



Advisory Circular

AC 21.33(0)

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DELIVERY OF AIRCRAFT TO AUSTRALIA

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1. REFERENCES

Civil Aviation Safety Regulations 1998 (CASRs), Part 21 Subpart H - Certificates of Airworthiness and Special Flight Permits.

Note: CASRs referred to are above are currently enacted as CAR 1998.

2. PURPOSE

This Advisory Circular (AC) provides information and guidance to persons seeking to arrange the delivery of an aircraft to Australia.

3. STATUS OF THIS AC

This is the first AC to be written on the subject.

Advisory Circulars (ACs) are advisory only. ACs provide recommendations and guidance to illustrate a method, or several methods, not necessarily being the only method by which legislative requirements may be met. They also provide a means of illustrating the meaning of certain requirements by offering interpretive and explanatory guidance. ACs should always be read in conjunction with the referenced regulations.

4. OPTIONS

An aircraft can be delivered to Australia in a number of ways. These options are discussed below.

4.1 Delivery flight on the register of the exporting country

The delivery flight can be authorised on a document issued by the National Airworthiness Authority (NAA) of the exporting country:

- (a) a Standard Certificate of Airworthiness (CoA);
- (b) a Special CoA;
- (c) an Export CoA (only available from certain countries, most countries additionally require a CoA or other permission);
- (d) a Special Flight Permit (SFP) or Authorisation (however described).

Note: If the aircraft is to be operated above the certificated Maximum Take-off Weight (MTOW) during the ferry flight, then the foreign NAA may require the CoA to be suspended or cancelled, and a SFP or Authorisation (however described) may be issued.

4.2 Delivery flight on the Australian Register

4.2.1 Document options

The delivery flight can be authorised on a document issued by an authorised person or the Authority:

- (a) a Standard CoA (if the aircraft is to be operated within the certificated Maximum Take-off Weight (MTOW));
- (b) a Special CoA (if the aircraft is to be operated within the certificated MTOW);
- (c) an SFP (if the aircraft is to be operated above the certificated MTOW). If the aircraft has a CoA, then this would be suspended or cancelled, and a new CoA issued in Australia.

Note: Australia has received notification from the International Civil Aviation Organisation (ICAO) that delivery flights to Australia, conducted under an SFP issued by the Authority, are acceptable to ICAO, notwithstanding that Article 31 of the Convention specifies that a CoA is required.

4.2.2 Document issue options

Such a document can be issued by:

- (a) an Australian person holding an Instrument of Appointment (IoA) for the purpose, issued by the Authority;
- (b) a person employed by the NAA, or a delegate of the NAA, of the exporting country, where the person holds an IoA for the purpose, issued by the Authority;
- (c) a person employed by the manufacturer of a new aircraft in the exporting country, where the person holds an IoA for the purpose, issued by the Authority;
- (d) a CASA Airworthiness Inspector (AWI) in Australia upon the certification of an overseas person acceptable to the Authority;

(e) a CASA AWI at the overseas site (only in exceptional circumstances).

4.3 Delivery flight from a country, but on the register of a different country
(e.g. re-exporting a UK registered aircraft from South Africa to Australia)

The Certificate of Registration (CoR) holder has the responsibility to contact the NAA of the country of registration as to the requirements for re-exporting the aircraft.

4.4 Freight delivery of an assembled aircraft, or a dismantled aircraft with or without export airworthiness approval issued by the NAA of the exporting country

The CoR holder has the responsibility to fulfil the requirements for the issue of a CoA in Australia. Refer to sections 5 and 10.

5. EXPORT AIRWORTHINESS APPROVAL

5.1 Export airworthiness approval is issued in the form of an Export CoA. This certifies that the aircraft meets the airworthiness requirements of the exporting country, and where appropriate, the standards of the importing country.

5.2 An Export CoA greatly facilitates the issue of a CoA in Australia. Without an Export CoA, a full conformity inspection must be carried out of the aircraft and its records, for compliance with all applicable airworthiness requirements.

5.3 The Authority strongly recommends that an Export CoA be obtained prior to the aircraft leaving the foreign country, as often the full records are not available once the aircraft has been exported.

5.4 The foreign NAA may find it very difficult, if not impossible, to issue an Export CoA once the aircraft has departed the country.

5.5 An Export CoA is not normally an authorisation to fly the aircraft, a CoA or an SFP is additionally required to fly the aircraft.

5.6 If the Export CoA has listed requirements of the exporting or importing country that have not been checked as to compliance, it is the responsibility of the applicant to address those matters prior to issue of an Australian CoA.

