Documentation

The Tie Between Traceability and the Regulations

Aviation Suppliers Association

November 16, 2023

Jason Dickstein

- Advising aviation companies since 1992
- General Counsel to the Aviation Suppliers Association since 1997
- Our law firm represents and counsels air carriers, manufacturers, repair stations and distributors
- Advise businesses on airworthiness compliance

Documentation is Evidence of Facts

Airworthiness Documentation

Declares Regulated Facts, e.g.:

- A part was produced under an approved system (FAA)
- A part was released from an approved system (EASA)
- A part was released following maintenance or alteration by a certificate holder (FAA & EASA)

Commercial Documentation

Declares commercially valuable information, e.g.:

- Identity
- Condition
- Quantity
- Warranty information
- *Other commercial information*

Documentation is Evidence of Facts

Airworthiness Documentation

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"Birth Records"

Commercial Documentation

able

- Condition
- Quantity
- Warranty information
- *Other commercial information*

Some Initial Caveats

- Commercial documentation norms are constantly changing because they are driven by commercial concerns
- Airworthiness documentation requirements change less frequently
- Commercial requests for specific types of documentation can impact the airworthiness documentation that is requested, even if the rules did not change
- We will talk about what is required and what is often requested

General Rule of Aircraft Parts Manufacturing

- Generally, parts manufacturers need government approval to produce parts in most jurisdictions
  - PC, POA, PMA, TSOA, etc.
- As with all general rules, there are (many) exceptions

FAA Definition of “Approved”

- FAA: *Approved* means:
  - Approved by the FAA or
  - Approved by any person to whom the FAA has delegated its authority in the matter concerned, or
  - Approved under the provisions of a bilateral agreement between the United States and a foreign country or jurisdiction

What About Europe?

- FAA: *Approved* means:
  - Approved by the FAA or
  - Approved by any person to whom the FAA has delegated its authority in the matter concerned, or
  - Approved under the provisions of a bilateral agreement between the United States and a foreign country or jurisdiction
- EASA: Requires that installers only receive new parts that meet documentation requirements
  - Aside from certain exceptions (see EASA 145.A.42), these can only be obtained for government-approved parts
  - European Union signs bilateral agreements to accept foreign certificates, like the 8130-3

What are Approved Parts Under the FAA System?

- Generally, this means that the part has been produced under government approval:
  - Design Approval
    - Applicant demonstrates to the government that the design meets all government requirements including airworthiness requirements
  - Production Approval
    - Applicant demonstrates to the government that the production quality assurance system will effectively produce products and/or parts that meet the requirements of the approved design

Airworthiness v. Approved

- Airworthiness generally means:
  - Conforms to the airworthiness conditions of the aviation-authority (e.g. FAA) approved configuration and
  - Is in a condition for safe operation
- An airworthy part can become un-airworthy through damage or degradation
- An airworthy state can be resumed through maintenance

- Aviation Authorities approve design and production systems for aircraft articles
- An approved part can become un-airworthy through damage or degradation … but it is usually still “approved”
- “Birth records,” like manufacturer’s 8130-3 tags typically show that the part came from an approved system

Approved Parts: FAA Regulatory Standards

- 14 C.F.R. § 21.9 (a) If a person knows, or should know, that a replacement or modification article is reasonably likely to be installed on a type-certificated product, the person may not produce that article unless it is—

PC, PMA or TSOA

(1) Produced under a type certificate;

(2) Produced under an FAA production approval;

(3) A standard part (such as a nut or bolt) manufactured in compliance with a government or established industry specification;

(4) A commercial part as defined in §21.1 of this part;

(5) Produced by an owner or operator for maintaining or altering that owner or operator's product; or

(6) Fabricated by an appropriately rated certificate holder with a quality system, and consumed in the repair or alteration of a product or article in accordance with part 43 of this chapter; or

(7) Produced in any other manner approved by the FAA.

Approved Parts: Representations (*Limits on the Documentation*)

- 14 C.F.R. § 21.9(b) Except as provided in paragraphs (a)(1) through (a)(2) of this section, a person who produces a replacement or modification article for sale may not represent that part as suitable for installation on a type-certificated product.

(a) (1) Produced under a type certificate;

(a) (2) Produced under an FAA production approval;

Categories of FAA “Approved” and “Acceptable” Parts

- PMA
- TSOA
- TC only (incl. prepositioned parts)
- PC (incl. Direct Ship Authorization)
- Bilateral Agreement
- 21.8(d)
- Standard Parts
- Owner/Operator Produced Parts
- Repair Station Produced Parts and other Maintenance-Produced Parts

Approved Parts (*from the US*)

- Production Certificate (PC)*
- Certifies that the production quality assurance system will effectively assure that each product released from the system will meet the requirements of the approved design
- May be used for a complete Type Certificated product (aircraft, engine, propeller) or for the component parts of the product

