

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

8110.51

11/18/03

**SUBJ: ACCEPTABILITY OF PREVIOUSLY APPROVED CERTIFICATION
COMPLIANCE DATA FROM FOREIGN SOURCES**

1. PURPOSE. This order explains to all offices of the Federal Aviation Administration's (FAA) Aircraft Certification Service how to determine the acceptability of technical data from foreign sources submitted by U.S. applicants for certification compliance.

2. DISTRIBUTION. Distribute this order to the branch level in the Aircraft Certification Service and the Flight Standards Service; to the branch level in the Aircraft Certification Directorate offices and the regional Flight Standards Divisions; to the Federal Aviation Administration Academy and the Regulatory Support Division; to all Air Carrier, General Aviation, and Flight Standards District Offices; to all International Field Offices, International Area Offices; Aircraft Certification Field Offices; Manufacturing Inspection District and Satellite Offices.

3. BACKGROUND.

a. The information in AIR-100 Policy Memorandum "Guidance on Use of Previously Approved Compliance Data from Foreign Sources," dated September 13, 2001, is incorporated in this order.

b. U.S. companies are increasingly using suppliers from other countries that have obtained design approvals from the local civil aviation authority (CAA). We at the FAA continue to receive many requests from applicants for guidance on the acceptability of technical data generated by these suppliers and approved by those CAAs during previous separate certification programs. Both the Aircraft Certification Service (AIR) and the aviation industry in general want to reduce duplication of certification activity, including analysis review and testing.

c. It has been our policy that substantiation to meet our certification requirements should not involve duplicative testing or analysis. Testing or analysis should only be necessary in cases where:

- (1) There is an anomaly in the original test results or analysis,
- (2) There are differences in the certification standards being applied that would affect test methods or analytical techniques, or
- (3) We require more technical data.

d. Under bilateral agreements, the FAA uses compliance determinations from CAAs to simplify and streamline the U.S. certification procedures for imported aeronautical products. Similarly, even though foreign compliance data for parts, articles or components were not generated within the FAA system, they may be used to show compliance for a current FAA certification program under the conditions outlined in this order.

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4. CRITERIA FOR ACCEPTANCE. Current regulations and policy do not specify acceptable sources of compliance data or the method of acquiring the data, whether generated by a foreign or domestic applicant. Therefore, the basic principles for accepting data are the same as for U.S. applicant-generated data. Using and accepting any data to demonstrate compliance must be based on our ability to establish the **applicability** and **validity** of the data.

5. DEFINING AND DETERMINING APPLICABILITY. For certification purposes, we define **applicability** as determining that the data is appropriate for an FAA certification project. We evaluate if the design data approved on a certain model product can be appropriately applied to another similar product. The applicant's showing of identity, providing rationale for non-interference with any design features of the new model, and so forth, can do this. The local Aircraft Certification Office (ACO) reviews the applicant's evidence to determine **applicability**.

6. DEFINING AND DETERMINING VALIDITY.

a. The FAA verifies **validity** by confirming the steps of the original data acceptance. The standards followed for our review of new data evaluations derived from testing (see FAA Order 8110.4, Type Certification) typically are:

- (1) Approval of the applicant's test plan,
- (2) Confirming the conformity of a test article and test setup,
- (3) Verifying the qualifications of personnel involved in the setup,
- (4) Witnessing and approving the tests, and
- (5) Ensuring approved test procedures were used.

b. Based on the preceding, the data may be used by the applicant to determine whether the design meets the requirements of Title 14, Code of Federal Regulations (CFR). This is a normal process for evaluating data generated during a certification program.

c. For foreign data, the first condition for **validity** is that the FAA must have a legal basis, namely a bilateral agreement, to accept approved data from another authority's certification system. Bilateral agreements provide for technical cooperation between the FAA and our counterpart CAA. Bilateral agreements facilitate reciprocal airworthiness certification of products imported and exported between two countries. Only previously approved data from a bilateral partner's certification system is credible for acceptance without further showing during an applicant's certification program. In this way, we can be confident that qualified personnel conformed the test articles and test setups according to approved plans, and that the tests were appropriately witnessed.

d. If the ACO has determined that the data came from the program of a bilateral partner, a further condition for determining **validity** is whether the CAA was directly involved in approving the data, under its approval system as a bilateral partner. CAA involvement includes activities delegated to an approved organization as part of its approval system. If the CAA was not involved

or did not delegate the activity, then the data were not produced under the bilateral, and are not valid. The applicant will need to perform the tests and analysis necessary to show compliance.

e. Technical data gained from a foreign source may not always have a stand-alone compliance statement from the CAA. For example, the results could be certified as “pass” or “satisfactory” as substitutes for a certified statement. Stamps, signatures or other markings on the data package may demonstrate evidence of CAA approval or delegation, as determined by the CAA. The applicant should ensure the data package contains the proper markings and approvals when presented to the FAA approving office.

f. If the ACO determines that the data applies to the new certification project, and the data package already includes compliance statements to the appropriate 14 CFR regulations, the ACO may find no additional FAA or Designated Engineering Representative (DER) approvals are necessary.

7. APPLICANT RESPONSIBILITY.

a. The applicant is responsible for submitting certification data after first evaluating and assessing its applicability and validity. If the applicant finds the data both applicable and valid, they then evaluate it for compliance with the 14 CFR regulations and policies that apply. ACOs should expect applicants to review or coordinate with them before they submit their data.

b. The applicant is still responsible for submitting sufficient data package to the ACO (as required by 14 CFR §21.21(b)) that is necessary to show that the product meets the applicable requirements of the federal aviation regulations. The data package must include technical data beyond a simple CAA approval statement or stamp.

8. ADDITIONAL CONSIDERATIONS.

a. If only part of the prior-approved data is applicable and valid, the ACO representative may give credit for the data that meets requirements, and determine what additional information is needed. The ACO representative may then request the bilateral partner CAA to witness any additional testing required to be conducted outside the United States, under the applicable bilateral agreement.

b. If an applicant uses previously approved data to support a certificate approval, such as a Supplemental Type Certificate (STC), the applicant must provide copies of all required and applicable data for the ACO’s project file.

c. This policy applies to data previously approved by a CAA before an applicant submits it to the ACO for acceptance. For new data approvals, applicants remain responsible for coordinating through their ACO to gain the local CAA’s help with test witnessing, and other certification requirements.

9. REQUESTS FOR INFORMATION. For more information, or to ask questions about this order, please contact the Aircraft Certification Service, Aircraft Engineering Division, Policy and Procedures Branch, AIR-110, at telephone (202) 267-9588.

10. SUGGESTIONS FOR IMPROVEMENT. Any deficiencies found, clarifications needed, or improvements suggested regarding the content of this order will be forwarded (written or electronically) for consideration to the Aircraft Certification Service, Planning and Financial Resources Management Branch, AIR-530, Attention: Directives Management Officer. FAA Form 1320-19, Directive Feedback Information, is located on the last page of this order for your convenience. A copy may be forwarded to the Aircraft Engineering Division, AIR-100, Attention: Comments to Order 8110.51. If an interpretation is urgently needed, you may contact AIR-110 at 202-267-9588. Always use Form 1320-19 to follow up each verbal conversation.

11. RECORDS MANAGEMENT. Refer to FAA Orders 0000.1, FAA Standard Subject Classification System, 1350.14, Records Management; and 1350.15, Records, Organization, Transfer, and Destruction Standards, or see your office Records Management Officer/Directives Management Officer for guidance regarding retention or disposition of records.

David Hempe
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RECORDS MANAGEMENT PROGRAM

Shipping Records to the FRC (SF 135)

