

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

Type Certificates

CASR Part 21, Subpart B is about requirements and rules covering the various “Type Certificates” that CASA can issue. CASR Part 21, Subpart B was made in 1998 but the FAA modernised this Subpart in 2009 to harmonise with ICAO & FAA.

- The FAA conceptual change moved from “requirements” to “procedural requirements”.
- It shifts responsibility more to the certificate holder than current CASRs implementation processes.
- Retain Type Acceptance Certificates - harmonise with the rest of FAR
- USA “products” includes our “aircraft & aeronautical products”.
- Reference to FAA can also mean reference to a Subpart J ADO or Subpart M AP.

FAR	CASR	COMMENTS
Subpart 21 B—Type Certificates	<p>Subpart 21.B Type certificates and type acceptance certificates</p> <p><i>Note</i> A type certificate or a type acceptance certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, 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>	CASA should be involved with the certification of a TC to meet noise standards which is different process to the ANRs just like every other certifying NAA.
<p>§21.11 Applicability. This subpart prescribes—</p> <p>(a) Procedural requirements for the issue of type certificates for aircraft, aircraft engines, and propellers; and</p> <p>(b) Rules governing the holders of those certificates.</p>	<p>21.011 Applicability This Subpart prescribes:</p> <p>(a) requirements for the issue of:</p> <p style="padding-left: 20px;">(i) type certificates for aircraft, aircraft engines and propellers; and</p> <p style="padding-left: 20px;">(ii) type acceptance certificates for aircraft; and</p> <p>(b) rules governing the holders of those certificates; and</p> <p>(c) rules dealing with the NAAs of foreign countries.</p> <p><i>Source</i> FARs section 21.11 modified.</p>	<p>Major concept change</p> <p>Procedural requirements not just requirements to issue – shifts emphasis.</p>
	<p>21.012 Recognised foreign countries Each of the following countries is a recognised country for these regulations:</p> <p>(a) Canada;</p>	

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	(aa) Federal Republic of Germany; (b) New Zealand; (c) The French Republic; (d) The Kingdom of the Netherlands; (e) The United Kingdom; (f) The United States of America.	Retain or amend to include EASA
§21.13 Eligibility. Any interested person may apply for a type certificate.	21.013 Eligibility Any person is eligible to apply to CASA for a type certificate or a type acceptance certificate. <i>Source FARs section 21.13 modified.</i>	What is an "interested" person compared to any person
	21.013A Issue of type certificate Subject to regulation 11.055, CASA must issue a type certificate (except a type certificate mentioned in regulation 21.029) to an applicant for the certificate if the applicant: <ul style="list-style-type: none"> (a) is eligible, under regulation 21.013, to apply for the certificate; and (b) applies for the certificate in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate; and (d) otherwise complies with this Part. 	Delete, Covered by FAR 21.21
	21.014 Recognition of foreign certification Despite regulation 21.013A, CASA must not issue a type certificate mentioned in regulation 21.021, 21.024, or 21.025, for an aircraft manufactured in another country, if: <ul style="list-style-type: none"> (a) a type acceptance certificate may be issued for the aircraft under regulation 21.029A; or (b) a type certificate may be issued for the aircraft under regulation 21.029. 	Review need for this provision
§21.15 Application for type certificate. <ul style="list-style-type: none"> (a) An application for a type certificate is made on a form and in a manner prescribed by the FAA and is submitted to the appropriate aircraft certification office. (b) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data. (c) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the 	21.015 Application for type certificate <ul style="list-style-type: none"> (2) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data. (3) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and the proposed engine operating limitations. <i>Source FARs section 21.15 modified.</i>	Include item (a) from FAR

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>engine operating characteristics, and the proposed engine operating limitations.</p> <p>§21.16 Special conditions. If the FAA finds that the airworthiness regulations of this subchapter do not contain adequate or appropriate safety standards for an aircraft, aircraft engine, or propeller because of a novel or unusual design feature of the aircraft, aircraft engine or propeller, he prescribes special conditions and amendments thereto for the product. The special conditions are issued in accordance with Part 11 of this chapter and contain such safety standards for the aircraft, aircraft engine or propeller as the FAA finds necessary to establish a level of safety equivalent to that established in the regulations.</p>	<p>21.016 Special standards and other conditions on type certificates</p> <p>(1) If CASA considers that some of the airworthiness standards mentioned in these regulations that are applicable to a particular type of aircraft, aircraft engine or propeller do not provide an adequate or appropriate safety standard for the aircraft, aircraft engine or propeller, CASA may issue a type certificate for it on condition that it complies with any special conditions that are necessary to establish a level of safety equivalent to that established under these regulations for comparable aircraft, aircraft engines or propellers.</p> <p>(2) CASA may issue a type certificate for an aircraft, aircraft engine or propeller subject to any other conditions that are necessary in the interests of aviation safety.</p> <p>(3) A condition imposed under subregulation (2) may include operational limitations.</p> <p>(4) A special condition or other condition must be in writing, and set out in, or attached to, the type certificate.</p> <p>(5) A person must not engage in conduct that results in a breach of a special condition or other condition of a type certificate. Penalty: 50 penalty units.</p> <p>(6) An offence against subregulation (5) is an offence of strict liability. <i>Note For strict liability, see section 6.1 of the Criminal Code.</i> <i>Source FARs section 21.16 modified.</i></p>	<p>Review</p>
<p>§21.17 Designation of applicable regulations.</p> <p>(a) Except as provided in §§25.2, 27.2, 29.2, and in parts 26, 34, and 36 of this subchapter, an applicant for a type certificate must show that the aircraft, aircraft engine, or propeller concerned meets—</p> <p>(1) The applicable requirements of this subchapter that are effective on the date of application for that certificate unless—</p> <p>(i) Otherwise specified by the FAA; or</p> <p>(ii) Compliance with later effective amendments is elected or required under this section; and</p> <p>(2) Any special conditions prescribed by the FAA.</p> <p>(b) For special classes of aircraft, including the engines and propellers installed thereon (e.g., gliders, airships, and other nonconventional aircraft), for which airworthiness standards have not been issued under this subchapter, the applicable requirements will be the portions of those other airworthiness requirements contained in Parts 23, 25, 27, 29, 31, 33, and 35 found by the FAA to be appropriate for</p>	<p>21.017 Designation of applicable airworthiness standards</p> <p>(1) An applicant for a type certificate for an aircraft mentioned in regulation 21.021 or 21.025, or an aircraft engine or propeller, must show that the aircraft, aircraft engine or propeller meets:</p> <p>(a) the applicable requirements of this Part, and of the airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, that are effective on the date of application for that certificate unless:</p> <p>(i) otherwise specified by CASA; or</p> <p>(ii) compliance with later effective amendments is elected or required under this regulation; and</p> <p>(b) any special conditions imposed under regulation 21.016.</p> <p>(2) For special classes of aircraft (airships and other non-conventional aircraft), including the engines and propellers installed thereon, for which airworthiness standards have not been prescribed in these regulations, the airworthiness standards are the portions of those</p>	<p>FARs are about designating “regulations” not “airworthiness standards”.</p> <p>Concepts change that requires close review and changes to refer to regulations, not airworthiness standards.</p> <p>Changes responsibilities.</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>the aircraft and applicable to a specific type design, or such airworthiness criteria as the FAA may find provide an equivalent level of safety to those parts.</p> <p>(c) An application for type certification of a transport category aircraft is effective for 5 years and an application for any other type certificate is effective for 3 years, unless an applicant shows at the time of application that his product requires a longer period of time for design, development, and testing, and the FAA approves a longer period.</p> <p>(d) In a case where a type certificate has not been issued, or it is clear that a type certificate will not be issued, within the time limit established under paragraph (c) of this section, the applicant may—</p> <p>(1) File a new application for a type certificate and comply with all the provisions of paragraph (a) of this section applicable to an original application; or</p> <p>(2) File for an extension of the original application and comply with the applicable airworthiness requirements of this subchapter that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under paragraph (c) of this section for the original application.</p> <p>(e) If an applicant elects to comply with an amendment to this subchapter that is effective after the filing of the application for a type certificate, he must also comply with any other amendment that the FAA finds is directly related.</p> <p>(f) For primary category aircraft, the requirements are:</p> <p>(1) The applicable airworthiness requirements contained in parts 23, 27, 31, 33, and 35 of this subchapter, or such other airworthiness criteria as the FAA may find appropriate and applicable to the specific design and intended use and provide a level of safety acceptable to the FAA.</p> <p>(2) The noise standards of part 36 applicable to primary category aircraft.</p>	<p>airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35 that CASA considers to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as CASA may consider provide an equivalent level of safety to those Parts.</p> <p>(3) An application for type certification of a transport category aircraft is effective for 5 years, and an application for any other type certificate is effective for 3 years, unless an applicant shows, before the application lapses, that the aircraft requires a longer period of time for design, development, and testing, and CASA approves a longer period.</p> <p>(4) If an application ceases to be effective, the applicant may:</p> <p>(a) file a new application for a type certificate and comply with all the provisions of subregulation (1) applicable to an original application; or</p> <p>(b) file for an extension of the original application and comply with the applicable airworthiness requirements of these regulations that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under subregulation (3) for the original application.</p> <p>(5) If an applicant elects to comply with an amendment to these regulations, or to any matter incorporated by reference in these regulations, that is effective after the filing of the application for a type certificate, the applicant must also comply with any other amendment or incorporated matter that CASA considers is directly related to the application.</p> <p>(6) For primary category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.</p> <p>(7) For intermediate category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.</p> <p>(8) If an airworthiness standard has been agreed by CASA or one of its predecessors after 30 September 1993 as a response to a design advice mentioned in section 100.3 or 100.6 of the Civil Aviation</p>	

