

FAA FAR Part 21, Subpart C - MINOR DIFFERENCE TO CASR PART 21, SUBPART C

Provisional Type Certificates

CASR Part 21, Subpart C is about Class I (all aircraft categories) and Class II (transport category only) Provisional Type Certificates issued to a provisional manufacturer for specific purposes.

CASR Part 21, Subpart C was made in 1998 but the FAA modernised this Subpart in 2009 to harmonise with ICAO & FAA.

- **Change numbering to match FAR Part 21, Subpart C**
- **Adopt concept changes in the FARs by closely reviewing each provision**

FAR	CASR	COMMENTS
Subpart 21.C—Provisional type certificates	<p align="center">Subpart 21.C—Provisional type certificates</p> <p>Note: A provisional type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the <i>Air Navigation (Aircraft Noise) Regulations 1984</i>, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.</p>	
<p>§ 21.71 Applicability. This subpart prescribes -</p> <p>(a) Procedural requirements for the issue of provisional type certificates, amendments to provisional type certificates, and provisional amendments to type certificates; and</p> <p>(b) Rules governing the holders of those certificates.</p>	<p>21.071 Applicability This Subpart prescribes:</p> <p>(a) requirements for the issue of provisional type certificates, approvals of amendments to provisional type certificates, and approvals of provisional amendments to type certificates; and</p> <p>(b) rules governing the holders of those certificates.</p> <p><i>Source</i> FARs section 21.71 modified.</p>	Concept change “Procedural requirements”
<p>§ 21.73 Eligibility.</p> <p>(a) Any manufacturer of aircraft manufactured within the United States who is a United States citizen may apply for Class I or Class II provisional type certificates, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.</p> <p>(b) Any manufacturer of aircraft in a State of Manufacture subject to the provisions of an agreement with the United States for the acceptance of those aircraft for export and import may apply for a Class II provisional type certificate, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.</p>	<p>21.073 Eligibility</p> <p>(1) A manufacturer of aircraft manufactured in Australian territory is eligible to apply for a Class I or Class II provisional type certificate for the aircraft, for approval of an amendment to a Class I or Class II provisional type certificate held by the manufacturer, and for approval of a provisional amendment to a type certificate held by the manufacturer.</p> <p>(2) Any manufacturer of aircraft manufactured in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import is eligible to apply for a Class II provisional type certificate, for approval of amendments to Class II provisional type certificates held by the manufacturer, and for</p>	

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<p>(c) An aircraft engine manufacturer who is a United States citizen and who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by him within the United States may apply for a Class I provisional type certificate for the aircraft, and for amendments to Class I provisional type certificates held by him, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, or transport category.</p>	<p>approval of provisional amendments to type certificates held by the manufacturer.</p> <p>(3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by the manufacturer in Australian territory is eligible to apply for a Class I provisional type certificate for the aircraft, and for approval of amendments to Class I provisional type certificates held by the manufacturer, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, <u>primary, intermediate, restricted</u> or transport category.</p> <p><i>Source</i> FARs section 21.73 modified.</p>	
<p>§ 21.75 Application. Each applicant for a provisional type certificate, for an amendment thereto, or for a provisional amendment to a type certificate must apply to the appropriate aircraft certification office and provide the information required by this subpart.</p>	<p>21.075 Application Applications for provisional type certificates, for approval of amendments thereto, and for approval of provisional amendments to type certificates must be submitted in writing to CASA, and must be accompanied by the <u>pertinent</u> information specified in this Subpart.</p> <p><i>Source</i> FARs section 21.75 modified.</p>	Similar
	<p>21.076 Issue of provisional type certificate Subject to regulation 11.055, CASA must issue a provisional type certificate, or an approval of amendments to a provisional type certificate, or an approval of provisional amendments to a type certificate, to an applicant for the certificate or approval if the applicant:</p> <ul style="list-style-type: none"> (a) is eligible, under regulation 21.073, to apply for the certificate or approval; and (b) applies for the certificate or approval in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate or approval; and (d) otherwise complies with this Part. 	Review need
<p>§ 21.77 Duration.</p> <ul style="list-style-type: none"> (a) Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional type certificates and amendments thereto are effective for the periods specified in this section. (b) A Class I provisional type certificate is effective for 24 months after the date of issue. (c) A Class II provisional type certificate is effective for twelve months after the date of issue. (d) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate. 	<p>21.077 Duration</p> <ul style="list-style-type: none"> (1) Unless sooner superseded or cancelled, provisional type certificates and amendments thereto are effective for the periods specified in this regulation. (2) A Class I provisional type certificate is effective for 24 months after the date of issue. (3) A Class II provisional type certificate is effective for 12 months after the date of issue. (4) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate. 	harmonised

