

JOINT TECHNICAL, OPERATIONAL AND AIRWORTHINESS INVESTIGATIVE AUTHORITY ADVISORY (TAA-OAA-AIA ADVISORY)	
Title	Temporary Authority to Operate
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1. Purpose

- 1.1 This joint Technical Airworthiness Authority (TAA)-Operational Airworthiness Authority (OAA)-Airworthiness Investigative Authority (AIA) Advisory presents guidance which Applicants for a Temporary Authority to Operate (TAO) may follow to ensure compliance with the Department of National Defence/Canadian Armed Forces (DND/CAF) Technical, Operational and Investigative airworthiness rules in order to conduct activities related to defence for the DND/CAF using civil-registered aircraft.

2. Applicability

- 2.1 This TAA-OAA-AIA Advisory applies to organizations seeking a TAO to conduct activities relating to defence for the DND/CAF using an aircraft on a civil register that is either:
- a. owned by a civilian person or organization and operated under a contract, agreement or understanding with the DND/CAF; or
 - b. operated by the DND/CAF.

3. Related Material

3.1 Definitions

- a. Applicant. The regulated entity (organization's representative individual) that is applying to the Technical Airworthiness Authority for an airworthiness certificate, accreditation or other form of airworthiness approval (see TAM (Reference 3.2.a) Glossary for full definition). In the context of a Temporary Authority to Operate (TAO), the Applicant is the DND/CAF organization that seeks to contract a civil aircraft operator to conduct an Activity Relating to Defence.
- b. Experimental Flight Permit (EFP). A Flight Permit issued by the TAA to provide flight authority for conducting test and evaluation flights in support of research and development, engineering flight testing and developmental flight testing. (Derived from Reference 3.2.a, Glossary)
- c. Flight Permit. A temporary flight authorization granted to an aircraft to operate for a specific purpose and within specified limits (Reference 3.2.a, Glossary). A DND/CAF flight permit may be issued to a civil-registered aircraft, provided that it is operating under the authority of a TAO. There are two types of possible flight permits: an Experimental Flight Permit (EFP) and a Specific Purpose Flight Permit (SPFP).
- d. Activity Relating to Defence. In accordance with reference 3.2.e, an activity, service or situation that has a connection to the national defence of Canada and, consequently, a connection to the DND/CAF.
- e. Military Capability Authorization (MCA). Certification by the DND/CAF that a proposed equipment, configuration, design change and/or capability complies with the DND/CAF

- airworthiness standards. An MCA applies to the operator of a civil aircraft that is conducting activities relating to defence for the DND/CAF. A MCA is issued by the TAA and OAA to declare that the equipment, configuration, design change and/or capability complies with DND/CAF airworthiness standards, is acceptable to the DND/CAF for use and that it is safe for operation in flight. It also certifies that the aircraft operator and maintenance organization are acceptable and have been appropriately trained.
- f. Specific Purpose Flight Permit (SPFP). A SPFP is issued jointly by the TAA and OAA to provide temporary flight authority when the aircraft does not meet the conditions of its Certificate of Airworthiness (CofA), but is capable of safe flight (Derived from TAM (Reference 3.2.a) definition). In the context of a TAO for civil-registered aircraft, it would normally be used for the temporary installation of Government Furnished Equipment (GFE) to meet a short-term requirement, such as a one-off task. If the GFE will be needed for long-term tasks in support of the DND/CAF, the installation of the GFE will be authorized by issuing a Military Capability Authorization (MCA).
 - g. Temporary Authority to Operate (TAO). A special type of flight authority, issued jointly by the TAA and OAA, on behalf of the Minister of National Defence (MND), that authorizes an aircraft operator to perform activities relating to defence using an aircraft that is on a civil aircraft register (References 3.2.a and 3.2.b). The TAO also indicates that flight safety aspects of the activity will be monitored by the AIA and that flight safety occurrences will be subject to investigation by the AIA (References 3.2.c and 3.2.d), and the flying orders, publications, and regulations that will be applicable to the activities to be conducted. A TAO may be valid for a number of flights or a specific period, or up to a maximum duration of three years, and may be renewed as required.
 - h. Task Authorization/Tasking Order (TA/TO). A formal contractual document, signed by DND/CAF, authorizing the Activity Relating to Defence. The TA/TO will specify the aircraft type being tasked, the nature of the activity and the exact timeframe for which the authorization will be valid. The approved TA/TO format will be specified in the TAO.

