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October 25, 2024

Original Delivered by Email: daniel.j.elgas@faa.gov

Mr. Dan Elgas
Director
Policy and Standards Division (AIR-600)
Aircraft Certification Service
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591-0001

RE: Shipping Parts Manufacturer Approval Parts Internationally

Dear Mr. Elgas:

The Aeronautical Repair Station Association (ARSA) requests resolution of an issue impacting shipments of non-critical Parts Manufacturer Approval (PMA) parts to the European Union (EU) and other jurisdictions when the parts' design approval is based on identity with a Federal Aviation Administration (FAA) Supplemental Type Certificate (STC). This matter must be resolved forthwith given the potential impact on the large volume of FAA PMA parts shipped globally and the difficulties encountered by foreign maintainers of U.S.-registered aircraft to obtain parts.

(1) The Issue

Significant confusion has arisen about when the FAA-European Union Aviation Safety Agency (EASA) [Technical Implementation Procedures](#) (TIP) (Revision 7) requires STC validation by EASA, the interpretation of the term "export", and the responsibilities of parts shippers.

Per paragraph 1.3, foundational to the TIP is the principle that:

The FAA and EASA, when acting as the Authority for the importing State, shall give the same validity to the certification made by the other, as the Authority for the exporting State, as if they were made in accordance with its own applicable laws, regulations, and requirements. When a recommendation for a finding is made by one Authority in accordance with the laws and regulations of the other Authority and the TIP, that recommendation is given the same validity as if it were made by the other Authority. Therefore, the fundamental principle of the TIP is to maximize the use of the exporting Authority's aircraft certification system to ensure that the airworthiness and environmental protection requirements of the validating Authority are satisfied. (Emphasis added.)

Unfortunately, through its internal inconsistencies, lack of clarity, and interpretations, the TIP fails to give effect to those words. Paragraph 1.6.3.2 references certifying authority "approvals that are accepted by the VA without issuance of its own approval (refer to "Acceptance" at paragraph 3.2)." (Emphasis added.) Paragraph 3.2 states that "specific CA approvals (further described in paragraph 3.3) ... will be accepted by the VA without issuance of its own

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approval, and therefore no application for validation is required for...PMA Parts under the conditions of paragraph 3.3.4.” (Emphasis added.)

The confusion begins with paragraph 3.3.4, which can be read both to state the circumstances under which an FAA PMA part may be installed on a product under EASA’s regulatory jurisdiction, or to impose the validation requirement at the product level as a limitation on shipments of all PMA parts to the EU. Paragraph 3.3.4 says:

EASA shall directly accept all FAA PMA approvals, without further showing, for modification and/or replacement parts for installation on products certified or validated by EASA in the following cases:

3.3.4.1 The PMA part is not a “critical component” (see definition, paragraph 1.13) and the PMA design was approved via:

- (a) Identity without a licensing agreement per 14 CFR section 21.303;
or
- (b) Test reports and computations per 14 CFR section 21.303.

3.3.4.2 The PMA part conforms to design data obtained under a licensing agreement from the [Type Certificate (TC)] or STC holder according to 14 CFR section 21.303 and the TC or STC has been validated by EASA.

3.3.4.3 The PMA part is a “critical component” and the PMA design was approved via:

- (a) An FAA-issued STC and EASA has validated the STC; or
- (b) Identity without a licensing agreement per 14 CFR section 21.303 and EASA has issued an equivalent STC; or
- (c) Test reports and computations per 14 CFR section 21.303 and EASA has issued an equivalent STC.¹ (Emphasis added.)

Paragraph 3.3.4 limits EASA’s acceptance of PMA parts for installation on products and articles under EASA’s regulatory jurisdiction to those described in subparagraphs 3.3.4.1, 3.3.4.2, and 3.3.4.3. However, it does not address situations involving shipments of PMA parts to Europe for installation on products and articles not under EASA’s jurisdiction (e.g., a U.S. registered aircraft being maintained by a German repair station approved under the bilateral agreement).

The underlined provisions in the subparagraphs requiring EASA STC validation add to the confusion and further diminish the TIP’s benefits. For example, consider the case of a noncritical PMA part producer that is also the holder of the STC that serves as the design basis for the PMA. In such a situation, there will be no licensing agreement because the part is produced by the same company. As a result, the noncritical PMA part produced without a licensing agreement should be acceptable to EASA pursuant to 3.3.4.1(a) given that validation of the STC is only referenced in TIP paragraphs 3.3.4.2 and 3.3.4.3. However, the

¹ Similar requirements exist when a new replacement or modification part is shipped from the EU to the United States with an EASA Form 1.

