



# ADVISORY CIRCULAR

## AC 20-02 v1.1

### Recognised countries and international agreements

**Date** June 2022  
**File ref** D22/15721

Advisory circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.

**Advisory circulars should always be read in conjunction with the relevant regulations.**

## Audience

This advisory circular (AC) applies to:

- approved design organisations (ADOs)
- approved maintenance organisations (AMOs)
- continuing airworthiness management organisations (CAMOs)
- registered operators of aircraft.

## Purpose

The purpose of this AC is to provide information and guidance on recognised countries and international agreements on airworthiness matters between the Australian Government and the Government of a foreign country or the Civil Aviation Safety Authority (CASA) and foreign National Aviation Authorities (NAAs).

This AC does not provide a comprehensive summary of the associated certification and maintenance regulations.

## For further information

For further information on this AC, contact CASA's Airworthiness and Engineering Standards Branch (telephone 131 757).

Unless specified otherwise, all subregulations, regulations, Divisions, Subparts and Parts referenced in this AC are references to the *Civil Aviation Safety Regulations 1998 (CASR)*.

## Status

This version of the AC is approved by the Branch Manager, Airworthiness and Engineering.

**Note:** Changes made in the current version are annotated with change bars.

Version	Date	Details
v1.1	June 2022	Add column to Appendix A to include Japan as an agreed provider of component maintenance for Australian aircraft.  Current AC template style applied.
v1.0	July 2016	Initial version.

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# 1 Reference material

## 1.1 Acronyms

The acronyms and abbreviations used in this AC are listed in the table below.

Acronym	Description
AC	Advisory Circular
ADO	Approved Design Organisation
ARC	Authorised Release Certificate
ATSO	Australian Technical Standard Order
BASA	Bilateral Aviation Safety Agreement
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CoA	<i>Certificate of Airworthiness</i>
EASA	<i>European Aviation Safety Agency</i>
ETSO	European Technical Standard Order
FAA	Federal Aviation Administration (of the United States of America)
ICAO	International Civil Aviation Organization
MOS	<i>Manual of Standards</i>
MoU	<i>Memorandum of Understanding</i>
NAA	<i>National Aviation Authority</i>
STC	<i>Supplemental Type Certificate</i>
TAC	<i>Type Acceptance Certificate</i>
TC	<i>Type Certificate</i>
TSO	Technical Standard Order

## 1.2 Definitions

Terms that have specific meaning within this AC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this AC and the civil aviation legislation, the definition in the legislation prevails.

Term	Definition
<i>Foreign supplemental type certificate (STC)</i>	Includes any certificate (however described) for the approval of the design of a major change to a type certificated aircraft, aircraft engine or propeller, not great enough to require a new type certificate.

Term	Definition
Recognised country	In accordance with subregulation 21.010B, a recognised country means any of the following: <ul style="list-style-type: none"> <li>• Canada</li> <li>• France</li> <li>• Germany</li> <li>• Netherlands</li> <li>• New Zealand</li> <li>• United Kingdom</li> <li>• United States of America</li> </ul>

## 1.3 References

### Legislation

Legislations are available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Document	Title
Section 20AB of the <i>Civil Aviation Act 1988</i> (the Act)	Flying aircraft without licence etc.
Part 11	Regulatory administrative procedures
Part 21	Certification and airworthiness requirements for aircraft and parts
Subpart 21.N	Approval of engines, propellers, materials, parts and appliances: imported
Part 42	Continuing airworthiness requirements for aircraft and aeronautical products
Part 47	Registration of aircraft and related matters
Part 202	Transitional
Part 4A of the <i>Civil Aviation Regulation 1988</i> (CAR)	Maintenance
Part 42 Manual of Standards (MOS)	
The Cape Town Convention	Cape Town Convention on International Interests in Mobile Equipment

### Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

Document	Title
AC 21-01	Aircraft airworthiness certification categories and designations explained
AC 21-02	Standard Certificates of Airworthiness
AC 21-08	Approval of modification and repair designs under Subpart 21.M