NOTE

Some of the definitions provided in section 3.1 that are also defined in the TAM (Reference 3.2.a) Glossary are not meant to repeat the TAM definitions, but rather to provide additional details for a better understanding of these terms in the context of this advisory and its annex.

3.2 Regulatory References

- a. C-05-005-001/AG-001 – *Technical Airworthiness Manual (TAM)*, Part 5, Chapter 7
- b. B-GA-104-000/FP-001 – *Operational Airworthiness Manual*, Article 315
- c. A-GA-135-001/AA-001 – *Flight Safety for the Canadian Armed Forces*
- d. A-GA-135-003/AG-001 – *Airworthiness Investigation Manual*
- e. Memorandum of Understanding between the Department of National Defence and the Canadian Armed Forces and Transport Canada (as represented by Transport Canada Civil Aviation) Concerning the Responsibilities for Canadian Civil Registered Aircraft Performing Activities Relating to Defence (available internally, within DND, at AEPM RDIMS #1938916 (English), and #1958421 (French))
- f. A-GA-005-000/AG-001 – *Department of National Defence/Canadian Armed Forces (DND/CAF) Airworthiness Program*
- g. B-GA-100-001/AA-000 – *National Defence Flying Orders*
- h. Canadian Air Division Orders
- i. RCAF *Flight Operations Manual*
- j. Transport Canada Civil Aviation (TCCA) Advisory Circular AC 102-001 – *Operation and Maintenance of Aircraft Performing Activities Relating to Defence*

k. Joint TAA-OAA-AIA Advisory 2022-01 – *Oversight of Civil Aircraft Operators Contracted to Provide Air Services to the DND/CAF*

4. Discussion

4.1 Overview

- 4.1.1 In accordance with the *Aeronautics Act*, civil-registered aircraft that perform activities relating to defence are regulated by the Minister of National Defence (MND), rather than the Minister of Transport (MOT). Aircraft that perform both civil operations and activities relating to defence remain on the civil aircraft register. To ensure that civil-registered aircraft can easily transfer between civil and military operations, the DND/CAF and Transport Canada Civil Aviation (TCCA) have signed a Memorandum of Understanding (MOU), Reference 3.2.e, which facilitates sharing information and transfer of responsibilities between the two regulators. TCCA has also issued an Advisory Circular (AC 102-001, Reference 3.2.j), to familiarize aircraft operators, approved maintenance organizations, delegates and TCCA staff with the aforementioned MOU.
- 4.1.2 In accordance with the MOU (Reference 3.2.e), the DND/CAF acts as the regulator and provides the flight authority to conduct activities relating to defence. To be so authorized, the aircraft operator must meet the requirements of the DND/CAF Airworthiness (AW) Program (Reference 3.2.f). However, the DND/CAF gives credit for civil flight authorities to authorize the activities without the need to issue a DND Airworthiness Clearance. The enabling flight authority is called a Temporary Authority to Operate (TAO). In order to avoid the civil operator commencing the service without this flight authority, the Applicant must ensure that an appropriate contract is in place, as per Joint TAA-OAA-AIA Advisory 2022-01 (Reference 3.2.k), and advise the OAA staff and/or TAA staff when activities relating to defence for the DND/CAF will be conducted, together with a request for the issue of a TAO.
- 4.1.3 The TCCA Advisory Circular (Reference 3.2.j) expands on the information contained in the MOU and provides the civil operator practical guidance on demonstrating and maintaining compliance with regulations and standards, when transitioning between operating under the Canadian Aviation Regulations (CARs) and when contracting their services to DND/CAF under the authority of a TAO. Key topics include:
- a. examples of Activity Relating to Defence, where a TAO is required;
 - b. information on the military regulatory structure;
 - c. the regulatory responsibility, as well as interaction and transfer of authority between TCCA and DND/CAF regulatory structures;
 - d. maintenance and modification of aircraft when conducting an activity relating to defence, and the return to compliance with the CARs for civil operation.
- 4.1.4 TAOs are prepared by the TAA (DTAES 3 staff), in conjunction with the OAA and AIA staffs, then released jointly by the TAA and OAA. Note that the AIA is part of the TAO process, in that they sign the TAO acknowledging that they are prepared to monitor the operator and investigate as required. A TAO replaces (and therefore, renders invalid) the civil CofA and any Air Operator Certificate (AOC) when the aircraft is performing activities relating to defence. Thus, when conducting an activity relating to defence for the DND/CAF, a copy of the TAO, Task Authorization/Tasking Order (TA/TO) and any associated DND/CAF flight permit must be carried on board the aircraft as proof that the aircraft is being operated as a military aircraft under the regulatory authority of the DND/CAF.
- 4.1.5 In addition to stating that an aircraft is under the regulatory authority of the DND/CAF, a TAO contains annexes that specify general conditions and limitations for the activities, selected sections of *National Defence Flying Orders* (Reference 3.2.g), *Canadian Air Division Orders* (Reference 3.2.h), the *RCAF Flight Operations Manual* (Reference 3.2.i) and *Flight Safety orders* (Reference 3.2.c), as well as any special maintenance requirements and approved configurations of the aircraft.

