



# **NETHERLANDS SPECIAL MILITARY AVIATION REGULATIONS**

## **ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL TO NLD-SMAR 4**

**THE ACCEPTANCE OF  
FOREIGN GOODS, SERVICES AND DATA  
IN THE NETHERLANDS MILITARY AVIATION SYSTEM  
DELIVERED BY  
ACCREDITED OR RECOGNISED ORGANISATIONS**

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**MILITARY AVIATION AUTHORITY  
THE NETHERLANDS (MAA-NLD)**

THE ACCEPTANCE OF FOREIGN GOODS, SERVICES OR DATA, DELIVERED  
BY ACCREDITED OR RECOGNISED ORGANISATIONS

**APPROVAL**

This Acceptable Means of Compliance and Guidance Material is known as NLD-SMAR 4 AMC & GM.

This NLD-MAR 4 AMC & GM is applicable to and supports the Special Military Aviation Regulation, known as NLD-SMAR 4.

This NLD-SMAR 4 AMC & GM shall enter into force from the day after the date of issue on the MAA-NLD internet/intranet.

This Special Military Aviation Regulation will be binding in its entirety and directly applicable to all (Military) Aviation Organisations who are involved in any way with or are acting within the Netherlands Military Aviation System (NLD-MAS) and need to be compliant no later than 1 February 2024.

The Hague, 10 March 2023

The Director Military Aviation Authority – the Netherlands,



J.P. Apon  
Air Commodore

THE ACCEPTANCE OF FOREIGN GOODS, SERVICES OR DATA, DELIVERED  
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## STATUS PAGE

| Version number | Version date | Change Content                                                    | Affected pages |
|----------------|--------------|-------------------------------------------------------------------|----------------|
| 1.0            | 17-12-2018   | First issue                                                       | All            |
| 2.0            | 10-03-2023   | Full revision of content, lay-out and specification of procedures | All            |
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|                |              |                                                                   |                |
|                |              |                                                                   |                |

## INTRODUCTORY NOTES

The “Netherlands Military Aviation Regulations (NLD-MARs)” are accompanied by explanatory material regarding its requirements. This explanatory material is compiled in a similar format to the EASA Parts and the EDA MAWA<sup>1</sup> “European Military Airworthiness Requirements (EMARs)”, e.g.:

1. Acceptable Means of Compliance (AMC), detailing how a level of compliance with an NLD-MAR requirement may be achieved that is acceptable to the MAA-NLD. These AMCs are based upon generally accepted and proven best practices in aviation. The MAA-NLD expects, in principle, that the published means should be used for compliance demonstration for the particular requirement, however, alternative means of compliance may be possible and acceptable. In such case, the applicant will be required to convince the MAA-NLD that any alternative proposed means have an equivalent safety level;
2. Guidance Material (GM), explaining a particular NLD-MAR requirement, very often with examples. This GM is purely information.

The “Netherlands Special Military Aviation Regulations 4 (NLD-SMAR 4), AMC&GM” contains, the afore mentioned GMs and AMCs in the usual way as the other NLD-MARs.

The unique positioning of the NLD-SMAR 4 however, further requires additional explanatory material about the MAA-policy and background. As such, the NLD-SMAR 4 contains beside the ‘usual’ AMC&GM, the following:

3. Guidance Material (GM), explaining the background and MAA-policy of a particular requirement.

The NLD-SMAR 4 regulates, as with all other NLD-MARs, the *military organisations within the NLD-MAS* but contains implicit requirements for its foreign suppliers and contractors. These requirements shall be made contractually binding by the military organisations when intending to use goods, services or data, originating from these foreign organisations.

It is however explicitly stated that this NLD-SMAR 4 and its GM&AMC does not act as regulation for the foreign supplier- or contracted organisations.

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<sup>1</sup> EDA, MAWA = European Defence Agency, Military Airworthiness Authorities Forum. The Forum consists of several working groups of cooperating EU aviation/airworthiness authorities. The EDA hosts the working groups. The working groups laying down common military European standards for the airworthiness domain. These standards are published as European Military Airworthiness Requirements (EMARs)

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## ACCEPTABLE MEANS OF COMPLIANCE, GUIDANCE MATERIAL AND POLICY MATERIAL

### SECTION A TECHNICAL REQUIREMENTS

#### GM SMAR4.A.5 – applicability and purchasing organisations

Within the NLD-MAS, there are several military organisations which in itself have no approval against an NLD-MAR but *do* purchase goods, services or data for approved military organisations.

The Section A is therefor also applicable to the purchase organisations *as extensions of the approved military organisations* which must apply the NLD-SMAR 4 rules to accept and import the received goods, services and data.

An appropriate tool to make the purchase organisation aware of the desired and applicable NLD-MAR requirements for the contract is the “*ATB*”.

#### AMC SMAR4.A.12 (b) the contracting of distributor organisations

1. The acceptable accreditation reference for distributors is the civil/military International Aerospace Quality Group (IAQG) standard “AS9120”.  
This standard is aimed and applicable for delivering of new produced parts. Distributors, delivering those parts, shall be IAQG certified against this standard.
2. In the event, however, that the intention is to use a distributor organisation for Maintenance, Repair and Overhaul (MR&O) activities of aircraft components, *not* being engines and engine modules, the following requirements apply to make the use of those distributor organisations an acceptable means.
  - a. The distributor shall:
    - Be accredited against the requirements of the standard AS9120, as reference, in its latest revision (for MRO-activities it is not possible to obtain an IAQG certification);
    - Comply against the AS9120 reference for the NLD-contract;
    - Be an OEM authorised distributor;
    - Provide a list of approved maintenance organisations contracted by the distributor to perform MR&O activities for the contracted scope; those maintenance organisations need to be EASA Part-145 (or equivalent) approved with the applicable scope. The contracting NLD-MAR approved organisation has the right to exclude one or more maintenance organisations of that distributors list;
    - Assure the delivery of original documentation registering the performed maintenance to the applicable MAA-NLD approved organisation; executed maintenance shall be released with EASA Form 1, FORM 8130-3, MAA-NLD Form 1 or equivalent;
    - Secure that further (sub)contracting by the used maintenance organisations is prevented;

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- Perform occurrence reporting in accordance with the NLD-SMAR-1; in addition the maintenance organisations on the distributor's suppliers list shall report occurrences to the distributor and the contracting NLD-MAR approved organisation;
  - Allow direct communication for the contracting NLD-MAR approved organisation with the maintenance organisation performing the actual maintenance, in order to provide the possibility to exchange technical information with regard to the contracted maintenance;
  - Provide contact details of the selected maintenance organisations to the applicable NLD-MAR approved organisation(s).
- b. The MAA-NLD shall have access to the by the distributor contracted maintenance organisations;
- c. MR&O activities shall be executed in accordance with the OEM component maintenance manuals in the version acceptable to the Military Type Certificate Holder Organisation (MTCHO) of the Material Command of the Netherlands Ministry of Defence. The distributor shall be able to proof that maintenance is performed in accordance with those manuals.

