

MAINTENANCE IMPLEMENTATION
PROCEDURES

under the

Agreement for the Promotion of Aviation Safety

between the

Government of the United States of America

and the

Government of the Federal Republic of Germany

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CHAPTER I - GENERAL

1.0 Purpose

(a) This document sets forth the Federal Aviation Administration (FAA) and the Bundesministerium für Verkehr and its Luftfahrt-Bundesamt (LBA) procedures for implementing the maintenance and alteration or modification provisions of the Agreement for the Promotion of Aviation Safety between the Government of the United States and the Government of the Federal Republic of Germany signed 23 May 1996. The Agreement provides, in pertinent part, that the FAA and the LBA will pursue mutual cooperation and technical assistance in evaluation and acceptance of each other's systems, including recommendations for FAA certification and renewal of certification, LBA acceptance, and continued monitoring of maintenance and alteration or modification facilities.

(b) The objective of these Implementation Procedures, in accordance with the Agreement, is to outline the terms and conditions under which the FAA and the LBA can accept each other's inspections and evaluations of maintenance facilities for findings of compliance, thereby reducing redundant regulatory oversight, without adversely affecting aviation safety.

1.1 Authorization

The authorization for these Implementation Procedures is Article III of the Agreement for the Promotion of Aviation Safety, and in that respect, the FAA and the LBA as the competent authority of the Bundesministerium für Verkehr have assessed each other's standards and systems relating to the approval of repair stations/maintenance organizations that perform maintenance and alterations or modifications on civil aeronautical products, and as a result, have established an understanding of such standards and systems.

1.2 Entry into Force and Termination

These Implementation Procedures shall enter into force sixty days after the date of the last signature and shall remain in force until terminated. They may be terminated upon sixty (60) days' written notice by either the FAA or the Bundesministerium für Verkehr. Termination of these Implementation Procedures will not affect the validity of activity conducted under their provisions prior to termination.

1.3 Amendments

(a) These Implementation Procedures may be amended by mutual consent of the FAA and the Bundesministerium für Verkehr. They also may be supplemented by appendices. The details of any such amendment or appendix shall be recorded and signed by the representatives identified in paragraph 1.6(b), or their designees.

(b) Suggestions for improvement are welcome and can be addressed to either of the offices described in paragraph 1.6.

(c) The FAA and the Bundesministerium für Verkehr recognize that significant revision by either authority to its organization, regulations, procedures, or standards may affect the basis on which these Implementation Procedures are executed. Accordingly, each authority agrees to promptly advise the other of plans for such changes, and to give an opportunity for comment. Upon notice of such changes by one authority, the other authority may request consultation to review the need for amendment to these Implementation Procedures.

1.4 JAA Membership

(a) The FAA recognizes that the Bundesministerium für Verkehr is a member of the Joint Aviation Authorities (JAA) and that membership includes obligations of the Bundesministerium für Verkehr to other JAA members with respect to development of regulations, procedures, and standards, and that the Bundesministerium für Verkehr has adopted JAA regulations, procedures, and standards, including standards for approval of maintenance organizations.

(b) The Bundesministerium für Verkehr will carry out the obligations contained in these Implementation Procedures in accordance with JAA procedures. For example, the obligations of the Bundesministerium für Verkehr to receive or provide information will be accomplished under JAA procedures.

1.5 National Requirements

(a) The JAA provides the Bundesministerium für Verkehr with a uniform set of requirements known as Joint Aviation Requirements (JAR), and ancillary documents and procedures. When adopted by the Bundesministerium für Verkehr, the JAR serve as the legal standards for safety regulation by the Bundesministerium für Verkehr.

(b) The legal standards for safety regulation by the FAA are contained in Title 14, Code of Federal Regulations (The Federal Aviation Regulations (FAR)) and are explained in ancillary documents and procedures.