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>Orders, the standard continues to apply until 5 years after the date of approval of the design advice, unless the applicant elects to comply with a later standard.</p> <p><i>Source FARs section 21.17 modified.</i></p>	
<p>§21.19 Changes requiring a new type certificate. Each person who proposes to change a product must apply for a new type certificate if the FAA finds that the proposed change in design, power, thrust, or weight is so extensive that a substantially complete investigation of compliance with the applicable regulations is required.</p>	<p>21.019 Changes requiring a new type certificate (1) A type certificate for an aircraft, aircraft engine or propeller ceases to apply to an aircraft, aircraft engine or propeller of that type if: (a) a change is made in the design configuration, power, power limitations (engines), speed limitations (engines), or weight of the aircraft, aircraft engine or propeller that is so extensive that a substantially complete investigation of compliance with the requirements applicable under regulation 21.017 is necessary in the interests of aviation safety; or (b) in the case of a normal, utility, acrobatic, commuter or transport category aircraft, a change is made: (i) in the number of its engines or rotors; or (ii) to engines or rotors using different principles of propulsion or to rotors using different principles of operation; or (c) in the case of an aircraft engine — a change is made in the principle of operation; or (d) in the case of propellers — a change is made in the number of blades or principle of pitch change operation. (2) A person who proposes to make a change mentioned in subregulation (1) may apply to CASA for a new type certificate for the aircraft, aircraft engine or propeller.</p> <p><i>Source FARs section 21.19 modified.</i></p>	<p>Adopt FAR</p> <p>Decision is on CASA to determine whether the change is so extensive that a new certificate is required.</p> <p>Removes prescriptive requirements.</p>
<p>§21.20 Compliance with applicable requirements. The applicant for a type certificate, including an amended or supplemental type certificate, must— (a) Show compliance with all applicable requirements and must provide the FAA the means by which such compliance has been shown; and (b) Provide a statement certifying that the applicant has complied with the applicable requirements.</p>		<p>Adopt FAR Has shifted responsibility to TC holder</p>
<p>§21.21 Issue of type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers.</p>	<p>21.021 Type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers</p>	<p>Change heading to Issue</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>An applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category, or for a manned free balloon, special class of aircraft, or an aircraft engine or propeller, if—</p> <ul style="list-style-type: none"> (a) The product qualifies under §21.27; or (b) The applicant submits the type design, test reports, and computations necessary to show that the product to be certificated meets the applicable airworthiness, aircraft noise, fuel venting, and exhaust emission requirements of this subchapter and any special conditions prescribed by the FAA, and the FAA finds— <ul style="list-style-type: none"> (1) Upon examination of the type design, and after completing all tests and inspections, that the type design and the product meet the applicable noise, fuel venting, and emissions requirements of this subchapter, and further finds that they meet the applicable airworthiness requirements of this subchapter or that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and (2) For an aircraft, that no feature or characteristic makes it unsafe for the category in which certification is requested. 	<p>An applicant is entitled to a type certificate for an aircraft (except an aircraft mentioned in regulation 21.027) in the normal, utility, acrobatic, commuter, or transport category, or for a manned free balloon, or for a special class of aircraft or an aircraft engine or propeller, if:</p> <ul style="list-style-type: none"> (a) the applicant submits the type design, test reports, and computations necessary to show that the aircraft, aircraft engine or propeller to be certificated meets the applicable requirements of this Part, the airworthiness standards mentioned in these regulations and any conditions subject to which the type certificate is to be issued; and (b) CASA is satisfied that the type design and the aircraft, engine or propeller meet the applicable requirements of this Part and the airworthiness standards mentioned in these regulations, and any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and (c) for an aircraft — CASA is satisfied the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use. <p><i>Source FARs section 21.21 modified.</i></p>	<p>Review closely Subtle word changes</p>
<p>§21.23 [Reserved]</p>		
<p>§21.24 Issuance of type certificate: primary category aircraft.</p> <ul style="list-style-type: none"> (a) The applicant is entitled to a type certificate for an aircraft in the primary category if— <ul style="list-style-type: none"> (1) The aircraft— <ul style="list-style-type: none"> (i) Is unpowered; is an airplane powered by a single, naturally aspirated engine with a 61-knot or less VSO stall speed as determined under part 23 of this chapter; or is a rotorcraft with a 6-pound per square foot main rotor disc loading limitation, under sea level standard day conditions; (ii) Weighs not more than 2,700 pounds; or, for seaplanes, not more than 3,375 pounds; (iii) Has a maximum seating capacity of not more than four persons, including the pilot; and (iv) Has an unpressurized cabin. (2) The applicant has submitted— <ul style="list-style-type: none"> (i) Except as provided by paragraph (c) of this section, a statement, in a form and manner acceptable to the FAA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the 	<p>21.024 Type certificate: primary category aircraft</p> <ul style="list-style-type: none"> (1) The applicant is entitled to a type certificate for an aircraft in the primary category if: <ul style="list-style-type: none"> (a) the aircraft: <ul style="list-style-type: none"> (i) is unpowered; is an aeroplane powered by a single, naturally aspirated engine with a 61 knots or less VS0 stall speed as defined in FARs section 23.49; or is a rotorcraft powered by a single, naturally aspirated engine with a 29.3 kgm-2 main rotor disc loading limitation, under sea level standard day conditions; and (ii) has a maximum take-off weight of not more than 1225 kg or, if the aircraft is a seaplane, a maximum take-off weight of not more than 1530 kg; and (iii) has a maximum seating capacity of not more than 4 persons, including the pilot; and (iv) has an unpressurised cabin; and (b) the applicant has submitted to CASA: <ul style="list-style-type: none"> (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant 	<p>Change heading to "Issue"</p> <p>FAR Part 23 has been re-written</p> <p>It is a subtle difference between being satisfied and finding an item meets criteria.</p> <p>"Finding" is more engineering than "satisfied"</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards and noise requirements established for the aircraft under §21.17(f); and no feature or characteristic makes it unsafe for its intended use;</p> <p>(ii) The flight manual required by §21.5(b), including any information required to be furnished by the applicable airworthiness standards;</p> <p>(iii) Instructions for continued airworthiness in accordance with §21.50(b); and</p> <p>(iv) A report that: summarizes how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations that the applicant must retain and make available under §21.49 to substantiate compliance with the applicable airworthiness standards.</p> <p>(3) The FAA finds that—</p> <p>(i) The aircraft complies with those applicable airworthiness requirements approved under §21.17(f) of this part; and</p> <p>(ii) The aircraft has no feature or characteristic that makes it unsafe for its intended use.</p> <p>(b) An applicant may include a special inspection and preventive maintenance program as part of the aircraft's type design or supplemental type design.</p> <p>(c) For aircraft manufactured outside of the United States in a country with which the United States has a bilateral airworthiness agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into the United States—</p> <p>(1) The statement required by paragraph (a)(2)(i) of this section must be made by the civil airworthiness authority of the exporting country; and</p> <p>(2) The required manuals, placards, listings, instrument markings, and documents required by paragraphs (a) and (b) of this section must be submitted in English.</p>	<p>has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.017 (6); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and</p> <p>(ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and</p> <p>(iii) instructions for continued airworthiness in accordance with subregulation 21.050 (2); and</p> <p>(iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and</p> <p>(c) CASA is satisfied that:</p> <p>(i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017 (6); and</p> <p>(ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.</p> <p>(2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner of the aircraft, as part of the aircraft's type design or supplemental type design.</p> <p>(3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1) (b) (i) must be made by the NAA of the exporting country.</p> <p><i>Source FARs section 21.24 modified.</i></p>	

