Rational Approach to Compliance with New FAA/EASA MAG 5 Change 5 Requirements

DERS Group Svc LLC, INDIANA

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Principle
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MAINTENANCE ANNEX GUIDANCE

BETWEEN THE

FEDERAL AVIATION ADMINISTRATION

for the UNITED STATES OF AMERICA

AND THE

EUROPEAN AVIATION SAFETY AGENCY

for the EUROPEAN UNION

!!!!!!!!!! !!!!!! !

EFFECTIVE IMPLEMENTATION DATE April 1, 2016

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THE MAINTENANCE ANNEX GUIDANCE (MAG) APPROVAL:

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THIS IS TO CERTIFY APPROVAL BY:

John S. Duncan Date SEP 8 2015 Director, Flight Standards Service (AFS-1)	**Wilfried Schulze** Date 31.08.2015 Acting EASA Director of Flight Standards

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EFFECTIVE DATE RESET TO APRIL 1, 2016

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ACTION THAT SHOULD BE TAKEN BEFORE APRIL 1, 2016

The Intent of this position paper is to provide "Maintenance Organizations" who are located in the United States and are FAA/EASA 145 facilities a logical path to meet compliance until MAG 6 is issued to favorably address those "Noted" ambiguities soon to become effective April 1, 2016.

- **Each organization should take the necessary initiatives outlined in this issue paper with their cognizant FAA FSDO to obtain their acceptance to the FAA national policies identified in this position paper and develop with them a M.O.U. on how your QMS can be revised to accommodate the identified means for compliance to the intent of MAG 5 Change 5.**

Version #	Date	Revision Description	Prepared By
Change 5	09/09/2015	Updated to include technical and editorial changes (identified by change bars on the left margin). **Section A:** • Added provision in Part I, Paragraph 3 – Recurrent training in the form of a briefing in eLMS. • Added provision in Part I Paragraph 3.1 – Publication of TSA rule. • Added provision in Part II, Paragraph 1.3 – Coordination between the FAA Regional Coordinator and National Coordinator regarding conduct of inspections. • Added provision in Part I, Paragraph 1.8 – EASA to provide the FAA " EASA visit report AA" (Appendix 4) , assist EASA/FAA. • Paragraph 3 – Clarified EASA's role in FSEP. • Added provision in Paragraph 4.2 – SIS team member training requirements. • Added provision in Paragraph 4.4 – Use of risk management process to determine the sampling inspection. • Added provisions in Paragraph 4.5 - The areas to be sampled are based on risk identified as level 1 and level 2. Results must be entered in PTRS. • Added provision in Paragraph – The FAA to provide a report to the JMCB on systemic issues identified during the SIS visit over the previous year. • Part VI, Paragraph 1.6 – Clarified training requirement for AA's of a member state that is undergoing a transfer. • Revised Appendix 5 and 6 in its entirety to provide clarity and drop down boxes. • Added provision in Appendix 8 item 15 – Requirement the AMO's comply with the air carriers CAMP. • Added a new appendix 8, SIS Audit of EU-located, FAA-certificated AMO • RII inspectional personnel different than the personnel that performed the maintenance task • (b) AMO to receive written approval from the air carrier. • Added provision in Appendix 7. The FAA will issue amended Ops Spec to accommodate those aircraft that the AMO does not hold equivalent ratings but holds an equipment rating to allow AMO's to	Daniel Reyes

Version #	Date	Revision Description	Prepared By
		perform test and inspections of ATC transponders, altimeters and altitude reporting equipment installed on US registered aircraft. • Appendix 7 - Clarified FAA's Equivalent rating to EASA's D-1 NDT rating. • Changed EASA organization structure and position titles. • Redefined/clarified responsibilities of FAA/EASA/AA. • Clarified the SIS process. • Added definitions responsibilities on FAA coordinator, National coordinator, and FAA regional coordinator • Eastern regional coordinator responsibilities have been reassigned to AFS 50 • Added EASA new Organizational structure and identifiers • FAA Country coordinator's responsibilities previously under FRA/IFO are realigned under AFS 50 with new job title as FAA coordinator. • Appendix 5 (audit report 1) and appendix 6 (Audit report 2) are renamed revised in entirety • Added new appendix 8 (audit report 3) **Section B:** • Added provision in Part III, paragraph 2, FAA to inform EASA within 3 business days of any changes to a current certificate. • Revised Part III, Paragraph 2.1 - Parts of the EASA Form 9 to be completed in the case of change or amendment. • Added provision in Part III, Paragraph 2 – Added a note to allow repair stations to continue issuing an 8130-3 dual release Pending name change. • Provided clarification in Appendix 1, Paragraph 10 (h) Requirement to have procedures in the RSM/QCM for maintaining and revising the roster in lieu of identifying the roster in the RSM/QCM. • Provided clarification Appendix 1 Paragraph 10 – Revised instructions when a FAA 8130-3 Form is issued with exceptions used for US and Europe.	

