AMROBA Inc

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Outdated, unique regulations not compliant with ICAO SARPS or harmonised with FAR Part 21 from where CASR Part 21 was adopted.

In 1998, adoption of FARs 21 thru 39 as CASRs was based on CASA engineering staff being trained by the FAA Training Academy – Never Happened.

Outcome: Unique application, direction, interpretation of FAR based CASRs not benefitting Australian manufacturing businesses.

In 2009, the FAA completely rewrote FAR Part 21 to implement quality manufacturing practices for all production holders to better align globally.

In 2017, CASA stated they would urgently realign Part 21 with FAR Part 21 post a FAA/CASA Bilateral Agreement Meeting, in Canberra, to support the BASA with the USA/FAA.

No action in 6 years. We now have a product certification system that prevents global trade of Australian aviation manufactured products.

This has left Australia with unique requirements, practices and classifications not used or harmonised with any other nation.

We are isolated by the current dated and redundant regulatory system that is not up to world's best practice.

This prevents Australian design, manufacture and maintenance organisations from trading in foreign countries.

The following comparison chart demonstrates the clarity of the modernised FAR 'plain English' regulations compared to CASR's prescriptive' dated and redundant Part 21 regulations.

URGENT CHANGES THAT MUST BE ADOPTED, BASED ON THE MODERNISED FAR PART 21 THAT IS THE BASIS OF CASR PART 21.

1. **Title change to "*Certification Procedures for Products and Articles*" has focused the intent of the Part ('Certification Procedures')**
2. **Will remove redundant "*Production Inspection System*" – replaced by Quality Manufacturing System applicable TO all FAR 21 production holders. A system that was used in Australia pre 1988.**
3. **Removes "Class 1, 2, 3 products classifications" applicable to Australian manufactured products – no longer used anywhere in the world.**
4. **Clarifies industry individuals/organisations responsibilities by devolving more functions/responsibilities to industry. Aligned with global practice used by other major aviation manufacturing countries.**
5. **Modernisation of this Part is crucial to attain international 'trading' agreements for design, manufacturing and maintenance businesses.**
6. **Move all aircraft/parts markings regulations to Part 45 – need to stay harmonised with FAR Part 45 which is the basis of CASR Part 45.**
7. **Align Subpart J with EASA CS 21 Subpart J to correct known anomalies with CASR 21J. Enable Australian designs process to meet global standard/recognition.**
8. **Alignment with FAR numbering system will assist with future bilateral agreements. Future export of Australian made aviation products needs government to government bilateral agreements with many nations. i.e. free trade agreements government to government.**

Summary: Regulatory modernisation is a decade behind schedule IF Australia is to compete with manufacturing in the global aviation market.

Comparison CASR Part 21 and FAR Part 21

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CASR PART 21—CERTIFICATION AND AIRWORTHINESS REQUIREMENTS FOR AIRCRAFT AND PARTS	**Comment**	**FAR PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND ARTICLES**
Subpart A		**Subpart A—General**
21.001 Applicability (1) This Part deals with certification and airworthiness requirements, and includes: (a) rules dealing with type certificates, provisional type certificates, supplemental type certificates, type acceptance certificates, production certificates, certificates of airworthiness, export airworthiness approvals and modification/repair design approvals; and (b) rules governing the holders of certificates or approvals mentioned in paragraph (a); and (ba) matters relating to approved design organisations; and (c) rules dealing with the approval of aircraft engines, propellers and certain materials, parts, processes, and appliances. *Source* FARs section 21.1 modified. (2) 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). **21.001A Definition for Subpart** In this Subpart: *instrument* means an approval, authorisation, certificate or permit issued under this Part.	Update Harmonise	**§ 21.1 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 section; and (3) Procedural requirements for the approval of articles. (b) For the purposes of this part— (1) ***Airworthiness approval*** means a document, issued by the FAA 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 an FAA-approved Commercial Parts List included in a design approval holder's Instructions for Continued Airworthiness required by § 21.50; (4) ***Design approval*** means a type certificate (including amended and supplemental type certificates) or the approved design under a PMA, TSO authorization, letter of TSO 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 the FAA 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, a PMA, or a TSO authorization; (8) ***State of Design*** means the country or jurisdiction having regulatory authority over the organization 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 organization responsible for the production and airworthiness of a civil aeronautical product or article.

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		(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.
21.002C Suspension or cancellation of an instrument (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.	**Why include this provision in a critical Part required for global harmonisation?** **Transfer to Part 13**	
21.002D Show cause notices (1) CASA may give the holder of an instrument a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that would justify the suspension or cancellation of the instrument under regulation 21.002C. (2) A show cause notice must be in writing and must: (a) inform the holder of the facts or circumstances that, in CASA's opinion, would justify the suspension or cancellation of the instrument; and (b) invite the holder to show cause, within the period stated in the notice, why the instrument should not be suspended or cancelled.	**Why include this provision in a critical Part required for global harmonisation?** **Transfer to Part 13**	

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(3) The period stated in the notice must be reasonable, having regard to all the circumstances of the case. **21.002E Cancellation of certain certificates** (2) If CASA cancels a type certificate, provisional type certificate, type acceptance certificate or supplemental type certificate under regulation 11.130, CASA must publish a notice in the *Gazette* stating: (a) that the certificate is cancelled; and (b) when the cancellation takes effect. (3) The cancellation of a certificate mentioned in subregulation (2) takes effect on the day after the notice is published in the *Gazette*, or if a later day is stated in the request for cancellation, on the later day.		
	Adopt Safety	**§ 21.2 Falsification of 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; (2) 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; (3) Any reproduction for a fraudulent purpose of any certificate or approval issued under this part. (4) 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 section is a basis for— (1) Denying issuance of any certificate or approval under this part; and (2) Suspending or revoking any certificate or approval issued under this part and held by that person.
21.003 Reporting failures, malfunctions, and defects (1) The holder of a type certificate, a supplemental type certificate, an APMA or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any failure, malfunction, or defect in any of the following that has resulted in any of the occurrences listed in subregulation (4): (a) an aircraft, aircraft engine or propeller, or any other part or article manufactured by it; (b) a manufacturing process specified by it. Penalty: 25 penalty units. (2) The holder of a type certificate, a supplemental type certificate, an APMA, or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any defect in any aircraft, aircraft engine or propeller,	Update Harmonise	**§ 21.3 Reporting of failures, malfunctions, and defects.** (a) The holder of a type certificate (including amended or supplemental type certificates), a PMA, or a TSO authorization, or the licensee of a type certificate must report 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 section. (b) The holder of a type certificate (including amended or supplemental type certificates), a PMA, or a TSO authorization, or the licensee of a type certificate must report 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 section. (c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this section: (1) Fires caused by a system or equipment failure, malfunction, or defect.

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or in any part, or article manufactured by it that has left its control and that could result in any of the occurrences listed in subregulation (4). Penalty: 25 penalty units. (2A) The holder of an approval mentioned in subregulation (2B) must report to CASA any failure, malfunction or defect related to a modification or repair to which the approval relates that has resulted, or could result, in an occurrence mentioned in subregulation (4). Penalty: 25 penalty units. (2B) For subregulation (2A), the approval is: (a) a modification/repair design approval; or (b) an approval mentioned in regulation 21.475. (3) It is a defence to a prosecution under subregulation (1), (2) or (2A) that the defendant has reasonable grounds for believing that the relevant failure, malfunction or defect: (a) was caused by improper maintenance or use; or (b) was reported to CASA under another provision of these Regulations. Note: A defendant bears an evidential burden in relation to the matters mentioned in subregulation (3) (see subsection 13.3(3) of the *Criminal Code*). (4) The following occurrences must be reported as provided in subregulations (1), (2) and (2A): (a) fires caused by a system or equipment failure, malfunction, or defect; (b) an engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components; (c) the accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin; (d) a malfunction, failure, or defect of a propeller control system; (e) a propeller or rotorcraft hub or blade structural failure; (f) flammable fluid leakage in areas where an ignition source normally exists; (g) a brake system failure caused by structural or material failure during operation; (h) a significant aircraft primary structural defect or failure caused by any self-generating condition (for example, fatigue or corrosion); (i) any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure; (j) an engine failure; (k) any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft or which derogates from the flying qualities;		(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 section do not apply to— (1) Failures, malfunctions, or defects that the holder of a type certificate (including amended or supplemental type certificates), PMA, TSO authorization, or the licensee of a type certificate determines— (i) Were caused by improper maintenance or use; (ii) Were reported to the FAA by another person under this chapter; or (iii) Were reported under the accident reporting provisions of 49 CFR part 830 of the regulations of the National Transportation Safety Board. (2) Failures, malfunctions, or defects in products or articles— (i) Manufactured by a foreign manufacturer under a U.S. type certificate issued under § 21.29 or under an approval issued under § 21.621; or (ii) Exported to the United States under § 21.502. (e) Each report required by this section— (1) Must be made to the FAA 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 the FAA 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 this chapter;

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(l) a complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft; (m) a failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft. (6) For subregulations (1), (2) and (2A), a report must: (a) be given to CASA, in writing, within 3 working days after the person required to make the report becomes aware, or could reasonably be expected to have become aware, that the failure, malfunction, or defect required to be reported has occurred; and (b) include as much of the following information as is available and applicable: (i) the aircraft's serial number; (ii) the aircraft's registration mark; (iii) when the failure, malfunction, or defect is associated with an article approved under an ATSO authorisation—the article serial number and model designation, as appropriate; (iv) when the failure, malfunction, or defect is associated with an aircraft engine or propeller—the aircraft engine or propeller serial number, as appropriate; (v) identification of the product model; (vi) identification of the part, component, or system involved (including the part number); (vii) the nature of the failure, malfunction, or defect. (7) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under an ATSO authorisation is unsafe because of a manufacturing or design defect, the manufacturer must, upon request of CASA, investigate the defect and report to CASA the results of its investigation and any action taken or proposed by the manufacturer to correct that defect. Penalty: 25 penalty units. (8) If action is required to correct the defect in an article manufactured under an ATSO authorisation, the manufacturer must submit to CASA the data necessary for the issue of an appropriate airworthiness directive. Penalty: 10 penalty units. (9) An offence against subregulation (7) or (8) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.3 modified.		(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 the FAA, report to the FAA 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 the FAA.
	Adopt Harmonise	**§ 21.4 ETOPS reporting requirements.** (a) ***Early ETOPS: reporting, tracking, and resolving problems.*** The holder of a type certificate for an airplane-engine combination approved using the Early ETOPS method specified in part 25, Appendix K, of this chapter must use a system for reporting,

<table>
<tr><th>CASR Part 21 – 11/2023</th><th>Comment</th><th>FAR Part 21 – 11/2023 (21J CS 21J)</th></tr>
<tr><td></td><td></td><td>tracking, and resolving each problem resulting in one of the occurrences specified in paragraph (a)(6) of this section.
(1) The system must identify how the type certificate holder will promptly identify problems, report them to the responsible Aircraft Certification Service office, and propose a solution to the FAA to resolve each problem. A proposed solution must consist of—
(i) A change in the airplane 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 FAA.
(2) For an airplane 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 section; and
(ii) The FAA 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 authorization from the FAA:
<table><tr><th>If the change does not require a new airplane type certificate and . . .</th><th>Then the Problem Tracking and Resolution System must address . . .</th></tr><tr><td>(i) Requires a new engine type certificate</td><td>All problems applicable to the new engine installation, and for the remainder of the airplane, problems in changed systems only.</td></tr><tr><td>(ii) Does not require a new engine type certificate</td><td>Problems in changed systems only.</td></tr></table>(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 section or § 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.</td></tr>
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		(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 airplane 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. (b) Reliability of two-engine airplanes — (1) ***Reporting of two-engine airplane in-service reliability.*** The holder of a type certificate for an airplane approved for ETOPS and the holder of a type certificate for an engine installed on an airplane approved for ETOPS must report monthly to their respective Aircraft Certification Service office on the reliability of the world fleet of those airplanes and engines. The report provided by both the airplane and engine type certificate holders must address each airplane-engine combination approved for ETOPS. The FAA may approve quarterly reporting if the airplane-engine combination demonstrates an IFSD rate at or below those specified in paragraph (b)(2) of this section for a period acceptable to the FAA. This reporting may be combined with the reporting required by § 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 Aircraft Certification Service 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) ***World fleet IFSD rate for two-engine airplanes.*** The holder of a type certificate for an airplane approved for ETOPS and the holder of a type certificate for an engine installed on an airplane approved for ETOPS must issue service information to the operators of those airplanes 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, section I, paragraph (h), of part 121 of this chapter.

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		(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 this chapter.
21.005 Manufacturers etc to provide aircraft flight manuals for certain aircraft (1) This regulation applies to an aircraft only if: (a) the type certification basis for the aircraft did not require the provision of an aircraft flight manual; and (b) the aircraft was not flown before 1 March 1979. (1A) If the owner of the aircraft takes delivery of the aircraft from the holder of the type certificate for the aircraft, the holder must give the owner, when the owner takes delivery, an aircraft flight manual that: (a) contains the information mentioned in subregulations (2) and (3); and (b) complies with subregulation (3A). Penalty: 25 penalty units. (1B) If the owner of the aircraft takes delivery of the aircraft from the manufacturer of the aircraft, the manufacturer must give the owner, when the owner takes delivery, an aircraft flight manual that: (a) contains the information mentioned in subregulations (2) and (3); and (b) complies with subregulation (3A). **Penalty: 25 penalty units.** (2) The aircraft flight manual must contain the operating limitations and information required to be furnished in an aircraft flight manual or in manual material, markings, and placards, by the applicable regulations under which the aircraft was type certificated. (3) 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. (3A) For paragraphs (1A)(b) and (1B)(b): (a) the manual must have been approved for the aircraft: (i) by CASA, an authorised person or an approved design organisation under regulation 21.006; or (ii) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of aircraft flight manuals—by the national aviation authority or a person authorised to do so by the national aviation authority; or	Update Harmonise Include utilising FAA Orders and ACs	**§ 21.5 Airplane or Rotorcraft Flight Manual.** (a) With each airplane or rotorcraft not type certificated with an Airplane or Rotorcraft Flight Manual and having no flight time before March 1, 1979, the holder of a 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 Airplane or Rotorcraft Flight Manual. (b) The Airplane or Rotorcraft Flight Manual required by paragraph (a) of this section must contain the following information: (1) The operating limitations and information required to be furnished in an Airplane or Rotorcraft Flight Manual or in manual material, markings, and placards, by the applicable regulations under which the airplane 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.

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(iii) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of aircraft flight manuals—by the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority; and (b) any changes to the manual made to the manual since it was approved for the aircraft must have been approved: (i) by CASA, an authorised person or an approved design organisation under regulation 21.006A; or (ii) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—by the national aviation authority or a person authorised to do so by the national aviation authority; or (iii) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—by the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority. (4) An offence against subregulation (1A) or (1B) is an offence of strict liability. *Source* FARs section 21.5 modified.		
21.006 Approval of aircraft flight manuals (1) The holder of a type certificate for, or the manufacturer of, an aircraft to which regulation 21.005 applies may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a flight manual 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: Part 11 deals with applications and decision making. (2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the manual if CASA or the authorised person or approved design organisation is satisfied that it complies with the airworthiness standards that applied to the issue of the aircraft's type certificate, type acceptance certificate or foreign type certificate. 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.	Update Harmonise	**§ 21.6 Manufacture of new aircraft, aircraft engines, and propellers.** (a) Except as specified in paragraphs (b) and (c) of this section, 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 the FAA that the manufacture of the aircraft by that person began before August 5, 2004. (c) The requirements of this section do not apply to— (1) New aircraft imported under the provisions of §§ 21.183(c), 21.184(b), or 21.185(c); and (2) New aircraft engines or propellers imported under the provisions of § 21.500.
21.006A Approval of changes to aircraft flight manuals		

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(1) Any of the following persons may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a change to a flight manual for an aircraft: (a) the registered operator of the aircraft; (aa) if the aircraft is a Part 103 aircraft—the owner of the aircraft; (b) an applicant for any of the following: (i) approval of a change in the type design for the aircraft; (ii) a supplemental type certificate for the aircraft; (iii) a modification/repair design approval for the aircraft; (iv) an approval mentioned in regulation 21.475. 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. (2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the change if CASA or the authorised person or approved design organisation is satisfied that the manual as changed would comply with: (a) if the applicant is not an applicant for an instrument mentioned in paragraph (1)(b)—the airworthiness standards that applied to the issue of the aircraft's type certificate, type acceptance certificate or foreign type certificate; or (b) if the applicant is an applicant for an instrument mentioned in paragraph (1)(b)—the applicable airworthiness standards for the instrument; or (c) if the aircraft is a non-type certificated aircraft—the airworthiness standards that applied to the issue of the aircraft's certificate of airworthiness or permit under this Part. 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) In this regulation, a reference to a change to a flight manual includes a reference to a supplement to the flight manual.		
21.007 Permissible unserviceabilities (1) A person may apply to CASA, an authorised person or a relevant approved design organisation for approval of a defect in an Australian aircraft as a permissible unserviceability for the aircraft.	Consider transferring CASR 21.007 PUS to CASR Part 91 It is applicable to in-service	**§ 21.7 Continued airworthiness and safety improvements for transport category airplanes.** (a) On or after December 10, 2007, 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 26 of this subchapter.

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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;	operations not the certification of products	(b) For new transport category airplanes manufactured under the authority of the FAA, the holder or licensee of a type certificate must meet the applicable continued airworthiness and safety improvement requirements specified in part 26 of this subchapter for new production airplanes. Those requirements only apply if the FAA has jurisdiction over the organization responsible for final assembly of the airplane. [Doc. No. FAA–2004–18379, Amdt. 21–90, 72 FR 63404, Nov. 8, 2007] § 21.8 Approval of articles. If an article is required to be approved under this chapter, it may be approved— (a) Under a PMA; (b) Under a TSO; (c) In conjunction with type certification procedures for a product; or (d) In any other manner approved by the FAA.

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(d) the end of 1 year after the approval is given. **21.007A Advice about major damage** (1) A person may ask CASA, an authorised person or a relevant approved design organisation, in writing, to assess damage to an aircraft and advise whether the damage is major damage. (2) CASA or the authorised person or approved design organisation must advise the person, in writing, whether, in the opinion of CASA or the authorised person or approved design organisation, the damage is major damage. Note: Under regulation 47 of CAR, damage to an aircraft is taken not to be major damage if, under this regulation, CASA or an authorised person or approved design organisation advises a person that the damage is not major damage.		
21.008 Meaning of *technical data* In this Part: *technical data*, for the design of an aircraft, aircraft engine, propeller or appliance, or for the design of a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance, means: (a) data that describes the design, including: (i) the drawings and specifications necessary to define the configuration and design features of the aircraft, aircraft engine, propeller or appliance, or of the modification or repair, and a list of those drawings and specifications; and (ii) information on dimensions, materials and processes necessary for making the aircraft, aircraft engine, propeller or appliance, or the modification or repair; and (iii) the airworthiness limitations section of the instructions for the continued airworthiness of the aircraft, aircraft engine, propeller or appliance; and (iv) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine, propeller or appliance; and (v) any other data necessary to determine the airworthiness of the aircraft, aircraft engine, propeller or appliance; and (b) engineering reports, including test plans and reports, used to show that the design complies with the applicable airworthiness standards for an instrument for the design.	Unique Not Needed if FAR Part 21 harmonised	
21.009 Approval of technical data (1) This regulation applies if technical data for a design is submitted to CASA, an authorised person or a relevant approved design organisation in connection with an application for: (a) a type certificate; or (b) approval of a change in type design; or	Update Harmonise Include utilising FAA Orders and ACs	**§ 21.9 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 an FAA production approval;

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(c) a supplemental type certificate; or (ca) a variation of a supplemental type certificate; or (cb) approval of the product design of a Class II or Class III product; or (d) a letter of ATSO design approval; or (e) an ATSO authorisation; or (f) a modification/repair design approval; or (g) an APMA. (2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the technical data if CASA or the authorised person or approved design organisation is satisfied that the technical data demonstrates that the design complies with the applicable airworthiness standards for the instrument. (3) In this regulation: *Class II product*: see regulation 21.132. Note: For the meaning of *Class III product*, see the Dictionary.		(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 § 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 this chapter; or (7) Produced in any other manner approved by the FAA. (b) Except as provided in paragraphs (a)(1) through (a)(2) of this section, 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 section, a person may not sell or represent an article as suitable for installation on an aircraft type-certificated under §§ 21.25(a)(2) or 21.27 unless that article— (1) Was declared surplus by the U.S. Armed Forces, and (2) Was intended for use on that aircraft model by the U.S. Armed Forces.
21.010 References to modifications and repairs in Part (1) In this Part, a reference to a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance includes a reference to a modification of, or repair to, an aeronautical product for the aircraft, aircraft engine, propeller or appliance. (2) Subregulation (1) applies regardless of whether, at the time of the modification or repair, the aeronautical product was fitted to the aircraft, aircraft engine, propeller or appliance.		
21.010A References to the national aviation authority of a recognised country (1) In this Part, a reference to the national aviation authority of a recognised country includes a reference to EASA, whether or not EASA is performing a function on behalf of a recognised country. (2) To avoid doubt: (a) a foreign type certificate issued by EASA before 1 May 2014 is, and is taken to have been from the time it was issued, a foreign type certificate issued by the NAA of a recognised country; and (b) a certificate issued by EASA before 1 May 2014 that is equivalent to a supplemental type certificate that could have been issued by CASA is, and is taken to have been from the time it was issued, a foreign supplemental type certificate issued by the NAA of a recognised country; and (c) a design for a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance that was approved by EASA before 1 May 2014 is, and is taken to	Remain	

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have been from the time it was approved, a design approved by the NAA of a recognised country; and (d) a manufacturing approval (however described) for an aircraft engine, propeller, material, part or appliance issued by EASA before 1 May 2014 is, and is taken to have been from the time it was issued, a manufacturing approval issued by the NAA of a recognised country. (3) Also to avoid doubt, a foreign supplemental type certificate cancelled by EASA before 1 May 2014 is taken to have been cancelled by the NAA of a recognised country.		
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	Remain	

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(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.		
21.010C References to countries with which Australia has agreements (1) In this Part, a reference to a country with which Australia has an agreement for the acceptance of aircraft includes a reference to a country with the national aviation authority of which CASA has an agreement for the acceptance of aircraft. (2) In this Part, a reference to a country with which Australia has an agreement for the acceptance of aircraft engines, propellers, materials, parts or appliances includes a reference to a country with the national aviation authority of which CASA has an agreement for the acceptance of aircraft engines, propellers, materials, parts or appliances.	Remain	
21.010D Issue of Manual of Standards for Part 21 For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters: (a) required or permitted by these Regulations to be prescribed by the Part 21 Manual of Standards; or (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part. Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.	Same as FAA Orders	
Subpart 21.B—Type certificates and type acceptance certificates Note: A type certificate or a type acceptance certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.	**This needs to change so CASA can certify product meets Noise Standards**	**Subpart B—Type Certificates**
21.011 Applicability This Subpart prescribes: (a) requirements for the issue of: (i) type certificates for aircraft, aircraft engines and propellers; and (ii) type acceptance certificates for aircraft; and (b) rules governing the holders of those certificates; and	Harmonise	**§ 21.11 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.

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(c) rules dealing with the national aviation authorities of foreign countries. *Source* FARs section 21.11 modified.		
21.013 Eligibility Any person is eligible to apply to CASA for a type certificate or a type acceptance certificate. *Source* FARs section 21.13 modified.		**§ 21.13 Eligibility.** Any interested person may apply for a type certificate.
21.013A Issue of type certificate (1) Subject to regulation 11.055, CASA must issue a type certificate (except a type certificate mentioned in regulation 21.029) to an applicant for the certificate if the applicant: (a) is eligible, under regulation 21.013, to apply for the certificate; and (b) applies for the certificate in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate; and (d) otherwise complies with this Part. (2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to certify that the applicant meets a criterion for entitlement to a type certificate under this Subpart. (3) If the approved design organisation is satisfied that the applicant meets the criterion, the organisation may give CASA a certificate to that effect. (4) For paragraph (1)(c), if an approved design organisation gives CASA a certificate under subregulation (3) in relation to a criterion, CASA need consider only that certificate in deciding whether the applicant meets the criterion. (5) For subregulation (3), regulations 21.021, 21.024, 21.025 and 21.026 apply to consideration by an approved design organisation of an application for a type certificate as if each reference to CASA in those regulations were a reference to the approved design organisation.	Revise harmonise unnecessary	
21.014 Recognition of foreign certification Despite regulation 21.013A, CASA must not issue a type certificate mentioned in regulation 21.021, 21.024, or 21.025, for an aircraft manufactured in another country, if: (a) a type acceptance certificate may be issued for the aircraft under regulation 21.029A; or (b) a type certificate may be issued for the aircraft under regulation 21.029.	retain	
21.015 Application for type certificate (2) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.	Update and review	**§ 21.15 Application for type certificate.** (a) An application for a type certificate is made on a form and in a manner prescribed by the FAA.

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(3) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and the proposed engine operating limitations. *Source* FARs section 21.15 modified.		(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.
21.016 Special standards and other conditions on type certificates (1) If CASA considers that some of the airworthiness standards mentioned in these Regulations that are applicable to a particular type of aircraft, aircraft engine or propeller do not provide an adequate or appropriate safety standard for the aircraft, aircraft engine or propeller, CASA may issue a type certificate for it on condition that it complies with any special conditions that are necessary to establish a level of safety equivalent to that established under these Regulations for comparable aircraft, aircraft engines or propellers. (2) CASA may issue a type certificate for an aircraft, aircraft engine or propeller subject to any other conditions that are necessary in the interests of aviation safety. (3) A condition imposed under subregulation (2) may include operational limitations. (4) A special condition or other condition must be in writing, and set out in, or attached to, the type certificate. (5) A person must not engage in conduct that results in a breach of a special condition or other condition of a type certificate. Penalty: 50 penalty units. (6) An offence against subregulation (5) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.16 modified.	Update & harmonise	**§ 21.16 Special conditions.** If the FAA finds that the airworthiness regulations of this subchapter do not contain adequate or appropriate safety standards for an aircraft, aircraft engine, or propeller because of a novel or unusual design feature of the aircraft, aircraft engine or propeller, he prescribes special conditions and amendments thereto for the product. The special conditions are issued in accordance with Part 11 of this chapter and contain such safety standards for the aircraft, aircraft engine or propeller as the FAA finds necessary to establish a level of safety equivalent to that established in the regulations.
21.017 Designation of applicable airworthiness standards (1) An applicant for a type certificate for an aircraft mentioned in regulation 21.021 or 21.025, or an aircraft engine or propeller, must show that the aircraft, aircraft engine or propeller meets: (a) the applicable requirements of this Part, and of the airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, and of the airworthiness standards prescribed by the Part 21 Manual of Standards, 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 (b) any special conditions imposed under regulation 21.016.	Update & harmonise	**§ 21.17 Designation of applicable regulations.** (a) Except as provided in §§ 25.2, 27.2, 29.2, and in parts 26, 34, and 36 of this subchapter, an applicant for a type certificate must show that the aircraft, aircraft engine, or propeller concerned meets— (1) The applicable requirements of this subchapter that are effective on the date of application for that certificate unless— (i) Otherwise specified by the FAA; or (ii) Compliance with later effective amendments is elected or required under this section; and (2) Any special conditions prescribed by the FAA. (b) For special classes of aircraft, including the engines and propellers installed thereon (e.g., gliders, airships, and other nonconventional aircraft), for which airworthiness standards have not been issued under this subchapter, the applicable requirements will

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(2) For special classes of aircraft (airships and other non-conventional aircraft), including the engines and propellers installed thereon, for which airworthiness standards have not been prescribed in these Regulations, the airworthiness standards are the portions of those airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, and of the airworthiness standards prescribed by the Part 21 Manual of Standards, that CASA considers to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as CASA may consider provide an equivalent level of safety to those airworthiness standards. (3) An application for type certification of a transport category aircraft is effective for 5 years, and an application for any other type certificate is effective for 3 years, unless an applicant shows, before the application lapses, that the aircraft requires a longer period of time for design, development, and testing, and CASA approves a longer period. (4) If an application ceases to be effective, the applicant may: (a) file a new application for a type certificate and comply with all the provisions of subregulation (1) applicable to an original application; or (b) file for an extension of the original application and comply with the applicable airworthiness requirements of these Regulations that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under subregulation (3) for the original application. (5) If an applicant elects to comply with an amendment to these Regulations or the Part 21 Manual of Standards, or to any matter incorporated by reference in these Regulations, that is effective after the filing of the application for a type certificate, the applicant must also comply with any other amendment or incorporated matter that CASA considers is directly related to the application. (6) For primary category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis. (7) For intermediate category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis. (8) If an airworthiness standard has been agreed by CASA or one of its predecessors after 30 September 1993 as a response to a design advice mentioned in section 100.3 or 100.6 of the Civil Aviation Orders, the standard continues to apply until		be the portions of those other airworthiness requirements contained in Parts 23, 25, 27, 29, 31, 33, and 35 found by the FAA to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as the FAA may find provide an equivalent level of safety to those parts. (c) An application for type certification of a transport category aircraft is effective for 5 years and an application for any other type certificate is effective for 3 years, unless an applicant shows at the time of application that his product requires a longer period of time for design, development, and testing, and the FAA approves a longer period. (d) In a case where a type certificate has not been issued, or it is clear that a type certificate will not be issued, within the time limit established under paragraph (c) of this section, the applicant may— (1) File a new application for a type certificate and comply with all the provisions of paragraph (a) of this section applicable to an original application; or (2) File for an extension of the original application and comply with the applicable airworthiness requirements of this subchapter that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under paragraph (c) of this section for the original application. (e) If an applicant elects to comply with an amendment to this subchapter that is effective after the filing of the application for a type certificate, he must also comply with any other amendment that the FAA finds is directly related. (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 the FAA may find appropriate and applicable to the specific design and intended use and provide a level of safety acceptable to the FAA. (2) The noise standards of part 36 applicable to primary category aircraft.

