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June 10, 2022

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

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

Dear Acting Administrator Nolen,

On June 1, 2022, the Aeronautical Repair Station Association (ARSA) received the Federal Aviation Administration's (FAA) undated response (Attachment One) to our inquiries (Attachments Two and Three) regarding ARSA's E100 form as an acceptable means of compliance with 14 CFR part 43 (a basis for the bilateral agreement with the European Union) and the U.S.-EU Maintenance Annex Guidance (MAG) Special Condition on parts documentation.

For the reasons stated herein, if the agency will not reconsider its position on the acceptability of ARSA's E100 form, we request the FAA revert to its previous position (Attachment 5) that an export occurs when a part is shipped to a U.S. repair station with European Union Aviation Safety Agency (EASA) approval and not when the part is approved for return to service. We request a written answer as soon as practicable and a meeting with you, the acting associate administrator for aviation safety and the executive directors of the Flight Standards and Aircraft Certification Services.

ARSA was advised via a Sept. 28, 2016 letter from Tim Shaver (Attachment Four), then manager of the Flight Standards Service's Aircraft Maintenance Division, that the division had reviewed the E100 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.

The agency's most recent response from Robert Carty (Attachment One) on behalf of Flight Standards Service Executive Director David Boulter withdrew the Shaver letter's acceptability determination, citing as reasons that EASA has not accepted the E100 as proof of traceability for new parts and that the approval provided by Mr. Shaver was intended to be transitional, not permanent.

The agency's failure to stand up for its own rules is disappointing. The E100 results in a safety outcome fully consistent with FAA's regulatory system, which EASA deemed equivalent to its own when entering into the underlying bilateral aviation safety agreement. It is up to the FAA to interpret its own rules; acceding to a foreign regulator's demand for paperwork with no additional safety benefit does a major disservice to the hundreds of U.S. facilities with EASA approval (which are regulated directly by the FAA, not EASA).

We also note that EASA's position on parts documentation apparently contradicts the way the European agency handles prototype parts exported from the United States. We have been

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advised by European-based ARSA members (who also hold EASA part 21-subpart J design organization approvals) that EASA does not require that a second FAA Form 8130-3 be issued by a U.S. parts supplier after the underlying supplemental type certificate (STC) has been approved by EASA. This is because the U.S. regulatory system allows for the installation of prototype parts after the design data (including the data for the prototype part) has been approved without issuing a second Form 8130-3. Therefore, EASA has adjusted its requirements to suit European companies when they contract with U.S. parts suppliers. We submit that it is equally impractical to prevent U.S. repair stations from using the E100 process. Seeing no safety issue, we do not understand why the FAA is acceding to a foreign authority's demand to impose a non-tariff barrier to trade against U.S. companies.

We do not agree with the statement in Mr. Boulter's recent letter that FAA's acceptance of the E100 procedure was intended "to provide temporary relief for parts already on distributor shelves, and to expire when a revision to the U.S./EU MAG was completed." The FAA is conflating two separate issues. There is an exception in the MAG that grandfathered certain new parts received without the requisite documentation from the PAH. It clearly stated that it applied to parts received in inventory prior to a date certain. On the other hand, Mr. Shaver's letter addresses a repair station's privilege to inspect such parts under part 43. Since the rule has not changed, it belies the assertion that the FAA's acceptance of the E100 was temporary.

If the acceptance was not based upon a repair station's privileges under the U.S. regulations, that fact should have been stated. Indeed, the agency has had more than half a decade to clarify its basis and intent; it only reversed itself under pressure from EASA. As the FAA's most recent letter pointed out, "[t]he MAG is now on revision 8." Had the agency stated an expiration date in the Shaver letter or withdrawn it after the adoption of the new MAG changes, U.S. industry would not have relied on it for the last six years and invested time and money implementing related procedures.

Even more concerning is that the letter contradicts previous agency statements about when an export occurs. The agency's undated letter stated that:

Except for standard parts, there are no further exemptions from the requirement to having an authorized release certificate when a part is moving from one authority's jurisdiction to another's. This transfer occurs each time a part/component is released using Form 8130-3 with a dual release statement. (Emphasis added.)

This statement is in direct conflict with the June 26, 2013 letter from Dorenda Baker, then director of FAA's Aircraft Certification Service, and John Allen, then director of the Flight Standards Service (Attachment 5), who wrote 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. (Emphasis added.)

