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

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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]

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[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.

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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).

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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).

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[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).

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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.

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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.

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> 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.

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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,

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VP Regulatory Affairs & Assistant General Counsel

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[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.