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5 years after the date of approval of the design advice, unless the applicant elects to comply with a later standard. *Source* FARs section 21.17 modified.		
21.019 Changes requiring a new type certificate (1) A type certificate for an aircraft, aircraft engine or propeller ceases to apply to an aircraft, aircraft engine or propeller of that type if: (a) a change is made in the design configuration, power, power limitations (engines), speed limitations (engines), or weight of the aircraft, aircraft engine or propeller that is so extensive that a substantially complete investigation of compliance with the requirements applicable under regulation 21.017 is necessary in the interests of aviation safety; or (b) in the case of a normal, utility, acrobatic, commuter or transport category aircraft, a change is made: (i) in the number of its engines or rotors; or (ii) to engines or rotors using different principles of propulsion or to rotors using different principles of operation; or (c) in the case of an aircraft engine—a change is made in the principle of operation; or (d) in the case of propellers—a change is made in the number of blades or principle of pitch change operation. (2) A person who proposes to make a change mentioned in subregulation (1) may apply to CASA for a new type certificate for the aircraft, aircraft engine or propeller. *Source* FARs section 21.19 modified.	Update and harmonise	**§ 21.19 Changes requiring a new type certificate.** Each person who proposes to change a product must apply for a new type certificate if the FAA finds that the proposed change in design, power, thrust, or weight is so extensive that a substantially complete investigation of compliance with the applicable regulations is required.
	Adopt and harmonise	**§ 21.20 Compliance with applicable requirements.** The applicant for a type certificate, including an amended or supplemental type certificate, must— (a) Show compliance with all applicable requirements and must provide the FAA the means by which such compliance has been shown; and (b) Provide a statement certifying that the applicant has complied with the applicable requirements.
21.021 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 (except an aircraft mentioned in regulation 21.027) in the normal, utility, acrobatic, commuter, or transport category, or for a manned free balloon, or for a special class of aircraft or an aircraft engine or propeller, if:	Adopt and harmonise	**§ 21.21 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—

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(a) the applicant submits the type design, test reports, and computations necessary to show that the aircraft, aircraft engine or propeller to be certificated meets the applicable requirements of this Part, the airworthiness standards mentioned in these Regulations and any conditions subject to which the type certificate is to be issued; and (b) CASA is satisfied that the type design and the aircraft, engine or propeller meet the applicable requirements of this Part and the airworthiness standards mentioned in these Regulations, and any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and (c) for an aircraft—CASA is satisfied the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use. *Source* FARs section 21.21 modified.		(a) The product qualifies under § 21.27; or (b) The applicant submits the type design, test reports, and computations necessary to show that the product to be certificated meets the applicable airworthiness, aircraft noise, fuel venting, and exhaust emission requirements of this subchapter and any special conditions prescribed by the FAA, and the FAA finds— (1) Upon examination of the type design, and after completing all tests and inspections, that the type design and the product meet the applicable noise, fuel venting, and emissions requirements of this subchapter, and further finds that they meet the applicable airworthiness requirements of this subchapter or that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and (2) For an aircraft, that no feature or characteristic makes it unsafe for the category in which certification is requested.
		§ 21.23 [Reserved]
21.024 Type certificate: primary category aircraft (1) The applicant is entitled to a type certificate for an aircraft in category if: the primary (a) the aircraft: (i) is unpowered; is an aeroplane powered by a single, naturally aspirated engine with a 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; or is a rotorcraft powered by a single, naturally aspirated engine with a 29.3 kgm^{-2} main rotor disc loading limitation, under sea level standard day conditions; and (ii) has a maximum take-off weight of not more than 1225 kg or, if the aircraft is a seaplane, a maximum take-off weight of not more than 1530 kg; and (iii) has a maximum seating capacity of not more than 4 persons, including the pilot; and (iv) has an unpressurised cabin; and (b) the applicant has submitted to CASA: (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(6); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and (ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and		**§ 21.24 Issuance of type certificate: primary category aircraft.** (a) The applicant is entitled to a type certificate for an aircraft in the primary category if— (1) The aircraft— (i) Is unpowered; is an airplane powered by a single, naturally aspirated engine with a 61-knot or less V_{S0} stall speed as determined under part 23 of this chapter; or is a rotorcraft with a 6-pound per square foot main rotor disc loading limitation, under sea level standard day conditions; (ii) Weighs not more than 2,700 pounds; or, for seaplanes, not more than 3,375 pounds; (iii) Has a maximum seating capacity of not more than four persons, including the pilot; and (iv) Has an unpressurized cabin. (2) The applicant has submitted— (i) Except as provided by paragraph (c) of this section, a statement, in a form and manner acceptable to the FAA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards and noise requirements established for the aircraft under § 21.17(f); and no feature or characteristic makes it unsafe for its intended use; (ii) The flight manual required by § 21.5(b), including any information required to be furnished by the applicable airworthiness standards; (iii) Instructions for continued airworthiness in accordance with § 21.50(b); and (iv) A report that: summarizes how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type

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(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 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(6); 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. *Source* FARs section 21.24 modified.		certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations that the applicant must retain and make available under § 21.49 to substantiate compliance with the applicable airworthiness standards. (3) The FAA finds that— (i) The aircraft complies with those applicable airworthiness requirements approved under § 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 the United States in a country with which the United States has a bilateral airworthiness agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into the United States— (1) The statement required by paragraph (a)(2)(i) of this section must be made by the civil airworthiness authority of the exporting country; and (2) The required manuals, placards, listings, instrument markings, and documents required by paragraphs (a) and (b) of this section must be submitted in English. [Doc. No. 23345, 57 FR 41367, Sept. 9, 1992, as amended by Amdt. 21–75, 62 FR 62808, Nov. 25, 1997; Doc. No. FAA–2015–1621, Amdt. 21–100, 81 FR 96689, Dec. 30, 2016]
21.025 Issue of type certificate: restricted category aircraft (1) An applicant is entitled to a type certificate for an aircraft in the **restricted** category for one or more of the special purpose operations mentioned in subregulation (2) if: (a) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and (b) the aircraft: (i) meets the airworthiness requirements of the normal, utility, acrobatic, commuter or transport category, except those requirements that CASA considers are inappropriate for the special purpose for which the aircraft is to be used; or (ii) is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America, and has been later modified for the special purpose operation or operations. (2) For subregulation (1), the special purpose operations are: (a) agricultural operations (for example, spraying, dusting, and seeding, and livestock and feral animal control); and	Update Harmonise Include utilising FAA Orders and ACs	**§ 21.25 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 this chapter, and if he shows that no feature or characteristic of the aircraft makes it unsafe when it is operated under the limitations prescribed for its intended use, and that the aircraft— (1) Meets the airworthiness requirements of an aircraft category except those requirements that the FAA finds inappropriate for the special purpose for which the aircraft is to be used; or (2) Is of a type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force of the United States and has been later modified for a special purpose. (b) For the purposes of this section, "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);

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(b) forest and wildlife conservation; and (c) firefighting; and (d) aerial surveying or scientific research (for example, photography, mapping, and oil and mineral exploration); and (e) patrolling (for example, pipelines, power lines, and canals); and (f) weather control and atmospheric research (for example, cloud seeding); and (g) aerial advertising (for example, skywriting, banner towing, airborne signs and public address systems); and (h) glider towing; and (i) target towing; and (j) target designation; and (k) any other operation similar to any of these operations. *Source* FARs section 21.25 modified.		(5) Weather control (cloud seeding); (6) Aerial advertising (skywriting, banner towing, airborne signs and public address systems); and (7) Any other operation specified by the FAA. [Doc. No. 5085, 29 FR 14564, Oct. 24, 1964, as amended by Amdt. 21–42, 40 FR 1033, Jan. 6, 1975]

21.026 Type certificate: intermediate category aircraft (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	**Unique** **Is it still required?** **When introduced there was an Australian aircraft designer considering the classification.** **Changes that have happened suggests strongly that there is no longer a market for this standard.**	

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required by subparagraph (1)(b)(i) must be made by the national aviation authority of the exporting country. *Source* FARs section 21.24 modified.		

21.027 Type certificate: surplus aircraft of the Armed Forces

(1) Except as provided in subregulation (2), an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in Australian territory and was accepted for operational use, and declared surplus by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America (in this regulation called a *surplus defence aircraft*), and that is shown to comply with the applicable certification requirements in subregulation (6).

(2) An applicant is entitled to a type certificate for a surplus defence aircraft that is a counterpart of a previously type certificated civil aircraft, if the applicant shows compliance with the regulations governing the original civil aircraft type certificate.

(3) Aircraft engines, propellers, and their related accessories installed in surplus defence aircraft, for which a type certificate is sought under this regulation will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the engines or propellers provide substantially the same level of airworthiness as would be provided if the engines or propellers met the airworthiness standards:

(a) mentioned in Part 33 or 35; or

(b) prescribed by the Part 21 Manual of Standards.

(4) CASA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in subregulation (6), if CASA is satisfied that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with the requirements would impose a severe burden on the applicant. CASA may use experience that was satisfactory to the relevant armed force in making such a determination.

(5) CASA may require an applicant to comply with later requirements than those in subregulations (3) and (6) if CASA is satisfied that compliance with the requirements in those subregulations would not ensure an adequate level of airworthiness for the aircraft.

(6) Except as provided in subregulations (2), (3), (4) and (5), an applicant for a type certificate under this regulation must comply with the appropriate regulations listed in Table 21.027.

Table 21.027 Regulations that must be complied with for particular kinds of aircraft

Type of Aircraft	Date accepted for operational use by the Armed Force	Regulations that apply 1
Small reciprocating-engine powered aeroplanes	Before May 16, 1956	Civil Air Regulations Part 3, as effective May 15 1956

CASR probably only needs review

§ 21.27 Issue of type certificate: surplus aircraft of the Armed Forces.

(a) Except as provided in paragraph (b) of this section an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in the United States, accepted for operational use, and declared surplus by, an Armed Force of the United States, and that is shown to comply with the applicable certification requirements in paragraph (f) of this section.

(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces of the United States that is a counterpart of a previously type certificated civil aircraft, if he shows compliance with the regulations governing the original civil aircraft type certificate.

(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces aircraft, for which a type certificate is sought under this section, will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the product provides substantially the same level of airworthiness as would be provided if the engines or propellers were type certificated under Part 33 or 35 of this subchapter.

(d) The FAA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this section, if the FAA finds that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with those regulations would impose a severe burden on the applicant. The FAA may use experience that was satisfactory to an Armed Force of the United States in making such a determination.

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

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

Type of aircraft	Date accepted for operational use by the Armed Forces of the United States	Regulations that apply[1]
Small reciprocating-engine powered airplanes	Before May 16, 1956 After May 15, 1956	CAR Part 3, as effective May 15, 1956. CAR Part 3, or 14 CFR Part 23.
Small turbine engine-powered airplanes	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 3, as effective Oct. 1, 1959. CAR Part 3 or 14 CFR Part 23
Commuter category airplanes	After (Feb. 17, 1987)	FAR Part 23 as of (Feb. 17, 1987).
Large reciprocating-engine powered airplanes	Before Aug. 26, 1955 After Aug. 25, 1955	CAR Part 4b, as effective Aug. 25, 1955. CAR Part 4b or 14 CFR Part 25.

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	After May 15, 1956	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23		Large turbine engine-powered airplanes	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 4b, as effective Oct. 1, 1959. CAR Part 4b or 14 CFR Part 25.
Small turbine-engine powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 3, as effective Oct. 1 1959		Rotorcraft with maximum certificated takeoff weight of:	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 6, as effective Oct. 1, 1959. CAR Part 6, or 14 CFR Part 27
	After Oct. 1, 1959	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23		6,000 pounds or less	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 7, as effective Oct. 1, 1959. CAR Part 7, or 14 CFR Part 29
Commuter category aeroplanes	After Feb. 17, 1987	FARs Part 23, as effective Feb 17, 1987, or CASR Part 23		Over 6,000 pounds		
Large reciprocating-engine powered aeroplanes	Before Aug. 26, 1955	Civil Air Regulations Part 4b, as effective Aug. 25, 1955		[1] Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the Armed Forces.		
	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.				

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[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. *Source* FARs section 21.27 modified.		
21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by national aviation authority of recognised country (1) Subject to regulation 11.055, CASA must issue a type certificate for an aircraft, aircraft engine or propeller manufactured in a foreign country and for which a foreign type certificate issued by the national aviation authority of a recognised country is not in force, if the aircraft, aircraft engine or propeller: (a) meets the applicable airworthiness requirements mentioned in regulation 21.017; or (b) meets the airworthiness requirements of a Contracting State and any other requirements imposed by CASA that are necessary to provide a level of safety equivalent to that provided under these Regulations for comparable aircraft, aircraft engines or propellers. (2) CASA may accept a certificate given by the national aviation authority of a Contracting State to the effect that an aircraft, aircraft engine or propeller meets the State's airworthiness requirements as evidence of that fact. (3) An application for a type certificate under this regulation must be accompanied by: (a) any relevant certificate issued by the national aviation authority of a Contracting State; and (b) the relevant technical data. (4) CASA may inspect the aircraft, aircraft engine or propeller and carry out, or require the applicant to carry out, any tests and inspections necessary to enable CASA to decide whether or not to issue the type certificate. *Source* FARs section 21.29 modified.	Update and harmonise	**§ 21.29 Issue of type certificate: import products.** (a) The FAA may issue a type certificate for a product that is manufactured in a foreign country or jurisdiction with which the United States has an agreement for the acceptance of these products for export and import and that is to be imported into the United States if— (1) The applicable State of Design certifies that the product has been examined, tested, and found to meet— (i) The applicable aircraft noise, fuel venting, and exhaust emissions requirements of this subchapter as designated in § 21.17, or the applicable aircraft noise, fuel venting, and exhaust emissions requirements of the State of Design, and any other requirements the FAA may prescribe to provide noise, fuel venting, and exhaust emission levels no greater than those provided by the applicable aircraft noise, fuel venting, and exhaust emission requirements of this subchapter as designated in § 21.17; and (ii) The applicable airworthiness requirements of this subchapter as designated in § 21.17, or the applicable airworthiness requirements of the State of Design and any other requirements the FAA may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in § 21.17; (2) The applicant has provided technical data to show the product meets the requirements of paragraph (a)(1) of this section; and (3) The manuals, placards, listings, and instrument markings required by the applicable airworthiness (and noise, where applicable) requirements are presented in the English language. (b) A product type certificated under this section is considered to be type certificated under the noise standards of part 36 of this subchapter and the fuel venting and exhaust emission standards of part 34 of this subchapter. Compliance with parts 36 and 34 of this subchapter is certified under paragraph (a)(1)(i) of this section, and the applicable airworthiness standards of this subchapter, or an equivalent level of safety, with which compliance is certified under paragraph (a)(1)(ii) of this section.
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:	Retain	

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(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).		
21.029B Issue of type acceptance certificates subject to conditions (1) CASA may issue a type acceptance certificate under regulation 21.029A subject to a condition that is substantially the same as a condition imposed by the 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.	Retain	

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(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).		
21.029C Refusal to issue type acceptance certificate (1) CASA may refuse to issue a type acceptance certificate for an aircraft manufactured in a foreign country if: (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 11.260(2)(c).	retain	
21.031 Type design—meaning (1) The type design of an aircraft, aircraft engine or propeller (except an aircraft, aircraft engine or propeller type certificated under regulation 21.029 or 21.029A) consists of the following: (a) the drawings and specifications contained in technical data approved under regulation 21.009 for the aircraft, aircraft engine or propeller, and a list of those drawings and specifications; (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller; (c) the airworthiness limitations section of the instructions for continued airworthiness:	Update and Adopt simpler text	**§ 21.31 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 this subchapter, or as otherwise required by the FAA; and as specified in the applicable airworthiness criteria for special classes of aircraft defined in § 21.17(b); and (d) For primary category aircraft, if desired, a special inspection and preventive maintenance program designed to be accomplished by an appropriately rated and trained pilot-owner.

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(i) as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or as otherwise required by CASA; or (ii) for special classes of aircraft mentioned in subregulation 21.017(2)—as specified in the applicable airworthiness criteria; (d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, and the airworthiness standards prescribed by the Part 21 Manual of Standards, and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017(2); (e) for primary and intermediate category aircraft, if maintenance on the aircraft is to be carried out by the pilot-owner of the aircraft—a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner; (f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type. (2) The type design for an aircraft, aircraft engine or propeller type certificated under regulation 21.029 consists of the following: (a) the drawings and specifications contained in technical data approved under regulation 21.009 for the aircraft, aircraft engine or propeller, and a list of those drawings and specifications; (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller; (c) the airworthiness limitations section of the instructions for continued airworthiness: (i) as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or as otherwise required by CASA; or (ii) for special classes of aircraft mentioned in subregulation 21.017(2)—as specified in the applicable airworthiness criteria; (d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, and the airworthiness standards prescribed by the Part 21 Manual of Standards, and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017(2); (e) for primary category aircraft, if maintenance on the aircraft is to be carried out by the pilot-owner of the aircraft—a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;		(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.

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(f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type. (3) The type design for an aircraft type certificated under regulation 21.029A consists of the type design that was accepted by the national aviation authority of the recognised country that issued the foreign type certificate for the aircraft. *Source* FARs section 21.31 modified.		
21.033 Inspection and tests (1) CASA is not required to issue, under regulation 21.013A, a type certificate for an aircraft, aircraft engine or propeller unless the applicant allows CASA to make any inspection and any flight and ground test necessary to determine that the aircraft, aircraft engine or propeller complies with the applicable requirements of these Regulations. However: (a) no aircraft, aircraft engine, propeller, or part thereof may be presented to CASA for test unless compliance with paragraphs (2)(b), (c) and (d) has been shown for that aircraft, aircraft engine, propeller, or part thereof; and (b) no change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (2)(b), (c) and (d) is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to CASA for test. (2) Each applicant must make all inspections and tests necessary to determine: (a) compliance with the applicable airworthiness requirements; and (b) that the aircraft, aircraft engine or propeller and its materials conform to the specifications in the type design; and (c) that parts of the aircraft, aircraft engine or propeller conform to the drawings in the type design; and (d) that the manufacturing processes, construction and assembly conform to those specified in the type design. (3) For an aircraft with not more than 2 seats, a maximum take-off weight not exceeding 750 kg and a 45 knots or less V_{S0} stall speed as defined in FARs section 23.49 that is to be type certificated in the primary category or intermediate category, an authorised person may make any determination, inspection, flight test or ground test necessary to establish whether the aircraft complies with the applicable requirements of these Regulations. *Source* FARs section 21.33 modified.	*Review and harmonise*	**§ 21.33 Inspection and tests.** (a) Each applicant must allow the FAA to make any inspection and any flight and ground test necessary to determine compliance with the applicable requirements of this subchapter. However, unless otherwise authorized by the FAA— (1) No aircraft, aircraft engine, propeller, or part thereof may be presented to the FAA for test unless compliance with paragraphs (b)(2) through (b)(4) of this section has been shown for that aircraft, aircraft engine, propeller, or part thereof; and (2) No change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (b)(2) through (b)(4) of this section is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to the FAA for test. (b) Each applicant must make all inspections and tests necessary to determine— (1) Compliance with the applicable airworthiness, aircraft noise, fuel venting, and exhaust emission requirements; (2) That materials and products conform to the specifications in the type design; (3) That parts of the products conform to the drawings in the type design; and (4) That the manufacturing processes, construction and assembly conform to those specified in the type design.
21.035 Flight tests (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must make the tests listed in subregulation (2). Before making the tests the applicant must show CASA:	Review and harmonise	**§ 21.35 Flight tests.** (a) Each applicant for an aircraft type certificate (other than under §§ 21.24 through 21.29) must make the tests listed in paragraph (b) of this section. Before making the tests the applicant must show—

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(a) compliance with the applicable structural requirements of these Regulations; and (b) completion of necessary ground inspections and tests; and (c) that the aircraft conforms with the type design; and (d) that CASA received a flight test report from the applicant (signed, in the case of an application for a type certificate for an aircraft in the transport category, by the applicant's test pilot) containing the results of the tests. (2) Upon showing compliance with subregulation (1), the applicant must make all flight tests that CASA considers are necessary: (a) to determine compliance with the applicable requirements of these Regulations; and (b) for aircraft to be type certificated under these Regulations, except gliders and except aeroplanes of 2720 kg or less maximum certificated weight in the normal, utility, acrobatic, or commuter category—to determine whether there is reasonable assurance that the aircraft, its components, and its equipment are reliable and function properly. (3) Each applicant must, if practicable, make the tests prescribed in paragraph (2)(b) upon the aircraft that was used to show compliance with: (a) paragraph (2)(a); and (b) for rotorcraft—the rotor drive endurance tests prescribed in the applicable airworthiness standards mentioned in Parts 27 and 29 or prescribed by the Part 21 Manual of Standards. (4) Each applicant must show CASA for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes. (5) Except in a manned free balloon, an applicant must discontinue flight tests under this regulation until the applicant shows CASA that corrective action has been taken, whenever: (a) the applicant's test pilot is unable or unwilling to make any of the required flight tests; or (b) items of non-compliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous. (6) The flight tests prescribed in paragraph (2)(b) must include: (a) 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 (b) for all other aircraft—at least 150 hours of operation. *Source* FARs section 21.35 modified.		(1) Compliance with the applicable structural requirements of this subchapter; (2) Completion of necessary ground inspections and tests; (3) That the aircraft conforms with the type design; and (4) That the FAA received a flight test report from the applicant (signed, in the case of aircraft to be certificated under Part 25 [New] of this chapter, by the applicant's test pilot) containing the results of his tests. (b) Upon showing compliance with paragraph (a) of this section, the applicant must make all flight tests that the FAA 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 section upon the aircraft that was used to show compliance with— (1) Paragraph (b)(1) of this section; and (2) For rotorcraft, the rotor drive endurance tests prescribed in § 27.923 or § 29.923 of this chapter, as applicable. (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 section 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 section 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.

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21.037 Flight test pilot Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must provide a person holding an appropriate: (a) class rating; or (b) type rating; or (c) balloon class endorsement within the meaning of subregulation 5.01(1) of CAR; or (d) authorisation under regulation 61.140; or (e) authorisation under regulation 5.50 of CAR; to make the flight tests required by this Part. *Source* FARs section 21.37 modified.	Update	**§ 21.37 Flight test pilot.** Each applicant for a normal, utility, acrobatic, commuter, or transport category aircraft type certificate must provide a person holding an appropriate pilot certificate to make the flight tests required by this part.
21.039 Flight test instrument calibration and correction report (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must submit a report to CASA showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions. (2) Each applicant must allow CASA to conduct any flight tests that CASA is satisfied is necessary to check the accuracy of the report submitted under subregulation (1). *Source* FARs section 21.39 modified.	Update	**§ 21.39 Flight test instrument calibration and correction report.** (a) Each applicant for a normal, utility, acrobatic, commuter, or transport category aircraft type certificate must submit a report to the FAA showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions. (b) Each applicant must allow the FAA to conduct any flight tests that he finds necessary to check the accuracy of the report submitted under paragraph (a) of this section.
21.041 Type certificate—meaning (1) In these Regulations, unless the contrary intention appears: *foreign type certificate*, for an aircraft, aircraft engine or propeller: (a) means a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the national aviation authority of a foreign country and is equivalent to a type certificate; but (b) does not include a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the national aviation authority of a foreign country solely on the basis of a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the national aviation authority of another country and is equivalent to a type certificate. *type certificate*, for an aircraft, aircraft engine or propeller, means a type certificate issued by CASA under regulation 21.013A or 21.029 certifying that the aircraft, aircraft engine or propeller meets the airworthiness standard mentioned for it in the certificate.	Plain English	**§ 21.41 Type certificate.** Each type certificate is considered to include the type design, the operating limitations, the certificate data sheet, the applicable regulations of this subchapter with which the FAA records compliance, and any other conditions or limitations prescribed for the product in this subchapter.

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(2) In these Regulations, except in this Subpart, a reference to a *type certificate*, or *foreign type certificate*, for an aircraft, aircraft engine or propeller, includes a reference to the type design, the operating limitations, the type certificate data sheet, the applicable airworthiness standards with which the certificate records compliance, and any other conditions or limitations prescribed for the aircraft, aircraft engine or propeller under these Regulations. *Source* FARs section 21.41 modified.		
21.043 Location of manufacturing facilities Despite regulation 21.013A, CASA is not required to consider an application for a type certificate for an aircraft, aircraft engine or propeller (except an application under regulation 21.029) if the manufacturing facilities for the aircraft, aircraft engine or propeller are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering applicable airworthiness requirements. *Source* FARs section 21.43 modified.	Harmonise	**§ 21.43 Location of manufacturing facilities.** Except as provided in § 21.29, the FAA does not issue a type certificate if the manufacturing facilities for the product are located outside of the United States, unless the FAA finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.
	Adopt	**§ 21.45 Privileges.** The holder or licensee of a type certificate for a product may— (a) In the case of aircraft, upon compliance with §§ 21.173 through 21.189, obtain airworthiness certificates; (b) In the case of aircraft engines or propellers, obtain approval for installation on certificated aircraft; (c) In the case of any product, upon compliance with subpart G of this part, obtain a production certificate for the type certificated product; (d) Obtain approval of replacement parts for that product.
21.047 Transfer of type certificates (1) The holder of a type certificate (the *transferor*) may transfer the certificate to another person (the *transferee*) by giving to the transferee: (a) the certificate; and (b) a copy of each document that the transferor is required to keep under these Regulations in relation to the certificate. (2) However, the certificate may be transferred only with the written consent of the transferee. (3) The transferor commits an offence if the transferor does not, within 30 days after transferring the certificate, give CASA a written notice stating: (a) the date of the transfer; and (b) the name and address of the transferee. Penalty: 50 penalty units.	Better clarity in FAR	**§ 21.47 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 the FAA 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 the United States has an agreement with that State of Design for the acceptance of the affected product for export and import. Each transferor must notify the FAA before such a transfer in a form and manner acceptable to the FAA. This notification must include the applicable type certificate number; the name, address, and country of residence of the transferee; and the anticipated date of the transfer.

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(4) An offence against this regulation is an offence of strict liability. *Source* FARs section 21.047 modified. **21.048 Licensing of type certificates** (1) The holder of a type certificate (the *licensor*) may confer the benefits of the certificate on another person (the *licensee*) by making a licensing agreement with the licensee. (2) The licensor commits an offence if the licensor does not, within 30 days after making the licensing agreement, give CASA a written notice stating: (a) the date of the licensing agreement; and (b) the name and address of the licensee; and (c) the benefits conferred on the licensee. Penalty: 50 penalty units. (3) The licensor commits an offence if: (a) the licensing agreement is terminated; and (b) the licensor does not, within 30 days after the termination, give CASA a written notice stating the date of the termination. Penalty: 50 penalty units. (4) An offence against this regulation is an offence of strict liability. *Source* FARs section 21.047 modified.		(d) Before executing or terminating a licensing agreement that makes a type certificate available to another person, the type certificate holder must notify the FAA 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.
21.049 Availability (1) The holder of a type certificate must make the certificate, and the type design of the aircraft, aircraft engine or propeller described or identified in the certificate, available for examination by CASA upon the request of CASA. Penalty: 5 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.49 modified.	Added detail beyond the certificate. Why?	**§ 21.49 Availability.** The holder of a type certificate must make the certificate available for examination upon the request of the FAA or the National Transportation Safety Board.
21.050 Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections (1) The holder of a type certificate for an aircraft for which an aircraft Maintenance Manual containing an "Airworthiness Limitations" section has been approved as part of the type design and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual must make particulars of the changes available upon request to any operator of the same type of aircraft.	Update and harmonise	**§ 21.50 Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections.** (a) The holder of a type certificate for a rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued under § 27.1529 (a)(2) or § 29.1529 (a)(2) of this chapter, and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual, must make those changes available upon request to any operator of the same type of rotorcraft.

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Penalty: 5 penalty units. (2) The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller must furnish at least one set of complete Instructions for Continued Airworthiness, prepared in accordance with the applicable airworthiness standards mentioned in Parts 22, 23, 25, 27, 26, 29, 31, 32, 33 and 35, and the airworthiness standards prescribed by the Part 21 Manual of Standards, or as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017(2), as applicable, to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery, or upon issue of the first standard certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter, on request by a person required by these Regulations to comply with any of the terms of the instructions, give them to the person. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person who requests the changes and who is required by these Regulations to comply with any of those instructions. Penalty: 5 penalty units. (3) An offence against subregulation (1) or (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.50 modified.		(b) The holder of a design approval, including either a type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller for which application was made after January 28, 1981, must furnish at least one set of complete Instructions for Continued Airworthiness to the owner of each type aircraft, aircraft engine, or propeller upon its delivery, or upon issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later. The Instructions for Continued Airworthiness must be prepared in accordance with §§ 23.1529, 25.1529, 25.1729, 27.1529, 29.1529, 31.82, 33.4, 35.4, or part 26 of this subchapter, or as specified in the applicable airworthiness criteria for special classes of aircraft defined in § 21.17(b), as applicable. If the holder of a design approval chooses to designate parts as commercial, it must include in the Instructions for Continued Airworthiness a list of commercial parts submitted in accordance with the provisions of paragraph (c) of this section. Thereafter, the holder of a design approval must make those instructions available to any other person required by this chapter to comply with any of the terms of those instructions. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person required by this chapter to comply with any of those instructions. (c) To designate commercial parts, the holder of a design approval, in a manner acceptable to the FAA, 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 the FAA to approve the List.
21.051 Type certificates and type acceptance certificates—duration and suspension or cancellation (1) Subject to regulation 21.019, a type certificate or type acceptance certificate remains in force until it is cancelled. (2) Despite subregulation (1), a type certificate or type acceptance certificate is not in force during any period of suspension. (3) CASA may suspend or cancel a type certificate if there are reasonable grounds for believing that the type certificate no longer provides a reliable guide that the aircraft can reasonably be expected to be safe for its intended use when operated under any conditions limiting its intended use. (4) CASA may suspend or cancel a type acceptance certificate if: (a) there are reasonable grounds for believing that not doing so would constitute a significant threat to aviation safety; and	Simplify, adopt, update and harmonise these changes	**§ 21.51 Duration.** A type certificate is effective until surrendered, suspended, revoked, or a termination date is otherwise established by the FAA. § 21.53 Statement of conformity. (a) Each applicant must provide, in a form and manner acceptable to the FAA, a statement that each aircraft engine or propeller presented for type certification conforms to its type design. (b) Each applicant must submit a statement of conformity to the FAA for each aircraft or part thereof presented to the FAA for tests. This statement of conformity must include a statement that the applicant has complied with § 21.33(a) (unless otherwise authorized under that paragraph).

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(b) CASA has consulted the operator of the aircraft, 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 operator, the manufacturer and the national aviation authority before deciding whether to suspend or cancel the type acceptance certificate. (5) If CASA suspends or cancels a type certificate it must: (a) notify the certificate holder in writing of the suspension or cancellation; and (b) publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*. (6) If CASA suspends or cancels a type acceptance certificate CASA must publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*. (7) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*. (8) A notice of suspension or cancellation under paragraph (5)(b) or subregulation (6) must set out: (a) the grounds for the suspension or cancellation; and (b) when the suspension or cancellation takes effect; and (c) in the case of a suspension—when the suspension stops having effect. *Source* FARs section 21.51 modified. Note 1: The power of CASA to suspend or cancel a type acceptance certificate under subregulation (4) must be exercised by the Director personally: see paragraph 11.260(2)(d). Note 2: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of type acceptance certificates.		
21.053 Statement of conformity (1) Each applicant must submit to CASA a statement of conformity in a manner and form acceptable to CASA for each aircraft engine and propeller presented to CASA for type certification. This statement of conformity must include a statement that the aircraft engine or propeller conforms to the type design therefor. (2) Each applicant must submit to CASA a statement of conformity for each aircraft or part thereof presented to CASA for tests. This statement of conformity must include a statement to the effect that the applicant has complied with subregulation 21.033(1). *Source* FARs section 21.53 modified.	FAR Deleted per 2009 change	

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	Adopt	**§ 21.55 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 the FAA.
Subpart 21.C—Provisional type certificates *Note: A provisional type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations 2018, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.*	CASA must be approved to certify product meets noise standards	**Subpart C—Provisional Type Certificates**
21.071 Applicability This Subpart prescribes: (a) requirements for the issue of provisional type certificates, approvals of amendments to provisional type certificates, and approvals of provisional amendments to type certificates; and (b) rules governing the holders of those certificates. *Source* FARs section 21.71 modified.	Update to harmonise	**§ 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.
21.073 Eligibility (1) A manufacturer of aircraft manufactured in Australian territory is eligible to apply for a Class I or Class II provisional type certificate for the aircraft, for approval of an amendment to a Class I or Class II provisional type certificate held by the manufacturer, and for approval of a provisional amendment to a type certificate held by the manufacturer. (2) Any manufacturer of aircraft manufactured in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import is eligible to apply for a Class II provisional type certificate, for approval of amendments to Class II provisional type certificates held by the manufacturer, and for approval of provisional amendments to type certificates held by the manufacturer. (3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by the manufacturer in Australian territory is eligible to apply for a Class I provisional type certificate for the aircraft, and for approval of amendments to Class I provisional type certificates held by the manufacturer, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate, restricted or transport category.	Verify harmonised	**§ 21.73 Eligibility.** (a) Any manufacturer of aircraft manufactured within the United States who is a United States citizen may apply for Class I or Class II provisional type certificates, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him. (b) Any manufacturer of aircraft in a State of Manufacture subject to the provisions of an agreement with the United States for the acceptance of those aircraft for export and import may apply for a Class II provisional type certificate, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him. (c) An aircraft engine manufacturer who is a United States citizen and who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by him within the United States may apply for a Class I provisional type certificate for the aircraft, and for amendments to Class I provisional type certificates held by him, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, or transport category.

