



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591



2015(D)55615  
RGG/TWO/JHA/SFR/Flight Standards  
Cologne 25.11.2015

Mr. Marshall S. Filler  
Managing Director & General Counsel  
Aeronautical Repair Station Association  
121 North Henry Street  
Alexandria, VA 22314-2905

Dear Mr. Filler:

Thank you for your October 7, 2015 email regarding Change 5 to the Maintenance Annex Guidance (MAG CHG 5) required to implement Annex 2 of the U.S.-EU Aviation Safety Agreement. You and the representatives of the associations specified in your correspondence are requesting assistance from the FAA regarding compliance with the September 9, 2015 change to the MAG which clarifies the requirement that new parts received by a certificated repair station be accompanied by a Federal Aviation Administration (FAA) Form 8130-3, *Airworthiness Release Certificate, Airworthiness Approval Tag*, issued by a U.S. Production Approval Holder (PAH) when those parts will be installed in articles for which a dual airworthiness release is to be issued. MAG CHG 5 is scheduled for implementation no later than December 8, 2015.

You request assistance in providing a smooth and orderly transition to the requirement clarified in MAG CHG 5 that would be consistent with the effective date of amendment 21-28 to Title 14, Code of Federal Regulations (14 CFR) Part 21. That amendment is contained in the FAA's final rule, *Changes to Production Certificates and Approvals* (80 FR 59021; October 1, 2015) which establishes an FAA process for PAH issuance of FAA Form 8130-3, the equivalent of the European Aviation Safety Agency (EASA) process for POA issuance of EASA Form 1.

The requests you have specifically listed in your correspondence are:

- 1) A delay in the implementation date of the specifically referenced MAG provision for six months after the effective date of the FAA's final rule published on October 1, 2015;
- 2) That U.S. PAHs be given the opportunity to implement the provisions of the new rule prior to March 29, 2016; and
- 3) That the FAA and EASA issue a definitive statement that new, airworthy parts released by a U.S. PAH prior to the implementation date of MAG CHG 5 are not subject to the FAA Form 8130-3 requirement.

Since the release of MAG CHG 5, there have been numerous concerns raised by U.S. repair stations regarding the changes contained in Section B, Appendix 1, paragraph 10: "Release and Acceptance of Components," and the timelines established by the change. Industry stakeholders have recommended that this change to the MAG be aligned with the changes to part 21 set forth in Amendment 21-98, which will become effective on March 29, 2016. The alignment would allow PAHs in the U.S. to establish a process in their quality systems to issue an authorized release using FAA Form 8130-3 for new parts. Other concerns included what provisions could be made regarding components received prior to that date.

You state that the timelines established by MAG CHG 5 would make it exceedingly difficult for a repair station subject to the agreement to receive an FAA Form 8130-3 issued by the PAH for all new parts. These concerns have been noted and it is the joint position of both the FAA and EASA that a transition period for implementation of the requirement clarified in MAG CHG 5 for the issuance of FAA Form 8130-3 for new parts, should be provided to better align the requirement with the current effective date for the implementation of Amendment 21-28 to Part 21. Aligning the effective dates for the changes will provide those PAHs wishing to supply new parts to repair stations for use in articles subject to EASA regulatory oversight with the ability to revise their quality manuals and readily introduce FAA Form 8130-3 as the airworthiness release certificate. The FAA is also currently considering regulatory action that would permit PAH's to utilize certain provisions of the new rule prior to its current effective date.

The authorities agree that parts released by a PAH prior to April 1, 2016, will not be required to be accompanied by FAA Form 8130-3. Only those parts released from a PAH's quality system, on or after that date, must be accompanied by the form if intended to be installed on articles subject to the U.S.-EU Aviation Safety Agreement. Parts currently in inventory and documented with the required information will remain suitable for installation in articles subject to EASA regulatory oversight, provided the date of the accompanying documentation is prior to April 1, 2016. New parts currently in inventory must, at a minimum, have a document or statement (containing the same technical information as contained in FAA Form 8130-3) issued by the PAH or supplier with direct ship authority and dated prior to April 1, 2016. This documentation need not be replaced by an FAA Form 8130-3, and re-certification is not required.

Annex 1 provisions of the U.S.-EU Aviation Safety Agreement regarding the export of parts remains unchanged, *i.e.* parts that are exported to a customer under the regulatory jurisdiction of the EU will require the export certification as detailed in the Technical Implementation Procedures (TIP) independent of the aforementioned grandfathering provision.

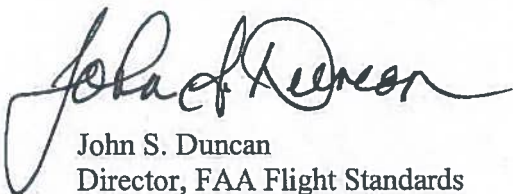
All other provisions of MAG CHG 5 will become effective on December 8, 2015.

We understand your concerns about Aeronautical Repair Station Association (ARSA) members reporting that FAA inspectors are requiring repair stations that hold EASA Approval, obtain "retroactive" FAA Form 8130-3 documents for parts currently in inventory. On November 17, 2015 the FAA issued Notice 8900.336, *Maintenance Annex Guidance, Change 5 Requirements for the FAA Form 8130-3 from Production Approval Holders*. This guidance


is directed to aviation safety inspectors (ASI) responsible for the oversight of U.S.-based repair stations with EASA certificated maintenance providers performing maintenance, preventive maintenance, and/or alterations on articles subject to the U.S.-EU aviation safety agreement. The notice specifically addresses that new parts currently in inventory, must, at a minimum, have a document or statement (containing the same technical information as contained on FAA Form 8130-3) issued by the PAH or a supplier with direct ship authority and dated prior to April 1, 2016. These parts will be grandfathered and remain suitable for installation in articles subject to EASA regulatory oversight.

We appreciate the opportunity to assist you. Should you have any additional questions regarding this please contact Patricia K. Williams, Aircraft Maintenance Division, Repair Station Branch, AFS-340, at (202) 267-1685.

Sincerely,



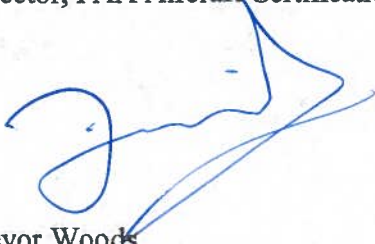
John S. Duncan  
Director, FAA Flight Standards



Dorenda Baker  
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Ricardo Génova Galván  
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Trevor Woods  
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