- 4.1.6 For those aircraft operators who have been contracted to conduct activities related to defence, the DND/CAF AW Program is applied through contract law (see Reference 3.2.k). The terms and conditions of the TAO clearly refer to the contract for which it is issued, including specific conditions that must be complied with by the aircraft operator. If the aircraft operator is a sub-contractor of a prime contractor (with whom the DND/CAF has the main contract), the TAO will be issued to the aircraft operator, not the prime contractor; the aircraft operator will, then, be regulated through the contract between the prime contractor and the sub-contractor. Should the aircraft operator fail to comply with the TAO and/or contract, the TAA/OAA may suspend or revoke the TAO.

4.2 TAO Requirements

- 4.2.1 To be eligible for the award of a TAO, the aircraft operator must meet all of the following requirements:
- a. Acceptable Aircraft Design and Continuing Airworthiness. The aircraft design must be based on an acceptable standard and must have an acceptable continuing airworthiness support system that maintains the design at an acceptable level of safety. Annex A, Section 1 of this advisory provides an acceptable airworthiness standard for continuing airworthiness of the aircraft design.
 - b. Flight Authority. The aircraft must have and maintain a valid civil flight authority deemed acceptable by the TAA and the OAA. All flight authorities must meet the standards in Annex A, Section 2 of this advisory.
 - c. Air Operator Certificate. The aircraft operator must either: hold an Air Operator Certificate (AOC) or Foreign AOC (FAOC) issued by TCCA; or be approved as a private operator in accordance with Canadian Aviation Regulation (CAR) 604; or operate under a foreign civil operating approval that enables the aircraft operator to fly under their national flight authority when not conducting activities relating to defence for the DND/CAF. Refer to Annex A, Section 3 of this advisory for details.
 - d. Acceptable Maintenance Control System. The aircraft operator must have a maintenance control system that maintains a valid flight authority and meets the requirements in Annex A, Section 4 of this Advisory.
 - e. Performance of Maintenance. Maintenance must meet the requirements in Annex A, Section 5 of this Advisory.
 - f. Acceptable Operator System. The aircraft operator must have an acceptable operating system that meets the requirements in Annex A, Section 6 of this advisory.

NOTE

The civil aircraft operator must provide copies of any and all documents that demonstrate, to the satisfaction of the TAA and the OAA, that the operator meets the requirements of the DND/CAF AW Program. The DND/CAF reserves the right to reject any document offered, if it is deemed that it does not meet DND/CAF requirements.

- g. Maintaining a TAO Flight Authority. The aircraft operator will be subject to TAA and OAA audits, as described in Annex A, Section 7 of this advisory, to verify compliance with the advisory requirements. Failure to comply with these requirements may result in the suspension or revocation of an issued TAO.
- h. Flight Safety Program (or Safety Management System). The aircraft operator must have a program to document and submit reportable military-civil occurrences to AIA staff, and be prepared to investigate/support AIA investigations into those occurrences.