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Source FARs section 21.73 modified.		
21.075 Application Applications for provisional type certificates, for approval of amendments thereto, and for approval of provisional amendments to type certificates must be submitted in writing to CASA, and must be accompanied by the pertinent information specified in this Subpart. *Source* FARs section 21.75 modified.	Review	**§ 21.75 Application.** Each applicant for a provisional type certificate, for an amendment thereto, or for a provisional amendment to a type certificate must apply to the FAA and provide the information required by this subpart.
21.076 Issue of provisional type certificate Subject to regulation 11.055, CASA must issue a provisional type certificate, or an approval of amendments to a provisional type certificate, or an approval of provisional amendments to a type certificate, to an applicant for the certificate or approval if the applicant: (a) is eligible, under regulation 21.073, to apply for the certificate or approval; and (b) applies for the certificate or approval in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate or approval; and (d) otherwise complies with this Part.	Unecessary	
21.077 Duration (1) Unless sooner superseded or cancelled, provisional type certificates and amendments thereto are effective for the periods specified in this regulation. (2) A Class I provisional type certificate is effective for 24 months after the date of issue. (3) A Class II provisional type certificate is effective for 12 months after the date of issue. (4) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate. (5) A provisional amendment to a type certificate is effective for 6 months after its approval or until the amendment of the type certificate is approved, whichever is first. *Source* FARs section 21.77 modified.	Review	**§ 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 section. (b) A Class I provisional type certificate is effective for 24 months after the date of issue. (c) A Class II provisional type certificate is effective for twelve months after the date of issue. (d) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate. (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.
21.078 Suspension and cancellation (1) CASA may suspend or cancel a provisional type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety. (2) A notice must set out:	Transfer to Part 13	

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(a) the grounds for the suspension or cancellation; and (b) in the case of a suspension—when the suspension stops having effect. (3) Despite regulation 21.077, a provisional type certificate is not effective while it is suspended but the suspension period counts as part of a period mentioned in subregulation 21.077(2) or (3). Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of provisional type certificates.		
	adopt	**§ 21.79 Transferability.** Provisional type certificates are not transferable.

Comparison CASR Part 21 and FAR Part 21

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21.081 Requirements for issue and amendment of Class I provisional type certificates (1) An applicant for a type certificate or a supplemental type certificate is entitled to the issue of a Class I provisional type certificate, or an approval of an amendment of a Class I provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the relevant aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the requirements and limitations: (a)established by the applicant under subregulation (4); and (b) under Division 91.T.3. (2)The applicant must certify that: (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate or supplemental type certificate applied for; and (b) the aircraft substantially meets the applicable flight characteristic requirements for the type certificate or supplemental type certificate applied for; and (c)the aircraft can be operated safely under the appropriate operating limitations specified in subregulation (1). (3) The applicant must submit a report to CASA showing that the aircraft had been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in these Regulations. (4) The applicant must establish all limitations required for the issue of the type certificate or supplemental type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft. (5)The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft. (6) The applicant must show CASA that a prototype aircraft has been flown for at least 50 hours under an experimental certificate or under the auspices of the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America. However, in the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours. *Source* FARs section 21.81 modified.	Verify harmonised	**§ 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 section and the FAA 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 section and in § 91.317 of this chapter. (b) The applicant must apply for the issue of a 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 section. (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 §§ 21.191 through 21.195, or under the auspices of an Armed Force of the United States. However, in the case of an amendment to a provisional type certificate, the FAA may reduce the number of required flight hours.
21.083 Requirements for issue and amendment of Class II provisional type certificates (1) An applicant who manufactures an aircraft within Australian territory, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment	Verify harmonised	**§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.** (a) An applicant who manufactures aircraft within the United States is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the FAA finds that there is no feature, characteristic, or condition that

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to a Class II provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the requirements and limitations: (a) set out in the provisional aircraft flight manual (if any) required by subregulation (7); and (b) under Division 91.T.3. (2) An applicant who manufactures an aircraft in a country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the national aviation authority of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements of subregulation (5) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations: (a) in the provisional aircraft flight manual (if any) required by subregulation (7); and (b) in regulation 262AO of CAR. (3) The applicant must hold a type certificate for at least one other aircraft in the same transport category as the subject aircraft. (4) The flight test program to be carried out for the purposes of the type certificate or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress. (5) The applicant or, in the case of a foreign manufactured aircraft, the national aviation authority of the country in which the aircraft was manufactured, must certify that: (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for; and (b) the aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and (c) the aircraft can be operated safely under the appropriate operating limitations in these Regulations. (6) The applicant must submit a report to CASA showing that the aircraft has been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in these Regulations.		would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section, and §§ 91.317 and 121.207 of this chapter. (b) An applicant who manufactures aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to the issue or amendment of a Class II provisional type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (f) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section and §§ 91.317 and 121.207 of this chapter. (c) The applicant must apply for a type certificate, in the transport category, for the aircraft. (d) The applicant must hold a U.S. type certificate for at least one other aircraft in the same transport category as the subject aircraft. (e) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress. (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, the FAA may reduce the number of required flight hours.

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(7) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft. (8) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft. (9) The applicant must show CASA that a prototype aircraft has been flown for at least 100 hours. In the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours. *Source* FARs section 21.83 modified.		
21.085 Provisional amendments to type certificates (1) An applicant who manufactures an aircraft within Australian territory, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these Regulations. (2) An applicant who manufactures an aircraft in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the national aviation authority of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements mentioned in subregulation (4) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these Regulations. (3) The flight test program approved by CASA, or conducted under the agreement by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress. (4) The applicant or, in the case of foreign manufactured aircraft, the national aviation authority of the country in which the aircraft was manufactured, must certify that: (a) the modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft; and (b) the aircraft incorporating the modification substantially complies with the applicable flight characteristic requirements for the type certificate; and	Verify harmonised	**§ 21.85 Provisional amendments to type certificates.** (a) An applicant who manufactures aircraft within the United States is entitled to a provisional amendment to a type certificate if he shows compliance with this section and the FAA finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter. (b) An applicant who manufactures aircraft in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to a provisional amendment to a type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (e) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter. (c) The applicant must apply for an amendment to the type certificate. (d) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress. (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

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(c) the aircraft can be operated safely under the appropriate operating limitations in these Regulations. (5) The applicant must submit a report to CASA showing that the aircraft incorporating the modifications involved has been flown in all manoeuvres necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the requirements and limitations under Division 91.T.3. (6) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight manoeuvres, loading, and operation of controls and equipment, unless, for each limitation not established, appropriate operating restrictions are established for the aircraft. (7) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft. (8) The applicant must operate a prototype aircraft, modified in accordance with the corresponding amendment to the type certificate, for the number of hours found necessary by CASA in the particular case. *Source* FARs section 21.85 modified.		aircraft can be operated safely in accordance with the limitations specified in §§ 91.317 and 121.207 of this chapter. (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 the FAA.
Subpart 21.D—Changes to type certificates		**Subpart D—Changes to Type Certificates**
21.091 Applicability This Subpart deals with the approval of changes to type certificates. *Source* FARs section 21.91 modified.	Harmonise	**§ 21.91 Applicability.** This subpart prescribes procedural requirements for the approval of changes to type certificates.
21.093 Classification of changes in type design Changes in type design are classified as minor or 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 an aircraft, aircraft engine or propeller. All other changes are *major changes*. *Source* FARs section 21.93 modified.	Adopt, Update & harmonise	**§ 21.93 Classification of changes in type design.** (a) In addition to changes in type design specified in paragraph (b) of this section, 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 section). (b) For the purpose of complying with Part 36 of this chapter, and except as provided in paragraphs (b)(2), (b)(3), and (b)(4) of this section, 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 section) for the following aircraft: (1) Transport category large airplanes. (2) Jet (Turbojet powered) airplanes (regardless of category). For airplanes to which this paragraph applies, "acoustical changes" do not include changes in type design that are limited to one of the following—

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		(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 airplane (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 airplane 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 airplanes in the primary, normal, utility, acrobatic, transport, and restricted categories, except for airplanes that are: (i) Designated for "agricultural aircraft operations" (as defined in § 137.3 of this chapter, effective January 1, 1966) to which § 36.1583 of this chapter does not apply, or (ii) Designated for dispensing fire fighting materials to which § 36.1583 of this chapter does not apply, or (iii) U.S. 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 section upon any acoustical change not enumerated in § 21.93(b). (4) Helicopters except: (i) Those helicopters that are designated exclusively: (A) For "agricultural aircraft operations", as defined in § 137.3 of this chapter, as effective on January 1, 1966; (B) For dispensing fire fighting materials; or (C) For carrying external loads, as defined in § 133.1(b) of this chapter, 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.

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		(5) Tiltrotors. (c) For purposes of complying with part 34 of this chapter, any voluntary change in the type design of the airplane or engine which may increase fuel venting or exhaust emissions is an "emissions change."
21.095 Approval of minor changes in type design (1) The holder of a type certificate for an aircraft, aircraft engine or propeller may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a minor change in the type design of the aircraft, aircraft engine or propeller. (2) Subregulation (3) applies if the application is made to CASA or an authorised person. (3) Subject to regulation 11.055, CASA or the authorised person must grant the approval if the type design, as modified by the minor change, would meet the requirements of this Part for the type design. (4) Subregulation (5) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design would meet a requirement. (5) If the approved design organisation is satisfied that the design would meet the requirement, the organisation may give CASA a certificate to that effect. (6) For subregulation (3), if an approved design organisation gives CASA a certificate under subregulation (5), CASA need consider only that certificate in deciding whether the design would meet the requirement. (7) Subregulation (8) applies if the application is made to an approved design organisation. (8) Subject to regulation 11.055, the approved design organisation must grant the approval if the type design, as modified by the minor change, would meet: (a) the requirements of this Part for the type design; and (b) any requirements mentioned in the organisation's exposition.	Adopt Standardise MoS	**§ 21.95 Approval of minor changes in type design.** Minor changes in a type design may be approved under a method acceptable to the FAA before submitting to the FAA any substantiating or descriptive data.
21.097 Eligibility for approval of major changes in type design (1) The holder of a type certificate for an aircraft, aircraft engine or propeller is eligible to apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a major change in the type design of the aircraft, aircraft engine or propeller. (2) An applicant is entitled to the approval if the applicant: (a) submits with the application substantiating data and necessary descriptive data for inclusion in the type design; and (b) complies with regulation 21.101.	**Adopt and harmonise**	**§ 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 subchapter, and provide the FAA the means by which such compliance has been shown; and (3) Provide a statement certifying that the applicant has complied with the applicable requirements.

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(3) 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. *Source* FARs section 21.97 modified.		(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.
21.098 Issue of approval of major change in type design (1) Subject to regulation 11.055, CASA, an authorised person or an approved design organisation must approve a major change in the type design of an aircraft, aircraft engine or propeller if the applicant for the approval: (a)is eligible, under subregulation 21.097(1), to apply for the approval; and (b)applies for the approval in accordance with this Subpart; and (c)is entitled, under this Subpart, to the approval; and (d)otherwise complies with this Part. (2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the applicant meets a requirement mentioned in subregulation (1). (3) If the approved design organisation is satisfied that the applicant meets the requirement, the organisation may give CASA a certificate to that effect. (4) For subregulation (1), if an approved design organisation gives CASA a certificate under subregulation (3), CASA need consider only that certificate in deciding whether the applicant meets the requirement.	Unnecessary	
21.099 Required design changes (1) If an airworthiness directive is issued for an aircraft, aircraft engine or propeller, and CASA considers that design changes are necessary to correct the unsafe condition of the aircraft, aircraft engine or propeller, the holder of the type certificate for the aircraft, aircraft engine or propeller must, on CASA's request, submit appropriate design changes for approval. Penalty: 50 penalty units. (1A) If approval is granted for design changes mentioned in subregulation (1), the holder of the type certificate for the aircraft, aircraft engine or propeller must, on request by the operator of an affected aircraft, aircraft engine or propeller previously certificated under the type certificate, give to that operator the descriptive data covering the design changes. Penalty: 50 penalty units. (2) In a case where there are no current unsafe conditions, but CASA or the holder of the type certificate is satisfied through service experience that changes in type design will contribute to the safety of the aircraft, aircraft engine or propeller, the holder of the type certificate may submit appropriate design changes for approval.	Adopt and harmonise *Finds* or *consider* very different engineering terms.	**§ 21.99 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 the FAA 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 the FAA 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.

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Upon approval of the changes, and on request by an operator of the same type of aircraft, aircraft engine or propeller, the manufacturer must give information on the design changes to the operator. Penalty: 5 penalty units. (3) An offence against subregulation (1), (1A) or (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.99 modified.		
21.101 Designation of applicable regulations (1) An applicant for approval of a change in the type design described or identified in a type certificate must comply with either: (a) the airworthiness standards mentioned in the type certificate; or (b) the applicable airworthiness standards in effect on the date of the application, plus any other amendments that CASA is satisfied are directly related. (2) If CASA is satisfied that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation, and that the airworthiness standards mentioned in the type certificate for the aircraft, aircraft engine or propeller do not provide adequate standards with respect to the proposed change, the applicant must comply with: (a) the applicable provisions of these Regulations, in effect on the date of the application for the change, that CASA is satisfied are necessary to provide a level of safety equivalent to that established by the airworthiness standards mentioned in the type certificate; and (b) any special conditions, and amendments to those special conditions, prescribed by CASA to provide a level of safety equal to that established by the airworthiness standards mentioned in the type certificate. (3) Unless otherwise required by subregulation 21.019(1), an applicant for a change to a type certificate for a transport category aeroplane involving the replacement of reciprocating engines with the same number of turbopropeller powerplants must comply with the provisions of Part 25 of the FARs for the aeroplane as type certificated with reciprocating engines, and with the following: (a) the certification performance requirements prescribed in sections 25.101 to 25.125 (inclusive) and 25.149, 25.1533, 25.1583, and 25.1587 of Part 25 of the FARs; (b) the powerplant requirements of Part 25 of the FARs that apply to turbopropeller engine-powered aeroplanes; (c) the requirements of Part 25 of the FARs for the standardisation of cockpit controls and instruments, unless CASA is satisfied that compliance with a particular detailed requirement would be impractical and would not contribute materially to standardisation;	Review and update post amending Part 21.	**§ 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 this chapter. Exceptions are detailed in paragraphs (b) and (c) of this section. (b) Except as provided in paragraph (g) of this section, if paragraphs (b)(1), (2), or (3) of this section 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 section, and of any other regulation the FAA 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 §§ 25.2, 27.2, or 29.2 of this chapter 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 the FAA finds not to be significant. In determining whether a specific change is significant, the FAA 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 the FAA finds is not affected by the change. (3) Each area, system, component, equipment, or appliance that is affected by the change, for which the FAA finds that compliance with a regulation described in paragraph (a) of this section 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 6,000 pounds or less maximum weight, to a non-turbine rotorcraft of 3,000 pounds or less maximum weight, to a level 1 low-speed airplane, or to a level 2 low-speed airplane may show that the change and areas affected by the change comply with the regulations included in the type certificate. However, if the FAA finds that the change is significant in an area,

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(d) any other requirement of Part 25 of the FARs that applies to turbopropeller engine-powered aeroplanes that CASA is satisfied relates to the changes in engines and that is necessary to ensure a level of safety equal to that of the aeroplane certificated with reciprocating engines. (4) For subregulation (3), for each new limitation established with respect to weight, speed, or altitude that is significantly altered from those approved for the aeroplane with reciprocating engines, the applicant must show compliance with the requirements of Part 25 of the FARs applicable to the limitations being changed. *Source* FARs section 21.101 modified.		the FAA 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 the FAA finds is directly related, unless the FAA 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 the FAA 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 § 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 section 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 section. 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 §§ 21.17(b), 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 the FAA finds to be appropriate for the type certification of the aircraft in accordance with those sections. (g) Notwithstanding paragraph (b) of this section, for transport category airplanes, the applicant must show compliance with each applicable provision of part 26 of this chapter, 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.
Subpart 21.E—Supplemental type certificates Note: A supplemental type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.	CASA must be authorised to approve noise Certification of products	**Subpart E—Supplemental Type Certificates**

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21.111 Applicability This Subpart prescribes requirements for the issue of supplemental type certificates. *Source* FARs section 21.111 ~~modified.~~		**§ 21.111 Applicability.** This subpart prescribes procedural requirements for the issue of supplemental type certificates.
21.113 Eligibility for supplemental type certificate (1) Any person is eligible to 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, if the change is not great enough to require an application for a new type certificate under regulation 21.019. (2) The holder of the type certificate for the aircraft, aircraft engine or propeller may apply for amendment of the type certificate instead of applying for a supplemental type certificate. *Source* FARs section 21.113 modified.	Update and harmonise	**§ 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 § 21.19, that person must apply to the FAA either for an STC, 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 § 21.19, that person must apply to the FAA for an STC. (c) The application for an STC must be made in the form and manner prescribed by the FAA. [Doc. No. FAA–2006–25877, Amdt. 21–92, 74 FR 53387, Oct. 16, 2009; Doc. No. FAA–2018–0119, Amdt. 21–101, 83 FR 9169, Mar. 5, 2018]
21.113A Issue of supplemental type certificate Subject to regulation 11.055, CASA must issue a supplemental type certificate to an applicant for the certificate if the applicant: (a) is eligible, under regulation 21.113, to apply for the certificate; and (b) applies for the certificate in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate; and (d) otherwise complies with this Part.		
21.114 Foreign supplemental type certificates A certificate (however described) for an aircraft, aircraft engine or propeller that is issued by or for the national aviation authority of a recognised country and is equivalent to a supplemental type certificate that could have been issued by CASA (a *foreign supplemental type certificate*) is taken to have been issued by CASA for these Regulations.		
21.115 Entitlement to supplemental type certificate—meeting applicable airworthiness requirements (1) An applicant is entitled to a supplemental type certificate if CASA is satisfied that: (a) either:	Adopt simplified version	**§ 21.115 Applicable requirements.** (a) Each applicant for a supplemental type certificate must show that the altered product meets applicable requirements specified in § 21.101 and, in the case of an acoustical change described in § 21.93(b), show compliance with the applicable noise requirements of part 36 of this chapter and, in the case of an emissions change described in § 21.93(c), show compliance with the applicable fuel venting and exhaust emissions requirements of part 34 of this chapter.

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(i) the altered aircraft, aircraft engine or propeller complies with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2); or (ii) the altered aircraft, aircraft engine or propeller does not comply with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2), but the non-compliance is compensated for by factors that provide an equivalent level of safety; and (b) no feature or characteristic of the change in type design makes the altered aircraft, aircraft engine or propeller unsafe for its intended use. (2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the altered aircraft, aircraft engine or propeller meets: (a) an applicable airworthiness requirement mentioned in subparagraph (1)(a)(i); or (b) the requirement mentioned in paragraph (1)(b). (3) If the approved design organisation is satisfied that the altered aircraft, aircraft engine or propeller meets the requirement, the organisation may give CASA a certificate to that effect. (4) For subregulation (1), if an approved design organisation gives CASA a certificate under subregulation (3), CASA need consider only that certificate in deciding whether the altered aircraft, aircraft engine or propeller meets the requirement. (5) Regulations 21.033 (Inspection and tests) and 21.053 (Statement of conformity) apply in relation to the application, with respect to each change in the type design, as if it were an application for a type certificate under Subpart 21.B. *Source* FARs section 21.115 modified.		(b) Each applicant for a supplemental type certificate must meet §§ 21.33 and 21.53 with respect to each change in the type design.
21.117 What supplemental type certificates are taken to consist of A supplemental type certificate is taken to consist of: (a) the type certificate or type acceptance certificate previously issued for the aircraft, aircraft engine or propeller; and (b) each change in the type design of the aircraft, aircraft engine or propeller described or identified in the supplemental type certificate. *Source* FARs section 21.117 modified.	Review	**§ 21.117 Issue of supplemental type certificates.** (a) An applicant is entitled to a supplemental type certificate if the FAA finds that the applicant meets the requirements of §§ 21.113 and 21.115. (b) A supplemental type certificate consists of— (1) The approval by the FAA of a change in the type design of the product; and (2) The type certificate previously issued for the product.
21.118 Duration, suspension and cancellation of supplemental type certificates (1) A supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled or the type certificate previously issued for the aircraft, aircraft engine or propeller is cancelled, whichever happens first. (2) Despite subregulation (1), a supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any		

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period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller. (3) CASA may suspend or cancel a supplemental type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety. (4) If CASA suspends or cancels a supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*. (5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*. (6) A notice under subregulation (3) or (4) must set out: (a) the grounds for the suspension or cancellation; and (b) when the suspension or cancellation takes effect; and (c) in the case of a suspension—when the suspension stops having effect. Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of supplemental type certificates.		
	Adopt	**§ 21.119 Privileges.** The holder of a 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 supplemental type certificate.
21.119 Duration, suspension and cancellation of foreign supplemental type certificates (1) A foreign supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled by CASA or the national aviation authority of the relevant recognised country. (2) Despite subregulation (1), a foreign supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller. (3) CASA may suspend or cancel a foreign supplemental type certificate if CASA considers that it is necessary to do so in the interests of aviation safety. (4) If CASA suspends or cancels a foreign supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*. (5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.	?	

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(6) A notice must set out: (a) the grounds for the suspension or cancellation; and (b) when the suspension or cancellation takes effect; and (c) in the case of a suspension—when the suspension stops having effect. Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of foreign supplemental type certificates.		
21.120 Transfer of supplemental type certificates (1) The holder of a supplemental type certificate (the *transferor*) may transfer the certificate to another person (the *transferee*) by giving to the transferee: (a) the certificate; and (b) a copy of each document that the transferor is required to keep under these Regulations in relation to the certificate. (2) However, the certificate may be transferred only with the written consent of the transferee. (3) The transferor commits an offence if the transferor does not, within 30 days after transferring the certificate, give CASA a written notice stating: (a) the date of the transfer; and (b) the name and address of the transferee. Penalty: 50 penalty units. (4) An offence against this regulation is an offence of strict liability.	Update and adopt	**§ 21.120 Responsibility of supplemental type certificate holders to provide written permission for alterations.** A supplemental type certificate holder who allows a person to use the supplemental type certificate to alter an aircraft, aircraft engine, or propeller must provide that person with written permission acceptable to the FAA.
21.120A Licensing of supplemental type certificates (1) The holder of a supplemental type certificate (the *licensor*) may confer the benefits of the certificate on another person (the *licensee*) by making a licensing agreement with the licensee. (2) The licensor commits an offence if the licensor does not, within 30 days after making the licensing agreement, give CASA a written notice stating: (a) the date of the licensing agreement; and (b) the name and address of the licensee; and (c) the benefits conferred on the licensee. Penalty: 50 penalty units. (3) The licensor commits an offence if: (a) the licensing agreement is terminated; and (b) the licensor does not, within 30 days after the termination, give CASA a written notice stating the date of the termination.	?	

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Penalty: 50 penalty units. (4) An offence against this regulation is an offence of strict liability.		
21.120B Variations of supplemental type certificates (1) The holder of a supplemental type certificate for an aircraft, aircraft engine or propeller may apply, in writing, for a variation of the certificate for the approval of the design of a change to the aircraft, aircraft engine or propeller. (2) The application may be made to: (a) CASA; or (b) an authorised person; or (c) a relevant approved design organisation. (3) Subject to regulation 11.055, if the application is made to CASA, CASA must vary the certificate if satisfied that: (a) either: (i) the altered aircraft, aircraft engine or propeller complies with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2); or (ii) the altered aircraft, aircraft engine or propeller does not comply with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2), but the non-compliance is compensated for by factors that provide an equivalent level of safety; and (b) no feature or characteristic of the change makes the altered aircraft, aircraft engine or propeller unsafe for its intended use. (4) Subject to regulation 11.055, if the application is made to an authorised person or approved design organisation, the authorised person or approved design organisation must vary the certificate if satisfied that: (a) the altered aircraft, aircraft engine or propeller complies with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2); and (b) no feature or characteristic of the change makes the altered aircraft, aircraft engine or propeller unsafe for its intended use. (5) Subregulation (6) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether an altered aircraft, aircraft engine or propeller meets: (a) an applicable airworthiness requirement mentioned in subparagraph (3)(a)(i); or (b) the requirement mentioned in paragraph (3)(b). (6) If the approved design organisation is satisfied that the altered aircraft, aircraft engine or propeller meets the requirement, the organisation may give CASA a certificate to that effect. (7) For subregulation (3), if an approved design organisation gives CASA a certificate under subregulation (6), CASA need consider only that certificate in	?	

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deciding whether the altered aircraft, aircraft engine or propeller meets the requirement. (8) Regulations 21.033 (Inspection and tests) and 21.053 (Statement of conformity) apply in relation to the application, with respect to each change, as if: (a) the application were an application for a type certificate under Subpart 21.B; and (b) each reference to CASA in those regulations were a reference to the person or organisation to whom the application was made.		
Subpart 21.F—Production under type certificate only		**Subpart F—Production Under Type Certificate**
21.121 Applicability (1) This Subpart prescribes rules for the production of an aircraft, aircraft engine or propeller under a type certificate only. (2) For this Subpart, a person manufactures an aircraft, aircraft engine or propeller under a type certificate only if the person is the holder, or licensee, of a type certificate, but not a production certificate, for the aircraft, aircraft engine or propeller. *Source* FARs section 21.121 modified. Note: Subpart 21.G deals with production certificates.	Review	**§ 21.121 Applicability.** This subpart prescribes rules for production under a type certificate.
	Review	**§ 21.122 Location of or change to manufacturing facilities.** (a) A type certificate holder may utilize manufacturing facilities located outside of the United States if the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter. (b) The type certificate holder must obtain FAA approval before making any changes to the location of any of its manufacturing facilities. (c) The type certificate holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.
21.123 Production under type certificate (1) Each manufacturer of an aircraft, aircraft engine or propeller being manufactured under a type certificate only must: (a) make each aircraft, aircraft engine or propeller available for inspection by CASA; and (b) maintain at the place of manufacture the technical data and drawings necessary for CASA to determine whether the aircraft, aircraft engine or propeller and its parts conform to the type design; and (c) establish and maintain an approved production inspection system that:	Adopt Review	**§ 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 §§ 21.31 and 21.41; (b) Make each product and article thereof available for inspection by the FAA; (c) Maintain records of the completion of all inspections and tests required by §§ 21.127, 21.128, 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 § 45.15(c) of this chapter;

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(i) meets the requirements of subregulation 21.125(2); and (ii) ensures that each aircraft, aircraft engine or propeller manufactured under the type certificate more than 6 months after it was issued conforms to the type design and is in a condition for safe operation; and (d) upon the establishment of the approved production inspection system—submit to CASA a manual that describes the system and the means for meeting the requirements of subregulation 21.125(2). Penalty: 25 penalty units. (1A) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (2) Each manufacturer may apply to CASA for an extension of the period of 6 months mentioned in subparagraph (1)(c)(ii). (3) CASA may extend the period in a particular case if unusual or extenuating circumstances prevent the manufacturer from establishing an approved production inspection system within 6 months after the issue of the type certificate. *Source* FARs section 21.123 modified.		(d) Allow the FAA to make any inspection or test, including any inspection or test at a supplier facility, necessary to determine compliance with this subchapter; (e) Mark the product in accordance with part 45 of this chapter, 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 FAA approved with the manufacturer's part number and name, trademark, symbol, or other FAA-approved manufacturer's identification; and (g) Except as otherwise authorized by the FAA, obtain a production certificate for that product in accordance with subpart G of this part within 6 months after the date of issuance of the type certificate.
21.125 Production inspection system: Materials Review Board (1) Each manufacturer required to establish a production inspection system under paragraph 21.123(1)(c) must: (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and (b) maintain complete records of Materials Review Board action for at least two years after the action was taken. Penalty: 50 penalty units. (1A) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (2) The production inspection system must provide for the following: (a) ensuring that incoming materials, and bought or subcontracted parts, used in the finished aircraft, aircraft engine or propeller comply with the technical data for the type design, or are suitable equivalents; (b) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined; (c) suitable storage and adequate protection of materials subject to damage and deterioration; (d) carrying out processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller in accordance with acceptable industry or Australian specifications;	Delete	§ 21.125 [Reserved]

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(e) inspecting parts and components during production for conformity with the technical data for the type design at points in the process where accurate determinations can be made; (f) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary; (g) ensuring that design changes, including material substitutions, are controlled before being incorporated in a finished aircraft, aircraft engine or propeller; (h) segregating, identifying, marking and disposing of rejected materials and parts in a manner that precludes installation in the finished aircraft, aircraft engine or propeller; (i) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from the technical data for the type design, and that are to be considered for installation in a finished aircraft, aircraft engine or propeller; (j) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary; (k) maintaining inspection records, identified with the finished aircraft, aircraft engine or propeller where practicable, and retaining them for at least 2 years. *Source* FARs section 21.125 modified.		
21.127 Tests: aircraft (1) Each person manufacturing aircraft under a type certificate only must establish an approved production flight test procedure and flight check-off form, and in accordance with that form, flight test each aircraft produced. Penalty: 25 penalty units. (1A)An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (2)Each production flight test procedure must include the following: (a) 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; (b) 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; (c) a determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test; (d)a check of the operational characteristics of the aircraft on the ground; (e)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. *Source* FARs section 21.127 modified.	Adopt Review	**§ 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.

Comparison CASR Part 21 and FAR Part 21

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21.128 Tests: aircraft engines (1) Each person manufacturing aircraft engines that are not rocket engines under a type certificate only must subject each engine to an acceptable test run that includes the following: (a) 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 take-off power or thrust; (b) at least five hours of operation at rated maximum continuous power or thrust, including, for engines having a rated take-off power or thrust higher than rated maximum continuous power or thrust, 30 minutes at rated take-off power or thrust. Penalty: 25 penalty units. (2) The test runs required by subregulation (1) may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment. (3) A person manufacturing rocket engines under a type certificate only must establish a sampling technique for testing the engines. Penalty: 25 penalty units. (4) An offence against subregulation (1) or (3) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.128 modified.	Adopt Review	**§ 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 section may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment.
21.129 Tests: variable pitch propellers (1) Each person manufacturing variable pitch propellers under a type certificate only must give each propeller an acceptable functional test to determine if it operates properly throughout the normal range of operation. Penalty: 25 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.129 modified.	Adopt Review	**§ 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.
21.130 Statement of conformity (1) Each holder or licensee of a type certificate for a type of aircraft, aircraft engine or propeller must give CASA a statement of conformity, in a form acceptable to CASA, for each aircraft, aircraft engine or propeller manufactured under the type certificate only: (a) when the holder or licensee applies for the original issue of an aircraft certificate of airworthiness or an aircraft engine or propeller authorised release certificate for the aircraft, aircraft engine or propeller; or	Adopt Review	**§ 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 the FAA, 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.

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(b) if the holder or licensee transfers the ownership of the aircraft, aircraft engine or propeller without applying for an authorised release certificate for it—when the ownership of the aircraft, aircraft engine or propeller is transferred. (2) The statement of conformity must be signed by a person who holds a responsible position in the manufacturing organisation and has been authorised by the manufacturer to sign the statement, and must include: (a) for each aircraft, aircraft engine or propeller, a statement that it conforms to its type certificate and is in a condition for safe operation; and (b) for each aircraft, a statement that the aircraft has been flight checked; and (c) for each aircraft engine or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final operational check. (3) However, in the case of an aircraft, aircraft engine or propeller manufactured for the Defence Force, or for an armed force of Canada, the United Kingdom or the United States of America, a statement of conformity is not required if the aircraft, aircraft engine or propeller has been accepted by the relevant force. *Source* FARs section 21.130 modified.		
21.130A Records to be kept by manufacturer (1) A person who manufactures an aircraft, aircraft engine or propeller under a type certificate only must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller: (a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report; (b) the information required to prepare the statement of conformity mentioned in regulation 21.130; (c) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected; (d) a record of service difficulties reported to the manufacturer. Penalty: 50 penalty units. (2) The records mentioned in paragraphs (1)(a) and (b) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the type certificate. Penalty: 50 penalty units. (3) The records mentioned in paragraphs (1)(c) and (d) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured. Penalty: 50 penalty units.		

