Aeronautical Repair Station Association

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

November 10, 2011

Delivery by electronic mail: martin.j.bailey@faa.gov
karl.specht@easa.europa.eu

Original by FedEx Express
Tracking Numbers: 7977 2543 0487
7953 9521 3481

Marty Bailey
Repair Station Branch Manager
Aircraft Maintenance Division, AFS-340
Federal Aviation Administration
955 L'Enfant Plaza North, S.W.
Room 823
Washington, D.C. 20024-2123

Karl Specht
Manager
Continuing Airworthiness Organisations
Approvals and Standardisation Directorate
European Aviation Safety Agency
Postfach 10 12 53
50452 Koln, Germany

RE: Joint Maintenance Coordination Board

Dear Marty and Karl:

The Aeronautical Repair Station Association (ARSA) appreciates the efforts by the Federal Aviation Administration (FAA) and the European Aviation Safety Agency (EASA) to ensure industry is informed of the Maintenance Annex Guidance (MAG) provisions. In our opinion, the MAG "roadshows" were a great success.

During industry briefings, a number of issues were clarified; we hope such clarifications are reflected in upcoming MAG revisions. To that end, please consider the following items during the Joint Maintenance Coordination Board next week:

- The topics listed in Section B, paragraph 17, regarding human factors training differ from those previously identified and accepted by EASA. To alleviate issues that may arise from strict interpretation of that paragraph, we suggest the last full sentence of the first paragraph be revised to state: "The following topics should be covered as appropriate to the organization and the scope of the work it performs". Alternatively, we suggest the listed topics match those indicated on page 2 of the May 8, 2007 letter to EASA (please see Attachment 1).
- The Airworthiness Directive (AD) procedures described in Section B, paragraph 9, are confusing. Please consider the following revision to that paragraph: "The customer is responsible for specifying any Airworthiness Directive (AD) compliance that is required during maintenance. The repair station must hold a copy of all ADs the customer requires (it may be necessary for the customer to supply EASA ADs), and that information must

RE: Joint Maintenance Coordination Board

> be available to repair station personnel when they perform the work. If the repair station does not comply with an applicable AD, it must be noted in the maintenance record for that item and communicated to the customer."

In addition, we ask that the Joint Maintenance Coordination Board (JMCB) consider the issue of part tagging requirements for new and used components as described in Section B, paragraph 10(i); particularly, the requirement for a "new part" 8130-3 on parts from U.S. manufacturers. Although EASA responded to an ARSA letter addressing this issue (please see Attachment 2), the substantial impact to the industry necessitates further discussion. It is therefore fitting for the JMCB to contemplate if the tagging requirement adds any safety benefit, or can be harmonized with FAA requirements.

We greatly appreciate your consideration of our comments.

Sincerely,

Craig L. Fabian
Vice President Regulatory Affairs and
Assistant General Counsel

Attachments: Letter from EASA regarding human factors training, dated 10 August 2007
Letter from EASA regarding part documentation requirements, dated 6 July 2011

Attachment 1

European Aviation Safety Agency

Julian Hall • Continuing Airworthiness Manager

ARSA
(Aeronautical Repair Station Association)
Mr Marshall S. Filler
121 North Henry Street
Alexandria, VA 22314-2903
USA

Cologne, 10 August 2007

Ref. Letter: EASA D(2007)/JH/ARSA/01656

Subject: Human factors Training under the Maintenance Implementations Procedures

Dear Marshall,

My apologies for the delayed response to your letter reference 8 May 2007.

Following a review of your letter the Agency would concur with the content of your letter and we believe that the most pragmatic solution is to permit the use of the current FAA material quoted as an equivalent to the EASA Part-145 guidance material specified in GM 145.A.30(e).

We have discussed this issue with Mr Bill Henry of the FAA and hope to include more clarification on the subject in the proposed new bilateral agreement.

Yours sincerely

Julian Hall
Continuing Airworthiness Manager

Cc: Mr William Henry – FAA AFS 300
Ms Ingrid Seyrlehner – EASA
Mr Claude Probst – EASA
Mr Wilfried Schulze - EASA

ARSA
Aeronautical Repair Station Association

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

08 May 2007 VIA E-MAIL TO: julian.hall@easa.europa.eu

Mr. Julian Hall
Manager, Maintenance Organizations
European Aviation Safety Agency
Postfach 10 12 53
D-50452 Köln, Germany

RE: Human factors Training Under the Maintenance Implementations Procedures

Dear Julian:

The Aeronautical Repair Station Association (ARSA) requests your assistance in clarifying a subject of great interest to our members. The issue is defining the appropriate regulations and guidance for human factors training courses adopted by U.S. repair stations seeking or holding European Aviation Safety Agency (EASA) Part 145 approval.

ARSA members have had difficulty discerning what requirements to follow. The level of uncertainty is evidenced by the following question posed to EASA:

Question: *Following your Maintenance Implementation Procedures Guidance (MIP) with the FAA, what training do you expect to see the EASA approved FAA 145 Repair Stations to provide? Do you expect them to comply with GM 145.A.30(e) for the training syllabus?*

EASA response: *EASA requires that the entire syllabus as defined in GM 145.A.30(e) is covered during the Initial training; either as a dedicated course or else integrated within other training… So we would say… that your programme does not meet the requirement as… it is based on material which is not in line with EASA guidance.*

ARSA submits that the relevant standard for EASA Part 145 approvals issued in the U.S. is not the "personnel requirements" specified in GM 145.A.30(e). Rather, as the MIP states in Section 1.1, a repair station is eligible for certification if it meets the "special conditions" designated in the MIP and 14 CFR part 145. Under Section 1.1(d)(v), the "special conditions" require a repair station's EASA supplement to include "a procedure for [it] to ensure that the *Federal Aviation Administration (FAA) approved* initial and recurrent training program and any revision thereto includes human factors training." (Emphasis added.)

The pertinent FAA regulations require initial and recurrent training programs to ensure that employees are capable of performing their assigned tasks (14 CFR § 145.163). The regulations also require a repair station to maintain a quality control system (14 CFR

§ 145.211). To address training issues generally as well as human factors training required by EASA, the FAA initially developed a detailed training manual template for U.S. repair stations (see AC 145-10, *Repair Station Training Program*).

ARSA recognizes that while Title 14 CFR does not specifically require human factors training, it is a requirement for U.S. repair stations under MIP-G. In implementing the MIP, the FAA issued additional guidance to its Aviation Safety Inspectors outlining the acceptable components of a human factors training course needed to secure EASA Part 145 approval (see HBAW 06-04).

The HBAW established six key areas a human factors training course should address and outlined various subjects to be incorporated into the training program, with a specific notation that the topics are in alignment with current EASA requirements.

Subsequently, FAA Order 8300.10, Volume 2, Chapter 168 incorporates the substantive guidance from HBAW 06-04 while also describing the relationship between EASA and the FAA on the acceptance of a repair station's human factors training program:

> Before a repair station may be approved by EASA under EASA Part 145, the repair station must prepare an EASA supplement to its RSM/QCM. The FAA will review and accept the initial supplement on behalf of EASA. (Order 8300.10, Vol. 2, Ch. 168, §1 (3(A))

Order 8300.10 mirrors the guidance in HBAW 06-04, outlining 12 subject areas a repair station's training program should cover when appropriate. Specifically, chapter 168, page 168-10 suggests the following topics for inclusion in a human factors program:

- General/introduction to human factors
- Statistics
- Safety culture/organizational factors
- Human error
- Types of errors in maintenance tasks
- Human reliability
- Human performance and limitation
- Vision
- Hearing
- Stress
- Situational Awareness
- Workload management

Further, the Order states that until the FAA "officially approves repair station training programs, the inspector must confirm if the EASA supplement contains procedures for initial and recurrent training programs that address training and qualification in human factors." Therefore, the FAA has an established a human factors training outline with which a repair station must comply in order to obtain EASA Part 145 approval.

For the foregoing reasons, ARSA requests that EASA clarify this issue by allowing U.S. repair stations seeking EASA Part 145 certification to follow FAA guidance on human factors training programs rather than GM 145.A.30(e).

ARSA looks forward to working with EASA on this issue and towards an ultimate resolution.

Sincerely,

Marshall S. Filler
Managing Director and General Counsel

cc: Claude Probst
Dr. Norbert Lohl
William Henry, AFS-300

Attachment 2

European Aviation Safety Agency

Jules Kneepkens • Rulemaking Director

Cologne, 6 July 2011
RHA/kgu/R(4) 2011(D) 53249

Mr Craig L. Fabian
VP Regulatory Affairs & Assistant General Counsel
121 North Henry Street
Alexandria, VA 22314-2903
e-mail: arsa@arsa.org

Subject: Part documentation requirements: EASA Part-145 approval holders in the United States and FAA Part 145 Certificate Holders in Europe
Reference: Your e-mail sent to Karl Specht on April 20, 2010 (our ref.: CA11611)
Attachment: Detailed clarifications

Dear Mr Fabian,

Your e-mail dated April 20, 2010, initially addressed to Mr Karl Specht has recently been transferred to our section. We apologise for the late response to your query. The e-mail was not properly registered in our tracking system and therefore slipped through all follow-up procedures.

In your message you urge EASA to issue a statement clarifying the requirements related to the use of FAA Form 8130-3 "Airworthiness Approval Tag" for new and maintained parts.

As you may know the procedures and activities of the Federal Aviation Administration (FAA), the European Aviation Safety Agency (EASA) and the Aviation Authorities required for implementation of the Maintenance Annex, i.e. Annex 2 of the Aviation Safety Agreement between the US and the EU are now included in the Maintenance Annex Guidance document (MAG), which can be found here:
http://easa.europa.eu/rulemaking/docs/international/united-states/bilateral-agreements/MAG_signed.pdf.

The Aviation Safety Agreement between the US and the EU entered into force on 1 May 2011. The Maintenance Annex Guidance has been developed and agreed upon by the Joint Maintenance Coordination Board (JMCB). The JMCB is under the joint leadership of the FAA Director of Flight Standards and the EASA Director responsible for Organisation Approvals. It provides the necessary details on documentation acceptable for release to service, including for components to be installed on the higher assembly to be released to service. The JMCB may develop, approve or revise detailed guidance to be used for processes covered by the Maintenance Annex and may propose amendments to

tel: +49 221 899 90 5001 · fax: +49 221 899 90 5501 · jules.kneepkens@easa.europa.eu

the Maintenance Annex to the Bilateral Oversight Board. Consequently, EASA does not have any direct mandate to amend the Maintenance Annex.

You will find more detailed clarifications on specific issues raised in your e-mail in the attachment.

Yours sincerely,

J. KNEEPKENS

Copies: Mr Francesco Banal, Approvals and Standardisation Director, EASA
Mr Karl Specht, Continuing Airworthiness Organisation Approvals Manager, EASA
Mr Julian Hall, EASA Representative in Washington
Mr Juan Anton, Continuing Airworthiness Manager - Rulemaking, EASA

First of all, we would like to point out the fundamental difference that exists between the FAA system and the EASA system when it comes to component airworthiness certification: The EASA Form 1 is an airworthiness certificate for components, which is always required, whereas the FAA Form 8130-3 is recommended only under FAA rules, when it is for domestic use. As the EASA system foresees only one type of component airworthiness certificate, the only equivalent certificate in the FAA system that ensures proper recognition under the US-EU Agreement is the FAA Form 8130-3. Besides, this ensures proper certificate standardisation, contributing to smooth functioning of the supply chain, by helping the end user in determining a product's or article's airworthiness approval status.

The definition of the term "component" is provided in the MAG (cf. Section B, page 89):

"Component means any component part of an aircraft up to and including a complete powerplant and any operational or emergency equipment".

Contrary to the assumptions made in your request, this definition does not only cover top components, but also the detail parts destined for installation into a higher assembly.

The MAG provides for the special conditions on acceptance of components that have to be met when work is performed in view of releasing a component both under FAR and EASA rules (= dual release).

These are included:

- For US based repair station also approved under EASA Part-145
    - in Appendix 1 to Section B - Certification process for US-based repair stations, item 10(i)
- For EU based maintenance organisations also approved under FAR Part-145
    - in Appendix 3 to Section C - Certification Process for EC-based Maintenance Organisations, item 7 (c).

