

IMPLEMENTATION PROCEDURES
FOR
AIRWORTHINESS
COVERING
DESIGN APPROVAL, PRODUCTION ACTIVITIES,
EXPORT AIRWORTHINESS APPROVAL,
POST DESIGN APPROVAL ACTIVITIES, AND
TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

under

the Agreement on the Promotion of Aviation Safety Between the
Government of Australia and the Government of the United States of
America, done at Canberra on 21 June 2005.

7 May 2010

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Revision 1

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IMPLEMENTATION PROCEDURES

for

AIRWORTHINESS

COVERING

Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities

SECTION I GENERAL

- 1.0 Authorization. These Implementation Procedures are executed pursuant to Article 4 of the *Agreement on the Promotion of Aviation Safety Between the Government of Australia and the Government of the United States of America*, dated June 21, 2005, also known as the “Bilateral Aviation Safety Agreement.”
 - 1.0.1 These Implementing Procedures supersede the *Implementation Procedures for Airworthiness Covering Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities under the Agreement on the Promotion of Aviation Safety Between the Government of Australia and the Government of the United States of America done Canberra on 21 June 2005*, dated 26 September 2005.
 - 1.0.2 In accordance with Article 4 of the Bilateral Aviation Safety Agreement, the Parties agree that the aircraft certification systems of their implementing authorities (i.e. the Federal Aviation Administration of the United States (FAA) and the Civil Aviation Safety Authority of Australia (CASA)) for the design approval, production approval, airworthiness certification, and continuing airworthiness of civil aeronautical products, parts, and appliances are sufficiently similar in structure and performance to support these Implementation Procedures.
- 1.1 Purpose. The purpose of these Implementation Procedures is to define the civil aeronautical products, parts, and appliances eligible for import into the United States and Australia (See Section II - Scope), and to define the interface requirements and activities between the implementing authorities for the import and continued support of those civil aeronautical products.
- 1.2 Principles. These Implementation Procedures address the performance of design, production, airworthiness, and related certification functions, and are based on a high degree of mutual confidence in the implementing authorities’ technical competence and regulatory capabilities to perform these tasks within the scope of these Implementation Procedures. Each Party agrees that their implementing authority, as the importing civil airworthiness authority, shall give the same validity to the certification made by the other Party’s implementing authority, as the exporting civil airworthiness authority, as if the certification had been made by their

implementing authority in accordance with its own applicable laws, regulations, and requirements. Also, each Party agrees that when a finding is made by the other Party's implementing authority in accordance with the laws and regulations of the other Party and in accordance with these Implementation Procedures, that finding is to be given the same validity as if it were made by their implementing authority. Therefore, the fundamental principle of these Implementation Procedures is to maximize the use of the exporting civil airworthiness authority's aircraft certification system to ensure that the airworthiness standards of the importing civil airworthiness authority are satisfied.

1.2.0 The Parties agree that all information, including technical documentation, exchanged under these Implementation Procedures shall be in the English language.

1.2.1 The Parties recognize each other's delegation and designee systems as part of their overall aircraft certification systems. Each Party agrees that findings by the other Party's implementing authority made under such systems and pursuant to these Implementation Procedures are to be given the same validity as those made directly by their implementing authority. (See Appendix C, Paragraph C1.1).

1.3 Changes in Authority Aircraft Certification Systems.

1.3.0 These Implementation Procedures are based upon sufficiently similar aircraft certification systems being in place at the time of signing. Therefore, the Parties agree that their importing and exporting authorities shall keep each other informed in a timely manner of significant changes within those systems, such as changes to:

- (a) statutory responsibilities;
- (b) organizational structure (e.g. key personnel, management structure, technical training, office location);
- (c) significant revisions to airworthiness and environmental standards and procedures;
- (d) production quality control system oversight, including oversight of out-of-country production of parts; or
- (e) delegated functions or the kinds of organizations to which functions have been delegated.

1.3.1 The Parties recognize that revision by either implementing authority of its regulations, policies, procedures, statutory responsibility, organizational structure, production quality control system oversight, or delegation system may affect the basis and the scope of these Implementation Procedures. Accordingly, upon notice of such changes by

one implementing authority, the other implementing authority may request a meeting to review the need for amendment to these Implementation Procedures.

1.4 Implementing Authority Meetings. The Parties agree that their implementing authorities shall meet as necessary to review these Implementation Procedures and their continued validity. The frequency of these meetings will be mutually decided by both implementing authorities, and will depend on the number and significance of the issues to be discussed between the implementing authorities. Every effort shall be made to alternate the location of these meetings between Washington, DC, and Canberra, Australia.

1.5 Applicable National Requirements, Procedures, and Guidance Material.

1.5.0 The United States' standards for aircraft airworthiness and environmental certification are contained in the Code of Federal Regulations (CFR), Title 14, parts 21, 23, 25, 26, 27, 29, 31, 33, 34, 35, and 36, as amended from time to time. The FAA also uses Certification Specifications (CS)-22 and CS-VLA, as amended from time to time, for some special class aircraft. Guidance material, policy, and procedures are contained in FAA Advisory Circulars, Orders, Notices, and Policy Memoranda.

1.5.1 The Australian standards for aircraft airworthiness and environmental certification are as follows:

(a) Aircraft airworthiness certification standards are set out in the Civil Aviation Safety Regulations 1998 (CASR), Parts 21, 22, 23, 25, 26, 27, 29, 31, 32, 33, and 35 as amended from time to time. Guidance material, policies, and procedures are contained in CASA Advisory Circulars, Civil Aviation Orders, CASA Procedures Manuals, and Civil Aviation Advisory Publications and Civil Aviation Information Publications.

(b) Environmental certification standards are set out in the Air Navigation (Aircraft Noise) Regulations 1984, the Air Navigation (Fuel Spillage) Regulations 1999 and the Air Navigation (Aircraft Engine Emissions) Regulations for noise, fuel venting, and emissions – as amended from time to time.

1.6 Interpretations. The obligations regarding consultations on the interpretation of these Implementation Procedures are addressed in Article 5 of the Bilateral Aviation Safety Agreement. In the case of conflicting interpretations of the laws, airworthiness or environmental regulations/standards, requirements, or acceptable means of compliance pertaining to certifications, approvals, or acceptance under these Implementation Procedures, the interpretation of the Party whose law, regulation/standard, requirement, or acceptable means of compliance is being interpreted shall prevail.

1.7 Amendments, Status of Appendices and Points of Contact.

1.7.0 These Implementation Procedures may be amended, and such amendments shall enter into force, in accordance with Article 7 of the Bilateral Aviation Safety Agreement.

1.7.1 Appendices to these Implementation Procedures address only administrative matters reflecting the mutual understanding of the implementing authorities and do not form an integral part of these Implementation Procedures. Changes to the Appendices will be incorporated when mutually decided by the implementing authorities.

1.7.2 The designated offices for the technical implementation and administrative coordination of these Implementation Procedures are set out in Appendix A.

1.8 Entry Into Force and Termination. These Implementation Procedures shall enter into force in accordance with Article 6 of the Bilateral Aviation Safety Agreement. Either Party may terminate these Implementation Procedures six months from the date of written notice to the other Party of its intention to terminate. Termination shall not affect the validity of activity conducted under these Implementation Procedures prior to termination.

1.9 Definitions. For the purpose of these Implementation Procedures, the following definitions are provided. Additional definitions can be found in Article 3 of the Bilateral Aviation Safety Agreement.

(a) "Additional technical condition" means a requirement of the importing country that is in addition to the applicable airworthiness requirements of the State of Design or that may be prescribed to provide a level of safety equivalent to that provided by the applicable airworthiness requirements for the importing country.

(b) "Airworthiness Directives (ADs) means legally enforceable rules issued by the FAA in accordance with 14 CFR part 39 or mandatory regulatory documents issued by CASA under regulation 39.001 to correct an unsafe condition in a product or appliance

(c) "Airworthiness standards" means regulations governing the design and performance of civil aeronautical products, parts, and appliances.

