



121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

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VIA E-Mail

Julian Hall
Manager
Maintenance Organizations
European Aviation Safety Agency
Postfach 10 12 53
D-50452
Cologne, Germany
julian.hall@easa.europa.eu

Dave Cann
Manager
Aircraft Maintenance Division—AFS 300
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591-0004
dave.cann@faa.gov

RE: EASA or FAA-only component maintenance release

Dear Messrs. Hall and Cann:

The Aeronautical Repair Station Association (ARSA) requests that the European Aviation Safety Agency (EASA) and the Federal Aviation Administration (FAA) resolve an issue facing companies that hold both FAA and EASA part-145 certificates.

The question is whether such entities may issue an EASA or FAA-only maintenance release for components when the component's design has been approved by only one agency. While these situations may not arise often procedures for resolution should be clear.

Bilateral aviation agreements are generally based on the principle of reciprocity. Once mutual confidence in the parties' technical capabilities and oversight systems is confirmed, the agreements reduce redundant regulatory oversight, conserve government resources and minimize the economic and administrative burdens on industry.

In the spirit of international cooperation, EASA issued the Maintenance Implementation Procedures Guidance (MIP-G) document in advance of the formal implementation of the U.S.-EU bilateral agreement. MIP-G describes how a U.S. repair station can obtain EASA part-145 approval by complying with special conditions that address differences between Title 14 CFR part 145 and EASA part 145.

Similarly, the FAA has adopted special conditions that allow EU-based approved maintenance organizations to obtain FAA part 145 certificates based on their compliance with EASA part-145 and the FAA's special conditions. The fundamental principle underlying the bilateral agreement is that the two agencies' regulations are substantially similar, thus allowing certification to be based largely on compliance with the regulations issued by the domestic agency.

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Background

This matter was brought to the Association's attention by a U.S.-based repair station that also holds an EASA part 145 approval. The company also holds various FAA design and production approvals. It wishes to perform maintenance on a component in the U.S. (under its EASA part 145 certificate) following its removal from an aircraft operated by an EU (Italian) air carrier.

In 2006, our member explored the feasibility of obtaining an FAA Supplemental Type Certificate (STC) and having it validated by EASA; the FAA declined to be the certificating authority even though EASA was willing to act as the validating authority. As a result, our U.S.-based member engaged the services of an EU-based design organization approval holder to pursue an EASA STC. That process is almost completed (i.e., the prototype installation is scheduled to be completed in the near future).

Some components included in the EU-approved design are also included in various FAA STCs; therefore, a normal dual release can be executed following maintenance, preventive maintenance or alteration. Unfortunately, other articles are unique to the EU-approved design.

Because this component's design is not included in any FAA design approval (STC), the repair station cannot issue the traditional dual release on FAA Form 8130-3. Therefore, our member wishes to issue an EASA-only maintenance release or, in the alternative, a dual release while specifying in Block 13 that the data has only been approved by EASA and that the article is only eligible for installation on aircraft covered by the EASA STC.

Capabilities List

Under MIP-G the approval of maintenance, preventive maintenance or alteration by an EASA part 145 approved repair station is:

[L]imited to the scope of work permitted under the current Certificate issued by the FAA to the repair station in accordance with FAR Part 145 for work carried out within the USA, and the limitations specified on the EASA Part 145 approval certificate. (see MIP-G, app. 1, sec. 5)

Therefore, if a U.S. repair station has the appropriate rating and is able to add an article to its FAA capabilities list, it is permitted to perform and approve maintenance for return to service for EASA purposes.

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Our member holds a limited accessories rating issued by the FAA to maintain various In-Flight Entertainment System (IFES) components. (It also possesses a limited aircraft rating to install those articles based on its FAA STCs which is not at issue here.) Eligible articles are listed on the repair station's capabilities list by part number. To add an article to that list, the repair station performs a self-evaluation to determine if it has the housing, facilities, equipment, material, trained personnel and maintenance instructions to perform the requisite work (see 14 CFR § 145.215(c)).

