



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX44/22

I, TIMOTHY JOHN BENDEICH, Acting Branch Manager, Client Services Centre, Stakeholder Engagement Division, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed. T. Bendeich]

Tim Bendeich
Acting Branch Manager, Client Services Centre
Stakeholder Engagement Division

7 June 2022

CASA EX44/22 — Production Testing of Eight Airbus A321-251NX (Neo) Aircraft (Qantas) Instrument 2022

1 Name

This instrument is *CASA EX44/22 — Production Testing of Eight Airbus A321-251NX (Neo) Aircraft (Qantas) Instrument 2022*.

2 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **EASA**.

In this instrument:

exempt aircraft means an Airbus A321-251NX (Neo) aircraft that is owned by the manufacturer, having the manufacturer's serial number 09540, 10353, 11102, 11189, 11229, 11292, 11301 or 11380.

manufacturer means Airbus S.A.S. (*société par actions simplifiée*), having its registered office at 2 rond-point Émile Dewoitine, 31700, Blagnac, France and the Commercial and Government Entity (CAGE) code FAPE3.

Qantas means Qantas Airways Limited, ARN 216147.

3 Exemptions

- (1) Qantas is exempt from compliance with the following provisions of CASR in relation to an exempt aircraft:
 - (a) subregulation 47.060 (1), to the extent that the provision requires an application for registration of the aircraft to be made by the owner of the aircraft (or a person acting on behalf of the owner at the direction or request of the owner);
 - (b) subregulations 47.060 (2) to (4), to the extent that the provisions require the owner, or person acting on their behalf, to complete the application;

- (c) regulation 47.065, to the extent that the provision requires details relating to the owner, or person acting on their behalf, to be included in the application;
 - (d) subregulation 47.080 (1) to the extent that the provision requires Qantas to have made the application for registration of the aircraft in accordance with regulation 47.060 before CASA will register the aircraft;
- with the effect that Qantas may make and complete an application for registration of the aircraft under regulations 47.060 and 47.065 as if it were the owner of the aircraft or person acting on the owner's behalf.
- (2) Following the registration of an exempt aircraft under subsection (1), Qantas is exempt from compliance with CAR and CASR, in relation to the aircraft, with the exception of the following provisions:
 - (a) regulation 37 of CAR in relation to Qantas seeking CASA approval for a permissible unserviceability for the aircraft;
 - (b) Part 11 of CASR;
 - (c) regulations 42.970 and 42.975 of CASR in relation to Qantas applying to CASA for approval of a proposed maintenance program for the aircraft;
 - (d) regulation 42.1045 of CASR in relation to Qantas applying to CASA for approval of a proposed reliability program for the aircraft.

Note 1 Regulation 37 of CAR gives CASA the discretion, among other things, to approve a defect in an Australian aircraft as a permissible unserviceability. These defects are identified by an aircraft manufacturer as detailed in the aircraft manufacturer's Master Minimum Equipment List approved by the relevant national aviation authority. These permissible unserviceabilities collectively form the CASA approved minimum equipment list for an aircraft for the purposes of subparagraph 42.030 (2) (e) (i) of CASR, which permits the operation of an aircraft notwithstanding defects.

Note 2 Regulation 42.970 of CASR allows a person responsible for continuing airworthiness for an Australian aircraft to apply to CASA for approval of a proposed maintenance program for an aircraft. Regulation 42.975 requires that such an application be in writing, include a copy of the proposed program, and include technical justification for non-compliance with instructions for continuing airworthiness for the aircraft.

Note 3 Regulation 42.1045 of CASR allows a person responsible for continuing airworthiness for an Australian aircraft to apply to CASA, in writing, for approval of a proposed reliability program for an aircraft.

- (3) This section ceases to apply in relation to an exempt aircraft at the time of transfer of ownership of the aircraft from the manufacturer to Qantas.

4 Conditions

The exemptions in section 3 are subject to the following conditions:

- (a) the application in subsection 3 (1) in relation to an exempt aircraft must include:
 - (i) a letter from the manufacturer confirming the manufacturer's agreement to the aircraft being registered on the Australian Civil Aircraft Register prior to its transfer of ownership; and
 - (ii) a Certificate of Non-Registration issued by the Federal Aviation Office of the Federal Republic of Germany (known as the Luftfahrt-Bundesamt (LBA)) stating that the aircraft is not registered;

- (b) Qantas must ensure that an exempt aircraft is operated:
 - (i) by the manufacturer in accordance with the manufacturer's EASA Production Organisation Approval Certificate for the aircraft, Reference: EASA.21G.0001, as the document exists at the date of signature of this instrument; and
 - (ii) for production flight testing, customer demonstration flights and other pre-delivery activities, in accordance with EASA Commission Regulation (EU) No 748/2012, as in force at the date of signature of this instrument;
- (c) Qantas must, within 24 hours of becoming aware that it will not apply for registration of an exempt aircraft under subsection 3 (1) for any reason, provide CASA with written notice of that fact;
- (d) if the ownership of an exempt aircraft that is registered under subsection 3 (1) is not transferred to Qantas before the repeal of this instrument, the registration is taken to have lapsed.

5 Direction

Qantas is directed, within 24 hours after the transfer of ownership of each Airbus A321-251NX (Neo) aircraft registered under subsection 3 (1) from the manufacturer to Qantas, to provide CASA with:

- (a) a copy of the bill of sale issued by the manufacturer for the aircraft; and
- (b) written notice confirming the transfer, as well as the time and date of the transfer.

6 Repeal

This instrument is repealed at the end of 30 June 2023.

Note For the purposes of regulation 11.250 of CASR, the direction in section 5 ceases to be in force at the end of 30 June 2023.
