Aeronautical Repair Station Association

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Mr. Frank Manuhutu
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Sent via E-mail:
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RE: EASA Instructions for Continued Airworthiness

Dear Mr. Manuhutu:

The Aeronautical Repair Station Association (ARSA or Association) represents entities around the world that are certificated under Title 14 CFR part 145. A majority of our members also hold European Aviation Safety Agency (EASA) Part-145 approvals to perform maintenance on articles under EASA's regulatory control.

Several of our members have filed complaints with the Federal Aviation Administration (FAA) against certain manufacturers that have consistently failed to provide Instructions for Continued Airworthiness (ICA) to approved maintenance organizations (i.e., repair stations) performing maintenance on their products. Not only are these manufacturers in violation of FAA regulations, they are also acting contrary to EASA's regulations. The attached complaints and their relevance to EASA are outlined for your review.

As a legal person entitled to address itself to EASA, ARSA requests that the agency investigate these allegations and provide an answer on its findings (see EC 1592/2002, article 47). It also requests that EASA enforce the regulations against Airbus and the Rolls-Royce Corporation and direct them to provide the ICA in question to our member repair stations and any other entity required to comply with the regulations.

EASA Jurisdiction

The Basic Regulation (EC 1592/2002) requires compliance from all organizations involved in the design, production, maintenance and operation of aeronautical products, parts and appliances subject to European Union (EU) jurisdiction. Organizations that design or manufacture aircraft, including any installed product, part and appliance for which EASA ensures safety oversight must comply with the Basic Regulation and its Implementing Rules (see EC 1592/2002, articles 1 & 4).

Both Airbus and the Rolls-Royce Corporation are based in the EU, in France and the United Kingdom (U.K.), respectively. Therefore, France and the U.K. are the States of Design for the products that are the subject of the attached complaints (Exhibits 1 and 2) and both states are members of EASA. Therefore, EASA on behalf of its member States of Design must conduct inspections and investigations to ensure the proper functioning and development of aviation safety. The agency must also monitor the application of the Basic Regulation and its implementing rules by the organizations required to comply (see EC 1592/2002, articles 12 & 16).

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Summary of FAA Complaints

Airbus

ARSA filed its first complaint with the FAA on October 3, 2003 requesting the agency institute an investigation and issue an order finding that Airbus is in violation of Title 14 CFR § 21.50(b) (Exhibit 1). The complaint alleged that Airbus, a type certificate (TC) holder under 14 CFR § 21.29 was in violation of 14 CFR § 21.50(b) because one of its component suppliers refused to make ICA available to persons required to follow those instructions. This component is installed on the Airbus A320, for which Airbus holds TC No. A28NM. As of the date of this letter, ARSA has not received a response to its complaint from the FAA.

Rolls-Royce

The Association filed its second complaint with the FAA on November 23, 2005 against Rolls-Royce Corporation for its failure to provide ICA to a member repair station that performs maintenance on Model 250 engines (Exhibit 2). Rolls-Royce holds TC No. E4CE, covering various Model 250 engines. The complaint alleges that Rolls-Royce's failure to provide ICA to the repair station is a violation of 14 CFR § 21.50(b). As is the case with the Airbus complaint, as of the date of this letter ARSA has not received a response from the FAA.

EASA ICA Requirements

The implementing rules to the Basic Regulation (EC 1702/2003, § 21A.61) require that:

> The holder of the type-certificate or restricted type-certificate shall furnish at least one set of complete instructions for continued airworthiness, comprising descriptive data and accomplishment instructions prepared in accordance with the applicable type-certification basis, to each known owner of one or more aircraft, engine or propeller upon its delivery or upon issue of the first certificate of airworthiness for the affected aircraft, whichever occurs later and thereafter make those instructions available on request to any other person required to comply with any of the terms of those instructions.

Further:

> [C]hanges to the instructions for continued airworthiness shall be made available to all known operators of the product and shall be made available on request to any person required to comply with any of those instructions.[1]

Both repair stations listed in the attached complaints hold EASA Part-145 approvals and perform maintenance on aeronautical products under the regulatory control of EASA (Exhibits 3, 4, and 5). As a result they are required to perform the maintenance using data that has been approved by EASA. Approved data generally means data that is supplied by the original

[1] *See also* §§ 21A.107, 21A.120, 21A.449 requiring the holders of minor change approvals to type design, supplemental type certificates, repair designs to provide ICA in the same or similar fashion as type certificate and restricted type certificate holders.

equipment manufacturer (ICA), data approved by the National Aviation Authority of the TC holder (here it is EASA) or data supplied by the customer and approved by EASA (see 145.A.45 and MIP-G, appendix 1, § 8). Therefore, Airbus and Rolls-Royce Corporation are required to provide ICA to these facilities as "other person[s] required to comply with any of the terms of those instructions." (EC 1702/2003, § 21A.61)

Accordingly, EASA approved maintenance organizations are required to have the necessary maintenance data at the time the work is performed (see EC 2042/2003, annex II, § 145.A.45(a)). EASA's definition of maintenance data includes:

> Instructions for continuing airworthiness, issued by type certificate holders, supplementary type certificate holders, any other organization required to publish such data…(EC 2042/2003, annex II, § 145.A.45(b)(3)).