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(4) On CASA's request, the records must be made available for examination by CASA. Penalty: 50 penalty units. (5) If the manufacturer stops manufacturing aircraft, aircraft engines or propellers under the type certificate, and does not continue manufacturing under a production certificate, the manufacturer must send the records to CASA within 30 days. Penalty: 50 penalty units. (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.293 modified.		
Subpart 21.G—Production certificates		**Subpart G—Production Certificates**
21.131 Applicability This Subpart prescribes requirements for the issue of production certificates and rules governing production of Class I, Class II, Class III and unapproved Class I products by the holders of those certificates. *Source* FARs section 21.131 modified.	Major Change Adopt Review	**§ 21.131 Applicability.** This subpart prescribes— (a) Procedural requirements for issuing production certificates; and (b) Rules governing holders of those certificates.
21.132 Definitions for Subpart 21.G For this Subpart: *Class I product* includes a complete aircraft, aircraft engine or propeller for which a foreign type certificate has been issued. *Class II product* includes a major component of: (a) a Class I product; or (b) an unapproved Class I product. *product design* means: (a) for an unapproved Class I product—the design that was submitted with the application for a foreign type certificate; and (b) for a Class II or Class III product—the design for the product that is: (i) approved under regulation 21.132A; or (ii) if the product is manufactured under an agreement with a foreign manufacturer for supply to that manufacturer—approved by the national aviation authority of the relevant foreign country; or (iii) approved in a supplemental type certificate or a foreign supplemental type certificate; or (iv) approved in a modification/repair design approval or in an approval mentioned in regulation 21.475; or	Major Change Adopt Review	**§ 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) A supplemental type certificate, or (c) Rights to the benefits of that type certificate or supplemental type certificate under a licensing agreement.

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(v) taken to be approved under regulation 21.465 or 21.470; or (vi) covered by an approval that continues in force under regulation 202.054, 202.055 or 202.056. *unapproved Class I product* means a complete aircraft, aircraft engine or propeller: (a) designed by or for a manufacturer that is in a foreign country; and (b) for which an application for a foreign type certificate has been made; and (c) for which no foreign type certificate has been issued. Note: See also the definitions of *Class I product*, *Class II product* and *Class III product* in regulation 21.321.		

Comparison CASR Part 21 and FAR Part 21

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21.132A Approval of product design for Class II and Class III products by CASA, authorised person or relevant approved design organisation (1) A person may apply, in writing, to CASA or an authorised person or relevant approved design organisation for approval of the design of a Class II or Class III product. (2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the design of the product if satisfied that the design: (a) consists of drawings, specifications and other information that fully describe the product; and (b) includes all the information necessary to manufacture the product, including: (i) information that shows the dimensions and appearance of the product; and (ii) the materials used in the manufacture of the product; and (iii) information about the process or processes used to manufacture the product; and (iv) any methods used to test or measure the product; and (v) information that shows the structural strength of the product; and (c) meets the applicable airworthiness standards for the product. (3) For paragraph (2)(c), if the application is made to CASA, CASA may satisfy itself that the design meets the applicable airworthiness standards for the product on the basis of: (a)an examination of the design; or (b)the technical data for the design approved under regulation 21.009; or (c)a certificate from an approved design organisation under subregulation (6). (4) For paragraph (2)(c), if the application is made to an authorised person or approved design organisation, the authorised person or approved design organisation may satisfy itself that the design meets the applicable airworthiness standards for the product on the basis of: (a) an examination of the design; or (b) the technical data for the design approved under regulation 21.009. (5) Subregulation (6) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design meets the applicable airworthiness standards for the product. (6) If the approved design organisation is satisfied that the design meets the airworthiness standards, the organisation may give CASA a certificate to that effect.	Delete no Class 1, 2, 3 products	
21.133 Eligibility (1) A person is eligible to apply for a production certificate for a Class I product if the person: (a) holds a current type certificate or foreign type certificate for the product; or (b) holds the right, under a licensing agreement, to the benefits of the type certificate or foreign type certificate for the product; or	Major Change Adopt Review	**§ 21.133 Application.** Each applicant must apply for a production certificate in a form and manner prescribed by the FAA.

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(c) holds a supplemental type certificate or foreign supplemental type certificate for the product; or (d) holds the right, under a licensing agreement, to the benefits of the supplemental type certificate or foreign supplemental type certificate for the product. (2) A person is also eligible to apply for a production certificate if: (a) the person has an agreement with a foreign manufacturer to: (i) manufacture a Class I, Class II, Class III or unapproved Class I product; a (ii) supply the product to the foreign manufacturer; and (b) the terms of the agreement require that the person be approved to manufacture the product. (2A) A person is also eligible to apply for a production certificate for a Class II or Class III product if: (a) the product is an aircraft component of a type in respect of which a certificate of type approval is in force; and (b) the person is lawfully manufacturing the component or is proposing to manufacture the component and is entitled to do so. (2B) A person is also eligible to apply for a production certificate to manufacture a Class II or Class III product on a one-off basis for supply to: (a) the holder of a certificate of approval engaged in the maintenance of an aircraft for installation in or on the aircraft; or (b) the operator of an aircraft or the owner of an aircraft, aircraft engine or propeller for installation in or on the aircraft, aircraft engine or propeller. *Source* FARs section 21.133 modified.		
21.134 Issue of production certificate Subject to regulation 11.055, CASA must issue a production certificate to an applicant for the certificate if the applicant: (a) is eligible, under regulation 21.133, to apply for the certificate; and (b) applies for the certificate in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate; and (d) otherwise complies with this Part.	Major Change Adopt Review	**§ 21.141 Issuance.** The FAA issues a production certificate after finding that the applicant complies with the requirements of this subpart.
21.135 Requirements for entitlement (1) An applicant is entitled to a production certificate if CASA is satisfied that the applicant has complied with regulations 21.139 and 21.143 in relation to the Class I, Class II, Class III or unapproved class I product to be manufactured under the certificate. (2) CASA may inspect the applicant's organisation and manufacturing facilities to determine whether the applicant has complied with regulations 21.139 and 21.143. *Source* FARs section 21.135 modified.	Major Change Adopt Review	**§ 21.135 Organization.** (a) Each applicant for or holder of a production certificate must provide the FAA with a document— (1) Describing how its organization will ensure compliance with the provisions of this subpart;

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		(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 section must be responsible within the applicant's or production approval holder's organization 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 § 21.138 are in place and that the production approval holder satisfies the requirements of the applicable regulations of subchapter C, Aircraft. The accountable manager must serve as the primary contact with the FAA.
21.139 Quality system An applicant for a production certificate must show that the applicant has established, and can maintain, a quality system so that: (a) each Class I product to be manufactured under the certificate will conform to the type design for the product; and (b) each Class II, Class III or unapproved Class I product to be manufactured under the certificate will conform to the product design for the product. *Source* FARs section 21.139 modified. **21.143 Quality system data requirements: prime manufacturer** (1) An applicant for a production certificate must submit to CASA, for approval, a manual describing the inspection and test procedures necessary to ensure that each product manufactured under the production certificate is in a condition for safe operation and conforms to: (a) for a Class I product—the type design; and (b) for a Class II, Class III or unapproved Class I product—the product design. (1A) The manual mentioned in subregulation (1) must include any of the following that apply to the product: (a) a statement describing how responsibilities are assigned and authority is delegated in the quality system organisation, together with a chart indicating: (i) the functional relationship of the quality system organisation to management and to other organisational components; and (ii) the chain of authority and responsibility within the quality system organisation; (b) a description of: (i) the inspection procedures for raw materials, purchased items and parts and assemblies produced by manufacturers' suppliers; and	Major Change Adopt Review	**§ 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.*** Procedures 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 the FAA. (g) ***Inspection and test status.*** Procedures for documenting the inspection and test status of products and articles supplied or manufactured to the approved design.

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(ii) the methods used to ensure that parts and assemblies that cannot be completely inspected when delivered to the production certificate holder's plant are acceptable; (c) a description of: (i) the production inspection system for individual parts and complete assemblies; and (ii) the methods used for the identification of any special manufacturing processes involved; and (iii) the means used to control the processes; and (iv) the final test procedure for the product; and (v) in the case of a Class I product that is a completed aircraft, a copy of the manufacturer's production flight test procedures and check-off list; (d) for a product other than a Class II or Class III product referred to in subregulation 21.133(2B), an outline of the materials review system, the procedure for recording decisions of the Materials Review Board and for disposing of rejected parts; (e) an outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality system procedures; (f) a list or chart showing the location and type of inspection stations. Note: A Materials Review Board must be established by the holder of a production certificate: see regulation 21.145. (1B) CASA must approve a manual that is prepared for, and meets the requirements of, this regulation. (2) The holder of a production certificate must, on the request of CASA, make available to CASA information regarding all delegation of authority to suppliers to make major inspections of parts or assemblies for which the holder is responsible. Penalty: 25 penalty units. (3) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.143 modified.		(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 authorized 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 § 45.15(c) of this chapter. (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, analyzing, 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 authorized by the production approval holder to issue authorized release documents. Authorized 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 § 43.3(j) of this chapter. When a production approval holder issues an authorized 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 § 21.331 and the responsibilities of exporters specified in § 21.335.

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	Major Change Adopt Review	**§ 21.138 Quality manual.** Each applicant for or holder of a production certificate must provide a manual describing its quality system to the FAA for approval. The manual must be in the English language and retrievable in a form acceptable to the FAA.
21.137 Location of manufacturing facilities Despite regulation 21.134, CASA is not required to issue a production certificate if the manufacturing facilities concerned are located outside Australian territory, unless there is no undue burden on CASA in administering the applicable requirements of these Regulations. *Source* FARs section 21.137 modified.	Major Change Adopt Review	**§ 21.139 Location of or change to manufacturing facilities.** (a) An applicant may obtain a production certificate for manufacturing facilities located outside of the United States if the FAA 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 FAA approval before making any changes to the location of any of its manufacturing facilities. (c) The production certificate holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.
21.157 Inspections and tests (1) If CASA requires the holder of a production certificate to allow CASA to make any inspections and tests necessary to determine compliance with the applicable requirements of these Regulations, the holder must allow CASA to make those inspections and tests. Penalty: 50 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.157 modified.	Major Change Adopt Review	**§ 21.140 Inspections and tests.** Each applicant for or holder of a production certificate must allow the FAA 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.
	Major Change Adopt Review	**§ 21.142 Production limitation record.** The FAA 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.
21.159 Duration (1) A production certificate ceases to be in force: (a) if the location of the manufacturing facility is changed; or (b) if it is cancelled; or (c) if a termination date is specified in the certificate—at midnight on that date. (2) A production certificate is not in force during any period of suspension.	Major Change Adopt Review	**§ 21.143 Duration.** A production certificate is effective until surrendered, suspended, revoked, or the FAA otherwise establishes a termination date.

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(3) CASA may suspend or cancel a production certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety. (4) 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. *Source* FARs section 21.159 modified. Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of production certificates.		
	Major Change Adopt Review	**§ 21.144 Transferability.** The holder of a production certificate may not transfer the production certificate.
21.144 Production inspection system The production inspection system mentioned in paragraph 21.143(1A)(c) must provide for the following: (a) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined; (b) suitable storage and adequate protection of materials subject to damage and deterioration; (c) carrying out processes affecting the quality and safety of the finished Class I, Class II, Class III or unapproved Class I product in accordance with acceptable industry or Australian specifications; (d) inspecting parts and components, at points during the production process at which accurate determinations can be made, to determine whether: (i) parts and components for a Class I product conform to the type design data for the product; or (ii) parts and components for a Class II, Class III or unapproved Class I product conform to the product design data for the product; (e) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary; (f) ensuring that design changes, including material substitutions, are controlled before being incorporated in: (i) a finished Class I product; or (ii) a Class II, Class III or unapproved Class I product; (g) segregating and identifying rejected materials and parts in a manner that precludes installation in the finished Class I, Class II, Class III or unapproved Class I product; (h) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications,	Delete Replaced by Quality Manufacturing System	

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and that are to be considered for installation in a finished Class I, Class II, Class III or unapproved Class I product; (i) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary; (j) maintaining inspection records, identified with the finished Class I, Class II, Class III or unapproved Class I product where practicable, and retaining them for at least 2 years. *Source* FARs section 21.125 modified.		
21.145 Materials Review Board (1) The holder of a production certificate (other than a production certificate referred to in subregulation 21.133(2B)) must: (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and (b) maintain complete records of Materials Review Board action for at least 2 years after the action was taken. Penalty: 50 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.125 modified.	Delete No longer used in QMS	
21.163 Privileges for holders of production certificates—conduct of training in particular maintenance *Primary category aircraft* (1) Subregulation (2) applies to: (a) a person who: (i) holds a production certificate for a primary category aircraft of a particular type and model; and (ii) is entitled to a special certificate of airworthiness for the aircraft in the primary category under subregulation 21.184(1); and (b) a person who: (i) holds a production certificate for a normal, utility or acrobatic category aircraft of a particular type and model; and (ii) is entitled to a special certificate of airworthiness for the aircraft in the primary category under subregulation 21.184(3). (2) Subject to subregulation (5), the person may:	Adopt & Harmonise	**§ 21.145 Privileges.** (a) The holder of a production certificate may— (1) Obtain an aircraft airworthiness certificate without further showing, except that the FAA may inspect the aircraft for conformity with the type design; or (2) In the case of other products, obtain approval from the FAA for installation on type-certificated aircraft. (b) Notwithstanding the provisions of § 147.3 of this chapter, the holder of a production certificate for a primary category aircraft, 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 § 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 § 21.24(b), provided a person holding a mechanic certificate with appropriate airframe and powerplant ratings issued under part 65 of this chapter 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.

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(a) conduct training for a person in the performance of a special inspection and preventive maintenance program included as part of the aircraft's type design under subregulation 21.024(2); and (b) if the person successfully completes the training—issue a certificate of competency for that type and model of aircraft to the person. *Intermediate category aircraft* (3) Subregulation (4) applies to a person who: (a) holds a production certificate for an intermediate category aircraft of a particular type and model; and (b) is entitled to a special certificate of airworthiness for the aircraft in the intermediate category under subregulation 21.184A(1). (4) Subject to subregulation (5), a person who is eligible may: (a) conduct training for a person in the performance of a special inspection and preventive maintenance program included as part of the aircraft's type design under subregulation 21.026(2); and (b) if the person successfully completes the training—issue a certificate of competency for that type and model of aircraft to the person. *Training to be given by licensed aircraft maintenance engineer* (5) For subregulations (2) and (4), the training must be given by a licensed aircraft maintenance engineer: (a) who holds a category B1 licence, within the meaning given by Part 3 of the Dictionary; and (b) if the aircraft is of a type rated aircraft type, within the meaning given by Part 3 of the Dictionary—whose licence is endorsed with the rating for that aircraft type. *Source* FARs section 21.163 modified.		
21.165 Responsibility of holder of production certificate (1) The holder of a production certificate must maintain the quality system in conformity with the manual approved under regulation 21.143 in relation to the production certificate. Penalty: 50 penalty units. (2) The holder of a production certificate for a Class I product must ensure that each finished product that is: (a) manufactured under the authority of the certificate; and (b) submitted for airworthiness certification or approval; conforms to the type design for the product and is in a condition for safe operation. Penalty: 50 penalty units.	Major Chage Adopt & Harmonise	**§ 21.146 Responsibility of holder.** The holder of a production certificate must— (a) Amend the document required by § 21.135 as necessary to reflect changes in the organization and provide these amendments to the FAA. (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;

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(3) The holder of a production certificate for a Class II, Class III or unapproved Class I product must ensure that each product that is: (a) manufactured under the authority of the certificate; and (b) submitted for approval; conforms to the product design and is in a condition for safe operation. Penalty: 50 penalty units. (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.165 modified.		(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 FAA approved with the manufacturer's part number and name, trademark, symbol, or other FAA 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 the FAA upon request; and (h) Make available to the FAA information regarding all delegation of authority to suppliers.
21.153 Amendment of production certificate (1) The holder of a production certificate may apply to CASA to amend the certificate to add 1 or more of the following: (a) a Class I product type certificate or foreign type certificate; (b) a model to a Class I product type certificate or foreign type certificate; (c) an unapproved Class I product design; (d) a Class II product design; (e) a Class III product design. (2) CASA may amend the certificate if the applicant complies with the applicable requirements of regulations 21.139, 21.143 and 21.147. *Source* FARs section 21.153 modified.	Major Change Adopt and Review	**§ 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 the FAA. (b) An applicant for an amendment to a production certificate to add a type certificate or model, or both, must comply with §§ 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 the FAA 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 the FAA considers necessary.
		§ 21.150 Changes in quality system. After the issuance of a production certificate— (a) Each change to the quality system is subject to review by the FAA; and (b) The holder of a production certificate must immediately notify the FAA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its product or article.
21.149 Multiple products CASA may authorise more than 1 Class I, Class II, Class III or unapproved Class I product to be manufactured under 1 production certificate if the products have similar production characteristics. *Source* FARs section 21.149 modified.	Delete No such products	

Comparison CASR Part 21 and FAR Part 21

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21.151 Production limitation record A production certificate must include, or have attached to it, a production limitation record that sets out: (a) for a Class I product—the type certificate or foreign type certificate of each product authorised to be manufactured under the production certificate; and (b) for a Class II or Class III product (other than a Class II or Class III product referred to in subregulation 21.133(2B)) or an unapproved Class I product—the product design of each product authorised to be manufactured under the production certificate; and (c) for a Class II or Class III product referred to in subregulation 21.133(2B)—a description of each product authorised to be manufactured under the production certificate. *Source* FARs section 21.151 modified.	Delete No longer applicable	
21.161 Display (1) The holder of a production certificate must take reasonable steps to ensure that it is displayed prominently in the main office of the manufacturing facility in which the aircraft, aircraft engine or propeller to which the certificate relates is manufactured. Penalty: 5 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.161 modified.	No longer in FAR Not safety related	
21.166 Records to be kept by holder of production certificate (1) A person who manufactures a Class I, Class II, Class III or unapproved Class I product under a production certificate must keep, at the place of manufacture, the following records for each product: (a) for a Class I product, a technical data file that includes: (i) the current type design drawings; and (ii) the current specifications; and (iii) the reports on the results of any tests required by or under this Part; and (iv) the original type inspection report; and (v) any amendments to that report; (b) for a Class II, Class III or unapproved Class I product, the current product design and the reports on the results of any tests required by or under this Part; (c) any data (including any amendments) required to be submitted with the original application for the production certificate; (d) a record of any rebuilding or alteration performed by the person;	Delete No longer applicable	

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(e) an inspection record; (f) any serial number; (g) any data about the processes and tests to which materials and parts used in the product are subjected; (h) a record of any service difficulties reported to the person. Penalty: 50 penalty units. (2) The records mentioned in paragraphs (1)(a), (b), (c) and (d) must be retained for the period during which the product is manufactured by the person under the production certificate. Penalty: 50 penalty units. (3) The records mentioned in paragraphs (1)(e), (f), (g) and (h) must be retained for 2 years after the manufacture of the product to which the records relate. Penalty: 50 penalty units. (4) The person must allow CASA to examine the records at any reasonable time after reasonable notice is given to the person. Penalty: 50 penalty units. (5) If the person stops manufacturing a product under the production certificate, and does not continue manufacturing the product at another place under another production certificate, the person must send the records retained for subregulation (3) to CASA within 30 days after manufacturing stops. Penalty: 50 penalty units. (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.293 modified.		
Subpart 21.H—Certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits *Note: A certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations 2018, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.*	CASA needs to make findings of compliance with Noise Standards	**Subpart H—Airworthiness Certificates**
21.171 Applicability This Subpart prescribes requirements for the issue of certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits. *Source* FARs section 21.171 modified.	Review and harmonise	**§ 21.171 Applicability.** This subpart prescribes procedural requirements for the issue of airworthiness certificates.

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Note: Under Part 200 (Aircraft to which CASR do not apply), certain Australian aircraft are authorised to fly without a certificate of airworthiness.		
21.172 Definitions for Subpart In this Subpart: *LSA standards* means: (a) the standards for the design, performance or continuing airworthiness of light sport aircraft issued by the American Society for Testing and Materials, as in force from time to time; or (b) the standards prescribed by the Part 21 Manual of Standards for the design, performance or continuing airworthiness of light sport aircraft. Note: The standards issued by the American Society for Testing and Materials could in 2015 be viewed on the society's website (http://www.astm.com). *qualified manufacturer* of a light sport aircraft means: (a) a manufacturer who, at the time the light sport aircraft was manufactured, held a current production certificate for an aircraft; or (b) a manufacturer who has made a written declaration that, at the time the light sport aircraft was manufactured, it had: (i) contracted engineering personnel with experience in ultralight or light aircraft design to ensure compliance with LSA standards referred to in paragraph 21.186(2)(b); and (ii) facilities and tools suitable for the production of the aircraft in accordance with the applicable LSA standards; and (iii) competent personnel, with appropriate training, skills and experience, to perform work that affects product quality.		
21.173 Eligibility (1) In this regulation: *certificate of airworthiness* does not include: (a) an experimental certificate; or (b) a provisional certificate of airworthiness. (2) The registered operator of an aircraft, or the owner of an aircraft that is listed with a Part 103 ASAO, is eligible to apply for a certificate of airworthiness for the aircraft. (3) The application must be made to: (a) for an application for a limited category certificate—CASA or a limited category organisation; or (b) for any other application—CASA or an authorised person.	Review and harmonise	**§ 21.173 Eligibility.** Any registered owner of a U.S.-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 the FAA, and may be submitted to any FAA office.

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21.174 Applications for limited category certificates made to CASA—giving to limited category organisation (1) This regulation applies if an application for a limited category certificate for an aircraft is made to CASA. (2) CASA may give the application to a limited category organisation for the purposes of the organisation deciding the application. (3) If there is more than one limited category organisation that may deal with the application, CASA must ask the applicant to nominate a limited category organisation for the application. (4) If CASA gives the application to a limited category organisation under this regulation, CASA must give the organisation anything in its records about the applicant that is relevant to the organisation making a decision on the application. (5) If CASA gives the application to a limited category organisation under this regulation: (a) for these Regulations, the application is taken to have been made to the organisation; and (b) the organisation must decide the application; and (c) CASA must give the applicant written notice that the application has been given to the organisation for the purposes of the organisation deciding it. (6) Without limiting subregulation (5), and for the avoidance of doubt: (a) CASA is taken not to have refused the application; and (b) nothing in this Part authorises the limited category organisation to return the application to CASA for the purposes of CASA deciding it, but the organisation may consult with, or seek information from, CASA for the purposes of deciding the application.		
21.175 Certificates of airworthiness: classification In these Regulations: *special certificate of airworthiness* means: (a) a certificate of airworthiness issued for: (i) an aircraft type certificated in the primary, intermediate or restricted category; or (ii) an aircraft in the limited category; or (iii) an amateur-built aircraft accepted under an ABAA; or (iv) a light sport aircraft covered by regulation 21.186; or (b) a provisional certificate of airworthiness; or (c) an experimental certificate. *standard certificate of airworthiness* means a certificate of airworthiness issued for:	Review and harmonise	**§ 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 the FAA as special classes of aircraft. (b) Special airworthiness certificates are primary, restricted, limited, light-sport, and provisional airworthiness certificates, special flight permits, and experimental certificates.

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(a) an aircraft type certificated in the normal, utility, acrobatic, commuter, or transport category; or (b) a manned free balloon; or (c) an aircraft in a special class of aircraft. *Source* FARs section 21.175 modified.		
21.176 Issue of certain certificates of airworthiness (1) Subject to regulation 11.055, CASA, a limited category organisation or an authorised person must issue a certificate of airworthiness to an applicant for the certificate if the applicant: (a) is eligible, under regulation 21.173, to apply for the certificate; and (b) applies for the certificate in accordance with this Subpart; and c) is entitled, under this Subpart, to the certificate; and (d) otherwise complies with this Part. (3) A condition imposed on a certificate of airworthiness under regulation 11.056 may include operational limitations. (4) Any conditions imposed on a certificate of airworthiness under regulation 11.056, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing, and set out in, or attached to, the certificate of airworthiness. *Limited category certificates—assignment of permit index numbers* (5) If CASA or a limited category organisation decides to issue a limited category certificate for an aircraft, CASA or the organisation must assign a permit index number to the aircraft in accordance with regulation 132.195. Note: See also regulation 132.230 (Notice to CASA—certain proposed actions by limited category organisation). *Limited category certificates—information to be included* (5A) The following information must be included in a limited category certificate for an aircraft, or in an attachment to the certificate: (a) each special purpose operation for which the aircraft is to be operated; (b) the aircraft's permit index number. (6) In this regulation: *certificate of airworthiness* does not include a provisional certificate of airworthiness or an experimental certificate.		
21.179 Transferability Subject to regulation 21.219, a certificate of airworthiness is transferred with the aircraft. *Source* FARs section 21.179 modified.	Review and harmonise	**§ 21.177 Amendment or modification.** An airworthiness certificate may be amended or modified only upon application to the FAA.

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Note: Regulation 21.219 relates to the transferability of provisional certificates of airworthiness.		
		§ 21.179 Transferability. An airworthiness certificate is transferred with the aircraft.
21.181 Duration of certain certificates of airworthiness (1) In this regulation: *certificate of airworthiness* does not include a provisional certificate of airworthiness or an experimental certificate. (2) A certificate of airworthiness continues in force: (a) if a period is specified in the certificate—until the end of the period or until it is cancelled, whichever occurs first; or (b) in any other case—until it is cancelled. (3) The holder of a certificate of airworthiness must, on request by CASA or an authorised person, make it available for inspection by CASA or the authorised person. Penalty: 5 penalty units. (4) A certificate of airworthiness is taken to not be in force for any period during which: (a) the aircraft is either not registered in Australia or not listed with a Part 103 ASAO; or (b) any type certificate or type acceptance certificate for the type of aircraft concerned is not in force; or (c) in the case of a certificate of airworthiness issued for a light sport aircraft covered by regulation 21.186, the aircraft is modified and the modification: (i) is not authorised by the manufacturer; or (ii) if the manufacturer was no longer existing at the time of the modification or could not have authorised the modification at that time—is not authorised by an authorised person to perform the functions of the manufacturer in relation to the continuing airworthiness of the light sport aircraft; or (iii) does not comply with the LSA standards. (4A) For the purposes of subregulation (4), if the certificate of airworthiness was issued for a specified period, the period during which the certificate is taken to not be in force counts as part of the period for which the certificate was issued. (5) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an aircraft that is being used in scheduled air transport operations, by written notice given to its holder, if: (a) for an aircraft to which Part 42 applies—any maintenance carried out on the aircraft is not carried out in accordance with Part 42; or	Review and harmonise	**§ 21.181 Duration.** (a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the FAA, airworthiness certificates are effective as follows: (1) Standard airworthiness certificates, special airworthiness certificates—primary 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 this chapter and the aircraft are registered in the United States. (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 authorized by the aircraft's manufacturer or a person acceptable to the FAA; (iii) The aircraft has no unsafe condition and is not likely to develop an unsafe condition; and (iv) The aircraft is registered in the United States. (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 the FAA 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 the FAA 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 the FAA. (c) Upon suspension, revocation, or termination by order of the FAA of an airworthiness certificate, the owner, operator, or bailee of an aircraft must, upon request, surrender the certificate to the FAA.

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(aa) for an aircraft to which Part 42 does not apply—any maintenance carried out on the aircraft is not carried out in accordance with Part 4A of CAR; or (b) the aircraft type ceases to be supported by the type certificate holder, the national aviation authority of the country in which the aircraft's original type certificate was issued or the national aviation authority of a Contracting State, with respect to: (i) collecting and investigating information on defects; or (ii) reporting defects to the national aviation authority of the country of original type certification; or (iii) keeping type records; or (iv) producing and maintaining manuals; or (v) issuing instructions for continuing airworthiness; or (c) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety. (6) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an Australian aircraft not covered by subregulation (5), by written notice given to its holder, if: (a) for an aircraft to which Part 42 applies—any maintenance carried out on the aircraft is not carried out in accordance with Part 42; or (aa) for an aircraft to which Part 42 does not apply—any maintenance carried out on the aircraft is not carried out in accordance with Part 4A of CAR; or (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety. (7) A notice under subregulation (5) or (6) 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. (8) Despite anything else in this regulation, a certificate of airworthiness is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued. (9) The holder of a certificate of airworthiness that is taken to not be in force under subregulation (4), expires, or is suspended or cancelled, must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person. Penalty: 5 penalty units. (10) An offence against subregulation (3) or (9) is an offence of strict liability. Note 1: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.181 modified. Note 2: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of certificates of airworthiness.		

Comparison CASR Part 21 and FAR Part 21

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21.182 Aircraft manufacturer's data plate (1) Except as set out in subregulation (2), an applicant for a certificate of airworthiness for an aircraft must show that the aircraft is identified: (a) as required by Subpart 21.Q; or (b) in the case of an imported aircraft: (i) as required by the national aviation authority of the Contracting State in which it was certificated; or (ii) in another way acceptable to CASA. (2) Subregulation (1) does not apply to an applicant: (a) if the applicant is applying for an experimental certificate for an aircraft that is not an amateur-built aircraft, a kit-built aircraft or a light sport aircraft; or (b) if: (i) a different certificate of airworthiness is in force for the aircraft; and (ii) the applicant for the issue of that certificate complied with subregulation (1). *Source* FARs section 21.182 modified.	Review and harmonise	**§ 21.182 Aircraft identification.** (a) Except as provided in paragraph (b) of this section, each applicant for an airworthiness certificate under this subpart must show that his aircraft is identified as prescribed in § 45.11. (b) Paragraph (a) of this section 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 § 45.11.
21.183 Standard certificates of airworthiness *New aircraft manufactured under a production certificate* (1) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft: (a) does not conform to the type design; or (b) has been modified or repaired otherwise than in accordance with a supplemental type certificate or an approved modification/repair design; or (c) is not in a condition for safe operation. *New aircraft manufactured under type certificate only* (2) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a type certificate only is entitled to the certificate upon presentation, by the holder or licensee of the type certificate, of the statement of conformity required by regulation 21.130, if CASA finds after inspection that the aircraft: (a) conforms to the type design; and (b) has had any modifications or repairs carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) is in a condition for safe operation; and (d) was manufactured by the holder of the type certificate for the aircraft or the licensee of that type certificate. *Imported aircraft*	Review and harmonise	**§ 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 the FAA 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 § 21.130 if the FAA 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 is type certificated in accordance with § 21.21 or § 21.29 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 the United States for import of that aircraft, that the aircraft conforms to the type design and is in condition for safe operation; and (3) The FAA finds that the aircraft conforms to the type design and is in condition for safe operation.