(d) "Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, aircraft engine, or propeller.

(e) “Civil aeronautical product” (herein also referred to as “product”) is confined from the definition contained in the Bilateral Aviation Safety Agreement to mean any civil aircraft, aircraft engine or propeller.

(f) “Critical component” means a part identified as critical by the type design approval holder during the product validation process, or otherwise, by the exporting authority. Typically, such components include parts for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of the product’s maintenance manual or Instructions for Continued Airworthiness.

(g) “Environmental approval” means a finding that a civil aeronautical product complies with standards agreed between the Parties concerning noise and/or exhaust emissions.

(h) “Environmental standards” means regulations governing designs with regard to noise characteristics, fuel venting, and exhaust emissions of civil aeronautical products and appliances.

(i) “Environmental testing” means a process by which a civil aeronautical product is evaluated for compliance with environmental standards agreed between the Parties, using procedures agreed between the Parties.

(j) “Equivalent level of safety finding” means a finding that alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought.

(k) “Exemption” means a grant of relief from requirements of a current regulation when processed through the appropriate regulatory procedure and found to have a level of safety to be acceptable by the applicable implementing authority.

(l) “Export” means the process by which a product, part or appliance is released from a civil aviation authority’s regulatory system for subsequent use within another country.

(m) “Exporting civil airworthiness authority” or “exporting authority” means the implementing authority within the exporting State, charged by the laws of the exporting State, to regulate the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances.

(n) “Finding” means a determination of compliance/non-compliance as the result of an implementing authority’s review, investigation, inspection, test, and/or analysis.

- (o) “Import” means the process by which an exported product, part or appliance is accepted by a country’s civil aviation authority for use and is subsequently placed under that authority’s regulatory system.
- (p) “Importing civil airworthiness authority” or “importing authority” means the implementing authority within the importing State, charged by the laws of the importing State with regulating the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances.
- (q) “Issue paper” means a document representing an item that requires resolution prior to the issuance of the CASA or FAA Type Certificate or Supplemental Type Certificate.
- (r) “Maintenance” means the performance of inspection, overhaul, repair, preservation, or replacement of parts, materials, appliances, or components of a civil aeronautical product to assure the continued airworthiness of that product, but excludes alterations or modifications.
- (s) “Manufacturer” means the person who is responsible under the applicable law for determining that all products or parts thereof, produced within the quality control system, conform to an FAA or CASA approved design, or established government or industry standard, and are in a condition for safe operation.
- (t) “Multi-national consortium” means a group of manufacturers from multiple countries who have agreed to form a single company for production of a particular product.
- (u) “New aircraft” means an aircraft that is still owned by the manufacturer, distributor, or dealer, if there is no intervening private owner, lease, or time sharing arrangement, and the aircraft has not been used in any pilot school and/or other commercial operation.
- (v) “Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, or other similar representative of any of them.
- (w) “Product” see (d) Civil aeronautical product.
- (x) “Production quality system” means a systematic process which meets the requirements of the exporting authority and ensures that products, parts, and appliances conform to the approved design and are in a condition for safe operation.
- (y) “Special condition” means an additional airworthiness standard(s) prescribed by the FAA or CASA when the airworthiness standards for the

category of product do not contain adequate or appropriate safety standards due to novel or unusual design features. Special Conditions contain such safety standards as are necessary to establish a level of safety equivalent to that established in the applicable regulations.

(z) “Standard Part” means a part that is manufactured in complete compliance with an established government or industry-accepted specification, which contains design, manufacturing, and uniform identification requirements. The specification must include all information that any person or organization may manufacture the part, and must be published so that any person or organization may manufacture the part.

(aa) “Supplier” means a person or organization at any tier contracted to furnish aviation products, parts, components, materials or services.

(ab) “Used aircraft” means each aircraft that is not a new aircraft, as defined in paragraph (u) above.

(ac) “Validation” means the importing authority’s process for type certification, or equivalent, of a product certificated by either the FAA or CASA acting as an exporting authority.

SECTION II SCOPE OF THESE IMPLEMENTATION PROCEDURES

2.0 General. These Implementation Procedures cover the products, parts, and appliances identified below, their approvals and other provisions as set forth in the following paragraphs.

2.1 Products, Parts, and Appliances Manufactured in the Country of the Exporting Authority Accepted for Import Under These Implementation Procedures.

2.1.0 Australia shall accept FAA Export Certificates of Airworthiness for the following products

- (a) new and used aircraft,
- (b) new aircraft engines, and
- (c) new propellers. [1] [2]

2.1.1 Australia shall accept FAA Authorized Release Certificates (Airworthiness Approval Tags) for the following appliances and parts:

- (a) new TSO appliances,
- (b) new parts that are eligible for installation in a product or appliance when that product or appliance has been granted an FAA design approval and a CASA design approval, and the parts conform to CASA-approved design data. This includes:
 - (1) Replacement parts for all products and appliances, regardless of the State of Design; and
 - (2) Modification parts for all products and appliances, regardless of the State of Design. [2]

[1. Should the U.S. documentation accompanying engines and propellers change, CASA will continue to accept these products when accompanied by the appropriate form.]

[2. See Summary Table 1, at the end of this Section, for listing of the classes and categories of United States products and associated approvals eligible for import into Australia.]

2.1.2 The United States shall accept CASA Export Certificates of Airworthiness for the following products:

- (a) new and used aircraft. [3]

2.1.3 The United States shall accept CASA Authorized Release Certificates for the following products, appliances, and parts:

- (a) new aircraft engines,
- (b) new propellers,
- (c) new Australian Technical Standard Order (ATSO) appliances, including replacement parts produced by the ATSO holder,
- (d) new replacement parts, including those for modification parts that have received FAA design approval, for all products and appliances regardless of the State of Design that are eligible for installation in a product which has been granted an FAA design approval and conform to FAA-approved design data, and
- (e) new modification parts that are eligible for installation in a product which has been granted an FAA design approval and conform to FAA-approved design data, for the following:
 - (1) products for which Australia is State of Design for both the product and the design change, or
 - (2) 14 CFR part 23 and similar size part 21 (§21.17[b] special class and §21.25[a][1] and [b] restricted category) airplanes for which the United States is State of Design, and Australia is the State of Design for the design change. [3]

[3. See Summary Table 2, at the end of this Section, for a listing of the classes and categories of Australian products, appliances, parts, and associated approvals eligible for import into the United States].

2.1.4 Acceptance of Standard Parts.

- (a) Australia shall accept standard parts for all products, parts, and appliances covered under these Implementation Procedures when the standard parts conform to established United States industry or United States government specifications, or to an FAA parts TSO (e.g., TSO C148, C149, or C150).
- (b) The United States shall accept standard parts for all products, parts, and appliances covered under these Implementation Procedures when the

standard parts conform to established United States or Australian industry specifications or Australian government specifications, or to a CASA parts ATSO.

2.1.5 Airworthiness Certification. These Implementation Procedures for design approval shall apply to such aircraft type designs to be type certificated by the FAA or CASA for standard category airworthiness certification. Standard airworthiness certificates shall be issued in the normal, utility, acrobatic, commuter, and transport categories of aircraft, as well as for manned-free balloons and special classes of aircraft which include airships, very light aircraft (VLA), gliders, and other non-conventional aircraft. Aircraft, for which a special airworthiness certificate may be issued, will be dealt with on a case-by-case basis through the special arrangements provision in Section V of these Implementation Procedures.

2.2 Acceptance of Used Aircraft Manufactured in Third Countries. These Implementation Procedures shall also apply to the acceptance of Export Certificates of Airworthiness for used aircraft, for which a third country is the State of Design, that are subsequently exported from Australia to the United States or vice versa. However, this shall only apply when bilateral agreements/arrangements for this purpose have been formalized between such a third country and each Party, covering the same class of products.