### **GM SMAR4.A.12 no. 1 – Policy for Acceptance of goods, services or data from foreign organisations**

The Netherlands Military Aviation System (NLD-MAS) is a closed total aviation system with approved military organisations and a set of military rules (NLD-MARs). These NLD-MARs are set, oversighted and enforced by the MAA-NLD on behalf of the Minister of Defence. Since the Minister of Defence has no enforcement power over foreign organisations, these NLD-MARs regulates the NLD-MAS only.

Within the NLD-MAS, approved organisations perform approved aviation activities, such as: operations, air traffic control, design, production, maintenance, training, etc.

The prerequisites for, and the results of, these activities are “approval-artefacts”. These artefacts, either:

- State compliance with the applicable NLD-MAR requirements.  
Examples are: military licences, Military Type Certificates (MTCs), Military Supplemental Type Certificates (MSTCs), approval letters, MAA-NLD Form 1, training certificates;  
or
- Provide “approved/certified” data which has been developed in accordance with the requirements of the applicable NLD-MAR and which may or shall be used within the NLD-MAS.  
Examples are: Service Bulletin (SB) like documents, Aircraft Flight Manuals (AFMs), Instructions for Continued Airworthiness (ICAs).

In the processes of generating approval-artefacts, the approved military organisations within the NLD-MAS develop other formal artefacts, designated in this regulation as: “process-artefacts”. Examples are:

- Training Need Analyses reports (TNA-reports) and training syllabi;
- Certification Basis (CB), Compliance Checklists (CCL), Certification Plans (CP) and compliance reports for a certification of type, change or repair certification;
- Maintenance Steering Group-3 (MSG-3) document or Maintenance Planning Document (MPD) for an AMP (Aircraft Maintenance Programme).

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## General Principles.

The following general principles apply for artefacts:

- A. Artefacts only have value and legal status for the NLD-MAS provided that they are issued by a thereto approved organisation within the NLD-MAS;
- B. Process-artefacts are artefacts developed and used by an approved organisation within the NLD-MAS as stepping stones in the development of approval-artefacts. They represent “intermediate-conclusions”. Such artefacts only have value within this approved military organisation;
- C. Approval-artefacts are artefacts, *approved for use* by all organisations within the NLD-MAS, and enable the functioning of the NLD-MAS as an aviation system. It concerns here “final-conclusions”.

Since all aircraft, operated within the NLD-MAS, are imported from foreign systems and/or organisations, the approved military organisations within the NLD-MAS do need services, data or goods, obtained from foreign organisations, in order to execute their approved activities and to generate the NLD-MAS approval-artefacts.

## FOREIGN APPROVAL-ARTEFACTS

When obtaining foreign approved or certified goods, services and data, these shall be accompanied by foreign approval-artefacts.

Recognised authorities may also provide data by issuing approval artefacts.

Due to the fact that these foreign approval-artefacts are generated:

- Outside the NLD-MAS,
- By foreign organisations, not approved, oversighted and enforceable by the MAA-NLD, or
- By foreign recognised authorities,

these artefacts don't comply with the “General Principles” as stated above and as a consequence have not, in themselves, an “approved” status for the NLD-MAS.

The foreign “approved”-status should be confirmed by the receiving NLD-MAS approved organisation and should be converted into an approved status for the NLD-MAS.

The principal and standard procedure, as indicated in SMAR4.A12(a), to achieve this confirmation, is by repeating the certification/approval activities which led to the issuance of the foreign artefact.

Since:

- This verification is not always possible due to
  - the lack of available basic data for the certification/approval activities and artefacts; or
  - activities cannot be verified, such as proper execution of maintenance activities or repairs; and
- It is considered an undue burden to repeat activities that have already been executed by competent organisations outside the NLD-MAS,

the MAA-NLD adopted the so-called “validation policy” for this type of artefact.

**Validation Policy.** Approved military organisations within the NLD-MAS may accept goods, services and data, received from accredited organisations or recognised authorities. Acceptance is achieved by means of a validation of the foreign approval-artefact instead of repeating the approval/certification activities which had led to the foreign artefact.

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## FOREIGN PROCESS-ARTEFACTS

An approved military organisation, in the process of an activity that would result in an approval-artefact for the NLD-MAS, may contract out (intermediate) process steps to foreign organisations or use process artefacts already approved by a foreign authority.

Due to the fact that these foreign process-artefacts are generated:

- Outside the NLD-MAS,
- By foreign organisations, not approved, oversighted and enforceable by the MAA-NLD,
- By foreign recognised authorities

these artefacts do not comply with the “General Principles” as stated above and as a consequence have not, in themselves, an approved status for the NLD-MAS.

In the event that the approved military organisation intends to use a foreign process artefact in its own process, it should verify the foreign activities leading to the received artefact and accept and convert it into an organisation’s process-artefact by means of a cover sheet/letter (or other means) which clearly states this acceptance.

Example: As a step in a compliance demonstration process, a test contracted out to a foreign organisation, will result in a foreign test report which shall be converted, after performing a particular check, into the organisation’s test-report, allowing the organisation’s compliance demonstration process to be proceeded.

Since:

- This verification is not always possible due to the lack of basic data for the process-activities and artefacts; and
- It is considered an undue burden to repeat activities that have already been executed by competent organisations outside the NLD-MAS,

the MAA-NLD has adopted the “acceptance policy” for this type of artefact.

**Acceptance Policy.** Approved military organisations within the NLD-MAS may accept goods, services and data, received from accredited organisations or recognised authorities, by means of an acceptance check of the foreign process-artefacts and a conversion of those into an organisation’s process artefact. The check is done against the contract requirements as set for the intermediate step activity.

