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Civil Aviation Engineering Proposal
To Give Effect To:

Implementation Minister's Statement of Expectations (2022)

"**(m)** *Working with the Department, CASA will pursue, within legislative responsibilities, appropriate mutual recognition and bilateral arrangements to support the recognition of Australian designs, innovation and certification in comparable jurisdictions, and the minimisation of red tape in transitioning between jurisdictions (including where possible, automatic recognition of licences and approvals).*"

AND

Implementation RRAT Interim Report (2022)

Recommendation 4

"*The committee recommends that the Australian Government* ***amend*** *the Civil Aviation Act 1988 to include an obligation to support the Australian aviation sector to develop and compete nationally and internationally.*"

Recommendation 6

"*The committee recommends that the Civil Aviation Safety Authority explore opportunities for mutual recognition of Australian and overseas certification, licences and maintenance qualifications.*"

Civil Aviation Engineering Proposal

Aircraft Maintenance Repair & Overhaul Business Association, inc.
10 April 2022

Engineering Design, Manufacture and Maintenance Proposal

To give effect to recommendations and directions of the ***RRAT Interim Report*** and the Minister's ***Statement of Expectations*** to the Civil Aviation Safety Authority (CASA), both are supported by AMROBA's members and others, this proposal will internationalise changes to the civil aviation regulatory system. Enhance skills of responsible engineering personnel in CASA, harmonise the engineering regulatory system with the US Federal Aviation Regulations, especially CASR Part 21 that underpins the crucial Australia ***Bilateral Aviation Safety Agreement*** with the USA that industry depends on, and wants expanded to include maintenance, manufacturing as well as product certification, by:

1. Creating a urgent national inter-government project team to obtain bilateral aviation agreements with other possible trading nations that will require Act changes, and
2. Realigning CASR Part 21 with FAR Part 21 except:
   a. Subpart J to be realigned with EASA CS 21, Subpart J; and
      i. Developing the adopted EASA Subpart J procedures to aligned with FAA Part 183 Design and Design Organisations procedures;
      ii. Adopt the same clarity of devolved regulatory functions to approved design organisations as the FAA documented procedures devolves these functions and activities, and
   b. Subpart M to harmonise with FAR Part 183 engineering designees procedural standards.
      i. The standards adopted must provide delegated function of industry approved design organisations and CASA authorised engineering personnel.
      ii. CASA approved design organisations and authorised engineering personnel must provide industry with the same engineering capabilities as in the FARs and used by the FAA to off-load CASA certification workload to enable CASA to concentrate on oversight.

This proposal includes an updated draft of CASR Part 21 based on the latest revisions of FAR Part 21 and EASA CS 21, Subpart J. Included in this draft, are current provisions for 'type acceptance certificates' from CASR Part 21. It clarifies procedures for industry to design and manufacture civil aviation products and articles.

FARs now define all certificated items as either a 'product' or an 'article' – refer definitions in FAR 21-001. Note: 'Products' global definition includes 'aircraft'. – Update Act definition

This proposal also includes guidance material explaining why each Part 21 regulation is changed based on the major changes the FAA did with Part 21 in 2009. This large change will enable harmonisation and will be the basis for expanded bilateral aviation safety agreement with the United States of America to improve aviation products and services trading capabilities.

These regulatory changes will enhance the Australia/USA Bilateral Aviation Safety Agreement (BASA) and 'harmonise' with both FAA and EASA Approved Design Organisation systems, including adopting devolvement of regulatory functions as done by the FAA. The Australia/USA BASA harmonisation is crucial to benefit future trade and keep Australian businesses located in Australia. These changes will improve our regulatory system and future EASA and other nations aviation agreements.

- FAR Part 21 is currently accepted globally as the most modern Part 21 which will enable CASA approvals that can be attained under Part 21, to eventually be internationally accepted.
  - Adoption will strengthen the BASA with the USA.
  - Recognition globally of Australian products and services.
- The FAA has an agreement with EASA with workable differences procedures
- Cost savings that were attained under the FAR Part changes in 2009 in the USA should proportionally be attained in Australia by re-aligning with the current FAR Part 21.
- Amendment by adoption of these FAR changes will also enhance future bilateral aviation agreements with EASA and other NAAs. Many nations have agreements with the United States of America and the FAA.

Minister and RRAT Expectations

This has been an industry expectation for decades, especially since CASA's CEO announced, in 2017 that CASR Part 21 would urgently be realigned with FAR Part 21 post the CASA/FAA bilateral meeting in 2017. The BASA with the USA was close to being suspended by the FAA because Australia's certification standards & practices had drifted so far out of step with the certification/maintenance standards of the FARs.

This should not happen, in 1998, the government inserted into Part 1 of the CASRs the requirement to **harmonise the Regulations with the FARs**. If CASA/government drafters had complied, then the problems facing the civil aviation engineering fields of design, manufacture and maintenance today would not have occurred.

This industry just cannot allow bureaucrats to pay lip service to these 'expectations' and 'recommendations' as they have done in the past. Many of the Minister's Expectations and the RRAT recommendations can be found in many past reviews. Government departments and agencies do not seem to have the fortitude to implement these changes.

Thousands of jobs can be recreated just by implementing regulatory changes to support these expectations and recommendations. Do we have enough people within the public service with the same vision as those of us have. Outcome is a civil aviation system creating many jobs in a domestic and global civil aviation market.

Changing Regulations are one part of the solution

The Act, or Acts also needs to be changed so that CASA and other government departments are responsible for attaining bilateral agreements for recognition of Australian designed and manufactured products and articles and maintenance services in their own right.

To obtain such agreements we need to initially fully adopt the FAA engineering design, manufacturing and maintenance system and institute an ICAO based aircraft maintenance engineer's training and licencing system.

The following pages include:

1) Draft CASR Part 21 realigned with FAR Part 21, EASR 21 Subpart J and FAR Part 183 designees in Subpart M.
2) Associated FARs from other Parts referred to in Part 21 are attached at the end – refer "Table of Contents)
3) Guidance explaining each Part 21 regulation change based on FAA's 2009 changes guidance.
4) Sample Q & As post implementation based on FAA Part 21 Q & As.

Assumption: CASA Senior Engineering Personnel are FAA Part 21 trained pre Implementation.

CASA manufacturing inspectors are FAA Part 21 trained pre Implementation.

CASA senior maintenance personnel to be FAA Part 43 trained pre Implementation.

Industry are prepared ready for this change.

Throughout this draft Part 21, highlighted regulations like 91.317, refer to attached Appendix.]

CASR Part 21 Realignment to FAR Part 21 – 30-3-22

(FARs referred to in Part 21 regulations are listed in a separate document)

☐ Displaying USA Title 14 Part 21. Title 14 was last amended

Contents

Part 1—Preliminary

Table of contents

1.001Name of Regulations

These Regulations are the Civil Aviation Safety Regulations 1998.

1.003 Harmonisation with FARs (date change)

(1) These Regulations contain provisions based on the FARs.

(2) An object of these Regulations is to harmonise certain parts of Australia's aviation safety law with the FARs.

(3) The words '*Source* FARs' below a regulation indicate that the regulation is based on the section of the FARs, as in force on 21 March 2022, or later revision, stated after the words and, if the section number is followed by the word 'modified', the word indicates that the FARs section has been modified for the regulation.

[add] Note: Part 21 alignment with FAR Part 21 underpins the Australia/United States of America Bilateral Aviation Safety Agreement. It will also support future government to government civil aviation agreements.

Example

21.013 Eligibility

Any person is eligible to apply to CASA for a type certificate or type acceptance certificate.

Source FARs section 21.13 modified.

The words set out below the regulation in this example indicate that the regulation is based on section 21.13 of the FARs as in force on 1 January1997 and that the FARs section has been modified for the regulation.

(4) If a word or expression is used in both a regulation and the FARs section on which the regulation is based, the meaning of the word or expression in the FARs section may be taken into account in interpreting the word or expression in the regulation, unless the contrary intention appears.

1.004 Dictionary

(1) The Dictionary at the end of these Regulations consists of 2parts.

(2) Part 1 contains:

(a) definitions of certain expressions; and

(b) signpost references to expressions that are explained in Part 2 or elsewhere in these Regulations.

Note: A signpost reference to a definition or an explanation of an expression that is elsewhere than in the Dictionary (for example, '***ATSO authorisation***—see paragraph 21.601(2)(b)') is not included in the Dictionary unless the definition or explanation of the expression applies outside the regulation in which it occurs. Many expressions are defined for the purposes of a particular Part, Subpart or Division, and signpost references to such definitions are generally not included in the Dictionary.

(3) Part 2 consists of numbered clauses that explain certain other expressions otherwise than by means of definitions.

(4) Unless the contrary intention appears, the definition or explanation of an expression in these Regulations applies to each use of the expression in these Regulations.

(5) The Dictionary is part of these Regulations.

1.006 Status of tables of contents

Tables of contents do not form part of these Regulations.

1.008 Manuals of Standards

(1) In this regulation:

MOS has the same meaning as in Subpart 11.J.

(2) If there is an inconsistency between a MOS and a provision of the Act or these Regulations, the provision of the Act or these Regulations prevails to the extent of the inconsistency.

(3) To avoid doubt, a MOS may not do the following:

(a) create an offence or civil penalty;

(b) provide powers of:

(i) arrest or detention; or

(ii) entry, search or seizure;

(c) impose a tax;

(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in these Regulations;

(e) directly amend the text of these Regulations.

Note: A MOS (Manual of Standards) is a document that supports CASR by providing detailed technical material, such as technical specifications or standards. See generally 'Incorporated Manuals' (paragraphs 52 and 53) in the Guide.

(The FAR Part numbering system retained for clarity and global recognition).

Part 21 – Certification Procedures for Products and Articles

Subpart A - General

21.001 Applicability and definitions.

(a) This part prescribes:-

(1) Procedural requirements for issuing and changing:

(i) Design approvals;

(ii) Production approvals;

(iii) Airworthiness certificates; and

(iv) Airworthiness approvals;

(2) Rules governing applicants for, and holders of, any approval or certificate specified in paragraph (a)(1) of this regulation; and

(3) Procedural requirements for the approval of articles.

(b) For the purposes of this part -

(1) ***Airworthiness approval*** means a document, issued by CASA, or a recognised country's NAA, for an aircraft, aircraft engine, propeller, or article, which certifies that the aircraft, aircraft engine, propeller, or article conforms to its approved design and is in a condition for safe operation, unless otherwise specified;

(2) ***Article*** means a material, part, component, process, or appliance;

(3) ***Commercial part*** means an article that is listed on a CASA, or a recognised country's NAA, approved Commercial Parts List included in a design approval holder's Instructions for Continued Airworthiness required by regulation 21.50;

(4) ***Design approval*** means a type certificate (including amended and supplemental type certificates) or the approved design under an APMA, ATSO authorisation, letter of ATSO design approval, or other approved design;

(5) ***Interface component*** means an article that serves as a functional interface between an aircraft and an aircraft engine, an aircraft engine and a propeller, or an aircraft and a propeller. An interface component is designated by the holder of the type certificate or the supplemental type certificate who controls the approved design data for that article;

(6) ***Product*** means an aircraft, aircraft engine, or propeller;

(7) ***Production approval*** means a document issued by CASA to a person that allows the production of a product or article in accordance with its approved design and approved quality system, and can take the form of a production certificate, an APMA, or an ATSO authorisation;

(8) ***State of Design*** means the country or jurisdiction having regulatory authority over the organisation responsible for the design and continued airworthiness of a civil aeronautical product or article;

(9) ***State of Manufacture*** means the country or jurisdiction having regulatory authority over the organisation responsible for the production and airworthiness of a civil aeronautical product or article.

(10) ***Supplier*** means a person at any tier in the supply chain who provides a product, article, or service that is used or consumed in the design or manufacture of, or installed on, a product or article.

Sourced FAR 21.1 modified

(c) This Part does not apply to hang gliders or paragliders.

Note: The Part 103 Manual of Standards may make provision in relation to airworthiness requirements for hang gliders and paragliders (see regulation 103.030).

Sourced CASR 21.001

21.001A Definition for Subpart

In this Subpart: In this Part

instrument means an approval, authorisation, certificate or permit issued under this Part.

Sourced CASR 21.001A

21.002 Falsification of instruments (applications, reports, or records).

(a) A person may not make or cause to be made -

(1) Any fraudulent, intentionally false, or misleading statement on any application for a certificate or approval under this part;

(i) Any fraudulent, intentionally false, or misleading statement in any record or report that is kept, made, or used to show compliance with any requirement of this part;

(2) Any reproduction for a fraudulent purpose of any certificate or approval issued under this part.

(3) Any alteration of any certificate or approval issued under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this regulation is a basis for -

(1) CASA denying issue of any certificate or approval under this part; and

(2) CASA suspending or revoking any certificate or approval issued under this part and held by that person.

Sourced FAR 21.21 modified

(c) For enforcement procedures by CASA, if required, refer to CASR Part 13.

(penalty 50 points)

[Administrative action to deny, suspend or revoke a certificate or approval are "safety" actions based on the actual falsification. Language is aviation specific. Reference to Part 13 covers CASA procedures when taking enforcement action, – why repeat enforcement processes in Part 21.]

~~21.002C Suspension or cancellation of an instrument~~ [insert in Part 11]

(1) CASA may suspend or cancel an instrument, by written notice given to its holder, if:

~~(a) CASA is reasonably satisfied that the holder has made or caused to be made:~~

~~(i) a fraudulent or intentionally false statement on the application for the instrument; or~~

~~(ii) an intentionally false entry in a record or report that is required to be kept, made, or used to show compliance with any requirement for the issue or the exercise of the privileges of the instrument; or~~

~~(iii) a reproduction for a fraudulent purpose of any instrument; or~~

~~(iv) an alteration for a fraudulent purpose of any instrument; and~~

~~(b) CASA has given the holder a show cause notice under regulation 21.002D in relation to the instrument; and~~

~~(c) CASA has taken into account any representations made by or on behalf of the holder within the period stated in the notice.~~

(2) A notice must set out:

~~(a) the grounds for the suspension or cancellation; and~~

~~(b) in the case of a suspension—when the suspension stops having effect.~~

(3) An instrument that is suspended under this regulation has no force while it is suspended, but, if it was issued for a fixed term, the suspension period counts as part of the term.

(4) If CASA suspends an instrument under this regulation, the holder cannot use it to meet the requirements for the issue of any other instrument during the period of suspension.

~~*Source* FARs section 21.2 modified.~~

21.003 Reporting of failures, malfunctions, and defects.

(a) The holder of an Australian type certificate or type acceptance certificate (including amended or supplemental type certificates), an APMA, or an ATSO authorisation, or the Australian licensee of a type certificate must report to CASA any failure, malfunction, or defect in any product or article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this regulation.

(b) The holder of an Australian type certificate (including amended or supplemental type certificates), an APMA, or an ATSO authorisation, or the licensee of a type certificate must report to CASA any defect in any product or article manufactured by it that has left its quality system and that it determines could result in any of the occurrences listed in paragraph (c) of this regulation.

(c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this regulation:

(1) Fires caused by a system or equipment failure, malfunction, or defect.

(2) An engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components.

(3) The accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin.

(4) A malfunction, failure, or defect of a propeller control system.

(5) A propeller or rotorcraft hub or blade structural failure.

(6) Flammable fluid leakage in areas where an ignition source normally exists.

(7) A brake system failure caused by structural or material failure during operation.

(8) A significant aircraft primary structural defect or failure caused by any autogenous condition (fatigue, understrength, corrosion, etc.).

(9) Any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure.

(10) An engine failure.

(11) Any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft for which derogates the flying qualities.

(12) A complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft.

(13) A failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(d) The requirements of paragraph (a) of this regulation do not apply to -

(1) Failures, malfunctions, or defects that the holder of an Australian type certificate (including amended or supplemental type certificates), APMA, ATSO authorisation, or the Australian licensee of a type certificate determines:

(i) Were caused by improper maintenance or use;

(ii) Were reported to CASA by another person under these regulations; or

(iii) Were reported under the accident reporting provisions of the Transport Safety Investigation Act, 2003 and Regulations, latest revision.

(2) Failures, malfunctions, or defects in products or articles -

(i) Manufactured by a foreign manufacturer under an Australian type certificate issued under § 21.29 or under an approval issued under regulation 21.621; or

(ii) Exported to Australia under § 21.502.

(e) Each report required by this regulation -

(1) Must be made to CASA within 24 hours after it has determined that the failure, malfunction, or defect required to be reported has occurred. However, a report that is due on a Saturday or a Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday;

(2) Must be transmitted in a manner and form acceptable to CASA and by the most expeditious method available; and

(3) Must include as much of the following information as is available and applicable:

(i) The applicable product and article identification information required by part 45 of these regulations;

(ii) Identification of the system involved; and

(iii) Nature of the failure, malfunction, or defect.

(f) If an accident investigation or service difficulty report shows that a product or article manufactured under this Part is unsafe because of a manufacturing or design data defect, the holder of the production approval for that product or article must, upon request of CASA, report to CASA the results of its investigation and any action taken or proposed by the holder of that production approval to correct that defect. If action is required to correct the defect in an existing product or article, the holder of that production approval must send the data necessary for issuing an appropriate airworthiness directive to CASA.

Sourced FAR 21.3 - replaces current draconian reg.

(g) Failure to report items in paragraph (c) above may result in CASA taking enforcement action, refer Part 13 of these regulations.

Doesn't discourage Australian manufacturers like CASR 21-002C, 21.002D, 21.002C & 21.003 has managed to do. This is a production approval holders responsibility globally. A manufacturer's responsibility. Reference too Part 13 for CASA actions of enforcement?

21.004 ETOPS reporting requirements.

(a) ***Early ETOPS: reporting, tracking, and resolving problems***. The holder of an Australian type certificate for an airplane-engine combination approved using the Early ETOPS method specified in FAR Part 25, Appendix K, referenced in CASR Part 25, must use a system for reporting, tracking, and resolving each problem resulting in one of the occurrences specified in paragraph (a)(6) of this regulation.

(1) The system must identify how a type certificate holder will promptly identify problems, report them to CASA or their respective NAA's Certification Office, and propose a solution to their respective NAA to resolve each problem. A proposed solution must consist of -

(i) A change in the aeroplane or engine type design;

(ii) A change in a manufacturing process;

(iii) A change in an operating or maintenance procedure; or

(iv) Any other solution acceptable to the NAA responsible for type design.

(2) For an aeroplane with more than two engines, the system must be in place for the first 250,000 world fleet engine-hours for the approved airplane-engine combination.

(3) For two-engine airplanes, the system must be in place for the first 250,000 world fleet engine-hours for the approved airplane-engine combination and after that until -

(i) The world fleet 12-month rolling average IFSD rate is at or below the rate required by paragraph (b)(2) of this regulation; and

(ii) The certifying NAA determines that the rate is stable.

(4) For an airplane-engine combination that is a derivative of an airplane-engine combination previously approved for ETOPS, the system need only address those problems specified in the following table, provided the type certificate holder obtains prior authorisation from their NAA:

If the change does not require a new aeroplane type certificate and	**Then the Problem Tracking and Resolution System must address . . . .**
(i) Requires a new engine type certificate	All problems applicable to the new engine installation, and for the remainder of the airplane, problems in changed systems only.
(ii) Does not require a new engine type certificate	Problems in changed systems only.

(5) The type certificate holder must identify the sources and content of data that it will use for its system. The data must be adequate to evaluate the specific cause of any in-service problem reportable under this regulation or sub-regulation 21.3(c) that could affect the safety of ETOPS.

(6) In implementing this system, the type certificate holder must report the following occurrences:

(i) IFSDs, except planned IFSDs performed for flight training.

(ii) For two-engine airplanes, IFSD rates.

(iii) Inability to control an engine or obtain desired thrust or power.

(iv) Precautionary thrust or power reductions.

(v) Degraded ability to start an engine in flight.

(vi) Inadvertent fuel loss or unavailability, or uncorrectable fuel imbalance in flight.

(vii) Turn backs or diversions for failures, malfunctions, or defects associated with an ETOPS group 1 significant system.

(viii) Loss of any power source for an ETOPS group 1 significant system, including any power source designed to provide backup power for that system.

(ix) Any event that would jeopardize the safe flight and landing of the aeroplane on an ETOPS flight.

(x) Any unscheduled engine removal for a condition that could result in one of the reportable occurrences listed in this paragraph.

(7) Failure to report items above may result in CASA taking enforcement action, refer Part 13 of these regulations.

