Federal Aviation Administration

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AMROBA Input: When CASR Part 21 was made in 1998, part of the government's intention was to enable Australian design, manufacturing and maintenance businesses to have their products and services firstly accepted by North America and then the EU. After 26 years, no "Reciprocal Acceptance Agreements have been achieved with any NAA similar to this agreement between FAA, TCCA & EASA

"Reciprocal Acceptance" Frequently Asked Questions (FAQs)

Q1) What is reciprocal acceptance?

Acceptance actually has two parts. First, in plain language "acceptance" is when an importing authority acknowledges an exporting authority's issuance and treats it with the same validity as if they had made the issuance. Because of this, the exporting authority's issuance can be used within the importing authority's jurisdiction without further action. As such, the importing authority will no longer issue a validation approval letter (or similar).

In plain language, FM will accept a TCCA CAN-TSO design approval (DA) for articles from Canada and will no longer issue a Letter of TSO design approval (LODA) for the same article. Likewise, TCCA will accept the FM's TSOA for an article from the United States (U.S.) without issuing a CAN-TSO DA for the same article. Additionally, FM will accept an EASA ETSOA for an article from the European Union (EU) and will no longer issue a LODA for the same article, while EASA will accept the FM's TSOA for an article from the U.S. without issuing an ETSOA for the same article.

"Reciprocal acceptance" is simply when both authorities agree to do this mutually with each other's same type of issuances.

NOTE: For the purposes of these FAQs, the general term "Implementation Procedures" will be used to consolidate the terms implementation procedures for airworthiness (IPA) and technical implementation procedures (TIP) when needed.

Q2) How is reciprocal acceptance conducted?

As with all agreements, the procedures between authorities are identified in the applicable Implementation Procedures under a bilateral executive agreement. These procedures will identify exactly which issuances will be accepted by each authority and the processes to be followed between the authorities.

Q3) What agreements are currently in place that support reciprocal acceptance?

The U.S.-Canada and U.S.-EU Implementation Procedures are the only two agreements that currently include complete reciprocal acceptance of TSO articles.

Q4) What started this whole idea of reciprocal acceptance?

For many years, industry has requested that FM, TCCA, and EASA each accept an exporting authority's TSO approval and eliminate the importing authority's validation approval and issuance activities. It has been believed that no additional safety to the article is achieved by the importing authority's approval action.

As a result, the FM, TCCA, and EASA have acknowledged industry's concerns and have mutually worked toward this goal. Based on more than a decade of experience between the FM and both these authorities, enough confidence in each other's systems has been developed to support the reciprocal acceptance of TSO articles.

Q5) What is the regulatory basis to allow reciprocal acceptance between the FAA TSOAs and TCCA CAN-TSO DAs?

The FM regulatory justification is provided in the following references:

Basis for Approval of Articles

- 14CFR 21.1 (b)(2): *Article means* a *material, part, component, process, or appliance;*
- 14CFR 1.1: *Approved, unless used with reference to another person, means approved by the FAA or 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.*
- 14CFR 21.8(d): *If an article is required to be approved under this chapter, it may be approved-*

(d) In any other manner approved by the FAA.

NOTE: The reciprocal acceptance of imported articles is NOT an FAA TSO approval under 21.S(b).

Basis for acceptance of Articles

- 14CFR 21.502 Acceptance of articles.

An article (including an article produced under a TSO LODA) manufactured in a foreign country or jurisdiction meets the requirements for acceptance under this subchapter if-

(a) That country or jurisdiction is subject to the provisions of an agreement with the United States for the acceptance of that article;

(b) That article is marked in accordance with part 45 of this chapter; and

(c) An export airworthiness approval has been issued in accordance with the provisions of that agreement for that article for import into the United States.

Regarding Marking of Articles

- 14CFR 45.10 Marking.

No person may mark a product or article in accordance with this subpart unless-

(a) **That person produced the product or article** -

(1) Under part 21, subpart F, G, K, or O of this chapter; or

(2) **For export to the United States under the provisions of an agreement between the United States and another country or jurisdiction for the acceptance of products and articles;** and

(b) That product or article conforms to its approved design, and is in a condition for safe operation; and, for a TSO article; that TSO article meets the applicable performance standards.