The recent Carty letter also contradicts statements made at ARSA's Annual Conference on March 10, 2022 by Certification Branch Manager Dan Elgas, who said that:

We have a regulation that says if you're exporting a part, it must be exported with a [8130-3]. If a production approval holder is exporting a part, and that means changing

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jurisdictions, so if it ends up at an EASA repair station, they've exported that part and they should be issuing a [8130-3] with it ... We certainly would enforce it if we find a violation of the regulation.¹

The industry is now faced with two contradictory FAA positions. The agency has said, via the Baker/Allen letter (Attachment 5) and Mr. Elgas's statements at the ARSA Conference, that the export occurs when a U.S. PAH sends a part to an EASA approved U.S. repair station; in direct conflict is the recent correspondence stating an export occurs when the approval for return to service (i.e., dual release) is issued.

If the agency cannot enforce EASA's new parts documentation requirements against the PAH when that part is shipped to a U.S. repair station for installation in maintenance subject to the MAG, it should not have agreed to EASA's paperwork demands. The E100 process addressed the gap between the regulatory systems as it falls squarely within a repair station's privilege to inspect any part it intends to install in a maintenance work scope.

The agency has thus simultaneously eliminated the two most practical avenues for a U.S. repair station to obtain an FAA Form 8130-3. On the one hand, the agency will no longer allow repair stations to exercise privileges granted by the agency under parts 43 and 145; on the other hand, U.S. PAHs are not obligated to provide the EASA-required documentation when sending parts to those repair stations. This puts U.S. repair stations in an untenable position. The only other alternative is to contract with an FAA Designated Airworthiness Representative (DAR) to issue the FAA Form 8130-3. However, we question whether there are enough designees to support the myriad forms needed. Further, we question whether a DAR-issued FAA Form 8130-3 would even be acceptable to EASA given that the process the DAR would use to issue the form is the same as the E100's instructions and the form would not, as EASA is demanding, originate from the PAH.

In sum, the agency has refused to stand behind its determination that the E100 form is an acceptable means of compliance with its own rules; and, the FAA has changed its determination about when an export occurs. If the agency will not accept the E100, we request it withdraw its statement that an export occurs when the release for return to service is issued and confirm, in accordance with its 2013 letter (Attachment 5), that export takes place when the part is shipped by the PAH to an EASA-approved repair station, wherever it is located. ARSA has no objection to including a requirement that the purchase order explicitly state that the article will be installed in maintenance subject to the MAG. Doing so will make it more likely that the PAHs will provide the necessary documentation when requested.

We also repeat the request made to Mr. Elgas in our letter of April 4, 2022 (Attachment 6) to confirm the agency could enforce 14 CFR section 21.335(a) against any person who transfers a new article and/or product to a domestic repair station with EASA approval under the above circumstances.

¹ A recording of the discussions concerning this issue during the "Opening Salvo" global regulators panel at ARSA's Annual Conference on March 11, 2022 is at <https://vimeo.com/694475767/dd6b04711d>.

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Thank you for your consideration. We look forward to your swift response and resolution of these matters.

Your Servant,



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

Attachments: 1 Letter to ARSA from David Boulter signed by Robert Carty (no date)
2 April 7, 2022 letter to Administrator Nolen from ARSA ("Request for Verification")—with attachments removed
3 May 3, 2022 letter to Acting Administrator Nolen from ARSA ("Second Request for Verification")
4 September 28, 2016 letter from Timothy Shaver to ARSA
5 July 26, 2013 letter from Dorenda Baker and John Allen to General Aviation Manufacturers Association
6 April 4, 2022 letter to Dan Elgas from ARSA ("Export and Enforcement under the E.U.-U.S. Bilateral Agreement")

cc: David H. Boulter, Acting Associate Administrator for Aviation Safety david.boulter@faa.gov
Jodi Baker, Deputy Associate Administrator for Aviation Safety jodi.l.baker@faa.gov
Larry Fields, Executive Director, Flight Standards Service lawrence.fields@faa.gov
Robert Carty, Deputy Executive Director, Flight Standards Service robert.carty@faa.gov
Lirio Liu, Executive Director, Aircraft Certification Service lirio.liu@faa.gov

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Attachment 1 – Letter to ARSA from David Boulter signed by Robert Carty (no date)



