

FAA 14 CFR Parts 145 & 43 Bilateral for EASA Part 145 AMO Acceptance



**Maintenance Annex Guidance
(MAG) Change 8**

Maintenance Annex Guidance (MAG)

Change 8

Introduction MAG - Change 8 Entry into Force: March 19, 2021

Note - The update, MAG Change 8 guidance now applies equally to all EU countries

Change 8 has updated repair data approval guidance for better alignment with the requirements of the Technical Implementation Procedures (TIP) (Repair stations are responsible for knowing the contents of the TIP as it relates to repair (and alteration) data.

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The purpose of the Maintenance Annex Guidance (MAG) is to define the procedures and activities of the FAA, EASA and Competent Authorities.

Each Party shall accept each other's inspections and monitoring of repair stations/maintenance organizations for findings of compliance with their respective requirements as the basis for the issuance and continued validity of certificates.

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Note Repair stations certificated under Title 14 of the Code of Federal Regulations (14 CFR part 145) and maintenance organizations certificated under Commission Regulation (EU) No 1321/2014 Annex II (EASA Part-145) are referred to as maintenance organizations.

The MAG is subdivided into Sections A, B, C, D, and E.

Section A – Authority Interaction

Section B – Certification for U.S.-based Repair Stations

Section C – Certification Process for EU-based
Approved Maintenance Organizations

Section D – Entry into Force and Termination

Section E – Authority

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The MAG details EASA, FAA, and applicant actions required to be taken in order for an FAA-certificated 14 CFR part 145 repair station primarily located in the United States to be approved to EASA Part-145; and for an EASA Part-145 Approved Maintenance Organization (AMO) to be approved to 14 CFR part 145, in accordance with the Agreement.

FAA requirements are contained in 14 CFR part 145 and 14 CFR part 43. Guidance material, policy, and procedures are contained in FAA orders, notices, policy memoranda, and advisory circulars.

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EASA requirements are contained in Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018, EASA Part-145, and associated EASA Acceptable Means of Compliance (AMC) documents and guidance material.

Differences

The FAA and EASA have established the differences between EASA Part-145 and 14 CFR part 145. These differences are listed as Special Conditions in Annex 2 as agreed between the EU and the United States.

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U.S.-based, FAA-certificated 14 CFR part 145 repair station, when in compliance with EASA-published maintenance Special Conditions, may apply for an EASA Part-145 approval.

An EU-based, EASA Part-145 AMO, when in compliance with published FAA maintenance Special Conditions, may apply for a 14 CFR part 145 approval.

The Agreement permits reliance on each other's surveillance systems to the greatest extent possible.

The FAA and EASA have agreed to conduct surveillance of each other's compliance with the Special Conditions.

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For the FAA, the frequency of surveillance is based on the current edition of FAA Order 8900.1, Flight Standards Information Management System (FSIMS).

The Safety Assurance System (SAS) uses risk to modify the work program using risk-based concepts that allow the aviation safety inspector (ASI) to target specific areas of elevated risk.

For EASA and the AAs, the frequency of surveillance is published in EASA Part-145, Sections B and C.

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Introduction - FAA – EASA Maintenance Annex Guidance - Change 8

The various EU Aviation Authorities will continue to play an important role in overseeing repair stations located in their countries on behalf of the FAA although several more European authorities will be involved than before.

On the same day, change 8 of the U.S.-EU Maintenance Annex Guidance (MAG 8) was signed; the public copy was recently published on the EASA web site.

It entered into force 120 days after signature, or March 19, 2021.

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Consistent with the BASA amendment, MAG change 8 removed previous references to the list of EU countries.

Other changes in MAG 8 are:

(1) Consistent with the “G” in MAG, the sample supplements are now officially titled “Guidance for the [EASA or FAA] Supplement.” (However, both continue to be referred to as “samples” elsewhere in the MAG.)

Although this is not a substantive change, maintenance organizations continue to be advised to customize their supplements to their particular maintenance operations.

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(2) With respect to repair data, rather than having the MAG chase the Technical Implementation Procedures (TIP) on this topic (since approval of repair data is handled under the TIP), MAG change 8 simply refers to the TIP for these provisions.

Repair stations are responsible for knowing the contents of the TIP as it relates to repair (and alteration) data since those provisions are no longer repeated in the MAG.

(3) Similarly, change 8 contains the MAG's first reference to alteration data, which is also handled under the TIP.

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(4) There were several changes in Section A of the MAG, which covers authority-to-authority communications.

The section added two new appendices including Definitions (Appendix 10), procedures for the authorities in exercising initial oversight on behalf of the FAA and other provisions relating to the integration of additional EU countries into the agreement.

There were no clarifying changes to the single EASA release language for U.S. repair stations as requested by the U.S. industry coalition in its Sept. 24 letter. Similar to FAA minor alteration data as described above, the association looks forward to the agencies' reply in the near future.

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To consider the obligation placed on an EASA Compliant AMO to meet the criteria to hold 14 CFR 145 approval to service US Aircraft.

This Maintenance Annex Guidance, (hereinafter referred to as MAG) is subdivided into Sections A, B, and C.