NOTE: The reciprocal acceptance of imported articles is NOT an FAA TSO approval, so TSO marking per 45.15 does NOT apply.

The TCCA regulatory justification is provided in the following references:

Basis for Approval of Articles

- CAR 521.455 as supported by the FAA/TCCA Implementation Procedures allows TCCA to accept FM TSO articles without further approval.
- Since 1987, FM TSOs have been automatically accepted in Canada because TCCA adopted FM TSOs as their national standards for issuing approvals for articles and appliances.

Q6) How will reciprocal acceptance of TSO articles be implemented?
The reciprocal acceptance of TSO articles between the FM, EASA, and TCCA is implemented in accordance with the terms of the unique Agreements in place between the U.S., the EU, and Canada as applicable.

Q7) Have all of the appropriate FAA and foreign authority's regulations, policy, and guidance been reviewed to address how reciprocal acceptance will be implemented?
FM AIR and AFX policy offices have spent years in discussion with both our TCCA and EASA counterparts reviewing and preparing this path. In the nearly two years since its initiation, we have seen no issues related to regulation, policy, or guidance.

QB) What are the marking requirements for TSO articles under reciprocal acceptance?

The articles will be marked in accordance with the marking requirements of the exporting authority, and those markings are deemed to meet the Importing Authority's marking requirements. There is no requirement for dual marking.

An FM TSO article will be marked as required by the TSO minimum performance standards (MPS) and the TSO regulations and policy; there will be no corresponding "TCCA CAN-TSO DA marking" or "EASA ETSO marking"

For articles which had been approved by European National Authorities prior to foundation of EASA (Sept. 28, 2003) the article is marked with the appropriate national marking.

For articles which have been approved by TCCA as an appliance type certificate prior to the introduction of CAN-TSO DA (December 2009) the article is marked with the appropriate national marking.

Q9) How will an FAA TSO approved article be exported under reciprocal acceptance?
An FM TSO approved article will be exported under normal exportation rules and regulations and in accordance with the applicable Implementation Procedures. The article must be marked according to its approved design (i.e. TSO MPS) and it must be accompanied by an FM Authorized Release Certificate (8130-3) completed for export per the requirements the applicable Implementation Procedures.

Q10) How will a foreign CAA approved article be exported to the U.S. under reciprocal acceptance?
An approved article will be exported to the U.S. under normal exportation rules and regulations and in accordance with the appropriate Agreement. The article must be marked according to its approved design and it must be accompanied by an Authorized Release Certificate Form completed for export per the requirements of the appropriate Agreement.

Articles which had been approved by European National Authorities prior to foundation of EASA (Sept. 28, 2003) are marked with the appropriate national marking and must be accompanied by an EASA Authorized Release Certificate (Form 1) completed for export per the requirement of the U.S.-EU Agreement.

Articles which had been approved by TCCA prior to the introduction of CAN-TSO DA (December, 2009) are marked with the appropriate national marking and must be accompanied by a TCCA Authorized Release Certificate (Form One) completed for export per the requirement of the U.S.-Canada Agreement.

Q11) Is there a difference under TSO reciprocal acceptance between EU member states and non-EU states that have working agreements with EASA or use EASA as their Technical Agent?

Yes. Only EU member states, under the terms of the U.S.-EU Agreement, are eligible for operating under TSO/ETSO reciprocal acceptance agreement.
Countries where EASA acts as the technical agent (currently Switzerland, Norway, Iceland and Liechtenstein) will continue to follow the provisions of their applicable bilateral agreements and their associated Implementation Procedures. ETSOAs issued by EASA to non-EU member authorities are *not* eligible for operating under this reciprocal acceptance agreement (i.e. this applies to ETSOAs issued to China, Switzerland, etc). Non-EU manufacturers are required to use the prefix "EASA.xxx" in their POA, which is listed on the EASA Form 1. The "EASA" indicates that the article was produced in a non-EU country.

