



## European Aviation Safety Agency

**Patrick Goudou • Executive Director**

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Cologne, 6<sup>th</sup> July 2006  
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Mr. Pavel Matoušek  
Director of Airworthiness Division  
Letiště Praha Ruzyně  
160 08 Praha 6  
Czech Republic

Dear Sir,

The attention of the Agency has been drawn to some practices that seem widely applied throughout Member States for the approval of changes and repairs to US State of design products, which are designed by organisations under the jurisdiction of one Member State.

Based on allegedly applicable bilateral airworthiness agreements or implementation procedures of bilateral aviation safety agreements, as well as previous national regulations, it seems that such design changes or repairs are automatically accepted when they have been approved by the FAA or a person acting on its behalf (DER).

It has to be remembered that any design change or repair to a European registered aircraft or to parts and appliances fitted thereon are subject to the provisions of Regulation 1702/2003, in particular the provisions of Part 21A.103, 21A.115 and 21A.437. As a consequence, such changes or repairs must be approved in accordance with these regulations.

If a change or repair is designed by a US TC holder or an organisation located in the United States of America, the Agency will approve it taking into account the previously mentioned agreements. To facilitate its task and speed up the process, Decision 2004/04/CF (attached) has already approved a number of them. When a change or repair meets the conditions therein, FAA form 8110-3 or 8100-9 is a sufficient proof of compliance with the applicable requirements. If a change or repair is not designed by a US TC holder, an application must be made by the design organisation to the Agency for formal evaluation and approval. When doing so, the Agency will give due consideration to the validation procedures contained in these agreements.

If a change or repair is designed by a European or a foreign non-US organisation, the above referred to agreements are not applicable. It goes without saying that previous national regulations are null and void as a consequence of the entry into force of Regulation 1592/2002 and the implementing Commission Regulation 1702/2003. Any approval issued by, or on behalf of, the FAA, is therefore without

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any legal value and cannot be used as an Agency approval. Such changes and repairs must be approved directly by the Agency or, if applicable, its designer if it holds the appropriate Design Organisation Approval. When doing so the Agency will certainly take into account the technical advice of the US TC holder, if available.

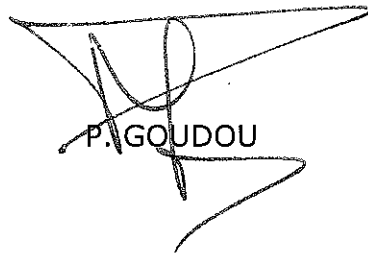
The fact that a number of changes and repairs have been embodied on European registered aircraft since 28 September 2003 (changes and repairs approved by Member States before this date have been grandfathered by Regulation 1702/2003) without proper approval exposes the operators, the organisations that designed them or embodied them, as well as national aviation authority that maintain the validity of the certificates of airworthiness of the said aircraft, to possible liability suits in case of accident.

Considering the above, you are kindly requested:

- to make sure that such practices stop immediately and
- to report all changes and repairs that have been embodied on aircraft, which bear your State's registration, without a proper approval as described here above.

In the light of the result of this enquiry, the Agency will consider the possibility of a catch-up process to resolve this worrying issue.

Yours faithfully,



P. GOUDOU

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