[Identifies CASA's enforcement approach, if needed. We currently don't manufacture at this level]

(b) Reliability of two-engine aeroplane-

(1) ***Reporting of two-engine aeroplane in-service reliability***. The holder of a type certificate for an aeroplane approved for ETOPS and the holder of a type certificate for an engine installed on an aeroplane approved for ETOPS must report monthly to their respective country's NAA on the reliability of the world fleet of those aeroplane and engines. The report provided by both the aeroplane and engine type certificate holders must address each airplane-engine combination approved for ETOPS. CASA may approve quarterly reporting if the airplane-engine combination demonstrates an IFSD rate at or below those specified in paragraph (b)(2) of this regulation for a period acceptable to CASA. This reporting may be combined with the reporting required by regulation 21.3. The responsible type certificate holder must investigate any cause of an IFSD resulting from an occurrence

attributable to the design of its product and report the results of that investigation to its responsible NAA's Certification Office. Reporting must include:

(i) Engine IFSDs, except planned IFSDs performed for flight training.

(ii) The world fleet 12-month rolling average IFSD rates for all causes, except planned IFSDs performed for flight training.

(iii) ETOPS fleet utilization, including a list of operators, their ETOPS diversion time authority, flight hours, and cycles.

(2) Failure to report items above may result in CASA taking enforcement action, refer Part 13 of these regulations.

[Identifies CASA's enforcement approach, if needed. We currently don't manufacture at this level]

(3) ***World fleet IFSD rate for two-engine airplanes.*** The holder of a type certificate for an aeroplane approved for ETOPS and the holder of a type certificate for an engine installed on an aeroplane approved for ETOPS must issue service information to the operators of those aeroplane and engines, as appropriate, to maintain the world fleet 12-month rolling average IFSD rate at or below the following levels:

(i) A rate of 0.05 per 1,000 world-fleet engine-hours for an airplane-engine combination approved for up to and including 120- minute ETOPS. When all ETOPS operators have complied with the corrective actions required in the configuration, maintenance and procedures (CMP) document as a condition for ETOPS approval, the rate to be maintained is at or below 0.02 per 1,000 world-fleet engine-hours.

(ii) A rate of 0.02 per 1,000 world-fleet engine-hours for an airplane-engine combination approved for up to and including 180- minute ETOPS, including airplane-engine combinations approved for 207-minute ETOPS in the North Pacific operating area under appendix P, regulation I, paragraph (h), of Part 121 of these Regulations.

(iii) A rate of 0.01 per 1,000 world-fleet engine-hours for an airplane-engine combination approved for ETOPS beyond 180 minutes, excluding airplane-engine combinations approved for 207-minute ETOPS in the North Pacific operating area under appendix P, section I, paragraph (h), of Part 121 of these Regulations.

Sourced FAR 21.4 modified. ***It is important to advise the manufacturer, in whichever country.***

21.005 Aeroplane or Rotorcraft Flight Manual.

(a) With each aeroplane or rotorcraft not type certificated with an Aeroplane or Rotorcraft Flight Manual ~~and having no flight time before March 1, 1979~~, the holder of the type certificate (including amended or supplemental type certificates) or the licensee of a type certificate must make available to the owner, at the time of delivery of the aircraft, a current approved Aeroplane or Rotorcraft Flight Manual.

(b) The Aeroplane or Rotorcraft Flight Manual required by paragraph (a) of this regulation must contain the following information:

(1) The operating limitations and information required to be furnished in an Aeroplane or Rotorcraft Flight Manual or in manual material, markings, and placards, by the applicable regulations under which the aeroplane or rotorcraft was type certificated.

(2) The maximum ambient atmospheric temperature for which engine cooling was demonstrated must be stated in the performance information section of the Flight Manual, if the applicable regulations under which the aircraft was type certificated do not require ambient temperature on engine cooling operating limitations in the Flight Manual.

Sourced FAR 21.5 modified.

[Removes the need for CASR 21.006 & 21.006A – approval is now part of the certification process]. FAR 21.6 now manufacture]

21.006 Manufacture of new aircraft, aircraft engines, and propellers.

(a) Except as specified in paragraph (b) of this regulation, no person may manufacture a new aircraft, aircraft engine, or propeller based on a type certificate unless the person -

(1) Is the holder of the type certificate or has a licensing agreement from the holder of the type certificate to manufacture the product; and

(2) Meets the requirements of subpart F or G of this part.

~~(b) A person may manufacture one new aircraft based on a type certificate without meeting the requirements of paragraph (a) of this section if that person can provide evidence acceptable to CASA that the manufacture of the aircraft by that person began before August 5, 2004.~~

(b) The requirements of this regulation do not apply to -

(1) New aircraft imported under the provisions of sub-regulation 21.183(c), 21.184(b), or 21.185(c); and

(2) New aircraft engines or propellers imported under the provisions of regulation 21.500.

Sourced FAR 21.6 modified

[FAR paragraph (b) deleted, N/A in Australia]

21.007 Continued airworthiness and safety improvements for transport category airplanes.

(a) The holder of a design approval and an applicant for a design approval must comply with the applicable continued airworthiness and safety improvement requirements of Part 90 of these regulations.

(b) For new transport category aeroplane manufactured under the authority of CASA, the holder or licensee of a type certificate must meet the applicable continued airworthiness and safety improvement requirements specified in Part 90 of these regulations for new production airplanes. Those requirements only apply if CASA has jurisdiction over the organisation responsible for final assembly of the airplane.

Sourced FAR 21.7 modified

[CASR Part 90 to be amended to include continuing airworthiness requirements of FAR Part 26.]

21.008 Approval of articles.

If an article is required to be approved under this Part, it may be approved -

(a) Under an APMA;

(b) Under an ATSO;

(c) In conjunction with type certification procedures for a product; or

(d) In any other manner approved by CASA.

Sourced FAR 21.8 modified

21.009 Replacement and modification articles.

(a) If a person knows, or should know, that a replacement or modification article is reasonably likely to be installed on a type-certificated product, the person may not produce that article unless it is -

(1) Produced under a type certificate;

(2) Produced under a recognised country's NAA production approval;

(3) A standard part (such as a nut or bolt) manufactured in compliance with a government or established industry specification;

(4) A commercial part as defined in regulation 21.1 of this Part;

(5) Produced by an owner or operator for maintaining or altering that owner or operator's product;

(6) Fabricated by an appropriately rated certificate holder with a quality system, and consumed in the repair or alteration of a product or article in accordance with Part 43 of these regulations; or

(7) Produced in any other manner approved by CASA.

(b) Except as provided in paragraphs (a)(1) through (a)(2) of this regulation, a person who produces a replacement or modification article for sale may not represent that part as suitable for installation on a type-certificated product.

(c) Except as provided in paragraphs (a)(1) through (a)(2) of this regulation, a person may not sell or represent an article as suitable for installation on an aircraft type-certificated under sub-regulations 21.25(a)(2) or 21.27, or equivalent, unless that article:-

(1) Was declared surplus by an Armed Force, and

(2) Was intended for use on that aircraft model by the Armed Force.

(d) Failure to report items above may result in CASA taking enforcement action, refer Part 13 of these regulations.

Sourced FAR 21.9 modified

21.010B Definition of recognised country

(1) In this Part:

"recognised country " means any of the following:

(a) Canada;
(b) France;
(c) Germany;
(d) Netherlands;
(e) New Zealand;
(f United Kingdom;
(g) United States of America.

(2) For Subpart 21.B, a Contracting State, other than a country mentioned in subregulation (1), is a ***recognised country*** if there is an agreement (however described) between:

(a) Australia and the Contracting State; or

(b) CASA and the national aviation authority of the Contracting State;

for CASA to issue type acceptance certificates in relation to foreign type certificates or equivalent documents issued by the national aviation authority of the Contracting State.

(3) For Subpart 21.E, a Contracting State, other than a country mentioned in subregulation (1), is a ***recognised country*** if there is an agreement (however described) between:

(a) Australia and the Contracting State; or

(b) CASA and the national aviation authority of the Contracting State;

for the acceptance of certificates (however described) that are equivalent to supplemental type certificates.

(4) For Subpart 21.M, a Contracting State, other than a country mentioned in subregulation (1), is a ***recognised country*** if there is an agreement (however described) between:

(a) Australia and the Contracting State; or

(b) CASA and the national aviation authority of the Contracting State;

for the acceptance of approvals of designs of modifications of, or repairs to, aircraft, aircraft engines, propellers or appliances.

Sourced CASR 21.10B

Subpart B - Type Certificates

21.011 Applicability.

This subpart prescribes -

(a) Procedural requirements for the issue of type certificates for aircraft, aircraft engines, and propellers; and

(b) Rules governing the holders of those certificates.

Sourced FAR 21.11 modified

21.013 Eligibility.

Any interested person may apply for a type certificate.

Sourced FAR 21.13 modified

21.015 Application for type certificate.

(a) An application for a type certificate is made on a form and in a manner prescribed by CASA.

(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 engine operating characteristics, and the proposed engine operating limitations.

Sourced FAR 21.15 modified

21.016 Special conditions.

If CASA finds that the airworthiness regulations of this sub-part 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, CASA will prescribes special conditions and amendments thereto for the product. The special conditions are issued in accordance with Part 11 of these Regulations and contain such safety standards for the aircraft, aircraft engine or propeller as CASA finds necessary to establish a level of safety equivalent to that established in the regulations.

Sourced FAR 21.16 modified

21.017 Designation of applicable regulations.

(a) Except as provided in Parts 27, 29 referred FAR Regulations, 27.2, 29.2, and in Parts 90, 34, and 36 of these Regulations, an applicant for a type certificate must show that the aircraft, aircraft engine, or propeller concerned meets -

(1) The applicable requirements of this Sub-part that are effective on the date of application for that certificate unless -

(i) Otherwise specified by CASA; or

(ii) Compliance with later effective amendments is elected or required under this regulation; and

(2) Any special conditions prescribed by CASA.

(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 Sub-part, 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 CASA to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as CASA may find provide an equivalent level of safety to those parts.

(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 CASA approves a longer period.

(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 regulation, the applicant may:-

(1) File a new application for a type certificate and comply with all the provisions of paragraph (a) of this regulation applicable to an original application; or

(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 regulation for the original application.

(e) If an applicant elects to comply with an amendment to this Sub-part that is effective after the filing of the application for a type certificate, he must also comply with any other amendment that CASA finds is directly related.

(f) For primary category aircraft, the requirements are:

(1) The applicable airworthiness requirements contained in parts 23, 27, 31, 33, and 35 of this subchapter, or such other airworthiness criteria as CASA may find appropriate and applicable to the specific design and intended use and provide a level of safety acceptable to CASA.

(2) The noise standards of part 36 applicable to primary category aircraft.

(g) Sourced FAR 21.17 modified

21.019 Changes requiring a new type certificate.

Each person who proposes to change a product must apply for a new type certificate if CASA 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.

Sourced FAR 21.19 modified

21.020 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 CASA the means by which such compliance has been shown; and

(b) Provide a statement certifying that the applicant has complied with the applicable requirements.

(c) Sourced FAR 21.20 modified

21.021 Issue of type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers.

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:-

(a) The product qualifies under regulation 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 sub-part and any special conditions prescribed by CASA, and CASA finds -

(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 sub-part, and further finds that they meet the applicable airworthiness requirements of this sub-part 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.

Sourced FAR 21.21 modified

21.023 [Reserved]

21.024 Issue of type certificate: primary category aircraft.

(a) Subject to Part 11, the applicant is entitled to a type certificate for an aircraft in the primary category if -

(1) The aircraft -

(i) Is unpowered; is an aeroplane powered by a single, naturally aspirated engine with a 61-knot or less Vso stall speed as determined under Part 23 of these regulations; 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/1225 kilograms; or, for seaplanes, not more than 3,375

pounds/1530 kilograms;

(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 -

(i) Except as provided by paragraph (c) of this regulation, 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 and noise requirements established for the aircraft under sub-regulation 21.17(f); and no feature or characteristic makes it unsafe for its intended use;

(ii) The flight manual required by sub-regulation 21.5(b), including any information required to be furnished by the applicable airworthiness standards;

(iii) Instructions for continued airworthiness in accordance with sub-regulation 21.50(b); and

(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 21.49 to substantiate compliance with the applicable airworthiness standards.

(3) CASA finds that -

(i) The aircraft complies with those applicable airworthiness requirements approved under sub-regulation 21.17(f) of this Part; and

(ii) The aircraft has no feature or characteristic that makes it unsafe for its intended use.

(b) An applicant may include a special inspection and preventive maintenance program as part of the aircraft's type design or supplemental type design.

(c) For aircraft manufactured outside of Australia in a recognised country or a country with which Australia has a bilateral airworthiness agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australia -

(1) The statement required by paragraph (a)(2)(i) of this regulation must be made by the civil airworthiness authority of the exporting country; and

(2) The required manuals, placards, listings, instrument markings, and documents required by paragraphs (a) and (b) of this regulation must be submitted in English.

Sourced FAR 21.24 modified

21.025 Issue of type certificate: Restricted category aircraft.

(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 these regulations, 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 -

(1) Meets the airworthiness requirements of an aircraft category except those requirements that CASA finds inappropriate for the special purpose for which the aircraft is to be used; or

(2) Is of a type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force and has been later modified for a special purpose.

(b) For the purposes of this regulation, “special purpose operations” includes -

(1) Agricultural (spraying, dusting, and seeding, and livestock and predatory animal control);

(2) Forest and wildlife conservation;

(3) Aerial surveying (photography, mapping, and oil and mineral exploration);

(4) Patrolling (pipelines, power lines, and canals);

(5) Weather control (cloud seeding);

(6) Aerial advertising (skywriting, banner towing, airborne signs and public address systems); and

(7) Any other operation specified by CASA.

Sourced FAR 21.25 modified

21.026 Type certificate: intermediate category aircraft (unique & never used?)

(1) The applicant is entitled to a type certificate for an aircraft in the intermediate category if:

(a) the aircraft:

(i) is an aeroplane with a 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; or is a rotorcraft 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 1750 kg; and

(iii) has a maximum seating capacity of 4 persons, including the pilot; and

(iv) has an unpressurised cabin; and

(b) the applicant has submitted to CASA:

(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

(ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and

(iii) instructions for continued airworthiness in accordance with subregulation 21.050(2); and

(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

(c) CASA is satisfied that:

(i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017(7); and

(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.

(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.

(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 national aviation authority of the exporting country.

Sourced CASR 21.026

[this is uniquely Australian and has never been used – should it be retained?]

21.027 Issue of type certificate: surplus aircraft of the Armed Forces.

(a) Subject to Part 11, eExcept as provided in paragraph (b) of this regulation 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 another country, accepted for operational use, and declared surplus, by an Armed Force,

and that is shown to comply with the applicable certification requirements in paragraph (f) of this regulation.

(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces 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.

(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces 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 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 these regulations.

(d) CASA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this regulation, if CASA 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. CASA may use experience that was satisfactory to an Armed Force in making such a determination.

(e) CASA may require an applicant to comply with special conditions and later requirements than those in paragraphs (c) and (f) of this regulation, if CASA finds that compliance with the listed regulations would not ensure an adequate level of airworthiness for the aircraft.

(f) Except as provided in paragraphs (b) through (e) of this regulation, an applicant for a type certificate under this regulation must comply with the appropriate regulations listed in the following table:

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 Force	Regulations that apply [1]
Small reciprocating-engine powered aeroplanes	Before May 16, 1956	Civil Air Regulations Part 3, as effective May 15 1956
	After May 15, 1956	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23
Small turbine-engine powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 3, as effective Oct. 1 1959
	After Oct. 1, 1959	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23
Commuter category aeroplanes	After Feb. 17, 1987	FARs Part 23, as effective Feb 17, 1987, or CASR Part 23
Large reciprocating-engine powered aeroplanes	Before Aug. 26, 1955	Civil Air Regulations Part 4b, as effective Aug. 25, 1955
	After Aug. 25, 1955	Civil Air Regulations Part 4b, or FARs Part 25, or CASR Part 25
Large turbine engine-powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 4b, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 4b, or FARs Part 25, or CASR 25
Rotorcraft with a maximum certificated take-off weight of:		
2,722 kg or less	Before Oct. 2, 1959	Civil Air Regulations Part 6, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 6, or FARs Part 27, or CASR Part 27
Over 2,722 kg	Before Oct. 2, 1959	Civil Air Regulations Part 7, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 7, or FARs Part 29, or CASR Part 29.

[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.

Sourced FAR 21.25 modified

21.029 Issue of type certificate: import products.

(a) Subject to Part 11, CASA may issue a type certificate for a product that is manufactured in a foreign country or jurisdiction with which Australia has an agreement for the acceptance of these products for export and import and that is to be imported into Australia 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 regulation 21.17, or the applicable aircraft noise, fuel venting, and exhaust emissions requirements of the State of Design, and any other requirements CASA 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 regulation 21.17; and

(ii) The applicable airworthiness requirements of this sub-part as designated regulation 21.17, or the applicable airworthiness requirements of the State of Design and any other requirements CASA may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in regulation 21.17;

(2) The applicant has provided technical data to show the product meets the requirements of paragraph (a)(1) of this regulation; and

(i) The manuals, placards, listings, and instrument markings required by the applicable airworthiness (and noise, where applicable) requirements are presented in the English language.

(ii) A product type certificated under this regulation 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 CASR Part 34. Compliance with parts 36 and CASR 34 of these regulations is certified under paragraph (a)(1)(i) of this regulation, and the applicable airworthiness standards of this sub-part, or an equivalent level of safety, with which compliance is certified under paragraph (a)(1)(ii) of this regulation.

Sourced FAR 21.29 modified

21.029A Type acceptance certificate for imported aircraft certificated by national aviation authority of recognised country

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:

(a) a foreign type certificate or equivalent document issued by the national aviation authority of a recognised country is in force for aircraft of that type; and

(b) the applicant has given CASA:

(i) evidence that the type design has been approved by the national aviation authority of the recognised country by issue of a type certificate or equivalent document; and

(ii) details of any equivalent safety determinations or waivers (however described) that were made in the course of the type certification; and

(iii) a copy of the applicable type certificate data sheet; and

(iv) a copy of the flight manual that contains all the available options applicable to the type, and that was approved by the national aviation authority that issued the foreign type certificate; and

(v) a copy of the manufacturer's instructions for continued airworthiness of the aircraft; and

(vi) a copy of the parts catalogue for the aircraft; and

(vii) a list of all current field service documents applicable to the aircraft; and

(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).

Sourced CASR 21.29A modified

21.029B Issue of type acceptance certificates subject to conditions

(1) Subject to Part 11, 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 national aviation authority 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 national aviation authority 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 national aviation authority 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.

Note: 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).

Sourced – CASR 21.029B

21.029 C 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:

(a) there are reasonable grounds for believing that issuing the certificate would constitute a significant threat to aviation safety; and

(b) CASA has consulted the applicant, the manufacturer of the aircraft and the national aviation authority 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 national aviation authority before deciding whether to issue the type acceptance certificate; and

(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.

(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.

Note: The power of CASA to refuse to issue a type acceptance certificate must be exercised by the Director personally: see paragraph .260(2)(c).

Sourced – CASR 21.029C

21.031 Type design.

The type design consists of -

(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;

(b) Information on dimensions, materials, and processes necessary to define the structural strength of the product;

(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 these regulations, or as otherwise required by CASA; and as specified in the applicable airworthiness criteria for special classes of aircraft defined in sub-regulation 21.17(b); and

(d) For primary and intermediate category aircraft, if desired, a special inspection and preventive maintenance program designed to be accomplished by an appropriately rated and trained pilot-owner.

(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.

Sourced FAR 21.31 modified

21.033 Inspection and tests.

(a) Each applicant must allow CASA to make any inspection and any flight and ground test necessary to determine compliance with the applicable requirements of this Part. However, unless otherwise authorized by CASA:-

(1) No aircraft, aircraft engine, propeller, or part thereof may be presented to CASA for test unless compliance with paragraphs (b)(2) through (b)(4) of this regulation 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 regulation is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to CASA 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.

Sourced FAR 21.33 modified

21.035 Flight tests.

(a) Each applicant for an aircraft type certificate (other than under regulations 21.24 through 21.29) must make the tests listed in paragraph (b) of this regulation. Before making the tests the applicant must show:-

(1) Compliance with the applicable structural requirements of this Part;

(2) Completion of necessary ground inspections and tests;

(3) That the aircraft conforms with the type design; and

(4) That CASA received a flight test report from the applicant (signed, in the case of aircraft to be certificated under Part 25 [New] of these regulations, by the applicant's test pilot) containing the results of his tests.

(b) Upon showing compliance with paragraph (a) of this regulation, the applicant must make all flight tests that CASA finds necessary -

(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.

(c) Each applicant must, if practicable, make the tests prescribed in paragraph (b)(2) of this regulation upon the aircraft that was used to show compliance with -

(1) Paragraph (b)(1) of this regulation; and

(2) For rotorcraft, the rotor drive endurance tests prescribed in FAR regulations 27.923 or 29.923, as applicable.

(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.

(e) Except in gliders and manned free balloons, an applicant must discontinue flight tests under this regulation until he shows that corrective action has been taken, whenever -

(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.