Under the TCCA/EASA TIP, TCCA recognizes ETSO approvals from EU member States, including those from the following non-EU but EASA member States: Norway, Iceland, and Switzerland. ETSO approvals issued by EASA outside of these States are not eligible for recognition under the TCCA/EASA TIP. EASA has formally notified all ineligible States of this restriction.

Q12) What happened to the "old" TSO article validation process?
The old validation process no longer exists for articles moving between the FAA, TCCA, and EASA's aviation systems. In the case of reciprocal acceptance, applications for the validation of TSO article design approval are no longer accepted by the authorities.

Q13) Can the old validation processes be used after reciprocal acceptance is implemented?
As of the signing of TIP, Revision 6 dtd: 09/22/2017 (with entry into force on 03/22/2018), there are no longer any exceptions between the FAA and EASA for TSO/ETSO reciprocal acceptance. There have never been any exceptions for TSO/CAN-TSO DA reciprocal acceptance as of the signing of FAA/TCCA IPA, Revision 2 dtd: 11/10/2016. However, there are

provisions within the FAA/TCCA IPA that speak to the scenario for when TCCA hasn't updated their list of CAN-TSO DAs to match the current FAA TSOs. In this case TCCA "may" request a LODA on behalf of their applicant to gain an approval to the newer version of the TSO which doesn't exist yet in TCCAs system.

Q14) What happens to previously "validated" TSOA, CAN-TSO DA and ETSOAs?
The previous TSOAs, CAN-TSO DA, and ETSOAs, as well as previously issued TCCA Article Type Certificates remain valid. However, major changes to these TSO articles will require the reciprocal acceptance process to be used. Minor changes to existing TSOAs, CAN-TSO DA, and ETSOAs will continue to be managed through the process under which they were originally approved. Nevertheless, for articles where the exporting authority issues a revised certificate based on a minor change the reciprocal acceptance process shall be used.

Q15) How does reciprocal acceptance work when the FAA has a TSO for which there is no foreign equivalent?
In this case, the 'reciprocal' aspect of the agreement does not apply per se, but FAA TSO articles are eligible for acceptance in the EU and Canada. If a European applicant wanted an approval for the FAA TSO that doesn't exist in EASAs system, then EASA could approve that article against the FAA TSO using the provisions of the TIP. For a Canadian applicant, TCCA would review the application and make a certifying statement to the FAA that they have reviewed, tested and found the article to meet the FAA TSO and request a LODA on behalf of the Canadian applicant. Note: this is an exceptional situation that does not arise very often.

Q16) How does reciprocal acceptance work when a foreign CAA has a TSO for which there is no FAA TSO equivalent?
When the FAA does not have a corresponding TSO to that of a partner CAA, the provisions of 14 CFR 21.8(d) may be employed by the FAA to issue an approval against the EASA of TCCA standard, similar to current process. See the applicable Implementation Procedures for the specific process.

Q17) Is there a common listing or comparison chart of the different FAA TSOs and TCCA CAN-TSO or EASA ETSOs?
No. There are no official listings detailing the similarities or differences between TSO and foreign design standards as all TSO articles manufactured and approved to those standards from both countries are accepted.

Q18) Is FAA/TCCA reciprocal acceptance the same as EASA/TCCA reciprocal acceptance?
Yes. However, this is qualified with the understanding that the agreement between EASA and TCCA is based on "commonality" between their respective technical standards. Under that process, only approvals issued to ETSOs and CAN-TSO for which there is sufficient similarity established (via a listing) are reciprocally accepted. The FAA/TCCA IPA, Revision 2 introduces full reciprocal acceptance of TSOA/CAN-TSO DA articles between Canada and the U.S. based upon the approval(s) issued by the authority of the exporting State.

Q19) Are the end users ready to accept a TSO approved article that has one label (FAA TSOA or TCCA CAN-TSO DA) and airworthiness tag (FAA 8130-3, TCCA Form One, or EASA Form 1)?
While this is no longer a new concept, there may still be end users who may need to adapt their systems to deal with potential differences (if any) between the articles approved under a TSOA versus a CAN-TSO DA or ETSOA as it pertains to installation into an approved type design.