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

Aviation Safety

800 Independence Avenue, SW.
Washington, DC 20591

RECEIVED
JUN - 1 2022

Ms. Sarah MacLeod
Executive Director
Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22314

Mr. Bret Levanto
Vice President of Operations
Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22314

Dear Ms. MacLeod and Mr. Levanto:

Thank you for your May 3, 2022, follow-up letter to our April 22, 2022 letter requesting clarification as to whether ARSA Form E100 (Form E100) can be used as an acceptable means of compliance with Federal Aviation Administration (FAA) regulations, and the U.S. /EU Maintenance Annex Guidance (MAG), when inspecting new parts received without FAA Form 8130-3 (Form 8130-3) by an FAA Production Approval Holder (PAH).

The FAA has released several notices, memos, and letters addressing the scenario where parts were initially shipped domestically from a PAH without Form 8130-3. The FAA's Flight Standards Service, Aircraft Maintenance Division (AFS-300) issued a letter dated September 28, 2016, signed by then-division manager Tim Shaver, allowing the use of Form E100. We understand the letter did not include an expiration date. Mr. Shaver was consulted while researching this response and he stated his intent was for the letter to provide temporary relief for parts already on distributor shelves, and to expire when a revision to the U.S. /EU MAG was completed. The required information was updated in MAG revision 6. The MAG is now on revision 8.

The current language in MAG Paragraph 10.11.1.1 of Section B states: *For new components from a PAH, a release must be documented on Form 8130-3 as a new part.* MAG Paragraph 10.11.1.2 of Section B states: *For new components released by an EU POA, a release must be documented on an EASA Form 1, as a new part.*

Except for standard parts, there are no further exceptions from the requirement to having an authorized release certificate when a part is moving from one authority's jurisdiction to another's. This transfer occurs each time a part/component is released using Form 8130-3 with a dual release statement.

New articles exported to the European Union Aviation Safety Agency (EASA) system through a U.S. part 145 repair station with an EASA approval (dual certificated) must include Form 8130-3 to meet regulatory responsibility as described in the U.S. /EU Agreement, Annex 1, and paragraph 3.5. The Technical Implementation Procedures (TIP) for Annex 1 specifies that Form 8130-3 be used for this purpose.

Repair stations should request that a PAH or U.S. distributor issue Form 8130-3 for export

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purposes via purchase order requirements (or similar) if that part is intended for installation on an EU-registered aircraft.

In conclusion, the requirement for traceability to a PAH for new parts being documented on Form 8130-3 is a TIP and MAG requirement. EASA has not accepted Form E100 as proof of traceability to a PAH for new parts, as required by the MAG and TIP for dual release. At this time, the FAA and EASA will not accept Form E100 as a means to meet the requirements for the release of new parts.

We appreciate the opportunity to assist you. If you have any additional questions regarding this letter or subject, please contact the Aircraft Maintenance Division, AFS-300, at (202) 267-1675.

If you or your staff needs further assistance, please contact the Office of Government and Industry Affairs, at (202) 267-3277.

Sincerely,

ROBERT C
CARTY

Digitally signed by
ROBERT C CARTY
Date: 2022.05.24
21:56:23 -04'00'

David H. Boulter
Executive Director, Flight Standards Service

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Attachment 2 – April 7, 2022 letter to Acting Administrator Nolen from ARSA (“Request for Verification”) with attachments removed



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April 7, 2022

Mr. Billy Nolen
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 Nolen:

We know the agency would rather work with Marshall Filler, the Aeronautical Repair Station Association's (ARSA)¹ 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.² 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.³

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

¹ ARSA is the trade association for the global aviation maintenance industry.

² 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.

³ *Id.* at 5.1.1.1(b) (emphasis added).

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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.*⁴

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.”⁵ 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.⁶ Title 14 CFR § 21.335(a) requires an

⁴ *Id.* at 10.11.

⁵ [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.

⁶ *Id.* at 7.10.2.

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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.