(f) The flight tests prescribed in paragraph (b)(2) of this regulation must include -

(1) For aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft, at least 300 hours of operation with a full complement of engines that conform to a type certificate; and

(2) For all other aircraft, at least 150 hours of operation.

Sourced FAR 21.35 modified

21.037 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.

Sourced FAR 21.37 modified

21.039 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 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.

(b) Each applicant must allow CASA to conduct any flight tests that he finds necessary to check the accuracy of the report submitted under paragraph (a) of this regulation.

Sourced FAR 21.39 modified

21.041 Type certificate.

Each type certificate is considered to include the type design, the operating limitations, the certificate data sheet, the applicable regulations of this sub-part with which CASA records compliance, and any other conditions or limitations prescribed for the product in this sub-part.

Sourced FAR 21.41 modified

21.043 Location of manufacturing facilities.

Except as provided in § 21.29, CASA does not issue a type certificate if the manufacturing facilities for the product are located outside Australia, unless CASA finds that the location of the manufacturer's facilities places no undue burden on CASA in administering applicable airworthiness requirements.

Sourced FAR 21.43 modified

21.045 Privileges.

The holder or licensee of a type certificate for a product may -

(a) In the case of aircraft, upon compliance with regulations 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.

Sourced FAR 21.45 modified

21.047 Transferability.

(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 CASA in writing. 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 Australia has an agreement with that State of Design for the acceptance of the affected product for export and import. Each transferor must notify CASA before such a transfer in a form and manner acceptable to CASA. 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.

(d) Before executing or terminating a licensing agreement that makes a type certificate available to another person, the type certificate holder must notify CASA in writing. 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.

Sourced FAR 21.47 modified

21.049 Availability.

The holder of a type certificate must make the certificate available for examination upon the request of CASA or the Australian Transportation Safety Board.

Sourced FAR 21.49 modified

21.050 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 FARs 27.1529(a)(2) or 29.1529(a)(2), 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, 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 issue of the first standard airworthiness certificate for the affected aircraft, whichever occurs later. The Instructions for Continued Airworthiness must be prepared in accordance with FARs 23.1529, 25.1529.25, 27.1529, 27.1529, 29.1529, 31.82, 33.4, 35.4 or, or part 90 of these regulations, 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 regulation. 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.

(c) To designate commercial parts, the holder of a design approval, in a manner acceptable to CASA, must submit:

(1) A Commercial Parts List;

(2) Data for each part on the List showing that:

(i) The failure of the commercial part, as installed in the product, would not degrade the level of safety of the product; and

(ii) The part is produced only under the commercial part manufacturer's specification and marked only with the commercial part manufacturer's markings; and

(3) Any other data necessary for CASA to approve the List.

Sourced FAR 21.50 modified

21.051 Duration.

A type certificate is effective until surrendered, suspended, revoked, or a termination date is otherwise established by CASA.

Sourced FAR 21.51 modified

21.053 Statement of conformity.

(a) Each applicant must provide, in a form and manner acceptable to CASA, 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 CASA for each aircraft or part thereof presented to CASA for tests. This statement of conformity must include a statement that the applicant has complied with sub-regulation 21.33(a) (unless otherwise authorised under that paragraph).

Sourced FAR 21.53 modified

21.055 Responsibility of type certificate holders to provide written licensing agreements.

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 CASA.

Sourced FAR 21.55 modified

Subpart C - Provisional Type Certificates

21.71 Applicability.

This subpart prescribes -

(a) Procedural requirements for the issue of provisional type certificates, amendments to provisional type certificates, and provisional amendments to type certificates; and

(b) Rules governing the holders of those certificates.

Sourced FAR 21.72

21.73 Eligibility.

(a) Any manufacturer of aircraft manufactured within Australia who is an Australian citizen may apply for Class I or Class II provisional type certificates, for amendments to provisional type certificates held by the citizen, and for provisional amendments to type certificates held by the citizen.

(b) Any manufacturer of aircraft in a State of Manufacture subject to the provisions of an agreement with Australia for the acceptance of those aircraft for export and import may apply for a Class II provisional type certificate, for amendments to provisional type certificates held by the citizen, and for provisional amendments to type certificates held by the citizen.

(c) An aircraft engine manufacturer who is an Australian citizen and who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by him within Australia may apply for a Class I provisional type certificate for the aircraft, and for amendments to Class I provisional type certificates held by the citizen, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, or transport category.

Sourced FAR 21.73

21.75 Application.

Each applicant for a provisional type certificate, for an amendment thereto, or for a provisional amendment to a type certificate must apply to CASA and provide the information required by this subpart.

Sourced FAR 21.75

21.77 Duration.

(a) Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional type certificates and amendments thereto are effective for the periods specified in this regulation.

(b) A Class I provisional type certificate is effective for 24 months after the date of issue.

(c) A Class II provisional type certificate is effective for twelve months after the date of issue.

(d) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.

(e) A provisional amendment to a type certificate is effective for six months after its approval or until the amendment of the type certificate is approved, whichever is first.

Sourced FAR 21.77

21.79 Transferability.

Provisional type certificates are not transferable.

Sourced FAR 21.79

21.81 Requirements for issue and amendment of Class I provisional type certificates.

(a) An applicant is entitled to the issue or amendment of a Class I provisional type certificate if he shows compliance with this regulation and CASA finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations established in paragraph (e) of this regulation and in regulation 91.317 of these Regulations.

(b) The applicant must apply for the issue of a Australian type or supplemental type certificate for the aircraft.

(c) The applicant must certify that -

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type or supplemental type certificate applied for;

(2) The aircraft substantially meets the applicable flight characteristic requirements for the type or supplemental type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations specified in paragraph (a) of this regulation.

(d) The applicant must submit a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in this subchapter.

(e) The applicant must establish all limitations required for the issue of the type or supplemental type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(f) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(g) The applicant must show that a prototype aircraft has been flown for at least 50 hours under an experimental certificate issued under regulations 21.191 through 21.195, or under the auspices of an Armed Force. However, in the case of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Sourced FAR 21.81

21.083 Requirements for issue and amendment of Class II provisional type certificates.

(a) An applicant who manufactures aircraft within Australia and its territories is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this regulation and CASA finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this regulation, and regulations 91.317 and 121.207 of these regulations.

(b) An applicant who manufactures aircraft in a country with which Australia has an agreement for the acceptance of those aircraft for export and import is entitled to the issue or amendment of a Class II provisional type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation, that the aircraft meets the requirements of paragraph (f) of this regulation and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this regulation and regulations 91.317 and 121.207 of these Regulations.

(c) The applicant must apply for a type certificate, in the transport category, for the aircraft.

(d) The applicant must hold an Australian type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(e) CASA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(f) The applicant or, in the case of a foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that -

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(g) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(h) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(i) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(j) The applicant must show that a prototype aircraft has been flown for at least 100 hours. In the case of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Sourced FAR 21.83

21.085 Provisional amendments to type certificates.

(a) An applicant who manufactures aircraft within Australia is entitled to a provisional amendment to a type certificate if he shows compliance with this regulation and CASA finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(b) An applicant who manufactures aircraft in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import is entitled to a provisional amendment to a type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation, that the aircraft meets the requirements of paragraph (e) of this regulation and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(c) The applicant must apply for an amendment to the type certificate.

(d) CASA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.

(e) The applicant or, in the case of foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that -

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(f) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in regulations 91.317 and 121.207 of these Regulations.

(g) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(i) The applicant must operate a prototype aircraft modified in accordance with the corresponding amendment to the type certificate for the number of hours found necessary by CASA.

Sourced FAR 21.85

Subpart D - Changes to Type Certificates

21.091 Applicability.

This subpart prescribes procedural requirements for the approval of changes to type certificates.

Sourced FAR 21.91

21.093 Classification of changes in type design.

(a) In addition to changes in type design specified in paragraph (b) of this regulation, changes in type design are classified as minor and major. A “minor change” is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. All other changes are “major changes” (except as provided in paragraph (b) of this regulation).

(b) For the purpose of complying with Part 36 of these regulations, and except as provided in paragraphs (b)(2), (b)(3), and (b)(4) of this regulation, any voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an “acoustical change” (in addition to being a minor or major change as classified in paragraph (a) of this regulation) for the following aircraft:

(1) Transport category large airplanes.

(2) Jet (Turbojet powered) aeroplane(regardless of category). For aeroplane to which this paragraph applies, “acoustical changes” do not include changes in type design that are limited to one of the following -

(i) Gear down flight with one or more retractable landing gear down during the entire flight, or

(ii) Spare engine and nacelle carriage external to the skin of the aeroplane (and return of the pylon or other external mount), or

(iii) Time-limited engine and/or nacelle changes, where the change in type design specifies that the aeroplane may not be operated for a period of more than 90 days unless compliance with the applicable acoustical change provisions of Part 36 of this chapter is shown for that change in type

design.

(3) Propeller driven commuter category and small aeroplane in the primary, intermediate normal, utility, acrobatic, transport, and restricted categories, except for aeroplane that are:

(i) Designated for "agricultural aircraft operations" (as defined in regulation 137.3 of these Regulations, effective January 1, 1966) to which regulation 36.1583 of these regulations does not apply, or

(ii) Designated for dispensing fire-fighting materials to which regulation 36.1583 of these regulations does not apply, or

(iii) Australian. registered, and that had flight time prior to January 1, 1955 or

(iv) Land configured aircraft reconfigured with floats or skis. This reconfiguration does not permit further exception from the requirements of this regulation upon any acoustical change not enumerated in regulation 21.93(b).

(4) Helicopters except:

(i) Those helicopters that are designated exclusively:

(A) For "agricultural aircraft operations", as defined in 137.3 of these regulations, as effective on January 1, 1966;

(B) For dispensing firefighting materials; or

(C) For carrying external loads, as defined in sub-regulation of these regulations, as effective on December 20, 1976.

(ii) Those helicopters modified by installation or removal of external equipment. For purposes of this paragraph, "external equipment" means any instrument, mechanism, part, apparatus, appurtenance, or accessory that is attached to, or extends from, the helicopter exterior but is not used nor is intended to be used in operating or controlling a helicopter in flight and is not part of an airframe or engine. An "acoustical change" does not include:

(A) Addition or removal of external equipment;

(B) Changes in the airframe made to accommodate the addition or removal of external equipment, to provide for an external load attaching means, to facilitate the use of external equipment or external loads, or to facilitate the safe operation of the helicopter with external equipment mounted to, or external loads carried by, the helicopter;

(C) Reconfiguration of the helicopter by the addition or removal of floats and skis;

(D) Flight with one or more doors and/or windows removed or in an open position; or

(E) Any changes in the operational limitations placed on the helicopter as a consequence of the addition or removal of external equipment, floats, and skis, or flight operations with doors and/or windows removed or in an open position.

(5) Tiltrotors.

(c) For purposes of complying with CASR part 34 of these regulations, any voluntary change in the type design of the aeroplane or engine which may increase fuel venting or exhaust emissions is an "emissions change."

Sourced FAR 21.93

21.095 Approval of minor changes in type design.

Minor changes in a type design may be approved under a method acceptable to CASA before submitting to CASA any substantiating or descriptive data.

Sourced FAR 21.95

21.97 Approval of major changes in type design.

(a) An applicant for approval of a major change in type design must -

(1) Provide substantiating data and necessary descriptive data for inclusion in the type design;

(2) Show that the change and areas affected by the change comply with the applicable requirements of this

Sub-part, and provide CASA the means by which such compliance has been shown; and

(3) Provide a statement certifying that the applicant has complied with the applicable requirements.

(b) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

Sourced FAR 21.97

21.099 Required design changes.

(a) When an Airworthiness Directive is issued under Part 39 the holder of the type certificate for the product concerned must -

(1) If CASA finds that design changes are necessary to correct the unsafe condition of the product, and upon his request, submit appropriate design changes for approval; and

(2) Upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(b) In a case where there are no current unsafe conditions, but CASA or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for approval. Upon approval of the changes, the manufacturer must make information on the design changes available to all operators of the same type of product.

Sourced FAR 21.99

21.101 Designation of applicable regulations.

(a) An applicant for a change to a type certificate must show that the change and areas affected by the change comply with the airworthiness requirements applicable to the category of the product in effect on the date of the application for the change and with parts 34 and 36 of these Regulations. Exceptions are detailed in paragraphs (b) and (c) of this regulation.

(b) Except as provided in paragraph (g) of this regulation, if paragraphs (b)(1), (2), or (3) of this regulation apply, an applicant may show that the change and areas affected by the change comply with an earlier amendment of a regulation required by paragraph (a) of this regulation, and of any other regulation CASA finds is directly related. However, the earlier amended regulation may not precede either the corresponding regulation included by reference in the type certificate, or any regulation in FAR sub-regulations 25.2, 27.2, or 29.2 referred to in Parts 25, 27 and 29 that is related to the change. The applicant may show compliance with an earlier amendment of a regulation for any of the following:

(1) A change that CASA finds not to be significant. In determining whether a specific change is significant, CASA considers the change in context with all previous relevant design changes and all related revisions to the applicable regulations incorporated in the type certificate for the product. Changes that meet one of the following criteria are automatically considered significant:

(i) The general configuration or the principles of construction are not retained.

(ii) The assumptions used for certification of the product to be changed do not remain valid.

(2) Each area, system, component, equipment, or appliance that CASA finds is not affected by the change.

(3) Each area, system, component, equipment, or appliance that is affected by the change, for which CASA finds that compliance with a regulation described in paragraph (a) of this regulation would not contribute materially to the level of safety of the product or would be impractical.

(c) An applicant for a change to an aircraft (other than a rotorcraft) of 6000pounds/2722 Kilograms or less maximum weight, to a non-turbine rotorcraft of 3,000 pounds/1360 kilograms or less maximum weight, to a level 1 low-speed airplane, or to a level 2 low-speed aeroplane may show that the change and areas affected by the change comply with the regulations included in the type certificate. However, if CASA finds that the change is significant in an area, CASA may designate compliance with an amendment to the regulation incorporated by reference in the type certificate that applies to the change and any regulation that CASA finds is directly related, unless CASA also finds that compliance with that amendment or regulation would not contribute materially to the level of safety of the product or would be impractical.

(d) If CASA finds that the regulations in effect on the date of the application for the change do not provide adequate standards with respect to the proposed change because of a novel or unusual design feature, the applicant must also comply with special conditions, and amendments to those special conditions, prescribed under the provisions of regulation 21.16, to provide a level of safety equal to that established by the regulations in effect on the date of the application for the change.

(e) An application for a change to a type certificate for a transport category aircraft is effective for 5 years, and an application for a change to any other type certificate is effective for 3 years. If the change has not been approved, or if it is clear that it will not be approved under the time limit established under this paragraph, the applicant may do either of the following:

(1) File a new application for a change to the type certificate and comply with all the provisions of paragraph (a) of this regulation applicable to an original application for a change.

(2) File for an extension of the original application and comply with the provisions of paragraph (a) of this regulation. The applicant must then select a new application date. The new application date may not precede the date the change is approved by more than the time period established under this paragraph (e).

(f) For aircraft certificated under sub-regulation 21.17(b) and regulations 21.24, 21.25 and 21.27, the airworthiness requirements applicable to the category of the product in effect on the date of the application for the change include each airworthiness requirement that CASA finds to be appropriate for the type certification of the aircraft in accordance with those regulations.

(g) Notwithstanding paragraph (b) of this regulation, for transport category airplanes, the applicant must show compliance with each applicable provision of Part 90 of this Regulations, unless the applicant has elected or was required to comply with a corresponding amendment to part 25 of this chapter that was issued on or after the date of the applicable part 26 provision.

Sourced FAR 21.101

Subpart E – Australian Supplemental Type Certificates

21.111 Applicability.

This subpart prescribes procedural requirements for the issue of an Australian supplemental type certificates.

Sourced FAR 21.111

21.113 Requirement for supplemental type certificate.

(a) If a person holds the TC for a product and alters that product by introducing a major change in type design that does not require an application for a new TC under regulation 21.19, that person must apply to CASA either for an ASTC, or to amend the original type certificate under subpart D of this Part.

(b) If a person does not hold the TC for a product and alters that product by introducing a major change in type design that does not require an application for a new TC under regulation 21.19, that person must apply to CASA for an ASTC.

(c) The application for an ASTC must be made in the form and manner prescribed by CASA.

Sourced FAR 21.113

21.115 Applicable requirements.

(a) Each applicant for an Australian supplemental type certificate must show that the altered product meets applicable requirements specified in regulation 21.101 and, in the case of an acoustical change described in sub-regulation 21.93(b),show compliance with the applicable noise requirements of Part 36 of these Regulations and, in the case of an emissions change described in sub-regulation 21.93(c) , show compliance with the applicable fuel venting and exhaust emissions requirements of FAR Part 34.

(b) Each applicant for an Australian supplemental type certificate must meet regulations 21.33 and 21.53 with respect to each change in the type design.

Sourced FAR 21.115

21.117 Issue of Australian supplemental type certificates.

(a) Subject to Part 11, an applicant is entitled to an Australian supplemental type certificate if CASA finds that the applicant meets the requirements of regulations 21.113 and 21.115.

(b) An Australian supplemental type certificate consists of -

(1) The approval by CASA of a change in the type design of the product; and

(2) The type certificate previously issued for the product.

Sourced FAR 21.117

21.119 Privileges.

The holder of an Australian supplemental type certificate may -

(a) In the case of aircraft, obtain airworthiness certificates;

(b) In the case of other products, obtain approval for installation on certificated aircraft; and

(c) Obtain a production certificate in accordance with the requirements of subpart G of this Part for the change in the type design approved by the Australian supplemental type certificate.

Sourced FAR 21.119

21.120 Responsibility of Australian supplemental type certificate holders to provide written permission for alterations.

An Australian supplemental type certificate holder who allows a person to use the Australian supplemental type certificate to alter an aircraft, aircraft engine, or propeller must provide that person with written permission acceptable to CASA.

Sourced FAR 21.120

Subpart F - Production Under Type Certificate

21.121 Applicability.

This subpart prescribes rules for production under a type certificate.

Sourced FAR 21.121

21.122 Location of or change to manufacturing facilities.

(a) A type certificate holder may utilize manufacturing facilities located outside of Australia if CASA finds no undue burden in administering the applicable requirements of Part 13 and this Sub-part.

(b) The type certificate holder must obtain CASA approval before making any changes to the location of any of its manufacturing facilities.

(c) The type certificate holder must immediately notify CASA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.

Sourced FAR 21.122

21.123 Production under type certificate.

Each manufacturer of a product being manufactured under a type certificate must -

(a) Maintain at the place of manufacture all information and data specified in regulations 21.31 and 21.141;

(b) Make each product and article thereof available for inspection by CASA;

(c) Maintain records of the completion of all inspections and tests required by regulations 21.127, 21.1128 and 21.129 for at least 5 years for the products and articles thereof manufactured under the approval and at least 10 years for critical components identified under sub-regulation 45.15(c) of these regulations;

(d) Allow CASA to make any inspection or test, including any inspection or test at a supplier facility, necessary to determine compliance with this Subpart;

(e) Mark the product in accordance with part 45 of these regulations, including any critical parts;

(f) Identify any portion of that product (*e.g.,* sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as CASA approved with the manufacturer's part number and name, trademark, symbol, or other CASA-approved manufacturer's identification; and

(g) Except as otherwise authorised by CASA, obtain a production certificate for that product in accordance with subpart G of this part within 6 months after the date of issue of the type certificate.

Sourced FAR 21.123

21.125 [Reserved]

21.127 Tests: aircraft.

(a) Each person manufacturing aircraft under a type certificate must establish an approved production flight test procedure and flight check-off form, and in accordance with that form, flight test each aircraft produced.

(b) Each production flight test procedure must include the following:

(1) An operational check of the trim, controllability, or other flight characteristics to establish that the production aircraft has the same range and degree of control as the prototype aircraft.

(2) An operational check of each part or system operated by the crew while in flight to establish that, during flight, instrument readings are within normal range.

(3) A determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test.

(4) A check of the operational characteristics of the aircraft on the ground.

(5) A check on any other items peculiar to the aircraft being tested that can best be done during the ground or flight operation of the aircraft.

Sourced FAR 21.127

21.128 Tests: aircraft engines.

(a) Each person manufacturing aircraft engines under a type certificate must subject each engine (except rocket engines for which the manufacturer must establish a sampling technique) to an acceptable test run that includes the following:

(1) Break-in runs that include a determination of fuel and oil consumption and a determination of power characteristics at rated maximum continuous power or thrust and, if applicable, at rated takeoff power or thrust.

(2) At least five hours of operation at rated maximum continuous power or thrust. For engines having a rated takeoff power or thrust higher than rated maximum continuous power or thrust, the five-hour run must include 30 minutes at rated takeoff power or thrust.

(b) The test runs required by paragraph (a) of this regulation may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment.

Sourced FAR 21.128

21.129 Tests: propellers.

Each person manufacturing propellers under a type certificate must give each variable pitch propeller an acceptable functional test to determine if it operates properly throughout the normal range of operation.