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(3) An applicant for a standard certificate of airworthiness for an aircraft for which a type certificate was issued under regulation 21.029, or a type acceptance certificate was issued under regulation 21.029A, is entitled to the certificate if CASA or an authorised person is satisfied that: (a) the aircraft conforms to the type design; and (b) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) the aircraft is in a condition for safe operation. *Other aircraft* (4) An applicant for a standard certificate of airworthiness for aircraft not covered by subregulation (1), (2) or (3) is entitled to the certificate if: (a) the aircraft: (i) has a type design approved under a type certificate or a supplemental type certificate; or (ii) if there is no type certificate or supplemental type certificate for the aircraft—is of a type or model that has previously been issued a certificate of airworthiness in the category applied for; and (b) the aircraft complies with any applicable airworthiness directives; and (c) the aircraft meets the requirements mentioned in subregulation (4A); and (d) CASA or an authorised person is satisfied that: (i) the aircraft conforms to the type design (if any); and (ii) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (iii) the aircraft is in a condition for safe operation. (4A) For paragraph (4)(c), the requirements are that: (a) the aircraft is not an experimental aircraft for which a different certificate of airworthiness has previously been issued under this regulation; and (b) if Part 42 applies to the aircraft—an airworthiness review certificate is in force for the aircraft; and (c) if Part 42 does not apply to the aircraft, and the aircraft is of a particular type and model—a person who holds a certificate of approval that covers maintenance for that type and model of aircraft has certified, in the aircraft maintenance record for the aircraft, that the aircraft meets the requirements mentioned in subregulation 21.184(4). *Inspection* (5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1), (3) or (4) to determine whether: (a) it conforms to the type design; and		(d) ***Used aircraft and surplus aircraft of the U.S. Armed Forces.*** An applicant for a standard airworthiness certificate for a used aircraft or surplus aircraft of the U.S. Armed Forces is entitled to a standard airworthiness certificate if— (1) The applicant presents evidence to the FAA that the aircraft conforms to a type design approved under a type certificate or a 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 section) has been inspected in accordance with the performance rules for 100-hour inspections set forth in § 43.15 of this chapter, or an equivalent performance standard acceptable to the FAA, and found airworthy by— (i) The manufacturer; (ii) The holder of a repair station certificate as provided in Part 145 of this chapter; (iii) The holder of a mechanic certificate as authorized in Part 65 of this chapter; or (iv) The holder of a certificate issued under part 121 of this chapter, and having a maintenance and inspection organization appropriate to the aircraft type; and (3) The FAA 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 section, the following must be complied with for the original issuance of a standard airworthiness certificate: (1) For transport category large airplanes and jet (turbojet powered) airplanes that have not had any flight time before the dates specified in § 36.1(d), no standard airworthiness certificate is originally issued under this section unless the FAA finds that the type design complies with the noise requirements in § 36.1(d) in addition to the applicable airworthiness requirements in this section. For import airplanes, compliance with this paragraph is shown if the country in which the airplane was manufactured certifies, and the FAA finds, that § 36.1(d) (or the applicable airplane noise requirements of the country in which the airplane was manufactured and any other requirements the FAA may prescribe to provide noise levels no greater than those provided by compliance with § 36.1(d)) and paragraph (c) of this section are complied with. (2) For normal, utility, acrobatic, commuter, or transport category propeller driven small airplanes (except for those airplanes that are designed for "agricultural aircraft operations" (as defined in § 137.3 of this chapter, as effective on January 1, 1966) or for dispensing fire fighting materials to which § 36.1583 of this chapter does not apply) that have not had any flight time before the applicable date specified in part 36 of this chapter, no standard airworthiness certificate is originally issued under this section unless the applicant shows that the type design complies with the applicable noise requirements of part 36 of this chapter in addition to the applicable airworthiness requirements in this section. For import airplanes, compliance with this paragraph is shown if the country in which the airplane was manufactured certifies, and the FAA finds, that the applicable requirements of part of this chapter (or the applicable airplane

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(b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) it is in a condition for safe operation. *Source* FARs section 21.183 modified.		noise requirements of the country in which the airplane was manufactured and any other requirements the FAA may prescribe to provide noise levels no greater than those provided by compliance with the applicable requirements of part 36 of this chapter) and paragraph (c) of this section are complied with. (f) ***Passenger emergency exit requirements.*** Notwithstanding all other provisions of this section, each applicant for issuance of a standard airworthiness certificate for a transport category airplane manufactured after October 16, 1987, must show that the airplane meets the requirements of § 25.807(c)(7) in effect on July 24, 1989. For the purposes of this paragraph, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data. (g) ***Fuel venting and exhaust emission requirements.*** Notwithstanding all other provisions of this section, and irrespective of the date of application, no airworthiness certificate is issued, on and after the dates specified in part 34 for the airplanes specified therein, unless the airplane complies with the applicable requirements of that part. (h) New aircraft manufactured under the provisions of § 21.6(b). An applicant for a standard airworthiness certificate for a new aircraft manufactured under the provisions of § 21.6(b) is entitled to a standard airworthiness certificate if— (1) The applicant presents evidence to the FAA that the aircraft conforms to a type design approved under a type certificate or 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 § 43.15 of this chapter and found airworthy by a person specified in paragraph (d)(2) of this section; and (3) The FAA finds after inspection, that the aircraft conforms to the type design, and is in condition for safe operation. 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 § 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 the FAA 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 § 21.29 is entitled to a special airworthiness certificate if the civil airworthiness authority of the country in which the aircraft was manufactured certifies, and the FAA finds after inspection, that the aircraft conforms to an approved type design that meets the criteria of § 21.24(a)(1) and is in a condition for safe operation.

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		(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 § 21.24(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 § 91.409(a)(1) of this chapter, and is found to be in a condition for safe operation by the FAA. (d) ***Other aircraft.*** An applicant for a special airworthiness certificate-primary category for an aircraft that meets the criteria of § 21.24(a)(1), and is not covered by paragraph (a), (b), or (c) of this section, is entitled to a special airworthiness certificate if— (1) The applicant presents evidence to the FAA that the aircraft conforms to an approved primary, 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 § 91.409(a)(1) of this chapter and; (3) The aircraft is found by the FAA to conform to an approved type design and to be in a condition for safe operation. (e) ***Multiple-category airworthiness certificates*** in the primary category and any other category will not be issued; a primary category aircraft may hold only one airworthiness certificate. [Doc. No. 23345, 57 FR 41368, Sept. 9, 1992, as amended by Amdt. 21–70, 57 FR 43776, Sept. 22, 1992] § 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 § 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 the Armed Forces or previously type certificated in another category, is entitled to an airworthiness certificate if the aircraft has been inspected by the FAA 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 § 21.25 or § 21.29 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 the United States for import of that aircraft that the aircraft conforms to the type design and is in condition for safe operation; and

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		(3) The FAA finds that the aircraft conforms to the type design and is in condition for safe operation. (d) ***Noise requirements.*** For propeller-driven small airplanes (except airplanes designed for "agricultural aircraft operations," as defined in § 137.3 of this chapter, as effective on January 1, 1966, or for dispensing fire fighting materials) that have not had any flight time before the applicable date specified in Part 36 of this chapter, and notwithstanding the other provisions of this section, no original restricted category airworthiness certificate is issued under this section unless the FAA finds that the type design complies with the applicable noise requirements of Part 36 of this chapter in addition to the applicable airworthiness requirements of this section. For import airplanes, compliance with this paragraph is shown if the country in which the airplane was manufactured certifies, and the FAA finds, that the applicable requirements of Part 36 of this chapter (or the applicable airplane noise requirements of the country in which the airplane was manufactured and any other requirements the FAA may prescribe to provide noise levels no greater than those provided by compliance with the applicable requirements of Part 36 of this chapter) and paragraph (c) of this section are complied with.
21.184 Special certificates of airworthiness for primary category aircraft ***New primary category aircraft manufactured under a production certificate*** (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the primary category that meets the criteria of paragraph 21.024(1)(a), 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 the certificate without further showing unless CASA or an authorised person decides that the aircraft: (a) does not conform to the type design; or (b) has been modified or repaired otherwise than in accordance with a supplemental type certificate or an approved modification/repair design; or (c) is not in a condition for safe operation. *Imported aircraft* (2) An applicant for a special certificate of airworthiness for an aircraft in the primary category for which a type certificate was issued under regulation 21.029, or a type acceptance certificate was issued under regulation 21.029A, is entitled to the certificate if CASA or an authorised person finds, after inspection, that: (a) the aircraft conforms to the type design; and (b) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) the aircraft is in a condition for safe operation.	Part of above Review and harmonise	

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Aircraft having a current standard certificate of airworthiness (3) An applicant for a special certificate of airworthiness for an aircraft in the primary category is entitled to the certificate if CASA or an authorised person is satisfied that: (a) the aircraft has a standard certificate of airworthiness; and (b) the aircraft meets the criteria mentioned in paragraph 21.024(1)(a); and (c) the applicant has applied, under regulation 21.113, for a supplemental type certificate for the approval of the design of a major change to the aircraft; and (d) the applicant meets the requirements mentioned in regulation 21.113A; and (e) if Part 42 applies to the aircraft and maintenance has been carried out on the aircraft since it was last operated for a flight—one of the following documents has been issued for the aircraft in relation to the maintenance: (i) a certificate of release to service; (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301; and (f) if Part 42 does not apply to the aircraft—a maintenance release is in force for the aircraft. *Other aircraft* (4) An applicant for a special certificate of airworthiness for an aircraft in the primary category that meets the criteria of paragraph 21.024(1)(a), and is not covered by subregulation (1), (2), or (3), is entitled to the certificate if CASA or an authorised person is satisfied that: (a) the aircraft: (i) conforms to an approved primary, normal, utility, acrobatic or manned free balloon type design; or (ii) complies with the requirements prescribed by the Part 21 Manual of Standards; and (b) the aircraft complies with all applicable airworthiness directives; and (c) if Part 42 applies to the aircraft—an airworthiness review certificate is in force for the aircraft; and (ca) if Part 42 does not apply to the aircraft—the aircraft maintenance record for the aircraft records the result of a maintenance release inspection (within the meaning given by subregulation 47(6) of CAR) for the aircraft; and (d) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (e) the aircraft is in a condition for safe operation. *Inspection* (5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (3) or (4) to determine whether:		

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(a) it conforms to the type design; and (b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) it is in a condition for safe operation. *Multiple-category certification* (6) A multiple-category certificate of airworthiness in the primary category and any other category must not be issued; a primary category aircraft may hold only one certificate of airworthiness. *Source* FARs section 21.184 modified.		

21.184A Special certificates of airworthiness for intermediate category aircraft *New intermediate category aircraft manufactured under a production certificate* (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the intermediate category that meets the criteria of paragraph 21.026(1)(a) and was manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft: (a)does not conform to the type design; or (b) has been modified or repaired otherwise than in accordance with a supplemental type certificate or an approved modification/repair design; or (c)is not in a condition for safe operation. *Other aircraft* (2) An applicant for a special certificate of airworthiness for an aircraft in the intermediate category that meets the criteria of paragraph 21.026(1)(a) and is not covered by subregulation (1) is entitled to the certificate if CASA or an authorised person is satisfied that: (a) the aircraft: (i)conforms to an approved intermediate, normal, utility, or acrobatic type design; or (ii) complies with the requirements prescribed by the Part 21 Manual of Standards; and (b)the aircraft complies with all applicable airworthiness directives; and (c) if Part 42 applies to the aircraft—an airworthiness review certificate is in force for the aircraft; and (ca) if Part 42 does not apply to the aircraft—the aircraft maintenance record for the aircraft records the result of a maintenance release inspection (within the meaning given by subregulation 47(6) of CAR) for the aircraft; and (d) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (e) the aircraft is in a condition for safe operation. Inspection (3) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (2) to determine whether: (a) it conforms to the type design; and (b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) it is in a condition for safe operation. Multiple-category certification (4) A multiple-category certificate of airworthiness in the intermediate category and any other category must not be issued; an intermediate category aircraft may hold only one certificate of airworthiness. *Source* FARs section 21.184 modified.	Review if needed Design standad based on one possible aircraft New emerging technology makes this redundant.	

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21.185 Certificates of airworthiness for restricted category aircraft *Aircraft manufactured under a production certificate or type certificate only* (1) An applicant for the original issue of a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, is entitled to the certificate if the applicant complies with the appropriate provisions of regulation 21.183. *Imported aircraft* (2) An applicant for the original issue of a restricted category certificate of airworthiness for an imported aircraft type certificated only in the restricted category under regulation 21.029 or 21.029A is entitled to a certificate of airworthiness if CASA or an authorised person is satisfied that: (a) the aircraft conforms to the type design; and (b) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) the aircraft is in a condition for safe operation. *Other aircraft* (3) An applicant for a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was a surplus aircraft of the Defence Force, or of an armed force of Canada, the United Kingdom or the United States of America, or was previously certificated in another category, is entitled to the certificate if CASA or an authorised person is satisfied, after inspection, that the aircraft is in a good state of preservation and repair and is in a condition for safe operation. (3A) Subregulation (3B) applies to an aircraft: (a) that is type certificated in the normal, utility, acrobatic, commuter or transport category; and (b) that has been modified for 1 or more of the special purpose operations mentioned in regulation 21.025; and (c) the modifications to which have been carried out in accordance with: (i) an approved modification/repair design; or (ii) a supplemental type certificate. (3B) An applicant for a special certificate of airworthiness for an aircraft to which this subregulation applies is entitled to the certificate as if the aircraft were type certificated in the restricted category if CASA or an authorised person finds, after inspection, that: (a) the aircraft meets the requirements of the normal utility, acrobatic, commuter or transport category except the requirements that CASA or the authorised person considers are inappropriate for the special purpose for which the aircraft is to be used; and		

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(b) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use. *Inspection* (4) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (3) to determine whether: (a) it conforms to the type design; and (b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and (c) it is in a condition for safe operation. *Source* FARs section 21.185 modified.		
21.186 Special certificates of airworthiness for light sport aircraft (1) An applicant is entitled to a special certificate of airworthiness for a light sport aircraft if: (a) the aircraft was manufactured by a qualified manufacturer; and (b) the applicant gives CASA, or the authorised person referred to in regulation 21.176, the following: (i) a statement of compliance by the manufacturer that complies with subregulation (2); (ii) copies of the aircraft operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer; (iii) in the case of a light sport aircraft manufactured outside Australia—written information showing that: (A) the aircraft was manufactured in a Contracting State; and (B) the aircraft is eligible for a certificate of airworthiness, or another document of similar effect, in the country of manufacture; and (c) CASA or an authorised person finds, after inspection, that the aircraft is in a condition for safe operation. (2) A statement of compliance must be signed by the manufacturer and include at least the following: (a) a statement setting out the aircraft's make and model, serial number and date of manufacture; (b) a statement specifying which of the LSA standards apply to the design of the aircraft, including a statement to the effect that the design of the aircraft complies with the specified standards; (c) a statement specifying that: (i) the manufacturer has a quality system that complies with the LSA standards; and	Covered in other FAR provisions	

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(ii) based on that system, the aircraft conforms to the manufacturer's technical data for the design of the aircraft; (d) a statement to the effect that the manufacturer will make the statements, documents and information referred to in paragraph (1)(b) available to any person who asks the manufacturer for them; (e) a statement to the effect that the manufacturer will monitor the continuing airworthiness of the aircraft and will issue directions or requirements that comply with the LSA standards to correct any unsafe condition; (f) a statement to the effect that, in accordance with a production acceptance test procedure that complies with the LSA standards: (i) the manufacturer has ground-tested and flight-tested the aircraft; and (ii) the manufacturer found the aircraft's performance during ground and flight testing acceptable; and (iii) the aircraft is in a condition for safe operation.		
21.187 Multiple-category airworthiness certification (1) An applicant for a certificate of airworthiness for an aircraft in the restricted category, and in one or more other categories (except the primary or intermediate category), is entitled to the certificate, if the aircraft: (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and (b) can be converted from one category to another by removing or adding equipment by simple mechanical means. (2) The operator of an aircraft certificated in the restricted category and in one or more other categories must have the aircraft inspected to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers. Penalty: 50 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (3) The inspection must be carried out by: (a) CASA or an authorised person; or (b) a person who, under regulation 42ZE or 42ZN of CAR, can certify that the maintenance carried out on the aircraft for the purposes of its conversion was completed. (4) CASA or an authorised person may inspect the aircraft, and may require the applicant to make any tests reasonably necessary, to determine whether the aircraft: (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and	Review and harmonise	**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) He shows compliance with the requirements for each category, when the aircraft is in the configuration for that category; and (2) He 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 section must have the aircraft inspected by the FAA, or by a certificated mechanic 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 the FAA finds this unnecessary for safety in a particular case. (c) The aircraft complies with the applicable requirements of part 34.

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(b) can be converted from one category to another by removing or adding equipment by simple mechanical means. *Source* FARs section 21.187 modified.		
21.189 Special certificate of airworthiness for limited category aircraft (1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the limited category for one or more special purpose operations mentioned in subregulation (3) if: (a) either: (i) CASA or the limited category organisation deciding the application 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 the limited category organisation deciding the application a satisfactory history of operation; and (b) as far as can be reasonably determined, CASA or the limited category organisation 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 the limited category organisation 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 the limited category organisation the following: (a) a statement, in a form and manner acceptable to CASA or the limited category organisation, 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 limited category organisation 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; (aa) conducting adventure flights in historic or ex-military aircraft; (ab) if the aircraft does not have a major modification—air racing; (ac) glider towing; (b) aerobatic flights; (c) aerobatic training;	Review and harmonise	**§ 21.189 Issue of airworthiness certificate for limited category aircraft.** (a) An applicant for an airworthiness certificate for an aircraft in the limited category is entitled to the certificate when— (1) He shows that the aircraft has been previously issued a limited category type certificate and that the aircraft conforms to that type certificate; and (2) The FAA 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. (b) The FAA prescribes limitations and conditions necessary for safe operation.

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(d) exhibition flights; (e) mock combat; (f) operating replica aircraft; (g) operating aircraft to carry people for parachute descents; (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 the limited category organisation 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 limited category organisation to make the determination. *Source* FARs section 21.189 modified.		

21.190 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 VS0 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/m2 with a flap area of less than 6 percent gross wing area; or (B) 80 kg/m2 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 VS0 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/m2 with a flap area of less than 6 percent gross wing area; or (B) 65 kg/m2 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.	Change CASR number 21.19A	**§ 21.190 Issue of a special airworthiness certificate for a light-sport category aircraft.** (a) ***Purpose.*** The FAA 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 the FAA 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 section; 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 the FAA 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 section 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 issuance of safety directives and a continued airworthiness system that meets the identified consensus standard; (6) State that at the request of the FAA, 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 the United States.*** For aircraft manufactured outside of the United States to be eligible for a special airworthiness certificate in the light-sport category, an applicant must meet the requirements of paragraph (b) of this section and provide to the FAA evidence that—

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		(1) The aircraft was manufactured in a country with which the United States has a Bilateral Airworthiness Agreement concerning airplanes or Bilateral Aviation Safety Agreement with associated Implementation Procedures for Airworthiness concerning airplanes, or an equivalent airworthiness agreement; and (2) The aircraft is eligible for an airworthiness certificate, flight authorization, or other similar certification in its country of manufacture.

21.191 Experimental certificates An experimental certificate may be issued for one or more of the following purposes: (a) research and development: for example 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: for example 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) training the applicant's flight crew; (d) exhibition: for example 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: for example participating in air races, including (for participants) practising for air races and flying to and from racing events; (f) market surveys: for example use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training only as provided in regulation 21.195; (g) operating an amateur-built aircraft: that is an aircraft the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation; (h) operating a kit-built aircraft: that is an aircraft in the primary category that meets the criteria of paragraph 21.024(1)(a) and 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 subregulation 21.184(1); (i) private operations of prototype aircraft previously certificated under paragraph 21.191(a), (b) or (d); (j) operating a light sport aircraft that: (i) has been assembled from a kit in relation to which the applicant can give the information, statement and documents required by paragraph 21.193(e); and (ii) has been assembled in accordance with the kit manufacturer's instructions for assembling the aircraft; and (iii) is of the same make and model as a production aircraft covered by regulation 21.186 that has been issued with a special certificate of airworthiness; (k) operating any other light sport aircraft covered by regulation 21.186 for which a special certificate of airworthiness for light sport aircraft, or another document of similar effect under a law of a Contracting State, has been issued. *Source* FARs section 21.191 modified.		**§ 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 issuance 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 § 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 § 21.24(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 § 21.184(a). (i) ***Operating light-sport aircraft.*** Operating a light-sport aircraft that— (1) Has not been issued a U.S. or foreign airworthiness certificate and does not meet the provisions of § 103.1 of this chapter. An experimental certificate will not be issued under this paragraph for these aircraft after January 31, 2008; (2) Has been assembled— (i) From an aircraft kit for which the applicant can provide the information required by § 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 § 21.190.

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21.192 Experimental certificates: eligibility An aircraft registration holder, or the owner of an aircraft that is listed with a Part 103 ASAO, is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191.		
21.193 Experimental certificates: general An applicant for an experimental certificate is entitled to the certificate if the applicant gives CASA, an authorised person or a relevant approved design organisation the following: (a) a statement, in a form and manner acceptable to CASA or the authorised person, 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 information reasonably needed by CASA or the authorised person or relevant approved design organisation to enable it to impose any conditions, including operational limitations, necessary in the interests of the safety of other airspace users and persons on the ground or water; (d) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191(a) (research and development) or paragraph 21.191(b) (showing compliance with the regulations): (i) a description of the experimental purposes for which the certificate is sought; and (ii) a statement setting out the estimated time or number of flights required for the purpose; and (iii) a description of the areas over which the experiment will be conducted; and (iv) 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) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191(j) (operating certain light sport aircraft): (i) written information that shows that a special certificate of airworthiness for light sport aircraft covered by regulation 21.186, or another document of similar effect under a law of a Contracting State, has been issued for a production aircraft of the same make and model; and (ii) a statement of compliance, issued by the manufacturer of the kit from which the aircraft was assembled, that includes the statements and information required by subregulation 21.186(2), in so far as the statements and information relate to the manufacture of such kits; and (iii) copies of the aircraft assembly and operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer.	Review and harmonise	**§ 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 the FAA 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 the FAA 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 § 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 § 21.190(c), except that instead of meeting § 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 section, for an aircraft kit manufactured outside of the United States, evidence that the aircraft kit was manufactured in a country with which the United States has a Bilateral Airworthiness Agreement concerning airplanes or a Bilateral Aviation Safety Agreement with associated Implementation Procedures for Airworthiness concerning airplanes, or an equivalent airworthiness agreement.

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Source FARs section 21.193 modified.		
21.195 Experimental certificates: aircraft to be used for market surveys, sales demonstrations, and customer crew training (1) A manufacturer of aircraft manufactured within Australian territory is eligible to apply for an experimental certificate for an aircraft that is to be used for a purpose mentioned in paragraph 21.191(f). (2) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by the manufacturer within Australian territory, is eligible to apply for an experimental certificate for a purpose mentioned in paragraph 21.191(f) if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, commuter, primary, intermediate or transport category. (3) A person who has altered the design of a type certificated aircraft is eligible to apply for an experimental certificate for the altered aircraft to be used for a purpose mentioned in paragraph 21.191(f) if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, primary, intermediate or transport category. (4) An applicant for an experimental certificate for a purpose mentioned in paragraph 21.191(f) is entitled to the certificate if, in addition to meeting the requirements of regulation 21.193: (a) the applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft; and (b) 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. *Source* FARs section 21.195 modified.	Review and harmonise	**§ 21.195 Experimental certificates: Aircraft to be used for market surveys, sales demonstrations, and customer crew training.** (a) A manufacturer of aircraft manufactured within the United States 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 the United States, 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 section is entitled to that certificate if, in addition to meeting the requirements of § 21.193— (1) He 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. The FAA may reduce these operational requirements if the applicant provides adequate justification.
21.195A Issue of experimental certificates (1) Subject to regulation 11.055, CASA, an authorised person or a relevant approved design organisation must issue an experimental certificate to an applicant for the certificate if the applicant: (a) is eligible, under regulation 21.192, to apply for the certificate; and (b) applies for the certificate in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate; and (d) otherwise complies with this Part. (3) A condition imposed on an experimental certificate under regulation 11.056 may include operational limitations. (4) Any conditions imposed on an experimental certificate under regulation 11.056, must be in writing and set out in, or attached to, the experimental certificate.	Review and harmonise	

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21.195B Duration, production for inspection, suspension and cancellation of experimental certificates (1) An experimental certificate issued for the purpose of research and development, showing compliance with regulations, crew training or market surveys, continues in force: (a) if a period of less than one year is specified in the certificate—until the end of the period, or until it is cancelled, whichever occurs first; or (b) in any other case—until the end of the period of one year after the date on which it was issued, or until it is cancelled, whichever occurs first. (2) An experimental certificate issued for the purpose of exhibition, air racing, operating amateur-built, kit-built or light sport aircraft or private operations of prototype aircraft previously certificated under paragraph 21.191(a), (b) or (d), continues in force: (a) if a period is specified in the certificate—until the end of the period, or until it is cancelled, whichever occurs first; or (b) in any other case—until it is cancelled. (3) The holder of an experimental certificate commits an offence if: (a) CASA, an authorised person or a relevant approved design organisation asks the holder to make the certificate available for inspection; and (b) the holder does not make the certificate available for inspection in accordance with the request. Penalty: 50 penalty units. (4) An experimental certificate for an aircraft is taken to not be in force for any period during which the aircraft is either not registered in Australia or not listed with a Part 103 ASAO. (4A) For the purposes of subregulation (4), the period during which the certificate is taken to not be in force counts as part of the period for which the certificate was issued. (5) CASA or an authorised person may suspend or cancel an experimental certificate for an aircraft, by written notice given to its holder, if: (a) any maintenance is not carried out in accordance with regulation 42CB of CAR; or (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of the safety of other airspace users and persons on the ground or water. (6) A notice under subregulation (5) 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.		

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(7) Despite anything else in this regulation, an experimental certificate is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued. (8) The holder of an experimental certificate commits an offence if: (a) the certificate is taken to not be in force under subregulation (4), expires or is suspended or cancelled; and (b) CASA, an authorised person or a relevant approved design organisation asks the holder to surrender the certificate; and (c) the holder does not surrender the certificate in accordance with the request. Penalty: 50 penalty units. (9) An offence against subregulation (3) or (8) is an offence of strict liability. Note 1: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.181 modified. Note 2: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of experimental certificates.		
21.195C Exercise of certain powers by authorised persons and relevant approved design organisations An authorised person or a relevant approved design organisation may exercise the following powers in relation to an experimental certificate only if the person or organisation issued the certificate: (a) asking the holder to make the certificate available for inspection under subregulation 21.195B(3); (b) asking the holder to surrender the certificate under suregulation 21.195B(8).		
21.196 Special flight permits: eligibility Any person is eligible to apply for a special flight permit.		
21.197 Special flight permits (1) A special flight permit may be issued for one or more of the following purposes for an aircraft that may not currently meet the applicable airworthiness requirements, but can reasonably be expected to be capable of safe flight for the intended purpose: (a) flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point of storage; (b) delivering or exporting the aircraft; (c) production flight testing new production aircraft;	Review and harmonise	**§ 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.

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(d) evacuating the aircraft from areas of impending danger; (e) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests; (f) assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion; (g) assisting in dealing with a state of emergency. (2) A special flight permit may authorise the operation of an aircraft at a weight in excess of its maximum take-off 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. (3) For subsection 20AA(1) of the Act, an aircraft with a special flight permit, except a special flight permit issued for a purpose mentioned in paragraph (1)(b), is not required to be registered. (4) For paragraph 20AA(3)(a) of the Act, an aircraft with a special flight permit is not required to have a certificate of airworthiness. (6) If CASA or an authorised person issues a special flight permit for an aircraft, CASA or the authorised person may direct that any of the following do not apply in relation to the aircraft while the permit is in force: (a) paragraph 91.145(2)(c); (b) paragraph 91.145(2)(d); (c) Division 91.C.3. *Source* FARs section 21.197 modified.		(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 authorize 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 authorized 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 §§ 91.1017 or 119.51 of this chapter, a special flight permit with a continuing authorization 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 authorization, 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 authorized to conduct operations under part 119 of this chapter, that have an approved program for continuing flight authorization; or (2) Management specification holders authorized to conduct operations under part 91, subpart K of this chapter for those aircraft they operate and maintain under a continuous airworthiness maintenance program prescribed by § 91.1411 of this chapter.
21.199 Applications for special flight permits (1) An applicant for a special flight permit must submit a statement to CASA or an authorised person, indicating the following: (a) the purpose or purposes of the flight; (b) the proposed itinerary; (c) the crew required to operate the aircraft and its equipment, for example, pilot, co-pilot, navigator; (d) the ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements; (e) any restriction the applicant considers necessary for safe operation of the aircraft; (f) any other information that CASA or the authorised person reasonably needs to be able to prescribe operating limitations or other conditions in the interests of aviation safety.	Review and harmonise	**§ 21.199 Issue of special flight permits.** (a) Except as provided in § 21.197(c), an applicant for a special flight permit must submit a statement in a form and manner prescribed by the FAA, 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 the FAA for the purpose of prescribing operating limitations. (b) The FAA may make, or require the applicant to make appropriate inspections or tests necessary for safety.

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(2) CASA or an authorised person may make, or require the applicant to make, appropriate inspections or tests necessary to determine whether the aircraft can reasonably be expected to be capable of safe flight for the intended purpose or purposes. *Source* FARs section 21.199 modified.		
21.200 Issue of special flight permits (1) Subject to subregulation (1A) and regulation 11.055, CASA or an authorised person must issue a special flight permit to an applicant for the permit if the applicant: (a) is eligible, under regulation 21.196, to apply for the permit; and (b) applies for the permit in accordance with this Subpart; and (c) otherwise complies with this Part. (1A) CASA or an authorised person must not issue a special flight permit for an aircraft if: (a) the aircraft is covered by an airworthiness directive (within the meaning of regulation 39.002); and (b) the airworthiness directive includes a statement to the effect that a special flight permit must not be issued for an aircraft covered by the airworthiness directive. (3) A condition imposed on a special flight permit under regulation 11.056 may include operational limitations. (4) Any conditions imposed on a special flight permit under regulation 11.056, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing and set out in, or attached to, the special flight permit.		
21.201 Inspection, suspension and cancellation of special flight permits (2) The holder of a special flight permit must, on the request of CASA or an authorised person, make it available for inspection by CASA or an authorised person. Penalty: 5 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (3) CASA or an authorised person may suspend or cancel a special flight permit, by written notice given to its holder, if CASA or the authorised person considers that it is necessary to do so in the interests of aviation safety. (4) A notice under subregulation (3) 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. *Source* FARs section 21.181 modified. Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of special flight permits.		

Comparison CASR Part 21 and FAR Part 21

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Subpart 21.I—Provisional certificates of airworthiness Note: A provisional certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.		**Subpart I—Provisional Airworthiness Certificates**
21.211 Applicability This Subpart prescribes requirements for the issue of provisional certificates of airworthiness. *Source* FARs section 21.211 modified.		**§ 21.211 Applicability.** This subpart prescribes procedural requirements for the issue of provisional airworthiness certificates.
21.213 Eligibility (1) A manufacturer is eligible to apply for a Class I or Class II provisional certificate of airworthiness for aircraft manufactured by the manufacturer in Australian territory. (2) The holder of an Australian air transport AOC that authorises scheduled air transport operations is eligible to apply for a Class II provisional certificate of airworthiness for transport category aircraft if: (a) the aircraft has a current Class II provisional type certificate or a current amendment of a Class II provisional type certificate; or (b) the aircraft has a current provisional amendment to a type certificate that was preceded by a corresponding Class II provisional type certificate. (3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated engines, manufactured by the aircraft engine manufacturer in Australian territory, is eligible to apply for a Class I provisional certificate of airworthiness for that aircraft, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate or transport category. *Source* FARs section 21.213 modified.	Review and harmonise	**§ 21.213 Eligibility.** (a) A manufacturer who is a United States citizen may apply for a Class I or Class II provisional airworthiness certificate for aircraft manufactured by him within the U.S. (b) Any holder of an air carrier operating certificate under Part 121 of this chapter who is a United States 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 a United States citizen and who has altered a type certificated aircraft by installing different type certificated engines, manufactured by him within the United States, 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.
21.215 Application Application for a provisional certificate of airworthiness may be submitted to CASA. The application must be accompanied by the pertinent information specified in these Regulations. *Source* FARs section 21.215 modified.	Review and harmonise	**§ 21.215 Application.** Applications for provisional airworthiness certificates must be submitted to the FAA. The application must be accompanied by the pertinent information specified in this subpart.

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21.216 Issue of provisional certificates of airworthiness Subject to regulation 11.055, CASA must issue a provisional certificate of airworthiness to an applicant for the certificate if the applicant: (a) is eligible, under regulation 21.213, to apply for the certificate; and (b) applies for the certificate in accordance with this Subpart; and (c) is entitled, under this Subpart, to the certificate; and (d) otherwise complies with this Part.		
21.217 Duration (1) Unless sooner cancelled, provisional certificates of airworthiness are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate. (2) Despite subregulation (1), a provisional certificate of airworthiness is not in force during any period of suspension. (3) CASA may suspend or cancel a provisional certificate of airworthiness, by written notice given to its holder, if CASA considers that it is necessary to do so in the interests of aviation safety. (4) 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. *Source* FARs section 21.217 modified. Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of provisional certificates of airworthiness.	Review and harmonise	**§ 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.
21.219 Transferability A Class II provisional certificate of airworthiness may be transferred to an AOC holder eligible to apply for a certificate under subregulation 21.213(2). *Source*: FARs section 21.219 modified.	Review and harmonise	**§ 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).
21.221 Class I provisional certificates of airworthiness (1) Except as provided in regulation 21.225, an applicant who holds a Class I provisional type certificate for an aircraft is entitled to a Class I provisional certificate of airworthiness for the aircraft if: (a) the applicant meets the eligibility requirements of regulation 21.213; and (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the requirements and limitations under subregulation 21.081(4) and Division 91.T.3.	Review and harmonise	**§ 21.221 Class I provisional airworthiness certificates.** (a) Except as provided in § 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) He meets the eligibility requirements of § 21.213 and he complies with this section; and (2) The FAA 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 §§ 21.81(e) and 91.317 of this subchapter.

