



U.S. Department
of Transportation

**Federal Aviation
Administration**

Advisory Circular

Subject: Acceptance of Repair Stations by the JAA and JAA-Member NAAs Under the Maintenance Implementation Procedures of a Bilateral Aviation Safety Agreement **Date: 4/3/03** **AC No: 145-8A**
Initiated By: AFS-340 **Change:**

1. PURPOSE. This advisory circular (AC) is intended to provide information and guidance concerning acceptable means, but not the only means, that should be used by repair station certificate holders in the United States to obtain Joint Aviation Authorities (JAA) and foreign National Aviation Authority (NAA) acceptance under the provisions of Maintenance Implementation Procedures (MIP) concluded pursuant to a Bilateral Aviation Safety Agreement (BASA).

2. FOCUS. This AC applies to repair station certificate holders who must demonstrate compliance with requirements for JAA and NAA acceptance. This AC has been subjected to comment from various NAAs and the JAA. However, persons should be aware that, ultimately, responsibility for administration of NAA requirements and the Joint Aviation Requirements (JAR) rests with the respective NAAs and the JAA. Accordingly, legal resolution of NAA and JAR compliance issues raised by this AC should be directed to the relevant NAA or the JAA.

3. CANCELLATION. AC 145-8, Acceptance of Repair Stations by the JAA and JAA-Member NAAs Under the Maintenance Implementation Procedures of a Bilateral Aviation Safety Agreement, dated March 29, 1999, is cancelled.

4. RELATED MATERIAL.

a. Title 14 of the Code of Federal Regulations (14 CFR) parts 43, 121, and 145.

b. Federal Aviation Administration (FAA) Order 8300.10, Airworthiness Inspector's Handbook. Copies of this document may be purchased from New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

c. Copies of the documents below may be obtained from the Joint Aviation Authorities, Saturnusstraat 8-10, P.O. Box 3000, 2130 KA Hoofddorp, Netherlands.

(1) JAR 145, Approved Maintenance Organizations.

(2) JAA Administrative and Guidance Material, Section Two: Maintenance.

(3) JAA Administrative and Guidance Material, Section Two: Maintenance, Part Two: Procedures, Chapter 30 (which describes working procedures for the application of the general elements of the special conditions in the MIP), and Chapter 31 (which describes working procedures for JAA and JAA/NAA acceptance of repair stations certificated under 14 CFR part 145).

(4) JAA Maintenance Leaflet No. 22, JAA Acceptance of U.S.A. Repair Stations.

(5) JAA Form 16, USA Repair Station Application for Initial/Renewal/Amendment of JAA Acceptance In Accordance With JAR-145.

NOTE: Copies of the JAA Maintenance Leaflet and JAA Form 16 may also be found on the web at <http://www.jaa.nl/> or obtained from the local Flight Standards District Office (FSDO).

5. BACKGROUND.

a. JAR 145 requirements, established by the JAA, are similar to 14 CFR part 145. JAR 145 has been adopted by all JAA-member NAAs and includes requirements repair stations must comply with to qualify as a JAA-accepted maintenance organization. JAR 145 also includes a requirement specifying that the maintenance of all aircraft registered in JAA-member countries that are used in commercial air transport operations be performed by a maintenance organization approved or accepted by the JAA.

b. A repair station certificated under 14 CFR part 145 and located in the United States may qualify for acceptance by the JAA as a maintenance organization in accordance with JAR 145.10, Applicability. JAR 145.10 permits organizations located outside the territories of the countries that have joined the JAA to be accepted when working in accordance with JAA maintenance special conditions detailed in the MIP of a BASA.

c. As a result of these provisions, a repair station certificated under 14 CFR part 145 may be accepted by the JAA on behalf of the JAA-member NAA providing the repair station complies with special conditions in addition to the requirements of 14 CFR part 145. These conditions are specified in the MIP executed between the FAA and various JAA-member NAAs. These special conditions are listed in Appendix 1 of this AC and further described in JAA Maintenance Leaflet No. 22. A repair station accepted by the JAA may perform work on any aircraft registered in a JAA-member country. A repair station accepted by the JAA has the acceptance of all JAA-member NAAs and does not require independent certification by a JAA-member NAA.