Sourced FAR 21.129

21.130 Statement of conformity.

Each holder or licensee of a type certificate who manufactures a product under this subpart must provide, in a form and manner acceptable to CASA, a statement that the product for which the type certificate has been issued conforms to its type certificate and is in a condition for safe operation.

Sourced FAR 21.130

Subpart G - Production Certificates

21.131 Applicability.

This subpart prescribes -

(a) Procedural requirements for issuing production certificates; and

(b) Rules governing holders of those certificates.

Sourced FAR 21.131

21.132 Eligibility.

Any person may apply for a production certificate if that person holds, for the product concerned -

(a) A current type certificate,

(b) An Australian supplemental type certificate, or

(c) Rights to the benefits of that type certificate or supplemental type certificate under a licensing agreement.

Sourced FAR 21.132

21.133 Application.

Each applicant must apply for a production certificate in a form and manner prescribed by CASA.

Sourced FAR 21.133

21.135 organisation.

(a) Each applicant for or holder of a production certificate must provide CASA with a document -

(1) Describing how its organisation will ensure compliance with the provisions of this subpart;

(2) Describing assigned responsibilities, delegated authorities, and the functional relationship of those responsible for quality to management and other organisational components; and

(3) Identifying an accountable manager.

(b) The accountable manager specified in paragraph (a) of this regulation must be responsible within the applicant's or production approval holder's organisation for, and have authority over, all production operations conducted under this Part. The accountable manager must confirm that the procedures described in the quality manual required by regulation 21.138 are in place and that the production approval holder satisfies the requirements of the applicable regulations of Sub-part C, Aircraft. The accountable manager must serve as the primary contact with CASA.

(c) *Sourced FAR 21.135*

21.137 Quality system.

Each applicant for or holder of a production certificate must establish and describe in writing a quality system that ensures that each product and article conforms to its approved design and is in a condition for safe operation. This quality system must include:

(a) ***Design data control.*** Procedures for controlling design data and subsequent changes to ensure that only current, correct, and approved data is used.

(b) ***Document control.*** Procedures for controlling quality system documents and data and subsequent changes to ensure that only current, correct, and approved documents and data are used.

(c) ***Supplier control.*** Procedures that -

(1) Ensure that each supplier-provided product, article, or service conforms to the production approval holder's requirements; and

(2) Establish a supplier-reporting process for products, articles, or services that have been released from or provided by the supplier and subsequently found not to conform to the production approval holder's requirements.

(d) ***Manufacturing process control***. Procedures for controlling manufacturing processes to ensure that each product and article conforms to its approved design.

(e) ***Inspecting and testing.*** **Procedure**s for inspections and tests used to ensure that each product and

article conforms to its approved design. These procedures must include the following, as applicable:

(1) A flight test of each aircraft produced unless that aircraft will be exported as an unassembled aircraft.

(2) A functional test of each aircraft engine and each propeller produced.

(f) ***Inspection, measuring, and test equipment control***. Procedures to ensure calibration and control of all inspection, measuring, and test equipment used in determining conformity of each product and article to its approved design. Each calibration standard must be traceable to a standard acceptable to CASA.

(g) ***Inspection and test status***. Procedures for documenting the inspection and test status of products and articles supplied or manufactured to the approved design.

(h) ***Nonconforming product and article control***.

(1) Procedures to ensure that only products or articles that conform to their approved design are installed on a type-certificated product. These procedures must provide for the identification, documentation, evaluation, segregation, and disposition of nonconforming products and articles. Only authorised individuals may make disposition determinations.

(2) Procedures to ensure that discarded articles are rendered unusable.

(i) ***Corrective and preventive actions***. Procedures for implementing corrective and preventive actions to eliminate the causes of an actual or potential nonconformity to the approved design or noncompliance with the approved quality system.

(j) ***Handling and storage***. Procedures to prevent damage and deterioration of each product and article during handling, storage, preservation, and packaging.

(k) ***Control of quality records***. Procedures for identifying, storing, protecting, retrieving, and retaining quality records. A production approval holder must retain these records for at least 5 years for the products and articles manufactured under the approval and at least 10 years for critical components identified under sub-regulation 45.15(e) of these regulations.

(l) ***Internal audits***. Procedures for planning, conducting, and documenting internal audits to ensure compliance with the approved quality system. The procedures must include reporting results of internal audits to the manager responsible for implementing corrective and preventive actions.

(m) ***In-service feedback.*** Procedures for receiving and processing feedback on in-service failures, malfunctions, and defects. These procedures must include a process for assisting the design approval holder to -

(1) Address any in-service problem involving design changes; and

(2) Determine if any changes to the Instructions for Continued Airworthiness are necessary.

(n) ***Quality escapes.*** Procedures for identifying, analysing, and initiating appropriate corrective action for products or articles that have been released from the quality system and that do not conform to the applicable design data or quality system requirements.

(o) ***Issuing authorized release documents.*** Procedures for issuing authorized release documents for aircraft engines, propellers, and articles if the production approval holder intends to issue those documents. These procedures must provide for the selection, appointment, training, management, and removal of individuals authorised by the production approval holder to issue authorised release documents. Authorised release documents may be issued for new aircraft engines, propellers, and articles manufactured by the production approval holder; and for used aircraft engines, propellers, and articles when rebuilt, or altered, in accordance with regulation 43.3(j) of these regulations. When a production approval holder issues an authorised release document for the purpose of export, the production approval holder must comply with the procedures applicable to the export of new and used aircraft engines, propellers, and articles specified in regulation 21.331 and the responsibilities of exporters specified in regulation 21.335.

Sourced FAR 21.137

21.138 Quality manual.

Each applicant for or holder of a production certificate must provide a manual describing its quality system to CASA for approval. The manual must be in the English language and retrievable in a form acceptable to CASA.

Sourced FAR 21.138

§ 21.139 Location of or change to manufacturing facilities.

(a) An applicant may obtain a production certificate for manufacturing facilities located outside of tAustralia if CASA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter.

(b) The production certificate holder must obtain CASA approval before making any changes to the location of any of its manufacturing facilities.

(c) The production certificate holder must immediately notify CASA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.

Sourced FAR 21.139

21.140 Inspections and tests.

Each applicant for or holder of a production certificate must allow CASA to inspect its quality system, facilities, technical data, and any manufactured products or articles and witness any tests, including any inspections or tests at a supplier facility, necessary to determine compliance with this subchapter.

Sourced FAR 21.135

21.141 Issue.

Subject to Part 11, CASA issues a production certificate after finding that the applicant complies with the requirements of this subpart.

Sourced FAR 21.141

21.142 Production limitation record.

CASA issues a production limitation record as part of a production certificate. The record lists the type certificate number and model of every product that the production certificate holder is authorized to manufacture, and identifies every interface component that the production certificate holder is authorized to manufacture and install under this part.

Sourced FAR 21.142

21.143 Duration.

A production certificate is effective until surrendered, suspended, revoked, or CASA otherwise establishes a termination date.

Sourced FAR 21.143

21.144 Transferability.

The holder of a production certificate may not transfer the production certificate.

Sourced FAR 21.135

21.145 Privileges.

(a) The holder of a production certificate may -

(1) Obtain an aircraft airworthiness certificate without further showing, except that CASA may inspect the aircraft for conformity with the type design; or

(2) In the case of other products, obtain approval from CASA for installation on type-certificated aircraft.

(b) Notwithstanding the provisions of regulation 147.3 of these regulations, the holder of a production certificate for a primary category aircraft, an intermediate category or for a normal, utility, or acrobatic category aircraft of a type design that is eligible for a special airworthiness certificate in the primary category under sub-regulation 21.184(c), may -

(1) Conduct training for persons in the performance of a special inspection and preventive maintenance program approved as a part of the aircraft's type design under sub-regulation 21.24(b), provided a person holding an aircraft maintenance engineer's licence with appropriate aircraft and powerplant ratings issued under part 66 of these regulations gives the training; and

(2) Issue a certificate of competency to persons successfully completing the approved training program, provided the certificate specifies the aircraft make and model to which the certificate applies.

Sourced FAR 21.145

21.146 Responsibility of holder.

The holder of a production certificate must -

(a) Amend the document required by regulation 21.135 as necessary to reflect changes in the organisation and provide these amendments to CASA.

(b) Maintain the quality system in compliance with the data and procedures approved for the production certificate;

(c) Ensure that each completed product or article for which a production certificate has been issued, including primary category aircraft assembled under a production certificate by another person from a kit provided by the holder of the production certificate, presented for airworthiness certification or approval conforms to its approved design and is in a condition for safe operation;

(d) Mark the product or article for which a certificate or approval has been issued. Marking must be in accordance with part 45 of this chapter, including any critical parts;

(e) Identify any portion of the product or article (e.g., sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as CASA approved with the manufacturer's part number and name, trademark, symbol, or other CASA approved manufacturer's identification;

(f) Have access to type design data necessary to determine conformity and airworthiness for each product and article produced under the production certificate;

(g) Retain its production certificate and make it available to CASA upon request; and

(h) Make available to CASA information regarding all delegation of authority to suppliers.

Sourced FAR 21.146

21.147 Amendment of production certificates.

(a) A holder of a production certificate must apply for an amendment to a production certificate in a form and manner prescribed by CASA.

(b) An applicant for an amendment to a production certificate to add a type certificate or model, or both, must comply with regulations 21.137, 21.138 and 21.150.

(c) An applicant may apply to amend its production limitation record to allow the manufacture and installation of an interface component, provided -

(1) The applicant owns or has a license to use the design and installation data for the interface component and makes that data available to CASA upon request;

(2) The applicant manufactures the interface component;

(3) The applicant's product conforms to its approved type design and the interface component conforms to its approved type design;

(4) The assembled product with the installed interface component is in a condition for safe operation; and

(5) The applicant complies with any other conditions and limitations CASA considers necessary.

Sourced FAR 21.147

21.150 Changes in quality system.

After the issue of a production certificate -

(a) Each change to the quality system is subject to review by CASA; and

(b) The holder of a production certificate must immediately notify CASA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its product or article.

Sourced FAR 21.150

Subpart H - Airworthiness Certificates

21.171 Applicability.

This subpart prescribes procedural requirements for the issue of airworthiness certificates.

Sourced FAR 21.171

21.173 Eligibility.

Any registered owner of a CASA-registered aircraft (or the agent of the owner) may apply for an airworthiness certificate for that aircraft. An application for an airworthiness certificate must be made in a form and manner acceptable to CASA, and may be submitted to any CASA office or CASA's on-line service.

Sourced FAR 21.173

21.175 Airworthiness certificates: classification.

(a) Standard airworthiness certificates are airworthiness certificates issued for aircraft type certificated in the normal, utility, acrobatic, commuter, or transport category, and for manned free balloons, and for aircraft designated by CASA as special classes of aircraft.

(b) Special airworthiness certificates are primary, intermediate, restricted, limited, light-sport, amateur-built aircraft accepted under an ABAA, and provisional airworthiness certificates, special flight permits, and experimental certificates.

Sourced FAR 21.175 (CASR Part 21.175)

21.177 Amendment or modification.

An airworthiness certificate may be amended or modified only upon application to CASA.

Sourced FAR 21.177

21.179 Transferability.

An airworthiness certificate is transferred with the aircraft.

Sourced FAR 21.179

21.181 Duration.

(a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by CASA, airworthiness certificates are effective as follows:

(1) Standard airworthiness certificates, special airworthiness certificates - primary category, intermediate category and airworthiness certificates issued for restricted or limited category aircraft are effective as long as the maintenance, preventive maintenance, and alterations are performed in accordance with Parts 43 and 91 of these regulations and the aircraft are registered in Australia.

(2) A special flight permit is effective for the period of time specified in the permit.

(3) A special airworthiness certificate in the light-sport category is effective as long as -

(i) The aircraft meets the definition of a light-sport aircraft;

(ii) The aircraft conforms to its original configuration, except for those alterations performed in accordance with an applicable consensus standard and authorised by the aircraft's manufacturer or a person acceptable to CASA;

(iii) The aircraft has no unsafe condition and is not likely to develop an unsafe condition; and

(iv) The aircraft is registered in Australia.

(4) An experimental certificate for research and development, showing compliance with regulations, crew training, or market surveys is effective for 1 year after the date of issue or renewal unless CASA prescribes a shorter period. The duration of an experimental certificate issued for operating amateur-built aircraft, exhibition, air-racing, operating primary kit-built aircraft, or operating light- sport aircraft is unlimited, unless CASA establishes a specific period for good cause.

(b) The owner, operator, or bailee of the aircraft must, upon request, make it available for inspection by CASA.

(c) Upon suspension, revocation, or termination by order of CASA of an airworthiness certificate, the owner, operator, or bailee of an aircraft must, upon request, surrender the certificate to CASA.

Sourced FAR 21.181

21.182 Aircraft identification.

(a) Except as provided in paragraph (b) of this regulation, each applicant for an airworthiness certificate under this subpart must show that his/her aircraft is identified as prescribed in regulation 45.11.

(b) Paragraph (a) of this regulation does not apply to applicants for the following:

(1) A special flight permit.

(2) An experimental certificate for an aircraft not issued for the purpose of operating amateur-built aircraft, operating primary kit-built aircraft, or operating light-sport aircraft.

(3) A change from one airworthiness classification to another, for an aircraft already identified as prescribed in regulation 45.11.

Sourced FAR 21.182

21.183 Issue of standard airworthiness certificates for normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; and special classes of aircraft.

(a) ***New aircraft manufactured under a production certificate.*** An applicant for a standard airworthiness certificate for a new aircraft manufactured under a production certificate is entitled to a standard airworthiness certificate without further showing, except that CASA may inspect the aircraft to determine conformity to the type design and condition for safe operation.

(b) ***New aircraft manufactured under type certificate.*** An applicant for a standard airworthiness certificate for a new aircraft manufactured under a type certificate is entitled to a standard airworthiness certificate upon presentation, by the holder or licensee of the type certificate, of the statement of conformity prescribed in regulation 21.130 if CASA finds after inspection that the aircraft conforms to the type design and is in condition for safe operation.

(c) ***Import aircraft.*** An applicant for a standard airworthiness certificate for an import aircraft is entitled to that certificate if -

(1) The aircraft has been issued with a type acceptance certificate by CASA under regulation 21.29B;

(2) The aircraft is type certificated in accordance with regulation 21.21 or 21.29 and produced under the authority of another State of Manufacture;

(3) The State of Manufacture certifies, in accordance with the export provisions of an agreement with Australia for import of that aircraft, that the aircraft conforms to the type design and is in condition for safe operation; and

(4) CASA finds that the aircraft conforms to the type design and is in condition for safe operation.

(d) ***Used aircraft and surplus aircraft of the Armed Forces.*** An applicant for a standard airworthiness certificate for a used aircraft or surplus aircraft of Armed Forces is entitled to a standard airworthiness certificate if -

(1) The applicant presents evidence to CASA that the aircraft conforms to a type design approved under a type certificate or an Australian supplemental type certificate and to applicable Airworthiness Directives;

(2) The aircraft (except an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under this regulation) has been inspected in accordance with the performance rules for 100-hour inspections set forth in regulation 43.15 of these regulations, or an equivalent performance standard acceptable to CASA, and found airworthy by –

(i) The manufacturer;

(ii) The holder of a maintenance organisation certificate as provided in CAR 30 or Part 145 of these regulations;

(iii) The holder of an aircraft maintenance engineer licence as authorised in Part 66 of these regulations; or

(iv) The holder of an air operations certificate issued under Part 121 of these regulations, and having an an approved maintenance organisation appropriate to the aircraft type; and

(3) CASA finds after inspection, that the aircraft conforms to the type design, and is in condition for safe operation.

(e) ***Noise requirements.*** Notwithstanding all other provisions of this regulation, the following must be complied with for the original issue of a standard airworthiness certificate:

(1) For transport category large aeroplane and jet (turbojet powered) aeroplane that have not had any flight time before the dates specified in regulation sub-regulation 36.1(d), no standard airworthiness certificate is originally issued under this regulation unless CASA finds that the type design complies with the noise requirements in sub-regulation 36.1(d) in addition to the applicable airworthiness requirements in this regulation. For import airplanes, compliance with this paragraph is shown if the country in which the aeroplane was manufactured certifies, and CASA finds, that sub-regulation 36.1(d) (or the applicable aeroplane noise requirements of the country in which the aeroplane was manufactured and any other requirements CASA may prescribe to provide noise levels no greater than those provided by compliance with sub-regulation 36.1(d) and paragraph (c) of this regulation are complied with.

(2) For normal, utility, acrobatic, commuter, or transport category propeller driven small aeroplane(except for those aeroplane that are designed for "agricultural aircraft operations" (as defined in regulation 137.3 of these regulations, as effective on January 1, 1966) or for dispensing firefighting materials to which regulation 36.1583 of these regulations does not apply) that have not had any flight time before the applicable date specified in part 36 of these regulations, no standard airworthiness certificate is originally issued under this regulation unless the applicant shows that the type design complies with the applicable noise requirements of part 36 of these regulations in addition to the applicable airworthiness requirements in this regulation. For import airplanes, compliance with this paragraph is shown if the country in which the aeroplane was manufactured certifies, and CASA finds, that the applicable requirements of part of this chapter (or the applicable aeroplane noise requirements of the country in which the aeroplane was manufactured and any other requirements CASA may prescribe to provide noise levels no greater than those provided by compliance with the applicable requirements of part 36 of these regulations) and paragraph (c) of this regulation are complied with.

(f) ***Passenger emergency exit requirements***. Notwithstanding all other provisions of this regulation, each applicant for issue of a standard airworthiness certificate for a transport category aeroplane manufactured after October 16, 1987, must show that the aeroplane meets the requirements of sub-regulation FAR 25.807(c)(7) in effect on July 24, 1989. For the purposes of this paragraph, the date of manufacture of an aeroplane is the date the inspection acceptance records reflect that the aeroplane is complete and meets CASA-approved type design data.

(g) ***Fuel venting and exhaust emission requirements.*** Notwithstanding all other provisions of this regulation, and irrespective of the date of application, no airworthiness certificate is issued, on and after the dates specified in CASR Part 34 for the aeroplane specified therein, unless the aeroplane complies with the applicable requirements of that part.

(h) ***New aircraft manufactured under the provisions of regulation 21.6(b).*** An applicant for a standard airworthiness certificate for a new aircraft manufactured under the provisions of sub-regulation 21.6(b) is entitled to a standard airworthiness certificate if -

(1) The applicant presents evidence to CASA that the aircraft conforms to a type design approved under a type certificate or Australian supplemental type certificate and to applicable Airworthiness Directives;

(2) The aircraft has been inspected in accordance with the performance rules for a 100-hour inspections set forth in regulation 43.15 of these regulations and found airworthy by a person specified in paragraph (d)(2) of this regulation; and

(3) CASA finds after inspection, that the aircraft conforms to the type design, and is in condition for safe operation.

Sourced FAR 21.183

21.184 Issue of special airworthiness certificates for primary category aircraft.

(a) ***New primary category aircraft manufactured under a production certificate.*** An applicant for an original, special airworthiness certificate- primary category for a new aircraft that meets the criteria of sub-regulation 21.24(a)(1), manufactured under a production certificate, including aircraft assembled by

another person from a kit provided by the holder of the production certificate and under the supervision and quality control of that holder, is entitled to a special airworthiness certificate without further showing, except that CASA may inspect the aircraft to determine conformity to the type design and condition for safe operation.

(b) ***Imported aircraft.*** An applicant for a special airworthiness certificate-primary category for an imported aircraft type certificated under regulation 21.19 is entitled to a special airworthiness certificate if the civil airworthiness authority of the country in which the aircraft was manufactured certifies, and CASA finds after inspection, that the aircraft conforms to an approved type design that meets the criteria of sub-regulation 21.24(a)(1) and is in a condition for safe operation.

(c) ***Aircraft having a current standard airworthiness certificate***. An applicant for a special airworthiness certificate-primary category, for an aircraft having a current standard airworthiness certificate that meets the criteria of sub-regulation 21.14.(a)(1), may obtain the primary category certificate in exchange for its standard airworthiness certificate through the supplemental type certification process. For the purposes of this paragraph, a current standard airworthiness certificate means that the aircraft conforms to its approved normal, utility, or acrobatic type design, complies with all applicable airworthiness directives, has been inspected and found airworthy within the last 12 calendar months in accordance with regulation 91.409(a)(1) of these regulations, and is found to be in a condition for safe operation by CASA.

(d) ***Other aircraft***. An applicant for a special airworthiness certificate-primary category for an aircraft that meets the criteria of sub-regulation 21.24(a)(1), and is not covered by paragraph (a), (b), or (c) of this regulation, is entitled to a special airworthiness certificate if -

(1) The applicant presents evidence to CASA that the aircraft conforms to an approved primary, intermediate, normal, utility, or acrobatic type design, including compliance with all applicable airworthiness directives;

(2) The aircraft has been inspected and found airworthy within the past 12 calendar months in accordance with sub-regulation 91.409(a)(1) of these regulations and;

(3) The aircraft is found by CASA to conform to an approved type design and to be in a condition for safe operation.

