

April 7, 2022

Mr. Billy Nolan  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591-0001

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements

Dear Acting Administrator Nolan:

We know the agency would rather work with Marshall Filler, the Aeronautical Repair Station Association's (ARSA)<sup>1</sup> Managing Director and General Counsel. However, the undersigned requests verification of the Federal Aviation Administration's (FAA) position regarding the acceptance of each country's system under the U.S.-European Union Bilateral Aviation Safety Agreement, and its Technical Implementation Procedures (TIP) and Maintenance Annex Guidance (MAG).

Specifically, does the FAA still agree, as stated in its Sept. 28, 2016 [letter](#) (Attachment 1), that ARSA's E100 form (Attachment 2) is an acceptable means of compliance with 14 CFR part 43 (a basis for the bilateral) and the MAG's Special Condition on parts documentation?

Bilateral agreements are entered into when both authorities agree their respective aviation safety systems are generally equivalent. They reference technical agreements, i.e., the TIP and MAG, which explain the implementation of the agreement. In this case, the MAG details Special Conditions with which a U.S. FAA-certificated repair station must comply to receive EASA approval.<sup>2</sup> Regarding this matter, the Special Condition states the repair station must have:

Procedures for the approval for release or return to service that meet the requirements of EASA Part-145 for aircraft and *the use of the FAA Form 8130-3, Authorized Release Certificate, for aircraft components*, and any other information required by the owner or operator as appropriate.<sup>3</sup>

The aviation system of the United States requires the maintenance provider make determinations that aviation articles are eligible for installation. The availability of paperwork is one of the items that aids in that determination, but it is not the only basis upon which an article may be installed. Those determinations require inspections to be

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<sup>1</sup> ARSA is the trade association for the global aviation maintenance industry.

<sup>2</sup> Maintenance Annex Guidance Between the Federal Aviation Administration of the United States of America and the European Aviation Safety Agency of the European Union, Change [8](#), March 19, 2021 at 5.1.

<sup>3</sup> *Id.* at 5.1.1.1(b) (emphasis added).

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements

performed to ensure an article meets an approved design and is in a condition for safe operation. When maintenance inspections are performed, a § 43.9 record is made.

The E100 form requires a comprehensive inspection by knowledgeable maintenance personnel; it documents a process to determine if an article is traceable to a PAH and suitable for installation. Completing the form requires a thorough assessment of all aspects of the part, its packaging, records, physical condition, identifying information, conformity with manufacturer data, etc. When completed properly, the E100 form results in the safety outcome required by the U.S. and E.U. regulations—the installation of an airworthy part.

Significantly, ARSA’s development of the E100 form was based on a plain reading of the U.S. regulations, the bilateral agreement, and the TIP and the MAG. These agreements require U.S. based maintenance organizations follow parts 43 and 145 and the Special Conditions. It is only the guidance for developing a “supplement” that is in question. The guidance requires a new part be *traceable* to the PAH and that a release must be documented on an FAA Form 8130-3. *The MAG does not state that the FAA Form 8130-3 must have been issued by the PAH.*<sup>4</sup>

Three days before the new MAG parts’ documentation guidance took effect in 2016, the FAA advised ARSA by letter from the manager of FAA’s Aircraft Maintenance Division (Attachment 1), that the E100 form was an acceptable means of compliance with 14 CFR §§ 43.13(a) and 43.9 and the MAG for inspecting new parts received without documentation from the PAH. Before that letter was issued, the E100 was shared and discussed with EASA; its position at the time was the work was being done under the U.S. regulations, and EASA was not involved in how the FAA interpreted its own rules. Based on the FAA’s assurances and the EASA acknowledgement, ARSA made (and still makes) the E100 form available for free to all ARSA members and provides related training.