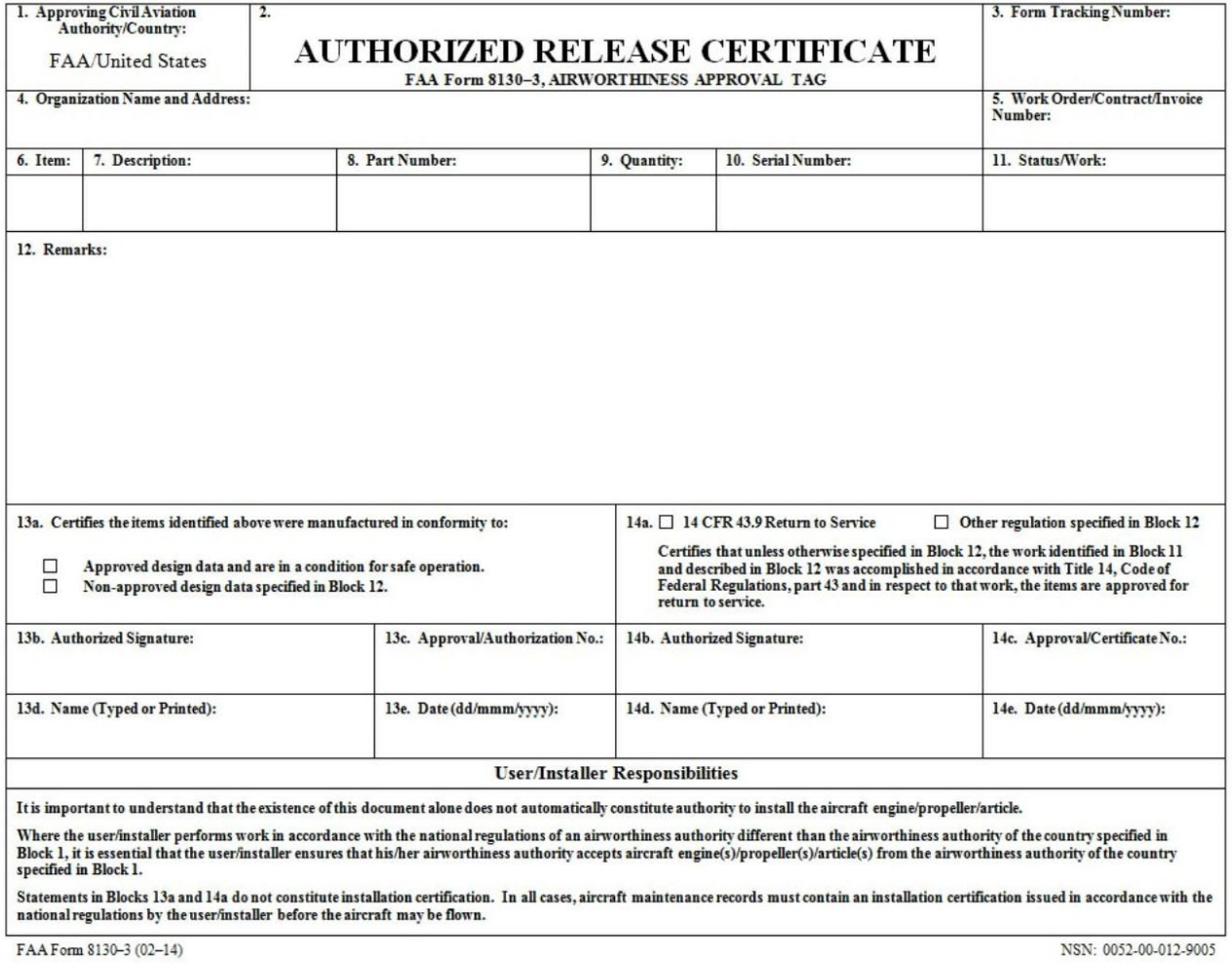
* = Parts acceptable in other countries under most US bilateral agreements

More Categories of Approved Parts

- Parts Manufacturer Approval (PMA)*
  - Used to approve for replacement and modification aircraft parts
  - A hybrid approval in that both design and production are approved in a single document
- Technical Standard Order Authorization (TSOA)*
  - The government issues a Technical Standard Order (TSO)
    - The TSO sets performance standards
  - The applicant demonstrates compliance to the standards found in the TSO
  - US, EU and Canada harmonized their TSOs and changed from a TSOA validation model to a mutual acceptance model!

* = Parts acceptable in other countries under most US bilateral agreements

Optional Documentation *(from a regulatory standpoint)*



1. Approving Civil Aviation Authority/Country: FAA/United States	2. **AUTHORIZED RELEASE CERTIFICATE** FAA Form 8130–3, AIRWORTHINESS APPROVAL TAG				3. Form Tracking Number:
4. Organization Name and Address:					5. Work Order/Contract/Invoice Number:
6. Item:	7. Description:	8. Part Number:	9. Quantity:	10. Serial Number:	11. Status/Work:

12. Remarks:

13a. Certifies the items identified above were manufactured in conformity to: ☐ Approved design data and are in a condition for safe operation. ☐ Non-approved design data specified in Block 12.		14a. ☐ 14 CFR 43.9 Return to Service ☐ Other regulation specified in Block 12 Certifies that unless otherwise specified in Block 12, the work identified in Block 11 and described in Block 12 was accomplished in accordance with Title 14, Code of Federal Regulations, part 43 and in respect to that work, the items are approved for return to service.	
13b. Authorized Signature:	13c. Approval/Authorization No.:	14b. Authorized Signature:	14c. Approval/Certificate No.:
13d. Name (Typed or Printed):	13e. Date (dd/mmm/yyyy):	14d. Name (Typed or Printed):	14e. Date (dd/mmm/yyyy):

User/Installer Responsibilities

It is important to understand that the existence of this document alone does not automatically constitute authority to install the aircraft engine/propeller/article.

Where the user/installer performs work in accordance with the national regulations of an airworthiness authority different than the airworthiness authority of the country specified in Block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts aircraft engine(s)/propeller(s)/article(s) from the airworthiness authority of the country specified in Block 1.

Statements in Blocks 13a and 14a do not constitute installation certification. In all cases, aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.

FAA Form 8130–3 (02–14) NSN: 0052-00-012-9005

- Production approval holders may issue 8130-3 for their new, airworthy aircraft parts
  - 14 C.F.R. § 21.137(o)
  - Must have a written system
- **This is strongly encouraged by the FAA**
- **Note**: FAA discontinued obtaining OMB approval of the 8130-3 tag in 2010 because it was “not required”

8130-3 Tags - Sources

- Because the 8130-3 Tag is technically “optional” it doesn’t *always* exist for every part
- Parties frequently obtain 8130-3 tags from the FAA
  - FAA operates through its designees, so actual FAA signatories tend to be DARs
- Manufacturers have been increasingly issuing 8130-3 tags themselves
  - Historically this was done through DMIRs or DARs
  - Current trend is to rely on the FAA production approval authority (14 C.F.R. 21.137(o))
  - These can be thought of as “birth records”

Check the Documentation When You Receive It

1. Approving Civil Aviation Authority/Country: FAA/United States	2. **AUTHORIZED RELEASE CERTIFICATE** FAA Form 8130–3, AIRWORTHINESS APPROVAL TAG				3. Form Tracking Number:
4. Organization Name and Address:					5. Work Order/Contract/Invoice Number:
6. Item:	7. Description:	8. Part Number:	9. Quantity:	10. Serial Number:	11. Status/Work:

12. Remarks:

13a. Certifies the items identified above were manufactured in conformity to: ☐ Approved design data and are in a condition for safe operation. ☐ Non-approved design data specified in Block 12.		14a. ☐ 14 CFR 43.9 Return to Service ☐ Other regulation specified in Block 12 Certifies that unless otherwise specified in Block 12, the work identified in Block 11 and described in Block 12 was accomplished in accordance with Title 14, Code of Federal Regulations, part 43 and in respect to that work, the items are approved for return to service.	
13b. Authorized Signature:	13c. Approval/Authorization No.:	14b. Authorized Signature:	14c. Approval/Certificate No.:
13d. Name (Typed or Printed):	13e. Date (dd/mmm/yyyy):	14d. Name (Typed or Printed):	14e. Date (dd/mmm/yyyy):

User/Installer Responsibilities

It is important to understand that the existence of this document alone does not automatically constitute authority to install the aircraft engine/propeller/article.

