



April 3, 2012

John Allen  
Director, Flight Standards Service (AFS-1)  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591-0001

RE: Maintenance Annex Guidance Between the FAA and EASA

Dear Mr. Allen:

The Aerospace Industries Association (AIA),<sup>1</sup> Aeronautical Repair Station Association (ARSA)<sup>2</sup> and the General Aviation Manufacturers Association (GAMA)<sup>3</sup> jointly appeal for immediate assistance from the Federal Aviation Administration (FAA) in resolving a significant issue in the current Maintenance Annex Guidance (MAG).<sup>4</sup>

The present fault has an extreme negative impact on U.S. aviation businesses, and should be corrected at the earliest opportunity.<sup>5</sup>

The problem centers upon part documentation, or "tagging", requirements for new parts used by U.S. based repair stations exercising European Aviation Safety Agency (EASA) privileges. Specifically, the issue results from a provision in the MAG<sup>6</sup> stating that:

- k) Only the following new and used components may be fitted during maintenance.
  - (1) New Components.
    - i) New components should be traceable to the OEM as specified in the Type Certificate (TC) holder's Parts Catalogue and be in a satisfactory

<sup>1</sup> With over 300 members, AIA represents the nation's leading manufacturers and suppliers of civil, military, and business aircraft, helicopters, unmanned aircraft systems, space systems, aircraft engines, missiles, materiel and related components, equipment, services and information technology.

<sup>2</sup> ARSA is the principal trade association for the international aviation maintenance industry; a significant portion of its 426 members are domestic U.S. repair stations certificated by the FAA under Title 14, Code of Federal Regulations (14 CFR) part 145 and hold EASA Part-145 approval under the terms of the bilateral agreement.

<sup>3</sup> GAMA is an international trade association representing over 70 of the world's leading manufacturers of general aviation airplanes and rotorcraft, engines, avionics, components and related services. GAMA's members also operate repair stations, fixed based operations, pilot and maintenance training facilities and they manage fleets of aircraft.

<sup>4</sup> Titled, "Maintenance Annex Guidance between the Federal Aviation Administration for the United States of America and the European Aviation Safety Agency for the European Union", Change 1, dated November, 22, 2011 (signed by the FAA on January 10, 2012). The MAG contains the detailed guidance that must be developed by the Joint Maintenance Coordination Board (JMCB) under Annex 2 of the "Agreement Between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety" (see Annex 2, paragraph 3.2.1.(a)).

<sup>5</sup> Particularly, the matter should be addressed by the JMCB at its April 11, 2012 meeting, and a MAG revision issued as soon as possible.

<sup>6</sup> MAG section B, appendix 1, paragraph 10, titled "Release and Acceptance of Components."

RE: Maintenance Annex Guidance Between the FAA and EASA

condition for installation. 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 AA under whose regulatory control the OEM or PC holder works.

- ii) For U.S. OEMs and PC holders, release should be on the FAA Form 8130-3 as a new part. (*Emphasis added*)

Although the stated intent of that section in the MAG<sup>7</sup> is to implement EASA “special conditions”<sup>8</sup> for U.S. repair stations, there is no basis for the highlighted requirement.<sup>9</sup> In addition, the cited MAG provision conflicts with FAA regulations in the following ways:

- Only the FAA (or its designee) can issue a Form 8130-3 for a new component
- The “release” from a production approval holder (PAH)<sup>10</sup> is a certificate of conformance or similar document as may be required by 14 CFR § 21.146(e) and similar regulations applicable to other production approval holders.
- Form 8130-3 is not required for domestic shipments of new or maintained parts.

Indeed, when recently amending its rules for part marking and production and airworthiness approvals, the FAA squarely rejected the concept of requiring a PAH to issue Form 8130-3.<sup>11</sup> Without a change to the MAG provision, U.S. businesses and FAA resources are unnecessarily burdened by this significant administrative requirement with no safety benefit.

For the foregoing reasons, AIA, ARSA and GAMA suggest that MAG section B, appendix 1, paragraph 10(k)(1)(ii) be changed to read:

---

<sup>7</sup> Section B applies to U.S. based repair stations; it notes that EASA Part-145 approval is based upon compliance with special conditions detailed in the MAG in addition to 14 CFR parts 145 and 43 (see MAG section B, appendix 1, paragraph 3(c)).

<sup>8</sup> As defined in the “Agreement Between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety”:

‘Special Conditions’ means those requirements in either Title 14 of the United States Code of Federal Regulations, parts 43 and 145 (hereinafter referred to as 14 CFR part 43 or 145 as applicable) or in Commission Regulation (EC) No 2042/2003 Annex II (hereinafter referred to as EASA Part-145) that have been found, based on a comparison of the regulatory maintenance systems, not to be common to both systems and which are significant enough that they must be addressed.

<sup>9</sup> The tagging requirement is not listed in the EASA special conditions applicable to U.S. based repair stations set forth in Annex 2, appendix 1 of the “Agreement Between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety.” Additionally, the EASA regulations which provide the basis for the special conditions allow for equivalents to a specified form (see EASA 145.A.42(a)(1)).

<sup>10</sup> We suggest that all references in the MAG to “OEM” be changed to “PAH” or production approval holder.

<sup>11</sup> See the preamble to the final rule, titled “Production and Airworthiness Approvals, Part Marking, and Miscellaneous Amendments” at 74 FR 53369.

Mr. John Allen  
April 3, 2012  
Page 3

RE: Maintenance Annex Guidance Between the FAA and EASA

For U.S. Production Approval Holders (PAHs), release should be on a PAH certificate of conformance, or other document, stating the production approval under which the component was manufactured.

The suggested change is consistent with existing FAA rules, and will improve the international competitiveness of the U.S. aerospace industry in light of the flexibility available to European manufacturers.<sup>12</sup> In that regard, the revision will help the U.S. realize the President's National Export Initiative (NEI) goal of doubling U.S. exports.<sup>13</sup>

Your prompt attention to this matter is greatly appreciated.

Sincerely,



Todd Sigler  
Assistant Vice President, Civil Aviation  
Aerospace Industries Association



Craig L. Fabian  
Vice President, Regulatory Affairs and Assistant General Counsel  
Aeronautical Repair Station Association



Walter Desrosier  
Vice President, Engineering & Maintenance  
General Aviation Manufacturers Association

cc: Nicole Lamb-Hale, Assistant Secretary of Commerce for Manufacturing and Services  
Dorenda Baker, Director, FAA Aircraft Certification Service  
James Seipel, Acting Manager, Production Certification Branch  
Steven W. Douglas, Manager, Aircraft Maintenance Division

---

<sup>12</sup> See EASA 145.A.42(a)(1), and footnote 8, *supra*.

<sup>13</sup> We note that the aviation and aerospace industry is a significant source of employment and a key driver for the U.S. economy; the competitiveness of such U.S. businesses is therefore essential and directly relates to the aim of the NEI.