This definition clearly includes Rolls-Royce and Airbus as type certificate holders.

ICA Contents

Even if the TC holders claim that component maintenance manuals are not needed for maintenance, EASA regulations state otherwise. Under EC 2042/2003, annex II, § 145.A.45 and EC 1702/2003, § 21A.61, manufacturers are required to produce ICA; further regulations specify what information must be included.

Airbus

In the case of Airbus, the EASA Certification Specifications (CS) for large aeroplanes requires that ICA must be prepared in accordance with the specifications detailed in Appendix H (CS 25.1529). Appendix H, paragraph H25.1(b) mandates that the ICA for each aeroplane must include the ICA for each engine and propeller, for each appliance and any required information relating to the interface of those appliance and products with the aeroplane. Appendix H goes on to state that:

> If Instructions for Continued Airworthiness are not supplied by the manufacturer of an appliance or product installed in the aeroplane, the Instructions for Continued Airworthiness for the aeroplane must include the information essential to the continued airworthiness of the aeroplane.

The ICA must consist of an aeroplane maintenance manual, maintenance instructions and an airworthiness limitations section. With regard to the specific maintenance instructions, they must include:

> Scheduling information for each part of the aeroplane and its engines, auxiliary power units, propellers, accessories, instruments, and equipment that provides the recommended periods at which they should be cleaned inspected, adjusted, tested, and lubricated, and the degree of inspection, the applicable wear tolerances, and work recommended at these periods (CS-25, app. H, para. H25.3(b)).

Further:

> If Instructions for Continued Airworthiness are not supplied by the manufacturer of an appliance or product installed in the aeroplane, the Instructions for Continued Airworthiness for the aeroplane must include the information essential to the continued airworthiness of the aeroplane (CS-25, app. H, para. H25.1(b)).

As you can see from the attached Airbus complaint, the appliance manufacturer elected not to supply maintenance instructions to repair stations. As such, Airbus' refusal to provide complete ICA, including maintenance instructions, is contrary to EASA's regulatory requirements and to the continued airworthiness of aeroplanes under its jurisdiction.

Rolls-Royce

With engine components, the requirement to produce ICA with complete maintenance instructions is clear in both EC 1702/2003, § 21A.61 and CS-E 25. Engine ICA must be established by the TC holder, updated as necessary and provided to any person required to comply with their terms. Indeed, CS-E 25(c) requires that the ICA must include, amongst other things:

> A detailed description of the Engine and its components, systems and installations…servicing information…scheduling information for each part of the Engine that provides the recommended periods at which it should be cleaned, inspected, adjusted, tested and lubricated…cleaning and inspection instruction…details of repair methods for worn or otherwise non-serviceable parts and components…instructions for testing…[and] a list of tools and equipment necessary for maintenance and directions as to their method of use.

As the CS for engines outlines, the ICA must contain details for the performance of maintenance and overhaul, including specific repair methods and inspections. It is evident that the components that are the subject of the Rolls-Royce complaint require ICA including these detailed instructions. As is the case with Airbus, Rolls-Royce's refusal to provide these maintenance instructions violates EASA regulations and jeopardizes the continued airworthiness of these products under the agency's jurisdiction.

Conclusion

Despite repeated attempts at requesting copies of the required ICA and filing formal complaints with the FAA, our members have not received the ICA from either Airbus or the Rolls-Royce Corporation. These ICA are an integral piece of data that is needed to perform maintenance on EU State of Design aircraft in order to maintain their continued airworthiness.

Failure to provide complete ICA is a direct violation of EASA's regulations. Accordingly, we are petitioning the agency to compel the manufacturers under its regulatory control to provide the required ICA to repair stations.

RE: EASA Instructions for Continued Airworthiness

ARSA looks forward to working with EASA towards the implementation of the proposed resolution. If there are any questions or problems, please do not hesitate to contact us.

Sincerely,

Marshall S. Filler
Managing Director & General Counsel

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Enclosures: Exhibit 1 – Airbus Complaint
Exhibit 2 – Rolls-Royce Complaint
Exhibit 3 – Aerotron AirPower, Inc's EASA Part-145 approval certificate
Exhibit 4 – Texas Pneumatic Systems, Inc's EASA Part-145 approval certificate
Exhibit 5 – Helicopter Engine Repair Overhaul Services, Inc's EASA Part-145 approval certificate