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inclusion of the phrase “on products certified or validated by EASA” in paragraph 3.3.4 creates confusion because it can be read to extend the product validation requirement to all PMA parts described in subparagraphs 3.3.4.1, 3.3.4.2, and 3.3.4.3 (i.e., both non-critical and critical PMA parts and, arguably, PMAs issued based on identity and test and computation).

The referenced paragraphs of the [TIP](#) are not the only ones applicable to the issue. Sec. 2.3 addresses the scope of the agreement and design approvals, design data, and certificates recognized by EASA. Paragraph 2.3.4 states that

EASA recognizes, as within the scope of this agreement, FAA Authorized Release Certificates for the Following Products and Articles:

...

2.3.4.3 Articles and Replacement Parts that conform to an EASA Design Approval:

...

(b) New Parts Manufacturer Approval (PMA) parts accepted by EASA under paragraph 3.3.4. (Emphasis in original.)

Sec. 7 addresses export procedures. Paragraph. 7.11 (“Additional Documentation Requirements for FAA PMA Parts”) states:

For a PMA part that shall be installed on a product which has been certified or validated by EASA, one of the following statements should be written in the remarks block of the FAA Form 8130-3, as applicable:

7.11.1 For a PMA part which is not a “critical component” (see definition paragraph 1.13.16), the following statement should be written in the remarks block of the FAA Form 8130 3: “This PMA part is not a critical component.”

7.11.2 For a PMA part conforming to design data obtained under a licensing agreement from the TC or STC holder according to 14 CFR part 21 (see paragraph 3.3.4), the following statement should be written in the remarks block of the FAA Form 8130 3: “Produced under licensing agreement from the holder of [INSERT TC or STC NUMBER].”

7.11.3 If the PMA holder is also the holder of the EASA STC design approval which incorporates the PMA part into an EASA certified or validated product (see paragraph 3.4), the following statement should be written in the remarks block of the FAA Form 8130 3: “Produced by the holder of the EASA STC number [INSERT THE FULL REFERENCE OF THE EASA STC INCORPORATING THE PMA]. (Emphasis added.)

The lead-in language of paragraph 7.11 supports the notion that the conditions and limitations stated in paragraph 3.3.4 are applicable only to PMA parts that are to be installed on a product which has been certified or validated by EASA, not “any PMA part that shall be shipped to the EU.” The installer is in the best position to determine the aircraft’s State of Registry and whether the product on which the article will be installed has been certified or validated by EASA. In the case of older STCs, in particular (i.e., those issued before EASA existed), it is extremely difficult for the shipper to determine whether the STC was grandfathered by an EU

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Member State. As the authorities well know, older FAA STCs were issued at a time when the vast majority of ICAO countries accepted FAA design approvals without further showing on products subject to their regulatory jurisdiction.

In the situation at hand, the underlying issue is not whether EASA must validate the STC prior to installation of a related FAA PMA part on a product under EASA's regulatory jurisdiction. Rather, the question is whether the shipper must determine whether the STC has been validated by EASA and on what type-certificated product it will be installed before the part may be sent to Europe.

(2) EASA's Position

EASA apparently reads the TIP to require a parts shipper to determine if EASA has validated the FAA STC prior to shipment. EASA Washington Representative Ludovic Aron stated what he believed was EASA's position in an email to ARSA on Aug. 20, 2024 (see Appendix One):

My understanding is that there is indeed the expectation that a form 8130-3 for such part is released only after the design has been validated by EASA. That would be consistent with the fact that we see such form as a documentation to ensure traceability to the PAH and to attest the conformity of the part to the approved design (which is only possible if the design is approved by the competent authority for the product on which the part will be installed on – namely EASA). (Emphasis in original.)

(3) ARSA's Position

ARSA disagrees with this interpretation, which is inconsistent with both the intent of the bilateral agreement and the plain language of the TIP. While the FAA Form 8130-3 ensures traceability to the PAH and attests the conformity of the part to the approved design, the form alone does not establish eligibility for installation.

FAA Production Approval Holders (PAH) (including TC and STC holders) routinely ship parts directly or through their distributors to the EU accompanied by FAA Form 8130-3s without determining if EASA has validated the STC on which the part will be installed. Further, PMA parts are routinely shipped to distributors and brokers worldwide without the shipper knowing the installation or registry of the aircraft upon which the item will be used.

A prohibition on shipping these parts to the EU ignores the fact that they may be installed by an EU Approved Maintenance Organization (AMO) on aircraft under the regulatory authority of the FAA or another non-EASA authority. Indeed, many TC holders, including Gulfstream, Embraer, and Boeing have maintenance facilities around the world that work on aircraft from multiple states of registry, including the United States. It is costly, burdensome, impractical, and contrary to the responsibilities of the State of Registry to require a part "export" to meet an EASA approved design when it may not be installed on an EU-registered aircraft. This interpretation also ignores the possibility that a TC holder may ship parts to a distributor in Europe for subsequent shipment to and installation on non-EU registered aircraft in another country that does accept an "authorized release". By this logic, the shipper must confirm the design has been validated in the jurisdiction to which the article will be originally shipped (the EU) and also by the State of Registry.