(e) ***Multiple-category airworthiness certificate***s in the primary or intermediate category and any other category will not be issued; a primary or intermediate category aircraft may hold only one airworthiness certificate.

Sourced FAR 21.184

21.185 Issue of airworthiness certificates for restricted category aircraft.

(a) ***Aircraft manufactured under a production certificate or type certificate.*** An applicant for the original issue of a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, must comply with the appropriate provisions of regulation 21.183.

(b) ***Other aircraft.*** An applicant for a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was either a surplus aircraft of an Armed Force or previously type certificated in another category, is entitled to an airworthiness certificate if the aircraft has been inspected by CASA and found by him to be in a good state of preservation and repair and in a condition for safe operation.

(c) ***Import aircraft.*** An applicant for the original issue of a special airworthiness certificate for a restricted category import aircraft is entitled to that certificate if -

(1) The aircraft is type-certificated in accordance with regulations 21.25 or 21.25 and produced under the authority of another State of Manufacture;

(2) The State of Manufacture certifies, in accordance with the export provisions of an agreement with Australia for import of that aircraft that the aircraft conforms to the type design and is in condition for safe operation; and

(3) CASA finds that the aircraft conforms to the type design and is in condition for safe operation.

(d) ***Noise requirements.*** For propeller-driven small aeroplane(except aeroplane designed for

"agricultural aircraft operations," as defined in regulation 137.3 of these regulations, as effective on January 1, 1966, or for dispensing firefighting materials) that have not had any flight time before the applicable date specified in Part 36 of these regulations, and notwithstanding the other provisions of this regulation, no original restricted category airworthiness certificate is issued under this regulation unless CASA finds that the type design complies with the applicable noise requirements of Part 36 of these regulations in addition to the applicable airworthiness requirements of this regulation. For import airplanes, compliance with this paragraph is shown if the country in which the aeroplane was manufactured certifies, and CASA finds, that the applicable requirements of Part 36 of these regulations (or the applicable aeroplane noise requirements of the country in which the aeroplane was manufactured and any other requirements CASA may prescribe to provide noise levels no greater than those provided by compliance with the applicable requirements of Part 36 of these regulations) and paragraph (c) of this regulation are complied with.

Sourced FAR 21.185

21.187 Issue of multiple airworthiness certification.

(a) An applicant for an airworthiness certificate in the restricted category, and in one or more other categories except primary category, is entitled to the certificate, if -

(1) The applicant shows compliance with the requirements for each category, when the aircraft is in the configuration for that category; and

(2) The applicant shows that the aircraft can be converted from one category to another by removing or adding equipment by simple mechanical means.

(b) The operator of an aircraft certificated under this regulation must have the aircraft inspected by CASA, or by a licenced aircraft maintenance engineer with an appropriate airframe rating, to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers for compensation or hire, unless CASA finds this unnecessary for safety in a particular case.

(c) The aircraft complies with the applicable requirements of CASR Part 34.

Sourced FAR 21.185

21.189 Issue of airworthiness certificate for limited category aircraft.

Note: a limited category aircraft is prescribed in CASR Part 132

(1) An applicant for an airworthiness certificate for an aircraft in the limited category is entitled to the certificate when –

(a) CASA finds, after inspection (including a flight check by the applicant), that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.

(i) CASA or an authorised person is satisfied that the aircraft meets the airworthiness requirements for the issue of a standard certificate of airworthiness (except any requirements that are inappropriate for the special purpose for which the aircraft is to be used); or

(ii) the aircraft is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force, and for which the applicant can demonstrate to CASA or an authorised person a satisfactory history of operation; and

(b) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft is in a good state of preservation and repair and is in a condition for safe operation; and

(c) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft can reasonably be expected to be safe when it is operated under the conditions limiting its intended use; and

(d) the applicant meets the requirements of subregulation (2).

(2) The applicant must give CASA or an authorised person the following:

(a) a statement, in a form and manner acceptable to CASA or the authorised person, setting out the purpose or purposes for which the aircraft is to be used;

(b) data (for example photographs) to identify the aircraft;

(c) any other information reasonably needed by CASA or the authorised person to enable it to impose any conditions necessary in the interests of the safety of other airspace users and persons on the ground or water.

(3) The special purpose operations are the following:

(a) operating historic or ex-military aircraft in adventure style operations;

(b) aerobatic flights;

(c) aerobatic training;

(d) exhibition flights;

(e) mock combat;

(f) operating replica aircraft;

(g) operating aircraft to carry people for parachute jumping;

(h) any other operation in which the only use of the aircraft is to carry people taking part in a recreational activity that is intrinsically hazardous.

(4) CASA or an authorised person may:

(a) inspect the aircraft to determine whether it is in a good state of preservation and repair and is in a condition for safe operation; and

(b) require the applicant to carry out a flight check to enable CASA or the authorised person to make the determination.

(d) CASA or the authorised person prescribes limitations and conditions necessary for safe operation.

Sourced FAR 21.189 + CASR 21.189

21.190 Issue of a special airworthiness certificate for a light-sport category aircraft.

(a) ***Purpose***. *CASA* issues a special airworthiness certificate in the light-sport category to operate a light-sport aircraft, other than a gyroplane.

(b) ***Eligibility***. To be eligible for a special airworthiness certificate in the light-sport category:

(1) An applicant must provide CASA with -

(i) The aircraft's operating instructions;

(ii) The aircraft's maintenance and inspection procedures;

(iii) The manufacturer's statement of compliance as described in paragraph (c) of this regulation; and

(iv) The aircraft's flight training supplement.

(2) The aircraft must not have been previously issued a standard, primary, restricted, limited, or provisional airworthiness certificate, or an equivalent airworthiness certificate issued by a foreign civil aviation authority.

(3) The aircraft must be inspected by CASA and found to be in a condition for safe operation.

(c) ***Manufacturer's statement of compliance for light-sport category aircraft***. The manufacturer's statement of compliance required in paragraph (b)(1)(iii) of this regulation must -

(1) Identify the aircraft by make and model, serial number, class, date of manufacture, and consensus standard used;

(2) State that the aircraft meets the provisions of the identified consensus standard;

(3) State that the aircraft conforms to the manufacturer's design data, using the manufacturer's quality assurance system that meets the identified consensus standard;

(4) State that the manufacturer will make available to any interested person the following documents that meet the identified consensus standard:

(i) The aircraft's operating instructions.

(ii) The aircraft's maintenance and inspection procedures.

(iii) The aircraft's flight training supplement.

(5) State that the manufacturer will monitor and correct safety-of-flight issues through the issue of safety directives and a continued airworthiness system that meets the identified consensus standard;

(6) State that at the request of CASA, the manufacturer will provide unrestricted access to its facilities; and

(7) State that the manufacturer, in accordance with a production acceptance test procedure that meets an applicable consensus standard has -

(i) Ground and flight tested the aircraft;

(ii) Found the aircraft performance acceptable; and

(iii) Determined that the aircraft is in a condition for safe operation.

(d) ***Light-sport aircraft manufactured outside of Australia.*** For aircraft manufactured outside of Australia to be eligible for a special airworthiness certificate in the light-sport category, an applicant must meet the requirements of paragraph (b) of this regulation and provide to CASA evidence that -

(1) The aircraft was manufactured in a country with which Australia has a Bilateral Airworthiness Agreement concerning aeroplanes or Bilateral Aviation Safety Agreement with associated Implementation Procedures for Airworthiness concerning aeroplanes, or an equivalent airworthiness agreement; and

(2) The aircraft is eligible for an airworthiness certificate, flight authorisation, or other similar certification in its country of manufacture.

Sourced FAR 21.190

21.190A Special certificates of airworthiness—amateur-built category aircraft accepted under an ABAA

(1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the amateur-built aircraft category if:

(a) CASA or an authorised person has given an ABAA for the aircraft; and

(b) the aircraft complies with subsections 3 and 4 of section 101.28 of the Civil Aviation Orders; and

(c) approval for the manufacture of the aircraft was given by CASA or an authorised person and the aircraft was manufactured in accordance with the approval; and

(d) CASA or an authorised person finds, after inspection, that:

(i) the aircraft conforms with the data on the basis of which the ABAA was given; and

(ii) any modifications or repairs to the aircraft have been carried out in accordance with an approved modification/repair design; and

(iii) the aircraft is in a condition for safe operation.

(1A) In the case of an aircraft that is a rotorcraft, for the application of section 101.28 of the Civil Aviation Orders:

(a) a reference in that section to an aeroplane is taken to be a reference to an aircraft; and

(b) CASA may direct that a requirement of that section does not apply in a particular case.

(2) CASA or an authorised person must not give an ABAA for an aircraft, except an aircraft with:

(a) a maximum take-off weight not greater than 1500 kilograms; and

(b) not more than 4 seats; and

(c) if the aircraft is an aeroplane that is fitted with one or more type certificated engines:

(i) a stalling speed V_{S0} at maximum weight not exceeding 61 knots; or

(ii) if accurate data about the stalling speed is not available—a maximum wing loading not exceeding:

(A) 65 kg/m^2 with a flap area of less than 6 percent gross wing area; or

(B) 80 kg/m^2 with a flap area of at least 6 percent gross wing area; and

(d) if the aircraft is an aeroplane that is fitted with one or more non-type certificated engines:

(i) a stalling speed V_{S0} at maximum weight not exceeding 55 knots; or

(ii) if accurate data about the stalling speed is not available—a maximum wing loading not exceeding:

(A) 55 kg/m^2 with a flap area of less than 6 percent gross wing area; or

(B) 65 kg/m^2 with a flap area of at least 6 percent gross wing area.

(3) CASA or an authorised person must not give an ABAA for an aircraft if the ABAA is applied for after 30 September 2000.

Source CASR 21.190

21.191 Experimental certificates.

Experimental certificates are issued for the following purposes:

(a) ***Research and development***. Testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft.

(b) ***Showing compliance with regulations***. Conducting flight tests and other operations to show compliance with the airworthiness regulations including flights to show compliance for issue of type and supplemental type certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations.

(c) ***Crew training***. Training of the applicant's flight crews.

(d) ***Exhibition***. Exhibiting the aircraft's flight capabilities, performance, or unusual characteristics at air shows, motion picture, television, and similar productions, and the maintenance of exhibition flight proficiency, including (for persons exhibiting aircraft) flying to and from such air shows and productions.

(e) ***Air racing***. Participating in air races, including (for such participants) practicing for such air races and flying to and from racing events.

(f) ***Market surveys.*** Use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training only as provided in regulation 21.195.

(g) ***Operating amateur-built aircraft***. Operating an aircraft the major portion of which has been fabricated and assembled by persons who undertook the construction project solely for their own education or recreation.

(h) ***Operating primary kit-built aircraft***. Operating a primary category aircraft that meets the criteria of sub-regulation 21.21(a)(1) that was assembled by a person from a kit manufactured by the holder of a production certificate for that kit, without the supervision and quality control of the production certificate holder under sub-regulation 21.184(a).

(i) ***Operating light-sport aircraft***. Operating a light-sport aircraft that -

(1) Has not been issued a Australian or foreign airworthiness certificate and does not meet the provisions of regulation 103.1 of these Regulations. An experimental certificate will not be issued under this paragraph for these aircraft after January 31, 2023;

(2) Has been assembled -

(i) From an aircraft kit for which the applicant can provide the information required by regulation 21.193(e); and

(ii) In accordance with manufacturer's assembly instructions that meet an applicable consensus standard; or

(3) Has been previously issued a special airworthiness certificate in the light-sport category under regulation 21.190.

Sourced FAR 21.191

21.192 Experimental certificates: eligibility

An aircraft registration holder, or the owner of an aircraft that is registered with a sport aviation body, is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191.

Note: For the meaning of ***sport aviation body***, see subregulation 2(1) of CAR.

CASR Part 21.192

21.193 Experimental certificates: general.

An applicant for an experimental certificate must submit the following information:

(a) A statement, in a form and manner prescribed by CASA setting forth the purpose for which the aircraft is to be used.

(b) Enough data (such as photographs) to identify the aircraft.

(c) Upon inspection of the aircraft, any pertinent information found necessary by CASA to safeguard the general public.

(d) In the case of an aircraft to be used for experimental purposes -

(1) The purpose of the experiment;

(2) The estimated time or number of flights required for the experiment;

(3) The areas over which the experiment will be conducted; and

(4) Except for aircraft converted from a previously certificated type without appreciable change in the external configuration, three-view drawings or three-view dimensioned photographs of the aircraft.

(e) In the case of a light-sport aircraft assembled from a kit to be certificated in accordance with regulation 21.191(i)(2), an applicant must provide the following:

(1) Evidence that an aircraft of the same make and model was manufactured and assembled by the aircraft kit manufacturer and issued a special airworthiness certificate in the light-sport category.

(2) The aircraft's operating instructions.

(3) The aircraft's maintenance and inspection procedures.

(4) The manufacturer's statement of compliance for the aircraft kit used in the aircraft assembly that meets sub-regulation 21.190(c), except that instead of meeting sub-regulation 21.190(c)(7), the statement must identify assembly instructions for the aircraft that meet an applicable consensus standard.

(5) The aircraft's flight training supplement.

(6) In addition to paragraphs (e)(1) through (e)(5) of this regulation, for an aircraft kit manufactured outside of Australia, evidence that the aircraft kit was manufactured in a country with which Australia has a Bilateral Airworthiness Agreement concerning products and articles or a Bilateral Aviation Safety Agreement with associated Implementation Procedures for Airworthiness concerning aeroplanes, or an equivalent airworthiness agreement.

Sourced FAR 21.193

21.195 Experimental certificates: Aircraft to be used for market surveys, sales demonstrations, and customer crew training.

(a) A manufacturer of aircraft manufactured within Australia may apply for an experimental certificate for an aircraft that is to be used for market surveys, sales demonstrations, or customer crew training.

(b) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by him within Australia, may apply for an experimental certificate for that aircraft to be used for market surveys, sales demonstrations, or customer crew training, if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, commuter, or transport category.

(c) A person who has altered the design of a type certificated aircraft may apply for an experimental certificate for the altered aircraft to be used for market surveys, sales demonstrations, or customer crew training if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, or transport category.

(d) An applicant for an experimental certificate under this regulation is entitled to that certificate if, in addition to meeting the requirements of regulation 21.193:

(1) The applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft; and

(2) The applicant shows that the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type certificated aircraft which has been modified. CASA may reduce these operational requirements if the applicant provides adequate justification.

Sourced FAR 21.195

21.197 Special flight permits.

(a) A special flight permit may be issued for an aircraft that may not currently meet applicable airworthiness requirements but is capable of safe flight, for the following purposes:

(1) Flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point

of storage.

(2) Delivering or exporting the aircraft.

(3) Production flight testing new production aircraft.

(4) Evacuating aircraft from areas of impending danger.

(5) Conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests.

(b) A special flight permit may also be issued to authorise the operation of an aircraft at a weight in excess of its maximum certificated takeoff weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The excess weight that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.

(c) Upon application, as prescribed in regulations 91.1017 or 119.51 of these regulations a special flight permit with a continuing authorisation may be issued for aircraft that may not meet applicable airworthiness requirements, but are capable of safe flight for the purpose of flying aircraft to a base where maintenance or alterations are to be performed. The permit issued under this paragraph is an authorisation, including conditions and limitations for flight, which is set forth in the certificate holder's operations specifications. The permit issued under this paragraph may be issued to -

(1) Certificate holders authorised to conduct operations under part 119 of these regulations, that have an approved program for continuing flight authorisation; or

(2) Management specification holders authorized to conduct operations under part 91, subpart K of this Part for those aircraft they operate and maintain under a continuous airworthiness maintenance program prescribed by regulation 91.1411 of these regulations.

Sourced FAR 21.197

21.199 Issue of special flight permits.

(a) Except as provided in regulation 21.197(c), an applicant for a special flight permit must submit a statement in a form and manner prescribed by CASA, indicating -

(1) The purpose of the flight.

(2) The proposed itinerary.

(3) The crew required to operate the aircraft and its equipment, e.g., pilot, co-pilot, navigator, etc.

(4) The ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements.

(5) Any restriction the applicant considers necessary for safe operation of the aircraft.

(6) Any other information considered necessary by CASA for the purpose of prescribing operating limitations.

(b) CASA may make, or require the applicant to make appropriate inspections or tests necessary for safety.

Sourced FAR 21.199

Subpart I - Provisional Airworthiness Certificates

21.211 Applicability.

This subpart prescribes procedural requirements for the issue of provisional airworthiness certificates.

Sourced FAR 21.211

21.213 Eligibility.

(a) A manufacturer who is a Australian citizen may apply for a Class I or Class II provisional airworthiness certificate for aircraft manufactured by him within Australia.

(b) Any holder of an air operation certificate under Part 121 of these regulations who is an Australian citizen may apply for a Class II provisional airworthiness certificate for transport category aircraft that meet either of the following:

(1) The aircraft has a current Class II provisional type certificate or an amendment thereto.

(2) The aircraft has a current provisional amendment to a type certificate that was preceded by a corresponding Class II provisional type certificate.

(c) An aircraft engine manufacturer who is an Australian citizen and who has altered a type certificated aircraft by installing different type certificated engines, manufactured by him within Australia, may apply for a Class I provisional airworthiness certificate for that aircraft, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, or transport category.

Sourced FAR 21.213

21.215 Application.

Applications for provisional airworthiness certificates must be submitted to CASA. The application must be accompanied by the pertinent information specified in this subpart.

Sourced FAR 21.215

21.217 Duration.

Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional airworthiness certificates are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate.

Sourced FAR 21.217

21.219 Transferability.

Class I provisional airworthiness certificates are not transferable. Class II provisional airworthiness certificates may be transferred to an air carrier eligible to apply for a certificate under § 21.213(b).

Sourced FAR 21.219

§ 21.221 Class I provisional airworthiness certificates.

(a) Except as provided in regulation 21.225, an applicant is entitled to a Class I provisional airworthiness certificate for an aircraft for which a Class I provisional type certificate has been issued if -

(1) The applicant meets the eligibility requirements of regulation 21.213 and he complies with this regulation; and

(2) CASA finds that there is no feature, characteristic or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations established in sub-regulation and 91.317 of these regulations.

(b) The manufacturer must hold a provisional type certificate for the aircraft.

(c) The manufacturer must submit a statement that the aircraft conforms to the type design corresponding to the provisional type certificate and has been found by him to be in safe operating condition under all applicable limitations.

(d) The aircraft must be flown at least five hours by the manufacturer.

(e) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations established by sub-regulations 21.81(e) and 91.317.

Sourced FAR 21.221

21.223 Class II provisional airworthiness certificates.

(a) Except as provided in regulation 21.225, an applicant is entitled to a Class II provisional airworthiness certificate for an aircraft for which a Class II provisional type certificate has been issued if -

(1) The applicant meets the eligibility requirements of regulation 21.213 and complies with this regulation; and

(2) CASA finds that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations established in sub-regulation 21.83(h), regulations 91.317 and 121.297 of these regulations.

(b) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(c) The applicant must submit a statement by the manufacturer that the aircraft has been manufactured under a quality system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(d) The applicant must submit a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(e) The aircraft must be flown at least five hours by the manufacturer.

(f) The aircraft must be supplied with a provisional aircraft flight manual containing the limitations established by sub-regulations 21.83(h), regulations 91.317 and 121.207 of these regulations.

Sourced FAR 21.223

21.225 Provisional airworthiness certificates corresponding with provisional amendments to type certificates.

(a) An applicant is entitled to a Class I or a Class II provisional airworthiness certificate, for an aircraft, for which a provisional amendment to the type certificate has been issued, if -

(1) The applicant meets the eligibility requirements of regulation 21.213 and the applicant complies with this regulation; and

(2) CASA finds that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable limitations established in sub-regulation 21.85(g), regulations 91.317 and 121.207 of these regulations.

(b) The applicant must show that the modification was made under a quality system adequate to ensure that the modification conforms to the provisionally amended type certificate.

(c) The applicant must submit a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The aircraft must be flown at least five hours by the manufacturer.

(e) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by sub-regulation 21.85(g), regulations 91.317 and 121.207 of these regulations.

Sourced FAR 21.225

Subpart J — Design Organisation Approval

[CASR Part J/EASA CS 21, Subpart J realignment]

21.231 Scope

This Subpart establishes the procedure for the approval of design organisations and rules governing the rights and obligations of applicants for, and holders of, such approvals.

Sourced CASR 21.A.231

21.233 Eligibility

Any natural or legal person ('organisation') shall be eligible as an applicant for an approval under this Subpart

(a) in accordance with regulations 21.14, 21.112B, 21.432 or 21.602, or

(b) for approval of minor changes or minor repair design, when requested for the purpose of obtaining privileges under regulation 21.263.