2.3 Provisions for Design and Design Change Approvals.

2.3.0 Australia shall accept, as the basis of CASA Design Approval, the following FAA Design Approvals:

- (a) Type Certificates and Amended Type Certificates for products for which the United States is the State of Design;
- (b) FAA Technical Standard Order (TSO) authorization; and
- (c) Other approved major design changes to CASA-approved designs (as identified in Section III, paragraph 3.3.1.1) for products, parts, and appliances for which the United States is the State of Design.

2.3.1 Australia shall accept, without further investigation, the following FAA Design Approvals:

- (a) Supplemental Type Certificates for all products, regardless of the State of Design;
- (b) Approved design data used in support of repairs for products, parts, and appliances regardless of State of Design;
- (c) Parts Manufacturer Approval; and

(d) All other minor design changes.

2.3.2 The United States shall accept, as the basis for FAA Design Approval, the following CASA Design Approvals:

(a) Type Certificates and Amended Type Certificates for products for which Australia is the State of Design;

(b) Supplemental Type Certificates for all products for which Australia is the State of Design;

(c) Supplemental Type Certificates on 14 CFR part 23 and similar size part 21 (§21.17[b] special class, and §21.25[a][1] and [b] restricted category airplanes for which the United States is the State of Design;

(d) Australian TSO authorization; and

(e) Other approved major design changes (as identified in Section III, paragraph 3.3.1.0) for products and aircraft parts and appliances for which Australia is the State of Design.

2.3.3 The United States shall accept, without further investigation, the following CASA Design Approvals:

(a) Approved design data used in support of repairs (as identified in Section III, paragraph 3.3.2) for products, and aircraft parts and appliances for which Australia is the State of Design;

(b) Approved design data used in support of repairs (as identified in Section III, paragraph 3.3.2) for transport category airplanes for which the United States is the State of Design;

(c) Australian Parts Manufacturer Approval; and

(d) All other minor design changes made by an Australian design approval holder.

2.4 Provisions for Environmental Testing and Approvals.

2.4.0 Australia Shall Accept Findings for the Following Environmental Requirements:

[Reserved.]

2.4.1 The United States Shall Accept Findings for the Following Environmental Requirements:

[Reserved.]

- 2.5 Provisions for Technical Assistance. The scope of all technical assistance activities between the Parties implementing authorities is specified in Section IV of these Implementation Procedures.
- 2.6 Provisions for Special Arrangements. Section V of these Implementation Procedures provide for designated officials within the Parties' implementing authorities to develop special arrangements—with respect to design approval, production activities, export airworthiness approval, post design approval, or technical assistance—in unique situations which have not been specifically addressed in these Implementation Procedures, but which are within the scope of these Implementation Procedures.
- 2.7 Summary Tables. The following tables summarize the new products, appliances, and parts manufactured in the United States or Australia that shall be eligible for import under these Implementation Procedures. (These tables do not show third country products eligible for import.)

Table 1

Summary of United States (State of Design) Products, Appliances, and Parts and Associated FAA Approvals Eligible for Import into Australia.

<u>Products, Appliances, and Parts (Note 1)</u>	Type Certificate, and Amendments	Supplemental Type Certificate	Technical Standard Order Authorization	Parts Manufacturer Approval
Airplanes in the following categories:				
Normal	√	√	N/A	N/A
Utility	√	√	N/A	N/A
Acrobatic	√	√	N/A	N/A
Commuter	√	√	N/A	N/A
Transport	√	√	N/A	N/A
Rotorcraft in the following categories:				
Normal	√	√	N/A	N/A
Transport	√	√	N/A	N/A
Manned Free Balloons	√	√	N/A	N/A
Engines	√	√	N/A	N/A
Propellers	√	√	N/A	N/A
Aircraft in Special Classes:				
Airships	√	√	N/A	N/A
VLA	√	√	N/A	N/A
Gliders	√	√	N/A	N/A
Powered Lift	√	√	N/A	N/A
TSO Appliances	N/A	N/A	√	N/A
Replacement and Modification Parts for the above airplanes, rotorcraft, balloons, engines, propellers, special class aircraft, & articles/appliances	√ Note: Produced under production approval.	√ Note: Produced under production approval.	√	√

Note 1: Aircraft certificated in the primary, provisional and restricted categories will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

Table 2
Summary of
Australia (State of Design) Products, Appliances, and Parts and Associated CASA
Approvals Eligible for Import into the United States.

<u>Products, Appliances, and Parts</u> (Note 1)	Type Certificate, and Amendments	Supplemental Type Certificate (Note 2)	Australian Technical Standard Order Authorization	Australian Parts Manufacturer Approval
Airplanes in the following categories:				
Normal	√	√	N/A	N/A
Utility	√	√	N/A	N/A
Acrobatic	√	√	N/A	N/A
Commuter	√	√	N/A	N/A
Transport	√	√	N/A	N/A
Rotorcraft in the following categories:				
Normal	√	√	N/A	N/A
Transport	√	√	N/A	N/A
Manned Free Balloons	√	√	N/A	N/A
Engines	√	√	N/A	N/A
Propellers	√	√	N/A	N/A
Aircraft in Special Classes:				
Airships	√	√	N/A	N/A
VLA	√	√	N/A	N/A
Gliders	√	√	N/A	N/A
Powered Lift	N/A	N/A	N/A	N/A
ATSO Appliances	N/A	N/A	√	N/A
Replacement and Modification Parts for the above airplanes, rotorcraft, balloons, engines, propellers, special class aircraft, and articles/appliances	√ Note: Produced under production certificate.	√ Note: Produced under production certificate.	√	√

Note 1: Aircraft certificated in the primary, provisional and restricted categories will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

Note 2: CASA-issued STCs are accepted on all Australia State of Design products, and on United States State of Design small airplanes (see Section II, paragraph 2.1.3(e)).

SECTION III ESTABLISHED WORKING PROCEDURES

3.0 DESIGN APPROVAL PROCEDURES

3.0.0 General. (See Appendix C, Paragraph C2.1).

(a) The FAA, as the importing authority, shall conduct certification activities under a validation process on an imported product in order to make a finding of compliance and issue its design approval.

(b) With only a few exceptions, the determinations of compliance with the FAA's requirements shall be made by CASA, as delegated by the FAA. Working in accordance with the principle that communications shall occur authority-to-authority, correspondence shall be answered through and coordinated with CASA.

(c) CASA as the importing authority shall conduct an acceptance process to facilitate type acceptance and the importation of aircraft on the basis of a Type Certificate issued by the FAA.

(d) The FAA does not issue a design approval for a product manufactured outside the United States, except for an aircraft to be United States-registered or an engine, propeller, appliance, or part to be incorporated into the design of a United States-registered aircraft or United States-manufactured product. Therefore, Australian applicants for United States design approval shall be required to provide the FAA with evidence that the product, part, or appliance will be imported into the United States, or will be installed on a United States-registered or United States-manufactured product.

3.0.1 Design Approval Procedures for United States Type Certificates. (See Appendix C, Paragraph C2.2).

3.0.1.0 Application for United States Type Certification.

(a) An application for United States Type Certificate (TC), in accordance with 14 CFR § 21.15, from an applicant in Australia shall be required to be submitted to CASA. Applications shall only be received for products with an Australian Type Certificate, or for products where application for type certification has been made to CASA. CASA shall ensure the application has the following information:

(1) CASA Type Certificate and TC Data Sheet, if available, a definition of the national airworthiness and environmental standards upon which CASA design approval was (or is to be) based, and the amendment level

of the United States airworthiness and environmental standards CASA believes to be satisfied by its own standards;

- (2) The applicant's requested date for FAA type certification; and
- (3) Available information on United States market potential, including specific customers and United States content of the product, if known at the time of application.