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Attachment 2 – April 7, 2022 letter to Acting Administrator Nolen from ARSA (“Request for Verification”)

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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

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RE: Request for Reconsideration
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Attachment 3 – May 3, 2022 letter to Acting Administrator Nolen from ARSA (“Second Request for Verification”)



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May 3, 2022

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

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

Dear Acting Administrator Nolen:

The Aeronautical Repair Station Association (ARSA) is in receipt of the Federal Aviation Administration's (FAA) interim response (Attachment 1) to ARSA's April 7, 2022 [letter](#). Among other things, ARSA's letter requested verification that the agency's Sept. 28, 2016 [letter](#) remains in effect until such time as the FAA confirms, modifies or withdraws it. The FAA's Sept. 28, 2016 letter stated that the ARSA E100 form is an acceptable means of compliance with 14 CFR part 43 (a basis for the bilateral agreement with the European Union) and the U.S.-E.U. Maintenance Annex Guidance (MAG) Special Condition on parts documentation.

The FAA's failure to confirm the continued validity of its Sept. 28, 2016 letter while it reviews the underlying issues has led to confusion and the proliferation of contradictory interpretations by local FAA inspectors and other agency personnel. This has resulted in disruptions and inconsistent enforcement as U.S. repair stations have been required to cease use of the E100 form. More concerning, the lack of clear direction from FAA headquarters has led agency personnel to seek interpretation directly from the European Aviation Safety Agency (EASA). (Attachment 2)

With the foregoing in mind, we repeat our request for confirmation that the FAA's letter of Sept. 28, 2016 remains in effect. Aviation Safety Inspectors should be directed not to countermand that FAA policy or take direction on this issue from EASA until such time as the FAA completes its review and confirms, modifies, or withdraws it.

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

Your Servant,

A handwritten signature in blue ink, appearing to read "Sarah MacLeod", is written over a faint, circular, light blue watermark or background graphic.

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

Attachments: 1 April 25, 2022 FAA response to April 7, 2022 ARSA letter
2 Email exchange between FAA ASI Benjamin Harris and Steinthor Steinthorsson (EASA)

cc: David H. Boulter, FAA Flight Standards Service Executive Director david.boulter@faa.gov
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

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RE: Request for Reconsideration
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Attachment 3 – May 3, 2022 letter to Acting Administrator Nolen from ARSA (“Second Request for Verification”)

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Attachment 1 – April 25, 2022 FAA response to April 7, 2022 ARSA Letter



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

Aviation Safety

800 Independence Ave. SW
Washington, DC 20591

April 25, 2022

Ms. Sarah MacLeod
Executive Director
Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22314

Mr. Bret Levanto
Vice President of Operations
Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22314

Dear Ms. MacLeod and Mr. Levanto:

Thank you both for your April 7, 2022, inquiries regarding verification of the U.S.-European Union (EU) Bilateral Agreement and Parts Documentation Requirements. Specifically, you ask if the Federal Aviation Administration (FAA) still agrees, as stated in its September 28, 2016, letter to Mr. Marshall Filler that the Aeronautical Repair Station Association's E100 form is an acceptable means of compliance with Title 14 Code of Federal Regulation's Parts 43.13(a) and 43.9, and the U.S.-EU Maintenance Annex Guidance.

The FAA understands your concerns and will respond to you after further research and coordination. Research and coordination will be conducted by the Flight Standards Service Aircraft Maintenance Division, the FAA's Aircraft Certification Service and the European Union Aviation Safety's representation for requirements of the U.S.-EU Technical Implementation Procedures and U.S.-EU Maintenance Annex Guidance.

The FAA will provide a more detailed response as soon as possible.

Sincerely,

ROBERT C CARTY Digitally signed by
ROBERT C CARTY
Date: 2022.04.25
11:09:16 -0400

David H. Boulter
Executive Director, Flight Standards Service

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Attachment 2 – Email exchange between FAA ASI Benjamin Harris and Steinthor Steinthorsson (EASA)

From: STEINTHORSSON Steinthor <steinthor.steinthorsson@easa.europa.eu>
Sent: Wednesday, April 6, 2022 4:16 AM
To: Harris, Benjamin C (FAA) <Benjamin.C.Harris@faa.gov>
Cc: Traugott Ludwig, Susan (FAA) <Susan.Traugott.Ludwig@faa.gov>; PRIOR John <John.PRIOR@easa.europa.eu>
Subject: RE: 01.06.2022 10040276/306185/EASA. 145.6416 Renewal2OXR

Good Morning Benjamin,

With reference to your finding which is correct by the way and captures clearly the issue. I agree the company response is not in-line what is allowable under Special condition if the intent is to issue a dual release as pointed out by you in your finding.

I forwarded the continuation package to Mrs. Susan Traugott in CC as you will need support from her to solve the issue. If you need support from our side do not hesitate to contact us at this address.