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>§21.25 Issue of type certificate: Restricted category aircraft.</p> <p>(a) An applicant is entitled to a type certificate for an aircraft in the restricted category for special purpose operations if he shows compliance with the applicable noise requirements of Part 36 of this chapter, and if he shows that no feature or characteristic of the aircraft makes it unsafe when it is operated under the limitations prescribed for its intended use, and that the aircraft—</p> <p>(1) Meets the airworthiness requirements of an aircraft category except those requirements that the FAA finds inappropriate for the special purpose for which the aircraft is to be used; or</p> <p>(2) Is of a type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force of the United States and has been later modified for a special purpose.</p> <p>(b) For the purposes of this section, “special purpose operations” includes—</p> <p>(1) Agricultural (spraying, dusting, and seeding, and livestock and predatory animal control);</p> <p>(2) Forest and wildlife conservation;</p> <p>(3) Aerial surveying (photography, mapping, and oil and mineral exploration);</p> <p>(4) Patrolling (pipelines, power lines, and canals);</p> <p>(5) Weather control (cloud seeding);</p> <p>(6) Aerial advertising (skywriting, banner towing, airborne signs and public address systems); and</p> <p>(7) Any other operation specified by the FAA.</p>	<p>21.025 Issue of type certificate: restricted category aircraft</p> <p>(1) An applicant is entitled to a type certificate for an aircraft in the restricted category for one or more of the special purpose operations mentioned in subregulation (2) if:</p> <p>(a) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and</p> <p>(b) the aircraft:</p> <p>(i) meets the airworthiness requirements of the normal, utility, acrobatic, commuter or transport category, except those requirements that CASA considers are inappropriate for the special purpose for which the aircraft is to be used; or</p> <p>(ii) is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America, and has been later modified for the special purpose operation or operations.</p> <p>(2) For subregulation (1), the special purpose operations are:</p> <p>(a) agricultural operations (for example, spraying, dusting, and seeding, and livestock and feral animal control); and</p> <p>(b) forest and wildlife conservation; and</p> <p>(c) firefighting; and</p> <p>(d) aerial surveying or scientific research (for example, photography, mapping, and oil and mineral exploration); and</p> <p>(e) patrolling (for example, pipelines, power lines, and canals); and</p> <p>(f) weather control and atmospheric research (for example, cloud seeding); and</p> <p>(g) aerial advertising (for example, skywriting, banner towing, airborne signs and public address systems); and</p> <p>(h) glider towing; and</p> <p>(i) target towing; and</p> <p>(j) target designation; and</p> <p>(k) any other operation similar to any of these operations.</p> <p><i>Source FARs section 21.25 modified.</i></p>	<p>Should adopt (b)(7) instead of (2)(k) as FAR is less restrictive.</p>
	<p>21.026 Type certificate: intermediate category aircraft</p> <p>(1) The applicant is entitled to a type certificate for an aircraft in the intermediate category if:</p> <p>(a) the aircraft:</p> <p>(i) is an aeroplane with a 61 knots or less VS0 stall speed as defined in FARs section 23.49; or is a rotorcraft with a 29.3</p>	<p>Is this uniquely Australian requirement still</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>kgm-2 main rotor disc loading limitation, under sea level standard day conditions; and</p> <p>(ii) has a maximum take-off weight of not more than 1750 kg; and</p> <p>(iii) has a maximum seating capacity of 4 persons, including the pilot; and</p> <p>(iv) has an unpressurised cabin; and</p> <p>(b) the applicant has submitted to CASA:</p> <p>(i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.017 (7); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and</p> <p>(ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and</p> <p>(iii) instructions for continued airworthiness in accordance with subregulation 21.050 (2); and</p> <p>(iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations that the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and</p> <p>(c) CASA is satisfied that:</p> <p>(i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017 (7); and</p> <p>(ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.</p> <p>(2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-</p>	<p>applicable and should it be retained.</p> <p>It was proposed by ONE designer who was contemplating a higher weight than would fall into primary category.</p> <p>Now that Part 23, by default, refers to the new Part 23 consensus regulations is this still needed?</p> <p>This would be covered by a Part 23 normal category that would also enable exports.</p> <p>Consider deleting</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>owner of the aircraft, as part of the aircraft's type design or supplemental type design.</p> <p>(3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1) (b) (i) must be made by the NAA of the exporting country.</p> <p><i>Source FARs section 21.24 modified.</i></p>	
<p>§21.27 Issue of type certificate: surplus aircraft of the Armed Forces.</p> <p>(a) Except as provided in paragraph (b) of this section an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in the United States, accepted for operational use, and declared surplus by, an Armed Force of the United States, and that is shown to comply with the applicable certification requirements in paragraph (f) of this section.</p> <p>(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces of the United States that is a counterpart of a previously type certificated civil aircraft, if he shows compliance with the regulations governing the original civil aircraft type certificate.</p> <p>(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces aircraft, for which a type certificate is sought under this section, will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the product provides substantially the same level of airworthiness as would be provided if the engines or propellers were type certificated under Part 33 or 35 of this subchapter.</p> <p>(d) The FAA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this section, if the FAA finds that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with those regulations would impose a severe burden on the applicant. The FAA may use experience that was satisfactory to an Armed Force of the United States in making such a determination.</p> <p>(e) The FAA may require an applicant to comply with special conditions and later requirements than those in paragraphs (c) and (f) of this section, if the FAA finds that compliance with the listed regulations would not ensure an adequate level of airworthiness for the aircraft.</p>	<p>21.027 Type certificate: surplus aircraft of the Armed Forces</p> <p>(1) Except as provided in subregulation (2), an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in Australian territory and was accepted for operational use, and declared surplus by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America (in this regulation called a surplus defence aircraft), and that is shown to comply with the applicable certification requirements in subregulation (6).</p> <p>(2) An applicant is entitled to a type certificate for a surplus defence aircraft that is a counterpart of a previously type certificated civil aircraft, if the applicant shows compliance with the regulations governing the original civil aircraft type certificate.</p> <p>(3) Aircraft engines, propellers, and their related accessories installed in surplus defence aircraft, for which a type certificate is sought under this regulation will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the engines or propellers provide substantially the same level of airworthiness as would be provided if the engines or propellers met the airworthiness standards mentioned in Part 33 or 35.</p> <p>(4) CASA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in subregulation (6), if CASA is satisfied that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with the requirements would impose a severe burden on the applicant. CASA may use experience that was satisfactory to the relevant armed force in making such a determination.</p> <p>(5) CASA may require an applicant to comply with later requirements than those in subregulations (3) and (6) if CASA is satisfied that</p>	