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<b>Document</b>	<b>Title</b>
AC 21-15	Supplemental Type Certificates
AC 21-17	Export Airworthiness Approvals
AC 21-22	Approval of Imported Engines, Propellers, Materials, Parts and Appliances
AC 21-30	Type Acceptance Certificates for Imported Aircraft
AC 21-31	Type certificates for imported aircraft
AC 21-601	Australian Technical Standard Order Authorisation
2011 OECD Aircraft Sector Understanding	2011 Organisation for Economic Co-operation and Development Aircraft Sector Understanding

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## 2 International relations

### 2.1 Introduction

2.1.1 CASA actively engages with the international aviation community for the purposes of the development and maintenance of bilateral relationships.

2.1.2 These international agreements that are made can reduce the administrative and economic burden imposed on the aviation community (both in Australia and abroad) without compromising safety.<sup>1</sup> This approach results in a reduction of:

- duplicate technical inspections
- evaluations/testing
- time required for the acceptance of each authority's airworthiness approvals and requirements
- time required for the approval for aeronautical products
- time required for design approvals.

### 2.2 Recognised countries

2.2.1 Part 21 introduces the concept of a recognised country in order to automate some of the mutual recognition activities in relation to type certificates (TCs), STCs and modifications and design. A recognised country is one which is covered by the regulation 21.010B.

2.2.2 This regulation provides for the acceptance of various approvals granted on behalf of recognised countries, including TCs<sup>2</sup>, STCs<sup>3</sup> and modification/repair design approvals.<sup>4</sup>

### 2.3 EASA

2.3.1 Under regulation 21.010A, a reference to the NAA of a recognised country includes a reference to the European Aviation Safety Agency (EASA). This is regardless of whether EASA is performing the function on behalf of a recognised country. Any reference in this AC to the NAA of a recognised country also includes EASA.

2.3.2 The recognition of EASA approvals extends to both design and manufacturing approvals.

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<sup>1</sup> All agreements are in accordance with International Civil Aviation Organization (ICAO) policies.

<sup>2</sup> See regulation 21.029A and AC 21-30.

<sup>3</sup> See regulation 21.114 and AC 21-15.

<sup>4</sup> See regulation 21.470 and AC 21-08.



## 3 Certification and design approvals automatically accepted under the regulations

### 3.1 Type acceptance certificates

- 3.1.1 Subregulation 21.029A states that (subject to conditions of the regulation and regulations 11.055, 21.029B and 21.029C) CASA must issue a *type acceptance certificate* (TAC) if the applicant can provide evidence that the type design has been approved by the NAA of a recognised country.
- 3.1.2 An approval would be granted subject to the limitations of paragraph 21.041(1)(b), which states that type acceptance does not apply in situations where the NAA of a recognised country has issued the TC solely on the basis that the NAA of another country has issued a TC.
- 3.1.3 CASA may also issue a TAC subject to conditions in addition to those of the certifying NAA of the recognised country in accordance with regulation 21.029B.<sup>5</sup>

### 3.2 Foreign STCs

- 3.2.1 Under regulation 21.114, a foreign STC is taken to have been issued by CASA if it meets both of the following criteria:
- issued by or for the NAA of a recognised country
  - equivalent to an STC that could have been issued by CASA.<sup>6</sup>

### 3.3 Modification/repair design approvals

- 3.3.1 A foreign design of a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance is taken to have been approved as specified in regulation 21.470 if the design is any of the following:<sup>7</sup>
- approved by the NAA of a recognised country
  - published or issued by the foreign TC holder under a system approved by the NAA of a recognised country
  - published or issued by the manufacturer of the appliance under a system approved by the NAA of a recognised country
  - accepted by CASA under a relevant international agreement, as described in Chapter 5 of this AC.

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<sup>5</sup> See AC 21-30 for more information on TACs.

<sup>6</sup> See AC 21-15 for more information on STCs.