6. DEFINITIONS.

a. **Bilateral Aviation Safety Agreement (BASA).** An executive agreement between the United States and a foreign country for the purpose of promoting aviation safety, also known as an Agreement for the Promotion of Aviation Safety.

b. Compliance with JAR 145. Compliance with the latest issue of 14 CFR part 145 and the special conditions as set forth in an MIP, recognizing that ACs provide additional guidance in this area.

c. Joint Aviation Authorities (JAA). An organization consisting of representatives of the Civil Aviation Authorities (CAA) of the countries that have signed the Arrangements Concerning the Development and the Acceptance of the Joint Airworthiness Requirements. JAA member countries consist primarily of European Union member countries. However, in recent years, the JAA has expanded into countries located outside the European Union. A listing of the member countries may be obtained by contacting the JAA at Joint Aviation Authorities, Saturnusstraat 8-10, P.O. Box 3000, 2130 KA Hoofddorp, Netherlands; telephone: 31-23-56-79711; facsimile: 31-23-56-21714. You may also subscribe to the JAA web page.

d. JAA/NAA Acceptance. JAA procedures by which the JAA accepts an FAA-certificated repair station seeking a JAA listing to perform work on civil aeronautical products under the regulatory control of any JAA-member NAA. Such JAA procedures involve issuing a JAA acceptance and entering information concerning the FAA-certificated repair stations accepted by the JAA into a list published by the JAA of certificated repair stations. Continued listing is predicated on the continued monitoring and approval of such facilities by the FAA.

e. Joint Aviation Requirements (JAR). The JAR are a uniform set of regulations issued by the JAA. The JAR are interpreted and implemented by JAA policy guidance in the form of Interpretive Explanatory Material (IEM), Acceptable Means of Compliance (AMC), JAA Maintenance Leaflets, and JAA Administrative and Guidance Material, Section Two: Maintenance.

f. Maintenance Implementation Procedures (MIP). Procedures for implementing the provisions of a BASA that apply to maintenance.

g. National Aviation Authority (NAA). The aviation regulatory authority of a foreign country.

h. Special Conditions. Conditions in a MIP that specify the requirements in 14 CFR part 145 that the FAA has determined are not contained in JAR 145 (FAA Special Conditions) and the requirements in JAR 145 that an NAA has determined are not contained in 14 CFR part 145 (JAA Special Conditions). NAA Special Conditions are based on the JAA Special Conditions in Appendix 1 of this AC.

7. DISCUSSION.

a. General. A repair station seeking JAA/NAA acceptance under JAR 145 must hold a valid repair station certificate and operations specifications (OpSpecs) issued under 14 CFR part 145, and must be located in the United States. Acceptance by the JAA is limited to the scope of work specified in the OpSpecs issued to the repair station. A repair station that has obtained JAA acceptance has the acceptance of all JAA-member NAAs and, subject to the terms

of its OpSpecs, may perform work on any aeronautical product under the regulatory control of any JAA-member NAA.

b. Procedures for Obtaining Initial JAA/NAA Acceptance Under JAR 145.

(1) A repair station seeking initial JAA/NAA acceptance under JAR 145 should request an application packet from the FAA FSDO with certificate oversight responsibility. This application packet will contain a copy of this AC and JAA Maintenance Leaflet No. 22. JAA Maintenance Leaflet No. 22 provides guidance on compliance with those provisions of JAR 145 not addressed in 14 CFR part 145. It also contains a sample JAA Supplement to a repair station's Inspection Procedures Manual (IPM) and JAA Form 16.

(2) The repair station should prepare two copies of JAA Form 16 and two copies of its JAA Supplement to its IPM. The proposed JAA Supplement should conform to the sample JAA Supplement contained in JAA Maintenance Leaflet No. 22.

(3) The repair station should provide evidence of its need for JAA acceptance. This evidence may be a letter of intent, contract, or work order from a JAR 145-approved maintenance organization, a 14 CFR part 145 repair station located in the United States that is JAA-accepted, a Transport Canada Civil Aviation AM573-certificated maintenance organization located in Canada that is JAA-accepted, or a European airline or air taxi organization.

(4) The repair station should submit two copies of JAA Form 16 and the proposed JAA Supplement and one copy of evidence stating its need for JAA acceptance to its supervising FSDO for review.

(5) The assigned FAA inspector will conduct a physical inspection of the repair station for compliance with the JAA Supplement using JAA Form 9, FAA Status Report on a JAA-Accepted FAR Part 145 Repair Station or Applicant for JAA Acceptance, subject to resource availability. FAA inspectors may obtain the current copy of JAA Form 9 at: <http://afscentral.faa.gov/publications.htm>.