Given FAA’s failure to enforce requirements that PAHs provide an FAA Form 8130-3 when exporting a new article to an EASA approved repair station, the E100 form is fully in line with the U.S. aviation safety system and is necessarily in widespread use. The TIP defines export as “the process by which a product or article is released from a civil aviation authority’s regulatory system for subsequent use in another civil aviation authority’s regulatory system.”<sup>5</sup> It further requires each aircraft part exported from the U.S. to Europe (including when transferred to a U.S. repair station with EASA approval) to be accompanied by an authorized release certificate.<sup>6</sup> Title 14 CFR § 21.335(a) requires an

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<sup>4</sup> *Id.* at 10.11.

<sup>5</sup> Technical Implementation Procedures for Airworthiness and Environmental Certification Between the Federal Aviation Administration of the United States of America and European Union Aviation Safety Agency of the European Union, Amendment 2 to Revision 6, April 2, 2019 at 1.13.27.

<sup>6</sup> *Id.* at 7.10.2.

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements

exporter to, “[f]orward to the importing country or jurisdiction all documents specified by that country or jurisdiction.”

Supporting its regulations, the bilateral agreement, and the TIP, FAA’s July 26, 2013 letter (Attachment 3) states that:

It is the FAA’s position that every new part be (sic) exported to the EU system (e.g., to an EASA part 145 repair station) must comply with the above stated requirement specifically that it include an FAA Form 8130-3 per the MAG and TIP. This includes parts exported from an FAA production approval holder, a U.S. distributor, or a U.S. part 145 repair station.

Despite the requirements, new parts received by repair stations are generally unaccompanied by an FAA Form 8130-3.

Unfortunately, in recent months ARSA has been advised by its members that both FAA inspectors and EASA personnel conducting Sampling Inspection System (SIS) visits have objected to the E100 form. In one case, an E100 form-related finding was subsequently withdrawn after the repair station provided the Shaver letter and additional explanation of why the practice was appropriate under 14 CFR. In a more recent case, a repair station removed the E100 form from its EASA supplement at the request of its principal maintenance inspector following an EASA renewal inspection and communication from AFS-340 contradicting Attachment 1.

During a Jan. 20, 2022 Teams meeting with Aircraft Maintenance Division Manager Jackie Black and other FAA representatives, ARSA was told the agency still agrees that a repair station has the authority to inspect and/or test a part and issue an FAA Form 8130-3 for that action under the U.S. regulations. However, we continue to be contacted by members who are being told by local FAA inspectors that the E100 form is unacceptable.

It is clear EASA would prefer that the FAA Form 8130-3 originate from the PAH; however, the U.S. regulations, the Special Conditions and the plain language in the MAG do not require that result. Furthermore, that requirement would eliminate the agency being able to issue the form as it does today through its designees, which are not associated with a PAH.

It seems that some FAA personnel are more committed to enforcing EASA preferences than the FAA regulations and the bilateral agreement’s Special Conditions. We are also concerned that FAA personnel below the level of division manager have apparently ignored FAA policy (i.e., Attachment 1) issued six years ago.

With the foregoing in mind, we request confirmation of ARSA’s position that the E100 form is still an acceptable method of compliance with the U.S. aviation safety regulations, i.e., 14 CFR §§ 43.13(a) and 43.9 and the MAG when inspecting new parts received without an FAA Form 8130-3 from the PAH.

April 7, 2022  
Mr. Billy Nolan  
Page 4

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements

Thank you for your consideration. We look forward to your swift response.

Your Servant,



Sarah MacLeod  
Executive Director  
M: 703.785.6605  
E: sarah.macleod@arsa.org

Attachments: 1 Sept. 28, 2016 letter from FAA Aircraft Maintenance Division Manager  
Tim Shaver  
2 ARSA E100 form and related instructions  
3 July 26, 2013 letter from FAA Aircraft Certification Servicer Director  
Dorenda Baker

cc: Jackie Black, FAA Aircraft Maintenance Division Manager jackie.l.black@faa.gov  
Dan Elgas, FAA Certification Procedures Branch Manager daniel.j.elgas@faa.gov  
Ludovic Aron, EASA Representative to the United States of America ludovic.aron@easa.europa.eu