1.6 Accountability

(a) The designated offices for the technical implementation of these Implementation Procedures are:

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| (1) For the FAA: | Flight Standards Service
FAA (AFS-300)
800 Independence Avenue, S.W.
Washington, DC 20591
phone: +1-202-267-3546
fax: +1-202-267-5115 |
| (2) For the Bundesministerium für Verkehr: | Luftfahrt-Bundesamt
Postfach 3054
D 38020 Braunschweig
phone +49 531 2355 300
fax +49 531 2355 254 |

(b) The designated offices for the administrative coordination of these Implementation Procedures are:

- | | |
|--|--|
| (1) For the FAA: | Office of International Aviation
FAA (AIA-300)
800 Independence Avenue, S.W.
Washington, DC 20591
phone: +1-202-267-3213
fax: +1-202-267-5032 |
| (2) For the Bundesministerium für Verkehr: | BMV Abt. Luft- und Raumfahrt
Postfach 20 01 00
D 53170 Bonn
phone +49 228 300 7850
fax +49 228 300 7709 |

1.7 Resolution of Disagreements

As stated in Article IV of the Agreement for the Promotion of Aviation Safety, any disagreement regarding the interpretation or application of these Implementation Procedures shall be resolved by consultation between the FAA and the Bundesministerium für Verkehr, and, if appropriate, resolution of such disagreements will be recorded as an amendment or appendix to these Implementation Procedures, in accordance with paragraph 1.3.

1.8 Definitions

For the purposes of these Implementation Procedures (and notwithstanding definitions contained in Title 14, Code of Federal Regulations (the Federal Aviation Regulations (FAR)) or the JAR), the following definitions apply:

(a) "Alteration or modification" means making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected civil aeronautical product.

(b) "Civil aeronautical product" means any civil aircraft, aircraft engine, or propeller or subassembly, appliance, material, part, or component to be installed thereon.

(c) "Compliance with FAR part 145" means compliance with the latest issue of JAR 145 and the FAA Special Conditions as set forth in these Implementation Procedures and all Interpretive Explanatory Materials (IEMs), Acceptable Means of Compliance (AMCs), and JAA Maintenance Temporary Guidance Leaflets (TGLs).

(d) "Compliance with JAR 145" means compliance with the latest issue of FAR part 145 and the JAA Special Conditions as set forth in these Implementation Procedures recognizing that advisory circulars provide additional guidance in this area.

(e) "Data approved by the FAA" means data that is approved by the Administrator or the Administrator's designated representative.

(f) "Data approved by the LBA" means data that is approved by the LBA as the competent authority of the Bundesministerium für Verkehr or by an organization approved by the LBA for that purpose.

(g) "FAR" means the Federal Aviation Regulations, contained in Title 14, Code of Federal Regulations, parts 1 through 199.

(h) "JAA procedures" means LBA application of JAA procedures in its national systems, rules, policies, practices, and procedures.

(i) "JAR" means Joint Aviation Requirements as adopted by the Government of the Federal Republic of Germany or enforced by European Communities (EC) Regulation. They are interpreted and implemented by JAA policy guidance in the form of IEMs, AMCs, JAA Maintenance TGLs, and JAA Administrative Guidance Material, Part Two - Maintenance.

(j) "Maintenance" means the performance of inspection, overhaul, repair, preservation, and the replacement of parts, materials, appliances, or components of a civil aeronautical product to ensure the continued airworthiness of that product, excluding alterations or modifications.

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

(l) "Required inspection items" means the items of maintenance and alterations that must be inspected by a person other than the one that performed the work, and includes at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used.

(m) "Special Conditions" are contained in Chapter III, paragraph 3.0 of these Implementation Procedures. FAA Special Conditions are those requirements in FAR part 145 that the FAA has determined are not contained in JAR 145. LBA Special Conditions are those requirements in JAR 145 that the LBA has determined are not contained in FAR part 145.

CHAPTER II - RECIPROCAL ACCEPTANCE OF FINDINGS OF COMPLIANCE

2.0 General

(a) The FAA and the LBA agree, subject to the terms of these Implementation Procedures, to accept each other's inspections and monitoring for findings of compliance with their respective requirements as the basis for the issuance of certificates to or acceptances of eligible repair stations/maintenance organizations.

(b) Maintenance and alterations or modifications performed on a civil aeronautical product under the regulatory control of the LBA may be accomplished and that product returned to service by an FAA-certificated repair station that has been accepted by the LBA in accordance with JAA procedures.

(c) Maintenance and alterations or modifications performed on a civil aeronautical product under the regulatory control of the FAA may be accomplished and that product returned to service by a LBA-approved maintenance organization that has been certificated by the FAA.