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(2) The manufacturer must hold a provisional type certificate for the aircraft. (3) 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 the manufacturer to be in safe operating condition under all applicable limitations. (4) The aircraft must be flown at least five hours by the manufacturer. (5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the requirements and limitations under subregulation 21.081(4) and Division 91.T.3. *Source* FARs section 21.221 modified.		(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 §§ 21.81(e) and 91.317.
21.223 Class II provisional certificates of airworthiness (1) Except as provided in regulation 21.225, an applicant who holds a Class II provisional type certificate for an aircraft is entitled to a Class II provisional certificate of airworthiness for the aircraft if: (a) the applicant meets the eligibility requirements of regulation 21.213; and (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the requirements and limitations under subregulation 21.083(7) and Division 91.T.3. (2) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer. (3) 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. (4) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations. (5 The aircraft must be flown at least five hours by the manufacturer. (6) The aircraft must be supplied with a provisional aircraft flight manual containing the requirements and limitations under subregulation 21.083(7) and Division 91.T.3. *Source* FARs section 21.223 modified.	Review and harmonise	**§ 21.223 Class II provisional airworthiness certificates.** (a) Except as provided in § 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) He meets the eligibility requirements of § 21.213 and he complies with this section; and (2) The FAA 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 §§ 21.83(h), 91.317, and 121.207 of this chapter. (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 §§ 21.83(h), 91.317, and 121.207 of this chapter.
21.225 Provisional certificates of airworthiness corresponding with provisional amendments to type certificates (1) An applicant is entitled to a Class I or a Class II provisional certificate of airworthiness for an aircraft for which a provisional amendment to the type certificate has been issued, if: (a) the applicant meets the eligibility requirements of regulation 21.213; and (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft, as modified in	Review and harmonise	**§ 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) He meets the eligibility requirements of § 21.213 and he complies with this section; and

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accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable requirements and limitations under subregulation 21.085(6) and Division 91.T.3. (2) 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. (3) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations. (4) The aircraft must be flown at least five hours by the manufacturer. (5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the requirements and limitations under subregulation 21.085(6) and Division 91.T.3. *Source* FARs section 21.225 modified.		(2) The FAA 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 §§ 21.85(g), 91.317, and 121.207 of this chapter. (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 §§ 21.85(g), 91.317, and 121.207 of this chapter.
Subpart 21.J—Approved design organisations		**Subpart J [EASA CS 21J]**
Division 21.J.1—General		
21.231 What Subpart 21.J is about This Subpart sets out matters relating to approved design organisations including: (a) requirements for approval as an approved design organisation; and (b) the privileges and obligations of approved design organisations.		**21.A.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. In this Subpart, the references to type-certificates include type-certificates and restricted type-certificates.
21.233 Definitions for Subpart 21.J In this Subpart: *accountable manager*, for an approved design organisation, means the individual, appointed by the organisation, who is responsible for: (a) ensuring that the organisation complies with its exposition and design assurance system and these Regulations; and (b) ensuring that the organisation is able to finance the carrying out of the design activities stated in its approval certificate; and (c) ensuring that the organisation has adequate resources available to enable the organisation to carry out design activities in accordance with its exposition and design assurance system. *advice activity* means giving advice under regulation 21.007A. *approval activity* means any of the following: (aa) approving an aircraft flight manual under regulation 21.006; (a) approving a change to an aircraft flight manual under regulation 21.006A; (b) approving a defect in an Australian aircraft as a permissible unserviceability under regulation 21.007; (c) approving technical data under regulation 21.009;		

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(d) approving a minor change in a type design under regulation 21.095; (e) approving a major change in a type design under regulation 21.098; (ea) varying a supplemental type certificate under regulation 21.120B; (f) approving the design of a Class II or Class III product under regulation 21.132A; (g) approving a material, part, process or appliance under regulation 21.305A; (h) granting a modification/repair design approval under regulation 21.437; (i) approving an imported aircraft engine or propeller under regulation 21.500A; (j) approving an imported material, part or appliance under regulation 21.502A; (k) under regulation 11.067, imposing a condition on, or varying a condition of, an approval mentioned in any of paragraphs (a) to (j); (l) under Subpart 11.D, varying an approval mentioned in any of paragraphs (a) to (j). *approval certificate*, for an approved design organisation, means the certificate issued to the organisation under regulation 21.245. *carries out a design activity*: an approved design organisation *carries out a design activity* if the activity is carried out on the organisation's behalf by: (a) an employee of the organisation; or (b) a subcontractor of the organisation. *certification activity* means any of the following: (a) certifying to CASA under subregulation 21.013A(3) that an applicant for a type certificate meets a criterion for entitlement to the certificate, other than the requirement under paragraph 21.021(b) that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; (b) certifying to CASA under subregulation 21.095(5) that a type design, as modified by a minor change, would meet a requirement of this Part; (c) certifying to CASA under subregulation 21.098(3) that an applicant meets a requirement mentioned in subregulation 21.098(1); (d) certifying to CASA under subregulation 21.115(3) that an altered aircraft, aircraft engine or propeller meets: (i) an applicable airworthiness requirement mentioned in subparagraph 21.115(1)(a)(i); or (ii) the requirement mentioned in paragraph 21.115(1)(b); (da) certifying to CASA under subregulation 21.120B(6) that an altered aircraft, aircraft engine or propeller meets: (i) an applicable airworthiness requirement mentioned in subparagraph 21.120B(3)(a)(i); or (ii) the requirement mentioned in paragraph 21.120B(3)(b);		

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(e) certifying to CASA under subregulation 21.132A(6) that the design of a Class II or Class III product meets the applicable airworthiness standards for the product; (f) certifying to CASA under subregulation 21.303(4C) that a design for a part meets the airworthiness requirements of these Regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed; (g) certifying to CASA under subregulation 21.420(5) that a design complies with the applicable airworthiness requirements for the design; (h) certifying to CASA under subregulation 21.605(7) that a design for an article complies with the applicable ATSO, ETSO or TSO for the article, including any deviations approved under regulation 21.609; (i) conducting or observing any tests or inspections for the purpose of a certification mentioned in paragraphs (a) to (h). *design activity* means any of the following: (a) an advice activity; (b) an approval activity; (c) a certification activity; (d) an experimental certificate activity. *design assurance system*, for an approved design organisation, means the system described in the organisation's design assurance system manual. *design assurance system manual*, for an approved design organisation, means: (a) the manual approved by CASA under paragraph 21.243(7)(b) in relation to the organisation; and (b) if a change to the manual is approved under regulation 21.253 or 21.255—the manual as changed; and (c) if the manual is changed under regulation 21.256—the manual as changed. *design responsibility*, for an approved design organisation, means responsibility to the accountable manager for ensuring that the organisation complies with its exposition and design assurance system manual and these Regulations in carrying out design activities. *experimental certificate activity* means any of the following: (a) issuing an experimental certificate under regulation 21.195A; (b) under regulation 11.067, imposing a condition on, or varying a condition of, an experimental certificate; (c) under Subpart 11.D, varying an experimental certificate; (d) asking the holder of an experimental certificate, under subregulation 21.195B(3), to make the certificate available for inspection; (e) asking the holder of an experimental certificate, under subregulation 21.195B(8), to surrender the certificate. *exposition*, for an approved design organisation, means:		

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(a) the document approved by CASA under paragraph 21.243(7)(a) in relation to the organisation; and (b) if a change to the document is approved under regulation 21.253 or 21.255—the document as changed; and (c) if the document is changed under regulation 21.259 or 21.261—the document as changed. *head of design*, for an approved design organisation, means the individual, appointed by the organisation, who has design responsibility for the organisation. *subcontractor*, in relation to an approved design organisation, means a person who: (a) is a party to a written contract with the organisation to carry out a design activity, or part of a design activity, on behalf of the organisation; and (b) is not an employee of the organisation.		
		21.A.233 Eligibility Any natural or legal person ('organisation') shall be eligible as an applicant for an approval under this Subpart (a) in accordance with points 21.A.14, 21.A.112B, 21.A.432B or 21.A.602B; or (b) for approval of minor changes or minor repair design, when requested for the purpose of obtaining privileges under point 21.A.263.
21.235 Privileges for approved design organisations (1) An approved design organisation may carry out a design activity, other than a certification activity, in relation to an aircraft or aeronautical product only if the organisation is approved under regulation 21.243 to carry out the activity in relation to aircraft or aeronautical products of that kind. (2) An approved design organisation may carry out a certification activity in relation to an aircraft or aeronautical product and an application mentioned in subregulation 21.251(1) only if: (a) the organisation is approved under regulation 21.243 to carry out the activity in relation to aircraft or aeronautical products of that kind; and (b) CASA authorises the organisation under regulation 21.251 to carry out the activity in relation to the application.	Review and harmonise	**21.A.263 Privileges** (a) (Reserved) (b) (Reserved) (c) The holder of a design organisation approval shall be entitled, within the scope of its terms of approval issued under point 21.A.251 and under the relevant procedures of the design management system: 1. to classify changes to a type-certificate or to a supplemental type-certificate and repair designs as "major" or "minor"; 2. to approve minor changes to a type-certificate or to a supplemental type-certificate and minor repair designs; 3. (Reserved); 4. (Reserved); 5. to approve certain major repair designs under Subpart M to products or auxiliary power units (APUs); 6. to approve for certain aircraft the flight conditions under which a permit to fly can be issued in accordance with point 21.A.710(a)(2), except for permits to fly to be issued for the purpose of point 21.A.701(a)(15); 7. to issue a permit to fly in accordance with point 21.A.711(b) for an aircraft it has designed or modified, or for which it has approved, in accordance with point 21.A.263(c)(6), the flight conditions under which the permit to fly can be issued, and where the holder of a design organisation approval itself: (i) controls the configuration of the aircraft, and (ii) attests conformity with the design conditions approved for the flight;

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		8. to approve certain major changes to a type-certificate under Subpart D; and 9. to issue certain supplemental type-certificates under Subpart E and approve certain major changes to those certificates.
21.237 Prohibition of unauthorised carrying out of design activities (1) A person commits an offence if: (a) the person carries out a design activity; and (b) the person does not meet the requirement mentioned in subregulation (2). Penalty: 50 penalty units. (2) For paragraph (1)(b), the requirement is that the person is: (a) an approved design organisation that is permitted to carry out the design activity under regulation 21.235; or (b) if the provision under which the activity is carried out provides that an authorised person may carry out the activity—an authorised person for the provision; or (c) if the provision under which the activity is carried out provides that CASA may carry out the activity—CASA. (3) Subregulation (1) does not apply to a person who carries out a design activity on behalf of an approved design organisation if: (a) the person is: (i) an employee of the organisation; or (ii) a subcontractor of the organisation; and (b) the organisation is permitted under regulation 21.235 to carry out the design activity; and (c) the person is authorised, in writing, by the organisation to carry out the design activity on behalf of the organisation. Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*. (4) Subregulation (1) does not apply to a person who carries out a design activity on behalf of a subcontractor of an approved design organisation if: (a) the person is an employee of the subcontractor; and (b) the organisation is permitted under regulation 21.235 to carry out the design activity; and (c) the subcontractor is authorised, in writing, by the organisation to carry out the design activity on behalf of the organisation; and (d) the person is authorised, in writing, by the subcontractor to carry out the design activity on behalf of the subcontractor. Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.		

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(5) An offence against this regulation is an offence of strict liability.		
21.239 Applications may be made to approved design organisation—approval activities and experimental certificates Despite anything else in this Part, if an approved design organisation is a relevant approved design organisation in relation to an approval activity or the issue of an experimental certificate under regulation 21.195A: (a) an application for the approval or experimental certificate may be made to the approved design organisation; and (b) a reference in this Part to CASA includes a reference to the approved design organisation in relation to: (i) the application for the approval or experimental certificate; and (ii) if the organisation grants the approval or experimental certificate—the approval or experimental certificate.		
Division 21.J.2—Approval as approved design organisation		
21.241 Applying for approval (1) A person may apply, in writing, to CASA for approval as an approved design organisation. (2) The application must include: (a) an outline of: (i) the design activities that the applicant proposes to carry out; and (ii) the aircraft or aeronautical products in relation to which the applicant proposes to carry out those design activities; and (iii) the applicant's procedures for carrying out those design activities; and (iv) the applicant's organisational structure; and (b) the names of the applicant's accountable manager and head of design; and (c) if the applicant intends to subcontract a design activity, or part of a design activity, that it proposes to carry out—a statement explaining the arrangement under which the design activity, or that part of the design activity, will be carried out by a subcontractor. (3) The applicant must give CASA, with the application or subsequently: (a) a copy of the applicant's proposed exposition; and (b) a copy of the applicant's proposed design assurance system manual.		**21.A.234 Application** Each application for a design organisation approval shall be made in a form and manner established by the Agency and shall include an outline of the information required by point 21.A.243, and the terms of approval requested to be issued under point 21.A.251. **21.A.243 Handbook** (a) As part of the design management system, the design organisation shall create and furnish to the Agency a handbook that describes, directly or by cross reference, the organisation, its relevant policies, processes and procedures, the type of design work, and the categories of products, parts and appliances for which the design organisation holds a design organisation approval, as identified in the terms of approval issued in accordance with point 21.A.251 and, where relevant, the interfaces with and the control of its partners or subcontractors. If flight tests are to be conducted, a flight test operations manual that defines the organisation's policies and procedures in relation to flight tests shall also be created and furnished to the Agency. The flight test operations manual shall include: 1. a description of the organisation's processes for flight tests, including its involvement in the process for issuing a permit to fly; 2. crewing policy, including composition, competency, currency and flight time limitations, in accordance with Appendix XII, where applicable; 3. procedures for the carriage of persons other than the crew members and for flight test training, where applicable; 4. a policy for the risk and safety management and associated methodologies; 5. procedures to identify the instruments and equipment to be carried on board;

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		6. a list of documents that need to be produced for the 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 demonstrate, for all parts and appliances, the compliance in accordance with point 21.A.239(d)(2), and shall contain, directly or by cross reference, descriptions of and information on the design activities and the organisation of those partner organisations or subcontractors, as necessary to establish the statement. (c) The handbook shall be amended as necessary to remain an up-to-date description of the organisation, and copies of the amendments shall be provided to the Agency. (d) The design organisation shall establish and maintain a statement of the qualifications and experience of the management staff and of other persons in the organisation that are responsible for making decisions that affect airworthiness, operational suitability data and environmental protection matters. It shall submit that statement to the competent authority.
21.243 Granting approval (1) If the applicant gives CASA the documents mentioned in subregulation 21.241(3), CASA must make a decision on the application. (2) Subject to regulation 11.055, CASA must approve the applicant as an approved design organisation if: (a) subregulation (4) does not apply to the applicant; and (b) CASA is satisfied that the applicant meets the requirements mentioned in subregulation (5). (3) Subject to regulation 11.055, CASA must approve the applicant as an approved design organisation if: (a) subregulation (4) applies to the applicant; and (b) CASA is satisfied that: (i) the applicant meets the requirements mentioned in subregulation (5); and (ii) CASA would not be placed under an undue burden in administering the approval. (4) This subregulation applies to an applicant that: (a) is not an Australian resident or a corporation registered in Australia; or (b) carries on business outside Australian territory. (5) For paragraph (2)(b) and subparagraph (3)(b)(i), the requirements are the following: (a) the applicant's proposed exposition must: (i) contain the information mentioned in regulation 21.263; and (ii) be consistent with the applicant's proposed design assurance system manual;	Review and harmonise	**21.A.235 Issue of design organisation approval** An organisation shall be entitled to have a design organisation approval issued by the Agency when it has demonstrated compliance with the applicable requirements under this Subpart.

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(b) the design assurance system described in the applicant's proposed design assurance system manual must meet the requirements mentioned in regulations 21.269 and 21.270; (c) the applicant must have established and be able to maintain the design assurance system; (d) the applicant: (i) must have sufficient appropriately qualified and experienced personnel to carry out each design activity mentioned in the applicant's proposed exposition; and (ii) must have facilities that are appropriate for carrying out each design activity mentioned in the applicant's proposed exposition; and (iii) must have, or have access to, the equipment, tools and up-to-date design reference data (in electronic form or otherwise) necessary for carrying out each design activity mentioned in the applicant's proposed exposition; (e) the individual named in the application as the applicant's accountable manager must: (i) have the authority to carry out the responsibilities of the position; and (ii) understand the responsibilities of the position; and (iii) have the knowledge, qualifications and experience required by the organisation's exposition for the position; (f) the individual named in the application as the applicant's head of design must have: (i) knowledge, qualifications and experience that are suitable for the position; and (ii) the knowledge, qualifications and experience required by the organisation's exposition for the position. (6) If CASA decides to approve an applicant as an approved design organisation, CASA must determine: (a) the design activities that the applicant is approved to carry out; and (b) the aircraft and aeronautical products in relation to which the applicant is approved to carry out those design activities; and (c) if the applicant is approved to grant a modification/repair design approval under regulation 21.437—whether the applicant is approved to make an equivalent level of safety determination under regulation 21.436. (7) If CASA approves an applicant, CASA is taken to have also approved the applicant's proposed: (a) exposition; and (b) design assurance system manual.		

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21.245 Approval certificate (1) If CASA approves an applicant as an approved design organisation, CASA must issue a certificate of approval setting out: (a) the name of the organisation; and (b) the matters mentioned in subregulation 21.243(6). (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA. (3) CASA must issue a new approval certificate to an approved design organisation if: (a) CASA approves, under regulation 21.253, a change to the scope of the organisation's approval; or (b) the organisation gives CASA written notice, under regulation 21.259, that it has changed its name.		
21.247 Approval subject to conditions—general (1) It is a condition of approval of an approved design organisation that the organisation must: (a) comply with this Subpart, its exposition and its design assurance system manual; and (b) ensure that its employees and subcontractors, and the personnel holding the positions mentioned in paragraph 21.263(1)(c), comply with this Subpart and the organisation's exposition and design assurance system manual; and (c) ensure that its exposition is consistent with its design assurance system manual; and (d) ensure that no design activity that the organisation carries out introduces an unsafe feature or characteristic into the design of the aircraft or aeronautical product to which the design activity relates; and (e) ensure that the organisation's design assurance system maintains satisfactory control and supervision of each design activity that the organisation carries out; and (f) comply with each direction given to it under subregulation (2). (2) For paragraph (1)(f), CASA may issue a direction to an approved design organisation setting out: (a) information that the approved design organisation must give to CASA; and (b) the times when the organisation must give that information to CASA.	Review and harmonise	**21.A.245 Resources** (a) The organisation shall appoint a head of the design organisation with the authority to ensure that, within the organisation, all design activities are performed to the required standards and that the design organisation is continuously in compliance with the requirements of the design management system referred to in point 21.A.239 and the procedures specified in the handbook referred to in point 21.A.243. (b) The head of the design organisation shall nominate and specify the extent of authority of: 1. a chief of the airworthiness function; 2. a chief of the independent monitoring function; 3. depending on the size of the organisation and the nature and complexity of its activities, any other person or group of persons that are required to ensure that the organisation complies with the requirements of this Annex. (c) By way of derogation from point 21.A.245(b)(1), the airworthiness function referred to in point 21.A.239(d)(1)(i) may be performed under the direct supervision of the head of the design organisation in either of the following cases: 1. where the scope of activities of/of work of the design organisation, as identified in the terms of approval issued under point 21.A.251, is limited to minor changes and/or minor repairs; 2. for a limited period of time when the design organisation does not have a nominated chief of the airworthiness function and the exercise of that function under the direct supervision of the head of the design organisation is commensurate with the scope and level of the organisation's activities. (d) The person or group of persons nominated pursuant to point (b) shall: 1. be answerable to the head of the design organisation and have direct access to them; 2. have the appropriate knowledge, background and experience to discharge their responsibilities.

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		(e) The design organisation shall ensure that: 1. the staff in all technical departments are of sufficient numbers and experience and have been given the appropriate authority to be able to discharge their allocated responsibilities and the facilities, equipment and accommodation that are adequate to enable the staff to fulfil the airworthiness, operational suitability data and environmental protection requirements as regards the product; 2. there is full and efficient coordination between the departments and within the departments in respect of airworthiness, operational suitability data and environmental protection matters.
21.248 Approval subject to conditions—holders of other authorisations under Part 21 and licensees (1) If the organisation is also the holder of another authorisation (however described) under this Part, it is a condition of the organisation's approval that the organisation must comply with its obligations under this Part as the holder of the other authorisation. Examples: The following are some other authorisations under this Part: (a) a type certificate; (b) a supplemental type certificate; (c) a production certificate; (d) an APMA; (e) a modification/repair design approval; (f) an approval mentioned in regulation 21.475; (g) an ATSO authorisation. (2) If the organisation is also the licensee of a type certificate or supplemental type certificate, it is a condition of the organisation's approval that the organisation must comply with its obligations under this Part as the licensee of the certificate.		
21.249 Cancellation, suspension and variation of approval (1) CASA may cancel, suspend or vary an approval, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart. (2) A notice under subregulation (1) must state: (a) the grounds for the suspension or cancellation; and (b) for a suspension—when the suspension will cease to have effect; and (c) for a variation—the terms of the variation. (3) A cancellation, suspension or variation under this regulation takes effect when the holder of the authorisation is given the notice. (4) If an approval is suspended under this regulation, the approval is not in force during the period of the suspension.		

Comparison CASR Part 21 and FAR Part 21

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
Division 21.J.3—Authorisation to carry out particular certification activity		**EASR 21 Subpart J**
21.251 Authorisation of approved design organisations to carry out certification activities (1) If CASA receives an application for any of the following, CASA may authorise an approved design organisation to carry out a certification activity in relation to the application: (a) a type certificate; (b) approval of a change to a type design; (c) a supplemental type certificate; (ca) a variation of a supplemental type certificate; (d) approval of the design of a Class II or Class III product; (e) an APMA; (f) a modification/repair design approval; (g) an ATSO authorisation. (2) However, CASA may authorise the approved design organisation to carry out the certification activity only if: (a) the organisation is approved to carry out certification activities of that kind in relation to aircraft or aeronautical products of the kind to which the application relates; and (b) the applicant nominates the approved design organisation to carry out the certification activity; and (c) CASA is satisfied that the organisation is capable of determining accurately the matter to which the certification activity relates. (3) If CASA authorises the approved design organisation to carry out the certification activity, CASA must give written notice of the authorisation to the applicant and the organisation.	Total Review and harmonise with EASR 21 subpart J Too many anomallies	**21.A.239 Design management system** (a) The design organisation shall establish, implement and maintain a design management system that includes a safety management element and a design assurance element with clearly defined accountability and lines of responsibility throughout the organisation. (b) The design management system shall: 1. correspond to the size of the organisation and to the nature and complexity of its activities, taking into account the hazards and associated risks inherent in those activities; 2. be established, implemented and maintained under the accountability of a single manager appointed pursuant to point 21.A.245(a) (c) As part of the safety management element of the design management system, the design organisation shall: 1. establish, implement and maintain a safety policy and the corresponding related safety objectives; 2. appoint key safety personnel in accordance with point 21.A.245(b); 3. establish, implement and maintain a safety risk management process that includes the identification of aviation safety hazards entailed by its activities, their evaluation and themanagement of the associated risks, including taking actions to mitigate the risks and verify their effectiveness; 4. establish, implement and maintain a safety assurance process that includes: (i) the measurement and monitoring of the organisation's safety performance; (ii) the management of changes in accordance with points 21.A.243(c) and 21.A.247; (iii) the principles for the continuous improvement of the safety management element; 5. promote safety in the organisation through: (i) training and education; (ii) communication; 6. establish an occurrence reporting system in accordance with point 21.A. 3A in order to contribute to continuous improvement of safety. (d) As part of the design assurance element of the design management system, the design organisation shall: 1. establish, implement and maintain a system for the control and supervision of the design, and of design changes and repairs, of products, parts and appliances covered by the terms of approval; that system shall: (i) include an airworthiness function responsible for ensuring that the design of products, parts and appliances, or the design changes and repairs, comply with the applicable type-certification basis, the applicable operational suitability data certification basis and the environmental protection requirements;

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		(ii) ensure that the design organisation properly discharges its responsibilities in accordance with this Annex and with the terms of approval issued under point 21.A.251; 2. establish, implement and maintain an independent verification function on the basis of which the design organisation demonstrates compliance with the applicable airworthiness, operational suitability data and environmental protection requirements; 3. specify the manner in which the design management system accounts for the acceptability of the parts or appliances that are designed or the tasks that are performed by its partners or subcontractors according to the methods which are the subject of written procedures. (e) The design organisation shall establish, as part of the design management system, an independent monitoring function to verify compliance of the organisation with the relevant requirements of this Annex as well as the compliance with and adequacy of the design management system. Monitoring shall include feedback to the person or the group of persons referred to in point 21.A.245(b) and to the manager referred to in point 21.A.245(a) to ensure, where necessary, the implementation of corrective action. (f) If the design organisation holds one or more additional organisation certificates within the scope of Regulation (EU) 2018/1139, the design management system may be integrated with that required under the additional certificate(s).
Division 21.J.4—Changes to approved design organisations		
21.253 Application for approval of change to scope of approval (1) If an approved design organisation proposes to make a change to either of the following, the organisation must apply to CASA for approval of the change: (a) the design activities that the organisation is approved to carry out; (b) the aircraft and aeronautical products in relation to which the organisation is approved to carry out those design activities. (2) The application must: (a) be in writing; and (b) state the proposed change; and (c) be accompanied by a copy of the part of the organisation's exposition and design assurance system manual affected by the proposed change, clearly identifying the proposed change. (3) Subject to regulation 11.055, CASA must approve the change if satisfied that the requirements mentioned in subregulation 21.243(5) will continue to be met. (4) If CASA approves the change, CASA is taken to have also approved the changes to the organisation's exposition and design assurance system manual covered by the application.		**21.A.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 with regard to the airworthiness, operational suitability and environmental characteristics of the products. For design organisation approvals covering type-certification or European Technical Standard Order (ETSO) authorisation for auxiliary power units (APUs), the terms of approval shall contain in addition the list of products or APUs. Those terms shall be issued as part of a design organisation approval.
21.255 Application for approval of change to design assurance system (1) If an approved design organisation proposes to make a change to its design assurance system, the organisation must apply to CASA for approval of the change.		

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(2) The application must: (a) be in writing; and (b) state the proposed change; and (ba) be accompanied by a copy of the part of the organisation's design assurance system manual affected by the proposed change, clearly identifying the proposed change; and (c) if the proposed change requires a change to the organisation's expositon— be accompanied by a copy of the part of the exposition affected by the proposed change, clearly identifying the proposed change. (3) Subject to regulation 11.055, CASA must approve a change to a design assurance system if satisfied that the requirements mentioned in regulations 21.269 and 21.270 will continue to be met. (4) If CASA approves the change, CASA is taken to have also approved: (a) the change to the organisation's design assurance system manual covered by the application; and (b) the change to the organisation's exposition covered by the application.		
21.256 Change to design assurance system manual at direction of CASA (1) CASA may, if satisfied that it is necessary in the interests of the safety of air navigation, direct an approved design organisation to make a specified change to its design assurance system manual within the time specified in the direction. (2) The organisation commits an offence if the organisation does not, within the specified time: (a) comply with the direction; and (b) if the change requires a change to the organisation's exposition: (i) update its exposition; and (ii) give CASA a copy of the updated part of the exposition. Penalty: 50 penalty units. (3) An offence against this regulation is an offence of strict liability.		
21.257 Application for approval of permanent appointment of new accountable manager or head of design (1) If an approved design organisation wishes to appoint an individual permanently as the organisation's accountable manager or head of design, the organisation must apply to CASA for approval of the appointment. (2) The application must: (a) be in writing; and (b) state the name of the proposed appointee and the position to which he or she is to be appointed; and		

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(c) be accompanied by a copy of the part of the exposition affected by the proposed appointment, clearly identifying the changes relating to the proposed appointment. (3) Subject to regulation 11.055, CASA must approve the appointment if satisfied that the appointee has: (a) for an appointment of an accountable manager: (i) authority to carry out the responsibilities of the position; and (ii) an understanding of the responsibilities of the position; and (iii) the knowledge, qualifications and experience required by the organisation's exposition for the position; or (b) for an appointment of a head of design: (i) knowledge, qualifications and experience that are suitable for the position; and (ii) the knowledge, qualifications and experience required by the organisation's exposition for the position. (4) If CASA approves the change, CASA is taken to have also approved the change to the organisation's exposition covered by the application.		
21.258 Permanent appointment of other key personnel—requirement to tell CASA (1) An approved design organisation commits an offence if: (a) the organisation permanently appoints an individual to a position mentioned in subparagraph 21.263(1)(c)(iii) or (iv); and (b) the organisation does not, within 7 days after the change, give CASA written notice of the change. Penalty: 50 penalty units. (2) An offence against this regulation is an offence of strict liability.		
21.259 Change to exposition by organisation (1) An approved design organisation commits an offence if: (a) the organisation undergoes a change that renders its exposition inaccurate; and (b) the change is not a change mentioned in regulation 21.253, 21.255, 21.256 or 21.257; and (c) the organisation does not, within 30 days after undergoing the change: (i) update its exposition; and (ii) give CASA written notice of the change and a copy of the updated part of the exposition. Penalty: 50 penalty units. (2) An approved design organisation commits an offence if:		**21.A.247 Changes in the design management system** After the issue of a design organisation approval, each change to the design management system that is significant to the demonstration of compliance or to the airworthiness, operational suitability and environmental protection of the product, part or appliance shall be approved by the Agency before being implemented. The design organisation shall submit to the Agency an application for approval demonstrating, on the basis of the proposed changes to the handbook, that it will continue to comply with this Annex.

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(a) the organisation makes a change to its exposition; and (b) the change is not a change mentioned in regulation 21.253, 21.255, 21.256, 21.257 or 21.261 or subregulation (1); and (c) the organisation does not, within 30 days after making the change, give CASA a copy of the changed part of the exposition. Penalty: 50 penalty units. (3) An offence against this regulation is an offence of strict liability.		
21.261 Change to exposition at direction of CASA (1) CASA may direct an approved design organisation to change its exposition within a time specified in the direction: (a) to remove particular information from the exposition; or (b) to include particular information in the exposition; or (c) to revise or vary the information in the exposition. (2) However, CASA may issue a direction under this regulation only if satisfied that it is necessary to ensure that the exposition contains the information mentioned in regulation 21.263. (3) The organisation commits an offence if the organisation does not comply with the direction. Penalty: 50 penalty units. (4) An offence against this regulation is an offence of strict liability.		
Division 21.J.5—Obligations of approved design organisations		
21.263 Content of exposition (1) An exposition for an approved design organisation must contain the following: (a) the name of the organisation; (b) a detailed description of the matters mentioned in paragraph 21.241(2)(a); (c) the responsibilities of the following positions in the organisation: (i) accountable manager; (ii) head of design; (iii) each other managerial position; (iv) each position held by a person who carries out a design activity; (d) the qualifications, experience and knowledge required by the organisation for each position mentioned in paragraph (c); (e) the name of each individual holding a position mentioned in paragraph (c); (f) a description of how the organisation will manage the responsibilities of a position mentioned in paragraph (c) for any period during which the position is vacant		**21.A.253 Changes to the terms of approval** Each change to the terms of approval shall be approved by the Agency. An application for a change to the terms of approval shall be made in a form and manner established by the Agency. The design organisation shall comply with the applicable requirements of this Subpart.

