



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

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,

A handwritten signature in black ink, appearing to read 'J. Kneepkens', with a large, sweeping flourish extending to the right.

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

Attachment to letter 2011(D) 53249

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) for new components

- 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 release should be on the FAA Form 8130-3 as a new part.

- 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.