2.1 Eligibility Requirements

(a) The FAA agrees that a maintenance organization that has been approved for maintenance and alteration or modification work by the LBA in accordance with the JAR, and has complied with the Special Conditions set forth in Chapter III, paragraph 3.1, as well as having received an LBA endorsement for approval on its application to the FAA, will be eligible for a certificate.

(b) The LBA agrees that a repair station that has been approved for maintenance and alteration or modification work by the FAA, and has complied with the Special Conditions set forth in Chapter III, paragraph 3.0, as well as having received an FAA endorsement for acceptance of its application to the LBA, will be eligible for a certificate and listing by the JAA.

(c) FAA certificated repair facilities and applicants for FAA certificates located in the Federal Republic of Germany and not requiring LBA-approval are excluded from the provisions of the Implementation Procedures. Applications by LBA approved maintenance organizations for FAA ratings or limitations that are not contained in their LBA/JAA certificates also are excluded from these Implementation Procedures. LBA/JAA approved maintenance organizations in the United States not requiring an FAA certificate also are excluded from the provisions of these Implementation Procedures.

CHAPTER III - SPECIAL CONDITIONS

3.0 LBA Special Conditions Applicable to U.S.-Based Repair Stations

3.0.1. The LBA agrees that an FAA-approved repair station that applies to work on a civil aeronautical product under the regulatory control of the LBA 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 the most current 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 the FAA on behalf of the LBA, 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 the 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 LBA.
 - (iv) Procedures for reporting of unairworthy conditions as required by JAR 145 on civil aeronautical products to the LBA, aircraft design organization, and the customer or operator.
 - (v) Procedures to ensure completeness of and compliance with the customer or operator workorder or contract including notified LBA airworthiness directives and other notified mandatory instructions.
 - (vi) A statement by the accountable manager, as defined by JAR 145, that 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; i.e., 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 LBA/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 LBA, or the JAA or the FAA on behalf of the LBA, to inspect it for continued compliance with the requirements of FAR part 145 and these Special Conditions, i.e JAR 145.

(b) Investigation and enforcement action by the LBA may be taken in accordance with LBA 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

3.1 FAA Special Conditions Applicable to Germany-Based Maintenance Organizations

3 1.1. The FAA agrees that an LBA-approved maintenance organization that applies to work on a civil aeronautical product under the regulatory control of the FAA is eligible for an FAA repair station certificate, if the LBA endorses to the FAA that the maintenance organization complies with all of the following Special Conditions:

(a) The maintenance organization must hold a valid JAR 145 certificate issued by the LBA in compliance with the most current JAR 145 and all AMCs, IEMs, and JAA Maintenance TGLs. The FAA will issue one FAA certificate for each maintenance facility location, appropriate to the functions and ratings at that location, even if multiple locations are covered by a single JAR 145 certificate.

(b) The maintenance organization must provide an English language version of the management system, and a summary of its quality system, for its JAR 145 maintenance organization exposition, as well as all applicable revisions to either prior to implementation.

(c) The maintenance organization must provide an English language supplement accepted by the LBA on behalf of the FAA and maintained at the maintenance organization. All revisions must be accepted by the LBA, and provided prior to implementation. This supplement to the maintenance organization exposition shall include the following:

(i) Procedures for approval for release or approval for return to service that satisfy the requirements of FAR part 43 for aircraft and use of JAA Form 1 for components, including the information required by FAR §§ 43.9 and 43.11, and all information required to be made or kept by the owner or operator, as appropriate.

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

(iii) Procedures to ensure that release- or return-to-service certification describes in the English language the maintenance, alterations, or modifications accomplished.

(iv) Procedures for the reporting to the FAA of serious defects or unairworthy conditions on civil aeronautical products. ✓

(v) Procedures to ensure that all current and applicable airworthiness directives published by the FAA are available to maintenance personnel.

(vi) Procedures to ensure compliance with air carriers' manuals, including the separation of maintenance from inspection on those items identified as required inspection items as defined by the air carrier/customer.

(vii) Procedures to ensure compliance with the manufacturer's maintenance manuals or instructions for continued airworthiness, and handling deviations.

(viii) Procedures to ensure a hidden damage inspection is accomplished when applicable.

(d) FAA certification under these Implementation Procedures will not exceed the scope of the ratings and limitations contained in the JAR 145 certificate.