4.3 TAO Process

- 4.3.1 The DTAES TAO Office of Primary Interest (OPI) prepares the TAO, with input from the Staff Officer Operational Airworthiness (SO OA). For an initial release of a TAO, DTAES sends copies of the TAA, OAA and AIA audit checklists to the operator, for completion and return. These audit checklists document an aircraft operator's compliance with minimum airworthiness requirements for each focus area, and, at the discretion of the Applicant, may also be used as part of a bid

evaluation questionnaire. The completed checklists are forwarded to the TAA (DTAES 4) audit staff, SO OA and DFS staff, as applicable, for review and resolution of any queries. Once the checklists have been signed off as accepted, they are forwarded to the DTAES TAO OPI, for retention and archiving with all other TAO documentation relating to the aircraft operator.

- 4.3.2 Typically, the assessment of an aircraft operator for the initial issue of a TAO will consist of a remote desktop audit. However, DND/CAF staff may choose to conduct an on-site visit to the aircraft operator, if they deem it necessary. If the initial assessment is conducted remotely, an on-site audit will normally follow during the first year of operation. If the TAO is to be renewed after the first period of operation, subsequent regular audits will be conducted by technical and operational airworthiness staffs at an interval of 24 months or less, as required. If the TAO is valid for more than one year, the technical and operational airworthiness staffs will conduct an annual airworthiness review, to verify if anything significant has changed in the operation that might require the TAO to be withdrawn and/or re-issued with amended details.
- 4.3.3 The DTAES TAO OPI then compiles details of the aircraft operator's AOC and aircraft used for the contract in an AOC and Fleet Details sheet. If a DND/CAF Flight Permit is required for the activity relating to defence, the DTAES OPI will prepare it, in conjunction with the Applicant and SO OA.
- 4.3.4 When all checklists have been accepted and all queries have been resolved, the TAO is staffed for signatures. The AIA signs the TAO to state that DFS staff are ready to monitor the flight safety aspects of the operation, then the TAA and OAA (or their delegates) sign to approve the TAO. Once the TAO is approved, it is issued to the aircraft operator. Since a DND/CAF Flight Permit cannot be issued for an aircraft on a civil register, unless it is operating under a TAO, any DND/CAF Flight Permit will not be signed until the TAO has been approved.
- 4.3.5 The DTAES OPI forwards copies of the signed TAO and any DND/CAF Flight Permit to the aircraft operator, DND/CAF Applicant, the DND/CAF Airworthiness Authorities, TCCA HQ and the TCCA Regional Office (if the operator is a Canadian company).

Annex:

- A. TAO Requirements in Detail

TAO REQUIREMENTS IN DETAIL

1. Acceptable Aircraft Design and Continuing Airworthiness

- 1.1 The aircraft model/type must:
- a. have an identified and controlled baseline configuration based on a valid civil aircraft Type Certificate or a known military design;
 - b. have configuration(s) that are identified, permitted and controlled;
 - c. have a maintenance program that is based on approved civil airworthiness data (or acceptable data for aircraft flying under a civil Special CofA Limited) that includes up-to-date Instructions for Continued Airworthiness (ICAs);
 - d. be managed by an organization that meets and performs ICA requirements, and who manages the aircraft design configuration; and
 - e. have an up-to-date flight manual and Aircraft Operating Instructions (as applicable).
- 1.2 Design Changes, including modifications, repairs and maintenance program changes, must be certified in accordance with the original Certification Basis (or accepted by the civil regulator, in the case of aircraft flying under a civil Special CofA Limited), by an organization with the civil design change authority to maintain the flight authority, as required.
- 1.3 Modifications, upgrades and design changes required for the conduct of activities relating to defence must be approved/accepted in one of the following ways:
- a. Changes that are specific to the DND/CAF, but which do not permanently affect the aircraft, will be approved/accepted by the DND/CAF through the issue/revision of a MCA and/or DND/CAF Flight Permit. If the aircraft operator is not Canadian, a SPFP or MCA will apply only when the aircraft is operating inside the Canadian airspace.
 - b. Changes that are specific to the DND/CAF, and which permanently affect the aircraft, must be embodied through design approvals that are acceptable to TCCA (and/or the national authority for the aircraft (e.g., the FAA)), which may include reference(s) to a DND/CAF Flight Permit and/or MCA.
 - c. In the case of Government Furnished Equipment (GFE) provided by the DND/CAF, a DND/CAF Flight Permit or MCA is essential.

