

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

**Export Certificates of Airworthiness**

CASR Part 21, Subpart L is about exporting products with Australian unique aeronautical product identification that have not been used in the global aviation manufacturing market for over 18 years. Class I, Class II & Class III products no longer exist.

FAR Part 21, Subpart L was amended in 1998. The FAA modernised this regulation to harmonise with ICAO & FAA

FAR	CASR	COMMENTS
<b>Subpart 21.L – Export airworthiness approvals</b>	<b>Subpart 21.L – Export airworthiness approvals</b>	
<p><b>§21.321 Applicability.</b>                      This subpart prescribes—                      (a) Procedural requirements for issuing export airworthiness approvals;                      and                      (b) Rules governing the holders of those approvals.</p>	<p><b>21.321 Applicability</b>                      (1) This Subpart prescribes:                      (a) requirements for the issue of export airworthiness approvals;                      and                      (b) rules governing the holders of those approvals.                      (2) For these regulations:                      (a) a <b>Class I product</b> is a complete aircraft, aircraft engine, or propeller, that:                      (i) has been type certificated in accordance with these regulations and for which civil specifications or type certificate data sheets have been issued; or                      (ii) is identical to a type certificated product specified in subparagraph (i) in all respects except as is otherwise acceptable to the NAA of the importing state; and                      (b) a <b>Class II product</b> is a major component of a Class I product (for example, wings, fuselages, empennage assemblies, landing gears, power transmissions and control surfaces), the failure of which would jeopardise the safety of a Class I product; or any part, material, or appliance, approved and manufactured under an ATSO in the —CII series; and                      (c) a <b>Class III product</b> is any part or component which is not a Class I or Class II product and includes standard parts (for example, those designated as AN, NAS or SAE); and                      (d) the word <b>overhauled</b> when used to describe a product means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with these regulations.  <i>Source FARs section 21.321, modified.</i></p>	<p>Delete                      No longer relevant                      Class I, II &amp; III no longer used globally.                      Adopt FAR</p>

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	<p><b>21.323 Eligibility</b>                  Any person may obtain an export airworthiness approval for a Class I, Class II or Class III product.  <i>Source</i> FARs section 21.323, modified.</p>	<p>Delete                  No longer relevant</p>
	<p><b>21.324 Issue of export airworthiness approvals</b>                  Subject to regulation 11.055, CASA, or an authorised person, must issue an export airworthiness approval for a Class I, Class II or Class III product to an applicant for the approval if the applicant:                  (a) is eligible, under regulation 21.323, to obtain the approval; and                  (b) applies for the approval in accordance with this Subpart; and                  (c) is entitled, under this Subpart, to the approval; and                  (d) otherwise complies with this Part.</p>	
<p><b>§21.325 Export airworthiness approvals.</b>                  (a) An export airworthiness approval for an aircraft is issued in the form of an export certificate of airworthiness. This certificate does not authorize operation of that aircraft.                  (b) The FAA prescribes the form and manner in which an export airworthiness approval for an aircraft engine, propeller, or article is issued.                  (c) If the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter, an export airworthiness approval may be issued for a product or article located outside of the United States</p>	<p><b>21.325 Export airworthiness approvals</b>  <b><i>Kinds of approvals</i></b>                  (1) Export airworthiness approval of Class I products is issued:                      (a) for an aircraft — in the form of an export certificate of airworthiness; or                      (b) for an aircraft engine or propeller — in the form of an authorised release certificate.                  (2) An export certificate of airworthiness does not authorise the operation of aircraft.                  (3) Export airworthiness approval of Class II and III products is issued in the form of an authorised release certificate.  <b><i>Products which may be approved</i></b>                  (4) Export airworthiness approvals may be issued for the following:                      (a) new aircraft that are assembled and that have been flight-tested, except that export airworthiness approval may be issued for any of the following without assembly or flight-test:                          (i) a small aeroplane type certificated by reference to Part 23 and manufactured under a production certificate;                          (ii) a glider, powered sailplane or manned free balloon for which a type certificate of the kind mentioned in regulation 21.021 or 21.024 is issued under this Part and that is manufactured under a production certificate;                          (iii) a normal category rotorcraft type certificated by reference to Part 27 and manufactured under a production certificate;                      (b) used aircraft possessing a valid certificate of airworthiness, or other used Class I or Class II products that have been maintained in accordance with the applicable provisions of CAR or CASR.                  (4A) Authorised release certificates may be issued for any of the following that are manufactured and located in Australia:</p>	<p>Delete                  No longer relevant                  Adopt FAR</p>