Best Regards,
Steinthor

Steinthor Steinthorsson

Senior Expert - Maintenance Organisation
European Union Aviation Safety Agency

Tel.: +49 221 89990-6067



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An agency of the European Union

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From: Harris, Benjamin C (FAA) <Benjamin.C.Harris@faa.gov>
Sent: Tuesday, 5 April 2022 15:49
To: foreign145 <foreign145@easa.europa.eu>
Subject: RE: 01.06.2022 10040276/306185/EASA. 145.6416 Renewal2OXR

Thank you,

In addition your input on EASA's stance regarding a repair station inspecting new parts that don't have an 8130-3 release indicating the part is new from the production approval holder (PAH) and the repair station inspecting the part and issuing an 8130-3 as inspected. As you can see by the corrective action letter by the certificate holder there seems to be a misunderstanding if a repair station can do this to meet EASA new parts certification requirements. Cancelled FAA Notice 8900.520 addresses this procedure and ARSA Published Form E100 as a guide to inspection new parts that did not come with an 8130-3 from the PAH.

Benjamin Harris
Aviation Safety Inspector
Long Beach Flight Standards District Office
5001 Airport Plaza Drive, Suite 100
Long Beach, CA 90815
Tel: (562) 377-5415

We value your feedback, please let us know at: <http://www.faa.gov/go/afsfeedback>

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Mr. Billy Nolen
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RE: Request for Reconsideration
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements
Attachment 4 – September 28, 2016 letter from Timothy Shaver to ARSA



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 Reconsideration
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements
Attachment 5 – July 26, 2013 letter from Dorenda Baker and John Allen to General Aviation
Manufacturers Association



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

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RE: Request for Reconsideration
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements
Attachment 5 – July 26, 2013 letter from Dorenda Baker and John Allen to General Aviation
Manufacturers Association

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.


Dorenda D. Baker
Director, Aircraft Certification Service


John Allen
Director, Flight Standards Service

Cc:
Ralf Erckmann (EASA) – ralf.erckmann@easa.europa.eu
Karl Specht (EASA) – karl.specht@easa.europa.eu

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RE: Request for Reconsideration
U.S. – E.U. Bilateral Agreement and Parts Documentation Requirements
Attachment 6 – April 4, 2022 letter to Dan Elgas from ARSA ("Export and Enforcement under the E.U.-U.S. Bilateral Agreement")



121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543
E: arsa@arsa.org
www.arsa.org

April 4, 2022

Original Delivered by Email to: dan.elgas@faa.gov

Mr. Daniel J. Elgas
Manager, Certification Procedures Branch
Federal Aviation Administration
Aircraft Certification Service
Policy and Innovation Division
Washington, D.C. 20591

RE: Export and Enforcement under the E.U.-U.S. Bilateral Agreement

Dear Dan:

Regarding your statements during the recent ARSA Conference, please confirm that the agency could enforce 14 CFR section 21.335(a) against any person who transfers a new article and/or product (as defined in 14 CFR section 21.1(b)(2) and (b)(7)) to a domestic repair station with a European Union Aviation Safety Agency (EASA) Part 145 approval if the purchase order for that article and/or product contains the following or similarly worded language:

The purchaser is a European Union Aviation Safety Agency (EASA) approved maintenance organization Part 145. ENTER CERTIFICATE NUMBER. The new articles and/or products covered by this purchase order are exports under the bilateral aviation safety agreement between the United States and European Union and its Technical Implementation Procedures (TIP) for Airworthiness and Environmental Certification (definition of export at paragraph 1.13.27). As such, the new articles and/or products covered by this purchase order are required to be accompanied by FAA Form 8130-3 under paragraphs 7.7 through 7.10 of the TIP and 14 CFR section 21.335(a).

If 14 CFR section 21.335(a) does not require that a properly executed FAA Form 8130-3 accompany new articles and/or products manufactured under the production approval holder's (PAH) FAA-approved quality system for subsequent use in the EASA regulatory system, please provide the pertinent legal citations under which the FAA could enforce the requirement against the PAH.

Sincerely,

A handwritten signature in black ink that reads "Marshall S. Filler". The signature is written in a cursive, flowing style.

Marshall S. Filler
Managing Director & General Counsel
M: 571.334.7298
E: marshall.filler@arsa.org