NOTE

A modification/design change might include some permanent features that affect the civil configuration, and which will require a civil design change authority to either accept, or approve, the permanent portion of the modification/design change. The "permanent features" could be physical (e.g., the installation of a bracket or an antenna), or it could be a change to the maintenance schedule/operating conditions. Such modifications will need to be referred to the civil design change authority for review.

- 1.4 If an aircraft is in a configuration that is not acceptable to TCCA (or the national authority for the aircraft), such as having a DND/CAF temporary installation or reconfiguration, and the aircraft has to conduct a flight under civil authority, the aircraft must not undertake that flight under civil authority until it is in a configuration approved or accepted by TCCA (and/or the national authority for the aircraft).

2. Flight Authority

- 2.1 Each aircraft operated under a TAO must have the following:
- a. a valid military or civil flight authority that meets the requirements of CAR 507.01 to 507.13 or equivalent; and

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- b. a configuration that meets the baseline configuration with any supplemental configuration requirements, in accordance with section 1 of this annex.

3. Air Operator Certificate (AOC) or Other Operating Approval

- 3.1 It is expected that the AOC or foreign operating authority will apply to the same or similar type(s) of operations as those performed under the TAO (e.g., parachuting), unless no civil operating category exists for a particular type of activity. It is the responsibility of the Applicant to verify that the type of AOC, or other operating authority required to meet the requirements of the TAO, is acceptable to the TAA and OAA.
- 3.2 An approval under U.S. Code of Federal Regulations Title 14 (14 CFR) Part 91 may be an acceptable authority in accordance paragraph 4.2.1(c) of the advisory; however, the standards within this TAA advisory remain applicable.
- 3.3 Applicants using foreign military approvals should contact DTAES 3-2 staff for guidance on the acceptability of these approvals.

4. Acceptable Maintenance Control System

- 4.1 In order to meet the technical airworthiness requirements of the TAO, the aircraft operator must control maintenance for the aircraft operating under the TAO in accordance with the requirements of CAR 604.126 to 604.132, 605.84 to 605.97, and 706.01, Subpart 6 (or foreign equivalent regulatory requirements).
- 4.2 Some requirements in CAR 604 are specific Canadian standards where foreign airworthiness programs may have equivalents, or where Canadian terms may be replaced with foreign government terms. In the case of foreign aircraft operators, foreign standards that meet the intent of the above CAR 604 requirements may be used by the aircraft operator, if they have been deemed equivalent by the DND/CAF. For example, on request from the contractor, the DND/CAF may accept foreign Aircraft Maintenance Engineers (AME), provided they meet a training/experience standard that is equivalent to that expected within CAR 604.
- 4.3 Aircraft operators who are using foreign military operator approvals or maintenance control systems must contact DTAES 4-5 staff for guidance on the acceptability of their system.
- 4.4 Aircraft that operate under 14 CFR Part 91, and which are maintained in accordance with 14 CFR Part 43, may be acceptable, provided that no DND/CAF personnel and/or equipment are carried on board during the performance of activities relating to defence for the DND/CAF. However, if DND/CAF personnel and/or equipment are to be carried on board during the activities relating to defence, then the aircraft must be maintained in accordance with a maintenance schedule approved/recommended by the Original Equipment Manufacturer, or the national authority for the aircraft.
- 4.5 Each aircraft operated under a TAO must have a documented technical record that is up-to-date and includes, at least, the following:
 - a. aircraft identification;
 - b. total time in service;
 - c. current status of all life-limited parts;
 - d. time since overhaul of all items installed which have a specified overhaul period;
 - e. inspection status;
 - f. status of all Airworthiness Directives;
 - g. status of all modifications;
 - h. history of maintenance performed;
 - i. history of all technical dispatches; and
 - j. weight and balance.

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5. Performance of Maintenance

- 5.1 The following provides amplification of the performance of maintenance:
- a. All maintenance activities, whether conducted by the aircraft operator or by a subcontractor, must be performed by a maintenance organization that has a maintenance endorsement for the aircraft type/model, which has been granted by the aircraft operator's civil or military regulator.
 - b. All maintenance must be performed by authorized individuals (within an Approved Maintenance Organization (AMO) when applicable) or a foreign military equivalent.