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	<p>(a) Class I products other than aircraft;                  (b) Class II and III products.</p> <p>(5) Despite regulation 21.324, CASA is not required to issue an export airworthiness approval for used aircraft or used Class I products mentioned in paragraph (4) (b) that are located outside Australian territory, unless there is no undue burden on CASA in administering this regulation.</p> <p><b>Export airworthiness approval exceptions</b></p> <p>(6) If CASA or an authorised person issues an export airworthiness approval on the basis of a written statement by the importing state as provided for in paragraph 21.327 (4) (d), CASA or the authorised person must list on the export airworthiness approval, as exceptions, the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product.</p> <p>Penalty: 50 penalty units.</p> <p>(7) An offence against subregulation (6) is an offence of strict liability.  <i>Note For strict liability, see section 6.1 of the Criminal Code.</i>  <i>Source FARs section 21.325, modified.</i></p>	
<p><b>§21.327 Application.</b>                  Any person may apply for an export airworthiness approval. Each applicant must apply in a form and manner prescribed by the FAA.</p>	<p><b>21.327 Application</b></p> <p>(1) A person may apply, in writing, to CASA or an authorised person for an export airworthiness approval for a Class I, Class II or Class III product.</p> <p>(2) A manufacturer holding a production certificate may apply orally to CASA or an authorised person for export airworthiness approval of a Class II product approved under the manufacturer's production certificate.</p> <p>(3) A separate application must be made for:</p> <ul style="list-style-type: none"> <li>(a) each aircraft; and</li> <li>(b) each engine or propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are to be exported to the same purchaser and country; and</li> <li>(c) each type of Class II product, except that one application may be made for more than one type of Class II product when:                         <ul style="list-style-type: none"> <li>(i) they are separated in the application and the type and model of the related Class I product is identified; and</li> <li>(ii) they are to be exported to the same purchaser and country.</li> </ul> </li> </ul> <p>(4) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is:</p>	<p>Delete                  No longer relevant                  Adopt FAR</p>