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR			CASR			COMMENTS
(f) Except as provided in paragraphs (b) through (e) of this section, an applicant for a type certificate under this section must comply with the appropriate regulations listed in the following table:			compliance with the requirements in those subregulations would not ensure an adequate level of airworthiness for the aircraft. (6) Except as provided in subregulations (2), (3), (4) and (5), an applicant for a type certificate under this regulation must comply with the appropriate regulations listed in Table 21.027.			
Table 21.027 Regulations that must be complied with for particular kinds of aircraft						
Type of aircraft	Date accepted for operational use by the Armed Forces of the United States	Regulations that apply ¹	Type of aircraft	Date accepted for operational use by the Armed Forces of the United States	Regulations that apply ¹	
Small reciprocating-engine powered airplanes	Before May 16, 1956 After May 15, 1956	CAR Part 3, as effective May 15, 1956. CAR Part 3, or 14 CFR Part 23.	Small reciprocating-engine powered aeroplanes	Before May 16, 1956 After May 15, 1956	Civil Air Regulations Part 3, as effective May 15, 1956. Civil Air Regulations Part 3, or FAR Part 23 or CASR Part 23.	
Small turbine engine-powered airplanes	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 3, as effective Oct. 1, 1959. CAR Part 3 or 14 CFR Part 23.	Small turbine engine-powered aeroplanes	Before Oct. 2, 1959 After Oct. 1, 1959	Civil Air Regulations Part 3, as effective Oct. 1, 1959. Civil Air Regulations Part 3 or FAR Part 23 or CSR Part 23.	
Commuter category airplanes	After (Feb. 17, 1987) FAR Part 23 as of (Feb. 17, 1987).		Commuter category aeroplanes	After (Feb. 17, 1987) FAR Part 23 as of (Feb. 17, 1987) or CASR Part 23.		
Large reciprocating-engine powered airplanes	Before Aug. 26, 1955 After Aug. 25, 1955	CAR Part 4b, as effective Aug. 25, 1955. CAR Part 4b or 14 CFR Part 25.	Large reciprocating-engine powered aeroplanes	Before Aug. 26, 1955 After Aug. 25, 1955	Civil Air Regulations Part 4b, as effective Aug. 25, 1955. CAR Part 4b or FARs Part 25. Or CASR Part 25	
Large turbine engine-powered airplanes	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 4b, as effective Oct. 1, 1959. CAR Part 4b or 14 CFR Part 25.	Large turbine engine-powered aeroplanes	Before Oct. 2, 1959 After Oct. 1, 1959	Civil Air Regulations Part 4b, as effective Oct. 1, 1959. Civil Air Regulations Part 4b or FARs Part 25, or CASR 25.	
Rotorcraft with maximum certificated takeoff weight of:						
6,000 pounds or less	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 6, as effective Oct. 1, 1959. CAR Part 6, or 14 CFR Part 27.				

