



Advisory Circular

CAA-AC-AWS027

April 2021

APPLICABILITY OF FOREIGN AIRWORTHINESS DIRECTIVES IN ESWATINI

1.0 PURPOSE

This Advisory Circular (AC) is issued to clarify the applicability of airworthiness directives (ADs), issued by foreign aviation authorities, to aircraft registered in Eswatini.

2.0 REFERENCES

The Civil Aviation (Airworthiness) Legal Notice 107 Regulations 15 – Airworthiness Directives and Service Bulletins.

3.0 DEFINITIONS

Within the context of this AC, the following definitions apply:

- (i) **Aircraft** - includes an aircraft, engine, propeller or other aeronautical product, which has been certified by another responsible aviation authority;
- (ii) **Responsible aviation authority** - the authority of a state that has jurisdiction over the type design of an aeronautical product; and
- (iii) **Airworthiness directive (AD)** - includes airworthiness directives and equivalent notices such as manufacturers' service bulletins declared to be mandatory by the responsible aviation authority.

4.0 GUIDANCE AND PROCEDURES

4.1 The Federal Aviation Administration (FAA), the European Aviation Safety Agency (EASA) and Transport Canada Civil Aviation Authority (TCCAA) are the responsible aviation authorities for many U.S, EASA and Canada aircraft types registered in Eswatini. ADs issued by the FAA EASA and TCCAA against aircraft for which they are the responsible authorities, are mandatory in Eswatini.

4.2 Some recent FAA ADs have included statements indicating that the AD is applicable only to U.S. registered aircraft. For example, the text: *"Who must comply with this AD?"*

Anyone who wishes to operate any of the above airplanes on the U.S. register” could be incorrectly interpreted as meaning that the AD is not applicable to Eswatini registered aircraft. The State of Registry shall, upon receipt of mandatory continuing airworthiness information from the State of Design, adopt the mandatory information directly.

5.0 ESWATINI REGULATIONS

5.1 The Eswatini ***Civil Aviation Regulations*** (CARs), Legal Notice 107 Article 15, sub-regulation (1) stipulates that: *No person shall operate an aircraft or aircraft component to which an airworthiness directive applies except in accordance with the requirements of an airworthiness directive.*

5.2 Note that an AD issued by a foreign aviation authority, which does not have jurisdiction over the type design of the aeronautical product affected, does not apply in Eswatini. For example, an FAA AD issued against a non-U.S. product does not apply in Eswatini; likewise, an EASA AD issued against a U.S. or other non-EASA product does not apply in Eswatini.

6.0 ESWATINI POLICY

In reference to 4.2 above, Eswatini does not take into consideration further references to U.S. registered aircraft. The following policies apply:

1. With respect to ADs issued by a foreign responsible aviation authority (see Definition (ii) above):
 - (a) These ADs shall apply to Eswatini registered examples of the type, notwithstanding any contained language to the contrary.
 - (b) Any reference to foreign regulations (e.g. the U.S. FARs) shall be interpreted as meaning the equivalent Eswatini regulations (e.g. the Civil Aviation Regulations (Legal Notices)), which shall take precedence.
 - (c) Regardless of any requirement (or not) for the use of foreign approved facilities (e.g. an FAA approved repair station or other organization) the owner must assess whether the AD requires specialized work (as defined by the Legal Notices) by a suitably qualified ESWACAA approved company (e.g. Approved Maintenance Organization).
 - (d) Applications for an alternative means of compliance (AMOC) cannot be submitted to ESWACAA as it does not have engineering capacity to assess and issue AMOC for the time being.
 - (e) ESWACAA may not authorize an extension of the effective date or compliance times specified in the AD. Such an extension is granted through either an AMOC or an authorized notation on the AD document and as mentioned in (d) above ESWACAA does not have engineering capacity to assess and issue any extension for the time being.
 - (f) When a foreign AD includes a reporting requirement to the foreign aviation authority (e.g. the FAA), a copy of the report shall also be sent to ESWACAA.
2. Eswatini owners/operators are responsible for further determining applicability in terms of serial number, product life, modification status or other conditions as may be specified in the AD.

7.0 Availability and Sources of ADs

Under ICAO, foreign aviation authorities are required to provide ESWACAA with all ADs issued by them in respect of aircraft types which are registered in Eswatini. However, owners of foreign manufactured products should ensure that they receive all continuing airworthiness information directly from the state having jurisdiction over the type design, and owners are responsible for obtaining directly from their manufacturers all continuing airworthiness information, including service bulletins, be they mandated by the state or not. It is usually done by getting access to the State of Design Website. Owners should also monitor ADs which may be applicable to certified equipment and appliances installed on their aircraft, as ESWACAA is usually unable to identify specific owners or aircraft having these products.

**Approved by Director General
Civil Aviation Authority**