(b) Also, the application shall be required to contain the following, if known at the time of application:

- (1) A description of all novel or unusual design features known to the applicant or CASA at the time of application that might necessitate issuance of FAA special conditions under 14 CFR § 21.16, or that might require a special review of acceptable means of compliance; and
- (2) All known or expected exemptions or equivalent level of safety findings relative to CASA's national standards for design approval that might affect compliance with the applicable United States airworthiness and environmental standards.

(c) CASA shall forward the application to the appropriate FAA Aircraft Certification Service Directorate, based on the class and category of product. Appendix A contains a list of addresses for the FAA Aircraft Certification Service Directorates.

3.0.1.1 Establishment of United States Type Certification Basis.

(a) New Type Certificates. The FAA shall develop the certification basis using:

- (1) For type designs that do not hold an approval from CASA, the applicable airworthiness standards in effect on the date the application is made to the FAA;
- (2) For type designs that hold an approval from CASA, the applicable airworthiness standards in effect on the date the application was made to CASA for a domestic TC [4];
- (3) Any additional FAA requirements deemed necessary in the interest of safety or to address novel or unusual design features.

[4. When 14 CFR part 26 applies to an Australian transport category airplane, the applicability date is specified in each subpart].

(b) Environmental (Type) Certification Basis. The regulatory basis for compliance with 14 CFR Parts 34 and 36 is the amendment in effect on the date of application to the FAA for certification. An applicant for a TC or Supplemental Type Certificate shall be required to show that the aircraft meets the applicable airworthiness standards, special conditions, fuel venting and exhaust emission standards of 14 CFR part 34 and the noise standards of 14 CFR part 36.

3.0.1.2 Compliance to the United States Certification Basis. CASA shall review the FAA's proposed United States type certification basis and notify the FAA Project Manager of the applicant's proposed methods of compliance. The certification basis shall be to Title 14 of the CFRs, plus environmental standards of the United States. CASA shall verify that all applicant data provided to substantiate compliance with the FAA's certification basis has been reviewed and, if required, approved by CASA.

3.0.1.3 Environmental Testing and Approval. Only the FAA is authorized to make findings of compliance to 14 CFR parts 34 and 36 and shall do so based upon FAA witnessed tests conducted in accordance with FAA-approved test plans, and FAA review and approval of all data and compliance demonstration reports submitted via CASA.

3.0.1.4 Final Certification Meeting/Issuance of the Type Certificate. Upon issuance of its domestic TC and demonstrated compliance with the United States type certification basis, CASA shall forward a certifying statement to the FAA, in accordance with 14 CFR § 21.29, along with all additional requested materials. The FAA, upon receipt and review of the documents, shall prepare the TC and TC Data Sheet and forward them to CASA for transmittal to the applicant. A final meeting shall only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

3.0.1.5 Evaluation of Operational and Maintenance Aspects. Prior to Type Certificate issuance, the FAA Aircraft Evaluation Groups (AEG) shall conduct Review Boards, as appropriate, to review the following items on Australian products prior to their entry into United States operations: Maintenance Review Board (MRB) Report and associated Instructions for Continued Airworthiness documentation; Operational configuration; Pilot training and licensing requirements; and the formulation and approval of a Master Minimum Equipment List (MMEL).

3.0.2 Design Approval Procedures for Australian Type Acceptance Certificates.

3.0.2.0 Application for Australian Type Acceptance Certificate. An application for an Australian Type Acceptance Certificate (TAC), in accordance with CASR 21.29A, shall be required to be submitted to the FAA Aircraft Certification Office (ACO) responsible for the applicant's geographic area. The FAA shall coordinate with CASA to establish the supporting documentation necessary to satisfy CASR 21.29A prior to forwarding CASA the application.

3.0.2.1 Issuance of Australian Type Acceptance Certificate (TAC). CASA may make the issuance of a TAC subject to one or more conditions in accordance with CASR 21.29B and 21.29C.

3.0.3 Design Approval Procedures for United States Supplemental Type Certificates (STCs). (See Appendix C, Paragraph C2.3).

(a) United States STCs may be issued to an Australian applicant under the provisions of 14 CFR § 21.117, as identified in Section II.

(b) The FAA shall develop the STC certification basis in accordance with 14 CFR §21.115 in a manner that is consistent with the criteria that is used to establish the certification basis for a domestic STC of similar design and service history. The date of application is the date the application is made to CASA for the STC.

(c) Australian applicants shall be required to submit STC applications to CASA with a request that the application and required information be forwarded to the appropriate FAA office. (See Appendix C, Paragraph C2.3(b)).

(d) Each application shall be required to contain the following information:

(1) A description of the change, together with the make and model of the product;

(2) A copy of the Australian STC and certification basis;

(3) An applicant's requested date for FAA issuance of the STC;

(4) A description of all novel or unusual design features which might necessitate issuance of FAA special conditions; and

(5) All exemptions or equivalent level of safety findings granted by CASA for the Australian STC.

(6) Available information on United States market potential, including specific customers, if known at the time of application.

(e) The basic design approval procedures for United States type certification (paragraph 3.0.1 above) shall be used for STCs, but both authorities may jointly determine to streamline these procedures based on the magnitude and complexity of the design change. CASA shall share issue papers or similar documents with the FAA as early as possible.

(f) The following documentation shall be required, as applicable, for review by the FAA during the STC approval process:

- (1) Compliance Checklist;
- (2) Aircraft Flight Manual (AFM) Supplement;
- (3) Master Documentation List/Master Drawing List;
- (4) Manufacturing and Installation Instruction Drawings;
- (5) Maintenance/Repair Manual Supplements;
- (6) Weight and Balance data; and
- (7) Instructions for Continued Airworthiness.

3.0.4 Design Approval Procedures for Australian STCs. CASR 21.114 states that an STC issued by the FAA is taken to be an STC issued by CASA, and thus there is no subsequent issuance of a corresponding Australian STC. An FAA STC is considered to be approved data for incorporation in an Australian registered aircraft, or in an aircraft engine or propeller installed on an Australian aircraft.

3.0.5 Design Approval Procedures for FAA Letters of Technical Standard Order (TSO) Design Approval.

3.0.5.0 Application. The FAA only issues a Letter of TSO Design Approval for appliances of a kind for which a minimum performance standard has been published in an FAA Technical Standard Order (TSO). All Australian applicants for an FAA letter of TSO design approval shall be required to make application through CASA with a request that the application and required information be forwarded to the appropriate FAA ACO. (See Appendix C, Paragraph C2.4). The applicant shall be required to provide evidence of import into the United States for installation on a United States registered aircraft or on a United States product. CASA shall contact the FAA for the latest FAA technical policy and procedures related to the TSO performance standard.

3.0.5.1 Issuance of a Letter of TSO Design Approval. The appropriate form of TSO design approval, within the scope of these Implementation Procedures, may be issued to the applicant by the FAA after:

- (a) Receipt of all the required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO appliance;
- (b) Receipt of other specific technical data, as jointly determined between CASA and the FAA, needed to demonstrate compliance with a TSO standard (e.g., a first-of-a-kind TSO);
- (c) Receipt and approval of all proposed deviations; and
- (d) Receipt of a certifying statement from the applicant through CASA, with certification by CASA that the performance of the appliance complies with the applicable FAA TSO or other accepted standards of the FAA which provide an equivalent level of safety.

3.0.5.2 Installation Approval. An FAA Letter of TSO Design Approval does not constitute an installation approval for the TSO appliance on a product. The installer shall be required to obtain installation approval from its implementing authority for use on a product that is under its regulatory control.