(e) The maintenance organization employee responsible for supervision or final inspection of an aircraft of U.S. registry must be able to read, write, speak, and understand English.

(f) The maintenance organization must state its FAA certificate number in any advertising in which it indicates it is FAA-approved.

(g) The maintenance organization must display its FAA certificate in a location where it is accessible to the public.

(h) The maintenance organization must have the materials and equipment necessary to perform the functions appropriate to the FAA certificate and ratings it seeks at the time it makes application.

(i) The maintenance organization must specify the items to be contracted and have procedures in place to ensure that contractors meet the terms of these Implementation Procedures; i.e., using an FAA-certificated source or, if using a non-FAA-certificated source, the maintenance organization returning the product to service is responsible for ensuring its airworthiness.

3.1.2. To continue to hold a FAR part 145 repair station certificate:

(a) The maintenance organization shall allow the FAA, or the JAA or the LBA on behalf of the FAA, to inspect it for continued compliance with JAR 145 and these Special Conditions, i.e., FAR part 145

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

(c) The maintenance organization must cooperate with any investigation or enforcement action.

(d) The maintenance organization must continue to comply with JAR 145 and these Special Conditions.

CHAPTER IV - MUTUAL COOPERATION AND TECHNICAL ASSISTANCE

4.0 Periodic Meetings

The FAA and the LBA shall endeavor to meet at least once a year to discuss these Implementation Procedures, on-going projects, changes in their own organizations, any revisions to their requirements, technical assistance requests, or any other matters relating to these Implementation Procedures. The frequency of these meetings will depend on the resources available to each authority, as well as the significance of any outstanding issues.

4.1 Information

The FAA and the LBA shall provide information and assistance regarding the maintenance and alterations or modifications to be performed under the terms of these Implementation Procedures, and shall develop appropriate publications and circulate these publications through established methods in their respective countries to:

- (a) Inform the public of the terms of these Implementation Procedures and any amendments or appendices.
- (b) Outline the regulatory requirements and special requirements necessary for persons to perform work under the terms of these Implementation Procedures.

4.2 Technical Evaluation Assistance

The FAA and the LBA agree to provide technical evaluation assistance to each other, upon request, to further the purposes and objectives of these Implementation Procedures. Such areas of assistance may include, but are not limited to:

- (a) Providing recommendations or endorsements for certification of repair stations to the FAA and maintenance organizations to the JAA.
- (b) Performing surveillance and providing reports regarding continued compliance with the requirements described in these Implementation Procedures by maintenance organizations in JAA member countries and repair stations in the United States.
- (c) Conducting and reporting on investigations at the request of the other authority.
- (d) Obtaining and providing data for reports where requested.

4.3 Exchange of Information

The FAA and the LBA shall provide each other with regulations, policies, guidance, practices, and interpretations relevant to these Implementation Procedures, and shall ensure that such documents are updated in a timely manner. In addition, any FAA or LBA proposal to amend such documents shall be provided to the other authority for the opportunity to review prior to the amendment being effected, consistent with their national laws and administrative procedures.

4.4 Establishing and Amending Regulations, Policies, and Guidelines

To the extent permitted by its national laws and administrative procedures, each authority agrees to provide technical assistance to the other in efforts to establish and amend regulations, policies, guidance, practices, and interpretations relevant to these Implementation Procedures.

4.5 Urgent or Unusual Situations

When urgent or unusual situations develop that are within the scope of the Implementation Procedures, but not specifically addressed, the FAA and the LBA will review and consult together and take appropriate action, including developing amendments or appendices to these Implementation Procedures, if appropriate, as set forth under paragraph 1.3.

4.6 Notification of Noncompliance and Safety Issues

(a) The FAA and the LBA agree to notify each other of all noncompliances with regulations and Special Conditions set forth in these Implementation Procedures. They also will notify each other promptly of any investigation into noncompliance that could result in delisting, suspension, or penalty. The notification will be sent to the other authority's representative identified in paragraph 1.6(a). The FAA and the LBA agree that noncompliances will be corrected in a timely manner.

(b) The FAA and the LBA retain the right to take enforcement action, but, in some cases, an authority may choose to consider a remedial action taken by the other authority. The enforcement consultation process under these Implementation Procedures will be subject to a regular joint review by the FAA and the JAA.