Where the user/installer performs work in accordance with the national regulations of an airworthiness authority different than the airworthiness authority of the country specified in Block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts aircraft engine(s)/propeller(s)/article(s) from the airworthiness authority of the country specified in Block 1.

Statements in Blocks 13a and 14a do not constitute installation certification. In all cases, aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.

FAA Form 8130–3 (02–14) NSN: 0052-00-012-9005

- Correlate the form to your purchase order
- Make sure the authority in block 1 is acceptable
- Make sure the form meets your purchase order expectations
- Make sure blocks 7-11 match the part that you receive
- Make sure the signature block reflects your expectations

A Quick Digression on Approval for Return to Service

Remember: This Same Form is Used for Repair and Alteration

1. Approving Civil Aviation Authority/Country: FAA/United States	2. AUTHORIZED RELEASE CERTIFICATE FAA Form 8130–3, AIRWORTHINESS APPROVAL TAG				3. Form Tracking Number:
4. Organization Name and Address:					5. Work Order/Contract/Invoice Number:
6. Item:	7. Description:	8. Part Number:	9. Quantity:	10. Serial Number:	11. Status/Work:

12. Remarks:

13a. Certifies the items identified above were manufactured in conformity to: ☐ Approved design data and are in a condition for safe operation. ☐ Non-approved design data specified in Block 12.		14a. ☐ 14 CFR 43.9 Return to Service ☐ Other regulation specified in Block 12. Certifies that unless otherwise specified in Block 12, the work identified in Block 11 and described in Block 12 was accomplished in accordance with Title 14, Code of Federal Regulations, part 43 and in respect to that work, the items are approved for return to service.	
13b. Authorized Signature:	13c. Approval/Authorization No.:	14b. Authorized Signature:	14c. Approval/Certificate No.:
13d. Name (Typed or Printed):	13e. Date (dd/mmm/yyyy):	14d. Name (Typed or Printed):	14e. Date (dd/mmm/yyyy):

User/Installer Responsibilities

It is important to understand that the existence of this document alone does not automatically constitute authority to install the aircraft engine/propeller/article.

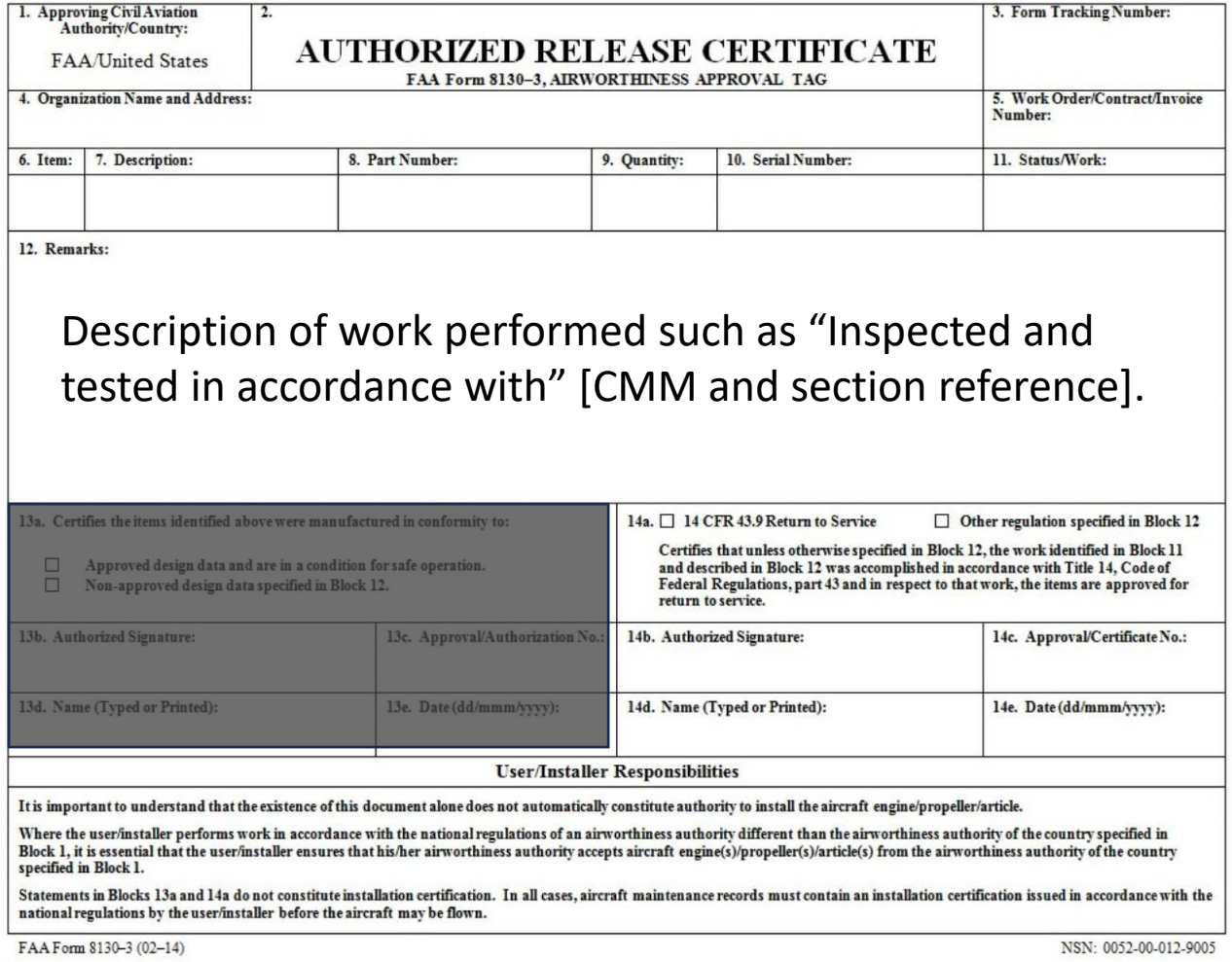
Where the user/installer performs work in accordance with the national regulations of an airworthiness authority different than the airworthiness authority of the country specified in Block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts aircraft engine(s)/propeller(s)/article(s) from the airworthiness authority of the country specified in Block 1.