3.0.6 Design Approval Procedures for CASA Letters of Australian Technical Standard Order (ATSO) Approval.

3.0.6.0 Application. CASA only issues a Letter of ATSO Design Approval for appliances of a kind for which a minimum performance standard has been published in a CASA Australian Technical Standard Order (ATSO). All United States applicants for a CASA letter of ATSO design approval shall be required to make application through the FAA ACO responsible for the applicant's geographic area, with a request that the application and required information be forwarded to the appropriate CASA Office. (See Appendix C, Paragraph C2.5). The FAA shall contact CASA for the latest CASA technical policy and procedures related to the ATSO performance standard.

3.0.6.1 Issuance of a Letter of ATSO Design Approval. The appropriate form of ATSO design approval, within the scope of these Implementation Procedures, may be issued to the applicant by the CASA after:

- (a) Receipt of all the required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the ATSO

appliance;

(b) Receipt of other specific technical data, as jointly determined between the FAA and CASA, needed to demonstrate compliance with an ATSO standard (e.g., a first-of-a-kind ATSO);

(c) Receipt and approval of all proposed deviations; and

(d) Receipt of a certifying statement from the applicant through the FAA, with certification by the FAA that the performance of the appliance complies with the applicable CASA ATSO or other accepted standards of CASA which provide an equivalent level of safety.

3.0.6.2 Installation Approval. A CASA Letter of ATSO Design Approval does not constitute an installation approval for the ATSO appliance on a product. The installer shall be required to obtain installation approval from its implementing authority for use on a product that is under the implementing authority's regulatory control.

3.0.7 Joint Design Approval Procedures. The FAA and CASA may undertake concurrent type certification/validation and other design approval projects with respect to products covered by the scope of these Implementation Procedures when it is in the interest of both authorities and their aviation industries. The procedures for such projects will be mutually determined by the FAA and CASA.

3.1 PRODUCTION AND SURVEILLANCE ACTIVITIES

3.1.0 Production Quality System. All products, parts, and appliances exported under the provisions of these Implementation Procedures shall be produced in accordance with a production quality system which ensures conformity to the approved design of the importing authority and ensures that completed products are in a condition for safe operation. This production quality system covers the fabrication of products, parts, and appliances within and outside of the country of export. When these fabrication and/or production activities occur outside of the country of export, the associated products or parts shall be considered as being manufactured in the exporting country.

3.1.1 Surveillance of Production Approval Holders. (See Appendix C, Paragraph C3.1).

3.1.1.0 The FAA and CASA, as exporting authorities, shall conduct regulatory surveillance of production approval holders and their suppliers in accordance with the exporting authority's specific policies, practices, and/or procedures. Both ongoing and

scheduled evaluations shall be conducted to verify that the production approval holder is in continual compliance with their approved production quality system, manufacturing products, appliances, and parts which fully conform to the approved design, and are in a condition for safe operation. The correction of all deficiencies shall be verified by the exporting authority.

3.1.1.1 Production surveillance includes the surveillance of manufacturers and their suppliers who may be fabricating prototype or pre-production parts for products which are still undergoing type certification. The Parties shall require these parts to be produced by the manufacturer, or its approved supplier, with the concurrence of the exporting authority, using an existing approved production quality system for similar type certificated products. The Parties shall require such approved production quality systems to ensure that the prototype or pre-produced parts are properly controlled so that a final determination of airworthiness can be undertaken prior to their export.

3.1.2 Extensions of Production Approvals.

3.1.2.0 When a production approval has been granted or extended by the FAA or CASA, as exporting authorities, to include manufacturing sites and facilities in each other's countries or in a third country, the exporting authority remains fully responsible for the surveillance and oversight of these manufacturing sites and facilities.

3.1.2.1 The FAA is responsible for surveillance and oversight of United States production approval holders located in Australia. CASA is responsible for surveillance and oversight of CASA production approval holders located in the United States. Routine surveillance and oversight may be performed by either CASA or the FAA on behalf of the other implementing authority through the provisions of Section IV.

3.1.2.2 The FAA or CASA may seek assistance from the civil airworthiness authority of a third country in the undertaking of FAA or CASA regulatory surveillance and oversight functions when a production approval has been granted or extended in that third country. This shall be done only when an agreement/arrangement for technical assistance has been formalized between the FAA or CASA and the civil airworthiness authority of the third country.

3.1.3 Product Production Approval Based on a Licensing Agreement. Either Party's implementing authority may grant a production approval for a product (i.e., aircraft, aircraft engine, or propeller) in their respective country based on design data obtained through a licensing agreement with a type design holder in another country (i.e., licensing the rights to use the design data of a type-certificated product). In this case, the Party whose implementing authority is granting that production approval shall ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each completed product conforms to the approved design data obtained through the licensing agreement. The Party shall also require the applicant to have procedures in place to ensure that all changes to be introduced into the design by the licensee are approved by the type design holder and its certificating authority. Production approvals based on a licensing agreement involving companies in the United States and Australia are considered unique situations and will be addressed on a case-by-case basis under the Special Arrangements as provided for in Section V of these Implementation Procedures.

3.1.4 Parts Production Approval Based on Licensing Agreement. Either Party's implementing authority may grant a production approval in their respective country based on design data obtained through a licensing agreement with a design approval holder in the other country (i.e. licensing the rights to use the design data). In this case, the Party whose implementing authority is granting that production approval shall ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each part conforms to the approved design data. The Party shall also require the applicant to have procedures in place to ensure that all changes to be introduced into the design by the licensee are approved by the design approval holder under the system of its certificating authority.

3.1.5 Supplier Surveillance - Outside the Exporting Country. (See Appendix C, Paragraph C3.2).

3.1.5.0 The FAA and CASA, as exporting authorities, shall include in their regulatory surveillance and oversight programs a means of surveilling production approval holders' suppliers who are located outside the exporting country. This surveillance and oversight shall be equivalent to that program for domestic suppliers. This surveillance activity shall assist the FAA and CASA in determining conformity to approved design and whether the parts are safe for installation on type certificated products.

3.1.5.1 The FAA is responsible for surveillance and oversight of United States production approval holders' suppliers located in

Australia. CASA is responsible for surveillance and oversight of CASA production approval holders' suppliers located in the United States. Routine surveillance and oversight may be performed by either CASA or the FAA on behalf of the other implementing authority through the provisions of Section IV.

3.1.6 Multi-National Consortiums.

3.1.6.0 If multi-national consortiums are issued approvals for the design and production of products, appliances, and/or parts in either the United States or Australia, these consortiums shall be required to clearly define one responsible design and production approval holder, for the purposes of regulatory accountability, located in the exporting country.

3.1.6.1 The FAA and CASA, as exporting authorities, shall continue to conduct regulatory surveillance and oversight of the domestic design and production approval holder, and shall emphasize surveillance and oversight of suppliers of complex or critical components. The exporting authority shall use its regulatory surveillance and oversight programs to best enable it to determine that consortium suppliers are producing parts that conform to the approved design and are in a condition for safe operation.

3.2 EXPORT AIRWORTHINESS APPROVAL PROCEDURES

3.2.0 General. For the FAA, Export Certificates of Airworthiness are issued for completed aircraft, aircraft engines, and propellers. Authorized Release Certificates (Airworthiness Approval Tags) are issued by the FAA for appliances and parts. For CASA, Export Certificates of Airworthiness are issued for completed aircraft. Authorized Release Certificates are issued for aircraft engines, propellers, parts, and appliances. (See Appendix C, Paragraph C4.1).

3.2.1 FAA Acceptance of CASA Export Certificates of Airworthiness and Authorized Release Certificates. (See Appendix C, Paragraph C4.2).

3.2.1.0 New Aircraft.

(a) Except as provided in paragraph 3.2.1.5, the FAA shall accept CASA Export Certificates of Airworthiness on new aircraft, as identified in Section II, only when CASA certifies that each aircraft:

(1) Conforms to a type design approved by the FAA, as specified in the FAA's Type Certificate Data Sheet, and any additional STCs approved by the FAA;

(2) Is in a condition for safe operation, including compliance with applicable FAA Airworthiness Directives, as notified; and

(3) Meets all additional requirements prescribed by the FAA, as notified.