6. AIRCRAFT REGISTRATION REQUIREMENTS

6.1 An aircraft can only be on the register of one country at any time. (Reference Chicago Convention Article 18.)

6.2 Registration on the register of an ICAO contracting State is required for flight in the airspace of another contracting State, as the aircraft must display its appropriate nationality and registration marks. (Reference Chicago Convention Article 20.)

6.3 The CoA or SFP and the CoR must be carried on aircraft engaged in international operations. (Reference Chicago Convention Article 29.)

6.4 If applying for Australian registration, the CoR holder is responsible for arranging the de-registration of the aircraft with the NAA of the exporting country.

7. COMPLIANCE WITH AUSTRALIAN AIRWORTHINESS DIRECTIVES

7.1 For issue of an Australian maintenance release after issue of a CoA, compliance with all applicable Airworthiness Directives (ADs) is required. However, for aircraft located in a foreign country, this may be difficult to establish or accomplish. To obtain an Export CoA, all relevant ADs issued by the country of certification must be certified as having been complied with.

7.2 If accomplishment of all Australian ADs cannot be achieved, the Authority may be able to grant exemption or variation to these ADs for a period sufficient to deliver the aircraft to Australia, provided adequate justification is provided to show that the safety of air navigation is unaffected. Applicants can apply at a CASA Office. However, all Australian ADs must be accomplished prior to the aircraft entering service in Australia.

7.3 Aircraft delivered on an Australian SFP may not have to comply with Australian ADs if the applicant is able to show that the safety of air navigation is unaffected.

8. LANDING AND OVERFLIGHT PERMISSIONS

8.1 Aeronautical Information Publication (AIP) GEN 1.2 Entry, Transit and Departure of International Flights provides full information.

8.2 The CoR holder must seek the Authority's permission for the aircraft to arrive in Australia. (Reference Civil Aviation Act paragraph 26(1)(a).) Entry must be at a Designated International Airport.

Note: As per AIP GEN 1.2 para 1.8.1, private flights by aircraft of an ICAO Contracting State do not require prior permission (other than noise requirements).

8.3 If the aircraft does not have a Standard CoA, the passage of the aircraft to Australia may require permission from each country intended to be overflown by the aircraft. The CoR holder is responsible for seeking the permission from those contracting States where it is intended that the aircraft will land or overfly, or likely to divert to in the event of an emergency. In all cases, the CoR holder should make himself or herself aware of the applicable airspace and operating rules for each country concerned.

9. FERRY FLIGHT EQUIPMENT APPROVAL, AND OVER-WEIGHT OPERATIONS APPROVAL

9.1 All modifications to the aircraft must be approved. This includes modifications which provide for the temporary installation of long-range fuel, navigation, and communication systems for the delivery flight. Such modifications do not normally require an STC.

9.2 For aircraft being delivered that are on the Australian Register, approval of the installations is usually required under regulation 35 of CAR 1988, unless a manufacturer's supplement or an STC is available.

9.3 For aircraft being delivered that are on a foreign register, approval of the installations will be required by the NAA of the country of registration.

9.4 Approval is required for operations at a MTOW greater than the certificated MTOW. Such extra weight is limited to the additional fuel, oil, fuel carrying facilities and navigation and communication equipment necessary for the flight. However, operations at up to 10% overload do not normally require an engineering evaluation.

9.5 For further information, refer to AC 21.9 “Special Flight Permits”.

10. CONDUCT OF THE DELIVERY FLIGHT

10.1 For aircraft which are being delivered in their standard operating configuration, there are no special requirements.

10.2 For aircraft fitted with the temporary installation of long-range fuel, navigation, and communication systems, and/or operating at a MTOW greater than the certificated MTOW, the persons to be carried are normally restricted to essential operating crew only.

11. APPLICATION PROCEDURES

11.1 For further information on application for the following items:

- (a) a Standard CoA — see AC 21.2 “Standard Certificates of Airworthiness”;
- (b) a Special CoA — see AC 21.3 “Special Certificates of Airworthiness”;
- (c) a Special Flight Permit — see AC 21.9 “Special Flight Permits”;
- (d) Australian registration — see CAAP 8-1 “Registration and Marking of Aircraft”;
- (e) an Export CoA — refer to any advisory material available from the NAA of the exporting country, e.g. see Federal Aviation Administration (FAA) AC 21-2H “Export Airworthiness Approval Procedures”.

11.2 All contact with foreign NAAs and foreign governments is the responsibility of the CoR holder.

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