



## European Aviation Safety Agency

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Claude Probst • Rulemaking Director

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Dear Mr. Filler,

I thank you for your letter dated 18 July in which you raise the question of the grand-fathering of approved repair data.

The provisions of Article 2, paragraph 3(b) of Commission regulation 1702/2003 had for objective to avoid catching up each and every change or repair that made an aircraft different from the grand-fathered type certificate, assuming that operational experience had confirmed the validity of the approval issued in the past by the competent authorities of the Member States. The basis for such an approval was not taken into consideration; the fact that it might have been based on an acceptance of an FAA approval within the framework of a bilateral agreement is not indeed specifically relevant in this context. Last it must be noted that these provisions only address the case of entire aircraft and not that of components thereof.

As a consequence, if a repair has been embodied on an EU-registered aircraft before 28-09-03 in accordance with applicable law, the design of that repair is "deemed to be approved under Regulation 1702/2003" and therefore the same rights apply to that grand-fathered repair design as to repairs approved after 28-09-03 by the Agency. This implies that the design data can be considered "approved data" and can be used for repairs on aircraft after 28-09-03 without the need for re-evaluation by the Agency.

As regards parts and appliances, grand-fathering is dealt with by Article 2, paragraph 13, which does not address the changes or repairs thereof. This provision is intended to address national equivalents to ETSO (which is similar to FAA TSO). Approvals by EU Member States of repair design on parts and appliances are therefore only grand-fathered if they are incorporated in the approval of the part and appliance.

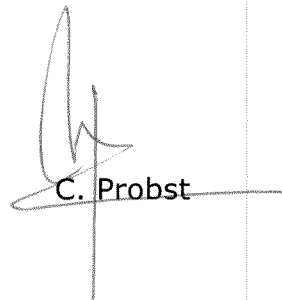
To summarise:

- Repairs on components installed in an aircraft which was registered in the EU on 28-09-03 in accordance with applicable law, are grandfathered and can be repeated on other components to be installed in EU registered aircraft without further evaluation by the Agency.
- Repair design incorporated in the parts and appliance approval of an EU Member State before 28-09-03 is grandfathered and can be repeated on other parts and appliances to be installed in EU registered aircraft without further evaluation by the Agency.

A repair will have to be done using "approved data". Operators and maintenance organisations will therefore have to verify whether the data that is used is approved in accordance with Regulation 1702/2003 and record this in the maintenance records. National Authorities will verify this during their regular oversight activities.

I hope this answers your questions.

Yours sincerely,



C. Probst

Copy: N. Lohl, EASA Certification Director  
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