(b) Each aircraft exported to the United States with CASA airworthiness approval shall be required to have appropriate documentation with a certifying statement issued in accordance with the requirements of CASR Part 21, Subpart L. (See Appendix C, Paragraph C4.2(c)).

3.2.1.1 New Engines and Propellers.

(a) Except as provided in paragraph 3.2.1.5, the FAA shall accept CASA Authorized Release Certificates on new engines and propellers, as identified in Section II, only when CASA certifies that each engine and propeller:

(1) Conforms to a type design approved by the FAA, as specified in the FAA's Type Certificate Data Sheet and any additional STCs approved/accepted by the FAA;

(2) Is in a condition for safe operation, including compliance with applicable United States Airworthiness Directives, as notified;

(3) Meets all additional requirements prescribed by the FAA, as notified; and

(4) Has undergone a final operational check.

(b) Each aircraft engine and propeller exported to the United States with a CASA airworthiness approval shall be required to have appropriate documentation with a certifying statement issued in accordance with the requirements of CASR Part 21, Subpart L. (See Appendix C, Paragraph C4.2(d)).

3.2.1.2 New TSO Appliances. Each new appliance exported to the United States with a CASA airworthiness approval shall be required to have a CASA Authorized Release Certificate. The FAA shall accept CASA authorized release certificates on new TSO appliances, as identified in Section II, only when CASA certifies that each TSO appliance:

(1) Conforms to the design approved by the FAA, as specified in the FAA Letter of TSO Design Approval;

(2) Complies with applicable FAA Airworthiness Directives, as notified;

(3) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by the FAA, as notified.

3.2.1.3 New Parts, Including Replacement and/or Modification Parts.
(See Appendix C, Paragraphs C4.1(a) and C4.2(a)).

(a) Each new part exported to the United States with a CASA airworthiness approval shall be required to have a CASA Authorized Release Certificate. The FAA shall accept these CASA Authorized Release Certificates on new parts, including replacement and/or modification parts, that have been identified in Section II, only when CASA certifies, by issuance of the CASA Authorized Release Certificate, that each part:

(1) Is eligible for installation in a product or appliance which has been granted an FAA design approval;

(2) Conforms to FAA-approved design data and is safe for installation;

(3) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by the FAA, as notified.

(b) The FAA shall require evidence to be provided of direct shipment authorizations extended to approved suppliers. If a part is shipped under direct ship authorization, CASA's Authorized Release Certificates shall indicate that the production approval holder has direct shipment authorization. (This indication may be a supplemental "remark" entry on the Authorized Release Certificate indicating the authorization to the supplier for direct shipment of parts from the supplier's location.)

3.2.1.4 Used Aircraft for Which a Design Approval Has Been Granted by the FAA. (See Appendix C, Paragraph C4.2(e)).

(a) The FAA shall accept Export Certificates of Airworthiness on used aircraft for which the FAA has issued a type design approval in accordance with 14 CFR §21.21 or §21.29 for import into the United States for airworthiness certification when CASA certifies that each used aircraft:

(1) Conforms to the FAA-approved type design as specified in the FAA's Type Certificate Data Sheet, and any additional STCs approved by the FAA, as notified;

- (2) Is in a condition for safe operation, including compliance with all applicable Airworthiness Directives issued by the FAA, as notified;
 - (3) Has been properly maintained using CASA-approved procedures and methods during its service life (evidenced by logbooks and maintenance records);
 - (4) Meets all additional requirements prescribed by the FAA, as notified; and
 - (5) CASA Export Certificate of Airworthiness includes an appropriate certifying statement (See Appendix C, Paragraph C4.2(e)).
- (b) The FAA shall also accept CASA's Export Certificate of Airworthiness for used aircraft manufactured in a third country when that country has a bilateral agreement/arrangement with both the FAA and CASA covering the same class of product, and the conditions of paragraph 3.2.1.4(a)(1) through (5) have been met.

3.2.1.5 Exceptions on Export Documents. CASA shall notify the FAA in writing prior to issuing an export airworthiness document in which a non-compliance to the FAA-approved type design is to be noted. (See Appendix C, Paragraph C4.2(f)). This notification shall help to resolve all issues concerning the aircraft's eligibility for a United States airworthiness certificate. The notation shall be entered in the "Remarks" block of the Authorized Release Certificate for engines or propellers or under the "Exceptions" section of the Export Certificate of Airworthiness for aircraft. A written acceptance from the FAA is required before the issuance of CASA Export Certificate of Airworthiness.

3.2.2 CASA Acceptance of FAA Export Certificates of Airworthiness and Authorized Release Certificates. (See Appendix C, Paragraph C4.3).

3.2.2.0 New Aircraft, Aircraft Engines, and Propellers.

(a) Except as provided in paragraph 3.2.2.5 below, CASA shall accept FAA Export Certificates of Airworthiness on new aircraft, aircraft engines and propellers, as identified in Section II, when the FAA certifies that each aircraft, aircraft engine and propeller:

- (1) Conforms to a type design approved by the FAA and accepted by CASA, including any additional STCs;
- (2) Is in a condition for safe operation, including compliance with applicable Australian and United States Airworthiness Directives, as notified;

(3) Meets all additional requirements prescribed by CASA, as notified;
and

(4) Has undergone a final operational check (only for aircraft engines and propellers).

(b) Each aircraft, aircraft engine, and propeller exported to Australia with FAA airworthiness approval shall be required to have appropriate documentation, with a certifying statement issued in accordance with the requirements of 14 CFR part 21, Subpart L. (See Appendix C, Paragraph C4.3(c)).

3.2.2.1 New ATSO Appliances. Each new appliance exported to Australia with an FAA airworthiness approval shall be required to have an Authorized Release Certificate. CASA shall accept FAA Authorized Release Certificates on new ATSO appliances, as identified in Section II, only when the FAA certifies, by the issuance of the Authorized Release Certificate, that each ATSO appliance:

(a) Conforms to the design approved by CASA, as specified in the CASA Letter of ATSO Design Approval;

(b) Complies with applicable CASA Airworthiness Directives, as notified;

(c) Is marked in accordance with paragraph 3.2.3.1(a) of these Implementation Procedures; and

(d) Meets all additional requirements prescribed by CASA, as notified.

3.2.2.2 New Parts, Including Replacement and/or Modification Parts.

(a) Each new part exported to Australia with an FAA airworthiness approval shall be required to have an Authorized Release Certificate. CASA shall accept FAA Authorized Release Certificates on new parts, including replacement and/or modification parts that have been identified in Section II, only when the FAA certifies, by issuance of the Authorized Release Certificate, that each part:

(1) Is eligible for installation in a product or appliance which has been granted a CASA design approval;

(2) Conforms to CASA-approved or CASA-accepted design data and is safe for installation;

(3) Is marked in accordance with paragraph 3.2.3.1(a) of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by CASA, as notified.

(b) CASA shall require evidence to be provided of direct shipment authorizations extended to approved subcontractors/suppliers. If a part is shipped under direct ship authorization, FAA's Authorized Release Certificate shall indicate that the production approval holder has direct shipment authorization. (This indication may be a supplemental "remark" entry on the Authorized Release Certificate indicating the authorization to the supplier/subcontractor for direct shipment of parts from the supplier's/subcontractor's location.)

3.2.2.3 Used Aircraft for Which a Design Approval Has Been Granted by CASA.

(a) CASA shall accept FAA Export Certificates of Airworthiness on used aircraft for which CASA has issued a type design approval in accordance with CASR Part 21, Regulation 21.021 or 21.029 for import into Australia for airworthiness certification when the FAA certifies that each used aircraft:

(1) Conforms to CASA-approved type design, as specified in CASA's Type Certificate or Type Acceptance Certificate, and any additional STCs approved by CASA, as notified;

(2) Is in condition for safe operation, including compliance with all applicable Australian and United States Airworthiness Directives, as notified;

(3) Has been properly maintained using FAA-approved procedures and methods during its service life (evidenced by logbooks and maintenance records);

(4) Meets all additional requirements prescribed by CASA, as notified; and

(5) The FAA Export Certificate of Airworthiness includes an appropriate certifying statement. (See Appendix C, Paragraph C4.3(d)).