April 7, 2022  
Mr. Billy Nolan  
Page 5

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 1 – Sept. 28, 2016 letter from FAA Aircraft Maintenance Division  
Manager Tim Shaver



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

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

September 28, 2016

Mr. Marshall S. Filler  
Managing Director & General Counsel  
Aeronautical Repair Station Association  
121 North Henry Street  
Alexandria, VA 22314-2903

Dear Mr. Filler:

This is to inform you that the Aircraft Maintenance Division, AFS-300, has reviewed ARSA Form E100 (New Article Inspection Form) and determined that it is an acceptable method of compliance with Title 14 Code of Federal Regulations (14 CFR) sections 43.13(a) and 43.9 when inspecting new parts received without the documentation required by the FAA-EASA Maintenance Annex Guidance. We have also determined that ARSA Form E100 is consistent with the guidance provided to Aviation Safety Inspectors in Notice 8900.380.

We appreciate the opportunity to assist you. If you have any additional questions regarding this letter, please contact the Aircraft Maintenance Division at (202) 267-1675.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Shaver", written over a light gray rectangular background.

Timothy W. Shaver  
Manager, Aircraft Maintenance Division

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 2 – ARSA E100 form and related instructions

|   |  |   |  |
|---|--|---|--|
| [Enter Company Name]<br>[ENTER NAME OF] MANUAL  | [Enter Address]<br>[Enter City, State Zip] | T: [Enter phone]<br>W: [Enter Web site]           | <b>New Article<br/>Inspection Form</b>   |
| (1) Part # _____  | (2) QTY _____                              | (3) Tracking # _____                              |  |
| (4) Name/Nomenclature _____   |  | (5) Serial # _____                                | (6) Is the article a critical PMA part?      NO      YES<br><small>Circle one.</small> |
| <b>(7) PAH Records</b>  |  | <b>Yes    No</b>                                  | <b>Notes</b>   |
| (a) Is the article accompanied by records such as shipping tickets, packing slips, invoices, certificates of conformance, direct ship authority, or other documents from the PAH?   |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (b) Is the article in its original packaging?   |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (c) If the article is in its original packaging, is there identification information on that packaging indicating the article's origins?  |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (d) Is the packaging essential to the condition of the article?   |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (e) Do the record(s) from Step (7)(a) match the markings, serial number, data plate, and/ or similar identifying information on the packaging or article?   |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (f) If the article is a critical PMA part, do the records (documents, packaging, part marking, etc.) indicate that the article was produced under a license agreement with the type or supplemental type certificate holder under 14 CFR <a href="#">subpart K</a> or that EASA has issued a design approval? |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| <b>(8) Other Records and Verification</b>   |  | <b>Yes    No</b>                                  | <b>Notes</b>   |
| (a) Does the article have any identifying information (e.g., serial number, part number, data plate, inspection mark, build number, raw material indicator, TSOA or PMA marking or symbol) that trace it to a PAH?  |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (b) Compare the article to any pertinent manufacturer data, does the article conform to that data?  |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (c) If the article does not have sufficient identifying information to trace it to the PAH under Steps (8)(a) or (b), conduct a comparison (visual, dimensional, characteristics, etc.) to an article from a known PAH source, does the article conform to the known article?                                 |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| <b>(9) Verification of Current Condition</b>  |  | <b>Yes    No</b>                                  | <b>Notes</b>   |
| (a) If the article can be visually examined without damaging any essential packaging, does it appear to be in new, unused condition?  |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| (b) Does the article have any physical abnormalities or discrepancies or any indications that it may be counterfeit (e.g., altered data plate, differences in finish, size, color, etc.)?   |  | <input type="checkbox"/> <input type="checkbox"/> | _____  |
| Form completed by: _____  |  | Employee or stamp # _____                         | Date _____   |
| <small>Name or Signature</small>  |  |   |  |
| Form Number: E100   |  | Form Revision Number:                             |  |
| Page 1  |  | Form Revision Date:                               |  |



RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 2 – ARSA E100 form and related instructions

## New Article Inspection Form Instructions

### Purpose

To document an inspection of a new article received without documentation that otherwise complies with [FAA Notice 8900.429](#) and the [MAG](#) between the Federal Aviation Administration (FAA) and the European Aviation Safety Agency (EASA).

