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MAG Chg. 5 Listening Session

The Times They Are a Changin'

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REG-14-0021-1-0030-16

Marshall S. Filler

Session Identification Information

Title: MAG Chg. 5 Listening Session

Identifier: REG-14-0021-1-0030-16

Presenter(s): Marshall S. Filler

Level: 1 – Introductory

Prerequisite: None

Length: 60 Minutes

About the Aeronautical Repair Station Association

[ARSA](#) is devoted to the worldwide civil aviation maintenance industry—from its global corporations to the small, independent businesses. [ARSA](#) members are located on five continents and in nearly 20 countries.

The association's experts create the tools for members to navigate the maze of government mandates while enhancing safety, efficiency and productivity.

[ARSA](#) is managed by the law firm of [Obadal, Filler, MacLeod & Klein](#), which provides management, government affairs, and legal services to trade associations and transportation-centric companies.

About Obadal, Filler, MacLeod & Klein, P.L.C.

OFMK is a boutique law firm based in Alexandria, Virginia (across the river from Washington, D.C.).

It provides management, government affairs and legal services to trade associations and transportation-centric companies with particular emphasis on international aviation safety regulations.

It helps clients navigate the maze of government mandates while enhancing safety, efficiency and productivity.

About the Presenter – Marshall S. Filler

[Marshall S. Filler](#) is managing member of [OFMK](#) and the managing director and general counsel of the [Aeronautical Repair Station Association](#). He has advocated for individuals and companies on international aviation safety law, policy and compliance issues for over 40 years.

Mr. Filler obtained his bachelor of arts and law degrees from The American University in Washington, D.C.

Legal Disclaimer

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In addition, the application of this material is always dependent on the particular facts and circumstances involved. The use of this material is therefore at your own risk.

Reference Material

References are available throughout the presentation as hyperlinks and in handouts or additional information provided.

The material is made available electronically in Adobe read-only format to registered participants.

If you did not receive this presentation, contact the presenter or the provider.

Reference Material

- [U.S.- EU Bilateral Safety Aviation Agreement](#)
 - [Maintenance Annex Guidance](#)
 - [Technical Implementation Procedures](#)
- [Part 21 amendments \(published October 1, 2015\)](#)
- [Industry coalition letter dated October 7, 2015](#)
- [ARSA.org/mag-change-5](#)

Required Reading

- None.
- While there is no required reading for the course, reading is required for survival!
- It is extremely important to keep current on legislative, regulatory and policy changes.

Description

A webinar presentation that provides ARSA the opportunity to present up-to-date information and obtain news from the aviation industry on [change 5](#) to the Maintenance Annex Guidance to the United States – European Union Bilateral Aviation Safety Agreement.

Objectives

During the session, participants will work with regulatory staff to:

- Identify the most troubling amendments in MAG [Change 5](#).
- Discuss issues that have arisen and actions taken by the ARSA-led industry coalition.
- Understand what the regulatory authorities have done (and are expected to do) and what other issues need to be resolved.

Important MAG Dates

- Effective date: the date CHG 5 was signed (September 9, 2015)
- Implementation date (i.e., **when you must comply**): Usually 90 days after the effective date per section I, paragraph 2.3.
- The agencies can always agree to another date.
- The agencies have agreed in principle that with respect to section B, appendix 1, paragraph 10 the new implementation date will be April 1, 2016.

What changed as it relates to documentation requirements for new parts?

- Since its inception the MAG (and TGL no. 22 prior to that) has stated that new parts received by domestic repair stations from U.S. PAHs “should” be accompanied by FAA Form 8130-3.
- While EASA has maintained that should means must or shall there is no doubt that some flexibility was intended (contrast this with the mandatory FAA Form 8130-3 for used parts).
- MAG CHG 5 changed the word “should” to “must” for new parts and now everyone on this side of the Atlantic is scrambling!

What new components are covered by section B, appendix 1, paragraph 10 of MAG CHG 5?

- Component is defined in paragraph 10(j): any component part of an aircraft up to and including a complete powerplant and any operational or emergency equipment (emphasis added).
- Which components are covered?
 - Top assemblies, sub-assemblies and smaller repair details released from the PAH's quality system,
 - When received by a U.S. repair station subject to the MAG,
 - And installed in articles approved for return to service by a dual FAA-EASA release.

Other paragraph 10(k) requirements pertaining to new parts

- Form 8130-3 must be issued by the “OEM or Production Certificate (PC) holder.”
- The article must be traceable to the OEM as specified in the TC holder’s parts catalog.
- PMA parts must be handled in accordance with Annex 1 of the U.S.-EU aviation safety agreement (which references the Technical Implementation Procedures (TIP)).
- TIP, paragraph 5.1.10, deals with **EXPORTS** (i.e., Block 12 must state whether the part is critical and, if so, indicate whether there’s a link to the EASA TC or STC holder).

What are the current and future regulatory requirements for issuing Form 8130-3 for new parts?

- Today:
 - Must be issued by the FAA or an appropriately authorized designee.
 - The designee must be employed by or under contract to the PAH or other entity (e.g., a distributor or repair station).
- Majority of parts today are released with a certificate of conformance (C of C) or similar document.
- March 29, 2016: PAH will have a privilege of issuing Form 8130-3 without using a designee (new rule published October 1, 2015).

What components are likely to be excepted from the paragraph 10(k) requirement?

- Those released by a U.S. PAH prior to April 1, 2016, which means those --
 - In the distribution pipeline, or
 - In a repair station's inventory
- Standard parts (explicitly excepted in the MAG)
- Fabricated parts (not addressed in the MAG but ARSA has received an e-mail response from EASA)

What are the other open questions?

- Commercial parts
- When a U.S. PAH sells new parts to a domestic repair station is this an export under the TIP?
 - Will potentially affect how the Form 8130-3 is prepared
 - Related question: can the Authorized Release Certificate issued by the PAH be used as an export airworthiness approval?
- Will the FAA allow early compliance by PAHs desiring to issue Form 8130-3 prior to March 29, 2016 (the current effective date of the new rule)
- Will DARs under contract to a repair station, distributor or other entity be able to continue issuing Form 8130-3s for new parts?
- What about “equivalent” parts deemed eligible for installation by the repair station (but not eligible for Form 8130-3 because they don’t have a production approval.

Used parts

- Documentation requirements for used parts will essentially remain the same (some minor clarifying changes in MAG CHG 5).
- All such parts must be accompanied by:
 - Form 8130-3 issued by a U.S. repair station that holds an EASA Part-145 approval, or
 - EASA Form 1 issued by an EU AMO that holds an FAA part 145 certificate.
- Open question
 - Recovered parts: those continued in service following an inspection (a/k/a serviceable as removed)

Another open question: New to Used??

- If a repair station receives a new component after April 1, 2016 without Form 8130-3 will it be able to inspect that part, approve the work for return to service with a right side signature on Form 8130-3 and install it in a top assembly with a dual release?
- ARSA believes the answer is “yes.” It is certainly allowed under FAA regulations.
- We have requested an opinion from EASA.

Questions?



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