Q20) How will FAA field offices, FAA designees, ODAs, repair stations, airlines, etc. be informed on the TSO reciprocal acceptance process? Will training/education be provided prior to the release of the revised TIP?
Yes. AIR and AFX are both working on a series of general and targeted notifications along with training opportunities for our various field offices slated to be released just prior to or concurrently with the signing of the TIP and the TCCA IPA amendment. Both EASA and TCCA are planning to do the same within their organizations and their geographical jurisdiction(s).

Q21) For repair stations that mainly focused on repairing/overhauling TSO components/equipment, how will this impact their ops spec and other line of business?
There is corresponding guidance in 8900.1 issued by AFS-300 to notify the field inspectors of the AIR policy change. Reference the online directive information at http://fsims.faa.gov/PICDetail.aspx?docId=8900.1,Vol.4,Ch14,Sec16.

Q22) Will the authorities be required to notify each other of design changes to an approved TSO article?
There are no notification requirements moving forward under reciprocal acceptance or previously validated TSO articles unless specifically identified as remaining under the validation process.

Q23) How does reciprocal acceptance account for non-TSO functions?
Non-TSO functions are processed in the same manner as they always have been, reciprocal acceptance does not alter that in any way.

Q24) Are deviations also covered by the reciprocal acceptance?
Yes. Deviations are covered as part of the reciprocal acceptance of TSO/CAN-TSO/ETSO approvals for articles (or appliances). Partner authorities have evaluated the system of the bilateral partner to assess deviations and found their systems to be equivalent.

Q25) How will reciprocal acceptance be reviewed to ensure confidence in each authority's certifying statements to their TSOs?
Our respective bilateral agreements require a process to be in place for continued maintenance of confidence. The FAA, EASA, and TCCA are currently working on a unified approach to develop and refine this process.

Q26) Our company is the holder of FAA TSOAs for several articles, none of which have received the equivalent approval (with either TCCA or EASA). These articles are part of a major type certificate (TC) project where the TC applicant has requested us to pursue an approval from TCCA or EASA. Will these articles be grandfathered under the reciprocal acceptance agreement so there is no need to pursue an approval?

With the signing of these new procedures, validation of U.S. designs for either a CAN-TSO DA or ETSOA and validation of EU or TCCA designs for an FM LODA will not be required or allowed. Previously issued TSO/ETSO/CAN-TSO approvals for articles (or appliances) that did not receive the corresponding approval from the importing authority will now be recognized by the importing authority as approved articles under reciprocal acceptance.

Q27) As a TSOA holder, if we make a major change for only one of the TSOs applicable to a given multiple-TSO article, and therefore do not upgrade to the latest versions of the rest of the TSOs applicable to the article, does reciprocal acceptance apply only to the affected TSO? How does this affect the article marking?

If the TSOA holder makes a major change to their article, a new TSOA for the article is required to the TSO that resulted in the major change classification. When the FM issues the new TSOA for the article that was previously approved to multiple TSOs, the new TSOA letter would only allow the article to be marked with the FM TSO.

Q28) I have a question that wasn't answered. Where can I submit additional questions to the FAA and TCCA on TSOA/CAN-TSO DA reciprocal acceptance?

You can submit additional questions to:

- for Canadian applicants: TC.InternationalArrangements-Ententesinternationales.TC@tc.gc.ca
- for EU applicants: etsoa@easa.europa.eu
- for U.S. applicants: 7-AWA-AVS-AIR-400@faa.gov.

The FM, EASA, and TCCA will jointly review your question and provide you a coordinated reply. If we believe your question will benefit others, we will add it to this FAQ list.

Q29) Will EASA now recognize FAA TSOs for industry standard parts (i.e. TSO-C148, -C149, -C150, and -C171 articles)?

No. EASA will continue to recognize only the industry standards and not the FM TSOA articles.

Q30) What other concerns/areas might be a problem out in the field?

While it is not possible to address every scenario beforehand, unforeseen issues will be addressed as they occur and raised to the appropriate CM's policy office. The FM, TCCA, and EASA will continue to improve the process based on feedback from within our respective organizations and from the aviation community.