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(e) A provisional amendment to a type certificate is effective for six months after its approval or until the amendment of the type certificate is approved, whichever is first.	(5) A provisional amendment to a type certificate is effective for 6 months after its approval or until the amendment of the type certificate is approved, whichever is first. <i>Source</i> FARs section 21.77 modified.	
	<p>21.078 Suspension and cancellation</p> <p>(1) CASA may suspend or cancel a provisional type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.</p> <p>(2) A notice must set out:</p> <p style="margin-left: 20px;">(a) the grounds for the suspension or cancellation; and</p> <p style="margin-left: 20px;">(b) in the case of a suspension—when the suspension stops having effect.</p> <p>(3) Despite regulation 21.077, a provisional type certificate is not effective while it is suspended but the suspension period counts as part of a period mentioned in subregulation 21.077(2) or (3).</p> <p>Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of provisional type certificates.</p>	
<p>§ 21.79 Transferability. Provisional type certificates are not transferable</p>		Adopt FAR
<p>§ 21.81 Requirements for issue and amendment of Class I provisional type certificates.</p> <p>(a) An applicant is entitled to the issue or amendment of a Class I provisional type certificate if he shows compliance with this section and the <u>FAA finds that there is no feature, characteristic, or condition that would make the aircraft unsafe</u> when operated in accordance with the limitations established in <u>paragraph (e)</u> of this section and in <u>§ 91.317</u> of this chapter.</p> <p>(b) The applicant must apply for the issue of a type or supplemental type certificate for the <u>aircraft</u>.</p> <p>(c) The applicant must certify that -</p> <p style="margin-left: 20px;">(1) The <u>aircraft</u> has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type or supplemental type certificate applied for;</p> <p style="margin-left: 20px;">(2) The <u>aircraft</u> substantially meets the applicable flight characteristic requirements for the type or supplemental type certificate applied for; and</p> <p style="margin-left: 20px;">(3) The <u>aircraft</u> can be operated safely under the appropriate operating limitations specified in <u>paragraph (a)</u> of this section.</p>	<p>21.081 Requirements for issue and amendment of Class I provisional type certificates</p> <p>(1) An applicant for a type certificate or a supplemental type certificate is entitled to the issue of a Class I provisional type certificate, or an approval of an amendment of a Class I provisional type certificate, if the applicant shows compliance with this regulation and <u>CASA is satisfied that the relevant aircraft can reasonably be expected to be safe</u> for its intended use when operated in accordance with the limitations:</p> <p style="margin-left: 20px;">(a) established by the applicant under subregulation (4); and</p> <p style="margin-left: 20px;">(b) in regulation 262AO of CAR.</p> <p>(2) The applicant must certify that:</p> <p style="margin-left: 20px;">(a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate or supplemental type certificate applied for; and</p> <p style="margin-left: 20px;">(b) the aircraft substantially meets the applicable flight characteristic requirements for the type certificate or supplemental type certificate applied for; and</p>	<p>FAR is a bit more specific FAA finds is a more engineering term. Making findings against requirements CASA 'is satisfied' places more onus on CASA</p>

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<p>(d) The applicant must submit a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in this subchapter.</p> <p>(e) The applicant must establish all limitations required for the issue of the type or supplemental type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.</p> <p>(f) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.</p> <p>(g) The applicant must show that a prototype aircraft has been flown for at least 50 hours under an experimental certificate issued under §§ 21.191 through 21.195, or under the auspices of an Armed Force of the United States. However, in the case of an amendment to a provisional type certificate, the FAA may reduce the number of required flight hours.</p>	<p>(c) the aircraft can be operated safely under the appropriate operating limitations specified in subregulation (1).</p> <p>(3) The applicant must submit a report to CASA showing that the aircraft had been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in these Regulations.</p> <p>(4) The applicant must establish all limitations required for the issue of the type certificate or supplemental type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.</p> <p>(5) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.</p> <p>(6) The applicant must show CASA that a prototype aircraft has been flown for at least 50 hours under an experimental certificate or under the auspices of the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America. However, in the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.</p> <p><i>Source</i> FARs section 21.81 modified.</p>	
<p>§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.</p> <p>(a) An applicant who manufactures aircraft within the United States is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the FAA finds that there is <u>no feature, characteristic, or condition that would make the aircraft unsafe</u> when operated in accordance with the limitations in paragraph (h) of this section, and §§ 91.317 and 121.207 of this chapter.</p> <p>(b) An applicant who manufactures aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to the issue or amendment of a Class II provisional type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (f) of this section and that there is no feature, characteristic, or condition that would make</p>	<p>21.083 Requirements for issue and amendment of Class II provisional type certificates</p> <p>(1) An applicant who manufactures an aircraft within Australian territory, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:</p> <p>(a) set out in the provisional aircraft flight manual (if any) required by subregulation (7); and</p> <p>(b) in regulation 262AO of CAR.</p> <p>(2) An applicant who manufactures an aircraft in a country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II</p>	<p>FAR is a bit more specific CASA is satisfied places more onus on CASA</p>