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or the occupant of the position is unable to carry out the responsibilities of the position; (g) if the organisation subcontracts a design activity, or part of a design activity, that it carries out—a description of the procedures that the organisation uses to manage the activities of the subcontractor; (h) if the organisation carries out a design activity, other than a certification activity, that relies on another design activity being carried out by another approved design organisation—a description of the procedures that the organisation uses to coordinate the design activities; (i) a description of the way the organisation will dispose of the documents and records mentioned in subregulation 21.277(2) if the organisation ceases to be an approved design organisation; (j) a description of the organisation's process for making changes to its exposition or design assurance system manual. (2) The qualifications, experience and knowledge mentioned in paragraph (1)(d) must meet the requirements prescribed by the Part 21 Manual of Standards.		
21.265 Compliance with exposition (1) An approved design organisation commits an offence if the organisation contravenes a provision of its exposition. Penalty: 50 penalty units. (2) An offence against this regulation is an offence of strict liability.		
21.267 Design assurance system An approved design organisation must have a design assurance system that meets the requirements of regulations 21.269 and 21.270.		
21.269 Requirements for design assurance system—general (1) The design assurance system must include policies and procedures for the conduct of design activities that the organisation is approved to carry out. (2) The design assurance system must enable the organisation to ensure that: (a) each design activity that the organisation carries out is controlled and managed in a way that ensures that the aircraft or aeronautical product in relation to which the activity is carried out complies with the applicable airworthiness standards for the aircraft or aeronautical product; and (b) no design activity that the organisation carries out introduces an unsafe feature or characteristic to an aircraft or aeronautical product to which the activity relates; and		

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(c) each design activity that the organisation is approved to carry out is carried out in accordance with: (i) this Part; and (ii) the conditions of the organisation's approval. (3) The design assurance system must include procedures for: (a) independent monitoring of: (i) the adequacy of the design assurance system to enable the organisation to ensure the matters mentioned in subregulation (2); and (ii) compliance by the organisation and its subcontractors (if any) with the requirements of the design assurance system; and (b) providing feedback to the organisation's head of design. (4) The design assurance system must also include procedures for independent checking of each design activity the organisation carries out to ensure that: (a) each aircraft or aeronautical product to which the design activity relates complies with the applicable airworthiness requirements (if any) for the aircraft or aeronautical product; and (b) for an approval activity—carrying out the activity would not be likely to have an adverse effect on the safety of air navigation; and (c) for an experimental certificate activity—carrying out the activity would not be likely to have an adverse effect on the safety of other airspace users or persons on the ground or water. (5) For subregulation (4), independent checking of a design activity must: (a) involve a comprehensive and systematic examination of the activity to evaluate the adequacy and accuracy of its assumptions, methodology, calculations and conclusions; and (b) be carried out by an individual who has the knowledge, experience and qualifications: (i) required by the organisation's exposition for individuals carrying out the design activity; or (ii) prescribed by the Part 21 Manual of Standards; and (c) be thoroughly documented. (5A) The individual mentioned in paragraph (5)(b) must not be the individual who carried out the design activity for the organisation. (6) Subregulation (4) does not apply to an activity mentioned in paragraph (d) or (e) of the definition of *experimental certificate activity* in regulation 21.233. (7) Subregulation (4) does not apply in relation to a kind of design activity prescribed by the Part 21 Manual of Standards.		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.270 Requirements for design assurance system—holders of other authorisations under Part 21 and licensees (1) If the organisation is also the holder of another authorisation (however described) under this Part, the design assurance system must include policies and procedures to enable the organisation to comply with its obligations under this Part as the holder of the other authorisation. Examples: The following are some other authorisations under this Part: (a) a type certificate; (b) a supplemental type certificate; (c) a production certificate; (d) an APMA; (e) a modification/repair design approval; (f) an approval mentioned in regulation 21.475; (g) an ATSO authorisation. (2) If the organisation is also the licensee of a type certificate or supplemental type certificate, the design assurance system must include policies and procedures to enable the organisation to comply with its obligations under this Part as the licensee of the certificate.		
21.271 Compliance with design assurance system manual (1) An approved design organisation commits an offence if the organisation contravenes a provision of its design assurance system manual. Penalty: 50 penalty units. (2) An offence against this regulation is an offence of strict liability.		**21.A.249 Transferability** Except as a result of a change in ownership, which is deemed significant for the purposes of point 21.A.247, a design organisation approval is not transferable.
21.273 Audit of approved design organisation by CASA (1) CASA may audit an approved design organisation to determine its compliance with the conditions of its approval. (2) For the audit, CASA may, by written notice given to the organisation, direct the organisation to give CASA, within a time stated in the notice: (a) stated information and records demonstrating that the organisation has complied with the conditions of its approval; and (b) any other information and records stated in the notice that are relevant to the audit. (3) For the audit, CASA may, by written notice given to the organisation, direct the organisation to give CASA, at stated periods, reports on the conduct of design activities by the organisation. (4) The organisation commits an offence if the organisation does not comply with a direction under subregulation (2) or (3).		

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Penalty: 50 penalty units. (5) An offence against this regulation is an offence of strict liability.		
21.275 Inspections and observations (1) To determine whether the organisation is complying with the conditions of its approval, CASA may, by written notice given to the organisation, direct an approved design organisation to allow CASA: (a) to inspect the following: (i) facilities at which the organisation carries out design activities; (ii) equipment and tools used by the organisation in carrying out design activities; (iii) aircraft and aeronautical products in relation to which the organisation carries out design activities; or (b) to observe the organisation carrying out a design activity. (2) The organisation commits an offence if the organisation does not comply with the direction. Penalty: 50 penalty units. (3) An offence against this regulation is an offence of strict liability.		**21.A.258 Findings and observations** (a) After the receipt of the notification of findings in accordance with point 21.B.433, the holder of the design organisation approval shall: 1. identify the root cause(s) of, and contributing factor(s) to, the non-compliance; 2. establish a corrective action plan; 3. demonstrate the implementation of the corrective action to the satisfaction of the Agency. (b) The actions referred to in point (a) shall be performed within the period agreed by the Agency in accordance with point 21.B.433. (c) The observations received in accordance with point 21.B.433(e) shall be given due consideration by the holder of the design organisation approval. The organisation shall record the decisions taken in respect of those observations.
21.277 Record keeping and production of records to CASA (1) An approved design organisation commits an offence if the organisation does not retain the documents and records mentioned in subregulation (2) until at least 12 months after the organisation's approval ceases to be in force. Penalty: 50 penalty units. (2) For subregulation (1), the documents and records are: (a) for each approval or certificate issued by the organisation—the technical data, documents and records relating to the issue of the approval or certificate; and (b) for each occasion on which the organisation provided advice under regulation 21.007A—the technical data, documents and records relating to the provision of the advice; and (c) a list identifying, by make, model and serial number, each aircraft or aeronautical product in relation to which the organisation has carried out a design activity; and (d) for each aircraft or aeronautical product in relation to which the organisation has carried out a design activity—a description of the nature of the activity. (3) Despite regulations 11.132, 21.002C and 21.249, if an approval is suspended under these Regulations, then, for subregulation (1), the approval is taken to remain in force during the period of suspension.		**21.A.259 Duration and continued validity** (a) A design organisation approval shall be issued for an unlimited period of time. It shall remain valid subject to the design organisation's compliance with all the following conditions: 1. the design organisation continues to comply with Regulation (EU) 2018/1139 and its delegated and implementing acts; taking into account the provisions of point 21.B.433 of this Annex related to the handling of findings; 2. the holder of the design organisation approval or any of its partners or subcontractors acknowledge that the competent authority may carry out investigations in accordance with point 21.A.9; 3. the design organisation is able to provide the Agency with evidence showing that the design management system of the organisation maintains satisfactory control and supervision of the design of products, repairs and changes thereto under the approval; 4. the certificate has not been revoked by the Agency under point 21.B.65, or surrendered by the design organisation. (b) Upon surrender or revocation, the certificate shall be returned to the Agency

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(4) CASA may, by written notice given to the organisation, direct an approved design organisation to make the documents and records, or copies or extracts of them, available for inspection by CASA at a time and place stated in the notice. (5) The organisation commits an offence if the organisation does not comply with the direction. Penalty: 50 penalty units. (6) An offence against this regulation is an offence of strict liability.		
21.279 Directions to comply with specified procedures or instructions (1) CASA may, by written notice given to the organisation, direct an approved design organisation to comply with a stated procedure or instruction in carrying out a stated design activity. (2) The organisation commits an offence if the organisation does not comply with the direction. Penalty: 50 penalty units. (3) An offence against this regulation is an offence of strict liability.		
21.281 Investigation of potentially unsafe condition **(1) If CASA becomes aware of a potentially unsafe condition in an** aircraft or aeronautical product in relation to which an approved design organisation issued an approval or certificate, CASA may, by written notice given to the organisation, direct the organisation to give CASA stated assistance in investigating the condition. (2) The organisation commits an offence if the organisation does not comply with the direction. Penalty: 50 penalty units. (3) An offence against this regulation is an offence of strict liability.		
21.283 Requirement to provide employees and subcontractors with exposition and design assurance system manual (1) An approved design organisation commits an offence if: (a) an employee or subcontractor of the organisation carries out a design activity on behalf of the organisation; and (b) the organisation did not, before the employee or subcontractor began carrying out the design activity, make available to the employee or subcontractor the parts of: (i) the organisation's exposition; and (ii) the organisation's design assurance system manual; that relate to the carrying out of the design activity by the employee or subcontractor on behalf of the organisation.		**21.A.265 Obligations of the holder** The holder of a design organisation approval shall, within the scope of its terms of approval, as established by the Agency: (a) maintain the handbook required under point 21.A.243 in conformity with the design assurance system; (b) ensure that this handbook or the relevant procedures included by cross-reference are used as a basic working document within the organisation; (c) determine that the design of the products, or of the changes or repairs thereto, complies with the applicable type-certification basis, operational suitability data certification basis, and the environmental protection requirements, and have no unsafe features;

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Penalty: 50 penalty units. (2) An approved design organisation commits an offence if: (a) an employee or subcontractor of the organisation carries out a design activity on behalf of the organisation; and (b) after the employee or subcontractor begins carrying out the design activity, the organisation updates, or makes a change to, a part of its exposition or design assurance system manual that relates to the carrying out of the design activity by the employee or subcontractor on behalf of the organisation; and (c) the organisation does not, before the completion of the design activity, make the changed or updated part available to the employee or subcontractor. Penalty: 50 penalty units. (3) An offence against this regulation is an offence of strict liability.		(d) provide the Agency with statements and associated documentation confirming compliance with point (c), except for approval processes carried out in accordance with point 21.A.263(c); (e) provide to the Agency data and information related to the actions required under point 21.A.3B; (f) determine, in accordance with point 21.A.263(c)(6), the flight conditions under which a permit to fly can be issued; (g) establish, in accordance with point 21.A.263(c)(7), compliance with points (b) and (e) of point 21.A.711 before issuing a permit to fly to an aircraft; (h) designate data and information issued under the authority of the approved design organisation within the scope of its terms of approval as established by the Agency with the following statement: "The technical content of this document is approved under the authority of the DOA ref. EASA. 21J.[XXXX]"; (i) comply with Subpart A of this Section.
Subpart 21.K—Approval of materials, parts, processes and appliances		**Subpart K—Parts Manufacturer Approvals**
21.301 Applicability This Subpart prescribes requirements for the approval of certain materials, parts, processes, and appliances. *Source* FARs section 21.301 modified.	Review and harmonise	**§ 21.301 Applicability.** This subpart prescribes— (a) Procedural requirements for issuing PMAs; and (b) Rules governing holders of PMAs.
21.303 Replacement and modification parts (1) A person commits an offence if: (a) the person produces a modification or replacement part for sale for installation on a type certificated aircraft, aircraft engine or propeller; and (b) the part is not produced in accordance with an APMA. Penalty: 50 penalty units. (1A) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (2) This regulation does not apply to the following: (a) parts manufactured in the course of maintenance by a maintenance organisation having approval to manufacture the parts; (b) parts produced under a type certificate or production certificate; (c) parts manufactured by the owner or operator of an aircraft, aircraft engine or propeller manufactured by the owner or operator, for maintaining or altering the aircraft, aircraft engine or propeller; (d) parts produced under an ATSO authorisation; (e) standard parts. (2A) Any person is eligible to apply for an APMA.	Review and harmonise	**§ 21.303 Application.** (a) The applicant for a PMA must apply in a form and manner prescribed by the FAA, 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 a PMA based on test reports and computations must provide a statement certifying that the applicant has complied with the airworthiness requirements of this subchapter. (b) Each applicant for a PMA must make all inspections and tests necessary to determine—

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(3) An application for an APMA may be made to CASA and must include the following: (a) the identity of the aircraft, aircraft engine or propeller on which the part is to be installed; (b) the name and address of the manufacturing facilities at which the part is to be manufactured; (c) the design of the part, which consists of: (i) drawings and specifications necessary to show the configuration of the part; and (ii) information on dimensions, materials, and processes necessary to define the structural strength of the part; (d) test reports and computations necessary to show that the design of the part meets the airworthiness requirements of these Regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed, unless the applicant shows that the design of the part is identical to the design of a part that is covered under a type certificate. If the design of the part was obtained by a licensing agreement, evidence of that agreement must be furnished; (e) subject to subregulation (3A), a copy of the system that the applicant proposes to use, if granted an APMA, to comply with the requirements of subregulation 21.303(11). (3A) An applicant is not required to include a copy of the system referred to in paragraph 21.303(3)(e) if the applicant has previously given CASA a copy of the same version of the system. (4) An applicant is entitled to an APMA for a replacement or modification part if CASA is satisfied that: (a) the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller on which the part is to be installed; and (b) the applicant would, if the APMA were to be granted, be able to comply with the requirements of subregulation (11). (4A) For paragraph (4)(a), CASA may satisfy itself that the design meets the applicable airworthiness requirements on the basis of any of the following: (a) an examination of the design; (b) the technical data for the design approved under regulation 21.009; (c) a certificate from an approved design organisation under subregulation (4C). (4B) Subregulation (4C) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller on which the part is to be installed.		(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.

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(4C) If the approved design organisation is satisfied that the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller, the organisation may give CASA a certificate to that effect. (5) An applicant for an APMA must allow CASA or a relevant approved design organisation to make any inspection or test necessary to determine compliance with the applicable regulations. (6) CASA is not required to consider an application unless the applicant has complied with paragraphs (8)(b), (c) and (d). (7) The applicant must ensure that no change is made to a part between the time compliance with paragraphs (8)(b), (c) and (d) is shown for that part and the time the part is presented to CASA or a relevant approved design organisation for inspection or test. (8) An applicant for an APMA must make all inspections and tests necessary to determine the following: (a) compliance with the applicable airworthiness requirements; (b) that materials conform to the specifications in the design; (c) that the part conforms to the drawings in the design; (d) that the fabrication processes, construction, and assembly conform to those specified in the design. (9) Subject to regulation 11.055, CASA must issue an APMA to an applicant for the APMA if the applicant: (a) is eligible, under this regulation, to apply for the APMA; and (b) applies for the APMA in accordance with this Subpart; and (c) is entitled, under this Subpart, to the APMA; and (d) otherwise complies with this Part. (10) CASA is not required to issue an APMA if the manufacturing facilities for the part are located outside Australian territory, unless the location of the manufacturing facilities places no undue burden on CASA in administering the applicable airworthiness requirements. (11) The holder of an APMA must establish and maintain a fabrication inspection system that ensures that each completed part conforms to the technical data for its design and is safe for installation on applicable type certificated aircraft, aircraft engines or propellers. The system must be documented and include procedures to ensure that: (a) incoming materials used in the finished part are as specified in the technical data; and (b) incoming materials are properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined; and (c) materials subject to damage and deterioration are suitably stored and adequately protected; and		

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(d) processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller are accomplished in accordance with acceptable specifications; and (e) parts in process are inspected for conformity with the technical data at points in production where their conformity can be accurately assessed; and (ea) if, for paragraph (e), statistical quality control procedures are used in relation to a part—a satisfactory level of quality will be maintained for the part; and (f) current design drawings are readily available to manufacturing and inspection personnel, and used when necessary; and (g) major changes to the basic design are adequately controlled and approved before being incorporated in the finished part; and (h) rejected materials and components are segregated and identified in such a manner as to preclude their use in the finished part; and (i) inspection records are maintained, identified with the completed part, where practicable, and retained in the holder's file for a period of at least 2 years after the part has been completed. (12) An APMA continues in force until cancelled. (13) The holder of an APMA must notify CASA in writing within 10 days from the date the manufacturing facility at which the parts are manufactured is relocated or expanded to include additional facilities at other locations. (13A) The holder of an APMA must, within 2 days after the day when any change is made to the holder's fabrication inspection system that may affect the inspection, conformation to technical data or airworthiness of a part to which the APMA relates, tell CASA in writing of the change. (14) The holder of an APMA must determine whether each completed part conforms to the technical data for its design and is safe for installation on type certificated aircraft, aircraft engines or propellers. (15) CASA may suspend or cancel an APMA, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart. (16) Despite subregulation (12), an APMA is not in force during any period of suspension. (17) A notice under subregulation (15) 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. *Source* FARs section 21.303 modified. Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of APMAs.		

Comparison CASR Part 21 and FAR Part 21

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.304A Changes to an APMA (1) The holder of an APMA may apply in writing to CASA to approve a change to any of the particulars specified in the APMA, including a condition of the APMA. (2) CASA may, on receiving an application made under subregulation (1), approve the change. (3) In deciding whether to approve the change, CASA must take into account any relevant considerations relating to the interests of the safety of air navigation.	Review and harmonise	
21.305 Approval of materials, parts, processes and appliances Whenever a material, part, process, or appliance is required to be approved under this Part, it may be approved: (a) under an APMA; or (b) under an ATSO authorisation or letter of ATSO design approval; or (c) in conjunction with type certification procedures for an aircraft, aircraft engine or propeller; or (d) under Subpart 21.N; or (da) in a manner prescribed by the Part 21 Manual of Standards; or (e) in any other manner approved by CASA. *Source* FARs section 21.305 modified.	Review and harmonise	**§ 21.305 Organization.** (a) Each applicant for or holder of a PMA must provide the FAA with a document— (1) Describing how its organization 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 section must be responsible within the applicant's or production approval holder's organization 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 § 21.308 are in place and that the production approval holder satisfies the requirements of the applicable regulations of subchapter C, Aircraft. The accountable manager must serve as the primary contact with the FAA.
21.305A Approval of materials, parts, processes and appliances not covered by regulation 21.305 (1) A person may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of any material, part, process or appliance that is not covered by regulation 21.305. (2) CASA, or the authorised person or relevant approved design organisation, must grant the approval if satisfied that: (a) doing so would be unlikely to have an adverse effect on aviation safety; and (b) the material, part, process or appliance meets the requirements prescribed by the Part 21 Manual of Standards.	Review and harmonise	
21.306 Use of standard parts and materials *Standard parts* (1) A standard part may be used in the manufacture of an aircraft, aircraft engine, propeller or appliance, or another part, if: (a) the standard part is required by:	Review and harmonise	

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(i) the type design for the aircraft, aircraft engine or propeller; or (ii) the approved design for the appliance or other part; and (b) the standard part was supplied with a document that: (i) was issued under the law of a Contracting State; and (ii) contains a statement that identifies the standard part and the specification with which the standard part complies; and (c) the standard part has zero time in service. Note: For the definition of *standard part*, see Part 1 of the Dictionary. (2) For the purposes of determining whether a standard part complies with the specification identified in the document mentioned in paragraph (1)(b) for the standard part, CASA may: (a) direct the person who is using, or proposing to use, the standard part to give CASA: (i) any technical data for the type design for the aircraft, aircraft engine or propeller that relates to the standard part; or (ii) any technical data for the approved design for the appliance or other part that relates to the standard part; or (b) inspect the standard part to determine whether it complies with the specification. *Materials* (3) A material may be used in the manufacture of an aircraft, aircraft engine, propeller, part or appliance if: (a) the material is required by: (i) the type design for the aircraft, aircraft engine or propeller; or (ii) the approved design for the part or appliance; and (b) the material complies with an established industry or Australian specification; and (c) the material was supplied with a document that: (i) was issued under the law of a Contracting State; and (ii) contains a statement that identifies the material and the specification with which the material complies. (4) For the purposes of determining whether a material complies with the established industry or Australian specification identified in the document mentioned in paragraph (3)(c) for the material, CASA may: (a) direct the person who is using, or proposing to use, the material to give CASA: (i) any technical data for the type design for the aircraft, aircraft engine or propeller that relates to the material; or		

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(ii) any technical data for the approved design for the part or appliance that relates to the material; or (b) inspect the material to determine whether it complies with the specification. *Directions* (5) A direction under paragraph (2)(a) or (4)(a) must: (a) be in writing; and (b) specify the time within which the direction must be complied with. (6) If CASA gives a direction to a person under paragraph (2)(a) or (4)(a), the person must comply with the direction within the time mentioned in the direction. Penalty: 50 penalty units. (7) In this regulation: *approved design*, for a part or appliance, has the meaning given by subregulation 42.015(1). (8) An offence against subregulation (6) is an offence of strict liability.		
	Adopt and harmonise	**§ 21.307 Quality system.** Each applicant for or holder of a PMA must establish a quality system that meets the requirements of § 21.137.
	Adopt and harmonise	**§ 21.308 Quality manual.** Each applicant for or holder of a PMA must provide a manual describing its quality system to the FAA for approval. The manual must be in the English language and retrievable in a form acceptable to the FAA.
	Adopt and harmonise	**§ 21.309 Location of or change to manufacturing facilities.** (a) An applicant may obtain a PMA for manufacturing facilities located outside of the United States if the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter. (b) The PMA holder must obtain FAA approval before making any changes to the location of any of its manufacturing facilities. (c) The PMA holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its PMA article.
	Adopt and harmonise	**§ 21.310 Inspections and tests.** (a) Each applicant for or holder of a PMA must allow the FAA 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 subchapter. (b) Unless otherwise authorized by the FAA, the applicant or holder—

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		(1) May not present any article to the FAA for an inspection or test unless compliance with § 21.303(b)(2) through (4) has been shown for that article; and (2) May not make any change to an article between the time that compliance with § 21.303(b)(2) through (4) is shown for that article and the time that the article is presented to the FAA for the inspection or test.
	Adopt and harmonise	**§ 21.311 Issuance.** The FAA issues a PMA 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.
	Adopt and harmonise	**§ 21.314 Transferability.** The holder of a PMA may not transfer the PMA.
	Adopt and harmonise	**§ 21.316 Responsibility of holder.** Each holder of a PMA must— (a) Amend the document required by § 21.305 as necessary to reflect changes in the organization and provide these amendments to the FAA; (b) Maintain the quality system in compliance with the data and procedures approved for the PMA; (c) Ensure that each PMA article conforms to its approved design and is in a condition for safe operation; (d) Mark the PMA 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 PMA article (*e.g.*, sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as FAA approved with the manufacturer's part number and name, trademark, symbol, or other FAA approved manufacturer's identification; (f) Have access to design data necessary to determine conformity and airworthiness for each article produced under the PMA; (g) Retain each document granting PMA and make it available to the FAA upon request; and (h) Make available to the FAA information regarding all delegation of authority to suppliers.
	Adopt and harmonise	**§ 21.319 Design changes.** (a) Classification of design changes. (1) A "minor change" to the design of an article produced under a PMA is one that has no appreciable effect on the approval basis. (2) A "major change" to the design of an article produced under a PMA is any change that is not minor.

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		(b) Approval of design changes. (1) Minor changes to the basic design of a PMA may be approved using a method acceptable to the FAA. (2) The PMA holder must obtain FAA approval of any major change before including it in the design of an article produced under a PMA.
	Adopt and harmonise	**§ 21.320 Changes in quality system.** After the issuance of a PMA— (a) Each change to the quality system is subject to review by the FAA; and (b) The holder of the PMA must immediately notify the FAA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its article.
Subpart 21.L—Export airworthiness approvals		**Subpart L—Export Airworthiness Approvals**
21.321 Applicability (1) This Subpart prescribes: (a) requirements for the issue of export airworthiness approvals; and (b) rules governing the holders of those approvals. (2) For these Regulations: (a) a *Class I product* is a complete aircraft, aircraft engine, or propeller, that: (i) has been type certificated in accordance with these Regulations and for which civil specifications or type certificate data sheets have been issued; or (ii) is identical to a type certificated product specified in subparagraph (i) in all respects except as is otherwise acceptable to the national aviation authority of the importing state; and (b) a *Class II product* is a major component of a Class I product (for example, wings, fuselages, empennage assemblies, landing gears, power transmissions and control surfaces), the failure of which would jeopardise the safety of a Class I product; or any part, material, or appliance, approved and manufactured under an ATSO in the "C" series; and (c) a *Class III product* is any part or component which is not a Class I or Class II product and includes standard parts (for example, those designated as AN, NAS or SAE); and (d) the word *overhauled* when used to describe a product means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with these Regulations. *Source* FARs section 21.321, modified.	Adopt and harmonise	**§ 21.321 Applicability.** This subpart prescribes— (a) Procedural requirements for issuing export airworthiness approvals; and (b) Rules governing the holders of those approvals. (b) The FAA prescribes the form and manner in which an export airworthiness approval for an aircraft engine, propeller, or article is issued. (c) If the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter, an export airworthiness approval may be issued for a product or article located outside of the United States.
21.323 Eligibility		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
Any person may obtain an export airworthiness approval for a Class I, Class II or Class III product. *Source* FARs section 21.323, modified.		
21.324 Issue of export airworthiness approvals Subject to regulation 11.055, CASA, or an authorised person, must issue an export airworthiness approval for a Class I, Class II or Class III product to an applicant for the approval if the applicant: (a)is eligible, under regulation 21.323, to obtain the approval; and (b)applies for the approval in accordance with this Subpart; and (c)is entitled, under this Subpart, to the approval; and (d)otherwise complies with this Part.		
21.325 Export airworthiness approvals *Kinds of approvals* (1) Export airworthiness approval of Class I products is issued: (a) for an aircraft—in the form of an export certificate of airworthiness; or (b) for an aircraft engine or propeller—in the form of an authorised release certificate. (2) An export certificate of airworthiness does not authorise the operation of aircraft. (3) Export airworthiness approval of Class II and III products is issued in the form of an authorised release certificate. *Products which may be approved* (4) Export airworthiness approvals may be issued for the following: (a) new aircraft that are assembled and that have been flight-tested, except that export airworthiness approval may be issued for any of the following without assembly or flight-test: (i) a small aeroplane type certificated by reference to Part 23 and manufactured under a production certificate; (ii) a glider or manned free balloon for which a type certificate of the kind mentioned in regulation 21.021 or 21.024 is issued under this Part and that is manufactured under a production certificate; (iii) a normal category rotorcraft type certificated by reference to Part 27 and manufactured under a production certificate; (b) used aircraft possessing a valid certificate of airworthiness, or other used Class I or Class II products that have been maintained in accordance with the applicable provisions of CAR or CASR. (4A) Authorised release certificates may be issued for any of the following that are manufactured and located in Australia:		**§ 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.

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(a) Class I products other than aircraft; (b) Class II and III products. (5) Despite regulation 21.324, CASA is not required to issue an export airworthiness approval for used aircraft or used Class I products mentioned in paragraph (4)(b) that are located outside Australian territory, unless there is no undue burden on CASA in administering this regulation. *Export airworthiness approval exceptions* (6) If CASA or an authorised person issues an export airworthiness approval on the basis of a written statement by the importing state as provided for in paragraph 21.327(4)(d), CASA or the authorised person must list on the export airworthiness approval, as exceptions, the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product. Penalty: 50 penalty units. (7) An offence against subregulation (6) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.325, modified.		

21.327 Application (1) A person may apply, in writing, to CASA or an authorised person for an export airworthiness approval for a Class I, Class II or Class III product. (2) A manufacturer holding a production certificate may apply orally to CASA or an authorised person for export airworthiness approval of a Class II product approved under the manufacturer's production certificate. (3)A separate application must be made for: (a)each aircraft; and (b) each engine or propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are to be exported to the same purchaser and country; and (c) each type of Class II product, except that one application may be made for more than one type of Class II product when: (i) they are separated in the application and the type and model of the related Class I product is identified; and (ii) they are to be exported to the same purchaser and country. (4) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is: (a) an aircraft manufactured outside Australian territory; or (b) an unassembled aircraft which has not been flight-tested; or (c) a product that does not meet the special requirement of the importing country; or (d) a product that does not meet a requirement specified in regulation 21.329, 21.331, or 21.333, as applicable, for the issue of an export airworthiness approval; or (e) a product for which the importing country does not require the weight and balance report mentioned in paragraph (6)(b). (5) The written statement must list any requirements mentioned in paragraph (4)(d) that are not met. (6) Each application for export airworthiness approval of a Class I product must include the following, as applicable: (a) a statement of conformity mentioned in subregulation 21.130(2) for each new product that has not been manufactured under a production certificate; (b) unless the importing country does not require it, a weight and balance report in accordance with subregulations (7), (8), (9) and (10), as applicable, with a loading schedule when applicable, for each aircraft in accordance with section 100.7 of the Civil Aviation Orders; (c) a maintenance manual for each new product when such a manual is required under these Regulations; (d) evidence of compliance with the applicable airworthiness directives, or a suitable notation if any airworthiness directives are not complied with; (e) when temporary installations are incorporated in an aircraft for the purpose of export delivery—a general description of the installations together with a		**§ 21.327 Application.** Any person may apply for an export airworthiness approval. Each applicant must apply in a form and manner prescribed by the FAA.