Version #	Date	Revision Description	Prepared By
		• Added provision in Appendix 1 Paragraph 14 (d) – added a requirement to develop an audit plan annually to include 14 CFR Part 43 and Part 145 and EASA special conditions. • Paragraph 18 – Added a note regarding EASA line stations to be the same as listed in D 107. • Appendix 1, Paragraph 10 (k) Use of the term "Must" where applicable instead of "Should" **Section C:** • Part I, Paragraph 1.5 – Revised method of determining fees. • Added provision in Part I, Paragraph 9 – requirement for FAA to notify TSA when they have concluded the certification. • Added provision in Part III, paragraph 3 AA to inform FAA within 3 business days of any changes to a current certificate. • Added provision in Part III, Paragraph 3 – Added a note to allow repair stations to continue issuing an EASA Form 1 dual release pending name change. • Added provision in Part III, Paragraph 3 – AA to submit documents to the FAA within 3 business days. • Added provision in Part III, Paragraph 4 – FAA will forward FAA Form 8000-4, Air Agency Certificate, Repair Station Operations Specifications, with applicable limitations to the AMO within five business days. • Appendix 1 Paragraph 7 – Revised instructions when a FAA 8130-3 Form is issued with exceptions used for US and Europe. • Appendix 1, Paragraph 8 – Revised procedures in reporting unairworthy conditions to the FAA. • Appendix 1, Paragraph 10 (k) Use of the term "Must" where applicable instead of "Should" • Paragraph 12 – Revised procedures for AMO when complying with air carriers manual. • Paragraph 13 – Revised procedure for AMO when deviating from air carriers manual. • Appendix 4 – revised section D	

10. RELEASE AND ACCEPTANCE OF COMPONENTS.

a) This section should describe the procedures the repair station will use to ensure that the Release to service of components up to and including complete powerplants will be carried out in accordance with 14 CFR § 43.9, except that Section B, Appendix 1, paragraphs 7 through 10 shall also be taken into account. At the completion of maintenance, an FAA Form 8130-3 shall be issued as a maintenance release by the repair station.

b) The FAA Form 8130-3 should include the EASA Part-145 release to service certifying statement with the EASA Part-145 Approval Certificate number in block 12, and specify any overhaul, repairs, alterations, Airworthiness Directives, replacement parts, PMA parts and quote the reference and issue/revision of the approved data used.

c) An example completed FAA Form 8130-3 dual release shall be included by the repair station in the supplement. Instructions shall be included in the supplement specifying that blocks 13a through 13e are not to be used by the repair station.

d) The signature of the person returning the component to service shall be in block 14b with the FAA Repair Station Certificate number in block 14c.

e) The status of the component (repaired, inspected, overhauled, etc.) shall appear in block 11 with any relevant comments including detailed references to approved data, Ads, etc., in block 12. Example: “Overhauled in accordance with CMM 111, Section X, Rev 2, S/B 23 and FAA AD xyz complied with. Full details held on WO 456.”

f) Block 12 shall also contain the following statement:

> “Certifies that the work specified in block 11/12 was carried out in accordance with EASA Part-145 and in respect to that work the component is considered ready for release to service under EASA Part-145 Approval Number: “EASA 145…….”