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<p>the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section and §§ 91.317 and 121.207 of this chapter.</p> <p>(c) The applicant must apply for a type certificate, in the transport category, for the aircraft.</p> <p>(d) The applicant must hold a U.S. type certificate for at least one other aircraft in the same transport category as the subject aircraft.</p> <p>(e) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.</p> <p>(f) The applicant or, in the case of a foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that -</p> <p>(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;</p> <p>(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and</p> <p>(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.</p> <p>(g) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.</p> <p>(h) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.</p> <p>(i) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.</p> <p>(j) The applicant must show that a prototype aircraft has been flown for at least 100 hours. In the case of an amendment to a provisional type certificate, the FAA may reduce the number of required flight hours.</p>	<p>provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the national aviation authority of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements of subregulation (5) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:</p> <p>(a) in the provisional aircraft flight manual (if any) required by subregulation (7); and</p> <p>(b) in regulation 262AO of CAR.</p> <p>(3) The applicant must hold a type certificate for at least one other aircraft in the same transport category as the subject aircraft.</p> <p>(4) The flight test program to be carried out for the purposes of the type certificate or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.</p> <p>(5) The applicant or, in the case of a foreign manufactured aircraft, the national aviation authority of the country in which the aircraft was manufactured, must certify that:</p> <p>(a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for; and</p> <p>(b) the aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and</p> <p>(c) the aircraft can be operated safely under the appropriate operating limitations in these Regulations.</p> <p>(6) The applicant must submit a report to CASA showing that the aircraft has been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in these Regulations.</p> <p>(7) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.</p> <p>(8) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.</p>	

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	<p>(9) The applicant must show CASA that a prototype aircraft has been flown for at least 100 hours. In the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.</p> <p><i>Source</i> FARs section 21.83 modified.</p>	
<p>§ 21.85 Provisional amendments to type certificates.</p> <p>(a) An applicant who manufactures aircraft within the United States is entitled to a provisional amendment to a type certificate if he shows compliance with this section and the FAA finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.</p> <p>(b) An applicant who manufactures aircraft in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to a provisional amendment to a type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (e) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.</p> <p>(c) The applicant must apply for an amendment to the type certificate.</p> <p>(d) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.</p> <p>(e) The applicant or, in the case of foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that -</p> <ol style="list-style-type: none"> (1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft; (2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and (3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter. <p>(f) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight</p>	<p>21.085 Provisional amendments to type certificates</p> <ol style="list-style-type: none"> (1) An applicant who manufactures an aircraft within Australian territory, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these Regulations. (2) An applicant who manufactures an aircraft in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the national aviation authority of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements mentioned in subregulation (4) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these Regulations. (3) The flight test program approved by CASA, or conducted under the agreement by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress. (4) The applicant or, in the case of foreign manufactured aircraft, the national aviation authority of the country in which the aircraft was manufactured, must certify that: <ol style="list-style-type: none"> (a) the modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft; and (b) the aircraft incorporating the modification substantially complies with the applicable flight characteristic requirements for the type certificate; and (c) the aircraft can be operated safely under the appropriate operating limitations in these Regulations. 	Basically similar

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<p>requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in §§ 91.317 and 121.207 of this chapter.</p> <p>(g) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.</p> <p>(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.</p> <p>(i) The applicant must operate a prototype aircraft modified in accordance with the corresponding amendment to the type certificate for the number of hours found necessary by the FAA.</p>	<p>(5) The applicant must submit a report to CASA showing that the aircraft incorporating the modifications involved has been flown in all manoeuvres necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations mentioned in regulation 262AO of CAR.</p> <p>(6) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight manoeuvres, loading, and operation of controls and equipment, unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.</p> <p>(7) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.</p> <p>(8) The applicant must operate a prototype aircraft, modified in accordance with the corresponding amendment to the type certificate, for the number of hours found necessary by CASA in the particular case.</p> <p><i>Source</i> FARs section 21.85 modified.</p>	