For new articles that do not have documentation to meet the requirements of the [MAG](#), the form sets forth methods, techniques and practices acceptable to the FAA (as required by 14 CFR § [43.13\(a\)](#)) for performing and documenting an inspection to determine if the article is otherwise traceable to a production approval holder (PAH) and suitable for installation in a repair subject to the [MAG](#).

If the article passes the inspection, a maintenance record can be issued under § [43.9](#) with a dual (both FAA and EASA) release establishing that the article meets the requirements of the [MAG](#).

The purpose of the inspection is to gather sufficient evidence that the article was produced by a PAH acceptable to EASA. The method is to gather information from all available records, from physical inspection or test or other non-destructive technique or practice, from comparison, knowledge and/or experience establishing that the article is what it purports to be—an article produced under an appropriate production approval.

This process is not necessary for standard parts or for articles that have been fabricated by the owner or operator or maintenance providers—these articles do not need an FAA Form 8130-3 under the [MAG](#).

**Completed and Approved by:** Qualified maintenance personnel with the knowledge through training and/or experience to understand the regulatory and technical requirements to complete the form correctly.

**References:** 14 CFR §§ [3.5\(a\)](#), [43.9](#), [43.13](#), [145.219\(a\)](#); [Notice 8900.380](#); [MAG CHG 6](#), Section A, Para. 19 (Definitions), page 31; Section B, Appendix 1, Para. (A)(10)(k), page 100; [TIP CHG 5](#), Para. 2.8.2, page 2-22; EASA supplement to the repair station and quality manual.

### In the Header of the Form

- (1) **Part number (#)** – enter the part number in the space provided.
- (2) **Quantity (QTY)** – enter the number of articles being processed.
  - ✓ Do not process more than one critical part or serialized part on an inspection form.
  - ✓ The types of articles that may be processed in quantities are those received in the same manner or that are non-serialized items inspected to the same criteria and information.
- (3) **Tracking #** -- if there is a tracking number, such as an FAA Form 8130-3 tracking number (Block 3) or work order, contract or invoice number (Block 5), enter that number.
- (4) **Name/Nomenclature** – enter the common description or descriptor for the article.
- (5) **Serial number (#)** – if it is a serialized article, enter the serial number *from the part*.
- (6) **Is the article a critical PMA part** – circle or otherwise mark yes or no. Critical PMA parts must be produced under a license agreement with the type or supplemental type certificate holder under 14 CFR [subpart K](#) or have received an EASA design approval—please see Step (7)(f) for specific information.

### In the Body of the Form

- (7) **PAH Documentation and Records**
  - Production Approval Holders (PAH) include EU Production Organization Approval (POA) holders, FAA Production Approval Holders (PAH), and Transport Canada Civil Aviation (TCCA) Manufacturer Certificate Holders (MCH). FAA PAHs are production certificate (PC) holders, technical standard order authorization (TSOA) holders and parts manufacturer approval (PMA) holders. FAA PMA holders must be licensees of the type or supplemental type certificate holders *if the article is a critical part (or the design must be approved by EASA)*—please see Step (7)(f) for specific information.