The prerequisite for the use of the two policies is the fact that the accredited or recognised organisations have the to be validated or accepted artefacts in their scope of accreditation/recognition.

See figure next page →

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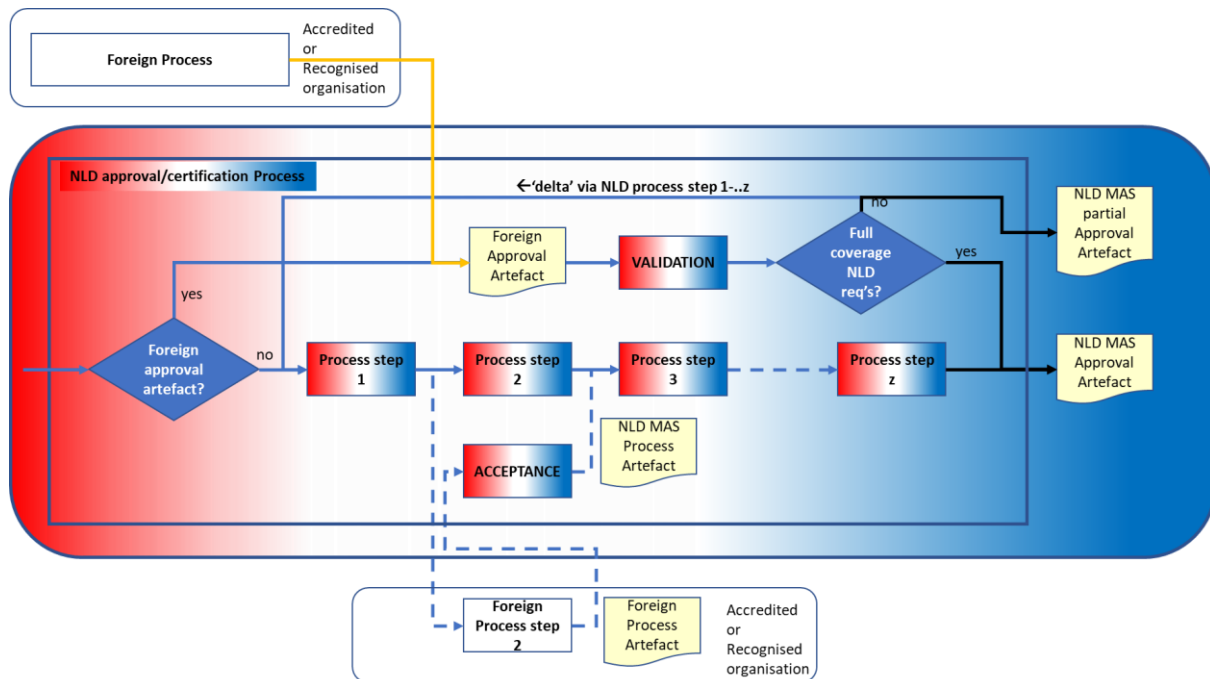


Figure 1: acceptance and validation principles with foreign artefacts

### GM SMAR4.A.12 no. 2 – Purchasing and NLD-SMAR 4 principles

The NLD-SMAR 4 enables acceptance and use of foreign goods, services and data. Before such an acceptance can take place, the requested goods, services or data have to be purchased (contracted). The latter means that in the purchasing phase the applicable and required NLD-SMAR 4 principles must be considered and determined.

As guidance for these considerations, see the figure below. The matter with respect to the “IPC question” in the flow diagram, see [GM SMAR4.A.12 no. 3](#).

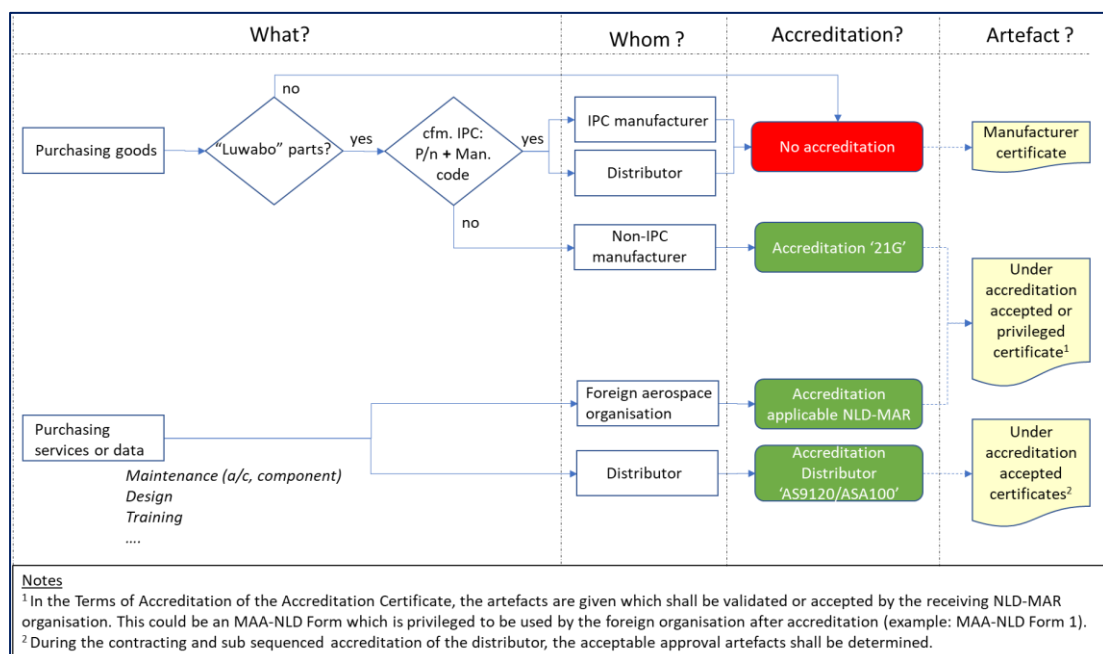


Figure 2: Purchasing and NLD-SMAR4 principles

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### **GM SMAR4.A.12 no. 3 – Purchasing of goods via approved Military Type Certificate data**

Each approved Military Type Design contains a set of approved manuals. One of those approved manuals contain data for purchasing of approved goods. This 'purchasing' manual is often called the Illustrated Parts Catalogue (IPC) or Illustrated Parts Breakdown (IPB). The specific parts, components, fluids, standard parts etc. which are listed in this type of manuals together with the corresponding manufacturer or specifications (or standards) are part of the approved type design. During the type certification, the airworthiness performance of these goods, produced at the given manufacturer or at the given specification, are taken into account and approved.