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	<ul style="list-style-type: none"><li>(a) an aircraft manufactured outside Australian territory and being exported to a country with which Australia has a reciprocal agreement concerning the validation of export certificates; or</li><li>(b) an unassembled aircraft which has not been flight-tested; or</li><li>(c) a product that does not meet the special requirement of the importing country; or</li><li>(d) a product that does not meet a requirement specified in regulation 21.329, 21.331, or 21.333, as applicable, for the issue of an export airworthiness approval; or</li><li>(e) a product for which the importing country does not require the weight and balance report mentioned in paragraph (6) (b).</li></ul> <p>(5) The written statement must list any requirements mentioned in paragraph (4) (d) that are not met.</p> <p>(6) Each application for export airworthiness approval of a Class I product must include the following, as applicable:</p> <ul style="list-style-type: none"><li>(a) a statement of conformity mentioned in subregulation 21.130 (2) for each new product that has not been manufactured under a production certificate;</li><li>(b) unless the importing country does not require it, a weight and balance report in accordance with subregulations (7), (8), (9) and (10), as applicable, with a loading schedule when applicable, for each aircraft in accordance with section 100.7 of the Civil Aviation Orders;</li><li>(c) a maintenance manual for each new product when such a manual is required under these regulations;</li><li>(d) evidence of compliance with the applicable airworthiness directives, or a suitable notation if any airworthiness directives are not complied with;</li><li>(e) when temporary installations are incorporated in an aircraft for the purpose of export delivery — a general description of the installations together with a statement that the installation will be removed and the aircraft restored to the approved configuration upon completion of the delivery flight;</li><li>(f) historical records such as aircraft and engine log books, repair and alteration forms, for used aircraft and overhauled products;</li><li>(g) for products intended for overseas shipment — a description of the methods used, if any, for the preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. The description must also indicate the duration of the effectiveness of such methods;</li><li>(h) the aircraft's flight manual required by the applicable airworthiness regulations for the particular aircraft;</li></ul>	
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	<p>(i) a statement as to the date when title passed or is expected to pass to a foreign purchaser;</p> <p>(j) the data required by the special requirements of the importing country.</p> <p><b>Weight and balance reports</b></p> <p>(7) A weight and balance report for transport aircraft and commuter category aeroplanes must be based on an actual weighing of the aircraft within the period of 12 months preceding the application for the export airworthiness approval for the aircraft, but after any major repairs or alteration to the aircraft.</p> <p>(8) Any changes in equipment that are made after the actual weighing of the aircraft (except changes classes as major changes) may be accounted for on a —computedll basis and the report revised accordingly.</p> <p>(9) Manufacturers of new non-transport category aeroplanes, normal category rotorcraft or gliders may include computed weight and balance data in the report, instead of the results of an actual weighing of the aircraft, if fleet weight control procedures approved by CASA have been established for the aircraft. In this case, the following statement must be included in each report: —The weight and balance data shown in this report are computed on the basis of CASA's approved procedures for establishing fleet weight averages.ll.</p> <p>(10) A weight and balance report must include an equipment list showing weights and moment arms of all required and optional items of equipment that are included in the certificated empty weight.</p> <p><i>Source FARs section 21.327, modified.</i></p>	
<p><b>§21.329 Issuance of export certificates of airworthiness.</b></p> <p>(a) A person may obtain from the FAA an export certificate of airworthiness for an aircraft if—</p> <p>(1) A new or used aircraft manufactured under subpart F or G of this part meets the airworthiness requirements under subpart H of this part for a—</p> <p>(i) Standard airworthiness certificate; or</p> <p>(ii) Special airworthiness certificate in either the “primary” or the “restricted” category; or</p> <p>(2) A new or used aircraft not manufactured under subpart F or G of this part has a valid—</p> <p>(i) Standard airworthiness certificate; or</p> <p>(ii) Special airworthiness certificate in either the “primary” or the “restricted” category.</p>	<p><b>21.329 Issue of export airworthiness approvals for Class I products</b></p> <p>(1) An applicant is entitled to an export airworthiness approval for a Class I product if the applicant shows, at the time the application is made, that the product meets the requirements of subregulations (2) to (6) (inclusive), as applicable, except as provided in subregulation (7).</p> <p>(2) New and used aircraft must meet:</p> <p>(a) the airworthiness requirements for a standard certificate of airworthiness under regulation 21.183; or</p> <p>(b) the airworthiness certification requirements for a special certificate of airworthiness for an aircraft in the primary, intermediate or restricted category under regulation 21.184, 21.184A or 21.185 respectively.</p>	<p>Delete No longer relevant Adopt FAR</p>

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<p>(b) An aircraft need not meet a requirement specified in paragraph (a) of this section, as applicable, if—</p> <p>(1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, a deviation from that requirement; and</p> <p>(2) The export certificate of airworthiness lists as an exception any difference between the aircraft to be exported and its type design.</p>	<p>(3) For a used aircraft to which Part 42 applies, an airworthiness review certificate must be in force for the aircraft.</p> <p>(3A) For a used aircraft to which Part 42 does not apply, and that is of a particular type and model, the aircraft must have undergone a maintenance release inspection (within the meaning given by subregulation 47 (6) of CAR):</p> <p>(a) within 30 days before the date the application is made for an export airworthiness approval for the aircraft; and</p> <p>(b) that was conducted by:</p> <p>(i) a person who holds a certificate of approval that covers maintenance for that type and model of aircraft; or</p> <p>(ii) an approved maintenance organisation, within the meaning given by Part 3 of the Dictionary.</p> <p>(4) New engines and propellers must conform to the type design and must be in a condition for safe operation.</p> <p>(5) Used engines and propellers which are not being exported as part of a certificated aircraft must have been overhauled.</p> <p>(6) CASA or an authorised person must be satisfied that the special requirements of the importing country have been met.</p> <p>(7) A product need not meet a requirement mentioned in subregulation (2), (3), (4), (5) or (6) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).</p> <p><i>Source FARs sections 21.329 and 337, modified.</i></p>	
<p><b>§21.331 Issuance of export airworthiness approvals for aircraft engines, propellers, and articles.</b></p> <p>(a) A person may obtain from the FAA an export airworthiness approval to export a new aircraft engine, propeller, or article that is manufactured under this part if it conforms to its approved design and is in a condition for safe operation.</p> <p>(b) A new aircraft engine, propeller, or article need not meet a requirement of paragraph (a) of this section if—</p> <p>(1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, a deviation from that requirement; and</p> <p>(2) The export airworthiness approval lists as an exception any difference between the aircraft engine, propeller, or article to be exported and its approved design.</p> <p>(c) A person may obtain from the FAA an export airworthiness approval to export a used aircraft engine, propeller, or article if it conforms to its approved design and is in a condition for safe operation.</p>	<p><b>21.331 Issue of airworthiness approvals for Class II products</b></p> <p>(1) An applicant is entitled to an export airworthiness approval for a Class II product if that applicant shows, and CASA or an authorised person is satisfied, that the product:</p> <p>(a) is new or has been overhauled and conforms to the approved design data; and</p> <p>(b) is in a condition for safe operation; and</p> <p>(c) is identified with at least the manufacturer's name, part number, model designation (if applicable), and serial number or equivalent; and</p> <p>(d) meets any special requirements of the importing country.</p> <p>(2) However, a product need not meet a requirement mentioned in subregulation (1) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).</p> <p><i>Source FARs section 21.331 modified.</i></p>	<p>Delete No longer relevant Adopt FAR</p>

