

# The European Association of Aerospace Industries



Gulledelle 94-b.5, B-1200 Brussels, Belgium – Telephone: +32 2 775 81 10, Fax: +32 2 775 81 11  
E-mail: [info@aecma.org](mailto:info@aecma.org) – <http://www.aecma.org>

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U.S. Department of Transportation Dockets  
Docket No. FAA-2003-15062  
400 Seventh Street, SW.  
Room Plaza 401  
Washington, DC 20590  
U.S.A.

***AECMA ( European Association of Aerospace Industries ) Comments on NPRM 03-07:  
“False and Misleading Statements Regarding Aircraft Products, Parts, and Materials,”  
(Docket No. FAA-2003-15062)***

Dear Ladies and Gentlemen,

AECMA, the European Association of Aerospace Industries, is pleased to submit these comments to the above referenced docket. We recognize that the submission of these comments is late due to the coordination process inside our association with all our industrial members, but hope that they will be considered in the formulation of the final rule as provided in 14 CFR Part 11.

AECMA fully supports FAA efforts to prohibit false or misleading statements regarding type certificated products, and parts and materials that may be used on type certificated products. We hope these comments, which provide the perspective of non-US manufacturers who supply such products, parts and materials to US owners and operators, will be of assistance.

Proposed 14 CFR 3.5 (a) Applicability of this section: The proposed language of this section is very broad, and appears to include coverage of literally all records, everywhere, that pertain to any part. We suggest that the applicability language be limited to records “concerning a product, part or material that are, or may be, relied upon by a person who makes, or may make, a determination that could affect conformity to type design or safety of flight.”

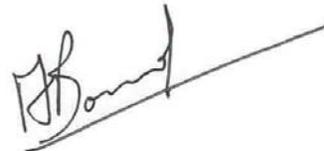
Proposed 14 CFR 3.5 (d) Preventing misleading statements: The proposed language of this section is similarly broad. If the comment above in regard to proposed 14 CFR 3.5(a) is accepted and the language of that section is revised, our concerns about this language are ameliorated. If the above applicability section is not revised in a manner that deals with our comment, we make a similar request for this section: It should only apply to records “concerning a product, part or material that are, or may be, relied upon by a person who makes, or may make, a determination that could affect conformity to type design or safety of flight.” Thus, internal company records that document non-conformities or safety problems that are later corrected would not be potential sources of a violation of this rule.

Proposed 14 CFR 3.5 (e) FAA airworthiness standards: The proposed language of this section requires that a person who represents that a product, part or material meets FAA airworthiness standards must ensure that either “(1) The product, part or material was produced under an FAA production approval...” or “(2) [t]he record [must] clearly and expressly state that the part was not produced under an FAA production approval...” or the part must be a standard part. This presents a significant problem for all parts, products and materials that are imported to the US under the

provisions of 14 CFR Subpart N, and unnecessarily calls into question their integrity. By its terms, Subpart N recognizes that such import parts are subject to a different regulatory framework than parts produced in the US. We therefore strongly recommend that the language of this section be restructured to recognize that imported products, parts and materials are not produced, nor are they required to be produced, in accordance with an FAA approved production approval. In addition, we note that the same problem applies to owner-operator produced parts. We suggest that an appropriate change might be effected by modifying the beginning of the first sentence of proposed 14 CFR 3.5(e) as follows: "Except with regard to products, parts or materials imported in accordance with 14 CFR 21 Subpart N, or parts produced under the authority of 14 CFR 21.303(b)(2), if a person expresses or implies...."

We appreciate the opportunity to comment on this proposal, and apologize for the late submission of these comments which we hope will not prevent their consideration.

Very truly yours,



Alain BONNARD

AECMA  
Airworthiness & Quality

Address : Gulledelle, 94  
1200 BRUSSELS  
BELGIUM  
Phone : + 32 2 775 81 38  
Fax : + 32 2 775 81 11  
E-mail : [alain.bonnard@aecma.org](mailto:alain.bonnard@aecma.org)

Copy by e-mail : at [beverly.j.sharkey@faa.gov](mailto:beverly.j.sharkey@faa.gov)  
to Mrs Beverly Sharkey