Since these goods are already approved to be used within the NLD-MAS, the acceptance of those goods, doesn't require as such the execution of the NLD-SMAR4.A.55 privileges and as consequence doesn't need accreditation of the delivering organisation.

### **AMC SMAR4.A.20 – acceptable two step application**

The applicant organisation shall always be the NLD-MAS organisation which is intending to use the imported data, goods or services in its approved NLD-MAR processes. The intended standard procedure for the application is to receive a full documented and complete application as per SMAR4.A.20 (a) through (c).

In addition to this standard procedure, the applicant may apply for the accreditation by submitting a request to the MAA-NLD, including a proposal (substantiated with documentation) for the classification of the organisation as per SMAR4.A.BG.25. This request must enable the MAA-NLD to make its SMAR4.A.BG.20 decisions.

After receipt of the SMAR4.A.20(d) notification, the to be accredited organisation may complete, on behalf of the applicant, the application by adding the required documentation as per SMAR4.A.20 (b) or (c). The accreditation may be performed either by the MAA-NLD or its nominated QE (whichever is applicable per SMAR4.A.BG.20 decision).

### **GM SMAR4.A.20 (a) 3 - Indirect accreditation via recognition investigation**

In the event that an approved military organisation intends to use a, yet to be accredited, organisation which has an appropriate and applicable foreign approval and which also covers the activities intended to be contracted, it may request the MAA-NLD to perform an recognition investigation into the overseeing foreign authority. The recognition should lead to Implementing Arrangements between the MAA-NLD and the foreign recognised authority encompassing the oversight on the, yet to be accredited, organisation.

Following a positive outcome to the recognition investigation, the accreditation of the organisation may be concluded by a meeting, with the recognised authority, in which the specific NLD-MAR requirements will be discussed and agreed upon in accordance with SMAR4.BG.27

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## **AMC no. 1 to SMAR4.A.20 (b) - Written procedures**

The majority of the (yet to be) accredited organisations already hold foreign civil or military aviation approvals or general quality standard accreditations (e.g.: ISO, AS). All of these approvals and accreditations require the organisation to have a manual containing written procedures.

Where the organisation has such a manual, it will be required to add an NLD-supplement to it, describing the differences with regards to the NLD contract activities. The organisation's manual, plus the NLD-supplement, cover the requirement for written procedures, pursuant to the applicable NLD-MAR.

In the event that the organisation does not have such a manual, it should draft such a manual. Each applicable NLD-MAR has a dedicated requirement for an exposition containing written procedures.

Note: Since the organisation shall comply with the applicable NLD-MAR and, as a consequence thereof, written procedures are required, MAA-NLD Form 301 is no longer applicable.

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### AMC no. 2 to SMAR4.A.20 (b) - Compliance checklist and self-evaluation

The compliance checklist should consist of a table listing all NLD-MAR requirements with a reference to the applicable organisation's written procedures, including, where applicable the procedures in the NLD-supplement.

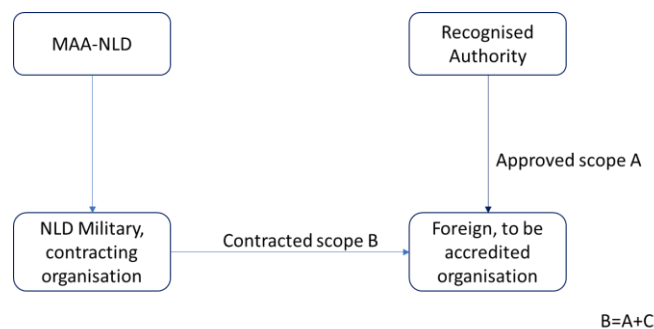
The self-evaluation shall consist of an internal audit report, based upon the compliance checklist and showing compliance to the applicable NLD-MAR.

### GM SMAR4.A.20 (c) - Scope of accreditation investigation

In the event that a foreign organisation with a foreign applicable approval from a recognised authority must be accredited, the accreditation investigation will be focussed on the differences between the foreign approved scope of that organisation and the scope of the intended contract from the NLD military organisation.

Suppose:

- the organisation, to be accredited, has a foreign approval for scope of work: A;
- the NLD military organisation intends to contract that organisation for scope of work: B;
- Scope A is an applicable and appropriate scope for the contract. However there is a difference between the foreign approved scope (A) and the contracted scope (B). This difference is designated as scope: C, whereby  $B=A+C$



The accreditation investigations will be such that:

- Scope A is validated; and
- Scope C is verified (the focus of the accreditation).

Example:

- A maintenance organisation has an EASA 145 approval for the scope “Line and Base maintenance for a type of fixed wing aircraft” (Scope A). EASA is a recognised authority. The EASA 145 approval is an appropriate approval for the to be contracted scope.
- “CLSK/Program Management” has the intention to contract a maintenance organisation for “Rotary wing aircraft Base Maintenance” (Scope B).
- The accreditation investigation will validate the EASA 145 approval as quality system and will verify that the maintenance organisation complies with the rotary wing related NLD-MAR 145 requirements (amongst others: having certifying staff with rotary wing aircraft maintenance licences) and using maintenance data that has been approved by the NLD Military Type Certificate Holder Organisation and that it will report occurrences to the MAA-NLD.

Note: Scope A is investigated (validation) against the organisations existing exposition; scope C is investigated (verification) against the MAA-NLD supplement to that existing exposition.

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### **GM SMAR4.A.35 - Organisation exposition**

The approved military organisation within the NLD-MAS shall in its Organisation Exposition (OE) or in another paper or electronic document, referred to in this exposition, list all approved suppliers, contractors and subcontractors. The NLD-MARs do not contain the SMAR4.A.55 privileges that allow the acceptance of goods, data or services from accredited organisations based upon validation or acceptance of the accompanying artefacts. These privileges are in addition to the existing NLD-MAR privileges.

To be able to receive these SMAR4.A.55 privileges, the organisations shall describe which artefacts they are willing to validate or accept under the SMAR4.A.55 privileges and which procedures will be followed. Furthermore, all accredited or recognised organisations are listed.