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statement that the installation will be removed and the aircraft restored to the approved configuration upon completion of the delivery flight; (f) historical records such as aircraft and engine log books, repair and alteration forms, for used aircraft and overhauled products; (g) for products intended for overseas shipment—a description of the methods used, if any, for the preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. The description must also indicate the duration of the effectiveness of such methods; (h) the aircraft's flight manual required by the applicable airworthiness regulations for the particular aircraft; (i) a statement as to the date when title passed or is expected to pass to a foreign purchaser; (j) the data required by the special requirements of the importing country. Weight and balance reports (7) A weight and balance report for transport aircraft and commuter category aeroplanes must be based on an actual weighing of the aircraft within the period of 12 months preceding the application for the export airworthiness approval for the aircraft, but after any major repairs or alteration to the aircraft. (8) Any changes in equipment that are made after the actual weighing of the aircraft (except changes classes as major changes) may be accounted for on a "computed" basis and the report revised accordingly. (9) Manufacturers of new non-transport category aeroplanes, normal category rotorcraft or gliders may include computed weight and balance data in the report, instead of the results of an actual weighing of the aircraft, if fleet weight control procedures approved by CASA have been established for the aircraft. In this case, the following statement must be included in each report: "The weight and balance data shown in this report are computed on the basis of CASA's approved procedures for establishing fleet weight averages.". (10) A weight and balance report must include an equipment list showing weights and moment arms of all required and optional items of equipment that are included in the certificated empty weight. *Source* FARs section 21.327, modified.		
21.329 Issue of export airworthiness approvals for Class I products (1) An applicant is entitled to an export airworthiness approval for a Class I product if the applicant shows, at the time the application is made, that the product meets the requirements of subregulations (2) to (6) (inclusive), as applicable, except as provided in subregulation (7). (2) New and used aircraft must meet: (a) the airworthiness requirements for a standard certificate of airworthiness under regulation 21.183; or		**§ 21.329 Issuance of export certificates of airworthiness.** (a) A person may obtain from the FAA 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

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(b) the airworthiness certification requirements for a special certificate of airworthiness for an aircraft in the primary, intermediate or restricted category under regulation 21.184, 21.184A or 21.185 respectively. (3) For a used aircraft to which Part 42 applies, an airworthiness review certificate must be in force for the aircraft. (3A) For a used aircraft to which Part 42 does not apply, and that is of a particular type and model, the aircraft must have undergone a maintenance release inspection (within the meaning given by subregulation 47(6) of CAR): (a) within 30 days before the date the application is made for an export airworthiness approval for the aircraft; and (b) that was conducted by: (i) a person who holds a certificate of approval that covers maintenance for that type and model of aircraft; or (ii) an approved maintenance organisation, within the meaning given by Part 3 of the Dictionary. (4) New engines and propellers must conform to the type design and must be in a condition for safe operation. (5) Used engines and propellers which are not being exported as part of a certificated aircraft must have been overhauled. (6) CASA or an authorised person must be satisfied that the special requirements of the importing country have been met. (7) A product need not meet a requirement mentioned in subregulation (2), (3), (4), (5) or (6) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327(4)(d) and subregulation 21.327(5). Source FARs sections 21.329 and 337, modified		(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" or the "restricted" category. (b) An aircraft need not meet a requirement specified in paragraph (a) of this section, as applicable, if— (1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, 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.
21.331 Issue of airworthiness approvals for Class II products (1) An applicant is entitled to an export airworthiness approval for a Class II product if that applicant shows, and CASA or an authorised person is satisfied, that the product: (a) is new or has been overhauled and conforms to the technical data for the design of the product; and (b) is in a condition for safe operation; and (c) is identified with at least the manufacturer's name, part number, model designation (if applicable), and serial number or equivalent; and (d) meets any special requirements of the importing country. (2) However, a product need not meet a requirement mentioned in subregulation (1) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327(4)(d) and subregulation 21.327(5). *Source* FARs section 21.331 modified.		**§ 21.331 Issuance of export airworthiness approvals for aircraft engines, propellers, and articles.** (a) A person may obtain from the FAA an export airworthiness approval to export a new aircraft engine, propeller, or article that is manufactured under this part if it conforms to its approved design and is in a condition for safe operation. (b) A new aircraft engine, propeller, or article need not meet a requirement of paragraph (a) of this section if— (1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, 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 the FAA an export airworthiness approval to export a used aircraft engine, propeller, or article if it conforms to its approved design and is in a condition for safe operation. (d) A used aircraft engine or propeller need not meet a requirement of paragraph (c) of this section if—

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		(1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, 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.
21.333 Issue of export airworthiness approvals for Class III products **(1) An applicant is entitled to an export airworthiness approval for a** Class III product if the applicant shows, and CASA or an authorised person is satisfied, that the product: (a) conforms to the technical data for the design of the Class I or Class II product of which it is a part; and (b) is in a condition for safe operation; and (c) meets any special requirements of the importing country. (2) However, a product need not meet a requirement mentioned in subregulation (1) if it is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327(4)(d) and subregulation 21.327(5). *Source* FARs section 21.333 modified.		
		§ 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 U.S. registration and airworthiness certificates from the FAA, giving the date of transfer of title, and the name and address of the foreign owner; (2) Return the Registration and Airworthiness Certificates to the FAA; and (3) Provide a statement to the FAA certifying that the U.S. identification and registration numbers have been removed from the aircraft in compliance with § 45.33.
21.339 Export airworthiness approval for aircraft		

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An applicant is entitled to an export certificate of airworthiness authorising the export of an aircraft to 2 or more foreign countries if: (a) the applicant gives CASA a statement to the effect that the aircraft is to be flown to each of these countries for the purpose of sale; and (b) a standard certificate of airworthiness or a special certificate of airworthiness is in force for the aircraft; and (c) the aircraft is inspected by CASA before leaving Australian territory and is found to comply with all the applicable requirements; and (d) a list of the foreign countries in which it is intended to conduct sales demonstrations, together with the expected dates and duration of such demonstration, is included in the application under regulation 21.327; and (e) for each country listed, the applicant: (i) has met that country's special requirements, except those requiring documents, information, and materials to be furnished; and (ii) has the documents, information, and materials necessary to meet the special requirements of that country; and (f) all other requirements for the issue of an export certificate of airworthiness for a Class I product are met. *Source* FARs section 21.33 modified.		
Subpart 21.M—Designs of modifications of, and repairs to, aircraft, aircraft engines, propellers and appliances		**Subpart M [Reserved]**
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.		

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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.		

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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.		

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(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.		

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(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:		

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(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).		

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(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.		

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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.		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
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.		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
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.		

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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.		

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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		

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(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 21.N—Approval of engines, propellers, materials, parts and appliances: imported		**Subpart N—Acceptance of Aircraft Engines, Propellers, and Articles for Import**
21.500 Approval of imported aircraft engines and propellers (1) Each holder or licensee of an Australian type certificate for an aircraft engine or propeller manufactured in a recognised country, or in a foreign country with which Australia has an agreement for the acceptance of those products for export and import, must furnish with each such aircraft engine or propeller imported into Australian territory by the holder or licensee, an export airworthiness approval (however described) issued by the country of manufacture certifying that the individual aircraft engine or propeller: (a) conforms to its type certificate; and (b) is in a condition for safe operation; and (c) has been subjected by the manufacturer to a final operational check. (2) If these Regulations require an imported aircraft engine or propeller to be type certificated, it is taken to be type certificated under these Regulations if: (a) the aircraft engine or propeller: (i) is manufactured: (A) in a recognised country; or (B) under a manufacturing approval (however described) issued by the national aviation authority of a recognised country; or (C) in a foreign country with which Australia has an agreement for the acceptance of the aircraft engine or propeller for export and import; or		**§ 21.500 Acceptance of aircraft engines and propellers.** An aircraft engine or propeller manufactured in a foreign country or jurisdiction meets the requirements for acceptance under this subchapter if— (a) That country or jurisdiction is subject to the provisions of an agreement with the United States for the acceptance of that product; (b) That product is marked in accordance with part 45 of this chapter; and (c) The holder or licensee of a U.S. type certificate for that product furnishes with each such aircraft engine or propeller imported into the United States, 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 U.S. type certificate and is in condition for safe operation; and (2) Has been subjected by the manufacturer to a final operational check.

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(ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these Regulations, or a certificate of type approval is in force under CAR; and (b) the aircraft engine or propeller conforms to a valid type certificate, is in a condition for safe operation and has been subjected to a final operational check by the manufacturer; and (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b). (3) CASA may inspect an aircraft engine or propeller to which this regulation applies to determine whether it complies with this regulation. *Source* FARs section 21.500 modified.		
21.500A Approval of other imported aircraft engines and propellers (1) A person may apply to CASA or a relevant approved design organisation, in writing, for approval of an imported aircraft engine, or propeller, that is not covered by regulation 21.500. (2) An applicant must, on request by CASA or the approved design organisation, give CASA or the approved design organisation any technical data for the design of the aircraft engine or propeller. (3) Subject to regulation 11.055, CASA or the approved design organisation must grant the approval.		
21.502 Approval of imported materials, parts and appliances (1) If these Regulations, or the Civil Aviation Orders, require an imported material, part or appliance to be approved, it is taken to be approved if: (a) the material, part or appliance: (i) is manufactured: (A) in a recognised country; or (B) under a manufacturing approval (however described) issued by the national aviation authority of a recognised country; or (C) in a foreign country with which Australia has an agreement for the acceptance of the material, part or appliance for export and import; or (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these Regulations, or a certificate of type approval is in force under CAR; and (b) the material, part or appliance conforms to an aeronautical specification appropriate to the proposed use, meets the requirements prescribed by the Part 21 Manual of Standards and is in a condition for safe operation; and		**§ 21.502 Acceptance of articles.** An article (including an article produced under a letter of TSO design approval) manufactured in a foreign country or jurisdiction meets the requirements for acceptance under this subchapter if— (a) That country or jurisdiction is subject to the provisions of an agreement with the United States for the acceptance of that article; (b) That article is marked in accordance with part 45 of this chapter; and (c) An export airworthiness approval has been issued in accordance with the provisions of that agreement for that article for import into the United States.

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(c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b). (2) CASA may inspect any material part or appliance to determine whether it complies with this regulation. *Source* FARs section 21.502 modified.		
21.502A Approval of other imported materials, parts and appliances (1) A person may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of an imported material, part or appliance that is not covered by regulation 21.502. (2) An applicant must, on request by CASA or the authorised person or approved design organisation, give CASA or the authorised person or approved design organisation any technical data for the design of the material, part or appliance. (3) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must grant the approval if satisfied that the material, part or appliance meets the requirements prescribed by the Part 21 Manual of Standards.		
Subpart 21.O—Australian Technical Standard Order Authorisations		**Subpart O—Technical Standard Order Approvals**
21.601 Applicability (1) This Subpart prescribes: (a) requirements for the issue of Australian Technical Standard Order (ATSO) authorisations; and (b) rules governing the holders of ATSO authorisations; and (c) requirements for the issue of a letter of ATSO design approval. (2) For the purpose of these Regulations: (a) an *ATSO* (short for Australian Technical Standard Order) is a minimum performance standard prescribed by the Part 21 Manual of Standards for specified articles used on civil aircraft; and (aa) an *ETSO* is a European Technical Standard Order issued by EASA; and (ab) a *TSO* is a Technical Standard Order issued by the FAA; and (b) an *ATSO authorisation* is: (i) a CASA design and production approval issued to the manufacturer of an article that has been found to meet a specific ATSO, ETSO or TSO; or (ii) a CASA production approval issued to the manufacturer of an article manufactured in accordance with an FAA letter of TSO design approval; and (c) a *letter of ATSO design approval* is a CASA design approval for a foreign-manufactured article which has been found to meet a specific ATSO in accordance with the procedures of regulation 21.617; and		**§ 21.601 Applicability and definitions.** (a) This subpart prescribes— (1) Procedural requirements for issuing TSO authorizations; (2) Rules governing the holders of TSO authorizations; and (3) Procedural requirements for issuing letters of TSO design approval. (b) For the purposes of this subpart— (1) A TSO issued by the FAA is a minimum performance standard for specified articles used on civil aircraft; (2) A TSO authorization is an FAA design and production approval issued to the manufacturer of an article that has been found to meet a specific TSO; (3) A letter of TSO design approval is an FAA design approval for an article that has been found to meet a specific TSO in accordance with the procedures of § 21.621; (4) An article manufactured under a TSO authorization, an FAA letter of acceptance as described in § 21.613(b), or an article manufactured under a letter of TSO design approval described in § 21.621 is an approved article for the purpose of meeting the regulations of this chapter 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.

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(ca) an *FAA letter of TSO design approval* is an FAA design approval for an article manufactured outside the United States that has been found to meet a specific TSO in accordance with the procedures of FARs section 21.617; and (d) an article manufactured under an ATSO authorisation or an appliance manufactured under a letter of ATSO design approval described in regulation 21.617 is an approved article or appliance for the purpose of meeting the provisions of these Regulations that require the article to be approved; and (e) 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 the parts of them and any processes or services related to them that are procured from an outside source. (3) For the purpose of this Subpart, *articles* means materials, parts, processes, or appliances. (4) Despite subregulation 21.605(4), CASA is not required to issue an ATSO authorisation for an article if the manufacturing facilities for the article are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering the applicable airworthiness requirements. *Source* FARs section 21.601 modified.		
21.603 ATSO marking and privileges (1) Except as provided in subregulation 21.617(3), a person may identify an article with an ATSO marking only if: (a) the person holds an ATSO authorisation; and (b) the article meets applicable ATSO, ETSO or TSO performance standards. Penalty: 50 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.603 modified.		**§ 21.603 Application.** (a) An applicant for a TSO authorization must apply in the form and manner prescribed by the FAA. 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 TSO that is effective on the date of application for that article. (2) One copy of the technical data required in the applicable TSO. (b) If the applicant anticipates a series of minor changes in accordance with § 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 the FAA, provide any additional information necessary to show compliance with this part. If the applicant fails to provide the additional information within 30 days after the FAA's request, the FAA denies the application and notifies the applicant.
21.605 Application and issue (1) An article manufacturer may apply to CASA for an ATSO authorisation for the article. (2) An application must be accompanied by the following documents:		**§ 21.605 Organization.** (a) Each applicant for or holder of a TSO authorization must provide the FAA with a document— (1) Describing how its organization will ensure compliance with the provisions of this subpart;

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(a) 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; (b) one copy of the technical data required in the applicable ATSO, ETSO or TSO; (c) a description of the applicant's quality system in the detail specified in regulations 21.143 and 21.144. In complying with this regulation, the applicant may refer to current quality system data filed with CASA as part of a previous ATSO authorisation application. (3) When a series of minor changes in accordance with regulation 21.611 is anticipated, the applicant must set forth in the 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. (4) Subject to regulation 11.055, CASA must issue an ATSO authorisation for the article if CASA is satisfied that: (a) the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609; and (b) the applicant has established, and can maintain, a quality system to ensure that each article manufactured under the authorisation will comply with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609. (5) For paragraph (4)(a), CASA may satisfy itself that the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609, on the basis of any of the following: (a) an examination of the design; (b) the technical data for the design approved under regulation 21.009; (c) a certificate from an approved design organisation under subregulation (7). (6) Subregulation (7) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609. (7) If the approved design organisation is satisfied that the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609, the organisation may give CASA a certificate to that effect. *Source* FARs section 21.605 modified.		(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 section must be responsible within the applicant's or production approval holder's organization 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 § 21.608 are in place and that the production approval holder satisfies the requirements of the applicable regulations of subchapter C, Aircraft. The accountable manager must serve as the primary contact with the FAA.
21.607 General rules governing holders of ATSO authorisations (1) An article manufacturer to whom an ATSO authorisation for the article has been issued must ensure that:		**§ 21.607 Quality system.** Each applicant for or holder of a TSO authorization must establish a quality system that meets the requirements of § 21.137.

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(a) the article is manufactured in accordance with this Part and the applicable ATSO, ETSO or TSO (including any deviations approved under subregulation 21.609(3)); and (b) all tests and inspections required under these Regulations, or the applicable ATSO, ETSO or TSO, are conducted, and a quality system is established and maintained that: (i) is adequate to ensure that the article meets the requirements of paragraph (a) and is in a condition for safe operation; and (ii) meets the requirements prescribed by the Part 21 Manual of Standards; and (c) the article is permanently and legibly marked with the following information: (i) the name and address of the manufacturer; (ii) the name, type, part number, or model designation of the article; (iii) the serial number or the date of manufacture of the article or both; (iv) unless subparagraph (v) applies, the applicable ATSO, ETSO or TSO number with the prefix 'ATSO'; (v) if the article was manufactured in accordance with an FAA letter of TSO design approval, the applicable TSO number with the prefix 'TSO'. Penalty: 50 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.607 modified.		
		§ 21.608 Quality manual. Each applicant for or holder of a TSO authorization must provide a manual describing its quality system to the FAA for approval. The manual must be in the English language and retrievable in a form acceptable to the FAA.
21.609 Approval for deviation (1) An article manufacturer who requests approval to deviate from any performance standard of an ATSO, ETSO or TSO must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety. (2) The request for approval to deviate, together with all pertinent data, must be submitted to CASA. If the article is manufactured in another country, the request for approval to deviate, together with all pertinent data, must be submitted to CASA through the national aviation authority of that country. (3) Subject to regulation 11.055, CASA must grant the approval. *Source* FARs section 21.609 modified.		**§ 21.609 Location of or change to manufacturing facilities.** (a) An applicant may obtain a TSO authorization for manufacturing facilities located outside of the United States if the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter. (b) The TSO authorization holder must obtain FAA approval before making any changes to the location of any of its manufacturing facilities. (c) The TSO authorization holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.

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		§ 21.610 Inspections and tests. Each applicant for or holder of a TSO authorization must allow the FAA 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 subchapter.
21.611 Design changes *Minor changes by the manufacturer holding an ATSO authorisation* (1) An article manufacturer manufacturing an article under an ATSO authorisation 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). (2) The manufacturer must forward to CASA any revised data that are necessary for compliance with subregulation 21.605(3). Penalty: 25 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Major changes by manufacturer holding an ATSO authorisation* (3) Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with an ATSO, ETSO or TSO is a *major change*. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an ATSO authorisation under regulation 21.605. *Who may apply for approval of change* (4) A person may apply for approval for a change to the design of an article under this Subpart only if the person: (a) is the manufacturer that submitted the statement of conformance for the article; or (b) has applied for an ATSO authorisation for the article. Note: A person may apply to CASA, an authorised person or an approved design organisation, in writing, for a modification/repair design approval for the design of a modification of, or a repair to, an appliance: see Subpart 21.M. *Source* FARs section 21.611 modified.		**§ 21.611 Issuance.** If the FAA finds that the applicant complies with the requirements of this subchapter, the FAA issues a TSO authorization to the applicant (including all TSO deviations granted to the applicant).
21.613 Record keeping requirements *Keeping the records* (1) An article manufacturer holding an ATSO authorisation must, for each article manufactured under that authorisation, keep the following records at its factory: (a) a complete and current technical data file for each type or model article, including design drawings and specifications;		**§ 21.613 Duration.** (a) A TSO authorization or letter of TSO design approval is effective until surrendered, withdrawn, or otherwise terminated by the FAA. (b) If a TSO is revised or canceled, the holder of an affected FAA letter of acceptance of a statement of conformance, TSO authorization, or letter of TSO design approval may continue to manufacture articles that meet the original TSO without obtaining a new

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(b) complete and current inspection records showing that all inspections and tests required to ensure compliance with this part have been properly completed and documented. *Retention of records* (2) The manufacturer must retain the records mentioned in paragraph (1)(a) until it no longer manufactures the article. Penalty: 50 penalty units. (3) If the manufacturer stops manufacturing the article, the manufacturer must send copies of the records mentioned in paragraph (1)(a) to CASA within 30 days after ceasing that manufacture. Penalty: 50 penalty units. (4) The manufacturer must retain the records mentioned in paragraph (1)(b) for at least 2 years. Penalty: 50 penalty units. (5) An offence against subregulation (2), (3) or (4) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. *Source* FARs section 21.613 modified.		acceptance, authorization, or approval but must comply with the requirements of this chapter.
		§ 21.614 Transferability. The holder of a TSO authorization or letter of TSO design approval may not transfer the TSO authorization or letter of TSO design approval.
21.615 CASA inspection (1) Upon the request of CASA, an article manufacturer manufacturing an article under an ATSO authorisation must allow CASA to: (a) inspect any article manufactured under that authorisation; and (b) inspect the manufacturer's quality system; and (c) witness any tests; and (d) inspect the manufacturing facilities; and (e) inspect the technical data files on that article. (2) If the manufacturer does not comply with a request under subregulation (1), the ATSO authorisation is suspended until the request is complied with. *Source* FARs section 21.615 modified.		
		§ 21.616 Responsibility of holder. Each holder of a TSO authorization must— (a) Amend the document required by § 21.605 as necessary to reflect changes in the organization and provide these amendments to the FAA.

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		(b) Maintain a quality system in compliance with the data and procedures approved for the TSO authorization; (c) Ensure that each manufactured article conforms to its approved design, is in a condition for safe operation, and meets the applicable TSO; (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 TSO article (e.g., sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as FAA approved with the manufacturer's part number and name, trademark, symbol, or other FAA approved manufacturer's identification; (f) Have access to design data necessary to determine conformity and airworthiness for each article produced under the TSO authorization. The manufacturer must retain this data until it no longer manufactures the article. At that time, copies of the data must be sent to the FAA; (g) Retain its TSO authorization and make it available to the FAA upon request; and (h) Make available to the FAA information regarding all delegation of authority to suppliers.
21.617 Issue of letters of ATSO design approval: import appliances (1) A letter of ATSO design approval may be issued for an appliance that is manufactured in a foreign country with which Australia has an agreement for the acceptance of these appliances for export and import and that is to be imported into Australian territory, if: (a) the national aviation authority of the country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305(b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards CASA prescribes to provide a level of safety equivalent to that provided by the ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305(b); and (b) the article manufacturer has submitted to CASA one copy of the technical data required in the applicable performance standard through the national aviation authority of the country in which the appliance was manufactured. (2) The letter of ATSO design approval will be issued by CASA and must list any deviation granted to the manufacturer under regulation 21.609. (3) After CASA has issued a letter of ATSO design approval and an airworthiness approval mentioned in paragraph 21.502(1)(c) has been issued, the manufacturer is authorised to identify the appliance with the ATSO marking requirements described in paragraph 21.607(c) and in the applicable ATSO. Each appliance must be accompanied by an airworthiness approval mentioned in paragraph 21.502(1)(c).		

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Source FARs section 21.617 modified.		
		§ 21.618 Approval for deviation. (a) Each manufacturer who requests approval to deviate from any performance standard of a TSO 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 the FAA. 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 the FAA.
21.619 Non-compliance CASA may suspend or cancel the ATSO authorisation or letter of ATSO design approval of any article manufacturer who identifies with an ATSO marking an article not meeting the performance standards of the applicable ATSO, ETSO or TSO (including any deviations approved under subregulation 21.609(3)). *Source* FARs section 21.619 modified. Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of ATSO authorisations or letters of ATSO design approval.		**§ 21.619 Design changes.** (a) ***Minor changes by the manufacturer holding a TSO authorization.*** The manufacturer of an article under an authorization issued under this part may make minor design changes (any change other than a major change) without further approval by the FAA. 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 the FAA, any revised data that are necessary for compliance with § 21.603(a). (b) ***Major changes by the manufacturer holding a TSO authorization.*** Any design change by the manufacturer extensive enough to require a substantially complete investigation to determine compliance with a TSO 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 authorization under § 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 § 21.603(a) for a separate TSO authorization. Persons other than a manufacturer may obtain approval for design changes under part 43 or under the applicable airworthiness regulations of this chapter.
		§ 21.620 Changes in quality system. After the issuance of a TSO authorization— (a) Each change to the quality system is subject to review by the FAA; and (b) The holder of the TSO authorization must immediately notify the FAA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its article.
21.621 Duration (1) An ATSO authorisation or letter of ATSO design approval continues in force until surrendered or cancelled.		**§ 21.621 Issue of letters of TSO design approval: Import articles.** (a) The FAA may issue a letter of TSO design approval for an article—

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
(2) However, an ATSO authorisation or a letter of ATSO design approval is not in force during any period of suspension. *Source* FARs section 21.621 modified.		(1) Designed and manufactured in a foreign country or jurisdiction subject to the export provisions of an agreement with the United States for the acceptance of these articles for import; and (2) For import into the United States if— (i) The State of Design certifies that the article has been examined, tested, and found to meet the applicable TSO or the applicable performance standards of the State of Design and any other performance standards the FAA may prescribe to provide a level of safety equivalent to that provided by the TSO; and (ii) The manufacturer has provided to the FAA one copy of the technical data required in the applicable performance standard through its State of Design. (b) The FAA issues the letter of TSO design approval that lists any deviation granted under § 21.618. [Doc. No. FAA–2006–25877, Amdt. 21–92, 74 FR 53392, Oct. 16, 2009, as amended by Amdt. 21–92A, 75 FR 9095, Mar. 1, 2010]
		Subpart P—Special Federal Aviation Regulations
		§ 21.700 SFAR No. 111—Lavatory Oxygen Systems.
Subpart 21.Q—Identification of aircraft and aeronautical products		
Division 21.Q.1—Preliminary		
21.805 Applicability of this Subpart This Subpart applies to an aircraft, aircraft engine, aircraft propeller, critical part or other aircraft part manufactured after this Subpart commences.		
21.810 Meaning of *fireproof* (1) A reference in this Subpart to a fireproof manufacturer's data plate is a reference to a data plate that: (a) is made of material that withstands the heat of a fire at least as well as a steel plate of the same size and thickness; and (b) on which the details that it is required to bear are legibly marked by a fireproof method. (2) In this Subpart: *fireproof method* of marking means marking by: (a) etching, stamping or engraving; or (b) another similar method of marking approved for a particular purpose.		
Division 21.Q.2—Aircraft, aircraft engines and aircraft propellers		Transferred to FAR Part 45

Comparison CASR Part 21 and FAR Part 21

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.815 Applicability of this Division This Division applies to an aircraft (or an aircraft engine or aircraft propeller) manufactured after this Subpart commences.		
21.820 Manufacturer's data plate must be attached to aircraft (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft to which this Division applies. (2) The manufacturer of an aircraft to which this Division applies must attach to it, as set out in subregulations (3) and (4), a fireproof manufacturer's data plate bearing the following information: (a)the name of the manufacturer; (b)the identification number of the aircraft's type certificate (if any); (c) the identification number of the production certificate (if any) under which the aircraft is manufactured; (d)the aircraft's model designation; (e)the aircraft's serial number. Penalty: 20 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (3) The data plate must be attached in a way that ensures that it is not likely to be defaced or removed during normal service, nor lost or destroyed in an accident. (4) The data plate must be attached: (a) to a manned free balloon—to the lower section of the balloon's envelope in a place where the operator can read it when the balloon is inflated; or (b)to a glider—in a visible place inside the cockpit; or (c)to any other aircraft—in a place where it is clearly legible: (i)on the frame of the aircraft's rearmost entrance; or (ii)near, but aft of, the aircraft's rearmost entrance; or (iii)on the aircraft's fuselage near its tail. Note: For the definition of *aircraft* see section 3 of the Act. For the definitions of *identification number*, *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.825 Manufacturer's data plate must be attached to basket of manned free balloon (1) This regulation sets out an additional requirement for attaching a manufacturer's data plate to the basket of a manned free balloon to which this Division applies. (2) This regulation applies to the holder of the type certificate or production certificate under which such a balloon is manufactured. (3) The holder of the type certificate must attach to the basket of the balloon, as set out in subregulation (4), a heat-resistant metal plate on which the following information is legibly marked by a fireproof method: (a)the name of the manufacturer; (d)the basket's part number; (e)the basket's serial number. Penalty: 20 penalty units. (3A) An offence against subregulation (3) is an offence of strict liability. Note: For strict liability, see section 6.1 of the Criminal Code. (4) The manufacturer's data plate must be attached to the basket in a way that ensures that the plate is not likely to be defaced or removed during normal service, nor to be lost or destroyed in an accident. Note: For the definitions of *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.		
21.830 Heater assembly of manned free balloon must carry identification mark (1) This regulation applies to a manned free balloon to which this Division applies that has a heater assembly. (2) The holder of the type certificate or production certificate under which the balloon is manufactured must, as set out in subregulation (3), also mark on the heater assembly, by a fireproof method, the information mentioned in subregulation (4). Penalty: 20 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (3) The information must be marked in a way that ensures that it is not likely to be defaced. (4) The information is: (a) the name of the heater's manufacturer; and (b) its part number; and (c) its serial number. Note: For the definitions of *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.835 Manufacturer's data plate must be attached to aircraft engine (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft engine to which this Division applies. (2) This regulation applies to the holder of the type certificate or production certificate under which such an aircraft engine is manufactured. (3) The holder of the type certificate or production certificate must attach to the engine, as set out in subregulation (4), a fireproof manufacturer's data plate bearing the following information: (a) the manufacturer's name; (b) the identification number of the engine's type certificate (if any); (c) the identification number of the production certificate (if any) under which the engine is manufactured; (d) the engine's model designation; (e) its serial number; (f) If its rating is stated in its type certificate, that rating. Penalty: 20 penalty units. (3A)An offence against subregulation (3) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (4) The data plate must be attached to the engine: (a) in a place where somebody carrying out maintenance on the engine can read it; and (b) in a way that ensures that the plate is not likely to be defaced or become detached from the engine during normal service, nor to be lost or destroyed in an accident. Note: For the definitions of *identification number*, *production certificate* and *type certificate* see the Dictionary.		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.840 Aircraft propellers, blades and hubs must carry identification marks (1) This regulation sets out the requirements to mark information on, or attach a manufacturer's data plate to, an aircraft propeller, propeller blade or propeller hub to which this Division applies. (2) The holder of the type certificate or production certificate under which such a propeller, blade or hub is manufactured must: (a) legibly mark on it by a fireproof method, as set out in subregulation (3), the information mentioned in subregulation (5); or (b) attach to it, as set out in subregulation (4), a manufacturer's data plate on which that information is legibly marked by a fireproof method. Penalty: 20 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (3) If information is marked on a propeller, blade or hub, it must be marked in a way that ensures that it is not likely to be defaced. (4) If a manufacturer's data plate is attached to a propeller, blade or hub, the plate must be attached to a non-critical surface in a way that ensures that the plate is not likely to be defaced or become detached during normal service, nor lost in an accident. (5) The information is: (a) the manufacturer's name; and (b) the identification number of the type certificate (if any) of the propeller; and (c) the identification number of the production certificate (if any) under which the propeller is manufactured; and (d)the model designation of the propeller, blade or hub; and (e)its serial number. Note: For the definitions of *identification number*, *production certificate* and *type certificate* see the Dictionary.		
Division 21.Q.3—Critical parts		
21.845 Applicability of this Division This Division applies to a critical part manufactured on or after 1 October 2000.		

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.850 Identification of critical parts (1) This regulation applies to a person who manufactures, in Australia, a critical part to which this Division applies. (2) The person must legibly and permanently mark on the part, as set out in subregulation (3), the following information: (a) the part's part number; (b) its serial number. Penalty: 20 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For *strict liability*, see section 6.1 of the *Criminal Code*. (3) The information must be marked in a way that ensures that it is not likely to be defaced.		
21.855 Removal or alteration of identification on critical parts (1) Except with CASA's written approval, a person must not engage in conduct that results in the removal or alteration of any of the information marked, in accordance with this Division, on a critical part to which this Division applies. Penalty: 20 penalty units. (1A)An offence against subregulation (1) is an offence of strict liability. Note: For strict liability, see section 6.1 of the Criminal Code. (2) CASA must not grant an approval under subregulation (1) if the granting of the approval would adversely affect the safety of air navigation.		
Division 21.Q.4—Aircraft parts		
21.860 Applicability of this Division This Division applies to: (a) an aircraft part produced under an APMA, on or after 1 October 2000; and (b) a modification or replacement part referred to in paragraph 21.303(2)(a) or (c) and produced after 30 November 2003; and (c) a Class II or Class III product produced under a production certificate that is referred to in regulation 21.133(2A) or (2B). Note: For the definition of APMA see the Dictionary.	Transfer to Part 45	

Comparison CASR Part 21 and FAR Part 21

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
21.865 Identification of parts produced under an APMA (1) Subregulation (2) applies to the holder of the APMA under which a part to which this Division applies is manufactured. (2) Subject to regulation 21.870, the holder of the APMA must legibly and permanently mark on the part, as set out in subregulation (3), the information required by subregulation (4). Penalty: 20 penalty units. (2A) An offence against subregulation (2) is an offence of strict liability. Note: For strict liability, see section 6.1 of the Criminal Code. (3) The information must be marked in a way that ensures that it is not likely to be defaced. (4) The information is: (a) the capital letters APMA; and (b) the trade mark, name or symbol of the holder; and (c) the part's part number; and (d) the part's serial number (if any); and (e) the name and model designation of each type certificated product to which the part may be fitted.		
21.870 Identification of parts produced under an APMA if marking is impracticable (1) Subregulation (2) applies to a part to which this Division applies if CASA and the holder of the APMA under which the part is manufactured agree that it is impracticable to mark on it the information required by subregulation 21.865(4). (2) If this subregulation applies to a part, the holder of the APMA need not comply with regulation 21.865. (3) The holder of the APMA must include the information in the authorised release certificate supplied with the part or with each container of the parts. Penalty: 20 penalty units. (3A) An offence against subregulation (3) is an offence of strict liability. Note: For strict liability, see section 6.1 of the Criminal Code. (4) If CASA and the holder agree that it is impracticable to provide the information mentioned in paragraph 21.865(4)(e) in the authorised release certificate that is supplied with the part, or with each container of the parts, the holder is not guilty of an offence under subregulation (3) if: (a) the information is included in a document that is published by the holder and available to any person who fits the part to an aircraft; and (b) the authorised release certificate identifies the document. Note: For the definition of authorised release certificate, see the Dictionary.		
21.875 Identification of other aircraft parts	Transfer to Part 45	

CASR Part 21 – 11/2023	Comment	FAR Part 21 – 11/2023 (21J CS 21J)
(1) Subject to regulation 21.880, the manufacturer of a part or product mentioned in paragraphs 21.860(b) or (c) must legibly and permanently mark on each of those parts or products produced, as set out in subregulation (3), the following information: (a) the trade mark of or name of the manufacturer; (b) the part number of the part or product. Penalty: 20 penalty units. (2) An offence against subregulation (1) is an offence of strict liability. (3) The information must be marked in a way that ensures that it is not likely to be defaced.		
21.880 Identification of other aircraft parts—other than by marking (1) Subregulation (2) applies to a part or product to which regulation 21.875 applies if, because of the shape, size or nature of the part or product, it is impracticable to mark on the part or product the information required by regulation 21.875. (2) If this subregulation applies to a part or product, the manufacturer of the part or product need not comply with regulation 21.875. (3) The manufacturer of a Class II or Class III product referred to in paragraph 21.860(c) must include the information required by paragraphs 21.875(1)(a) and (b) in the authorised release certificate supplied with the product or the container of the product.	Transfer to Part 45	