

Regulatory position statement 164

The removal of airworthy parts from waste aircraft

If you comply with the requirements below, we will allow the removal of parts from an aircraft that is waste, without an environmental permit.

Background

Aircraft that are withdrawn from service do not necessarily become waste immediately. It is common practice for decommissioned aircraft to be placed into storage under a care and maintenance programme pending a decision about what to do with them. They can remain in this state for months or even years and during this time may have parts removed from them either to support the operator's remaining fleet or for resale. In some cases the aircraft are subsequently brought back into service but some are ultimately scrapped. These aircraft are not waste unless and until a decision is taken that they will not fly again.

In other circumstances the intention may be to scrap a decommissioned aircraft but only after valuable airworthy parts have been recovered from it either as spares or for resale. This process is known as 'parting out' or 'tearing down' the aircraft. Occasionally, one aircraft in a fleet may be taken out of service specifically to provide spare parts for the remainder.

We consider these aircraft are waste because the decision has been taken they will not fly again and that they will be scrapped. However, the process they go through initially is often indistinguishable from that for aircraft in storage with the aircraft continuing to undergo care and maintenance while the parting out takes place to ensure the airworthiness of the parts being removed. In some cases parts, engines in particular, may be owned by a third party (and leased to the aircraft operator) so these will be removed and returned to the owner. When all parts required by the owner have been removed, the remainder of the airframe is broken up and the materials recycled or, where necessary, disposed of.

Once an aircraft becomes waste, the removal of its parts will require a permit for waste recovery. However, we consider that it would be disproportionate to require a permit for this specific activity given that it poses no greater risk than the removal of parts from aircraft that are not waste, and because the aviation industry applies strict controls on the care and maintenance for re-use of parts and the decommissioning of aircraft.

The airworthiness of commercial aircraft is subject to stringent EC regulation and is regulated by the Civil Aviation Authority and the European Aviation Safety Agency (EASA). In particular, the maintenance of aircraft and parts including the re-use of parts recovered from decommissioned aircraft is subject to the requirements of EASA Part M (the management of aircraft maintenance) and Part 145 (the undertaking of aircraft maintenance). All airworthy parts are subject to certification by a Part 145 organisation.

Similar controls exist for military aircraft. Continuing airworthiness is controlled by the Military Aviation Authority using Regulatory Publications (MRP) in particular the CAE 4000 Series, sometimes referred to as 'MRP Part 145' because of the parallels with EASA Part 145.

Our approach

We will not pursue an application for an environmental permit for the tear down or parting out of any waste aircraft where:

- It remains under a care and maintenance programme by a Part 145 organisation (or MAA regulated equivalent).
- The only parts/materials removed are:
 - Parts specifically requested by the aircraft or part owner;
 - Parts or materials that must be removed to enable the aircraft to be stored safely or for a specified part to be recovered - parts and materials that are not for re-use will be waste and must be stored, recycled or disposed of appropriately;
 - Parts from military aircraft required to be removed for security reasons.
- You follow the advice on legal responsibility and good environmental practice set out in our pollution prevention guidelines.
- You meet the relevant objectives of the Waste Framework Directive;
 - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.'

The removal of any part or material solely to prepare the airframe for recycling must be carried out under the appropriate environmental permit.

Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement.

This regulatory position will be reviewed by April 2016.

MWRP RPS 164 Version: 1
Issued: April 2014

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