The described SMAR 4 privilege procedures become an additional but integral part of the organisation's processes under their existing NLD-MAR approval. For that reason, these procedures shall become part of the organisations applicable NLD-MAR exposition.

### **GM SMAR4.A.55 (b) - Contracted execution NLD-MAR privileges**

An approved military organisation within the NLD-MAS is, in principle, not permitted to delegate or contract out the execution of NLD-MAS privileges. These privileges are inextricably linked to NLD-MAS organisation approvals.

Notwithstanding, some privileges cannot be executed by the contracting- or by another approved military organisation within the NLD-MAS. This could be the case where the accredited contractor or supplier executes all activities corresponding to the privilege.

An example of which is the NLD-MAR-145.A.50 "release to service" privileges for aircraft or components after completed maintenance, using the MAA-NLD Form 1 or the Certificate Release to Service (CRS) in the Aircraft Technical Log (ATL).

In such cases, whereby an approved military organisation within the NLD-MAS cannot execute the applicable privilege since the contracted accredited organisation executes all the activities, the MAA-NLD may permit the accredited organisation to execute the corresponding NLD-MAS privilege.

The permitted execution of the NLD-MAS privilege will be part of the Terms of Accreditation (ToA) and the functionaries who will execute the privileges shall be assessed and approved thereto by the MAA-NLD as part of the accreditation process.

### **AMC SMAR4.A.60 (c) - Instruction supplier and contractor**

Due to the fact that the accredited organisation is not part of the NLD-MAS, it will be likely the organisation is not familiar with how the NLD-MAS, as an aviation system functions with regards to the roles and responsibilities of the MAA-NLD, the Military Type Certificate Holder Organisation (issue of approved data), the Governmental Quality Assurance Representative (GQAR)<sup>2</sup> and the roles and responsibilities of its contracting organisation.

Without explaining the accredited organisations, they will likely not be familiar with how and to whom to report occurrences or other safety or quality issues.

<sup>2</sup> The NLD GQAR function is executed by de department "Toezicht Defensie leveranciers (TDL)".

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Furthermore, there will be accredited activities whereby the accredited organisation will need to use NLD-MAS artefacts during the accredited activities, such as an MAA-NLD Form 1.

As a result of the accreditation, the accredited organisation will have a definitive role and influence in the NLD-MAS and, in some circumstances, will also execute NLD-MAR privileges.

For the above reasons, the SMAR4.A.60 (c) requirement, mandates that the approved, military organisation provides written information or instructions relevant to the applicable subjects.

The approved military organisation is free to choose the applicable means and data that it will share with its supplier or contractor, as long as the accredited organisation is made fully aware of the general rules within the NLD-MAS, its role and the possible impact of its activities.

### **GM SMAR4.A.65 (a) - Remain accredited for the contract scope and duration**

Approved military organisations within the NLD-MAS are only permitted to execute the SMAR4.A.55 privileges with accredited suppliers or contractors.

The continued 'accredited'-status with the contracted scope, for the duration of the contract, is therefore a requirement in the contract.

This requirement implies that the accredited organisation shall accommodate the changes of the applicable NLD-MARs and shall take timely corrective actions as result of any non-compliances observed.

### **GM SMAR4.A.65 (b) - Remain approved by the recognised authority**

Approved military organisations within the NLD-MAS are only permitted to execute the SMAR4.A.55 privileges at accredited suppliers or contractors.

In the event that the 'Accredited'-status is based upon a foreign approval by a recognised authority that also oversights the contracted scope, the contract shall contain the following requirements:

- The continued foreign approval by the recognised authority during the course of the contract and encompassing the contracted scope.
- The continued oversight of the recognised authority
  - at the contracted scope; and
  - during the contract period.

This requirement implies that the accredited organisation accommodates the changes

- To the foreign regulation to keep its recognised approval status; and
- To the NLD-MAR requirements requiring its NLD-supplement

### **GM SMAR4.A.65 (d) - Use of NLD Approved Data and NLD Artefacts**

In the event that accredited organisations are contracted to execute dedicated activities, such organisations are to be provided with the approved data which is valid within the NLD-MAS. If not explicitly told or given, accredited organisations will automatically use up-to-date data from the "Original Equipment Manufacturer (OEM)" instead of the NLD data. NLD approved data may have another update status or may deviate from OEM-data. It is also possible that the NLD Military Type Certificate Holder

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Organisation (MTCHO) or the MAA-NLD has chosen not to adopt Service Bulletins (SBs)<sup>3</sup> or foreign Airworthiness Directive (ADs)<sup>3</sup>.

The above also applies in the situation where the executing organisation is the OEM., whereby contracted maintenance on these aircraft, the NLD-MAS requires the use of approved maintenance documentation.

Where the accredited organisation is authorised to execute NLD-MAS privileges, the organisation shall use NLD Forms and records. Examples of which are the NLD aircraft CRS Form, the NLD Aircraft Technical Log (ATL) or the MAA-NLD Form 1 for the release to service of aircraft and components maintained.

Another example is to provide the certification code to be used for the contracted development of a particular aircraft or repair design. The accredited design organisation will possibly not be familiar with the certification code or certification basis which is provided in the NLD Military Type Certificate Data Sheet (MTCDS).

Additionally, NLD-MARs refer to NLD-(S)MARs. For example: In the NLD-MARs, the requirement for occurrence reporting refers to the NLD-SMAR 1. Without taking into account the NLD-SMAR-1, occurrence reporting will not follow this SMAR unless explicitly detailed in the contract.

### **GM SMAR4.A.70 (b)1 - Authorised foreign functionaries**

Foreign approval artefacts are signed and released by thereto authorised foreign personnel.

During the accreditation process, it has been identified which foreign functionaries are authorised to sign and/or release specific foreign artefacts. In the majority of cases, such functionaries will be the functionaries that are permitted to do so in accordance with the foreign organisation's written procedures thereto.

During the validation investigation, it shall be checked whether the artefact has been signed/released by the correct functionary (check into function/authorisations). Examples; training manager (diploma), certifying staff (Form 1), Head of Design (modification).

In such cases where the artefact is the result of the execution of contracted privileges under SMAR4.A.55 (b), the names of these functionaries are explicitly identified in/via the Terms of Accreditation, which belongs to the Certificate of Accreditation.