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 2 – ARSA E100 form and related instructions

- Review packaging, shipping tickets, sales documents and other records that establish the article is from a PAH. Regulations and guidance that support this action include—
  - Definition of record in 14 CFR section [3.5\(a\)](#) – *Record* means any writing, drawing, map, recording, tape, film, photograph or other documentary material by which information is preserved or conveyed in any format, including, but not limited to, paper, microfilm, identification plates, stamped marks, bar codes or electronic format, and can either be separate from, attached to or inscribed on any product, part, appliance or material.
  - [Advisory Circular 20-62E, Para. 7\(e\)](#) notes that documents or markings such as shipping tickets and invoices that can provide evidence that an article was produced by a manufacturer holding an FAA-approved manufacturing process.
  - [Advisory Circular 20-154, Para. 6\(h\)](#) notes that receiving inspections can clearly illustrate the documentation or identification that are acceptable for identifying parts and materials. Acceptable sources include, but are not limited to, shipping tickets, invoices, other records from the PAH, part markings, data plates, serial numbers, and manufacturing production numbers.
  - [Advisory Circular 20-154, Para. 5\(j\)](#) defines the scope of an inspection to include the review of packaging and other documentation and manufacturer technical data. [Para. 5\(r\)](#) defines traceability and states that possible sources for determining that a part was manufactured under part 21 include shipping tickets, invoices, parts marking, data plates, serial/part numbers, manufacturing production numbers, and any other means acceptable to make a sound determination of airworthiness.
- (a) *Is the article accompanied by records such as shipping tickets, packing slips, invoices, certificates of conformance, direct ship authority or other documents from the PAH?*
  - ✓ If the answer is yes, mark it so, document the records in the Notes column or attach the document(s) and continue.
  - ✓ If the answer is no, mark it so and continue.
- (b) *Is the article in its original packaging?*

Original packaging can be unique to a particular producer; it can also carry trademarks and other evidence of the article's source.

  - ✓ If the answer is yes, mark it so and continue.
  - ✓ If the answer is no, mark it so and continue.
- (c) *If the article is in its original packaging, is there identification information that indicates the article's origins?*

Look for PAH name, trademark, part number, serial number, inspection stamp, shipping, purchasing or invoice numbers, etc.

  - ✓ If the answer is yes, enter the findings in the Notes column and continue to (d).
  - ✓ If the answer is no, mark it so and continue.
  - ✓ If the article is not in its original packaging, place N/A in the Notes column or mark through both check boxes.
- (d) *Is the packaging essential to the condition of the article?*

Examples: ESD articles, articles that require specific packaging to remain eligible for installation.

  - ✓ If the answer is yes, that is, the packaging **is** essential to the continued airworthiness or eligibility for installation **and it is damaged**, the article must have further evaluation or maintenance before it may be deemed satisfactory for installation.
  - ✓ If the answer is yes, that is, the packaging **is essential** to the continued airworthiness or eligibility for installation and **it is intact**, mark it so and continue.
  - ✓ If the answer is no, mark it so and continue.
- (e) *Do the record(s) from Step (7)(a) match the markings, serial number, data plate, or similar identifying information on the packaging or article?*
  - ✓ If the answer is yes, mark it so and continue.
  - ✓ If the answer is no, the article must have further evaluation or maintenance before it may be deemed satisfactory for installation.
  - ✓ If the article does not have any physical identification markings, enter N/A in the Notes column or mark through both boxes.



RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 2 – ARSA E100 form and related instructions

- (f) *If the article is a critical PMA part, do the records (documents, packaging, part marking, etc.) indicate that the article was produced under a license agreement with the type or supplemental type certificate holder under 14 CFR [subpart K](#) or that EASA has issued a design approval?*
- The FAA/EASA Technical Implementation Procedures (TIP) states that: "A 'Critical component' means a part identified as critical by the design approval holder during the product type validation process, or otherwise by the exporting authority. Typically, such components include parts for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section or certification maintenance requirements of the manufacturer's maintenance manual or Instructions for Continued Airworthiness."
  - Evidence of a licensing agreement with a type or supplemental type certificate holder (i.e., those DAHs that have provided manufacturer assist or other support to the critical part PMA holder) may be reflected on the PMA supplement.
  - If the critical PMA part was not clearly produced under a license agreement with a type or supplemental type certificate holder, EASA may have issued a design approval – check EASA's website for a [list of supplemental type certificate holders](#).
  - ✓ If the answer is yes, that is, the records show the PMA article was produced under license with a TC or STC holder or that there is an EASA design approval, mark it so and continue.
  - ✓ If the answer is no, information from the DAH/PAH or its licensee may be obtained to determine its suitability for installation under the [MAG](#).
  - ✓ For non-critical articles, mark N/A in the Notes column or mark through both boxes.