NOTE

Aircraft Maintenance Technicians who perform work on aircraft must have sufficient knowledge, training and qualifications (acceptable to the DND/CAF) pertaining to the aircraft type/model on which the maintenance is performed.

6. Acceptable Operator System

- 6.1 In order to achieve the award of a TAO, the contractor must meet all of the following operating requirements:
- a. The aircraft operator must have an Operations Manual that meets the requirements of CAR 604.197 and 604.198, or equivalent.
 - b. Pilot Qualifications. All pilots operating under the TAO must meet the following requirements, or their equivalent:
 - (1) CAR 604.143 (Flight Crew) – Each member of the flight crew must meet the requirements of CAR 604.143. Pilot licences issued by foreign Airworthiness Regulators that are acceptable to TCCA (or foreign Air Forces that are deemed equivalent by the OAA) may be acceptable to the DND/CAF if the DND/CAF is satisfied that they meet (or are equivalent to) the requirement of CAR 604.143(1)a.
 - (2) When required to operate under Instrument Flight Rules (IFR), pilots must hold appropriate and valid ratings.
 - (3) CAR 604.144 (Instruction Qualifications and Training) – The aircraft operator's flight and simulation instructors must meet the requirements of CAR 604.144.
 - c. Aircrew (non-pilot) Qualifications. For aircrew performing tasks that could have an effect on technical or operational airworthiness (including ALSE), the aircraft operator must have a documented training and qualification system that is sufficient to ensure the competencies required of these individuals to maintain an acceptable level of safety.
 - d. Flight Planning and Operations. The aircraft operator must have standardized processes for all flight planning and mission control procedures, such as briefings, flight following, checklists, publications management, advisory circulars, NOTAMS, Minimum Equipment Lists, personnel manifests and weight and balance reports, etc.
 - e. Passenger and Cargo. While operating under a TAO, the aircraft operator must meet the appropriate TCCA cargo storage/carriage and passenger requirements, as applicable, to ensure the safety of passengers and the safe storage/carriage of cargo.
 - f. Aviation Life Support Equipment (ALSE). The aircraft must be equipped with at least as much ALSE, emergency beacons, fire extinguishers and survival gear that would be required by TCCA for the conduct of a similar mission under civil regulations.
 - g. Unique DND Operational Requirements. While operating under a TAO, the aircraft operator must comply with the National Defence Flying Orders (advisory reference 3.2.g). All DND/CAF documentation required by the aircraft operator for the conduct of the activity relating to defence will be provided to the aircraft operator once the TAO is completed.

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7. Flight Safety Program (or Safety Management System)

- 7.1 The aircraft operator must document how reportable military-civil occurrences will be staffed, and prepare for accident investigation as detailed in AIA-Checklist (mentioned in advisory paragraph 4.3).

8. Maintaining a TAO Flight Authority

- 8.1 The TAA, OAA and/or the AIA, as required, will conduct periodic audits of the aircraft operator (using the checklists mentioned in advisory section 4.3) in order to confirm continued compliance with this TAA-OAA-AIA Advisory. The audit frequency will depend on the level of oversight provided by other (military or civil) regulators, the aircraft operator's performance under previous audits, and the frequency of activities relating to defence, for the DND/CAF, performed under the TAO. If observations of non-compliance are raised, the TAA/OAA/AIA will provide all audit findings to the aircraft operator, to provide an opportunity for the aircraft operator to implement appropriate corrective actions. Any unresolved non-compliance with any requirement stipulated within this advisory may result in the suspension or revocation of the TAO, if the DND/CAF considers that that specific non-compliance results in a risk that is unacceptable to the DND/CAF.

- 8.2 Copies of the TAA, OAA and AIA Audit Checklists are available internally, within DND, in the AEPM RDIMS library, and may also be provided by DTAES 3-2 staff, on demand, by sending an email to: **TAORegulatorySupport-SupportReglementaireATE@forces.gc.ca**

- a. TAA Checklist: AEPM RDIMS# 1542757;
- b. TAA Checklist for Private Operators: AEPM RDIMS# 1720010;
- c. OAA Checklist: AEPM RDIMS# 1903970; and
- d. AIA Checklist: AEPM RDIMS# 1904020;