During the validation investigation, it should be checked whether the correct persons (name *and* function) have signed and/or released the artefact.

### **GM SMAR4.A.70 (b)2 - Artefact applicability for the NLD-MAS**

A group of (yet to be) validated artefacts are received without an explicit request for it. Such artefacts usually originate from foreign OEMs and/or authorities and are not specifically issued with respect to the aircraft configurations in use within the NLD-MAS. Examples of such artefacts are: optional or mandatory SBs, safety related messages, ADs, type training, Instructions for Continuing Airworthiness (ICA) etc.

During the validation checks, the applicability of the artefact must be determined by checking that it:

- Affects configurations in use within the NLD-MAS; and

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<sup>3</sup> The expressions "SB" and "AD" are used for all Service Bulletin respectively Airworthiness Directive like documents. In the military environment, these documents will have different names per military type, OEM or authority.

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- Affects the means of operation within the NLD-MAS; and
- Affects an equivalent reason for the NLD-MAS.

**Configuration.** Organisations issuing this type of artefact are usually issuing these for a group of configurations, not knowing or aiming at the exact configuration in use within the NLD-MAS. It could be that the artefact is not applicable as modifications have been executed within the NLD-MAS, unknown to the issuing organisation, or that the artefact is dedicated to variant types, not in use within the NLD-MAS.

**Means of operation.** When designing and developing aircraft, OEMs assume a certain average usage spectrum or profile. This must not be confused with the flight envelope in which the aircraft can be safely operated. The design usage spectrum/profile contains usage assumptions leading to design solutions. These usage assumptions will be used when drafting and issuing SBs or other artefacts. In the event that the aircraft, as utilised within the NLD- MAS, has an actual, usage spectrum/profile that deviates from the design spectrum/profile, not all SBs or other artefacts will be applicable.

An example: the Lynx helicopter was designed as a fast reconnaissance aircraft with a flight hour/cycle ratio assumption of about 2-3 landings per flying hour. Within the NLD-MAS, the Lynx, was utilised as an sonar dipping helicopter, flying low speeds and hovering low above the ocean with an average landing ratio of over 4 landings per flight hour. It is clear that not all SBs regarding high speed performances or the desert environment were deemed to be applicable. Notwithstanding, there was however a need for corrosion related SBs and landing gear fatigue related SBs.

**Equivalent Reason.** Safety messages or (Alert) Service Bulletins ((A)SBs) or ADs are generally issued as a reaction to occurrences. The text of such documents generally starts with the sentence: “cases have occurred....”. It could well be that these cases have not occurred or are unlikely to occur within the NLD-MAS. If so, the artefact may be declared ‘not applicable’.

**Not applicable but declared applicable.** Although it may be concluded by the receiving organisation that the configuration, the means of operation or the reason is not actually applicable within the NLD-MAS, the artefact may be declared “applicable” with some adaptations when there is a reasonable chance that the content of the artefact is or may be (partially) applicable to the configuration or means of operation in use within the NLD-MAS.

### GM SMAR4.A.70 (b)3 - Coverage of NLD Requirements

An artefact may be applicable and released by the correct functionaries and in accordance with NLD-MAR requirements, but not fully cover all NLD requirements for the subject.

An example: when contracting a B-category, type rating training at an EASA-147 school for the civil variant of a military aircraft in use in the NLD-MAS, the 147/66-training certificate (e.g. the artefact received) shall only cover and be valid for the civil systems. The military systems shall be dealt with in a delta or difference training.

An example: An SB-like document, received from an OEM of a military aircraft in use in the NLD-MAS, containing a cabin modification, will most probably not cover the specific NLD Cabin Safety requirements which were set by the MAA-NLD in its Cabin Safety AD. This AD is not known or recognised by such OEMs and shall, as such, not be taken into account.

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Note: in case the above modification is explicitly contracted out, the specific Cabin Safety requirements are to be set as contract requirement.

### **GM SMAR4.A.70 (b)4 - In compliance with NLD laws and regulations**

It is expected that NLD specialists are familiar with the laws and regulations belonging to their own discipline (maintenance, design, training,...).

The check encompasses the military regulations and directives issued by the MAA-NLD, such as the cabin safety AD, but also the Netherlands Aviation Act with respect to the elements for which the Director MAA-NLD is responsible on behalf of the Minister of Defense (for example: “*Regeling Kenmerken*”).

### **GM SMAR4.A.70 (c)1 - Authorised foreign functionaries**

Foreign process artefacts are signed and released by foreign personnel, authorised thereto.

During the accreditation process, it has been identified which foreign functionaries are authorised to sign and/or release specific foreign artefacts. In the majority of cases, the functionaries will be those functionaries who are permitted to do so in accordance with the foreign organisation's written procedures.

During the validation investigation, a check shall be made in order to determine whether the artefact has been signed/released by the correct functionary (check into function). For example: training analyst (TNA-report), CVE (Compliance Report), Chief engineer and CVEs (CP).

### **GM SMAR4.A.70 (c)2 - Coverage of specific contract requirements**

The contract for contracting out goods, services or data, as intermediate step in an NLD process, shall contain specific requirements for that product, as set by the approved military organisation within the NLD-MAS. Such requirements may be in conflict with the requirements that would be used by the accredited organisation.

Examples are the use of NLD Maintenance data in a version, lower than is already applicable in the accredited maintenance organisation for certain maintenance (Mx) activities or the use of a dedicated certification base (as determined by a NLD Military Type Certificate Data Sheet (MTCDS)) during the development of a certification plan. Another example is the development of a Training Need Analysis (TNA) for a training on a NLD military configuration of a civil aircraft derivative, whereby the training organisation is used and authorised to make TNAs for the civil variant.

The approved military organisation within the NLD-MAS, shall when receiving the process artefact for the contracted step in the NLD process, check whether the specific requirements are used and/or met.

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### **GM SMAR4.A.70 (h) - Coverage of non-compliances**

Cases will occur whereby the (to be) accredited organisation will not be able to comply with all NLD-MAR requirements. In such cases the NLD-MAR applicant organisation may seek an agreement for the non-compliance with the MAA-NLD by initiating a MAR Review Item (MRI; MAA-NLD Form 306). The item will be discussed and the discussions and the outcome shall be recorded on the MAA-NLD Form 306. It is expected and acceptable for the MAA-NLD that these discussions will be held with the to-be-accredited organisations together or on behalf of the applicant NLD-MAR organisation.