KEY POINTS THAT CREATE CONUMDRUMS BY MAG 5 CHANGE 5

NEW PARTS

- ✓ How does a FAA 145 require a PAH to issue a FAA 8130-3 when FAA 8130.21 does not require this form for "domestic" [US based end users].
- ✓ Section 10 (b), & (c) page 98 – Is contrary to FAA Order 8130.21H for return to service instructions, and somewhat differs with 10(e).
- ✓ 10(f) seems redundant with 10(b).
- ✓ Note on page 99, either needs clarification as its implied suggestion is non-EASA FAA repair facilities 8130-3 are not to be utilized by a FAA/EASA 145 facility as compiled traceability document for the repair build.
- ✓ 10(i) This is where your revised EASA/FAA supplement QCM/QMS must be addressed for these notable issues/
- ✓ 10(k) (1) Implies that only NEW parts identified in the TC IPC can be utilized. This is contrary to EASA/FAA TIP, EASA Part 21, Annex 1 and FAA National policies.
- ✓ 10(ii) "MUST" is contrary to EASA/FAA TIP, and 8130.21H

KEY POINTS THAT CREATE CONUMDRUMS BY MAG 5 CHANGE 5

USED COMPONENTS

- ✓ 10(2) (i) No mention of 8130-3, just traceability to AMO/Repair Station.
- ✓ 10(2)(ii) Clarity Is needed to assure "The Next Higher" assembly being repaired requires the dual release 8130-3 and not the individual piece parts that are traceable to AMO/Repair Stations as defined in 10(2) (i). As shown in table.
- ✓ 10(2)(iii) Contradicts 10(2)(i), and EASA/FAA TIP 3.3.2. and table page 101.

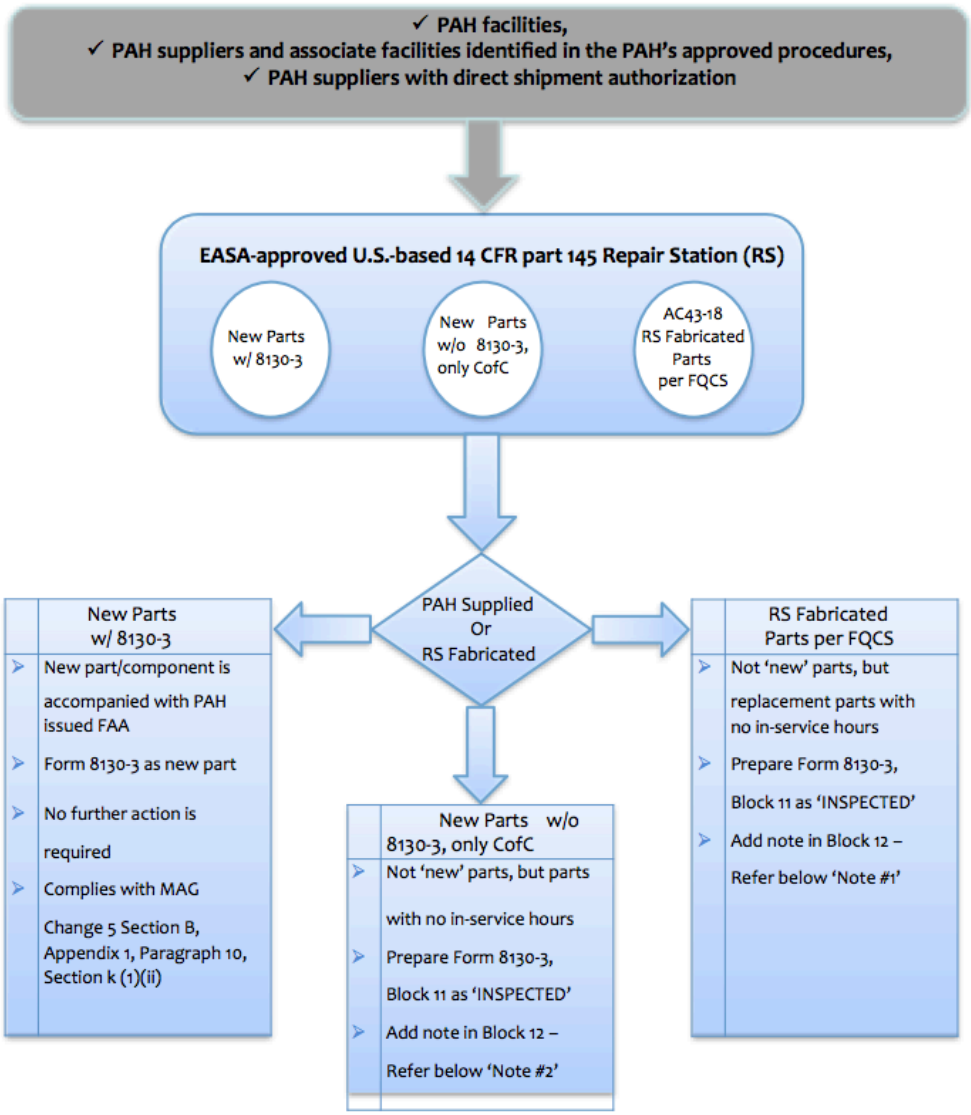
Privileges of the dual EASA and FAA certificated maintenance organization			
United States		**Europe**	
Release Document of Final Assembly: **8130-3 Dual Release**		Release Document of Final Assembly: **EASA Form 1 Dual Release**	
Acceptable New Products/Articles: EASA Form 1 NEW 8130-3 NEW C of C Standard Parts		**Acceptable New Components**: EASA Form 1 NEW 8130-3 NEW C of C Standard Parts	
USED Products/Articles: Acceptable Used Products/Articles Release Document (input)	Final Assembly Release document (output)	**USED Components:** Acceptable Used Components Release Document (input)	Final Assembly Release document (output)
8130-3 Single	8130-3 Single	Form 1 Single	Form 1 Single
8130-3 Dual	8130-3 Dual	Form 1 Dual*	Form 1 Dual*
Form 1 Dual*	8130-3 Dual	8130 Dual	Form 1 Dual*
Form 1 Single	Form 8130-3 (see below U.S.)	8130 Single	Form 1 (see below Europe)