Evaluate the information gathered to determine whether further inspections must be done to establish traceability to the PAH. **For example**, if the answer to steps (7)(a) or (c) and (e) are yes, the answer to (7)(d) is no and the answer to (7)(f) is N/A, continue to Step (9) to verify current condition.

If further evaluation is necessary, continue the inspection.

**NOTE:** STEP (8) CAN BE MARKED THROUGH IN ITS ENTIRETY IF STEP (7) YIELDS SUCCESSFUL RESULTS.

**(8) Other Records and Verification**

- (a) *Does the article have any identifying information (e.g., serial number, part number, data plate, inspection mark, build number, raw material indicator, TSOA or PMA marking or symbol) that would trace it to a PAH?*
- ✓ If the answer is yes, record what was found in the Notes column and continue to step (9) to verify current condition.
  - ✓ If the answer is no, mark it so and continue.
- (b) *Compare the article to any pertinent manufacturer data; does the article conform to that data?*
- Evaluate the article under [Advisory Circular 20-154](#), Paras. 6(d), (h), (i), by gathering and inspecting the article against manufacturer data which includes, but is not limited to:
    - Illustrated parts catalogs (IPC) or Lists (IPL)—Aircraft/aircraft engine/propeller IPC/Ls, Component IPC/Ls
    - Aircraft maintenance manuals
    - Engine, propeller or component maintenance and overhaul manuals
    - Structural repair manuals
    - Service bulletins/service letters, service notes, all operator letters and other manufacturer technical information
    - Engineering drawings
    - Type or supplemental type design data for the aircraft, aircraft engine or propeller
  - ✓ If the answer is yes, record the data used in the Notes column and continue to step (9) to verify current condition.
  - ✓ If the answer is no, the article must have further evaluation or maintenance before it may be deemed satisfactory for installation.
  - ✓ If no manufacturer's data exists, mark that fact in the Notes column and continue.

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 2 – ARSA E100 form and related instructions

- (c) *If the article does not have sufficient identifying information to trace it to the PAH under Steps (8)(a) and/or (b), conduct a comparison (visual, dimensional, characteristics, etc.) to an article from a known PAH source, does the article conform to the known article?*
  - ✓ If the answer to Step (8)(a) or (b) is yes, place N/A in the Notes column or cross through both boxes.
  - ✓ If the answer is yes, record the similarities between the known PAH article and the one being evaluated in the Notes column and continue to Step (9) to verify current condition.
  - ✓ If the answer is no, and there is no other record, data or inspection that can be performed, the article will not be eligible for installation in an article maintained under the MAG.
- (9) Verification of Current Condition—**
  - (a) *If the article can be visually examined without damaging any essential packaging, does it appear to be in new, unused condition?*
    - ✓ If the article cannot be examined without damaging any essential packaging, enter N/A in the Notes column and make the evaluation when the article can be removed from the essential packaging.
    - ✓ If the answer is yes (i.e., it does appear to be in new, unused condition), continue to Step (9)(b).
    - ✓ If the answer is no (i.e., the article does not appear to be in new, unused condition), it must have further evaluation or maintenance before it may be deemed satisfactory for installation.
  - (b) *Does the article have any physical abnormalities or discrepancies or any indications that it may be counterfeit (e.g., altered data plate, differences in finish, size, color, etc.)?*
    - ✓ If the answer is yes, the article must have further evaluation or maintenance before it may be deemed satisfactory for installation.
    - ✓ If the answer is no, mark it so.

Evaluate the information gathered to determine whether the article passed the inspection and can be issued a dual release for use in articles maintained under the [MAG](#).

If so, the article is ready to process under the repair station, quality, training and forms manuals and the requirements of the EASA supplement.

RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 3 – July 26, 2013 letter from FAA Aircraft Certification Servicer Director  
Dorenda Baker



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

800 Independence Avenue, S.W.  
Washington, DC 20591

JUL 26 2013

Mr. Walter Desrosier  
Vice President, Engineering & Maintenance  
General Aviation Manufacturers Association  
1400 K Street, NW, Suite 801  
Washington, DC 20005

Dear Mr. Desrosier:

Thank you for your June 5 letter requesting clarification on the use of Federal Aviation Administration (FAA) Form 8130-3, Authorized Release Certificate (ARC), under the U.S./European Union (EU) Agreement. Specifically, you requested clarification of the Maintenance Annex Guidance (MAG) implementation procedures between the FAA and the European Aviation Safety Agency (EASA) concerning the use of this form. As you are aware, the MAG procedures support Annex 2 of the Aviation Safety Agreement between the United States and European Union.

The U.S./EU Agreement recognizes compatible aviation regulatory systems to minimize duplication of effort. However, it does not relieve the FAA or EASA of their respective statutory/regulatory responsibilities. The requirement for an ARC for exporting parts to the EU system is included in the U.S./EU Agreement, Annex 1, paragraph 3.5. The Technical Implementation Procedures (TIP) for Annex 1 specify that FAA Form 8130-3 be used for this purpose. Similarly, the MAG procedures state that FAA Form 8130-3 should be used to export parts to the EU system. These requirements stem from EU aviation regulations which require a part or appliance be accompanied by an ARC to be eligible for installation on a certificated product.

It is the FAA's position that every new part be exported to the EU system (e.g., to an EASA part 145 repair station) must comply with the above stated requirement; specifically that it include an FAA Form 8130-3 per the MAG and TIP. This includes parts exported from an FAA production approval holder, a U.S. distributor, or a U.S. part 145 repair station. While this requirement has been in place prior to the U.S./EU Agreement, we understand that its application since the Agreement was signed may introduce increased burden to the U.S. industry. It may be helpful to point out that Designated Manufacturing Inspection Representatives, Designated Airworthiness Representatives, and Organizational Designation Authorizations with appropriate authorizations may issue ARCs for exporting parts to the EU. Our understanding is that a significant portion of Original Equipment Manufacturers currently obtain the required export documentation and, therefore, the impact is limited. Regardless, we are working internally and with EASA to identify other potential mitigations of any burden.

We will continue to work with EASA to review the subject requirement as stated in the MAG and TIP and consider temporary, time-limited deviation options with an aim to be in full compliance with the Agreement. However, being that the subject requirement is in the U.S./EU Agreement, any proposed deviations will require European Commission level decision. At this time, considering ongoing bilateral activities with the EU, any such

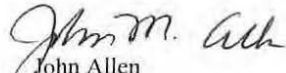
RE: Request for Verification  
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements  
Attachment 3 – July 26, 2013 letter from FAA Aircraft Certification Service Director  
Dorenda Baker

decision may take a minimum of 18-24 months for completion. To support this effort we request that you check with your members and provide us with a proposed timeline for full compliance with the subject requirement. The FAA is also actively working with EASA to consider equivalence of our two certification systems and applicable future changes to our implementation procedures.

Regarding your request to consider changes to the U.S. regulatory system to provide for issuance of FAA Form 8130-3 as a privilege of a production approval holder, the procedures in Title 14 Code of Federal Regulations (14 CFR) § 21.331 provide for issuance of an export approval by the FAA. Accordingly, changing this provision to allow a production approval holder to issue that approval would require rulemaking. As you know, a prior notice of proposed rulemaking was unsuccessful in amending this regulation in this way. The FAA is considering this during current rulemaking.

We look forward to our ongoing collaboration on this issue and will continue to update you during our regularly scheduled meetings. If you have any further questions please contact Chris Carter, Manager, International Policy Office, AIR-040, at 202-385-8940 or at [Chris.Carter@faa.gov](mailto:Chris.Carter@faa.gov).

  
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