The final decision of the MAA-NLD is binding.

Possible outcomes of the discussion are:

- No-agreement; the organisation shall comply.
- Waiver: the applicant may discard the requirement as the requirement has been deemed to be not applicable for the particular applicant;
- Exemption: the requirement is applicable but the applicant may receive temporary dispensation from that requirement;
- Equivalent Safety Finding: an alternative means has been identified which provides an equivalent level of safety;
- Special condition: acceptable compliance under defined special conditions.

The completed and signed MRI shall become part of the accreditation data of the accredited organisation.

## SECTION B PROCEDURES FOR THE MAA-NLD AND ITS QUALIFIED ENTITIES

### GM SMAR4.BG.25 (b) 3 - Leading authority organisation

Leading authorities are organisations having a specific knowledge and expertise upon a certain subject. The usual expression is: “it is a leading authority on xx”, whereby “xx” is the area of expertise. Although these organisations do not have legal power to enforce or mandate matters, their guidelines, instructions, messages etc., are generally accepted and followed.

In the military aviation, there are organisations with a specific knowledge and expertise which can be considered as such an “authority”. An example in the expert domain of design is the US Army organisation SRD (Army Engineering Directorate).

These organisations issue, as an “authority” artefacts which should be followed by users but also issue approval and process artefacts as a “normal” aviation organisation.

As a consequence of the two roles, it has been decided that these Leading-Authority organisations will be *recognised* for their expert authority role and will be *accredited* for their aviation organisation role.

### GM SMAR4.BG.25 (d) - Classification of foreign organisations

When performing an investigation into a recognition or accreditation, the subjects to be investigated and the depths of investigation depend on the type of organisation. For a recognition, the MAA-NLD recognition methodology<sup>4</sup> shall be used as described in the MAA-NLD Organisation Manual (MAA-NLD OM). With respect to an accreditation, an on-desk and on-site audit against the relevant NLD-MAR will be applicable.

In the event that the organisation already has an “approved status” in an aviation system, the organisation already has foreign approved written procedures and a foreign approved quality management system. The accreditation investigation will generally validate the foreign approval and foreign Quality Management System (QMS)-rules by comparison to the requirements of the NLD-MARs. The investigation will be focussed on the acceptability of the differences and how unacceptable differences can be agreed upon to “acceptable” for the contracted activities.

In the event that a foreign authority oversees the organisation, it would be beneficial if the authority can be recognised and be used for the oversight on the contracted scope.

In the event that an organisation does not have any aviation approval, a full investigation against the NLD-MAR shall be the only possible solution. This is a full “verification” activity. Although not having an aviation approval, these organisations should have a “branch-quality-approval”, such as an AS91xx-series or EN/ISO-series accreditation. This form of accreditation guarantees, as a minimum, an oversighted QMS on the activities of the organisation, yet to be accredited.

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<sup>4</sup> For the recognition of airworthiness authorities, the “European Military Airworthiness Document -Recognition (EMAD-R), as published by the European Defence Agency Military Airworthiness Forum, will be used as reference.

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Original Equipment Manufacturers (OEMs) have a special position. For reason of intellectual property rights, it is not always possible for the organisation to share company data and in some cases these OEMs are not oversighted by any authority.

The table and figure below details a graphic overview of the classes per SMAR4.25 (d).

(See next page)

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| Class | Recognised System | Oversighted contract Scope | Characteristics and Examples                                                                                                                 |
|-------|-------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 1A    | Y                 | -                          | Recognised authority<br>Examples: EASA, FAA, MAA-FRA, MAA-ESP, FOCA                                                                          |
| 1B    | N                 | -                          | Leading authority:                                                                                                                           |
| 2A    | Y                 | Y                          | A foreign approved organisation in a recognised system, with oversight by the recognised authority on the contracted scope.                  |
| 2B    | Y                 | N                          | A foreign approved organisations in a recognised system, with no oversight by the recognised authority on the contracted scope.<br>Examples: |
| 3A    | N                 | Y                          | A foreign approved organisations in a non-recognised system, with oversight by the foreign authority on the contracted scope.                |
| 3B    | N                 | N                          | A foreign approved organisations in a non-recognised system, with no oversight by the foreign authority on the contracted scope.             |
| 4A    | -                 | N                          | A non-approved organisation, not situated in an aviation system. OEM status.                                                                 |
| 4B    | -                 | N                          | A non-approved organisation, not situated in an aviation system. Non OEM.                                                                    |

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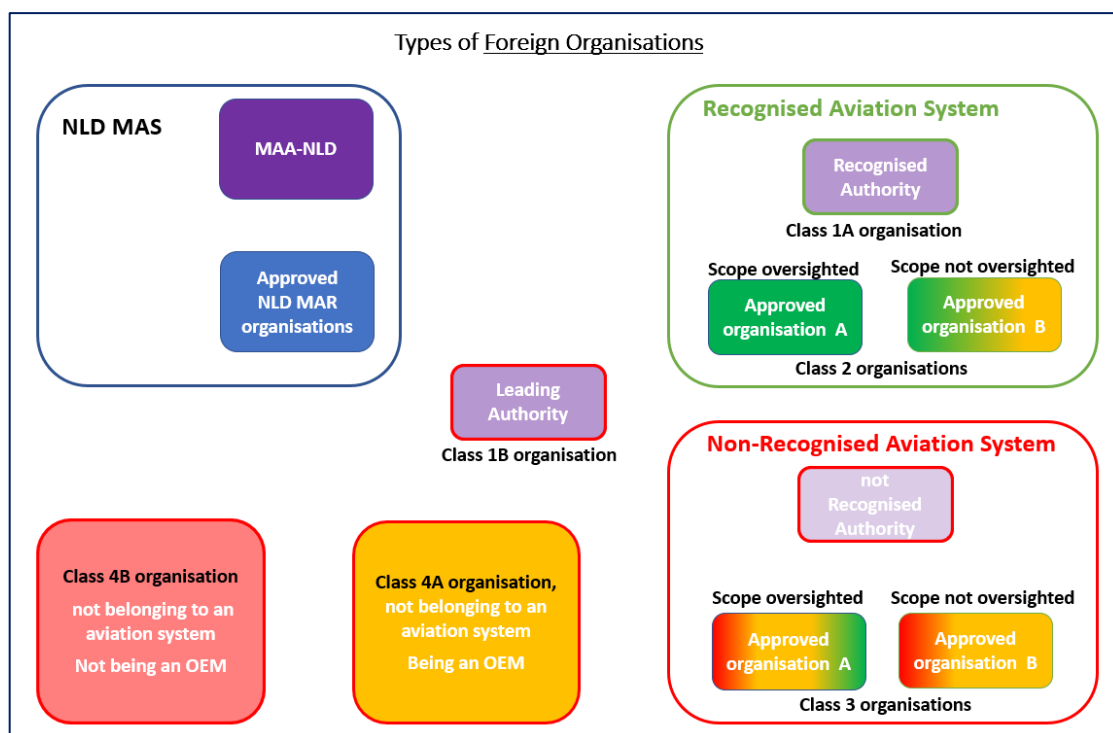