Section: A – Authority Interaction (Not Applicable to Industry)
Section B—Certification Process for U.S.-Based Repair Stations
Section C—Certification Process for EU-based Approved Maintenance Organizations.

Maintenance Annex Guidance (MAG) Change 8

The MAG details EASA, FAA, and applicant actions required to be taken in order for an FAA-certificated 14 CFR part 145 repair station primarily located in the U.S. to be approved to EASA Part-145; and

For an EASA Part-145 Approved Maintenance Organization to be approved to 14 CFR part 145, in accordance with the Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety (the Agreement).

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The Agreement permits reliance on each other's surveillance systems to the greatest extent possible.

The FAA and EASA have agreed to conduct surveillance of each other's compliance with the special conditions.

Special Conditions

The FAA and EASA have established the differences between EASA Part-145 and 14 CFR part 145.

These differences are listed as Special Conditions in the Maintenance Annex as agreed between the EU and the U.S.

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As a result, a U.S.-based FAA-certificated 14 CFR part 145 repair station, when in compliance with EASA published maintenance special conditions, may apply for an EASA Part-145 approval.

An EU-based EASA Part-145 approved maintenance organization, when in compliance with published FAA maintenance special conditions, may apply for a 14 CFR part 145 approval.

The Safety Assurance System uses risk to modify the work program using risk-based concepts that allow the Aviation Safety Inspector (ASI) to target specific areas of elevated risk.

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For EASA, the frequency of surveillance is published in EASA Part-145 Section “B.”

FAA Special Conditions Applicable to EU-BASED Approved Maintenance Organisations (AMOs)

To be approved in accordance with 14 CFR part 145, pursuant to the terms of this Annex, the AMO shall comply with all of the following Special Conditions:

The AMO shall submit an application in a form and a manner acceptable to the FAA.

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(a) The application for both initial and renewed FAA certification shall include:

(i) A statement demonstrating that the FAA repair station certificate and/or rating is necessary for maintaining or altering U.S.-registered aeronautical products or foreign-registered aeronautical products operated under the provisions of 14 CFR.

(ii) A list of maintenance functions, approved by the Aviation Authority, to be contracted/sub-contracted to perform maintenance on U.S. civil aeronautical products.

(iii) In the case of transport of dangerous goods, written confirmation, demonstrating that all involved employees have been trained in the transport of dangerous goods in accordance with ICAO standards.

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(b) The AMO must provide a supplement in English to its MOE that is approved by the Aviation Authority and maintained at the AMO. Once approved by the Aviation Authority, the supplement shall be deemed accepted by the FAA. All revisions to the supplement must be approved by the Aviation Authority.



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The FAA supplement to the MOE shall include the following:

- (i) A signed and dated statement by the accountable manager that obligates the organization to comply with the Annex.
- (ii) A statement in the supplement that the quality system shall also cover the FAA special conditions.
- (iii) Procedures for approval for release or return to service that satisfy the requirements of 14 CFR part 43 for aircraft and use of EASA Form 1 for components. This includes the information required by 14 CFR sections 43.9 and 43.11 and all information required to be made or kept by the owner or operator in English as appropriate.

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- (iv) Procedures for reporting to the FAA failures, malfunctions, or defects, and Suspected Unapproved Parts (SUP) discovered, or intended to be installed, on U.S. aeronautical products.
- (v) Procedures to notify the FAA regarding any changes to line stations that maintain U.S.-registered aircraft.
- (vi) Procedures to qualify and monitor additional fixed locations within the EU Member States.
- (vii) Procedures in place to verify that all contracted/sub-contracted activities include provisions for a non-FAA-certificated source to return the Article to the AMO for final inspection/testing and return to service.

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(viii) Procedures to ensure that major repairs and major alterations / modifications (as defined in 14 CFR) are accomplished in accordance with data approved by the FAA.

(ix) Procedures to ensure compliance with air carrier's Continuous Airworthiness Maintenance Program (CAMP), including the separation of maintenance from inspection on those items identified by the air carrier/customer as Required Inspection Items (RII).

(x) Procedures to ensure compliance with the manufacturer's maintenance manuals or instructions for continued airworthiness (ICA) and handling of deviations. Procedures to ensure that all current and applicable airworthiness directives (AD) published by the FAA are available to maintenance personnel at the time the work is being performed.

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(xi) Procedures to confirm that the AMO supervisors and employees responsible for final inspection and return to service of U.S. aeronautical products are able to read, write, and understand English.

(xii) Procedures to permit work away from fixed location on a recurring basis, when applicable.

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To continue to be approved in accordance with 14 CFR part 43 and part 145, pursuant to the terms of this Annex, the AMO shall comply with the following.

The Aviation Authority shall verify that the AMO:

(a) Allow FAA, or the Aviation Authority on behalf of the FAA, to inspect it for continued compliance with the requirements of EASA Part-145 and these Special Conditions (i.e., 14 CFR part 43 and part 145)

(b) Investigations and enforcement by the FAA may be undertaken in accordance with FAA rules and directives;

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- (c) The AMO must cooperate with any investigation or enforcement action;
- (d) The AMO must continue to comply with EASA Part-145 and these Special Conditions;
- (e) Where regulatory compliance is maintained, this permits the FAA to renew the AMO's initial certification after 12 months and every 24 months thereafter.