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July 18, 2005

Dr. Norbert Lohl
Director
Certification Directorate
European Aviation Safety Agency
Postfach 10 12 53
D-50452 Köln
GERMANY

Re: Executive Director's Decision (ED) No. 2004/04/CF
Your letter dated 1 July 2005
Our letter dated 9 May 2005

Dear Dr. Lohl:

Once again, the Aeronautical Repair Station Association (ARSA) respectfully requests the European Aviation Safety Agency (EASA) to clarify its position regarding the above referenced Executive Director's Decision (ED). As we related in our letter of May 9, 2005, the issue involves FAA-approved and accepted major and minor repair data applied under EASA regulations. These data appear to be outside the scope of the ED, but not the previous interpretations of the existing Bilateral Aviation Safety Agreement (BASA) Implementation Procedures Agreements (IPAs). Contrary to EASA's early assurances of "business as usual", this situation is adversely affecting the vast majority of EASA part 145 maintenance organizations and operators of European Union (EU) registered aircraft.

As you are well aware, the focus of ARSA's concern is Article 3 of the ED which specifies the conditions under which EASA will approve repair designs obtained by persons other than type and supplemental type certificate holders who are under the jurisdiction of the FAA. Unfortunately, the decision requires such persons to obtain both FAA and EASA approval of major repair designs when maintenance is being performed under EASA requirements. (In the alternative, the EU operator may obtain EASA approval of the data.) In addition, the ED only applies to minor repair designs even when performed on U.S. State of Design products.

This is contrary to previous interpretations of various BASA/IPAs. Until the ED was issued, repair data developed and approved under FAA Order 8110.4 (including findings made under each authority's designee system) was acceptable without further review by EASA. Please reference the attached language from the U.S.-France IPA in support of that interpretation. Furthermore, FAA Order 8100.14, dated September 30,

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2003, which we understand was fully coordinated with the EASA, has applied the more “liberal” interpretation of the IPA’s obligations.

Your response of 1 July 2005 indicates that EASA will honor its obligations under the BASA IPAs and that the ED is no more restrictive than the interpretation of similar requirements by the FAA. However, according to Chapter 3, paragraph g.(3), page 13 of FAA Order 8100.14—

FAA accepts both minor and major repair data and related instructions approved and submitted in a format not listed in paragraph 3-1g(1)(b), for State of Design products from France, Germany, Italy, the Netherlands, Sweden, and the United Kingdom or other States when noted in the respective BASA IPAs and on the FAA TCDS. The FAA will also accept repair data on U.S. transport category airplanes approved by the German LBA or the U.K. CAA on behalf of EASA in accordance with bilateral special arrangements.

We believe the FAA has established this guidance in support of its obligations under the respective BASA IPAs. This clearly indicates that for State of Design products from the designated BASA IPA countries, the FAA will accept both major and minor repair data without further review. Therefore, we fail to understand the current EASA position with respect to this matter.

We continue to believe that the ED does not correctly reflect the EASA’s obligations established under the BASA IPAs. We also remind the EASA how adamant it was to ensure that transition to its control would not unduly disrupt industry or unilaterally apply demands that were contrary to the approach taken by its NAAs to safety regulations. Industry was continually told it would be “business as usual” and not to be concerned regarding the EASA transition. Yet, this single ED has dramatically changed the manner in which repair data must be approved by the vast majority of EASA part 145 repair stations (domestic and foreign) working on U.S. State of Design products.

In order to fully understand the EASA’s legal and technical position, we propose a meeting the first week of September 2005 in Köln with yourself and the following EASA personnel.

- Patrick Goudou, Executive Director
- Claude Probst, Rulemaking Director
- Wilfried Schulze, Organisations Manager
- Roger Simon, Design Organisations Manager
- Julian Hall, Maintenance Organisations Manager
- José Luis Penedo del Rio, Legal Adviser
- Fredrik Kämpfe, Legal Adviser

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Representatives from ARSA will include me and Executive Director Sarah MacLeod. Our assistant, Crystal Thayer, will be in touch to make appropriate arrangements.

Sincerely,

A handwritten signature in blue ink that reads "Marshall S. Filler". The signature is written in a cursive style with a large initial 'M'.

Marshall S. Filler
Managing Director & General Counsel

Enclosures: Excerpts from the U.S.- France IPA

cc [Patrick Goudou](#) [John Hickey](#)
[Wilfred Schulze](#) [Dave Hempe](#)
[Roger Simon](#) [James Ballough](#)
[Julian Hall](#) [William Henry](#)
[Claude Probst](#) [Mary Cheston](#)
[José Luis Penedo del Rio](#)
[Fredrik Kämpfe](#)