(b) CASA shall also accept the FAA Export Certificate of Airworthiness for used aircraft manufactured in a third country when that third country has a bilateral agreement/arrangement with the FAA and CASA covering the same class of product, and the conditions of paragraph 3.2.2.3(a)(1) through (5) have been met.

3.2.2.4 Used Aircraft for Which CASA has issued a Type Acceptance Certificate.

(a) CASA shall accept Export Certificates of Airworthiness on used

aircraft for which CASA has issued a Type Acceptance Certificate in accordance with CASR, Part 21, Regulation 21.029A for import into Australia for airworthiness certification when the FAA certifies that each used aircraft:

- (1) Conforms to the FAA-approved type design, as specified in the FAA's Type Certificate on which the Type Acceptance Certificate is based and any additional STCs;
- (2) Is in a condition for safe operation, including compliance with all applicable Australian and United States Airworthiness Directives, as notified;
- (3) Has been properly maintained using FAA-approved procedures and methods during its service life (evidenced by logbooks and maintenance records);
- (4) Meets all additional requirements prescribed by CASA, as notified; and
- (5) The FAA Export Certificate of Airworthiness includes an appropriate certifying statement. (See Appendix C, Paragraph C4.3(d)).

(b) CASA shall also accept the FAA Export Certificate of Airworthiness for used aircraft manufactured in a third country when that third country has a bilateral agreement/arrangement with the FAA and CASA covering the same class of product, and the conditions of paragraph 3.2.2.4(a)(1) through (5) have been met.

3.2.2.5 Export Certificate of Airworthiness Exceptions. The FAA shall notify CASA prior to issuing an Export Certificate of Airworthiness in which a non-compliance to CASA-approved type design is to be noted under the "Exceptions" section of the Export Certificate of Airworthiness. This notification shall help to resolve all issues concerning the aircraft's eligibility for a CASA airworthiness certificate. A written acceptance from CASA is required before the issuance of the FAA Export Certificate of Airworthiness.

3.2.3 Additional Requirements for Imported Products, Parts, and Appliances. The following identifies those additional requirements which shall be complied with as a condition of acceptance for products, parts, and appliances imported into the United States or Australia, or for use on either a United States- or Australian-registered aircraft.

3.2.3.0 The United States requirements are as follows:

(a) Identification and Marking.

- (1) Aircraft must be identified in a manner outlined in 14 CFR §45.11.
 - (2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with 14 CFR §45.14.
 - (3) Each appliance of a design approved by an FAA letter of TSO design approval must be marked in accordance with the requirements in 14 CFR parts 21, Subpart O, and all additional marking requirements specified in the particular TSO.
 - (4) Each replacement or modification part must be marked with, the part number, serial number if applicable, and the manufacturer's name or trademark. The model designation of the type certificated product on which the part is eligible for installation must be marked on the part, or included on the appropriate airworthiness approval document if it is impractical to mark the part. In addition parts produced to United States STC design data must be accompanied with information that identifies the applicable United States STC. This information may be included on the appropriate airworthiness approval document.
- (b) Instructions for Continued Airworthiness. Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitation sections, as prescribed in 14 CFR § 21.50.
- (c) Maintenance Records. Each aircraft, including the aircraft engine, propeller, rotor, or appliance, must be accompanied by maintenance records equivalent to those specified in 14 CFR § 91.417.

3.2.3.1 The Australian requirements are as follows:

- (a) Identification and Marking.
- (1) Aircraft must be identified in a manner outlined in CASR regulation 21.820.
 - (2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with CASR regulation 21.850.
 - (3) Each appliance of a design approved by a CASA letter of ATSO design approval must be marked in accordance with the requirements in CASR Part 21, Subpart O, and all additional marking requirements specified in the particular ATSO.
 - (4) Each part to be used as a replacement or modification part must be marked with a part number, serial number if applicable, and the

manufacturer's name or trademark. In addition, information concerning the model designation of the type certificated product for which the part is eligible for installation must be furnished.

(b) Instructions for Continued Airworthiness. Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitation sections, as prescribed in CASR regulation 21.50.

(c) Maintenance Records. Each aircraft, including the aircraft engine, propeller, rotor, or appliance, must be accompanied by maintenance records equivalent to those specified in CAR regulation 50A.

3.3 POST DESIGN APPROVAL PROCEDURES

3.3.0 CONTINUED AIRWORTHINESS

3.3.0.0 General.

(a) The exporting authority is responsible as the State of Design (under Annex 8 to the Convention on International Civil Aviation done at Chicago on December 7, 1944 (the Chicago Convention)) for resolving in-service safety issues related to design or production. The exporting authority shall provide applicable information which it has found to be necessary for mandatory modifications, required limitations and/or inspections to the importing authority to ensure continued operational safety of the product, part, or appliance. The importing authority shall review and normally accept the corrective actions taken by the exporting authority in the issuance of its own mandatory corrective actions.

(b) At the request of the importing authority, the exporting authority shall assist the importing authority in determining what action is considered necessary by the importing authority for the continued operational safety of the product, part, or appliance. The decision as to the final action to be taken with respect to the products, parts, or appliances under the jurisdiction of the importing country lies solely with the importing authority.

3.3.0.1 Reporting of Malfunctions, Failures, and Defects (MF&D). (See Appendix C, Paragraph C5.1(a)). The implementing authority of each Party shall perform the following functions for the products, parts, and appliances exported to the other Party:

- (1) Tracking of MF&D reports and accident/incidents.
- (2) Evaluating MF&D and accident/incidents.
- (3) Investigating and resolving all suspected unsafe conditions.

- (4) Advising the importing authority of all unsafe conditions and the necessary corrective actions (see Appendix C, Paragraph C5.1(b)).
- (5) Making a reasonable effort to resolve issues raised by the importing authority concerning matters of safety for products registered in the importing country.

3.3.0.2 Mandatory Continuing Airworthiness Actions. (See Appendix C, Paragraph C5.1(b)). Each Party's implementing authority shall, for the products, appliances, and parts for which it is the State of Design (exporting authority), issue a mandatory continuing airworthiness action (Airworthiness Directive) whenever the implementing authority determines that an unsafe condition exists in a type certificated product or appliance, and is likely to exist or develop on a type certificated product or appliance of the same type design. This may include a product or appliance that has another product, part, or appliance installed on it and the installation causes the unsafe condition.

3.3.1 DESIGN CHANGES. (See Appendix C, Paragraph C5.2).

3.3.1.0 Procedures for Changes to a United States TC. (See Appendix C, Paragraph C5.2(a)).

(a) Major changes (e.g., model changes, product improvements, etc.) to a type design, sought by the TC holder, may be issued as amendments to the TC issued under the provisions of 14 CFR § 21.29 or otherwise approved by the FAA. A certification procedure similar to that described in paragraph 3.0.1 shall be applied, but adjusted as appropriate for the magnitude and complexity of the design change. The FAA retains the right to determine if the proposed change is so substantial that a new TC is required for the changed type design.

(b) To assist the FAA in determining its level of activity with a specific design change, CASA shall notify the FAA of each major type design change proposed by the Type Certificate holder that would affect:

- (1) the AFM,
- (2) the Approved Airworthiness Limitations,
- (3) the Type Certificate Data Sheet (TCDS),
- (4) the MMEL,
- (5) a Certification Maintenance Requirement, or
- (6) any other specific items identified by the FAA.

Based on this information, the FAA shall determine whether the changes can be considered approved by the FAA upon CASA's approval under its standard procedures.

