

FAA & EASA Reciprocal Acceptance of Repair Data and Certain STCs: Effective 1 April 2007

BACKGROUND

- In the new United States/European Community bilateral agreement FAA and the European Aviation Safety Agency (EASA) have negotiated provisions for more streamlined acceptance of repair data and broader acceptance of STC applications.
- While this agreement is being finalized and ratified, FAA and EASA have agreed to amend the scope of acceptance in existing Bilateral Aviation Safety Agreement Implementation Procedures for Airworthiness (BASA IPAs) with six EU Member States: France, Germany, Italy, Netherlands, Sweden and the United Kingdom to enable this acceptance early.
- FAA and EASA have agreed via an exchange of letters to expedite the reciprocal acceptance of
 - 1) *data* used to support the repair of products, parts, and appliances, and
 - 2) *applications* for certain STCs to include all FAA-approved STCs regardless of the State of Design of the product.

This interim measure is a way for the FAA, EASA, and industry to phase in an increasing reliance on each other's data approvals.

WHAT IS COVERED IN THIS STREAMLINED ACCEPTANCE OF REPAIR DATA?

Data for the approval of repairs on products and parts and appliances regardless of their State of Design with the exception of repairs to critical components made by someone other than the design approval holder ***if***:

US to EUROPE:

- 1) EASA has certificated/validated the product or appliance, i.e. the product has an EASA TC/STC or ETSO approval,
- 2) FAA is the authority of the State of Design for the repair design data,
- 3) For *minor* repairs, the determination that data are acceptable has been made under FAA's authorized system (e.g. 14 CFR parts 43, 65, 121, 125, 135, or 145) for a product, part or appliance while it is under FAA's jurisdiction, (e.g. on an N-registered aircraft including 14CFR 129.14), *and*

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4) For *major* repairs, the FAA repair design data approval is substantiated via an FAA letter or properly executed FAA Form 8110-3, 8100-9, or FAA Form 337.

Note: It is important that FAA and its designees execute all FAA forms correctly for EASA acceptance, e.g. an FAA Form 337 must reference the approved data in block 8 and/or approve the data in block 3.

EUROPE to US:

- 1) FAA has certificated/validated the product or appliance, i.e. the product has an FAA TC/STC or TSO approval,
- 2) EASA is acting on behalf of the State of Design for the repair design data,
- 3) EASA repair design data approval is substantiated via an EASA repair design approval letter or a repair design approval issued under a Design Organisation Approval (DOA), *and*
- 4) The repair is not in an area that is subject to an FAA AD, unless the AD allows for acceptance of an EASA repair design approval.

AND

- 5) The repair data is from EASA or from organizations of six National Aviation Authorities: DGAC of France, LBA (Germany), ENAC (Italy), CAA of Netherlands, LFV (Sweden) and the United Kingdom CAA.

HOW IS THIS STREAMLINED, i.e., “AUTOMATIC ACCEPTANCE” FOR NON-CRITICAL COMPONENTS?

Repair data that meet the criteria above are considered to be approved by the FAA or EASA following its approval by the certifying authority's system, i.e. without further showing. For example, there is no need for an application to EASA for major design data approval as occurs today. In addition, no additional compliance findings are needed in the event that there are regulatory differences between the FARs and EASA's airworthiness standards called Certification Specifications.

Data that do not meet the above criteria (e.g. other countries' data, critical component, etc.) must be FAA or EASA approved.

WHAT IS A CRITICAL COMPONENT AND HOW IS THAT REPAIR DATA HANDLED?

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The bilateral agreement defines a **critical component** as a part identified as critical by the design approval holder during the validation process, or otherwise by the exporting authority/State of Design. Typically, such components include parts for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of the manufacturer's maintenance manual or Instructions for Continued Airworthiness.

- Repair data on critical components must be approved directly by EASA (if the repair data is coming from the US to Europe) or by an FAA ACO (if the repair data is coming from Europe to the US.) Specific procedures have been outlined for the approval of critical component repair data and are also in effect as of April 1, 2007.
- In other words, data used to support repairs to critical components made by someone other than the approval holder get more scrutiny when the data or the repaired component is exported than data used to support repairs to non-critical components.

DOES THE RECIPROCAL ACCEPTANCE APPLY TO ENTIRE USED AIRCRAFT?

- Although related, these procedures for the acceptance of **data** must not be confused with the procedures to import an aircraft and issue an FAA Certificate of Airworthiness for a used imported aircraft. Those airworthiness certification procedures for used aircraft are defined in a separate section of the bilateral agreement and are NOT being implemented early.
- However, if the maintenance records for a used aircraft include repair data as described above from any of the six BASA IPA countries, the data may be given credit as FAA accepted/approved data. This should help simplify the acceptance of some used aircraft from Europe and minimize the need for additional FAA designee review and approval.

WHAT ARE THE NEW STC ACCEPTANCE PROVISIONS?

Past bilateral agreements have covered STCs only on U.S. products, or the products of the bilateral partner. The new agreement will provide for FAA and EASA to accept applications for STCs regardless of the State of Design of the product. U.S. companies who hold or have applied for FAA STCs may apply for EASA validation through their certificating ACO.

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SUMMARY -- IMPORTANT THINGS YOU SHOULD KNOW ABOUT REPAIR DESIGN DATA AND STC ACCEPTANCE ON 1 APRIL 07

- The FAA and EASA will phase-in the implementation of streamlined procedures for the reciprocal acceptance of repair design data on products, parts, and appliances and certain STCs.
- Because we are implementing these procedures by modifying our existing IPAs, initially we can only accept repair data from EASA itself or from the National Aviation Authorities of France, Germany, Italy, Netherlands, Sweden, and the United Kingdom.
- EASA will accept all FAA STC applications and we will accept certain STC applications from organizations in the six countries above.
- We expect the largest impact of this change will be on component and part repair data.
- However, implementation of these procedures should also ease the acceptance of used aircraft because FAA or EASA may review and request maintenance records which verify that major repairs were accomplished in accordance with data approved by the counterpart authority in accordance with the new bilateral.
- Once the full bilateral agreement is in effect, this reciprocal acceptance will apply to repair data for all products, parts and appliances between the U.S. and Europe.