4.7 Protection of Proprietary Data and Freedom of Information Act (FOIA) Requests

(a) Proprietary Data. Both authorities recognize that certain data submitted by a repair station/maintenance organization may be the property of that facility or another person and release of that data by the FAA or the LBA is restricted. The FAA and the LBA agree that they will not copy, release, or show proprietary data obtained from either authority to anyone outside of the FAA or the LBA without written consent of the owner of the proprietary data.

(b) FOIA Requests. The FAA often receives requests from the public under the FOIA to release information that the FAA may have in its possession. Any information that the FAA has in its possession must be disclosed under the FOIA unless it falls within certain exceptions, including trade secrets, or financial or commercial data that would be considered confidential or privileged. When the FAA receives such a request for the release of information related to a maintenance organization located in the Federal Republic of Germany and covered by these Implementation Procedures, the FAA will advise the LBA of any information received from the LBA and submitted to the FAA that might be released. The FAA also may request the LBA's assistance, in cooperation with the maintenance organization, in determining if the information submitter would object to release and which portions of the information received from the submitter or generated by the LBA might be withheld under the FOIA exceptions, if any.

4.8 Accident/Incident Investigation Requests

When the FAA or the LBA needs information regarding repair stations/maintenance organizations for the investigation of accidents or incidents involving civil aeronautical products, the request for information should be directed to the office identified in paragraph 1.6(a). In turn, upon receipt of the request for information, the other authority will provide the requested information in a timely manner.

CHAPTER V - TRANSFER AND CONTINUING VALIDITY PROVISIONS

5.0 Transfer Provisions

The FAA and the LBA via the JAA agree to transfer the conduct of inspection, monitoring, and surveillance of repair station/maintenance organization certificates currently under their regulatory control in accordance with these Implementation Procedures in the following manner:

(a) Current Certificates. Each authority will provide a transfer report that includes surveillance records, findings identified, and methods of correction for the past 2 years, and any other pertinent information concerning the current certificate to the other authority, or for the purposes of inspection, monitoring and surveillance. The FAA and the LBA will agree on a procedural plan and time schedule for correction of any open items. The FAA and the LBA agree to conduct all inspections, monitoring, and surveillance of repair station/maintenance organization certificates currently under the other's regulatory control within 2 years from the entry into force of these Implementation Procedures unless otherwise agreed on by the FAA and the LBA, and reflected in an appropriate written amendment or appendix.

(b) Initial Certification. Each authority agrees to begin conducting inspection for initial certification of approved repair stations/maintenance organizations no later than 2 years from the entry into force of these Implementation Procedures unless otherwise agreed on by the FAA and the LBA, and reflected in an appropriate written amendment or appendix.

5.1 Continuing Validity

The FAA and the LBA acknowledge that:

(a) Unrestricted Access. Each authority should be included in the other's inspections such as the Maintenance Standardization Team, Maintenance International Standardization Team, and National Aviation Safety Inspection Program, and that each authority may need to conduct independent inspections at maintenance facilities, and to review the other authority's surveillance records and other pertinent information regarding maintenance facilities consistent with the objective of these Implementation Procedures and the authority's applicable laws and regulations.

(b) Cooperation in Enforcement. The maximum permissible mutual cooperation and assistance in any investigation or enforcement proceedings of any alleged or suspected violations of any regulations or Special Conditions identified in these Implementation Procedures are essential. The FAA and the LBA acknowledge that FAA and LBA/JAA certificates issued under these Implementation Procedures and any amendments and appendices remain subject to the regulatory requirements and enforcement procedures described in subparagraphs 3.0.2(b) and 3.1.2(b) of these Implementation Procedures.

CHAPTER VI - AUTHORITY

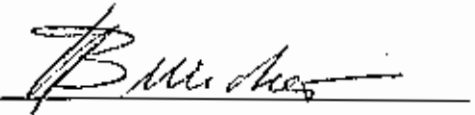
The FAA and the Bundesministerium für Verkehr agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives.

DONE at Berlin, Germany, this 6th day of June 1997.

FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

BUNDESMINISTERIUM
FÜR VERKEHR
FEDERAL REPUBLIC OF GERMANY

By 

By 

Name: Guy S. Gardner

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Title: Associate Administrator for
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