Statements in Blocks 13a and 14a do not constitute installation certification. In all cases, aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.

FAA Form 8130–3 (02–14) NSN: 0052-00-012-9005

- Correlate the form to your repair order or purchase order
- Make sure the authority in block 1 and block 13 is acceptable
- Make sure blocks 7-11 match the part that you receive
- Make sure the signature block reflects your expectations

When Used as an Approval for Return to Service – Read Block 12!



1. Approving Civil Aviation Authority/Country: FAA/United States	2. AUTHORIZED RELEASE CERTIFICATE FAA Form 8130–3, AIRWORTHINESS APPROVAL TAG				3. Form Tracking Number:
4. Organization Name and Address:					5. Work Order/Contract/Invoice Number:
6. Item:	7. Description:	8. Part Number:	9. Quantity:	10. Serial Number:	11. Status/Work:

12. Remarks:

Description of work performed such as “Inspected and tested in accordance with” [CMM and section reference].

13a. Certifies the items identified above were manufactured in conformity to: ☐ Approved design data and are in a condition for safe operation. ☐ Non-approved design data specified in Block 12.		14a. ☐ 14 CFR 43.9 Return to Service ☐ Other regulation specified in Block 12. Certifies that unless otherwise specified in Block 12, the work identified in Block 11 and described in Block 12 was accomplished in accordance with Title 14, Code of Federal Regulations, part 43 and in respect to that work, the items are approved for return to service.	
13b. Authorized Signature:	13c. Approval/Authorization No.:	14b. Authorized Signature:	14c. Approval/Certificate No.:
13d. Name (Typed or Printed):	13e. Date (dd/mmm/yyyy):	14d. Name (Typed or Printed):	14e. Date (dd/mmm/yyyy):

User/Installer Responsibilities

It is important to understand that the existence of this document alone does not automatically constitute authority to install the aircraft engine/propeller/article.

Where the user/installer performs work in accordance with the national regulations of an airworthiness authority different than the airworthiness authority of the country specified in Block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts aircraft engine(s)/propeller(s)/article(s) from the airworthiness authority of the country specified in Block 1.

Statements in Blocks 13a and 14a do not constitute installation certification. In all cases, aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.

FAA Form 8130–3 (02–14) NSN: 0052-00-012-9005

- Make sure blocks 11-12 describe the work as you expect it
- Examine the remarks and make sure they describe the work performed and that the scope of the work performed meets your expectations
- Does the certificate number look wrong? Download a list of repair stations at https://av-info.faa.gov/dd_sublevel.asp?Folder=\RepairStations

Parts Accepted under a Bilateral Agreement are Called “Approved”

- Bilateral Airworthiness Safety Agreements (BASA)
- US treats as “approved” all parts produced under non-US approval, but accepted under a BASA
  - The documentation is a record that demonstrates the finding of airworthiness
- EU accepts the documentation associated with parts acceptable under a BASA, as equivalent documentation, and that acceptance is consistent with EASA 145.A.42 receipt requirements

Required Documentation *(from a regulatory standpoint)*

Regulation (EU) No 69/2014

1. Approving Competent Authority / Country		**2. AUTHORISED RELEASE CERTIFICATE** **EASA FORM 1**			3. Form Tracking Number
4. Organisation Name and Address:					5. Work Order/Contract/Invoice
6. Item	7. Description	8. Part No.	9. Qty.	10. Serial No.	11. Status/Work
12. Remarks					
13a. Certifies that the items identified above were manufactured in conformity to: □ approved design data and are in a condition for safe operation □ non-approved design data specified in block 12			14a □ Part-145.A.50 Release to Service □ Other regulation specified in block 12 Certifies that unless otherwise specified in block 12, the work identified in block 11 and described in block 12, was accomplished in accordance with Part-145 and in respect to that work the items are considered ready for release to service.		
13b. Authorised Signature	13c. Approval/Authorisation Number		14b. Authorised Signature	14c. Certificate/Approval Ref. No.	
13d. Name	13e. Date (dd mmm yyyy)		14d. Name	14e. Date (dd mmm yyyy)	
USER/INSTALLER RESPONSIBILITIES This certificate does not automatically constitute authority to install the item(s). Where the user/installer performs work in accordance with regulations of an airworthiness authority different than the airworthiness authority specified in block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts items from the airworthiness authority specified in block 1. Statements in blocks 13a and 14a do not constitute installation certification. In all cases aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.					

EASA Form 1-21 Issue 2.

- Production Organization Approval holders must issue EASA Form 1 for their new, airworthy aircraft parts
  - EASA 21.A.163(c), 21.A.165(c)
- This is required under EU law

Categories of “Approved” Parts
In any other manner …

- 14 C.F.R. § 21.8 If an article is required to be approved [under the FAA’s regulations], it may be approved—
  - (a) Under a PMA; *
  - (b) Under a TSO; *
  - (c) In conjunction with type certification procedures for a product; or
  - *(d) In any other manner approved by the FAA.*

* = Parts acceptable in other countries under most US bilateral agreements

Standard Parts

- Manufactured to
  - U.S. Government Standard (e.g. mil spec), or
  - Industry Standard
    - Industry standard-setting body
    - Published / available to the public
    - Proprietary standards generally excluded
- Different from EASA definition
  - EASA accepts manufacturer's standards published in the type design
    - E.g. Airbus proprietary standards are acceptable under the EASA system
    - But Airbus proprietary standards must have an EASA Form 1 in the US system

Standard Parts and Certificate of Conformance

- Standard parts are typically reflected on a certificate of conformance or C of C
- The C of C traditionally verifies that the part meets the standard to which it was produced
  - Check the standard!!!
  - It could be a customer-specified standard
- The original C of C is typically issued by the manufacturer, but in some cases may be issued by a distributor that confirmed technical compliance

TÜV NORD

ATTESTATION OF CONFORMITY CERTIFICATE

Certificate No.: 2112614457-2020/02

Name and address of bearer/ manufacturer: OSB 12. Cadde No:8 Kayseri / Turkey Aspilsan Enerji Sanayi ve Ticaret A.Ş.