Sourced EASR 21.A.233

21.234 Application

Each application for a design organisation approval shall be made in a form and manner established by CASA and shall include an outline of the information required by regulation 21.243, and the terms of approval requested to be issued under regulation 21.251.

Sourced EASR 21.A.234

21.235 Issue of design organisation approval

An organisation shall be entitled to have a design organisation approval issued by CASA when it has demonstrated compliance with the applicable requirements under this Subpart.

Sourced EASR 21.A.235

21.239 Design assurance system

(a) The design organisation shall demonstrate that it has established and is able to maintain a design assurance system for the control and supervision of the design, and of design changes, of products, parts and appliances covered by the application. This design assurance system shall be such as to enable the organisation:

(1) to ensure that the design of the products, parts and appliances or the design change thereof, comply with the applicable type-certification basis, the applicable operational suitability data certification basis and environmental protection requirements; and

(2) to ensure that its responsibilities are properly discharged in accordance with:

(i) the appropriate provisions of this Part; and

(ii) the terms of approval issued under regulation 21.A.251;

(3) to independently monitor the compliance with, and adequacy of, the documented procedures of the system. This monitoring shall include a feed-back system to a person or a group of persons having the responsibility to ensure corrective actions.

(b) The design assurance system shall include an independent checking function of the showings of compliance on the basis of which the organisation submits compliance statements and associated documentation to CASA.

(c) The design organisation shall specify the manner in which the design assurance system accounts for the acceptability of the parts or appliances designed or the tasks performed by partners or subcontractors according to methods which are the subject of written procedures.

Sourced EASR 21.A.239

21.243 Data

(a) The design organisation shall furnish a handbook to CASA describing, directly or by cross-reference, the organisation, the relevant procedures and the products or changes to products to be designed. If flight tests are to be conducted, a flight test operations manual defining the organisation's policies and procedures in relation to flight test shall be furnished. The flight test operations manual shall include:

(i) a description of the organisation's processes for flight test, including the flight test organisation involvement into the permit to fly issue process;

(ii) crewing policy, including composition, competency, currency and flight time limitations, in accordance with Flight Test Engineers and this Part, where applicable;

(iii) procedures for the carriage of persons other than crew members and for flight test training, when applicable;

(iv) policy for risk and safety management and associated methodologies;

(v) procedures to identify the instruments and equipment to be carried;

(vi) a list of documents that need to be produced for flight test.

(b) Where any parts or appliances or any changes to the products are designed by partner organisations or subcontractors, the handbook shall include a statement of how the design organisation is able to give, for all parts and appliances, the assurance of compliance required by regulation 21.239(b), and shall contain,

directly or by cross-reference, descriptions and information on the design activities and organisation of those partners or subcontractors, as necessary to establish this statement.

(c) The handbook shall be amended as necessary to remain an up-to-date description of the organisation, and copies of amendments shall be supplied to the Agency.

(d) The design organisation shall furnish a statement of the qualifications and experience of the management staff and other persons responsible for making decisions affecting airworthiness and environmental protection in the organisation

Sourced EASR 21.A.243

21.245 Approval requirements

The design organisation shall demonstrate, on the basis of the information submitted in accordance with regulation 21.243 that, in addition to complying with regulation 21.239:

(a) the staff in all technical sections are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities and these, together with the accommodation, facilities and equipment, are adequate to enable the staff to achieve the airworthiness, operational suitability and environmental protection objectives for the product;

(b) there is full and efficient coordination between sections and within sections in respect of airworthiness, operational suitability and environmental protection matters.

(c) Sourced EASR 21.A.245

21.247 Changes in design assurance system

After the issue of a design organisation approval, each change to the design assurance system that is significant to the showing of compliance or to the airworthiness and environmental protection of the product, shall be approved by CASA. An application for approval shall be submitted in writing to CASA and the design organisation shall demonstrate to CASA, on the basis of submission of proposed changes to the handbook, and before implementation of the change, that it will continue to comply with this Subpart after implementation.

Sourced EASR 21.A.247

21.249 Transferability

Except as a result of a change in ownership, which is deemed significant for the purposes of regulation 21.247, a design organisation approval is not transferable.

Sourced EASR 21.A.249

21.251 Terms of approval

The terms of approval shall identify the types of design work, the categories of products, parts and appliances for which the design organisation holds a design organisation approval, and the functions and duties that the organisation is approved to perform in regard to the airworthiness and characteristics of noise, fuel venting and exhaust emissions of products. For design organisation approval covering type-certification or ATSO authorisation for Auxiliary Power Unit (APU), the terms of approval shall contain in addition the list of products or APU. Those terms shall be issued as part of a design organisation approval.

Sourced EASR 21.A.251

21.253 Changes to the terms of approval

Each change to the terms of approval shall be approved by CASA. An application for a change to the terms of approval shall be made in a form and manner established by CASA. The design organisation shall comply with the applicable requirements of this Subpart.

Sourced EASR 21.A.253

21.257 Investigations

(a) the design organisation must make arrangements that allow CASA to make any investigation, including investigations of partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirement of this Sub-Part.

(b) The design organisation shall allow CASA to review any report and make any inspection and perform or witness any flight and ground test necessary to check the validity of the compliance statements submitted by the applicant under sub-regulation 21.A.239(b).

Sourced EASR 21.A.257

21.258 Findings

(a) When objective evidence is found showing non-compliance of the holder of a design organisation approval with the applicable requirements of this Part, the finding shall be classified as follows:

1. a level one finding is any non-compliance with this Part which could lead to uncontrolled non-compliances with applicable requirements and which could affect the safety of the aircraft;
2. a level two finding is any non-compliance with this Part which is not classified as level one.

(b) a level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under sub-regulation (a) above.

(c) After receipt of notification of findings under the applicable administrative procedures established by CASA

case of a level one finding, the holder of the design organisation approval shall demonstrate corrective action to the satisfaction of CASA within a period of no more than 21 working days after written confirmation of the findingcase of level two findings, the corrective action period granted by CASA shall be appropriate to the nature of the finding but in any case initially shall not be more than three months. In certain circumstances and subject to the nature of the finding CASA may extend the three months period subject to the provision of a satisfactory corrective action plan agreed by CASA;

(3) a level three finding shall not require immediate action by the holder of the design organisation approval.case of level one or level two findings, the design organisation approval may be subject to a partial or full suspension or revocation under the applicable administrative procedures established by the Agency. The holder of the design organisation approval shall provide confirmation of receipt of the notice of suspension or revocation of the design organisation approval in a timely manner.*Sourced EASR 21.A.258*

21.259 Duration and continued validity

(a A design organisation approval shall be issued for an unlimited duration. It shall remain valid unless:

1. the design organisation fails to demonstrate compliance with the applicable requirements of this Subpart; or
2. CASA is prevented by the holder or any of its partners or subcontractors to perform the investigations in accordance with regulation 21.257; or
3. there is evidence that the design assurance system cannot maintain satisfactory control and supervision of the design of products or changes thereof under the approval; or
4. the certificate has been surrendered or revoked under the applicable administrative procedures established by CASA.

(b) Upon surrender or revocation, the certificate shall be returned to the Agency.

Sourced EASR 21.A.259

21.263 Privileges

(a) the holder of a design organisation approval shall be entitled to perform design activities under the Part and within its scope of approval.

(b) Subject to regulation 21.257(b), CASA must accept without further verification the following compliance documents submitted by the design organisation for the purpose of obtaining:

1. the approval of flight conditions required for a permit to fly; or
2. a type certificate or approval of a major change to a type design; or
3. a supplemental type certificate; or

4. An ATSO authorisation under regulation 21.602 (b)(1); or

5. a major design approval.

(c) the holder of a design organisation approval shall be entitled, with its terms of approval and under the relevant procedures of the design assurance system:

1. to classify changes to type design and repairs as “major” or “minor”;

2. to approve minor changes to type design and minor repairs

3. to issue information or instructions containing the following statement: “The technical content of this document is approved under the authority of DOA ref, CASR 21.J [XXXXX];

4. to approve minor revisions to the aircraft flight manual and supplements, and issue such revisions containing the following statement: ‘Revision No [YY] to AFM (or supplement) ref. [ZZ] is approved under the authority of DOA ref. CASR. 21J. [XXXX]

5. to approve the design of major repairs to products or Auxiliary Power Units for which it holds the type-certificate or the Australian supplemental type-certificate or ATSO authorisation;

6. to approve the conditions under which a permit to fly can be issued in accordance with regulation 21.710(a)(2), except for permits to fly to be issued for the purpose of regulation 21.A.701(a)(15)

Sourced EASR 21.A.263

21.265 Obligations of the holder

The holder of a design organisation approval shall:

(1) maintain the handbook in conformity with the design assurance system;

(2) ensure that this handbook is used as a basic working document within the organisation;

(3) ensure that the design of products, or changes or repairs thereof, as applicable, comply with applicable requirements and have no unsafe feature;

(4) except for minor changes or repairs approved under the privilege of regulation 21.263, provide to CASA statements and associated documentation confirming compliance with sub-regulation 21. 21.263(c) above;

(5) provide to CASA information or instructions related to required actions under regulation 21.A.3B

(6) where applicable, under the privilege of sub-regulation 21.263(c)(6), determine the conditions under which a permit to fly can be issued

(7) where applicable, under the privilege of point 21.263(c)(7), establish compliance with points 21.711(b) and (e) before issuing a permit to fly to an aircraft.

Sourced EASR 21.A.265

Subpart K - Parts Manufacturer Approvals

21.301 Applicability.

This subpart prescribes -

(a) Procedural requirements for issuing APMAs; and

(b) Rules governing holders of APMAs.

Sourced FAR 21.301

§ 21.303 Application.

(a) The applicant for an APMA must apply in a form and manner prescribed by CASA, and include the following:

(1) The identity of the product on which the article is to be installed.

(2) The name and address of the manufacturing facilities at which these articles are to be manufactured.

(3) The design of the article, which consists of -

(i) Drawings and specifications necessary to show the configuration of the article; and

(ii) Information on dimensions, materials, and processes necessary to define the structural strength of the article.

(4) Test reports and computations necessary to show that the design of the article meets the airworthiness requirements of this subchapter. The test reports and computations must be applicable to the product on which the article is to be installed, unless the applicant shows that the design of the article is identical to the design of a article that is covered under a type certificate. If the design of the article was obtained by a licensing agreement, the applicant must provide evidence of that agreement.

(5) An applicant for an APMA based on test reports and computations must provide a statement certifying that the applicant has complied with the airworthiness requirements of this Sub-part.

(b) Each applicant for a APMA must make all inspections and tests necessary to determine -

(1) Compliance with the applicable airworthiness requirements;

(2) That materials conform to the specifications in the design;

(3) That the article conforms to its approved design; and

(4) That the manufacturing processes, construction, and assembly conform to those specified in the design.

Sourced FAR 21.303

21.305 Organisation.

(c) Each applicant for or holder of an APMA must provide CASA with a document -

(1) Describing how its organisation will ensure compliance with the provisions of this subpart;

(2) Describing assigned responsibilities, delegated authorities, and the functional relationship of those responsible for quality to management and other organisational components; and

(3) Identifying an accountable manager.

(d) The accountable manager specified in paragraph (a) of this regulation must be responsible within the applicant's or production approval holder's organisation for, and have authority over, all production operations conducted under this sub-part. The accountable manager must confirm that the procedures described in the quality manual required by regulation 21.308 are in place and that the production approval holder satisfies the requirements of the applicable regulations of Subpart C, Aircraft. The accountable manager must serve as the primary contact with CASA.

Sourced FAR 21.305

21.307 Quality system.

Each applicant for or holder of a APMA must establish a quality system that meets the requirements of regulation 21.137.

Sourced FAR 21.307

§ 21.308 Quality manual.

Each applicant for or holder of an APMA must provide a manual describing its quality system to CASA for approval. The manual must be in the English language and retrievable in a form acceptable to CASA.

Sourced FAR 21.308

§ 21.309 Location of or change to manufacturing facilities.

(a) An applicant may obtain an APMA for manufacturing facilities located outside of Australia if CASA finds no undue burden in administering the applicable requirements of Part 13 and these regulations.

(b) The APMA holder must obtain CASA approval before making any changes to the location of any of its manufacturing facilities.

(c) The APMA holder must immediately notify CASA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its APMA article.

Sourced FAR 21.309

21.310 Inspections and tests.

(a) Each applicant for or holder of an APMA must allow CASA to inspect its quality system, facilities, technical data, and any manufactured articles and witness any tests, including any inspections or tests at a supplier facility, necessary to determine compliance with this Subpart.

(b) Unless otherwise authorised by CASA, the applicant or holder -

(1) May not present any article to CASA for an inspection or test unless compliance with sub-regulations 21.303(b)(2) though (4) has been shown for that article; and

(2) May not make any change to an article between the time that compliance with sub-regulations 21.303(b)(2) through (4) is shown for that article and the time that the article is presented to CASA for the inspection or test.

Sourced FAR 21.310

21.311 Issue.

Subject to Part 11, CASA issues an APMA after finding that the applicant complies with the requirements of this subpart and the design complies with the requirements of this chapter applicable to the product on which the article is to be installed.

Sourced FAR 21.311

21.313 Duration.

An APMA is effective until surrendered, withdrawn, or CASA otherwise terminates it.

Sourced FAR 21.313

21.314 Transferability.

The holder of an APMA may not transfer the APMA.

Sourced FAR 21.314

21.316 Responsibility of holder.

Each holder of an APMA must -

(a) Amend the document required by regulation 21.305 as necessary to reflect changes in the organisation and provide these amendments to CASA;

(b) Maintain the quality system in compliance with the data and procedures approved for the APMA;

(c) Ensure that each APMA article conforms to its approved design and is in a condition for safe operation;

(d) Mark the APMA article for which an approval has been issued. Marking must be in accordance with part 45 of these regulations, including any critical parts;

(e) Identify any portion of the APMA article (*e.g.,* sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as CASA approved with the manufacturer's part number and name, trademark, symbol, or other CASA approved manufacturer's identification;

(f) Have access to design data necessary to determine conformity and airworthiness for each article produced under the APMA;

(g) Retain each document granting APMA and make it available to CASA upon request; and

(h) Make available to CASA information regarding all delegation of authority to suppliers.

Sourced FAR 21.316

21.319 Design changes.

(a) Classification of design changes.

(1) A “minor change” to the design of an article produced under an APMA is one that has no appreciable effect on the approval basis.

(2) A “major change” to the design of an article produced under a APMA is any change that is not minor.

(b) Approval of design changes.

(1) Minor changes to the basic design of an APMA may be approved using a method acceptable to CASA.

(2) The APMA holder must obtain CASA approval of any major change before including it in the design of an article produced under an APMA.

Sourced FAR 21.319

21.320 Changes in quality system.

After the issue of an APMA -

(1) Each change to the quality system is subject to review by CASA; and

(2) The holder of the APMA must immediately notify CASA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its article.

Sourced FAR 21.320

Subpart L - Export Airworthiness Approvals

21.321 Applicability.

This subpart prescribes -

(1) Procedural requirements for issuing export airworthiness approvals; and

(2) Rules governing the holders of those approvals.

Sourced FAR 21.321

21.325 Export airworthiness approvals.

(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) CASA prescribes the form and manner in which an export airworthiness approval for an aircraft engine, propeller, or article is issued.

(c) If CASA finds no undue burden in administering the applicable requirements of Part 13 and this Subpart, an export airworthiness approval may be issued for a product or article located outside of Australia.

Sourced FAR 21.325

21.327 Application.

Any person may apply for an export airworthiness approval. Each applicant must apply in a form and manner prescribed by CASA.

Sourced FAR 21.327

21.329 issue of export certificates of airworthiness.

(a) A person may obtain from CASA an export certificate of airworthiness for an aircraft if -

(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:

(i) Standard airworthiness certificate; or

(ii) Special airworthiness certificate in either the “primary” or the “restricted” category; or

(2) A new or used aircraft not manufactured under subpart F or G of this part has a valid -

(i) Standard airworthiness certificate; or

(ii) Special airworthiness certificate in either the “primary”, “intermediate”, or the “restricted” category.

(b) An aircraft need not meet a requirement specified in paragraph (a) of this regulation, as applicable, if -

(1) The importing country or jurisdiction accepts, in a form and manner acceptable to CASA, a deviation from that requirement; and

(2) The export certificate of airworthiness lists as an exception any difference between the aircraft to be exported and its type design.

Sourced FAR 21.329

21.331 issue of export airworthiness approvals for aircraft engines, propellers, and articles.

(a) A person may obtain from CASA 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.

(b) A new aircraft engine, propeller, or article need not meet a requirement of paragraph (a) of this regulation if -

(1) The importing country or jurisdiction accepts, in a form and manner acceptable to CASA, a deviation from that requirement; and

(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.

(c) A person may obtain from CASA 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.

(d) A used aircraft engine or propeller need not meet a requirement of paragraph (c) of this regulation if -

(1) The importing country or jurisdiction accepts, in a form and manner acceptable to CASA, a deviation from that requirement; and

(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.

Sourced FAR 21.331

21.335 Responsibilities of exporters.

Unless otherwise agreed to by the importing country or jurisdiction, each exporter must -

(a) Forward to the importing country or jurisdiction all documents specified by that country or jurisdiction;

(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;

(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;

(d) Secure all proper foreign entry clearances from all the countries or jurisdictions involved when conducting sales demonstrations or delivery flights; and

(e) When title to an aircraft passes or has passed to a foreign purchaser -

(1) Request cancellation of the Australian registration and airworthiness certificates from CASA, giving the date of transfer of title, and the name and address of the foreign owner;

(2) Return the Registration and Airworthiness Certificates to CASA; and

(3) Provide a statement to CASA certifying that the Australian identification and registration numbers have been removed from the aircraft in compliance with regulation 45.33.

Sourced FAR 21.335

Subpart 21.M—Designs of modifications of, and repairs to, aircraft, aircraft engines, propellers and appliances

Division 21.M.1—Preliminary

21.400 Purpose of Subpart

This Subpart:

(a) sets out the requirements for the issue of modification/repair design approvals; and

(b) sets out the rules governing the holders of such approvals; and

(c) sets out circumstances in which certain designs are taken to be approved; and

(d) provides for approvals of certain designs to be granted in accordance with the Part 21 Manual of Standards.

21.402 Definition of *proposed airworthiness standards* for Subpart 21.M

In this Subpart:

proposed airworthiness standards, for a design for which a person has applied for a modification/repair design approval, means the airworthiness standards that are stated in the application to be the proposed airworthiness standards for the design.

21.403 Definition of *applicable airworthiness standards* for Subpart 21.M

(1) In this Subpart:

applicable airworthiness standards, for the design of a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance, has the meaning given in this regulation.

(2) If, under regulation 21.414, CASA, an authorised person or a relevant approved design organisation makes a determination for the design, the ***applicable airworthiness standards*** for the design are the proposed airworthiness standards for the design and the additional standards mentioned in the determination.

(3) If, under regulation 21.416, CASA makes a determination for the design, the ***applicable airworthiness standards*** for the design are the proposed airworthiness standards for the design other than the standards determined not to apply to the design.

(4) If, under regulation 21.418, an authorised person or approved design organisation makes, and CASA agrees with, a determination for the design, the ***applicable airworthiness standards*** for the design are the proposed airworthiness standards for the design other than the standards determined not to apply to the design.

(5) In any other case, the ***applicable airworthiness standards*** for the design are the proposed airworthiness standards for the design.

Division 21.M.2—Modification/repair design approvals

21.405 Applications for modification/repair design approvals

(1) A person may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for a modification/repair design approval for the design of a modification of, or a repair to:

(a) an aircraft, aircraft engine, propeller or appliance; or

(b) 2 or more aircraft, aircraft engines, propellers or appliances of the same type.

(2) An application must include the following information:

(a) the applicant's name and contact details;

(b) the make, model and serial number of each aircraft, aircraft engine, propeller or appliance to which the design of the modification or repair relates;

(c) if the design relates to a modification of, or repair to, one or more aircraft, the registration mark of each aircraft;

(d) a description of the modification or repair;

(e) the proposed airworthiness standards for the design;

(f) an outline of the means for demonstrating compliance with the proposed airworthiness standards.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

(3) For an application relating to the design of a modification of, or repair to, an aircraft, aircraft engine or propeller for which there is a type certificate, type acceptance certificate or foreign type certificate, the proposed airworthiness standards for the design must be:

(a) both:

(i) the airworthiness standards that applied to the issue of the certificate, or a specified later version of those standards; and

(ii) any other standards the applicant considers to be directly related to those standards; or

(b) the standards prescribed by the Part 21 Manual of Standards.