Figure 3: classification of foreign organisations

## AMC SMAR4.BG.27 - Class 4 organisations

Class 4 organisations do not belong to an oversighted aviation system. All NLD-MARs, however, require a quality system.

Class 4 organisations should hold, an international recognised quality certification, appropriate for its branch, such as an EN/ISO or AS accreditation, prior to applying to be an accredited organisation for an approved military organisation within the NLD-MAS.

## AMC SMAR4.BR.30 (c) Unilateral Recognised authorities

The authorities listed below are unilaterally recognised by the MAA-NLD. For those recognised authorities listed, no certificate or Implementing Arrangements are available. Such authorities may be used for the scope of recognition, published on the MAA-NLD intranet page.

- The European Aviation Safety Agency (EASA) together with all its Member States' Civil Aviation Authorities (CAAs);
- The Federal Aviation Administration (FAA);
- The Federal Office of Civil Aviation (FOCA; the Swiss civil authority); and
- The Civil Aviation Directorate Canada, known as "Transport Canada – Civil Aviation" (TCCA).

## GM SMAR4.BR.45 (c) - Implementing Arrangement

An Implementing Arrangement is a document signed between the MAA-NLD and a recognised authority. It shall cover matters such as oversight of organisations, acceptance of certificates, licences and approvals, information exchange of directives and occurrences.

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An Implementing Arrangement may cover all mutual types in use but may also be restricted to one single type or project.

An Implementing Arrangement provides information to the military aviation organisations within the NLD-MAS regarding which artefacts may be used from a recognised authority after a validation process as per SMAR4.A.55 (c) privilege.

### **GM SMAR4.BA.50 (a) - Permit to execute NLD-MAS privileges**

NLD-MAS privileges are granted to approved military organisations within the NLD-MAS. Such privileges are inseparable from an NLD-MAS approval and shall *not*, in principle, be issued to the accredited organisation by the MAA-NLD.

There are however circumstances whereby, due to the character of contracted work, the privileges may only be executed by the accredited organisation. An example is the certification of aircraft or components after maintenance, that has been executed by an accredited organisation. The privileged task of releasing the aircraft or components, using a MAA-NLD Form 1 or CRS in the ATL after the maintenance, may only be exercised by the organisation that has executed the maintenance.

In such circumstances the MAA-NLD *may* permit an approved organisation in the NLD-MAS, upon its request, to contract the execution of the NLD-MAS privilege(s), to the accredited organisation. In parallel, the MAA-NLD will permit, in writing, the accredited organisation to execute these privileges.

The “permit to execute” is only provided to the accredited organisation after the accredited organisation has demonstrated that its personnel that has been nominated to execute the privileges are in (equivalent) compliance with the requirements of the applicable NLD-MAR thereto or holds an equivalent certificate/licence thereto from an recognised authority.

These permits are reflected in the Terms of Accreditation of the accredited organisation.

### **GM no. 1 to SMAR4.BA.50 (b) 2 – Policy NLD Licenses for foreign personnel**

- (a) The principle policy is that the MAA-NLD will only issue NLD-MAR licences to personnel belonging to the NLD-MAS, on basis of full NLD-MAR requirements (such as NLD-MAR-FCL, NLD-MAR-66/ MAR147).
- (b) By derogation to paragraph (a), the MAA-NLD may in certain special circumstances, on discretion of the MAA-NLD, issue NLD-MAR licences to foreign personnel.
- (c) NLD-MAR Licences, issued to foreign personnel shall be based upon:
  - 1. A validation process at foreign recognised licences, held by the personnel; or
  - 2. A verification process of the content of foreign experience / education and training of the candidate NLD-MAR licence holders.
- (d) NLD-MAR licences issued to foreign personnel shall have a limited validity and shall be returned to the MAA-NLD:
  - 1. After termination of the contract with the accredited organisation;
  - 2. In the event that the license holder leaves the accredited organisation.

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**GM no. 2 to SMAR4.BA.50 (b) 2 - NLD License for foreign personnel**

- (a) In the event that the MAA-NLD should issue NLD-MAR licences to foreign personnel, the MAA-NLD should also implement the following:
- a system of validation and/or verification of foreign education and training,
  - a credit system,
  - a license management and control system with, revalidation / reverification, renewal, revocation etc.; not only during the initial issuance and the course of the contract, but also upon contract renewal or termination.

Since the MAA-NLD has no capacity for such a licence management system, it will in principle not issue licences to foreign personnel.

- (b) By way of derogation from paragraph (a), the possibility to issue licences to foreign personnel is left open for certain international projects, where personnel of different organisations, from different civil and military aviation systems work together to maintain the same aircraft and components.

Above is an example from within the maintenance domain, however the same possibility for deviation from the principle policy applies for licences in other aviation domains.

**GM SMAR4.BA.85 – MAA-NLD Decisions on Waiver, Exemption, Equivalent Safety Finding**

The decisions to be recorded on the MAR Review Item (MRI) Form, are including but not limited to a Waiver, Exemption and an Equivalent Safety Finding. For reason of clarity the following explanations are applicable:

- Waiver (the applicant may forego the requirement as the requirement has been deemed to be not applicable for the particular applicant);
- Exemption (a requirement is and remains applicable but the applicant may receive (temporary) dispensation from that requirement);
- Equivalent Safety Finding (a finding that an alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought).