



## European Aviation Safety Agency

Claude Probst • Rulemaking Director

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Cologne, 28<sup>th</sup> November 2006  
EASA PCO/ime D(2006) 53440

Mr. Marshall S. Filler  
Managing Director & General Counsel  
Aeronautical Repair Station Association  
(ARSA)  
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Subject: grandfathering of component repair approvals

Dear Mr. Filler,

Thank you for your letter dated 16<sup>th</sup> October 2006 regarding the grandfathering of approved component repair data.

Your understanding of the grandfathering provisions of Regulation (EC) 1702/2003 regarding component repair is correct. A repair to a component is only grandfathered if it was installed in an aircraft before 28-09-03. Repairs approved by member states at component level are not grandfathered unless they are incorporated in the approval of the component, such as a JTSO (or similar) for equipment. That was the reason to refer to article 2.13 in my previous letter.

The above may seem illogical but as I explained in my previous answer the intent of the European Legislator was to set a moratorium that would allow most aircraft registered in the member states to continue operating without the need to undergo lengthy and costly catch-up certification processes to verify compliance with the essential requirements of their type certificates, including all changes and repairs embodied in those aircraft. It was not the intent to grandfather automatically all and everything that was approved before.

Consequently, in the hypothetical case you have described, the repair is grandfathered under 1702/2003 if the repair was actually installed and the aircraft on which it was installed was on a Member State register on 28 September 2003. It is not if it was not installed or if the aircraft was no more on an EU Member State register.

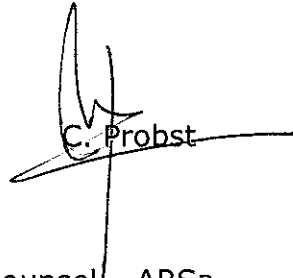
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Since the ED decision 2004/04/CF is not applicable to major repairs made by others than the type certificate holder, it does not apply to the hypothetical case either. The repair must therefore be approved by the Agency using "process 1".

I trust this answers your question, but remain at your disposal for further clarifications.

Yours sincerely,



C. Probst

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