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<p>(d) A used aircraft engine or propeller need not meet a requirement of paragraph (c) of this section if—</p> <p>(1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, a deviation from that requirement; and</p> <p>(2) The export airworthiness approval lists as an exception any difference between the used aircraft engine or propeller to be exported and its approved design.</p>		
	<p><b>21.333 Issue of export airworthiness approvals for Class III products</b></p> <p>(1) An applicant is entitled to an export airworthiness approval for a Class III product if the applicant shows, and CASA or an authorised person is satisfied, that the product:</p> <p>(a) conforms to the approved design data applicable to the Class I or Class II product of which it is a part; and</p> <p>(b) is in a condition for safe operation; and</p> <p>(c) meets any special requirements of the importing country.</p> <p>(2) However, a product need not meet a requirement mentioned in subregulation (1) if it is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).</p> <p><i>Source FARs section 21.333 modified.</i></p>	<p>Delete No longer relevant</p>
<p><b>§21.335 Responsibilities of exporters.</b></p> <p>Unless otherwise agreed to by the importing country or jurisdiction, each exporter must—</p> <p>(a) Forward to the importing country or jurisdiction all documents specified by that country or jurisdiction;</p> <p>(b) Preserve and package products and articles as necessary to protect them against corrosion and damage during transit or storage and state the duration of effectiveness of such preservation and packaging;</p> <p>(c) Remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight;</p> <p>(d) Secure all proper foreign entry clearances from all the countries or jurisdictions involved when conducting sales demonstrations or delivery flights; and</p> <p>(e) When title to an aircraft passes or has passed to a foreign purchaser—</p>	<p><b>21.339 Export airworthiness approval for aircraft</b></p> <p>An applicant is entitled to an export certificate of airworthiness authorising the export of an aircraft to 2 or more foreign countries if:</p> <p>(a) the applicant gives CASA a statement to the effect that the aircraft is to be flown to each of these countries for the purpose of sale; and</p> <p>(b) a standard certificate of airworthiness or a special certificate of airworthiness is in force for the aircraft; and</p> <p>(c) the aircraft is inspected by CASA before leaving Australian territory and is found to comply with all the applicable requirements; and</p> <p>(d) a list of the foreign countries in which it is intended to conduct sales demonstrations, together with the expected dates and duration of such demonstration, is included in the application under regulation 21.327; and</p> <p>(e) for each country listed, the applicant:</p> <p>(i) has met that country's special requirements, except those requiring documents, information, and materials to be furnished; and</p>	<p>Delete No longer relevant Adopt FAR</p>

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<p>(1) Request cancellation of the U.S. registration and airworthiness certificates from the FAA, giving the date of transfer of title, and the name and address of the foreign owner;</p> <p>(2) Return the Registration and Airworthiness Certificates to the FAA; and</p> <p>(3) Provide a statement to the FAA certifying that the U.S. identification and registration numbers have been removed from the aircraft in compliance with §45.33.</p>	<p>(ii) has the documents, information, and materials necessary to meet the special requirements of that country; and</p> <p>(f) all other requirements for the issue of an export certificate of airworthiness for a Class I product are met.</p> <p><i>Source</i> FARs section 21.33 modified.</p>	
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