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

Office of the Chief Counsel
800 Independence Avenue, S.W.
Washington, D.C. 20591

DEC 19 2017

Mr. Jesus Fernandez
President
Focused Air Advising
5284 N.W. 163rd Street
Miami Gardens, FL 33014

Re: Legal Interpretation on FAA Acceptance of
EASA-Approved Repair Design Data

Dear Mr. Fernandez:

This letter is in response to your July 17, 2017 request for a legal opinion on whether the FAA may accept, without further review, repair design data approved by the European Aviation Safety Agency of the European Union (EASA) for parts to be installed on a U.S.-Registered aircraft. You attached documentation for two minor repairs, and asked whether these types of repairs are automatically approved under the Technical Implementation Procedures for Airworthiness and Environmental Certification (TIP) between the United States and EASA. The answer is yes, if the criteria set forth in the TIP are met.[1]

You referenced (Section 3.3.2.1 in TIP Revision 5) in support of your premise that the FAA may accept EASA-approved design data without further review. That section, as it applies to minor repairs, states in pertinent part:

3.3.2.1 FAA Acceptance of EASA Repair Design Data.

(a) General

(1) Except as provided in (b) below, the FAA shall accept EASA approved design data produced under EASA Part 21 Subpart M used in support of major or minor repairs regardless of the State of Design of the product, part, or appliance, if:

(i) the FAA has certificated/validated the product or appliance, and

[1] Note, however, that the FAA's regulations do not require that minor repairs be performed in accordance with FAA-approved data.

(ii) EASA is acting on behalf of the State of Design for the repair design data, and

(iii) EASA repair design data approval is substantiated via a repair design approval letter or a repair design approval issued under a DOA. . . . , and

(iv) the repair is not in an area that is subject to an FAA AD, ...

(2) In these circumstances, repair design data are considered to be approved by the FAA following its approval under EASA's system. This process does not require application to the FAA or compliance findings to the FAA certification basis.

Accordingly, under TIP Revision 5, which was in effect between September 15, 2015, and September 22, 2017 (at which time it was superseded by Revision 6), if the above criteria were met, minor repairs approved under EASA Design Organization Approvals required no further FAA approval.

The applicable provisions of TIP Revision 6 (Section 3.3.5.2) now in effect yield essentially the same result. This section, as it applies to both major or minor repairs, states in pertinent part:

3.3.5.2 FAA Acceptance of EASA Repair Design Data.

(a) The FAA shall accept EASA approved design data produced under EASA Part 21 Subpart M used in support of major or minor repairs regardless of the SoD [State of Design] of the product, part, or article, if:

(1) The FAA has certificated/validated the product or article;

(2) EASA is acting on behalf of the SoD for the repair design data;

(3) EASA repair design data approval is substantiated via a repair design approval letter or a repair design approval issued under a DOA [Design Organization Approval]. . . .

(4) The repair is not in an area that is subject to an FAA AD, ...

(b) In these circumstances, repair design data approved by EASA are accepted without further review as approved by the FAA. This process does not require application to the FAA or compliance findings to the FAA certification basis.

I hope the above responds to your concerns. This response was prepared by Edmund Averman, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division in the FAA's Flight Standards Service. If you have further questions on this matter, please contact the Aircraft Maintenance Division at (202) 267-1675.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

Focused
AIR ADVISING

July 17, 2017

Charles M. Trippe, Jr.
Office of the Chief Council
800 Independence Avenue SW
Washington, DC 20591

Subject: Request for Legal Interpretation of FAA Acceptance of EASA Repair Design Data

Dean Mr. Trippe:

I am cordially asking your office for interpretation of FAA Acceptance of EASA Repair Design Data for parts installed in N registered aircraft when the repair is being done by a FAA certificated facility with an EASA certificate. Attached are two minor repairs approved under EASA Design Organisation Approval EASA.21J.560 for nonstructural composite and plastic repairs. Under the TIP between the FAA and EASA section 3.3.2.1, this repair should be considered automatically approved for N registered aircraft when the work is being performed by a US based Repair Station with an EASA certificate. However, I am getting push back from certain repair stations stating that these repairs must be approved under a repair specification with a DER approval. Can you please clarify if the repairs attached are automatically approved or if they must go through a DER to become approved?

Sincerely,

Jesus Fernandez

Jesus Fernandez
President
Focused Air Advising

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