(6) The FAA will recommend acceptance of the repair station to the JAA when they are satisfied that the repair station is in compliance with 14 CFR parts 43 and 145 and the proposed JAA Supplement, subject to the satisfactory outcome of any inspection. If any deficiencies are noted in an inspection, they must be corrected within 60 days of the FAA's notification to the repair station. If the deficiencies have not been corrected within 60 days, the FAA will terminate the application. In the event of unusual circumstances, the FAA may extend the 60-day period provided the applicant demonstrates an ability and willingness to correct the noted deficiencies. The FAA will not issue a positive recommendation until all deficiencies have been corrected. Therefore, the JAA will not issue an acceptance unless it has received a positive recommendation from the FAA.

(7) An initial acceptance fee should be sent to the JAA account specified on JAA Form 16 at least 30 days before the date initial acceptance is needed. Electronic transfers

should quote the information on page 2 of the latest version of JAA Form 16. The fee is nonrefundable.

(8) After receiving a positive recommendation from the FAA and proof of initial fee payment, the JAA will forward a JAA acceptance to the repair station and a copy to the repair station's principal inspector. A JAA acceptance is valid for up to two years.

c. Procedures for Renewing JAA/NAA Acceptance Under JAR 145.

(1) A repair station seeking renewal of its acceptance should request an application packet from the FAA FSDO with certificate oversight responsibility for the repair station.

(2) The repair station should complete JAA Form 16 in duplicate.

(3) The repair station should obtain/provide evidence of its need for JAA acceptance as specified in paragraph 7b(3) of this AC. The evidence of need may consist of a copy of Form 8130-3, Airworthiness Approval Tag, indicating that the repair station has performed maintenance for an organization located in a JAA member country.

(4) The repair station should check to ensure that its JAA Supplement reflects current repair station procedures and activities. If current procedures are reflected in the document and the document has been previously submitted to the FAA, the repair station's JAA Supplement does not need to be revised or resubmitted. Any changes will require revision of the JAA Supplement and resubmission to the FAA.

(5) The repair station should send two copies of JAA Form 16 as well as any amendment to its JAA Supplement, if appropriate, and a copy of its evidence of need for JAA acceptance to its supervising FSDO at least 60 days before the expiration of its current JAA acceptance. This will ensure continuity of the acceptance unless significant changes have taken place since the last issue or renewal of acceptance.

(6) The repair station must have two FAA facility inspections performed during the preceding two years. Outstanding issues resulting from these facilities inspections must be resolved.

(7) When the repair station is in compliance with 14 CFR parts 43 and 145 and the JAA Supplement (including amendments), the FAA will recommend renewal of its JAA acceptance on JAA Form 9. When the repair station is not in compliance, the FAA may allow the repair station to submit a plan for corrective action, depending on the nature of the deficiencies. If the repair station fails to correct the deficiencies or provide a plan for corrective action, the FAA will terminate the renewal application and submit JAA Form 9 to the JAA with a non-recommendation of acceptance. In the event of unusual circumstances, the JAA may extend the duration of the repair station's acceptance for a reasonable period of time. The JAA will not issue an acceptance unless it has received a positive recommendation from the FAA.

(8) The repair station should send a renewal fee to the JAA account specified on JAA Form 16 at least 30 days before its current acceptance expires. Electronic transfers should quote the information contained on page 2 of JAA Form 16. The fee is nonrefundable.

(9) After receiving a positive recommendation from the FAA and proof of fee payment, the JAA will forward a JAR 145 acceptance to the repair station and a copy of the acceptance to the repair station's principal inspector.

(10) Late application for renewal. The JAA must be in receipt of the FAA recommendation, the completed renewal application, and confirmation that the fee has been paid no later than 60 days from the scheduled renewal date. Any application package received by the JAA later than 60 days from the scheduled renewal date will be returned to the applicant and a copy to the FAA with a denial of renewal. The applicant should proceed using the initial acceptance procedures.

d. Procedures for Amending JAA/NAA Acceptance Under JAR 145.

(1) A repair station seeking to amend its acceptance should follow the procedures for a repair station seeking initial acceptance as specified in this AC, except as noted in this section.

