- The need for ensuring that requirements are applied fairly and consistently throughout the pMS
- The need for an adequate response-time
- The advantages of a step by step approach

The MAWA Forum may consider such methods as:

- The creation of agreed teams to perform a task
- The standardization reviews by teams agreed
- The direct acceptance of work performed by one Authority
- The delegation to industry on the basis of agreed approval standards

APPENDIX 3 to the Framework

ORGANISATION OF THE MAWA FORUM

Terms of Reference Version 3.0

1. Mission

The EDA Steering Board in NADs formation has tasked the Agency to work on the establishment of an EU-wide forum for Military Airworthiness Authorities, to enable initial discussions on harmonising military airworthiness.

The Ad-Hoc Project Group on Military Airworthiness Harmonisation was set up and has prepared a Airworthiness Roadmap and proposed a formal establishment of EU-wide forum for Military Airworthiness Authorities (MAWA) for the endorsement by ministerial SB in November 2008.

The Steering Board having regarded the lack of a coherent approach in Europe on military airworthiness regulations approved:

- The creation of an EU-wide forum for Military Airworthiness Authorities (MAWA), taking into account the work undertaken on harmonising national military airworthiness regulations.
- The Road Map on an EU-wide Forum for MAWA at Annex to the Note for the Steering Board (Encl. 11, EDA Doc. No. 2008/39).

The main objectives of the group are:

- Common regulatory framework
- Common certification processes
- Common approach to organisational approvals
- Common certification
- Common approach to preservation of airworthiness
- Arrangements for mutual recognition
- Formation of a European Military Joint Airworthiness Organisation (to be confirmed within the forum)

In order to achieve these goals the forum may create links with other professional bodies and organisations including industry to ensure a coherent approach and avoid unnecessary duplication.

2. General Organisation

The MAWA forum is officially established by EDA SB.

The MAWA is chaired and supported by EDA.

The working language for the MAWA is English.

The MAWA will plan to meet 4-6 times per year or as required to achieve the scheduled work.

Participation is on a voluntary basis taking into account that not attending the meetings shall not hamper the decision making process.

The minutes are agreed as accurate record of the meeting using standard silence procedure (two weeks) after uploading them to EDA/AIRWORTHINESS/MAWA website and confirmed by email.

The MAWA may create Task Force groups (MAWA TF) dealing with specific topics and requiring specific expertise. Participation in the groups is voluntary. MAWA TFG TORs has to be approved by the MAWA Forum. EDA will provide support for MAWA TFs.

Deliverables should be unclassified however until release, owned by the MAWA forum.

Revision of this ToR must be approved by MAWA Forum.

3. Authority

The MAWA Forum is established and reports to EDA SB as appropriate.

The pMS representatives are expected to coordinate national inputs and comments released by their national military official services.

4. Participation

MAWA is an open forum for each participating Member State (pMS) of EDA and its staff as appropriate. Relations with third countries, organisations and entities should be in line with the chapter VI of Council Joint Action 2004/551/CFSP from 12 July 2004 on the establishment of the European Defence Agency.

5. Members

Representatives from pMS, their Military Aviation Authorities involved in all regulatory and safety aspects of military aviation. They may be accompanied by national experts.

6. External - Observers

Based on the decision of MAWA, the following participants may be invited to exchange information for specific topics in accordance with EDA:

- Military airworthiness authority representative from other Nations
- EU representatives
- EASA representatives
- International Organisations
- Civil or military airworthiness experts
- Industry representatives

APPENDIX 4 to the Framework

SHARING OF THE BUDGET OF MAWA Forum

This will follow the same arrangements as that of the pMS contributions towards the EDA particularly the Council Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency.

More precisely the above mentioned Council Joint Action's chapter III budget and financial rules granted in:

- a. Article 12 Budgetary principles;
- b. Article 13 The general budget;
- c. Article 14 Amending budgets;
- d. Article 15 Earmarked revenue;
- e. Article 16 Contributions and reimbursements;
- f. Article 17 Management by the Agency of expenditure on behalf of Member States;
- g. Article 18 Implementation of the budget.

In specific cases the chapter IV dedicated to Ad-Hoc projects or programmes and associated budgets may be relevant of the above mentioned Council Joint Action's.