* For the purpose of the table above, triple release mentioned in subparagraph vi above has the same status as EASA Form 1 Dual.

1 REGULATORY REFERENCES

Sr. No.	Document No.	Title/Subject	Rev./Change /Date
1	MAG5 EC-1321/2014	Maintenance Annex Guidance (hereinafter 'MAG') between the FAA for the United States Of America and the European Aviation Safety Agency for the European Union	Change 5, effective date 09/09/2015
2	FAA/EASA TIP Rev 5	Technical Implementation Procedures For Airworthiness And Environmental Certification between the FAA for the United States Of America and the European Aviation Safety Agency for the European Union. (Especially Section 3.3 "Approval of Design Data Used in Support of Repairs)	09/15/2015
3	FAA Order 8130.21H	Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag, dated 08/01/13 – Procedures for Completion and Use of Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag	N/A
4	FAA Order 8120.22	Production Approval Procedures [Specifically Chapter 8, [8-1, 8-2].	02/25/2013
5	FAA Order 8110.118	Commercial Parts	09/20/2012
6	FAA Order 8300.16	Major Repair and Alteration Data Approval	04/18/2014
7	FAA Order 8130.2H	Airworthiness Certification of Aircraft and Related Products	02/04/2015
8	FAA AC43-18	Fabrication of Aircraft Parts by Maintenance Personnel	Change 2
9	FAA AC 21.101-1A	Establishing the Certification Basis of Changed Aeronautical Products	N/A
10	FAA AC 21-47	Submittal of Data to an ACO, a DER or ODA for Major Repair, or a Major Alteration	09/ /2010
11	FAA AC 21-29C	Detecting and Reporting Suspected Unapproved Parts	08/17/2011
12	FAA AC 43.210	Standardized Procedure For Requesting Field Approval Of Data, Major Alterations, and Repairs	02/17/2004
13	FAA AC 21-45	Commercial Parts	09/29/2012
14	FAA Form 8130-3	Authorized Release Certificate, Airworthiness Approval Tag	02/01/2014

The references made to any of the above documents in following sections refer to the document number and revision/change/effective date mentioned in above table unless and otherwise mentioned. These documents are the latest current documents at the time of writing this paper.



Note #1: *Locally fabricated part, in accordance with FAA AC 43-18 Change 2, under approved Fabrication Quality Control System (FQCS). These parts cannot be sold separately and must be consumed within repair station by installing into the next higher assembly component part, or within a product, while undergoing maintenance or an alteration. [Per EASA TIP 3.3.2]*

Note #2: *The part was purchased from the FAA-approved PAH/PAH supplier with DAS from PAH, using Purchase Order number dates **/**/****. The part was received with Certificate of Conformance dated Mar/31/2016".*

QUESTIONS

* Position paper can be obtained by emailing

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