



# Advisory Circular

## AC39-1

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**Airworthiness Directives**

**Initial Issue**

**01 July 2002**

### **GENERAL**

Civil Aviation Authority Advisory Circulars (AC) contain information about standards, practices and procedures that the Director has found to be an Acceptable Means of Compliance (AMC) with the associated rule.

An AMC is not intended to be the only means of compliance with a rule, and consideration will be given to other methods of compliance that may be presented to the Director. When new standards, practices or procedures are found to be acceptable, they will be added to the appropriate Advisory Circular.

This Advisory Circular also includes Explanatory Material (EM) where it has been shown that further explanation is required. Explanatory Material must not be regarded as an acceptable means of compliance.

### **PURPOSE**

This Advisory Circular provides methods, acceptable to the Director, for showing compliance with the airworthiness directive requirements of Part 39 and explanatory material to assist in showing compliance.

### **RELATED CAR**

This AC relates to Civil Aviation Rule Parts 39, 43 and 91.

### **CHANGE NOTICE**

There was no previous issue of this AC, consequently no change is in effect.

## Table of Contents

<b>Subpart A - General</b>	<b>1</b>
EM 39.1    Purpose.....	1
EM 39.3    Exemptions .....	1
<b>Subpart B - Foreign type certification airworthiness directives</b>	<b>1</b>
EM 39.11    Type certification airworthiness directives.....	1
<b>Subpart C - PNG airworthiness directives</b>	<b>2</b>
EM 39.21    Issue .....	2
EM 39.23    Compliance .....	2
EM 39.25    Promulgation .....	2
EM 39.27    Amendments.....	3
EM 39.29    Cancellation .....	3
EM 39.31    Alternative means of compliance .....	3
<b>Subpart D - Compliance</b>	<b>3</b>
EM 39.33    Compliance latitude .....	3

## Subpart A - General

### EM 39.1 Purpose

Part 39 prescribes rules for the airworthiness directives that must be complied with for each PNG registered aircraft issued with an airworthiness certificate under Part 21.

Subpart B requires compliance with two groups of airworthiness directives:

- airworthiness directives issued by the authority responsible for the foreign type certificate for the aircraft or product; and
- airworthiness directives listed in the PNG CAA's Register of Airworthiness Directives.

In addition Subpart C details the rules that apply if the Director has reason to develop and issue an airworthiness directive to address specific PNG requirements. Such directives will be promulgated in the CAA's Register of Airworthiness Directives.

### EM 39.3 Exemptions

Section 79 of the Civil Aviation Act 2000 allows the Director to grant exemptions against the requirements of rules made under the Act unless the specific rule Part prohibits such action.

Rule 39.3 prohibits any exemptions being granted in respect of any airworthiness directive issued under Part 39. This prohibition applies to any foreign airworthiness directive required by 39.11(a)(1) and any airworthiness directive listed in the CAA Register of Airworthiness Directives in accordance with either 39.11(a)(2) or Subpart C.

## Subpart B - Foreign type certification airworthiness directives

### EM 39.11 Type certification airworthiness directives

This requires compliance with two groups of airworthiness directives:

- airworthiness directives issued by the authority responsible for the foreign type certificate for the aircraft or product; and
- airworthiness directives listed in the PNG CAA's Register of Airworthiness Directives.

The PNG Civil Aviation Authority does not have a capacity to develop and issue airworthiness directives on a routine basis. Consequently this rule provides a mechanism whereby airworthiness directives issued by aircraft and product type certifying authorities are called up by reference. These are the *country of origin* airworthiness directives.

If the aircraft was type certificated by the FAA, then airworthiness directives issued by the FAA for that aircraft must be complied with. If the engines were type certificated by the UK CAA, then UK CAA airworthiness directives for that engine must be complied with. The reverse also applies. For example a PT6 turbine-powered Britten Norman Islander would need to comply with the UK CAA airworthiness directives for the airframe and the FAA airworthiness directives issued for the engines.

There will be cases where products are type certificated in more than one country. During the PNG type acceptance process required by Part 21, the applicable airworthiness directives will be declared under that process and stated in the type acceptance report.

The second group of airworthiness directives required to be complied with under 39.11 are those foreign directives listed in the CAA's Register of Airworthiness Directives.

The Register of Airworthiness Directives is used for two purposes:

- to promulgate a general series of airworthiness directives; and
- to promulgate airworthiness directives issued by the Director to cater for specific PNG needs.

Rule 39.11(a)(2) is concerned with the first of these purposes.

As stated above for type specific airworthiness directives, the PNG Civil Aviation Authority does not have a capacity to develop and issue airworthiness directives on a routine basis. This includes general airworthiness directives pertaining to systems and equipment. The PNG Register of Airworthiness Directives is therefore used to 'adopt' the content of the general series of airworthiness directives issued by CASA in their CASR Part 39.