<sup>7</sup> See AC 21-8 for more information on modification/repair design approvals.

### 3.4 Importation of foreign products

3.4.1 Under Subpart 21.N, an aircraft engine or propeller manufactured outside of Australia is taken to be type certificated, and imported materials, parts and appliances are taken to be approved as long as any of the following requirements are met:

- the item is manufactured:
  - o in a recognised country
  - o under an approval issued by the NAA of a recognised country
  - o in a foreign country with which Australia has a relevant agreement/arrangement
- the item forms part of a type design for which a TC, TAC or certificate of type approval is in force.

3.4.2 The engine or propeller must have an export airworthiness approval (i.e. an authorised release certificate [ARC]) from the country authorising manufacture certifying that the engine or propeller:<sup>8</sup>

- conforms to its type certificate
- is in a condition for safe operation
- has been subjected to a final operational check by the manufacturer.

3.4.3 The material, part or appliance must be accompanied by an airworthiness approval (i.e. an ARC) from the country authorising manufacture certifying that it conforms to an aeronautical specification appropriate to the proposed use and is in a condition for safe operation.<sup>9</sup>

### 3.5 Imported products under a letter of ATSO design approval

3.5.1 A letter of Australian Technical Standard Order (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 for export and import.<sup>10</sup>

3.5.2 To gain this approval, a copy of the technical data must be provided to CASA as specified in paragraph 21.617(1)(b) and the NAA of the foreign country must certify that the appliance complies with the relevant standards.

3.5.3 Each appliance must be accompanied by an airworthiness approval (i.e. an ARC) from the state of manufacture in accordance with Subpart 21.N.

### 3.6 Imported products under a TSO or ETSO authorisation

3.6.1 If an aeronautical product is manufactured under a Federal Aviation Administration (FAA) TSO authorisation or a European Technical Standard Order (ETSO) authorisation, and is received in Australia with correct documentation (an ARC), then it is taken to be approved in accordance with regulation 21.502.

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<sup>8</sup>See AC 21-22 for more information on approval of imported engines and propellers.

<sup>9</sup>See AC 21-22 for more information on approval of imported materials, parts and appliances.

<sup>10</sup>See AC 21-601 for more information on letters of ATSO design approval.

### **3.7 Exportation of products**

- 3.7.1 Exported aeronautical products should comply with the relevant requirements of the importing country and the terms of any related international agreements.<sup>11</sup>

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<sup>11</sup> See AC 21.17 for more information on export airworthiness approvals.

## 4 Maintenance

### 4.1 General

4.1.1 Section 20AB of the *Civil Aviation Act 1988* (the Act) requires that in order to carry out maintenance on an Australian aircraft or an aeronautical product for an Australian aircraft, the person must be authorised by or under the regulations to carry out the maintenance.

4.1.2 The regulations provide for maintenance to be carried out by certain foreign organisations and individuals.

**Note:** This AC only covers the requirements under CASR. Requirements for who may carry out and certify for maintenance under *the Civil Aviation Regulations 1988 (CAR)* are set out in regulations 42ZD and 42ZN.

### 4.2 Maintenance of aircraft and aeronautical products under Part 42

4.2.1 Regulation 42.301 provides for foreign organisations to carry out maintenance on Australian aircraft under an agreement between CASA and the foreign NAA, or Australia and the foreign country.<sup>12</sup>

4.2.2 Regulation 42.306 provides for foreign organisations to carry out maintenance on aeronautical products for Australian aircraft. An agreement between CASA and the foreign NAA, or Australia and the foreign country may specify how that maintenance is to be carried out and certified.

4.2.3 The countries that are specified for regulations 42.301 and 42.306 are listed in chapters 6 and 7 of the Part 42 Manual of Standards (MOS), respectively.

**Note:** The Part 42 MOS also contains a list of documents issued under the law of a foreign country that are an ARC for the purposes of Part 42.