(4) For an application relating to the design of a modification of, or repair to, an aircraft, aircraft engine or propeller not mentioned in subregulation (3), or an appliance, the proposed airworthiness standards for the design must be:

(a) both:

(i) the airworthiness standards that applied to the original certification (however described) of the aircraft, aircraft engine, propeller or appliance, or a specified later version of those standards; and

(ii) any other standards the applicant considers to be directly related to those standards; or

(b) the standards prescribed by the Part 21 Manual of Standards.

21.410 **Refusal to grant approval if design constitutes major change in type design**

CASA or the authorised person or approved design organisation may refuse to grant a modification/repair design approval for the design without further consideration if CASA or the authorised person or approved design organisation is satisfied that the design would constitute a major change in a type design.

Note: A person may apply to CASA for a supplemental type certificate for the approval of the design of a major change to a type certificated aircraft, aircraft engine or propeller—see Subpart 21.E.

21.414 **Determination of additional airworthiness standards—special conditions**

(1) This regulation applies if CASA or the authorised person or approved design organisation is not satisfied that the proposed airworthiness standards for the design provide an adequate safety standard for the design in a particular respect.

Example: The modification or repair has a novel or unusual design feature.

(2) CASA or the authorised person or approved design organisation may determine additional airworthiness standards for the design.

Note: An additional airworthiness standard imposed in respect of a design is often called a ‘special condition’.

(3) The additional airworthiness standards must be appropriate to provide a level of safety for the aircraft, aircraft engine, propeller or appliance equivalent to the level of safety required by these Regulations for a comparable aircraft, aircraft engine, propeller or appliance.

(4) CASA or the authorised person or approved design organisation must notify the applicant, in writing, of the determination.

21.416 **Determination of non-application of airworthiness standards—application to CASA**

(1) This regulation applies to the design if:

(a) the application is made to CASA; and

(b) the design is for a modification of, or repair to:

(i) an aircraft that is type certificated in the restricted category; or

(ii) an aircraft mentioned in subregulation 21.185(3A); and

(c) CASA is satisfied that a proposed airworthiness standard for the design is inappropriate for the purpose for which the aircraft is to be used.

(2) CASA may determine that the airworthiness standard does not apply to the design.

(3) CASA must give the applicant written notice of the determination.

21.418 **Determination of non-application of airworthiness standards—application to authorised person or approved design organisation**

(1) This regulation applies to the design if:

(a) the application is made to an authorised person or approved design organisation; and

(b) the design is for a modification of or repair to:

(i) an aircraft that is type certificated in the restricted category; or

(ii) an aircraft mentioned in subregulation 21.185(3A); and

(c) the authorised person or approved design organisation is satisfied that a proposed airworthiness standard for the design is inappropriate for the purpose for which the aircraft is to be used.

(2) The authorised person or approved design organisation may determine that the airworthiness standard does not apply to the design.

(3) The authorised person or approved design organisation must give CASA written notice of the determination.

(4) CASA must:

(a) decide whether or not CASA agrees with the determination; and

(b) give the authorised person or approved design organisation written notice of its decision.

(5) If CASA agrees with the determination, the authorised person or approved design organisation must give the applicant written notice of the determination and of CASA's agreement with the determination.

21.420 **Applicants must show compliance with applicable airworthiness standards, submit technical data and provide documents**

(1) The applicant must:

(a) show CASA or the authorised person or approved design organisation that the design complies with the applicable airworthiness standards for the design; and

(b) give all of the technical data for the design to CASA or the authorised person or approved design organisation for approval under regulation 21.009; and

(c) give CASA or the authorised person or approved design organisation a copy of any instructions for continued airworthiness in respect of the design that are necessary to ensure that the modified aircraft, aircraft engine, propeller or appliance remains safe throughout its lifetime.

(2) If the design is for a modification of, or repair to, an aircraft and relates to a matter that is dealt with in the flight manual for the aircraft, the applicant must also give CASA or the authorised person or approved design organisation a copy of the operating instructions and limitations in respect of the design, in the form of:

(a) an amendment to the flight manual; or

(b) a flight manual supplement.

(3) For paragraph (1)(a), an applicant is taken to have shown CASA that a design complies with the applicable airworthiness requirements for the design if an approved design organisation gives CASA a certificate under subregulation (5).

(4) Subregulation (5) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design complies with the applicable airworthiness requirements.

(5) If the approved design organisation is satisfied that the design complies with the applicable airworthiness requirements, the organisation may give CASA a certificate to that effect.

21.425 **Applicants to carry out necessary inspections and tests**

(1) For paragraph 21.420(1)(a), the applicant must carry out all inspections and tests necessary to show that the design complies with the applicable airworthiness standards for the design.

(2) Before testing a prototype of a modification or repair, the applicant must:

(a) establish the following for the prototype:

(i) that the materials and processes used to produce the prototype conform to the specifications for the design;

(ii) that all aeronautical products used in the prototype conform to the drawings in the design;

(iii) that the manufacturing processes, construction and assembly of the prototype conform to the manufacturing processes, construction and assembly specified in the design; and

(b) ensure that the accuracy of the equipment to be used for the test has been verified by a means that is traceable to:

(i) a standard recommended by the manufacturer of the equipment; or

(ii) a nationally or internationally recognised standard.

Example: For subparagraph (b)(ii), of a standard that is nationally recognised

A standard maintained by the National Measurement Institute—see http://www.measurement.gov.au.

21.430 CASA, authorised person or approved design organisation may carry out or observe certain tests

(1) For the purposes of considering an application, CASA or the authorised person or approved design organisation may, by written notice given to the applicant, require the applicant to allow CASA or the authorised person or approved design organisation to:

(a) carry out an inspection or test specified in the notice; or

(b) observe a test specified in the notice that the applicant carries out under regulation 21.425.

(2) The applicant must:

(a) allow CASA or the authorised person or approved design organisation to:

(i) carry out an inspection or test specified in a notice under paragraph (1)(a); or

(ii) observe a test specified in a notice under paragraph (1)(b); and

(b) give CASA or the authorised person or approved design organisation written notice of when and where a test specified in a notice under paragraph (1)(b) will be carried out:

(i) at least 10 business days before the test; or

(ii) as agreed between the applicant and CASA or the authorised person or approved design organisation.

(3) Before giving a notice under subregulation (2), the applicant must establish the matters required by subregulation 21.425(2).

(4) The applicant must ensure that no change that would affect the validity of the test is made to the prototype of the modification or repair after the notice under subregulation (2) is given and before:

(a) the test is carried out; or

(b) the aircraft, aircraft engine, propeller or appliance is tested or presented to CASA or the authorised person or approved design organisation for testing.

21.435 Grant of modification/repair design approvals—grant by CASA

(1) This regulation applies if an application for a modification/repair design approval is made to CASA.

(2) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that:

(a) the requirements mentioned in subregulation (4) are met; and

(b) the design complies with the applicable airworthiness standards for the design.

(2A) For paragraph (2)(b), CASA is taken to be satisfied that a design complies with the applicable airworthiness requirements for the design if an approved design organisation has given CASA a certificate to that effect under subregulation 21.420(5).

(3) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that:

(a) the requirements mentioned in subregulation (4) are met; and

(b) the design does not comply with the applicable airworthiness standards for the design; but

(c) for each standard with which the design does not comply—the failure to comply with the standard is compensated for by factors that provide a level of safety that is equivalent to the level of safety provided by the standard.

(4) For paragraphs (2)(a) and (3)(a), the requirements are that:

(a) the applicant has complied with regulations 21.420 and 21.425; and

(b) if CASA has given notice to the applicant under subregulation 21.430(1)—the applicant has complied with subregulations 21.430(2), (3) and (4); and

(c) the technical data submitted under regulation 21.420 for the design has been approved under regulation 21.009; and

(d) no feature or characteristic of the design makes the relevant aircraft, aircraft engine, propeller or appliance unsafe for its intended use.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

(a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or

(b) a decision imposing a condition on an approval.

21.436 **Application to authorised person or approved design organisation—non-compliance with applicable airworthiness standards: determination of equivalent level of safety**

(1) This regulation applies if:

(a) an application for a modification/repair design approval is made to an authorised person or approved design organisation; and

(b) the authorised person or approved design organisation is not satisfied that the design complies with the applicable airworthiness standards.

(2) If the authorised person or approved design organisation is approved to make an equivalent level of safety determination, the authorised person or approved design organisation must:

(a) determine whether the non-compliance is compensated for by factors that provide an equivalent level of safety; or

(b) apply to CASA for a determination under subregulation (6) of whether the non-compliance is compensated for by factors that provide an equivalent level of safety.

(3) If the authorised person or approved design organisation determines that the non-compliance is compensated for by factors that provide an equivalent level of safety, the authorised person or approved design organisation must give CASA written notice of the following:

(a) that the design does not comply with the standard;

(b) that the non-compliance is compensated for by factors that provide an equivalent level of safety;

(c) how the non-compliance is compensated for.

(4) If CASA receives a notice under subregulation (3), CASA must:

(a) decide whether or not CASA agrees with the determination; and

(b) give the authorised person or approved design organisation written notice of its decision.

(5) If the authorised person or approved design organisation is not approved to make an equivalent level of safety determination, the authorised person or approved design organisation must apply to CASA for a determination of whether the non-compliance is compensated for by factors that provide an equivalent level of safety.

(6) If CASA receives an application under paragraph (2)(b) or subregulation (5), CASA must:

(a) determine whether the non-compliance is compensated for by factors that provide an equivalent level of safety; and

(b) give the authorised person or approved design organisation written notice of CASA's determination.

21.437 **Grant of modification/repair design approvals—grant by authorised person or approved design organisation**

(1) This regulation applies if an application for a modification/repair design approval is made to an authorised person or approved design organisation.

(2) Subject to regulation 11.055, the authorised person or approved design organisation must grant the approval if the authorised person or approved design organisation is satisfied that:

(a) the requirements mentioned in subregulation (4) are met; and

(b) the design complies with the applicable airworthiness standards for the design.

(3) Subject to regulation 11.055, the authorised person or approved design organisation must grant the approval if:

(a) the authorised person or approved design organisation is satisfied that the requirements mentioned in subregulation (4) are met; and

(b) the authorised person or approved design organisation is not satisfied that the design complies with the applicable airworthiness standards for the design; but

(c) for each standard with which the authorised person or approved design organisation is not satisfied that the design complies:

(i) the authorised person or approved design organisation has made, and CASA has agreed with, a determination under paragraph 21.436(2)(a) that the non-compliance is compensated for by factors that provide an equivalent level of safety; or

(ii) CASA has made a determination under subregulation 21.436(6) that the non-compliance is compensated for by factors that provide an equivalent level of safety.

(4) For paragraphs (2)(a) and (3)(a), the requirements are that:

(a) the applicant has complied with regulations 21.420 and 21.425; and

(b) if the authorised person or approved design organisation has given notice to the applicant under subregulation 21.430(1)—the applicant has complied with subregulations 21.430(2), (3) and (4); and

(c) the technical data submitted under regulation 21.420 for the design has been approved under regulation 21.009; and

(d) no feature or characteristic of the design makes the relevant aircraft, aircraft engine, propeller or appliance unsafe for its intended use.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

(a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or

(b) a decision imposing a condition on an approval.

21.440 Form of modification/repair design approvals

If CASA or an authorised person or approved design organisation grants a modification/repair design approval, the document issued to the applicant under regulation 11.060 must:

(a) set out:

(i) what the approval is; and

(ii) the name of the person to whom it is granted; and

(b) describe or otherwise identify the modification or repair; and

(c) specify, by reference to manufacturer, model and serial number, each aircraft, aircraft engine, propeller or appliance to which the design of the modification or repair relates.

21.445 Variation of modification/repair design approvals

(1) Regulations 21.405 to 21.440 apply to an application for a variation of a modification/repair design approval as if:

(a) each reference in those regulations to an approval were a reference to a variation of an approval; and

(b) each reference in those regulations to a design were a reference to a variation of a design.

(2) However, the applicant is not required to give CASA or an authorised person or approved design organisation the technical data for the design or any other information that CASA or the authorised person or approved design organisation already holds unless the data or information already given:

(a) is no longer correct; or

(b) no longer describes the design.

Division 21.M.3—Transfer of, and obligations for holders of, modification/repair design approvals and approvals granted in accordance with alternative method

Note For the definition of ***holder***, see the Dictionary.

21.448 Approvals to which this Division applies

This Division applies to:

(a) modification/repair design approvals; and
(b) approvals mentioned in regulation 21.475.

21.450 Transfer of modification/repair design approvals and approvals granted in accordance with alternative method

(1) The holder of an approval may transfer the approval to another person.

(2) However, an approval may be transferred only with the written agreement of the transferee.

(3) If an approval is transferred, the transferor must:

(a) write the transferee's name on the document mentioned in regulation 21.440 (the ***approval document***); and
(b) give the transferee:
(i) the approval document; and
(ii) a copy of each document or record that the holder of the approval is required to keep under regulation 21.455.

Penalty: 50 penalty units.

(4) If an approval is transferred, the transferor must, within 1 month after the transfer, notify CASA, in accordance with subregulation (5), of the transfer.

Penalty: 50 penalty units.

(5) A notice under subregulation (4) must:

(a) be in writing; and
(b) identify the approval being transferred; and
(c) state the name and address of the transferee; and
(d) state the date of the transfer.

(6) An offence against subregulation (3) or (4) is an offence of strict liability.

21.455 Record keeping and making records available to CASA

(1) The holder of an approval must keep documents and records about the design covered by the approval, including all technical data and test and inspection records, until:

(a) the end of 12 months after the approval ceases to be in force, otherwise than by being suspended under these Regulations; or
(b) the holder transfers the approval to another person;

whichever occurs first.

Penalty: 50 penalty units.

(2) CASA may, by notice in writing, require the holder to make a document or record, or a copy or extract of a document or record, available for inspection by CASA within a time specified in the notice.

(3) The holder must comply with the notice.

Penalty: 50 penalty units.

(4) An offence against subregulation (1) or (3) is an offence of strict liability.

21.460 Instructions for continued airworthiness and flight manual supplement to be made available

(1) Subregulation (2) applies if the holder of an approval was required under paragraph 21.420(1)(c), or under the method in accordance with which it was granted, to provide instructions for continued airworthiness in respect of a design.

(2) The holder must ensure that a copy of the current version of the instructions is available (electronically or otherwise) to any person who is required to comply with them.

Penalty: 50 penalty units.

(3) Subregulation (4) applies if the holder of an approval to which this Division applies was required under subregulation 21.420(2), or under the method in accordance with which it was granted, to provide:

(a) an amendment to the flight manual for an aircraft; or

(b) a flight manual supplement for an aircraft.

(4) The holder must ensure that a copy of the current version of the amendment or supplement is available (electronically or otherwise) to:

(a) for a registered aircraft—the registered operator of the aircraft; or

(b) for a Part 103 aircraft that is listed with a Part 103 ASAO—the owner of the aircraft.

(5) An offence against subregulation (2) or (4) is an offence of strict liability.

Division 21.M.4—Other means of approval

21.465 Modifications and repairs directed by CASA

A design for a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance is taken to have been approved for the purpose of these Regulations if the design is contained in:

(a) a direction issued in writing by CASA; or

(b) an airworthiness directive.

21.470 Foreign modification/repair designs

A design for a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance is taken to have been approved for the purpose of these Regulations if the design is:

(a) approved by the national aviation authority of a recognised country; or

(b) for a design of a modification or repair that relates to an aircraft, aircraft engine or propeller designed in a recognised country—published or issued by the foreign type certificate holder of the aircraft, aircraft engine or propeller under a system approved by the national aviation authority of that country; or

(c) for a design of a modification or repair that relates to an appliance designed in a recognised country—published or issued by the manufacturer of the appliance under a system approved by the national aviation authority of that country; or

(d) accepted by CASA under an agreement (however described) regarding approvals of designs for modifications and repairs between:

(i) CASA and the national aviation authority of a Contracting State; or

(ii) Australia and a Contracting State.

21.475 Part 21 Manual of Standards may prescribe alternative method of approval of modification and repair designs

An approval of a design for the modification of, or a repair to, an aircraft, aircraft engine, propeller or appliance may be granted in accordance with a method prescribed by the Part 21 Manual of Standards

Subpart N - Acceptance of Aircraft Engines, Propellers, and Articles for Import

21.500 Acceptance of aircraft engines and propellers.

Except for engines and propellers from a recognised country, an aircraft engine or propeller manufactured in a foreign country or jurisdiction meets the requirements for acceptance under this Subpart if -

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

(b) That product is marked in accordance with Part 45 of these Regulations; and

(c) The holder or licensee of an Australian type certificate for that product furnishes with each such aircraft engine or propeller imported into Australia, an export airworthiness approval issued in accordance with the provisions of that agreement certifying that the individual aircraft engine or propeller -

(1) Conforms to its type certificate and is in condition for safe operation; and

(2) Has been subjected by the manufacturer to a final operational check.

Sourced FAR 21.500

21.502 Acceptance of articles.

Except for articles from a recognised country, an article (including an article produced under a letter of ATSO design approval) manufactured in a foreign country or jurisdiction meets the requirements for acceptance under this Sub-part if -

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

(b) That article is marked in accordance with part 45 of these Regulations; and

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

Sourced FAR 21.502

Subpart O - Technical Standard Order Approvals

21.601 Applicability and definitions.

(a) This subpart prescribes -

(1) Procedural requirements for issuing ATSO authorisations;

(2) Rules governing the holders of ATSO authorisations; and

(3) Procedural requirements for issuing letters of ATSO design approval.

(b) For the purposes of this subpart -

(1) An ATSO issued by CASA is a minimum performance standard for specified articles used on civil aircraft;

(2) An ATSO authorisation is a CASA design and production approval issued to the manufacturer of an article that has been found to meet a specific ATSO;

(3) A letter of ATSO design approval is a CASA design approval for an article that has been found to meet a specific ATSO in accordance with the procedures of regulation 21.621;

(4) An article manufactured under an ATSO authorisation, a CASA letter of acceptance as described in sub-regulation 21.613(b), or an article manufactured under a letter of ATSO design approval described in regulation 21.621 is an approved article for the purpose of meeting the regulations of these Regulations that require the article to be approved; and

(5) An article manufacturer is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including any related parts, processes, or services procured from an outside source.

Sourced FAR 21.601

21.603 Application.

(a) An applicant for an ATSO authorisation must apply in the form and manner prescribed by CASA. The applicant must include the following documents in the application:

(1) A statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable ATSO, ETSO or TSO that is effective on the date of application for that article.

(2) One copy of the technical data required in the applicable ATSO.

(b) If the applicant anticipates a series of minor changes in accordance with regulation 21.619, the applicant may set forth in its application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

(c) If the application is deficient, the applicant must, when requested by CASA, provide any additional information necessary to show compliance with this Part. If the applicant fails to provide the additional information within 30 days after CASA's request, CASA denies the application and notifies the applicant.

Sourced FAR 21.603

21.605 Organization.

(a) Each applicant for or holder of an ATSO authorisation must provide CASA with a document -

(1) Describing how its organisation will ensure compliance with the provisions of this Subpart;

(2) Describing assigned responsibilities, delegated authorities, and the functional relationship of those responsible for quality to management and other organizational components; and

(3) Identifying an accountable manager.

(b) The accountable manager specified in paragraph (a) of this regulation must be responsible within the applicant's or production approval holder's organisation for, and have authority over, all production operations conducted under this Sub-part. The accountable manager must confirm that the procedures described in the quality manual required by regulation 21.608 are in place and that the production approval holder satisfies the requirements of the applicable regulations of Subpart C, Aircraft. The accountable manager must serve as the primary contact with CASA.

(c) Sourced FAR 21.605

21.607 Quality system.

Each applicant for or holder of an ATSO authorisation must establish a quality system that meets the requirements of regulation 21.137.

Sourced FAR 21.607

21.608 Quality manual.

Each applicant for or holder of a ATSO authorisation must provide a manual describing its quality system to CASA for approval. The manual must be in the English language and retrievable in a form acceptable to CASA.

Sourced FAR 21.608

21.609 Location of or change to manufacturing facilities.

(a) An applicant may obtain an ATSO authorisation for manufacturing facilities located outside of Australia and its territories if CASA finds no undue burden in administering the applicable requirements of regulatory oversight, Parts 11 and 13 and this Subpart.

(b) The ATSO authorisation holder must obtain CASA approval before making any changes to the location of any of its manufacturing facilities.

(c) The ATSO authorisation holder must immediately notify CASA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.

Sourced FAR 21.609

21.610 Inspections and tests.

Each applicant for or holder of an ATSO authorisation must allow CASA to inspect its quality system, facilities, technical data, and any manufactured articles and witness any tests, including any inspections or tests at a supplier facility, necessary to determine compliance with this Sub-part.

Sourced FAR 21.610

21.611 Issue.

If CASA finds that the applicant complies with the requirements of this Sub-part, CASA issues an ATSO

authorisation to the applicant (including all ATSO deviations granted to the applicant).

Sourced FAR 21.611

21.613 Duration.

(a) An ATSO authorisation or letter of ATSO design approval is effective until surrendered, withdrawn, or otherwise terminated by CASA.