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The validation status of older FAA STCs in the EU is extremely difficult, if not impossible, to ascertain by shippers or the agencies. EASA Frequently Asked Question (FAQ) n. [19372](#), in response to the question, “How do I know whether an STC has been grandfathered?” states:

Any STC approved or validated by any member state before the establishment of EASA is deemed to be 'Grandfathered' under Regulation 1(EU) No 748/2012 Article 4. Unfortunately, a central repository of such approvals does not exist. Please contact the STC holder directly or review the websites of our Member States National Aviation Authorities. Please also refer to our FAQ [“Who do I contact to request a copy of a grandfathered STC? | EASA \(europa.eu\)”](#) Emphasis added.

The “Who do I contact ...” link is even less helpful. Several links from the page are broken, and, in most cases, the site only provides a link to the authorities' general websites. The only lists of approved STCs available through the site are from [Germany](#), [Poland](#), and [Switzerland](#). Given the lack of information, it is difficult and impractical for shippers to ascertain the validation status, particularly for legacy STCs dating back more than half a century.

EASA's interpretation significantly undermines the TIP's benefit; it eases no burden and still requires industry to obtain clearance from the importing country to deviate from the requirement that the article meet the importing country's design requirements.

(4) The Solution

The TIP defines “export” as, “[t]he 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.” (Emphasis added.) Based on the plain language of the TIP, parts sent to distributors or brokers in the EU are not regulatory “exports” because the mere sending of a part does not constitute an export until the part is released from one regulatory system for use in another. **The export occurs at installation because that is when the release from one system to another takes place.**

EASA and FAA parts validation requirements are reciprocal in the TIP. Both require the certifying authorities' STC designs be validated as a prerequisite to “exporting” the articles in question. **We ask that the authorities clarify on a reciprocal basis that the export occurs at installation and NOT merely because parts are shipped or end up in the other jurisdiction.** This is consistent with the caveat on FAA Form 8130-3 and EASA Form 1 that determining eligibility for installation is the installer's responsibility and the authorities mutually agreeing to remove Block 8 from those forms many years ago. It also reflects the commercial realities of the global parts distribution business and the fact that installers are in the best position to determine whether the STC design has been approved by the State of Registry with jurisdiction over the installation.

The authorities could also simply adjust the validation requirement in the TIP to a condition for shipping approved parts across borders on a reciprocal basis. The rationale for this decision would be the same as above (i.e., that installation eligibility is the installer's, not the shipper's, responsibility).

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(5) Conclusion

In January 2023, ARSA and allied organizations asked the agencies to clarify that a U.S. repair station's installation of a new article received from a U.S. PAH without Form 8130-3 is not an export at the time it is released by the PAH even if the article is subsequently installed in a dual release maintenance action subject to Annex 2 of the bilateral agreement. The present issue stems from similar confusion about when an export occurs. Aligning the interpretation of the term "exporter" with the TIP's definition of "export" will resolve the problems raised in this letter. Neglecting to deal with the underlying issue of when regulatory jurisdiction changes will create more problems, uncertainty and inconsistent application for industry and regulators alike.

Given the potential impact on PMA parts going to Europe with FAA Form 8130-3s, with and without EASA validated product designs, we urge swift resolution. We therefore request a meeting with the key decisionmakers of both agencies as soon as possible.

Thank you for your consideration.

Sincerely,



Christian A. Klein
Executive Vice President
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Attachment: Appendix One: ARSA Email Exchange with Ludovic Aron/EASA

cc: Wes Mooty, Acting Executive Director, wes.mooty@faa.gov
Aircraft Certification Service, FAA
Larry Fields, Executive Director, Flight lawrence.fields@faa.gov
Standards Service, FAA
Rachel Daeschler, Certification rachel.daeschler@easa.europa.eu
Directorate Head, EASA
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Directorate Head, EASA
Ludovic Aron, Washington ludovic.aron@easa.europa.eu
Representative, EASA

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APPENDIX ONE: ARSA EMAIL EXCHANGE WITH LUDOVIC ARON/EASA

From: ARON Ludovic <ludovic.aron@easa.europa.eu>
Sent: Monday, August 19, 2024 11:52:41 PM
To: Christian Klein <christian.klein@arsa.org>; HIGGINS Steven <steven.higgins@easa.europa.eu>; DURAN CEREZA Joaquin <joaquin.duran-cereza@easa.europa.eu>
Cc: Sarah MacLeod <sarah.macleod@arsa.org>; Elgas, Daniel J (FAA) <daniel.j.elgas@faa.gov>; SPECHT Karl <karl.specht@easa.europa.eu>
Subject: RE: Question regarding EASA STC validation

Dear Christian,

I am bringing Steve and Joaquin in the loop.