We hereby certify that according to the results of the inspection, the product mentioned below fulfills the contractual requirements governing mission entrusted to TÜV Teknik. This Attestation of Conformity is issued on voluntary basis according to costumer specification. It conforms that the listed equipment complies with the principal functional requirements of the specification. It refers only its technical documentation submitted for inspection. Validation period and conditions are given following assessment report.

Assessment report:	RP-2112614457-001 Revision 1.0
	IEC 60623:2001
Description of product:	Railway Nickel Cadmium Batteries
Inspection date or period:	29.04.2020-05.05.2020
Place of manufacture:	OSB 12. Cadde No:8 Kayseri/Turkey
Inspected by:	A.Levent ARSLAN

Istanbul , 05.05.2020

Certifier for Product of TÜV Teknik Kontrol ve Belgelendirme A.Ş.

A.Levent ARSLAN

TÜV Teknik Kontrol ve Belgelendirme A.Ş. Ayazmadere Cad Pazar Sok. Beneli Plaza No: 2-4 Kat:4 Gayrettepe 34349 Beşiktaş, İstanbul Türkiye

Tel: +90 (0) 212 285 28 42
Fax: +90 (0) 212 285 38 44
e-mail:

FAA Interpretation of Owner-Produced Parts

- Owner-operator of the aircraft on which the parts will be installed must be involved in at least one of the following:
  - Design of the parts (e.g. designs come from the air carrier's engineering department), or
  - Quality of the parts (e.g. someone else designs the part but the air carrier designs and controls the in-process and final tests and inspections)

FAA Maintenance-Produced Parts

- Parts produced to be consumed during a maintenance or alteration activity
- FAA AC 43-18 recommends practices:
  - Have a fabrication inspection system to ensure quality
  - Mark parts to indicate their source
  - Issue maintenance instructions if the maintenance system changes
- FAA 14 C.F.R. 21.9 required the fabricator to produce the parts under a quality system
  - Codifying the AC 43-18 recommendation

How is Parts Installation Regulated by the FAA?

Maintenance means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventative maintenance

14 C.F.R. § 1.1

Parts Installation

Installation of a part is a type of
Maintenance, which must be subject to the
FAA rules that apply to maintenance (e.g. Part 43)

Airworthiness Documentation in the US: Relevant During Maintenance

- During maintenance activities, the installer has an obligation to ensure that the work is performed in such a manner and using materials of such a quality …
  - that the condition of the aircraft, airframe, aircraft engine, propeller, or appliance worked on will be at least equal to its original or properly altered condition …
    - with regard to aerodynamic function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness.

14 C.F.R. § 43.13(b)

At Least Equal

- Installation of any replacement or modification part must achieve the same level of safety as the approved design
- The installer needs to have objective evidence that the part will return the product to an airworthy condition

Evidence of Airworthiness

- Test & computation (***traceability*** **and documentation are NOT legal requirements in the U.S.)**
  - There is no U.S. corollary to EASA 145.A.42, so documentation is not a requirement
  - But alternatives to documentation can be resource-intensive
- Traceability to a manufacturer: production certificate holder's quality system assures airworthiness
  - EASA form 1 or 8130-3 tag for new parts confirms the part was released from a PAH system
  - The approved PAH system proves that the part was airworthy upon release
- Traceability to a maintenance facility: certain maintenance (e.g. an overhaul) assures airworthiness

Commercial Documentation

Aviation Safety Documentation Continues to Evolve

DEPARTMENT OF COMMERCE
BUREAU OF AIR COMMERCE
WASHINGTON

NOTICE

The component part(s) of Boeing Airplane Model B-3 to which this tag is sealed, and described on reverse side hereof, has been INSPECTED and APPROVED this date for use on Licensed Aircraft manufactured under Approval No. —

Place Los Angeles Cal.

Date 3/6/36

L. B. Stewart

Dept. of Commerce Inspector.

Form 186 11—11519

1. Approving Civil Aviation Authority/Country: FAA/United States	2. **AUTHORIZED RELEASE CERTIFICATE** FAA Form 8130–3, AIRWORTHINESS APPROVAL TAG				3. Form Tracking Number:
4. Organization Name and Address:					5. Work Order/Contract/Invoice Number:
6. Item:	7. Description:	8. Part Number:	9. Quantity:	10. Serial Number:	11. Status/Work:
12. Remarks:					
13a. Certifies the items identified above were manufactured in conformity to: ☐ Approved design data and are in a condition for safe operation. ☐ Non-approved design data specified in Block 12.			14a. ☐ 14 CFR 43.9 Return to Service ☐ Other regulation specified in Block 12 Certifies that unless otherwise specified in Block 12, the work identified in Block 11 and described in Block 12 was accomplished in accordance with Title 14, Code of Federal Regulations, part 43 and in respect to that work, the items are approved for return to service.		
13b. Authorized Signature:		13c. Approval/Authorization No.:	14b. Authorized Signature:		14c. Approval/Certificate No.:
13d. Name (Typed or Printed):		13e. Date (dd/mmm/yyyy):	14d. Name (Typed or Printed):		14e. Date (dd/mmm/yyyy):
User/Installer Responsibilities					
It is important to understand that the existence of this document alone does not automatically constitute authority to install the aircraft engine/propeller/article. Where the user/installer performs work in accordance with the national regulations of an airworthiness authority different than the airworthiness authority of the country specified in Block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts aircraft engine(s)/propeller(s)/article(s) from the airworthiness authority of the country specified in Block 1. Statements in Blocks 13a and 14a do not constitute installation certification. In all cases, aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.					