(b) If an ATSO is revised or cancelled, the holder of an affected CASA letter of acceptance of a statement of conformance, ATSO authorisation, or letter of ATSO design approval may continue to manufacture articles that meet the original ATSO without obtaining a new acceptance, authorisation, or approval but must comply with the requirements of these Regulations.

Sourced FAR 21.613

21.614 Transferability.

The holder of an ATSO authorisation or letter of ATSO design approval may not transfer the ATSO authorisation or letter of ATSO design approval.

Sourced FAR 21.614

21.616 Responsibility of holder.

Each holder of an ATSO authorisation must -

(a) Amend the document required by regulation 21.605 as necessary to reflect changes in the organisation and provide these amendments to CASA.

(b) Maintain a quality system in compliance with the data and procedures approved for the ATSO authorisation;

(c) Ensure that each manufactured article conforms to its approved design, is in a condition for safe operation, and meets the applicable ATSO;

(d) Mark the TSO article for which an approval has been issued. Marking must be in accordance with part 45 of this chapter, including any critical parts;

(e) Identify any portion of the ATSO article (e.g., sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as CASA approved with the manufacturer's part number and name, trademark, symbol, or other CASA approved manufacturer's identification;

(f) Have access to design data necessary to determine conformity and airworthiness for each article produced under the ATSO authorisation. The manufacturer must retain this data until it no longer manufactures the article. At that time, copies of the data must be sent to CASA;

(g) Retain its ATSO authorisation and make it available to CASA upon request; and

(h) Make available to CASA information regarding all delegation of authority to suppliers.

Sourced FAR 21.616

21.618 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of an ATSO must show that factors or design features providing an equivalent level of safety compensate for the standards from which a deviation is requested.

(b) The manufacturer must send requests for approval to deviate, together with all pertinent data, to CASA. If the article is manufactured under the authority of a foreign country or jurisdiction, the manufacturer must send requests for approval to deviate, together with all pertinent data, through the civil aviation authority of that country or jurisdiction to CASA.

Sourced FAR 21.618

21.619 Design changes.

(a) ***Minor changes by the manufacturer holding a TSO authorisation***. The manufacturer of an article under an authorisation issued under this part may make minor design changes (any change other than a major change) without further approval by CASA. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes) and the manufacturer must

forward to CASA, any revised data that are necessary for compliance with sub-regulation 21.603(b).

(b) *Major changes by the manufacturer holding an ATSO authorisation.* Any design change by the manufacturer extensive enough to require a substantially complete investigation to determine compliance with an ATSO is a major change. Before making a major change, the manufacturer must assign a new type or model designation to the article and apply for an authorisation under regulation 21.603.

(c) ***Changes by persons other than the manufacturer.*** No design change by any person (other than the manufacturer who provided the statement of conformance for the article) is eligible for approval under this Part unless the person seeking the approval is a manufacturer and applies under sub-regulation 21.603(a) for a separate ATSO authorisation. Persons other than a manufacturer may obtain approval for design changes under Part 43 or under the applicable airworthiness regulations of these Regulations.

Sourced FAR 21.619

21.620 Changes in quality system.

After the issue of an ATSO authorisation -

(a) Each change to the quality system is subject to review by CASA; and

(b) The holder of the ATSO authorisation must immediately notify CASA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its article.

Sourced FAR 21.620

21.621 Issue of letters of TSO design approval: Import articles.

(a) Except for an imported article from a recognised country, CASA may issue a letter of ATSO design approval for an article:-

(1) Designed and manufactured in a foreign country or jurisdiction subject to the export provisions of an agreement with Australia for the acceptance of these articles for import; and

(2) For import into Australia if -

(i) The State of Design certifies that the article has been examined, tested, and found to meet the applicable ATSO or the applicable performance standards of the State of Design and any other performance standards CASA may prescribe to provide a level of safety equivalent to that provided by the ATSO; and

(ii) The manufacturer has provided to CASA one copy of the technical data required in the applicable performance standard through its State of Design.

(b) CASA issues the letter of ATSO design approval that lists any deviation granted under regulation 21.618.

Sourced FAR 21.621

Subpart P - Special Federal Aviation Regulations

21.700 SFAR No. 111 - Lavatory Oxygen Systems. [relocate to CASR Part 90]

(i) The requirements of regulation 121.1500 of these regulations also apply to this part.

Sourced FAR 21.700

Appendix:- Subsequent Associated FARs Adopt/Changes &/or CASR retained.

Note: These regulations are the responsibility of CASA's Certification/Continuing Airworthiness Section and need to be adopted to make Part 21 work in the same manner as in the USA.

91.119 Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) ***Anywhere.*** An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) ***Over congested areas.*** Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) ***Over other than congested areas.*** An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) ***Helicopters, powered parachutes, and weight-shift-control aircraft.*** If the operation is conducted without hazard to persons or property on the surface -

(1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this regulation, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by CASA; and

(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph of this regulation.

Note: This requirement is part of the certification requirements under CASR Part 21

Sourced FAR 91.119

91.409 Inspections.

(a) Except as provided in sub-paragraph (c) of this regulation, no person may operate an aircraft unless, within the preceding 12 calendar months, it has had -

(1) An annual inspection in accordance with Part 43 of these Regulations and has been approved for return to service by a person authorised by regulation 43.7 of that Part; or

(2) An inspection for the issue of an airworthiness certificate in accordance with Part 21 of these Regulations.

No inspection performed under paragraph (b) of this regulation may be substituted for any inspection required by this paragraph unless it is performed by a person authorised to perform annual inspections and is entered as an "annual" inspection in the required maintenance records.

(b) Except as provided in paragraph (c) of this regulation, no person may operate an aircraft carrying any person (other than a crewmember) for hire, and no person may give flight instruction for hire in an aircraft which that person provides, unless within the preceding 100 hours of time in service the aircraft has received an annual or 100-hour inspection and been approved for return to service in accordance with Part 43 of these Regulations or has received an inspection for the issue of an airworthiness certificate in accordance with Part 21 of these Regulations. The 100-hour limitation may be exceeded by not more than 10 hours while en route to reach a place where the inspection can be done. The excess time used to reach a place where the inspection can be done must be included in computing the next 100 hours of time in service.

(c) Paragraphs (a) and (b) of this regulation do not apply to -

(1) An aircraft that carries a special flight permit, a current experimental certificate, or a light-sport or provisional airworthiness certificate;

(2) An aircraft inspected in accordance with an approved aircraft inspection program under Part 125 or 135 of these Regulations and so identified by the registration number in the operations manual of the certificate

holder having the approved inspection program;

(3) An aircraft subject to the requirements of paragraph (d) or (e) of this regulation; or

(4) Turbine-powered rotorcraft when the operator elects to inspect that rotorcraft in accordance with paragraph (e) of this regulation.

(d) ***Progressive inspection.*** Each registered owner or operator of an aircraft desiring to use a progressive inspection program must submit a written request to the responsible CASA Regional Office, and shall provide -

(1) A Part 66 licenced aircraft maintenance engineer holding an inspection authorisation, a certificated maintenance organisation, or the manufacturer of the aircraft to supervise or conduct the progressive inspection;

(2) A current **inspection procedures manual** available and readily understandable to pilot and maintenance personnel containing, in detail -

(i) An explanation of the progressive inspection, including the continuity of inspection responsibility, the making of reports, and the keeping of records and technical reference material;

(ii) An inspection schedule, specifying the intervals in hours or days when routine and detailed inspections will be performed and including instructions for exceeding an inspection interval by not more than 10 hours while en route and for changing an inspection interval because of service experience;

(iii) Sample routine and detailed inspection forms and instructions for their use; and

(iv) Sample reports and records and instructions for their use;

(3) Enough housing and equipment for necessary disassembly and proper inspection of the aircraft; and

(4) Appropriate current technical information for the aircraft.

The frequency and detail of the progressive inspection shall provide for the complete inspection of the aircraft within each 12 calendar months and be consistent with the manufacturer's recommendations, field service experience, and the kind of operation in which the aircraft is engaged. The progressive inspection schedule must ensure that the aircraft, at all times, will be airworthy and will conform to all applicable CASA or NAA responsible for aircraft specifications, type certificate data sheets, airworthiness directives, and other approved data. If the progressive inspection is discontinued, the registered operator shall immediately notify the CASA Regional Office, in writing, of the discontinuance. After the discontinuance, the first annual inspection under sub-regulation 91.409(a)(1) is due within 12 calendar months after the last complete inspection of the aircraft under the progressive inspection. The 100-hour inspection under sub-regulation 91.409(b) is due within 100 hours after that complete inspection. A complete inspection of the aircraft, for the purpose of determining when the annual and 100-hour inspections are due, requires a detailed inspection of the aircraft and all its components in accordance with the progressive inspection. A routine inspection of the aircraft and a detailed inspection of several components is not considered to be a complete inspection.

(e) ***Large aeroplane(to which Part 125 is not applicable), turbojet multiengine airplanes, turbo-propeller-powered multiengine aeroplanes, and turbine-powered rotorcraft.*** No person may operate a large aeroplane, turbojet multiengine aeroplane, turbo-propeller-powered multiengine aeroplane, or turbine-powered rotorcraft unless the replacement times for life-limited parts specified in the aircraft specifications, type data sheets, or other documents approved by CASA, or the NAA responsible for design, are complied with and the aeroplane or turbine-powered rotorcraft, including the airframe, engines, propellers, rotors, appliances, survival equipment, and emergency equipment, is inspected in accordance with an inspection program selected under the provisions of paragraph (f) of this regulation, except that, the registered operator of a turbine-powered rotorcraft may elect to use the inspection provisions of sub-regulation 91.409(a), (b), (c), or (d) in lieu of an inspection option of sub-regulation 91.409(f).

(f) ***Selection of inspection program under paragraph (e) of this regulation.*** The registered operator of each aeroplane or turbine-powered rotorcraft described in paragraph (e) of this regulation must select, identify in the aircraft maintenance records, and use one of the following programs for the inspection of the aircraft:

(1) A continuous airworthiness inspection program that is part of a continuous airworthiness maintenance program currently in use by a person holding an air operators certificate under part 121 or 135

of these Regulations and operating that make and model aircraft under Part 121 of these Regulations or operating that make and model under Part 135 of these Regulations and maintaining it under Part 135 of these Regulations.

(2) An approved aircraft inspection program approved under Part 135 of these Regulations and currently in use by a person holding an air operators certificate issued under part 135 of this chapter.

(3) A current inspection program recommended by the manufacturer.

(4) Any other inspection program established by the registered operator of that aeroplane or turbine-powered rotorcraft and approved by CASA under sub-paragraph (g) of this regulation. However, CASA may require revision of this inspection program in accordance with the provisions of regulation 91.415.

Each operator shall include in the selected program the name and address of the person responsible for scheduling the inspections required by the program and make a copy of that program available to the person performing inspections on the aircraft and, upon request, to CASA.

(g) ***Inspection program approved under sub-paragraph of this regulation.*** Each operator of an aeroplane or turbine-powered rotorcraft desiring to establish or change an approved inspection program under sub- paragraph (f)(4) of this regulation must submit the program for approval to the responsible CASA Regional office. The program must be in writing and include at least the following information:

(1) Instructions and procedures for the conduct of inspections for the particular make and model airplane or turbine-powered rotorcraft, including necessary tests and checks. The instructions and procedures must set forth in detail the parts and areas of the airframe, engines, propellers, rotors, and appliances, including survival and emergency equipment required to be inspected.

(2) A schedule for performing the inspections that must be performed under the program expressed in terms of the time in service, calendar time, number of system operations, or any combination of these.

(h) ***Changes from one inspection program to another.*** When an operator changes from one inspection program under paragraph (f) of this regulation to another, the time in service, calendar times, or cycles of operation accumulated under the previous program must be applied in determining inspection due times under the new program.

Sourced FAR 91.409

91.317 Provisionally certificated civil aircraft: Operating limitations.

(a) No person may operate a provisionally certificated civil aircraft unless that person is eligible for a provisional airworthiness certificate under regulation 21.213 of these Regulations.

(b) No person may operate a provisionally certificated civil aircraft outside Australia and its territories unless that person has specific authority to do so from CASA and each foreign country involved.

(c) Unless otherwise authorized by the Director of CASA, no perso may operate a provisionally certificated civil aircraft in air transport operations.

(d) Unless otherwise authorised by CASA, no person may operate a provisionally certificated civil aircraft except -

(1) In direct conjunction with the type or supplemental type certification of that aircraft;

(2) For training flight crews, including simulated air operations;

(3) Demonstration flight by the manufacturer for prospective purchasers;

(4) Market surveys by the manufacturer;

(5) Flight checking of instruments, accessories, and equipment that do not affect the basic airworthiness of the aircraft; or

(6) Service testing of the aircraft.

(e) Each person operating a provisionally certificated civil aircraft shall operate within the prescribed limitations displayed in the aircraft or set forth in the provisional aircraft flight manual or other appropriate document. However, when operating in direct conjunction with the type or supplemental type certification of

the aircraft, that person shall operate under the experimental aircraft limitations of regulation 21.191 of these regulations and when flight testing, shall operate under the requirements of regulation 91.305 of this Part.

(f) Each person operating a provisionally certificated civil aircraft shall establish approved procedures for -

(1) The use and guidance of flight and ground personnel in operating under this Part; and

(2) Operating in and out of airports where takeoffs or approaches over populated areas are necessary. No person may operate that aircraft except in compliance with the approved procedures.

(g) Each person operating a provisionally certificated civil aircraft shall ensure that each flight crew member is properly licenced and has adequate knowledge of, and familiarity with, the aircraft and procedures to be used by that crew member.

(h) Each person operating a provisionally certificated civil aircraft shall maintain it as required by applicable regulations and as may be specially prescribed by CASA.

(i) Whenever the manufacturer, or CASA, determines that a change in design, construction, or operation is necessary to ensure safe operation, no person may operate a provisionally certificated civil aircraft until that change has been made and approved. Regulation 21.99 of these Regulations applies to operations under this regulation.

(j) Each person operating a provisionally certificated civil aircraft-

(1) May carry in that aircraft only persons who have a proper interest in the operations allowed by this regulation or who are specifically authorised by both the manufacturer and CASA; and

(2) Shall advise each person carried that the aircraft is provisionally certificated.

(k) CASA may prescribe additional limitations or procedures that CASA considers necessary, including limitations on the number of persons who may be carried in the aircraft.

Sourced FAR 91.317

137.3 Definition of terms.

For the purposes of this part -

Agricultural aircraft operation means the operation of an aircraft for the purpose of (1) dispensing any economic poison, (2) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control, or (3) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

Economic poison means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary of Agriculture shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

121.207 Provisionally certificated airplanes: Operating limitations.

In addition to the limitations in Sec. 91.317 of this chapter, the following limitations apply to the operation of provisionally certificated airplanes by certificate holders:

(a) In addition to crewmembers, each certificate holder may carry on such an airplane only those persons who are listed in Sec. 121.547(c) or who are specifically authorized by both the certificate holder and the Administrator.

(b) Each certificate holder shall keep a log of each flight conducted under this section and shall keep accurate and complete records of each inspection made and all maintenance performed on the airplane. The certificate holder shall make the log and records made under this section available to the manufacturer and the Administrator.

121.1500 SFAR No. 111 - Lavatory Oxygen Systems.

(a) ***Applicability.*** This SFAR applies to the following persons:

(1) All operators of transport category airplanes that are required to comply with AD 2012-11-09, but only for airplanes on which the actions required by that AD have not been accomplished.

(2) Applicants for airworthiness certificates.

(3) Holders of production certificates.

(4) Applicants for type certificates, including changes to type certificates.

(b) ***Regulatory relief.*** Except as noted in paragraph (d) of this section and contrary provisions of 14 CFR part 21, and 14 CFR 25.1447, 119.51, 121.329, 121.333 and 129.13, notwithstanding, for the duration of this SFAR:

(1) A person described in paragraph (a) of this section may conduct flight operations and add airplanes to operations specifications with disabled lavatory oxygen systems, modified in accordance with FAA Airworthiness Directive 2011-04-09, subject to the following limitations:

(i) This relief is limited to regulatory compliance of lavatory oxygen systems.

(ii) Within 30 days of March 29, 2013, all oxygen masks must be removed from affected lavatories, and the mask stowage location must be reclosed.

(iii) Within 60 days of March 29, 2013 each affected operator must verify that crew emergency procedures specifically include a visual check of the lavatory as a priority when checking the cabin following any event where oxygen masks were deployed in the cabin.

(2) An applicant for an airworthiness certificate may obtain an airworthiness certificate for airplanes to be operated by a person described in paragraph (a) of this section, although the airplane lavatory oxygen system is disabled.

(3) A holder of a production certificate may apply for an airworthiness certificate or approval for airplanes to be operated by a person described in paragraph (a) of this section.

(4) An applicant for a type certificate or change to a type certificate may obtain a design approval without showing compliance with § 25.1447(c)(1) of this chapter for lavatory oxygen systems, in accordance with this SFAR.

(5) Each person covered by paragraph (a) of this section may inform passengers that the lavatories are not equipped with supplemental oxygen.

(c) ***Return to service documentation***. When a person described in paragraph (a) of this section has modified airplanes as required by Airworthiness Directive 2011-04-09, the affected airplanes must be returned to service with a note in the airplane maintenance records that the modification was done under the provisions of this SFAR.

(d) ***Expiration.*** This SFAR expires on September 10, 2015, except this SFAR will continue to apply to any airplane for which the FAA approves an extension of the AD compliance time for the duration of the extension.

§ 91.1411 Continuous airworthiness maintenance program use by fractional ownership program manager.

Fractional ownership program aircraft may be maintained under a continuous airworthiness maintenance program (CAMP) under §§ 91.1413 through 91.1443. Any program manager who elects to maintain the program aircraft using a continuous airworthiness maintenance program must comply with §§ 91.1413 through 91.1443.

§ 91.1413 CAMP: Responsibility for airworthiness.

§ 91.1415 CAMP: Mechanical reliability reports.

§ 91.1417 CAMP: Mechanical interruption summary report.

§ 91.1423 CAMP: Maintenance organization.
§ 91.1425 CAMP: Maintenance, preventive maintenance, and alteration programs.
§ 91.1427 CAMP: Manual requirements.
§ 91.1429 CAMP: Required inspection personnel.
§ 91.1431 CAMP: Continuing analysis and surveillance.
§ 91.1433 CAMP: Maintenance and preventive maintenance training program.
§ 91.1437 CAMP: Authority to perform and approve maintenance.
§ 91.1439 CAMP: Maintenance recording requirements.
§ 91.1441 CAMP: Transfer of maintenance records.
§ 91.1443 CAMP: Airworthiness release or aircraft maintenance log entry.

14 CFR Part 36 - Noise Standards: Aircraft Type and Airworthiness Certification

Part 36, Noise Standards, Must Be Adopted to obtain Global Recognition of Certified Products

CASR 21.010 [91.xxx] Permissible unserviceabilities (relocate to Part 91 – Not Part 21 certification matter, continuing airworthiness)

(1) A person may apply to CASA, a Sub-part M authorised person or a relevant approved design organisation for approval of a defect in an Australian aircraft as a permissible unserviceability for the aircraft.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: See Part 11 for other matters relating to applications and decisions.

(2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must, for the purpose of these Regulations, approve the defect as a permissible unserviceability for the aircraft if satisfied that the aircraft, with the defect, meets the applicable airworthiness standards mentioned in subregulation (3).

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

(a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
(b) a decision imposing a condition on an approval.

(3) For subregulation (2), the applicable airworthiness standards are:

(a) for an aircraft for which there is a type certificate:

(i) the airworthiness standards mentioned in the type certificate and any special conditions to which the type certificate is subject under regulation 21.016; or

(ii) if the application states that the applicant elects to comply with a later version of those standards—that version of the standards and any special conditions to which the type certificate is subject under regulation 21.016; and

(b) for an aircraft for which there is a type acceptance certificate:

(i) the airworthiness standards mentioned in the type acceptance certificate and any conditions to which the type acceptance certificate is subject under regulation 21.029B; or

(ii) if the application states that the applicant elects to comply with a later version of those standards—that version of the standards and any special conditions to which the type acceptance certificate is subject under regulation 21.029B; and

(c) for a non-type-certificated aircraft:

(i) the airworthiness standards that applied to the original certification (however described) of the aircraft; or

(ii) if the application states that the applicant elects to comply with a later version of those standards—that version of the standards.

(4) An approval ceases to have effect at the earliest of the following times:

(a) if a cessation day (not later than 1 year after the day the approval is given) is stated in the approval—the end of that day;

(b) if a maximum amount of flight time is stated in the approval—when the aircraft has been flown for that amount of flight time;

(c) if a maximum number of flights is stated in the approval—when the aircraft has been flown for that number of flights;

(d) the end of 1 year after the approval is given.

Sourced: CASR Part 21.007