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<sup>12</sup> Countries that are relevant under regulations 42.301 and 42.306 are listed in the Part 42 Manual of Standards (MOS).

## 5 The Cape Town Convention

### 5.1 Background

5.1.1 The Cape Town Convention is an international treaty that standardises international transactions of movable property. This treaty covers aircraft, rail and space.

5.1.2 The [aircraft protocol](#) applies to the purchase of:

- airframes that can transport at least 8 persons (including crew) or goods in excess of 2,750 kg
- aircraft engines with thrust exceeding 1,750 pounds-force (7,784 N) or 550 horsepower (410.1 kW)
- helicopters that can transport at least 5 persons (including crew) or goods in excess of 450 kg.

5.1.3 The organisation established to record international property interests is the International Registry of Mobile Equipment, located in Ireland.

### 5.2 Benefits to industry

5.2.1 The Cape Town Convention reduces creditor risk and as a result Australian airlines will be able to access cheaper finance when purchasing aircraft, jet engines or helicopters. The purchase of second hand aircraft will also qualify for discounted financing, which will help smaller regional airlines maintain and even upgrade their fleet.

5.2.2 The 2011 OECD<sup>13</sup> Aircraft Sector Understanding outlines how the discounted rates on export credit financing arrangements will apply under the Cape Town Convention. The level of actual savings will depend on the purchase price of the aircraft and the credit rating of the purchaser.

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<sup>13</sup> Organisation for Economic Co-operation and Development. More information can be found at: <http://www.oecd.org/tad/xcred/aircraftsectorunderstandings.htm>

## 6 International agreements

### 6.1 Agreement types

- 6.1.1 International agreements and arrangements structured under the provisions of Part 21 take various forms and are collectively annotated within regulation 21.010B as 'an agreement (however described)'.
- 6.1.2 Memoranda of Understanding (MoU), Bilateral Aviation Safety Agreements (BASA), and High Level Arrangements describe the understanding reached between two countries or NAAs, such as CASA and a foreign NAA. This can include the general undertaking of acceptance, based on the approval performed by the reciprocating country, of the following matters:
- technical inspections
  - evaluations and testing
  - airworthiness approvals
  - aeronautical products design approvals
  - maintenance.
- 6.1.3 Technical arrangements, operational arrangements and implementation procedures are developed to facilitate the general undertakings as described in the MoU, BASA and High Level Arrangements. They establish a practical working agreement between the two NAAs and detail the procedures for acceptance of the tasks listed in Table 1 of Appendix 6.2.1A.1.

### 6.2 Current agreements

- 6.2.1 All agreements can be found on the [International Partners](#) section of the CASA website.

**Note:** The agreement with EASA is limited to matters relating to oversight of the Airbus A380 fleet, it does not cover airworthiness matters generally.

## **Appendix A**

### **Summary of agreement**

## A.1 Summary of agreements

A.1.1 Table 1 provides a general summary of matters mentioned in the various agreements. A tick represents that the matter (column 1) is mentioned in the agreement that Australia has with the country. Australian regulation has other mechanisms for international organisations to perform the matters detailed in Table 1. However, this table only shows matters allowed under international agreements.

**Note:** A tick does not imply full reciprocal acceptance of approvals. In all cases reference must be made to the particular agreement for the specific details.

**Table 1: Summary of agreements**

Matter mentioned in the agreement	Brazil	China	HKSAR	Korea	Singapore	USA	Japan
Type design	✓	✓		✓		✓	
STC			✓		✓	✓	
Design changes*	✓	✓	✓	✓		✓	
Certification of aeronautical products	✓	✓	✓	✓	✓	✓	
Technical Standard Orders			✓		✓	✓	
Production	✓	✓	✓	✓	✓	✓	
AFM	✓	✓	✓	✓		✓	
Maintenance of aircraft					✓		
Maintenance of aeronautical products					✓		✓

\* For the purposes of this table, design changes include changes to type design and modification/repair designs, other than those specifically described as STCs.