FAA Form 8130–3 (02–14) NSN: 0052-00-012-9005

FAA AC 00-56B Documentation Matrix

APPENDIX 1. DOCUMENTATION MATRIX

CLASS OF PART	REQUIRED ON RECEIPT	REQUIRED FOR SHIPMENT
Consumable materials intended to be consumed in the maintenance, alteration, or preventive maintenance of a product or article (e.g. tape, grease, paint, sealant, etc.).	Statement from seller as to identity.	Statement as to identity and that original seller's statement is on file.
Raw materials.	Physical and chemical properties reports traceable to heat code or lot number.	Certified true copy of the physical and chemical properties reports.
Standard parts.	Certificate of Conformity (C of C) from producer or seller verifying adherence to the appropriate requirements.	Certified true copy of the received C of C and statement that original certified statement is on file.
New parts produced by a U.S. type certificate (TC) holder and produced under TC only.	Certified statement from seller as to identity and condition.	Statement as to identity and condition and that original certified statement is on file.
New parts produced by a U.S. Production Approval Holder (PAH) that are accompanied by airworthiness approval or that bear part marking required by 14 CFR part 45.	FAA Form 8130-3 or part marking required by 14 CFR part 45.	Certified true copy of the regulatory airworthiness approval document or statement as to identity and condition for a part marked according to 14 CFR part 45.
New parts produced by a U.S. PAH that are not accompanied by airworthiness approval and that do not bear part marking required by 14 CFR part 45.	Certified statement from seller as to identity and condition.	Statement as to identity and condition and that original certified statement is on file.
New parts produced by a non-U.S. PAH and approved under the provisions of a bilateral agreement between the United States and a foreign country or jurisdiction.	Regulatory airworthiness approval document meeting the requirements of the bilateral agreement between the U.S. and the nation that issued the production approval; document should meet the requirements that were effective at the time that the part was imported into the United States.	Certified true copy of the regulatory airworthiness approval document.
New parts produced by a non-U.S. PAH that are not accompanied by airworthiness approval.	Certified statement from seller as to identity and condition.	Statement as to identity and condition and that original certified statement is on file.
Used parts that have been maintained under 14 CFR part 43 (including 14 CFR § 43.17).	Approval for return to service meeting provisions of 14 CFR §§ 43.9, 43.11, or 43.17.	Approval for return to service.
Used parts that have been maintained under foreign maintenance standards but not maintained under 14 CFR part 43.	Approval for return to service meeting the requirements of the foreign maintenance standards.	Approval for return to service. The documentation should clearly identify the applicable airworthiness authority.
Used parts, products, and appliances without approval for return to service.	Certified statement from seller about identity and condition – must use an accurate descriptive term or narrative to describe condition, such as "as-is," or any other term that accurately describes the current condition and conveys to the distributor that the part may not meet other categories of this matrix.	Statement about identity and condition and that original certified statement is on file. Must use an accurate descriptive term or narrative to describe condition, such as "as-is," or any other term that accurately describes the current condition and conveys to the transferee that the part may not meet other categories of this matrix.

- The matrix identifies expectations for inbound documentation and for outbound documentation
- The matrix typically calls for a "statement as to identity and condition"

New parts produced by a U.S. Production Approval Holder (PAH) that are accompanied by airworthiness approval or that bear part marking required by 14 CFR part 45.	FAA Form 8130-3 or part marking required by 14 CFR part 45.	Certified true copy of the regulatory airworthiness approval document or statement as to identity and condition for a part marked according to 14 CFR part 45.
New parts produced by a U.S. PAH that are not accompanied by airworthiness approval and that do not bear part marking required by 14 CFR part 45.	Certified statement from seller as to identity and condition.	Statement as to identity and condition and that original certified statement is on file.

1. Buyer's Purchase Reference #	**3. ASA Statement Form 2020**	4. Seller's Name:
2. Buyer's Name:	5. Seller's Phone #:	9. Seller's Reference:
History use at least one — 11. Obtained From:	6. Seller's Email:	10. Seller's Address:
12. Entity of Last Certification:	7. Seller's Website	
13. Traceable To:	8. Seller's Other:	

14. Manufacturer	15. Part #	16. Description	17. Quantity	18. S/N or ID	19. Status

20. Remarks:

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Rev. 1.0 (2021-10-11)

Statement as to Identity and Condition

- Some common industry forms became difficult to interpret so ASA issued the ASA Statement
  - Form is a free download for the industry
  - Instructions are a free download for the industry
  - Addresses modern concerns
  - Kept up-to-date through the ASA Quality Committee

- The ASA Statement reflects an evolution in commercial documentation

The ASA Statement: Introduction

1. Buyer's Purchase Reference #		**3. ASA Statement Form 2020**		4. Seller's Name:	
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Rev. 1.0 (2021-10-11)

- *The ASA Statement is a common industry document intended to be completed by sellers of aircraft parts to convey useful information about an article in an unambiguous manner*
- *The ASA Statement is intended to address common industry complaints that have been raised with respect to other template documents*
- The ASA Statement is intended to be completed as a document that accompanies civil aircraft Articles. It is commercial in nature, and a Seller who completes it does not need any special government certificate or approval to complete it
- *The ASA Statement will be monitored and maintained by the ASA Quality Committee to ensure it remains relevant*
- *NOT an airworthiness document!*

The ASA Statement

- The instructions anticipate common industry predicaments and provide simple rules for resolving them
- Based on these rules, one may complete a Statement and the interpretation should be clear

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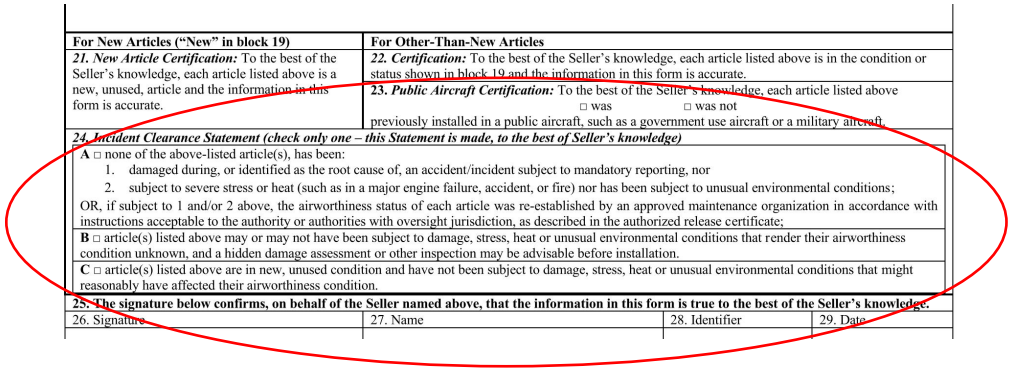
Rev. 1.0 (2021-10-11)



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Incidents and Accidents

WHY DISCLOSE: FAA Repair Stations Will Act on Accident Disclosures

Historical RULE (before 2001)

145.45(e): A repair station must provide a system so that before working on any airframe, powerplant, or part thereof that has been involved in an accident, it will be inspected thoroughly for hidden damage, including the areas next to the obviously damaged parts.