(2) An amendment of acceptance requires the submission of JAA Form 16 for changes to a repair station's name, ownership, location, or ratings. Amendments issued to a repair station's JAA acceptance will not change the expiration date of the repair station's current acceptance. Depending on the nature of the proposed amendment, the FAA may need to perform a limited facility inspection of the repair station.

(3) The repair station should revise its JAA Supplement to reflect any changes resulting from amending its JAA acceptance and resubmit only the changes. Revisions to the repair station's JAA Supplement that do not change the nature of the repair station's JAA acceptance should be submitted to the FAA for review but do not require the submission of JAA Form 16. Evidence of the repair station's need for JAA acceptance is not required to be submitted for an amendment of acceptance.

(4) No fee is required for amending an existing JAA acceptance; therefore, the fee section of JAA Form 16 is not applicable.

e. Additional Conditions for the Acceptance of Air Carrier Line Stations.

(1) While this JAR 145 procedure is primarily intended for the acceptance of 14 CFR part 145-certificated repair stations located in the United States, it can also be extended to line stations of a U.S. air carrier that is a 14 CFR part 145 certificate holder.

(2) Air carrier line stations in the United States can be accepted by the JAA if the air carrier holds a 14 CFR part 145 certificate valid for all operated aircraft types for at least one of its base maintenance facilities and shows that its quality monitoring system covers operations conducted under both certificates and at the line stations.

(3) A U.S. air carrier seeking JAA acceptance for a line station outside the United States should contact its Principal Maintenance Inspector to obtain assistance in applying to the JAA for acceptance of the line station.

/s/ Louis C. Cusimano for
James J. Ballough
Director, Flight Standards Service

**APPENDIX 1. JAA SPECIAL CONDITIONS CONTAINED IN THE MAINTENANCE
IMPLEMENTATION PROCEDURES OF A BILATERAL AVIATION SAFETY
AGREEMENT**

3.0. [NAA] Special Conditions Applicable to U.S.-Based Repair Stations

3.0.1. The [NAA] agrees that an FAA-approved repair station that applies to work on a civil aeronautical product under the regulatory control of the [NAA] is eligible for a JAA certificate and JAA listing if the FAA endorses via JAA procedures that the repair station complies with all of the following Special Conditions:

(a) The repair station must hold a valid FAA repair station certificate issued in accordance with FAR part 145 issued as a final rule.

(b) Repair stations with airframe or limited airframe ratings must have appropriate covered hangar(s) for the base maintenance of aircraft.

(c) The repair station must provide a supplement to its Inspection Procedures Manual (IPM) accepted by FAA on behalf of the [NAA], to include the following:

(i) Detailed procedures for the operation of an independent quality monitoring system.

(ii) Procedures for the release or approval for return to service that meet the requirements of JAR § 145.50 for aircraft and the use of FAA Form 8130-3 for aircraft components, and any other information required by the owner or operator as appropriate.

(iii) Procedures to ensure that repairs and modifications as defined by JAA requirements are accomplished in accordance with data approved by the [NAA].

(iv) Procedures for reporting of unairworthy conditions as required by JAR 145 on civil aeronautical products to the [NAA], aircraft design organization, and the customer or operator.

(v) Procedures to ensure completeness of and compliance with the customer or operator work order or contract including notified [NAA] airworthiness directives and other notified mandatory instructions.

(vi) A statement by the accountable manager, as defined by JAR 145, which commits the repair station to these Special Conditions.

(vii) For a repair station rated for an aircraft type, procedures to ensure that the aircraft's airworthiness certificate has not expired prior to releasing or returning the aircraft to service.

(viii) The repair station must specify the items to be contracted and have procedures in place to ensure that contractors meet the terms of these implementation procedures; that is, using a JAA accepted source or, if using a non-JAA-certificated source, the repair station returning the product to service is responsible for ensuring its airworthiness.

(d) The JAA certification will not exceed the scope of the ratings and limitations contained in the FAR part 145 certificate.

3.0.2. To continue to be JAR-145 accepted:

(a) The repair station shall allow the [NAA], or the JAA or FAA on behalf of the [NAA], to inspect it for continued compliance with the requirements of FAR part 145 and these Special Conditions, that is, JAR 145.

(b) Investigation and enforcement action by the [NAA] may be taken in accordance with [NAA] regulations and JAA procedures.

(c) The repair station must cooperate with any investigation or enforcement action.

(d) The repair station must continue to comply with FAR part 145 and these Special Conditions.