The PNG Register of Airworthiness Directives is available from the CAA Airworthiness Authority and will in future be available on a CAA website. It will be updated at regular intervals to generally reflect the directives issued by CASA. However, it should not be assumed that PNG will call up each and every airworthiness directive as issued by CASA and that a simple read across of CASA general airworthiness directives will suffice for compliance. Each airworthiness directive issued by CASA will be assessed by the CAA to ensure it aligns with the PNG rules and that any aspects of compliance unique to PNG are taken into account. Differences will be reflected in the AD promulgated in the Register.

Rule 39.11(b) provides a mechanism for the Director to resolve any conflict between an airworthiness directive issued by a foreign type certifying authority and any requirements of the PNG rules. In these circumstances, a PNG airworthiness directive will be issued to provide authority to either ignore or modify the requirements of the foreign airworthiness directive or ignore the PNG rule requirements or otherwise comply with them in an alternative manner.

## **Subpart C - PNG airworthiness directives**

### **EM 39.21 Issue**

This rule provides the Director with the mechanism to issue airworthiness directives to deal with specific concerns of the PNG CAA. These concerns may arise from:

- an unsafe condition which exists in a PNG aircraft or product which has not yet been addressed by the type certifying authority and which is likely to occur in other PNG aircraft or products; or
- the need to resolve conflict between an airworthiness directive issued by a foreign type certifying authority and the requirements of a PNG rule.

The process outlined in Subpart C is consistent with that used by other regulatory authorities.

### **EM 39.23 Compliance**

This rule prohibits the operation of any aircraft or product unless compliance is shown with any PNG airworthiness directive issued under 39.21.

Responsibility for compliance with 39.23 is placed on the operator of the aircraft. That person must ensure that he or she monitors, either directly or through a person responsible for maintenance control, the status of the CAA Register of Airworthiness Directives and acts on any PNG issued airworthiness directives applicable to their aircraft.

This rule also requires the operator of an aircraft who must comply with any PNG airworthiness directive issued under 39.23(a) to also comply with any other applicable airworthiness directives promulgated in the CAA Register of Airworthiness Directives.

### **EM 39.25 Promulgation**

This rule makes a distinction between those directives which are regarded as emergency rules and those which are not so urgent.

The CAA will use whatever means are at their disposal to communicate emergency airworthiness directives to aircraft operators. All operators are required to supply the CAA with an address for service. In the context of airworthiness directives this should be taken to mean the most expedient and reliable means of communicating airworthiness directive information to the person who is entrusted to take action. This will normally be the owner or operator, unless the operator's exposition states otherwise.

In all cases, airworthiness directives issued by the CAA will be promulgated in the CAA Register or Airworthiness Directives within 28 days. This 28 day requirement should not be taken to mean that the CAA will send out copies of the Register to all operators within 28 days of a change. It simply means that a directive issued by the Director must be included in the Register within 28 days of being signed off by the Director.

When determining compliance with Part 39, the onus is on the operator to check the status of the Register directly with the CAA Airworthiness Authority.

*The CAA will be consider means of email notification to operators of changes to the Register during implementation of Part 39.*

### **EM 39.27 Amendments**

This rule simply states that the Director may issue an amendment to an airworthiness directive if circumstances dictate that is necessary. The rule specifies that any amended airworthiness directive would be identified by a suffix to the original directive number. For example if airworthiness directive PNG/F28/12 was amended it would be reissued as PNG/F28/12A.

### **EM 39.29 Cancellation**

To be satisfied that an airworthiness directive can be cancelled, the Director needs to be assured that all affected aircraft or products comply with the requirements of the directive and that there is no possibility of aircraft or products entering the PNG system at some future time to which that directive should apply in the interests of safety.

The rule places an obligation on the CAA to monitor the status of PNG directives to ensure obsolete directives do not languish on the Register resulting in an unnecessary certification burden on operators bringing aircraft into the PNG system.

### **EM 39.31 Alternative means of compliance**

This rule provides a mechanism for operators to seek an alternative means of compliance with a PNG airworthiness directive issued by the CAA.

Applicants should ensure they detail alternative measures which provide an equivalent level of safety. This rule is not intended to provide an alternative to the need to carry out the directive and any application for approval of alternative means will be rigidly scrutinised.

The mechanism for approval of alternative means of compliance only applies to airworthiness directives issued by the PNG CAA. No such facility is available in regard to foreign airworthiness directives issued by type certifying authorities or general airworthiness directives called up by reference because the CAA does not have access to the data on which such directives were developed and was not involved in the issue process.

## **Subpart D - Compliance**

### **EM 39.33 Compliance latitude**

The 10% latitude allowed under this rule for repetitive airworthiness directives applies to all repetitive airworthiness directives required by Part 39, i.e. foreign authority (country of origin) directives and directives promulgated in the CAA Register of Airworthiness Directives.