Current RULE (since 2001)

145.211(c) A certificated repair station must prepare and keep current a quality control manual in a format acceptable to the FAA that includes the following:

(1) A description of the system and procedures used for—

(iii) Inspecting all articles that have been involved in an accident for hidden damage before maintenance, preventive maintenance, or alteration is performed;

EASA Considers accident-related parts to be “unserviceable”

- EASA 145.A.42 categorizes parts
- One Category is “Unserviceable components intended to be maintained”

“(b) Unserviceable components should typically undergo maintenance due to:

- (1) expiry of the service life limit as defined in the aircraft maintenance programme;
- (2) non-compliance with the applicable airworthiness directives and other continuing airworthiness requirements mandated by the Agency;
- (3) absence of the necessary information to determine the airworthiness status or eligibility for installation;
- (4) evidence of defects or malfunctions; or
- **(5) being installed on an aircraft that was involved in an incident or accident likely to affect the component’s serviceability.** ”

EASA GM1 145.A.42(a)(ii)

ASA-100 Requirement: Procurement

ASA-100 Section 5(D)

In addition, the distributor of surplus parts should have a procurement system which assures that:

1) a part known to have been subjected to conditions of extreme stress, heat or environment are so identified.

2) all Airworthiness Directives (AD's) that are represented as having been accomplished are documented. Certification of compliance shall specify AD number, AD amendment number, date, and method of compliance, i.e.," AD xxxx-xx terminated (date). Replaced shaft seal with P/N _____ shaft seal (signature)"; and

3) items identified as overhauled, repaired or modified have the appropriate signed and dated documentation attached to substantiate the condition of the part.

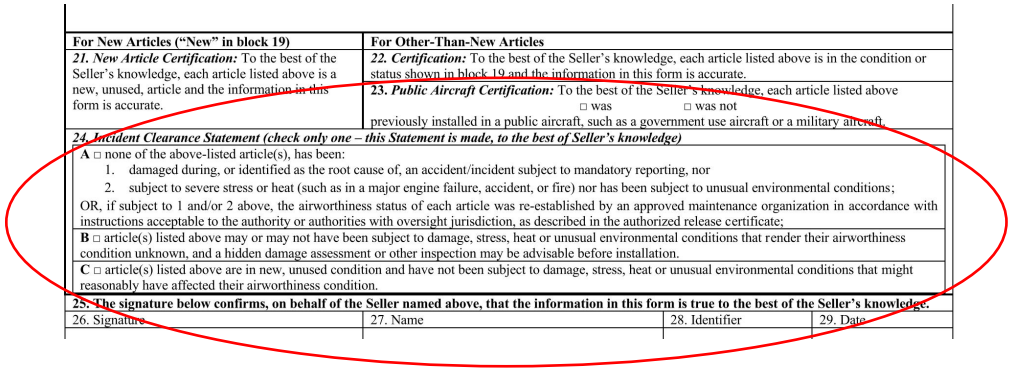
ASA-100 Requirement: Release of Material

ASA-100 Section 10(B)

Additionally, a certified statement disclosing the following should be issued about the material or parts, certifying that they were or were not:

1) **subjected to conditions of extreme stress, heat or environment**,

2) previously installed in a public aircraft, such as a government use aircraft or a military aircraft.



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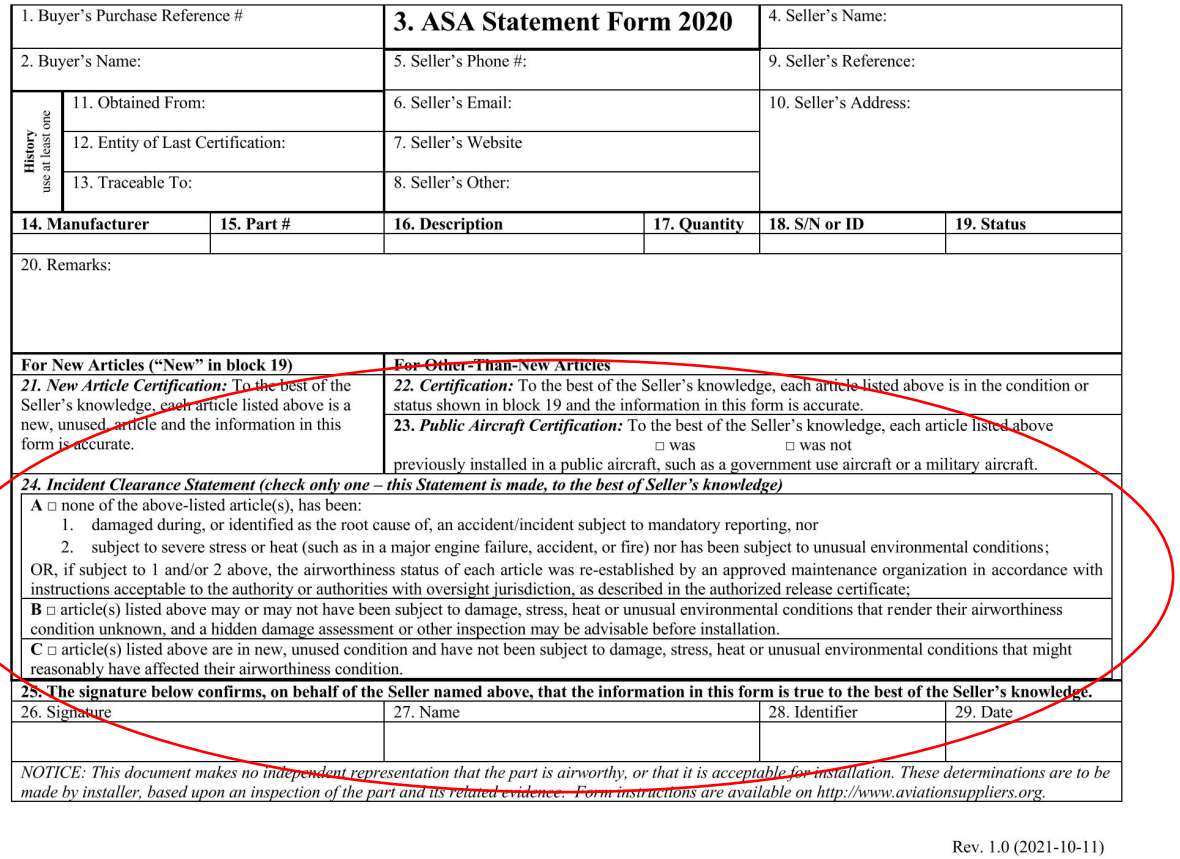
Incidents and Accidents