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR			CASR			COMMENTS
Over 6,000 pounds	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 7, as effective Oct. 1, 1959. CAR Part 7, or 14 CFR Part 29.	Rotorcraft with maximum certificated takeoff weight of:			
¹ Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the Armed Forces.			6,000 pounds or less	Before Oct. 2, 1959 After Oct. 1, 1959	Civil Air Regulations Part 6, as effective Oct. 1, 1959. Civil Air Regulations Part 6, or FARs Part 27, or CASR Part 27.	
			Over 6,000 pounds	Before Oct. 2, 1959 After Oct. 1, 1959	Civil Air Regulations Part 7, as effective Oct. 1, 1959. Civil Air Regulations Part 7, or FAR Part 29, or CASR Part 25.	
			¹ Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the relevant armed force. <i>Source FARs section 21.27 modified</i>			
§21.29 Issue of type certificate: import products. (a) The FAA may issue a type certificate for a product that is manufactured in a foreign country or jurisdiction with which the United States has an agreement for the acceptance of these products for export and import and that is to be imported into the United States if— (1) The applicable State of Design certifies that the product has been examined, tested, and found to meet— (i) The applicable aircraft noise, fuel venting, and exhaust emissions requirements of this subchapter as designated in §21.17, or the applicable aircraft noise, fuel venting, and exhaust emissions requirements of the State of Design, and any other requirements the FAA may prescribe to provide noise, fuel venting, and exhaust emission levels no greater than those provided by the applicable aircraft noise, fuel venting, and exhaust emission requirements of this subchapter as designated in §21.17; and (ii) The applicable airworthiness requirements of this subchapter as designated in §21.17, or the applicable airworthiness requirements of the State of Design and any other			21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by NAA of recognised country (1) Subject to regulation 11.055, CASA must issue a type certificate for an aircraft, aircraft engine or propeller manufactured in a foreign country and for which a foreign type certificate issued by the NAA of a recognised country is not in force, if the aircraft, aircraft engine or propeller: (a) meets the applicable airworthiness requirements mentioned in regulation 21.017; or (b) meets the airworthiness requirements of a Contracting State and any other requirements imposed by CASA that are necessary to provide a level of safety equivalent to that provided under these regulations for comparable aircraft, aircraft engines or propellers. (2) CASA may accept a certificate given by the NAA of a Contracting State to the effect that an aircraft, aircraft engine or propeller meets the State's airworthiness requirements as evidence of that fact. (3) An application for a type certificate under this regulation must be accompanied by: (a) any relevant certificate issued by the NAA of a Contracting State; and			Review and adopt FAR requirements where some onus is placed on the State of Design. Also noise standards should be a CASA responsibility.

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>requirements the FAA may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in §21.17;</p> <p>(2) The applicant has provided technical data to show the product meets the requirements of paragraph (a)(1) of this section; and</p> <p>(3) The manuals, placards, listings, and instrument markings required by the applicable airworthiness (and noise, where applicable) requirements are presented in the English language.</p> <p>(b) A product type certificated under this section is considered to be type certificated under the noise standards of part 36 of this subchapter and the fuel venting and exhaust emission standards of part 34 of this subchapter. Compliance with parts 36 and 34 of this subchapter is certified under paragraph (a)(1)(i) of this section, and the applicable airworthiness standards of this subchapter, or an equivalent level of safety, with which compliance is certified under paragraph (a)(1)(ii) of this section.</p>	<p>(b) the relevant technical data.</p> <p>(4) CASA may inspect the aircraft, aircraft engine or propeller and carry out, or require the applicant to carry out, any tests and inspections necessary to enable CASA to decide whether or not to issue the type certificate.</p> <p><i>Source</i> FARs section 21.29 modified.</p>	
	<p>21.029A Type acceptance certificate for imported aircraft certificated by NAA of recognised country</p> <p>Subject to regulations 11.055, 21.029B and 21.029C, CASA must issue a type acceptance certificate for an aircraft manufactured in a foreign country, without making the type acceptance certificate subject to any conditions, if:</p> <p>(a) a foreign type certificate or equivalent document issued by the NAA of a recognised country is in force for aircraft of that type; and</p> <p>(b) the applicant has given CASA:</p> <p>(i) evidence that the type design has been approved by the NAA of the recognised country by issue of a type certificate or equivalent document; and</p> <p>(ii) details of any equivalent safety determinations or waivers (however described) that were made in the course of the type certification; and</p> <p>(iii) a copy of the applicable type certificate data sheet; and</p> <p>(iv) a copy of the flight manual that contains all the available options applicable to the type, and that was approved by the NAA that issued the foreign type certificate; and</p> <p>(v) a copy of the manufacturer's instructions for continued airworthiness of the aircraft; and</p> <p>(vi) a copy of the parts catalogue for the aircraft; and</p> <p>(vii) a list of all current field service documents applicable to the aircraft; and</p>	<p>Retain TACs.</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>(viii) an undertaking from the holder of the foreign type certificate to continue to supply to CASA service bulletins and instructions for the continuing airworthiness of aircraft of that type and any amendments of the documents mentioned in subparagraphs (iv), (v), (vi) and (vii).</p>	
	<p>21.029B Issue of type acceptance certificates subject to conditions (1) CASA may issue a type acceptance certificate under regulation 21.029A subject to a condition that is substantially the same as a condition imposed by the NAA of a recognised country on the corresponding foreign type certificate. (2) Also, CASA may issue a type acceptance certificate subject to other conditions if: (a) there are reasonable grounds for believing that issuing the certificate without imposing conditions or taking other measures would constitute a significant threat to aviation safety; and (b) CASA has consulted the applicant, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and (c) CASA has considered the views of the applicant, the manufacturer and the NAA before deciding whether or not to issue the type acceptance certificate subject to conditions; and (d) there are reasonable grounds for believing that imposing the conditions would substantially reduce the threat to aviation safety; and (e) there are no other practicable means of substantially reducing the threat to aviation safety. (3) A condition may include operational limitations. (4) A condition must be in writing, and set out in, or attached to, the type acceptance certificate. (5) A person must not engage in conduct that results in a breach of a condition of a type acceptance certificate. Penalty: 50 penalty units. (6) An offence against subregulation (5) is an offence of strict liability. <i>Note</i> The power of CASA to issue a type acceptance certificate subject to a condition under subregulation (2) must be exercised by the Director personally: see paragraph 11.260 (2) (b).</p>	<p>Retain TACs</p>
	<p>21.029C Refusal to issue type acceptance certificate (1) CASA may refuse to issue a type acceptance certificate for an aircraft manufactured in a foreign country if:</p>	<p>Retain TACs</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>(a) there are reasonable grounds for believing that issuing the certificate would constitute a significant threat to aviation safety; and</p> <p>(b) CASA has consulted the applicant, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and</p> <p>(c) CASA has considered the views of the applicant, the manufacturer and the NAA before deciding whether to issue the type acceptance certificate; and</p> <p>(d) there are reasonable grounds for believing that issuing the certificate subject to conditions is not a practicable means of substantially reducing the threat to aviation safety and there are no other practicable means of substantially reducing the threat.</p> <p>(2) If CASA refuses to issue a type acceptance certificate, CASA must deal with the application for the type acceptance certificate as if it were an application for a type certificate under regulation 21.029.</p> <p><i>Note</i> The power of CASA to refuse to issue a type acceptance certificate must be exercised by the Director personally: see paragraph 11.260 (2) (c).</p>	
<p>§21.31 Type design. The type design consists of—</p> <p>(a) The drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the product shown to comply with the requirements of that part of this subchapter applicable to the product;</p> <p>(b) Information on dimensions, materials, and processes necessary to define the structural strength of the product;</p> <p>(c) The Airworthiness Limitations section of the Instructions for Continued Airworthiness as required by parts 23, 25, 26, 27, 29, 31, 33 and 35 of this subchapter, or as otherwise required by the FAA; and as specified in the applicable airworthiness criteria for special classes of aircraft defined in §21.17(b); and</p> <p>(d) For primary category aircraft, if desired, a special inspection and preventive maintenance program designed to be accomplished by an appropriately rated and trained pilot-owner.</p> <p>(e) Any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting, and exhaust emissions (where applicable) of later products of the same type.</p>	<p>21.031 Type design — meaning</p> <p>(1) The type design of an aircraft, aircraft engine or propeller (except an aircraft, aircraft engine or propeller type certificated under regulation 21.029 or 21.029A) consists of the following:</p> <p>(a) the drawings and specifications approved by CASA or an authorised person, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the aircraft, aircraft engine or propeller shown to comply with the airworthiness standards applicable to it under regulation 21.017;</p> <p>(b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;</p> <p>(c) the airworthiness limitations section of the instructions for continued airworthiness as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35; or as otherwise required by CASA and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);</p> <p>(d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as</p>	<p>Adopt the FAR This is simply a regulation describing what consists of a type design.</p> <p>Not about approved data.</p> <p>Delete the requirements that are not part of design data</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);</p> <p>(e) for primary and intermediate category aircraft, if maintenance on the aircraft is to be carried out by the pilot-owner of the aircraft — a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;</p> <p>(f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type.</p> <p>(2) The type design for an aircraft, aircraft engine or propeller type certificated under regulation 21.029 consists of the following:</p> <p>(a) the drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the aircraft, aircraft engine or propeller shown to comply with the airworthiness standards applicable to it under regulation 21.017;</p> <p>(b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;</p> <p>(c) the airworthiness limitations section of the instructions for continued airworthiness as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, or as otherwise required by CASA and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);</p> <p>(d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2);</p> <p>(e) for primary category aircraft, if maintenance on the aircraft is to be carried out by the pilot-owner of the aircraft — a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;</p> <p>(f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type.</p> <p>(3) The type design for an aircraft type certificated under regulation 21.029A consists of the type design that was accepted by the NAA of</p>	