As the FAA STC and PMA holder for various IFES designs and related components in the U.S., it is fully capable of performing the maintenance, preventive maintenance or alteration on the articles. As the supplier to the EU-based STC holder, our member's engineering organization is also preparing the Component Maintenance Manual that will be used to perform the work. Accordingly, we believe our member's repair station should be able to add this article to its capabilities list by following the normal self-evaluation process.

Maintenance Release

ARSA recognizes that without an FAA design approval the repair station cannot certify on Form 8130-3 that the work was performed in accordance with 14 CFR part 43. Therefore, it cannot issue the traditional dual EASA/FAA maintenance release since this requires a certification that the work was accomplished in an airworthy manner; i.e., that the work being approved conforms to its FAA-approved design and is in condition for safe operation. ARSA believes, however, that there are two viable options to deal with this issue.

1. EASA or FAA Only Release

Form 8130-3 allows a repair station to check the box in Block 19 entitled "Other regulation specified in Block 13" without checking the FAA "14 CFR 43.9 Return to Service" box. The repair station could then include the EASA release statement from MIP-G, appendix 1, section 11 in Block 13. This would be consistent with the fact that the component would only be eligible for installation on the designated EU-registered A320 aircraft. The same rationale would allow an EU-based Approved Maintenance Organization (AMO) to issue an FAA-only maintenance release if the design was only approved in the U.S.

An EASA-only release is specifically authorized in MIP-G, appendix 1, section 13 for complete aircraft where the maintenance performed is based only on EASA-approved data. This is the exact situation we are faced with at the component level.

2. Qualified Dual Release

A qualified dual release is also a viable option as it allows the usual dual release but would include a statement in Block 13 indicating that the article is only eligible for installation on EU-registered aircraft. ARSA believes this is permissible under the Block 19 language that states “unless otherwise specified in Block 13, the work...was accomplished in accordance with Title 14, [CFR] part 43....” (Emphasis added). This would allow the repair station to state that it complied with the part 43 requirements except that the article’s design is approved for EASA use only, and is therefore not eligible for installation on a U.S.-registered aircraft.

FAA Validation of EASA STC

ARSA recognizes that another possible solution in this case is requesting the FAA to validate the EASA STC. However, we believe this is an unnecessary use of scarce agency and company resources, particularly when the matter can be resolved under the maintenance rules and there is precedent for what we are seeking at the aircraft level. Further, industry members should not be saddled with the economic burden of validating an STC for a design that will only be used in the EU or the U.S.

Full EASA Part 145 Certification

Another option informally offered by EASA to resolve this issue is having the U.S. repair station obtain an EASA part-145 certificate. However, MIP-G allows a U.S. repair station to maintain articles under EASA control if it is in compliance with 14 CFR part 145 and the EASA special conditions. Further, this proposition is contrary to the goal of bilateral agreements to reduce redundant regulatory oversight and the economic burden on the aviation industry while maintaining a high level of safety. The repair station already possesses an EASA part-145 certificate based on MIP-G. There would be no added safety benefit in requiring it to go through a redundant regulatory process just for the components that are included in the EU design.

Conclusion

ARSA requests that EASA and the FAA officially recognize that an EASA or FAA-only component maintenance release is permissible under the existing laws, regulations and agreements. A single release is the best method to promote the goals of the bilateral agreement. Requiring validation of a design that will not be used in one jurisdiction or a full EASA part-145 certification would waste precious EASA and FAA resources, impose a significant economic burden on the industry and does nothing to advance aviation safety.

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ARSA looks forward to working with EASA and the FAA towards the implementation of the proposed resolution.

Sincerely,



Marshall S. Filler
Managing Director and General Counsel
Aeronautical Repair Station Association

cc: David Rawlin
david.rawlin@easa.europa.eu
Dr. Norbert Lohl
norbert.lohl@easa.europa.eu
José Luis Penedo del Rio
Jose-luis.penedo-del-rio@easa.europa.eu
Mary Cheston
mary.cheston@faa.gov
John Hickey
john.hickey@faa.gov

Claude Probst
claudio.probst@easa.europa.eu
Frank Manuhutu
frank.manuhutu@easa.europa.eu
Jim Ballough
jim.ballough@faa.gov
Bill Henry
william.henry@faa.gov
Michael B. Jennison
michael.b.jennison@faa.gov