- A *classic* commercial requirement
- The ASA Statement adopted the internationally accepted "incident clearance" approach developed by the leasing community

Block 24: Incident Clearance Statement



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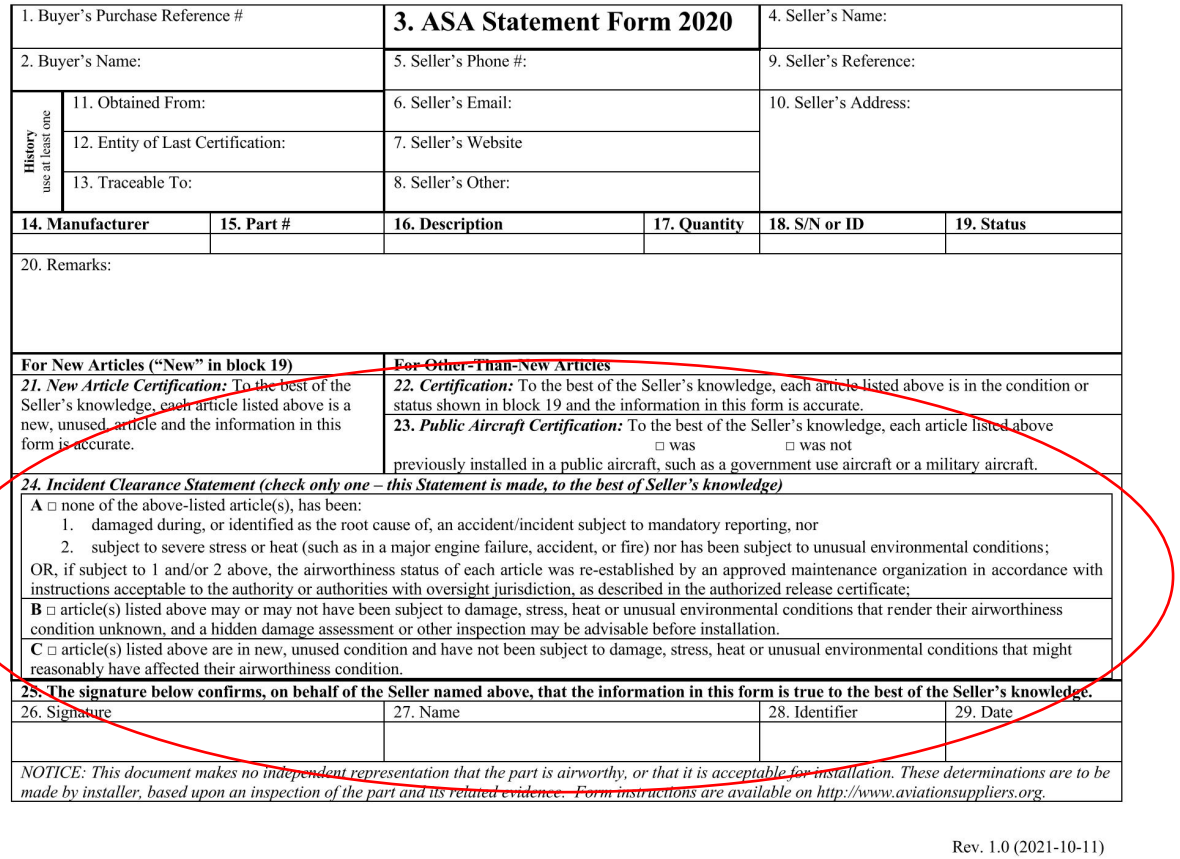
Rev. 1.0 (2021-10-11)

- Check the appropriate box, based on these instructions. It is permissible, for clarity, to cross out the assertions that do not apply.
- For purposes of this instruction, an accident/ incident subject to mandatory reporting means one that was subject to mandatory reporting under Annex 13 to the Chicago Convention.

Block 24: Incident Clearance Statement Summary



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Rev. 1.0 (2021-10-11)

- Check 24A for articles that are not *affected* by an occurrence
  - This lets future users know that the part matches the condition shown in block 19, with no reservations
  - This includes articles from accidents after hidden damage inspection has cleared them
- Check 24B for ANY articles that may have been exposed to potential damage or whose airworthiness is unknown
  - This lets future users know that this part must be properly inspected before being used
- Check 24C for new articles that have not been exposed to potential damage
  - This lets future users know that the part is in a new condition and has not been exposed to damage potential

Addressing Concerns

What if I Detect Problems?

- Contact your business partner to correct them

What if I Detect Fraud?

- Consider contacting law enforcement (e.g. FBI)
- Consider contacting the regulatory authority with jurisdiction (e.g. FAA, EASA, UK CAA, etc.)

U.S. Laws on Aircraft Part Fraud (*these can include material omissions as well*)

Regulations

- 14 C.F.R. § 3.5
- False or misleading statements about airworthiness (or acceptability for installation) are a regulatory violation
- If the part is airworthy, or acceptable for installation, then this is a safe harbor

Statutes

- 18 U.S.C. § 38
- Fraud concerning aircraft parts quality
- Severe potential penalties:
  - 10 years for an offense
  - 15 years if the part is installed
  - Life if a malfunction results in a death

Conclusions

- Airworthiness documentation helps certificate holders make findings that they need to make under the regulations
- Commercial documentation
  - There is a much greater variety of commercial documentation
  - Commercial documentation is driven by commercial requests, rather than regulatory requirements
  - The ASA Statement is intended to provide greater uniformity as well as greater clarity in interpretation
- In all cases it is important to examine the documentation and the part to ensure that they are consistent

Thank You!

Jason Dickstein
Aviation Suppliers Association General Counsel
Washington Aviation Group
2233 Wisconsin Avenue, Suite 503
Washington, DC 20007

Tel: (202) 628-6776
Jason@WashingtonAviation.com

Hope to see you in Scottsdale!