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>the recognised country that issued the foreign type certificate for the aircraft. <i>Source FARs section 21.31 modified.</i></p>	
<p>§21.33 Inspection and tests. (a) Each applicant must allow the FAA to make any inspection and any flight and ground test necessary to determine compliance with the applicable requirements of this subchapter. However, unless otherwise authorized by the FAA— (1) No aircraft, aircraft engine, propeller, or part thereof may be presented to the FAA for test unless compliance with paragraphs (b)(2) through (b)(4) of this section has been shown for that aircraft, aircraft engine, propeller, or part thereof; and (2) No change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (b)(2) through (b)(4) of this section is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to the FAA for test. (b) Each applicant must make all inspections and tests necessary to determine— (1) Compliance with the applicable airworthiness, aircraft noise, fuel venting, and exhaust emission requirements; (2) That materials and products conform to the specifications in the type design; (3) That parts of the products conform to the drawings in the type design; and (4) That the manufacturing processes, construction and assembly conform to those specified in the type design.</p>	<p>21.033 Inspection and tests (1) CASA is not required to issue, under regulation 21.013A, a type certificate for an aircraft, aircraft engine or propeller unless the applicant allows CASA to make any inspection and any flight and ground test necessary to determine that the aircraft, aircraft engine or propeller complies with the applicable requirements of these regulations. However: (a) no aircraft, aircraft engine, propeller, or part thereof may be presented to CASA for test unless compliance with paragraphs (2) (b), (c) and (d) has been shown for that aircraft, aircraft engine, propeller, or part thereof; and (b) no change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (2) (b), (c) and (d) is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to CASA for test. (2) Each applicant must make all inspections and tests necessary to determine: (a) compliance with the applicable airworthiness requirements; and (b) that the aircraft, aircraft engine or propeller and its materials conform to the specifications in the type design; and (c) that parts of the aircraft, aircraft engine or propeller conform to the drawings in the type design; and (d) that the manufacturing processes, construction and assembly conform to those specified in the type design. (3) For an aircraft with not more than 2 seats, a maximum take-off weight not exceeding 750 kg and a 45 knots or less VS0 stall speed as defined in FARs section 23.49 that is to be type certificated in the primary category or intermediate category, an authorised person may make any determination, inspection, flight test or ground test necessary to establish whether the aircraft complies with the applicable requirements of these regulations. <i>Source FARs section 21.33 modified.</i></p>	<p>Amend to comply with the FAR Determine compliance with regulations</p>
<p>§21.35 Flight tests.</p>	<p>21.035 Flight tests (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must make</p>	

