



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

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800 Independence Ave., SW  
Washington, DC 20591

Ms. Sarah MacLeod  
Executive Director  
Aeronautical Repair Station Association  
121 North Henry Street  
Alexandria, VA 22314-2903

Dear Ms. MacLeod:

Thank you for your inquiry and suggestion regarding how the Federal Aviation Administration (FAA) may be able to adjust Operations Specifications (OpSpecs) D107, Line Maintenance Authorization, to accommodate foreign operators and foreign registered aircraft.

The Canadian Bilateral Aviation Safety Agreement/Maintenance Implementation Procedure (BASA/MIP) and the BASA/MIP between the FAA, France, Germany, and Ireland are two completely different agreements that do not contain similar processes and requirements. It should be noted the Canadian agreement does not contain any specific requirements for line maintenance authorization. When a Canadian Approved Maintenance Organization (AMO) performs maintenance on a U.S. registered aircraft or aeronautical product to be installed thereon in Canada, the AMO is required to comply with Canadian Civil Aviation Regulations (CAR) 571, 573, and 14 CFR part 43. When a 14 CFR part 145 repair station located in the U.S. is performing maintenance on a Canadian registered aircraft or aeronautical product to be installed, they are required to do that work in accordance with 14 CFR part 43 and the Canadian CARs. The Canadian agreement is based on a long standing aviation agreement between the U.S. and the Canadian Government.

The European agreement is substantially different. For example, the FAA will continue to issue 14 CFR part 145 certificates and OpSpecs within the European Community (EC). The Aviation Authority (AA) of a country listed in the maintenance annex of the European Bilateral agreement must provide the FAA with a signed statement that the AMO meets European Aviation Safety Agency (EASA) part 145 and the FAA special conditions specified in the agreement. EASA in turn will also continue to issue EASA AMO approvals in the U.S. when the FAA issues a signed statement that the repair station is in compliance with 14 CFR part 43, 145, and the EASA special conditions.

The fact that both the FAA and EASA are continuing to issue its own certificates allows the FAA and EASA the ability to conduct separate investigation and enforcement actions. The Canadian agreement accepts the FAA system without requiring a separate listing of Canadian operators, locations, etc. The Canadian regulations put that requirement on the operators not the AMOs.

We would also like to point out that a comparison between the Transport Canada Civil Aviation (TCAA) agreements with the European Aviation Safety Agency (EASA) to the FAA agreements with EASA is inappropriate because both TCCA and EASA have the authority to conclude mutual recognition agreements while the FAA does not.

#### The Issue Part 1

The specific issue that concerns our members is the fact that unlike Europe and Canada, the FAA does not issue a “line maintenance” rating and the authority set forth in paragraph D107 is limited to the listed air carriers.

#### FAA Response:

If the intent is bilateral partners, we believe this issue is addressed in the form of an Advisory Circular to be issued in line with the new bilateral agreement with Europe, which states in part:

#### 18. LINE STATIONS

Repair stations with line maintenance authorization: EASA uses the term line stations, while the FAA uses the term line maintenance authorization in relation to CFR part 145. This is to advise the reader that these terms are synonymous when applied under the terms of the Agreement.

Air Carrier: Where the repair station is also a CFR part 121 air carrier and holds a CFR part 145 certificate the procedure should ensure that at least one of its main maintenance facilities is rated for the aircraft type(s) and the scope of work is relevant to the line station(s).

Repair Station: The procedure should include that a CFR part 145 repair station can only be accepted if the operations specifications Part D107 authorizes the certificate holder to perform line maintenance and lists the specific locations for U.S. operators. EU Operators should not be listed on the FAA OpSpecs.

For each of the above, the EASA supplement procedure must clearly demonstrate that the quality system covers the air carrier certificate (if applicable), the CFR part 145 certificate and the line stations and all stated activities. It should be shown how control by the parent facility is ensured, that the line station(s) operate under the same EASA supplement as the parent facility and the ratings do not exceed those of the parent facility. All line stations exercising the privileges of the EASA part 145 approval should be listed in the EASA supplement together with associated operator, aircraft type and location. A copy of the relevant page of the supplement should also be supplied to EASA as part of the package for continuation/change or initial approval (underline added for emphasis).

Line stations are not accepted outside the territory of the U.S. for this section.

### The Issue Part 2

Therefore, if a U.S. repair station works on a Canadian or EU registered aircraft at a location not listed in the FAA-issued repair station certificate (which includes the Operations Specifications), it is technically working outside its ratings and authority.

### FAA Response

When a domestic repair station receives an EASA part 145 approval, the following statement is included in OpSpecs A001.: "The repair station specified on these OpSpecs is performing maintenance and/or alteration of aircraft and/or aeronautical products to be installed on aircraft under the terms and conditions of BASA and associated MIP between the FAA and the European Aviation Safety Agency." As stated above, the Canadian agreement is substantially different.

Once this statement is incorporated in the repair station's OpSpecs its rating and authority has been accepted by EASA. Please remember, the FAA has no enforcement authority over EASA requirements. CFR part 43 does not apply to foreign registered aircraft; therefore, our obligation under the agreement is to perform surveillance on behalf of EASA and report our findings to them. It is EASA's responsibility to take the appropriate action. The statement will change slightly under the new agreement once implementation is agreed to, *i.e.*, it is no longer a MIP but a Maintenance Annex (MA) and the agreement is not with EASA it is with the European Community.

We offer the following additional information to address D107 in general.

The process of listing the name of the U.S. air carrier, make and model of aircraft, and location on OpSpecs D107 is a result of an Office of the Inspector General (OIG) finding and Congressional inquires. The information required by D107 demonstrates to the OIG and Congress that the FAA is knowledgeable of where the repair station is utilizing its certificate and the FAA has the ability to perform proper oversight of that location. This same information is not required in Canada because the FAA does not issue repair station certificates in Canada in accordance with the agreement.

In the bilateral agreement with Europe, the FAA needed to have the same information on D107 for repair stations located within the European community under the agreement so we can identify where the certificate is being utilized. This allows the FAA to track and document surveillance carried out by the individual aviation authority. Counter to that requirement, EASA needs to be able to show a level playing field in the application of EASA part 145 in the domestic U.S. Therefore, EASA decided to recognize D107 and include the European operator's name, aircraft type, and location in the EASA supplement. This avoids the problem of identifying foreign registered aircraft and/or foreign operators on OpSpecs. This method seemed to satisfy the FAA and EASA concerns. The location where the work is being performed must be readily available to FAA inspectors in order for the FAA to meet the terms and conditions of the agreement.

The issue of authorizing a repair station to utilize their D107 OpSpecs at a location not listed on the OpSpecs would hinder FAA oversight. The access to the listing in the manual or

capabilities list would be limited to the certificate holder's FAA principle inspectors. By putting the required information on D107 it becomes available to other FAA offices that may be requested to perform surveillance on behalf of a repair station Certificate Holding District Office. The FAA must be able to consider that the office with certificate responsibility may not be the office conducting the surveillance. Line maintenance authorization for repair stations may include many different locations, operators, and aircraft. Therefore, the FAA must be able to identify and conduct surveillance of each location.

In closing, thank you for your suggestion. The FAA is obligated to know where and when the certificates that the FAA has issued are being utilized in order for the FAA to conduct proper oversight.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol E. Giles', written in a cursive style.

Carol E. Giles  
Manager, Aircraft Maintenance Division