The repair station (US) / maintenance organisation (EU) will describe how compliance with these and all other special conditions will be ensured in its supplement to the exposition.

For US based EASA Part-145 approved repairs stations, the requirements are:

(a) <u>for new components</u>

- New components should be traceable to the OEM as specified in the Type Certificate (TC) holder's Parts Catalogue and be in a satisfactory condition for fitment. A release document issued by the OEM or Production Certificate (PC) holder should accompany the new component. The release document should clearly state that it is issued under the approval of the relevant Aviation Authority under whose regulatory control the OEM or PC holder works.
- For U.S. OEMs and PC holders <u>release should be on the FAA Form 8130-3 as a new part.</u>

- For all EC States OEMs and PC holders release should be in accordance with EASA Part-21.

- For Canadian OEMs and PC holders release should be on the Canadian Form One as a new part.

- Standard parts are exempt from the forgoing provisions, except that such parts should be accompanied by a conformity statement and be in a satisfactory condition for fitment.

- PMA parts may only be accepted as detailed in EASA Part-21 or in Annex 1 of the Agreement.

- Engines rebuilt by the production approval holder can be accepted as specified in the Technical Implementation Procedures for Airworthiness and Environmental Certification (TIP- paragraph 5.1.4).

(b) for used components

- Used components shall be traceable to maintenance organisations and repair stations approved by the authority who certified the previous maintenance, and in the case of life limited parts, certified the life used. The used component must be in a satisfactory condition for fitment and be eligible for fitment as stated in the TC holders Parts Catalogue.

- **An FAA Form 8130-3 issued as a dual maintenance release must accompany used components from EASA-approved U.S.-based 14 CFR part 145 repair stations.**

- **Used components from a 14 CFR part 145 repair station not EASA-approved will not be used even if accompanied by an FAA Form 8130-3.**

- An EASA Form 1 issued as a maintenance release shall accompany used components from EASA Part-145 approved maintenance organisations.

- A Canadian Form One issued as a maintenance release should accompany used components from a Canadian EASA-approved maintenance organisation.

The special conditions stated in the MAG do not "regulate" the purchase of components or the management of inventories, but the conditions for acceptance of components during maintenance when a dual release is to be issued.

Proper identification/segregation of components eligible for installation in view of producing a dual release must however be ensured. The repair station will decide upon the type of release to be issued depending on the customer request and in case of complete aircraft, depending on aircraft registration. When fitting any new and used components during maintenance in view of issuing a dual release, the repair station must ensure that the special conditions set forth in the MAG are complied with.
In this context, it is not relevant whether the sending of a new part to a US based repair station for installation on an EU-registered aircraft should be considered export or not: For components to be installed on an aircraft or higher component assembly for which a release under both regulatory systems (FAR and EASA Part-145) is to be issued, the

special conditions have to be strictly applied, regardless of the physical location of the component, higher assembly or aircraft to be released.

However, it should be added that whenever it cannot be anticipated under which regulatory regime to release a higher assembly, it would clearly be advantageous to have components in the inventory that may be used regardless of the regulatory regime that will apply when installing them on aircraft or in a higher assembly.

Regarding your quote of 145.A.50(d), please note that this provision is superseded by the special conditions set out in the MAG. As the special conditions applicable to the US repair stations approved also in accordance with EASA Part-145 mirror the special conditions applicable to EASA Part-145 repair stations also approved in accordance with CFR Part-145, there is no difference in treatment. An authorised release certificate (dual release EASA Form 1 or FAA Form 8130-3 depending on the case), is always required (see MAG section B for US based repair stations and section C for Europe based maintenance organisations).

Finally, coming to your example of an FAR/EASA Part-145 approved repair station located in the Netherlands, we can refer you to Article 9 of the Maintenance Annex on transfer provisions, which states that approvals of repair stations located in the EU but under direct oversight of the FAA shall take place within two years of the date of entry into force of the Annex, i.e. by 1 May 2013 all EASA Part-145 maintenance organisations located in one of the Member States listed in Appendix 2 to Annex 2 also holding a CFR Part-145 approval will be subject to the conditions laid out in the MAG and will need to follow the release procedures defined therein. As long as the transfer has not taken place such repair station may continue to use its CFR Part-145 approval independently from its EASA Part-145 approval, in which case the special conditions on dual release do not apply.

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

April 20, 2010

Sent by E-mail: karl.specht@easa.europa.eu

Karl Specht
Manager, Maintenance Organizations
European Aviation Safety Agency
Ottoplatz 1, Postfach 10 12 53
Cologne, DE D-50679
GERMANY

RE: Part documentation requirements: EASA Part-145 approval holders in the United States and FAA part 145 certificate holders in Europe

Dear Mr. Specht:

This letter is submitted by the Aeronautical Repair Station Association (ARSA) on behalf of its members[1] and, particularly, those certificated by both the European Aviation Safety Agency (EASA) and the Federal Aviation Administration (FAA) as "part 145" repair facilities.[2]

ARSA is aware of several local inspector interpretations of EASA parts documentation requirements that negatively impact international aircraft maintenance organizations and their customers. In our view, the issues are wholly administrative and do not enhance safety. As a result, we urge EASA to take the following actions:

First, we request that EASA issue a statement clarifying that, for EASA Part-145 approval holders in the United States, MIP-G[3] requires the use of FAA Form 8130-3 as the return to service document for components only, and that MIP-G recommends but does not require an 8130-3 for new and maintained parts stocked in inventory. As part of this clarification, the term "component" should be explained to include only a completed top assembly and not individual detail parts destined for installation into that assembly.[4]

---

[1] ARSA is the premier association for the international aviation maintenance industry; ARSA members also include design and production approval holders and aircraft operators worldwide.

[2] EASA, EC No 2042/2003, Annex II (Part-145); FAA, Title 14, Code of Federal Regulations (14 CFR) part 145.

[3] That document is titled, "European Aviation Safety Agency Guidance material for the US/European Bilateral Aviation Safety Agreement (BASA) and Maintenance Implementation Procedures (MIP) MIP Guidance (MIP-G) (Superseding former JAA TGL 22)."

[4] This explanation will refine what is provided in MIP-G, Appendix 1, paragraph 11, which states that:

> 1. Component means any component part of an aircraft up to and including a complete powerplant and any operational or emergency equipment.

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

Second, we ask that EASA recognize the FAA system for issuing airworthiness tags for new parts.[5] This would allow exports from the United States (US) to be accepted in the European Union (EU) without FAA Form 8130-3 if adequate commercial documentation is received to ensure the part is FAA-approved.

Finally, we request that EASA clarify that a US manufacturer sending a new part to a US repair station for installation on an EU-registered aircraft or top assembly, is not exporting the item. Although the items in theory are transitioning from one regulatory system to another, there should be no export without immediate physical transfer of the item beyond US borders.

Reasons for ARSA's Requests

Our requested actions are necessitated by present difficulties facing dually-certificated FAA/EASA repair stations. Due to the complexity of the topics addressed, we have provided factual scenarios in Table 1 – attached to this letter – to better illustrate these issues. Generally, those situations are centered upon:

1. Tagging requirements for new and maintained parts inventory of an FAA/EASA Part-145 facility in the US that performs aircraft and/or component maintenance.
2. Tagging requirements for a new part that is transferred within the same company in the US; from its production approval holder (PAH) side to its FAA/EASA Part-145 repair station.
3. Tagging requirements for a recovered or robbed part placed in inventory by the same repair station that approved the article for release to service.
4. Tagging requirements for new parts from a US PAH received by a repair station in the Netherlands (or other EU repair station not located in France, Germany or Ireland).

[5] Note that, unlike EASA Part-21, Subpart G, which gives each company holding EASA Production Organisation Approval (POA) the privilege and responsibility for issuing EASA Form 1, FAA regulations require that a production approval holder (PAH) acquires a special delegation if it desires to issue FAA Form 8130-3 (see, for example, 14 CFR part 21, Subpart J).

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

Analysis under MIP-G

Of course, we look first to the maintenance implementation procedures guidance, MIP-G, for direction.[6] In Section 1 of that document, titled "EASA maintenance special conditions for the Approval of maintenance from FAA Certificated FAR Part 145 repair stations in accordance with the BASA/MIP agreement," at paragraph 1.1(d)(ii), it states that a supplement to the repair station manual (RSM) is required which contains:

> Procedures for the release or approval for return to service that meet the requirements of EASA Part-145.A.50 for aircraft and the use of the FAA Form 8130-3 for aircraft components, and any other information required by the owner or operator as appropriate. *(Emphasis added)*

As highlighted, use of an 8130-3 in the cited paragraph is applicable only to *release or approval for return to service* documentation for components;[7] individual detail and piece parts consumed during maintenance are not specifically addressed. Therefore, EASA should clarify that a Form 8130-3 is a *requirement* only as a release or approval for return to service document for completed "top assembly" components.

Our view is further supported by statements in MIP-G that an 8130-3 *shall* be issued *at the completion of maintenance*. However, for new components from US manufacturers and used components from EASA approved US repair stations, the release document *should be* an 8130-3.[8] Again, there is no mandate to issue an 8130-3 for detail or piece parts unless such parts are included within the definition of "components." Even if that is the case, MIP-G clearly differentiates instances where the form is required from occasions where its use is merely recommended.

Therefore, it should be clarified that for repair stations operating within the scope of MIP-G, an 8130-3 is not *required* for new parts received from a US manufacturer and used components from EASA approved US repair stations. (Such action will address situations 1 and 2, referenced above, and discussed in detail in Table 1).

---

[6] MIP-G, March 9, 2007 amendment.

[7] As previously noted, Appendix 1 to MIP-G, paragraph 11, titled "Release of Components After Maintenance," subparagraph 1 states that, "Component means any component part of an aircraft up to and including a complete powerplant and any additional operational or emergency equipment."

[8] See Appendix 1 to MIP-G, paragraph 11, subparagraphs 3 (new components) and 4 (used components).

Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

In addition, although its inclusion in MIP-G is aimed at entire aircraft, the reference to EASA Part-145.A.50 in MIP-G is instructive as it also addresses maintenance of components "whilst off the aircraft." Following the requirements of that provision, the obvious connection between the 8130-3 reference in MIP-G and 145.A.50[9] is to recognize the FAA equivalent to EASA Form 1. The Form 1 requirement, contained in 145.A.50(d), provides that:

> A certificate of release to service shall be issued at the completion of any maintenance on a component whilst off the aircraft. The authorised release certificate or airworthiness approval tag identified as EASA Form 1 in Appendix 1 to this Part constitutes the component certificate of release to service. When an organisation maintains a component for its own use, an EASA Form 1 may not be necessary depending upon the organisation's internal release procedures defined in the exposition. *(Emphasis added)*

The underlined sentence of the cited paragraph plainly contemplates that Form 1 may *not* be required if the same organization that is performing maintenance on a component plans to use that component – provided their repair station manual contains appropriate procedures to ensure component "serviceability." Therefore, an 8130-3 should not be required in instances where a repair station fits maintained components from its inventory to an aircraft in heavy check, or recovers parts from components within its own facility (see situations 1 and 3, referenced above, and discussed in detail in Table 1). Otherwise, MIP-G would compel EASA certificated repair stations in the US to take actions not required of EU repair stations.

Hidden Disadvantages of EASA Part-145 Certification

Repair Stations Located in the EU

Since EASA has not clearly recognized the FAA system for issuing airworthiness tags for new parts, FAA certificated repair stations in the EU are placed at a significant disadvantage to their non-European counterparts. This is because those repair stations cannot purchase new parts from US manufacturers on the same terms as their counterparts in the US.

[9] EASA Part-145.A.50 is contained in Annex II, Section A or Commission Regulation (EC) 2042/2003 of 20 November 2003.

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

The example we provide, of a facility located in the Netherlands (see situation 4, referenced above, and discussed in detail in Table 1), allows some flexibility because that repair station is not *required* to issue a dual release on components it maintains. Although the repair station is FAA/EASA certificated, it is not within the scope of an existing maintenance agreement with the US.[10] As a result, it must comply with FAA rules contained in 14 CFR part 145 in their entirety, but separately from EASA Part-145. Therefore, if it so chooses, the repair station could receive new parts from a US manufacturer without 8130-3 tags, and install those parts during maintenance on items subject to FAA jurisdiction and issue a "standard" release (i.e., not a dual FAA/EASA release) under its FAA privileges.

Although not a practical outcome, the scenario is the result of standard terms in existing Implementation Procedures for Airworthiness (IPAs) between the United States and Europe. The parts received by the repair station in the Netherlands are not imports that were exported from the U.S.[11] The customary language in those agreements states that:

> "Export" means the process by which a product, part or appliance is released from the State-of-Manufacture's civil aviation authority's regulatory system for subsequent use by another country.
>
> "Exporting Civil Airworthiness Authority" means the national organization within the exporting State, charged by the laws of the exporting State, to regulate the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The exporting civil airworthiness authority will be referred to herein as the exporting authority.
>
> "Import" means the process by which an exported product, part, or appliance is accepted by a country's civil aviation authority for its own use and subsequently placed under that authority's regulatory system.
>
> "Importing Civil Airworthiness Authority" means the national organization within the importing State, charged by the laws of the importing State with regulating the airworthiness and environmental certification, approval, or acceptance of civil

[10] Until an agreement is reached between the US and the European Commission, the US has a BASA/MIP in place with France, Germany and Ireland.

[11] We reviewed the most recent IPAs with EU Member States, including: France; Germany; Italy; Netherlands; Romania; Sweden; and the United Kingdom.

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

> aeronautical products, parts, and appliances. The importing civil airworthiness authority will be referred to herein as the importing authority.

Accordingly, since new parts sent from an FAA PAH in the United States to an FAA certificated repair station in Europe remain within the FAA regulatory system, they do not fit the IPA definition of export. Likewise, because the US parts are accepted for use under the repair station's FAA privileges, they are not imports and additional tagging requirements do not apply.

However impractical it may appear, the events described above illustrate the tension that exists between the FAA and EASA systems. Those differences should be harmonized in the most expeditious manner possible – EASA should abandon its requirement for 8130-3 tags on new parts shipped from a US manufacturer to the EU. Instead, EASA should recognize that the FAA does not require such tags to be issued for domestic purposes. In addition, a recent change to 14 CFR part 145 will require FAA PAHs to clearly indicate that any parts that leave the control of their quality systems were produced under part 21. However, this statement can appear on a commercial document.[12]

The scenario we described in the Netherlands is not an option for repair stations in France, Germany and Ireland who do not separately follow FAA rules. Their US certification is based largely upon FAA acceptance of their EASA Part-145 approval, and they must issue a dual EASA/FAA release. As a result, due to EASA's part tagging requirements, those repair stations could not install the parts received from the US without 8130-3s attached. Of course, when an agreement is reached between the US and the European Commission (EC) and the resulting MIP goes into effect, a dual release will be required from any EU-based repair station.

<u>Repair Station that Issues a Dual FAA/EASA Release: Located Anywhere</u>

In fact, the current situation disadvantages any repair station, regardless of location (i.e., US or EU), that issues FAA/EASA dual releases.

If a repair station issues a dual release – whether the customer is EU-based or not – they are subject to EASA maintenance requirements. A US repair station would therefore be required to have an 8130-3 for a new detail part to be installed in a higher assembly during maintenance if the detail is

[12] 14 CFR section 21.146(e) is currently effective; the compliance date is April 14, 2011.

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

considered an export according to current IPAs[13] and EASA's special importing requirements. The anomalous result is that EASA seems to be demanding a form that the FAA does not require domestically.

To rectify this issue, EASA should conclude that any new part received by a US repair station from a US PAH which is used in maintenance that will be released to service under EASA rules, is not an export. That position can be supported by the fact that immediate physical transfer of the part to the EU does not take place.

Conclusion

By clarifying the foregoing issues EASA will remove constraints that currently impact the competitiveness of EASA Part-145 facilities without adding safety benefits.

As this subject is of utmost importance to the global aviation industry, we would appreciate EASA's immediate attention to this matter.

Respectfully,

Craig L. Fabian
VP Regulatory Affairs & Assistant General Counsel

cc: Julian Hall julian.hall@easa.europa.eu
Gregory Lievre gregory.lievre@easa.europa.eu

[13] As referenced earlier, standard IPA language provides that exported parts are those parts released from the State-of-Manufacture's civil aviation authority's regulatory system for subsequent use by another country. The US repair station is receiving parts from the US PAH for use in maintenance that will be returned to service under EASA rules.

TABLE 1

	Situation 1	Situation 2	Situation 3	Situation 4
Topic	New and maintained parts supplied to FAA/EASA certificated facility (in the US).	New part transferred within the same company (in the US); from PAH to145.	Recovered or "robbed" part from within the same maintenance facility (in the US)	New part from US PAH, received by EU repair station (repair station not located in France, Germany or Ireland)
Issue	Must a US-based repair station have Form 8130-3s for all new and maintained parts that it stocks in inventory?	Must a repair station receive a Form 8130-3 from the PAH side of its company when the PAH transfers a new detail part to the repair station?	Must a repair station issue a Form 8130-3 for a used detail part recovered from a serviceable assembly located within that repair station's facility, assuming the repair station has determined that the recovered part is eligible for installation in the top assembly?	Must a repair station based in the EU receive a Form 8130-3 from a U.S.-based PAH with a new part that will be installed in a higher assembly?
Action	The new and maintained parts will be used in maintaining an aircraft approved for return to service according to EASA 145.A.50 (under MIP-G, Section 1(d)(ii)); parts will also be installed in components that will be issued a dual FAA/EASA release on Form 8130-3 (according to MIP-G, Section 1(d)(ii)).	The new detail part will be installed in the applicable higher assembly and the repair station will issue a dual release on Form 8130-3.	The recovered part will be installed in the applicable higher assembly and the repair station will issue a dual release on Form 8130-3.	The new parts will be installed in components that will be issued a dual release, using EASA Form1.
Detailed Fact Scenario	• Company 1 is an FAA/EASA Part-145 repair station located in the US. • The company performs both aircraft and component maintenance. • When performing a C-check on an EU registered aircraft, the company is informed that it must have 8130-3 tags for all detail parts that it uses during the C-check. • Separately, when performing maintenance on a component that will be issued a dual FAA/EASA release, the company is informed that it must have 8130-3 tags for each detail part installed in the component.	• Company 2 is located in the US and is an FAA parts manufacturer approval (PMA) holder. • The company also repairs the components it produces under FAA and EASA Part 145. • The company does not issue an 8130-3 when, as the PMA holder, it transfers a detail part to its FAA/EASA repair station for use during maintenance. Instead, it issues a certificate of conformity listing the part name and number and identifying it as PMA.[14] • The company is informed that EASA requires the manufacturing side of the company to issue an 8130-3 for the new detail part before it can be transferred to its repair station and installed in a component (higher assembly).	• Company 3 is an FAA/EASA Part 145 repair station located in the US. • The company is a component facility that performs maintenance on line replaceable electrical units, mainly communications equipment. • On occasion, the company finds it necessary to remove an electronic piece part from a serviceable unit for use in the maintenance of another unit that requires immediate repair. • In such an instance, the company follows its parts recovery procedures which call for attaching a company tag on the piece part indicating it was serviceable when removed. • The company is informed that EASA requires issuance of an 8130-3 to document the status of the piece part before it can be installed it in the higher assembly.	• Company 4, certificated by both the FAA and EASA, is located in the Netherlands. • The bulk of the company's work is repairing generators for US customers. • When ordering new parts from the original equipment manufacturer in the US, company 4 requests that each new part be issued an 8130-3 tag before shipment. • The US manufacturer informs the company that it will ship each new part with the manufacturer's certificate of conformance, but not an 8130-3. • The US manufacturer will charge the company an additional $500 per item for issuance of 8130-3 tags. • Local inspectors inform the company that it cannot accept parts from the US without an 8130-3.

[14] The FAA does not require company X to issue an 8130-3; see 14 CFR §§ 21.303 and 45.15. Indeed, in recent (2010) changes to 14 CFR part 21, the FAA specifically declined to require that an 8130-3 be issued.