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>(a) Each applicant for an aircraft type certificate (other than under §§21.24 through 21.29) must make the tests listed in paragraph (b) of this section. Before making the tests the applicant must show—</p> <ol style="list-style-type: none"> (1) Compliance with the applicable structural requirements of this subchapter; (2) Completion of necessary ground inspections and tests; (3) That the aircraft conforms with the type design; and (4) That the FAA received a flight test report from the applicant (signed, in the case of aircraft to be certificated under Part 25 [New] of this chapter, by the applicant's test pilot) containing the results of his tests. <p>(b) Upon showing compliance with paragraph (a) of this section, the applicant must make all flight tests that the FAA finds necessary—</p> <ol style="list-style-type: none"> (1) To determine compliance with the applicable requirements of this subchapter; and (2) For aircraft to be certificated under this subchapter, except gliders and low-speed, certification level 1 or 2 airplanes, as defined in part 23 of this chapter, to determine whether there is reasonable assurance that the aircraft, its components, and its equipment are reliable and function properly. <p>(c) Each applicant must, if practicable, make the tests prescribed in paragraph (b)(2) of this section upon the aircraft that was used to show compliance with—</p> <ol style="list-style-type: none"> (1) Paragraph (b)(1) of this section; and (2) For rotorcraft, the rotor drive endurance tests prescribed in §27.923 or §29.923 of this chapter, as applicable. <p>(d) Each applicant must show for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.</p> <p>(e) Except in gliders and manned free balloons, an applicant must discontinue flight tests under this section until he shows that corrective action has been taken, whenever—</p> <ol style="list-style-type: none"> (1) The applicant's test pilot is unable or unwilling to make any of the required flight tests; or (2) Items of noncompliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous. <p>(f) The flight tests prescribed in paragraph (b)(2) of this section must include—</p> <ol style="list-style-type: none"> (1) For aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft, at least 300 hours of operation 	<p>the tests listed in subregulation (2). Before making the tests the applicant must show CASA:</p> <ol style="list-style-type: none"> (a) compliance with the applicable structural requirements of these regulations; and (b) completion of necessary ground inspections and tests; and (c) that the aircraft conforms with the type design; and (d) that CASA received a flight test report from the applicant (signed, in the case of an application for a type certificate for an aircraft in the transport category, by the applicant's test pilot) containing the results of the tests. <p>(2) Upon showing compliance with subregulation (1), the applicant must make all flight tests that CASA considers are necessary:</p> <ol style="list-style-type: none"> (a) to determine compliance with the applicable requirements of these regulations; and (b) for aircraft to be type certificated under these regulations, except gliders and except aeroplanes of 2720 kg or less maximum certificated weight in the normal, utility, acrobatic, or commuter category — to determine whether there is reasonable assurance that the aircraft, its components, and its equipment are reliable and function properly. <p>(3) Each applicant must, if practicable, make the tests prescribed in paragraph (2) (b) upon the aircraft that was used to show compliance with:</p> <ol style="list-style-type: none"> (a) paragraph (2) (a); and (b) for rotorcraft — the rotor drive endurance tests prescribed in the applicable airworthiness standards mentioned in Parts 27 and 29. <p>(4) Each applicant must show CASA for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.</p> <p>(5) Except in a manned free balloon, an applicant must discontinue flight tests under this regulation until the applicant shows CASA that corrective action has been taken, whenever: (</p> <ol style="list-style-type: none"> a) the applicant's test pilot is unable or unwilling to make any of the required flight tests; or b) items of non-compliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous. <p>(6) The flight tests prescribed in paragraph (2) (b) must include:</p> <ol style="list-style-type: none"> (a) for aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft — at least 300 hours of 	<p>Review and update to remain harmonised with FAR</p> <p>Been updated to cover new Part 23 requirements</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>with a full complement of engines that conform to a type certificate; and (2) For all other aircraft, at least 150 hours of operation.</p>	<p>operation with a full complement of engines that conform to a type certificate; and (b) for all other aircraft — at least 150 hours of operation. <i>Source FARs section 21.35 modified.</i></p>	
<p>§21.37 Flight test pilot. Each applicant for a normal, utility, acrobatic, commuter, or transport category aircraft type certificate must provide a person holding an appropriate pilot certificate to make the flight tests required by this part.</p>	<p>21.037 Flight test pilot Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must provide a person holding an appropriate endorsement under regulation 5.22 of CAR, or an appropriate permission under regulation 5.50 of CAR, to make the flight tests required by this Part. <i>Source FARs section 21.37 modified.</i></p>	<p>References need reviewing</p>
<p>§21.39 Flight test instrument calibration and correction report. (a) Each applicant for a normal, utility, acrobatic, commuter, or transport category aircraft type certificate must submit a report to the FAA showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions. (b) Each applicant must allow the FAA to conduct any flight tests that he finds necessary to check the accuracy of the report submitted under paragraph (a) of this section.</p>	<p>21.039 Flight test instrument calibration and correction report (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must submit a report to CASA showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions. (2) Each applicant must allow CASA to conduct any flight tests that CASA is satisfied is necessary to check the accuracy of the report submitted under subregulation (1). <i>Source FARs section 21.39 modified.</i></p>	<p>FAR species which certificates, adopt to stay harmonised</p>
<p>§21.41 Type certificate. Each type certificate is considered to include the type design, the operating limitations, the certificate data sheet, the applicable regulations of this subchapter with which the FAA records compliance, and any other conditions or limitations prescribed for the product in this subchapter.</p>	<p>21.041 Type certificate — meaning (1) In these regulations, unless the contrary intention appears: foreign type certificate, for an aircraft, aircraft engine or propeller: (a) means a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country and is equivalent to a type certificate; but (b) does not include a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country solely on the basis of a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of another country and is equivalent to a type certificate. type certificate, for an aircraft, aircraft engine or propeller, means a type certificate issued by CASA under regulation 21.013A or 21.029 certifying that the aircraft, aircraft engine or propeller meets the airworthiness standard mentioned for it in the certificate.</p>	<p>Adopt FAR, much simpler to follow</p> <p>This is a statement what is considered as part of the TC itself.</p> <p>CASR is only talking about the certificate itself.</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>(2) In these regulations, except in this Subpart, a reference to a type certificate, or foreign type certificate, for an aircraft, aircraft engine or propeller, includes a reference to the type design, the operating limitations, the type certificate data sheet, the applicable airworthiness standards with which the certificate records compliance, and any other conditions or limitations prescribed for the aircraft, aircraft engine or propeller under these regulations.</p> <p><i>Source FARs section 21.41 modified.</i></p>	
<p>§21.43 Location of manufacturing facilities. Except as provided in §21.29, the FAA does not issue a type certificate if the manufacturing facilities for the product are located outside of the United States, unless the FAA finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.</p>	<p>21.043 Location of manufacturing facilities Despite regulation 21.013A, CASA is not required to consider an application for a type certificate for an aircraft, aircraft engine or propeller (except an application under regulation 21.029) if the manufacturing facilities for the aircraft, aircraft engine or propeller are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering applicable airworthiness requirements.</p> <p><i>Source FARs section 21.43 modified.</i></p>	<p>Review</p>
<p>§21.45 Privileges. The holder or licensee of a type certificate for a product may—</p> <ul style="list-style-type: none"> (a) In the case of aircraft, upon compliance with §§21.173 through 21.189, obtain airworthiness certificates; (b) In the case of aircraft engines or propellers, obtain approval for installation on certificated aircraft; (c) In the case of any product, upon compliance with subpart G of this part, obtain a production certificate for the type certificated product; (d) Obtain approval of replacement parts for that product. 		<p>Adopt FAR</p>
<p>§21.47 Transferability.</p> <ul style="list-style-type: none"> (a) A holder of a type certificate may transfer it or make it available to other persons by licensing agreements. (b) For a type certificate transfer in which the State of Design will remain the same, each transferor must, before such a transfer, notify in writing the appropriate aircraft certification office. This notification must include the applicable type certificate number, the name and address of the transferee, and the anticipated date of the transfer. (c) For a type certificate transfer in which the State of Design is changing, a type certificate may only be transferred to or from a person subject to the authority of another State of Design if the United States has an agreement with that State of Design for the 	<p>21.047 Transferability</p> <ul style="list-style-type: none"> (1) A type certificate may be transferred or made available to third persons by licensing agreements. (2) A transferor or licensor must, within 30 days after the transfer of a certificate or execution or termination of a licensing agreement, notify CASA in writing. Penalty: 5 penalty units. (3) The notification must state the name and address of the transferee or licensee, the date of the transaction, and in the case of a licensing agreement, the extent of authority granted the licensee. Penalty: 5 penalty units. 	<p>Review FAR has better clarity</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>acceptance of the affected product for export and import. Each transferor must notify the appropriate aircraft certification office before such a transfer in a form and manner acceptable to the FAA. This notification must include the applicable type certificate number; the name, address, and country of residence of the transferee; and the anticipated date of the transfer.</p> <p>(d) Before executing or terminating a licensing agreement that makes a type certificate available to another person, the type certificate holder must notify in writing the appropriate aircraft certification office. This notification must include the type certificate number addressed by the licensing agreement, the name and address of the licensee, the extent of authority granted the licensee, and the anticipated date of the agreement.</p>	<p>(4) An offence against subregulation (2) or (3) is an offence of strict liability. <i>Note For strict liability, see section 6.1 of the Criminal Code.</i> Source FARs section 21.47 modified.</p>	
<p>§21.49 Availability. The holder of a type certificate must make the certificate available for examination upon the request of the FAA or the National Transportation Safety Board.</p>	<p>21.049 Availability (1) The holder of a type certificate must make the certificate, and the type design of the aircraft, aircraft engine or propeller described or identified in the certificate, available for examination by CASA upon the request of CASA. Penalty: 5 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. <i>Note For strict liability, see section 6.1 of the Criminal Code.</i> Source FARs section 21.49 modified.</p>	<p>FAR less prescriptive and includes NTSB. Should include ATSB</p>
<p>§21.50 Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections. (a) The holder of a type certificate for a rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued under §27.1529 (a)(2) or §29.1529 (a)(2) of this chapter, and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual, must make those changes available upon request to any operator of the same type of rotorcraft. (b) The holder of a design approval, including either a type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller for which application was made after January 28, 1981, must furnish at least one set of complete Instructions for Continued Airworthiness to the owner of each type aircraft, aircraft engine, or propeller upon its delivery, or upon issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later. The Instructions for Continued Airworthiness must be prepared in accordance with §§ 23.1529, 25.1529, 25.1729, 27.1529, 29.1529,</p>	<p>21.050 Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections (1) The holder of a type certificate for an aircraft for which an aircraft Maintenance Manual containing an —Airworthiness Limitations section has been approved as part of the type design and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual must make particulars of the changes available upon request to any operator of the same type of aircraft. Penalty: 5 penalty units. (2) The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller must furnish at least one set of complete Instructions for Continued Airworthiness, prepared in accordance with the applicable airworthiness standards mentioned in Parts 22, 23, 25, 27, 26, 29, 31, 32, 33 and 35, or as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017 (2), as applicable, to the owner of each type of aircraft,</p>	<p>Amend to include changes to FAR especially the addition of the Commercial Parts List.</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
<p>31.82, 33.4, 35.4, or part 26 of this subchapter, or as specified in the applicable airworthiness criteria for special classes of aircraft defined in § 21.17(b), as applicable. If the holder of a design approval chooses to designate parts as commercial, it must include in the Instructions for Continued Airworthiness a list of commercial parts submitted in accordance with the provisions of paragraph (c) of this section. Thereafter, the holder of a design approval must make those instructions available to any other person required by this chapter to comply with any of the terms of those instructions. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person required by this chapter to comply with any of those instructions.</p> <p>(c) To designate commercial parts, the holder of a design approval, in a manner acceptable to the FAA, must submit:</p> <p>(1) A Commercial Parts List;</p> <p>(2) Data for each part on the List showing that:</p> <p>(i) The failure of the commercial part, as installed in the product, would not degrade the level of safety of the product; and</p> <p>(ii) The part is produced only under the commercial part manufacturer's specification and marked only with the commercial part manufacturer's markings; and</p> <p>(3) Any other data necessary for the FAA to approve the List.</p>	<p>aircraft engine, or propeller upon its delivery, or upon issue of the first standard certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter, on request by a person required by these regulations to comply with any of the terms of the instructions, give them to the person. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person who requests the changes and who is required by these regulations to comply with any of those instructions.</p> <p>Penalty: 5 penalty units.</p> <p>(3) An offence against subregulation (1) or (2) is an offence of strict liability.</p> <p><i>Note For strict liability, see section 6.1 of the <i>Criminal Code</i>.</i></p> <p><i>Source FARs section 21.50 modified.</i></p>	
<p>§21.51 Duration. A type certificate is effective until surrendered, suspended, revoked, or a termination date is otherwise established by the FAA.</p>	<p>21.051 Type certificates and type acceptance certificates — duration and suspension or cancellation</p> <p>(1) Subject to regulation 21.019, a type certificate or type acceptance certificate remains in force until it is cancelled.</p> <p>(2) Despite subregulation (1), a type certificate or type acceptance certificate is not in force during any period of suspension.</p> <p>(3) CASA may suspend or cancel a type certificate if there are reasonable grounds for believing that the type certificate no longer provides a reliable guide that the aircraft can reasonably be expected to be safe for its intended use when operated under any conditions limiting its intended use.</p> <p>(4) CASA may suspend or cancel a type acceptance certificate if:</p> <p>(a) there are reasonable grounds for believing that not doing so would constitute a significant threat to aviation safety; and</p> <p>(b) CASA has consulted the operator of the aircraft, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and</p> <p>(c) CASA has considered the views of the operator, the manufacturer and the NAA before deciding whether to suspend or cancel the type acceptance certificate.</p>	<p>CASA dedicated enforcement provisions should be elsewhere.</p> <p>FAR statement says it all. Shift to Part 13.</p>