I will try to provide some light based on my reading of the TIP, but I speak under their control and would very welcome their confirmation or correction as this is not (yet) an EASA consolidated position:

I am copying below the text of the current version of the TIP – Section 7 (Export Procedures):

7.11 Additional Documentation Requirements for FAA PMA Parts

For a PMA part that shall be installed on a product which has been certified or validated by EASA, one of the following statements should be written in the remarks block of the FAA Form 8130-3, as applicable:

7.11.1 For a PMA part which is not a “critical component” (see definition paragraph 1.13.16), the following statement should be written in the remarks block of the FAA Form 8130 3: “This PMA part is not a critical component.”

7.11.2 For a PMA part conforming to design data obtained under a licensing agreement from the TC or STC holder according to 14 CFR part 21 (see paragraph 3.3.4), the following statement should be written in the remarks block of the FAA Form 8130 3: “Produced under licensing agreement from the holder of [INSERT TC or STC NUMBER].”

7.11.3 If the PMA holder is also the holder of the EASA STC design approval which incorporates the PMA part into an EASA certified or validated product (see paragraph 3.4), the following statement should be written in the remarks block of the FAA Form 8130 3: “Produced by the holder of the EASA STC number [INSERT THE FULL REFERENCE OF THE EASA STC INCORPORATING THE PMA]

My understanding is that there is indeed the expectation that a form 8130-3 for such part is released only after the design has been validated by EASA. That would be consistent with the fact that we see such form as a documentation to ensure traceability to the PAH and to attest the conformity of the part to the **approved** design (which is only possible if the design is approved by the competent authority for the product on which the part will be installed on – namely EASA).

However, there is still a possibility to issue a ‘prototype’ form 8130-3 in case the design has not been approved yet, as per the new paragraph introduced in TIP rev. 7:

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2.3.6 EASA recognizes, as within the scope of this agreement, a part or appliance accompanied by a 'Prototype' FAA Form 8130-3 (issued before the approval of the design data) if accompanied in addition by a statement from the corresponding Design Approval Holder (issued after the approval of the design data) attesting that the design data according to which the part or appliance was manufactured has not changed and is approved. This statement should include:

'This document certifies the approval of the design data [insert Design Change/STC/TC number, revision level], dated [insert date if necessary for identification of the revision status], according to which the [specify the part or appliance] covered by the FAA Form 8130-3 [Form Tracking Number] dated [date of the FAA Form 8130-3] was manufactured.'

Again: this is only my understanding, please correct me (anyone) if I am wrong.

Best regards,

Ludovic.

From: Christian Klein <christian.klein@arsa.org>

Sent: Friday, July 19, 2024 9:41 PM

To: SPECHT Karl <karl.specht@easa.europa.eu>; Elgas, Daniel J (FAA) <daniel.j.elgas@faa.gov>

Cc: Sarah MacLeod <sarah.macleod@arsa.org>; ARON Ludovic <ludovic.aron@easa.europa.eu>

Subject: Question regarding EASA STC validation

Greetings, gentlemen.

We seek assistance clarifying whether EASA must validate an FAA STC before associated PMA parts may be exported to the EU.

An ARSA member is executing FAA Form 8130-3 for a PMA part manufactured in accordance with the approved design in an FAA STC. The member still uses a designated manufacturing inspection representative (DMIR) to issue the form (*i.e.*, has not adopted 14 CFR sec. 21.137(o) procedures to issue authorized release documents).

Our member is being told by its principal inspector that the STC must be validated by EASA before the DMIR can issue an authorized release and that the EASA STC validation number must be stated on the release.

After extensive research, we have not found anything in the regulations, guidance, or bilateral agreements to support that position. In fact, we find multiple examples of FAA Form 8130-3s attached to parts being shipped to the EU that are not associated (yet) with an EASA approved design.

According to FAA Memo [AIR100-16-110-DM04](#), block 12 of the FAA Form 8130-3 is no longer required to state that, "Export airworthiness approval – This engine/propeller/article meets the special requirements of (enter country)." The memo says that requiring that statement "needlessly complicates the issuance of the tag and hinders the global shipment of engines, propellers, and articles, especially when they are exported multiple times." This suggests to us no statement regarding the STC is required on an *authorized release*. IF the

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FAA Form 8130-3 was being used as an export airworthiness approval under part 21, subpart L, an exception from the importing country or an EASA STC would make sense.

Thank you for any direction you can provide.

Best,

Christian

Christian A. Klein

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