FAA FAR Part 21, Subpart B - SO DIFFERENT TO CASR PART 21, SUBPART B

FAR	CASR	COMMENTS
	<p>(5) If CASA suspends or cancels a type certificate it must:</p> <ul style="list-style-type: none"> (a) notify the certificate holder in writing of the suspension or cancellation; and (b) publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the Gazette. <p>(6) If CASA suspends or cancels a type acceptance certificate CASA must publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the Gazette.</p> <p>(7) A suspension or cancellation takes effect on the day after the notice is published in the Gazette.</p> <p>(8) A notice of suspension or cancellation under paragraph (5) (b) or subregulation (6) must set out:</p> <ul style="list-style-type: none"> (a) the grounds for the suspension or cancellation; and (b) when the suspension or cancellation takes effect; and (c) in the case of a suspension — when the suspension stops having effect. <p><i>Source FARs section 21.51 modified.</i></p> <p>Note 1 The power of CASA to suspend or cancel a type acceptance certificate under subregulation (4) must be exercised by the Director personally: see paragraph 11.260 (2) (d).</p> <p>Note 2 See also regulations 21.002C and 21.002E in relation to suspension and cancellation of type acceptance certificates.</p>	
<p>§21.53 Statement of conformity.</p> <ul style="list-style-type: none"> (a) Each applicant must provide, in a form and manner acceptable to the FAA, a statement that each aircraft engine or propeller presented for type certification conforms to its type design. (b) Each applicant must submit a statement of conformity to the FAA for each aircraft or part thereof presented to the FAA for tests. This statement of conformity must include a statement that the applicant has complied with §21.33(a) (unless otherwise authorized under that paragraph). 	<p>21.053 Statement of conformity</p> <ul style="list-style-type: none"> (1) Each applicant must submit to CASA a statement of conformity in a manner and form acceptable to CASA for each aircraft engine and propeller presented to CASA for type certification. <u>This statement of conformity must include a statement that the aircraft engine or propeller conforms to the type design therefor.</u> (2) Each applicant must submit to CASA a statement of conformity for each aircraft or part thereof presented to CASA for tests. This statement of conformity must include a statement to the effect that the applicant has complied with subregulation 21.033 (1). <p><i>Source FARs section 21.53 modified.</i></p>	<p>FAR is simpler. Places responsibility of applicant. It is not a statement of conformity “for” type certification.</p>
<p>§21.55 Responsibility of type certificate holders to provide written licensing agreements.</p> <p>A type certificate holder who allows a person to use the type certificate to manufacture a new aircraft, aircraft engine, or propeller must provide that person with a written licensing agreement acceptable to the FAA.</p>		<p>Adopt FAR.</p>