- 3.3.1.1 Procedures for Changes to an Australian Type Acceptance Certificate (TAC). CASA only amends a TAC when a new model is added. (See Appendix C, Paragraph C5.2(b)).
- 3.3.1.2 Procedures for Changes to an FAA STC. (See Appendix C, Paragraph C5.2(c)). The procedures in paragraph 3.3.1.0 of these Implementation Procedures shall be followed to the extent applicable.
- 3.3.1.3 Procedures for Changes to an FAA Letter of TSO Design Approval for an Australian Manufacturer. Major changes to a TSO design require resubstantiation of the new design and reissuance of the Letter of TSO Design Approval, and shall be done in accordance with the procedures in paragraph 3.0.5. For minor changes which remain within the scope of the Letter of TSO Design Approval, the FAA shall not require prior notification and shall rely upon a CASA determination of compliance.
- 3.3.1.4 Procedures for Changes to a CASA letter of ATSO Design Approval for a United States Manufacturer. Major changes to a CASA ATSO design require resubstantiation and reissuance of a Letter of ATSO Design Approval, and shall be done in accordance with the procedures in paragraph 3.0.6. For minor changes which remain within the scope of the Letter of TSO Design Approval, CASA shall not require prior notification and shall rely upon an FAA determination of compliance.

3.3.2 APPROVAL OF DESIGN DATA USED IN SUPPORT OF REPAIRS.

- 3.3.2.0 General. Design data used in support of repairs shall be required to be approved or accepted, as appropriate, by the exporting authority (State of Design). Design data approved by the exporting authority as set forth below is considered to be approved by the importing authority without further investigation.
- 3.3.2.1 CASA Acceptance of FAA Repair Data. (See Appendix C, Paragraph C5.3(a)).

(a) CASA shall accept FAA-approved design data used in support of major repairs within the scope identified in Section II.

(b) CASA shall accept all minor repair data from a U.S. design approval

holder or a third-party that has been accepted by the FAA under its procedures.

3.3.2.2 FAA Acceptance of CASA Repair Data. (See Appendix C, Paragraph C5.3(b)).

(a) The FAA shall accept CASA-approved design data used in support of major or minor repairs within the scope identified in Section II.

(b) The FAA shall also accept used transport category United States State of Design airplanes with Australian approved repair data. Prior to export of such used transport category airplanes, CASA shall provide an appropriate certifying statement to the FAA.

3.3.3 ADMINISTRATION OF DESIGN APPROVALS

3.3.3.0 Transfer of United States TC or STC to a Person in Australia.

(a) Upon transfer or an agreed-upon date, CASA shall become responsible for complying with the requirements of Annex 8 to the Chicago Convention, Airworthiness of Aircraft, for affected products. For TC transfers, CASA shall notify all International Civil Aviation Organization (ICAO) member countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) The FAA may transfer to CASA the ICAO State of Design responsibilities for TCs only for products within the scope of these Implementation Procedures. The FAA may transfer to CASA the ICAO State of Design responsibilities for STCs for any product. CASA shall not assume ICAO State of Design responsibilities for TCs or STCs that have not been found to meet CASA's certification requirements.

(c) Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each implementing authority's responsibilities in the transfer process. (See Appendix C, Paragraph C5.4(a)).

3.3.3.1 Transfer of Australian TC or STC to a Person in the United States.

(a) Upon transfer or an agreed-upon date, the FAA shall become responsible for complying with the requirements of Annex 8 to the Chicago Convention, Airworthiness of Aircraft, for affected aircraft. For TC transfers, the FAA shall notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) CASA may transfer to the FAA the ICAO State of Design

responsibilities for TCs only for products within the scope of these Implementation Procedures. CASA may transfer to FAA the ICAO State of Design responsibilities for STCs only for Australian products which are eligible for import into the United States. The FAA shall not assume ICAO State of Design responsibilities for TCs or STCs that have not been found to meet the FAA certification requirements.

(c) Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each implementing authority's responsibilities in the transfer process. (See Appendix C, Paragraph C5.4(b)).

3.3.3.2 Surrender of TC or STC. If a certificate holder elects to surrender a TC or STC issued by either the FAA or CASA as the exporting authority, the FAA or CASA shall immediately notify the other in writing of the action. The FAA and CASA, as exporting authorities, shall accomplish all actions necessary to ensure continued airworthiness of the product until such time as:

(a) The TC or STC is reissued to a new holder when that new holder demonstrates competence to fulfill the necessary obligations; or

(b) The FAA or CASA, as the exporting authority, terminates the TC or STC. Prior to termination, the exporting authority shall notify the importing authority of the pending cancellation.

3.3.3.3 Revocation or Suspension of TC or STC. In the event that CASA revokes or suspends a TC or STC of a product for which CASA is the implementing authority of the State of Design, or in the event that the FAA revokes or suspends a TC or STC of a product for which the FAA is the implementing authority of the State of Design, the FAA or CASA (as exporting authorities) shall immediately inform the importing authority in writing of the action. Upon notification, the importing authority shall conduct an investigation to determine if action is required in their country. If the revocation or suspension was "for cause" and the importing authority concurs with the exporting authority's certificate action, the importing authority shall initiate revocation or suspension of the TC or STC in their country. The importing authority may decide to assume continued airworthiness responsibilities if there is sufficient information for it to support the continued operational safety of the fleet on their registry. In this case the exporting authority shall obtain and provide type design data, as requested, to the importing authority. Final certificate action is at the sole discretion of the importing authority. The importing authority may revoke the TC or STC

issued by the importing authority if the continued airworthiness responsibilities would cause an undue burden for the importing authority.

3.3.3.4 Surrender, Withdrawal/Suspension or Termination/Cancellation of Letter of TSO or ATSO Design Approval or Parts Manufacturer Approval or Australian Parts Manufacturer Approval (APMA).

(a) Surrenders. If the holder of

(i) an FAA TSO Authorization or Letter of Design Approval ,

(ii) a CASA ATSO Authorization or Letter of Design Approval,

(iii) an FAA Parts Manufacturer Approval, or

(iv) a CASA Australian Parts Manufacturer Approval

elects to surrender the design approval, the responsible authority shall immediately notify the other authority in writing of the action. The FAA or CASA shall accomplish all actions necessary to ensure continued airworthiness of the appliance or part, until such time as the design approval is formally withdrawn.

(b) Withdrawal/Suspension or Termination/Cancellation. If a design approval is withdrawn/suspended, or terminated/cancelled, the FAA or CASA respectively, as the State of Design (exporting authorities), shall immediately notify the other in writing of the action. The exporting authority shall accomplish all actions necessary to ensure continued airworthiness of the appliance produced under its design approval. In the event of withdrawal/suspension or termination/cancellation of a design approval for noncompliance, the exporting authority shall investigate all nonconformities for corrective action and notify the importing authority of the corrective action. The exporting authority still has the responsibility for the continued airworthiness of those appliances or parts manufactured under its authority that are still in service.

SECTION IV TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

4.0 General.

(a) Upon request and after mutual agreement/arrangement, and as resources permit, the Parties may provide technical assistance to each other when significant activities are conducted in either the United States or Australia. These technical assistance activities shall help to avoid the undue burden imposed on the exporting authority in the undertaking of its regulatory surveillance and oversight functions at locations outside of the country of export. These supporting technical assistance activities shall in no way relieve the exporting authority of the responsibilities for regulatory control and airworthiness certification of products, appliances, and parts manufactured at facilities located outside the exporting country. Each Party's implementing authority shall use its own policies and procedures when providing technical assistance to the other Party's implementing authority, unless other special arrangements are mutually determined. Types of assistance may include, but are not limited to, the following:

- (1) Determination of Compliance.
 - a. Witnessing tests;
 - b. Performing compliance and conformity inspections;
 - c. Reviewing reports; and
 - d. Obtaining data.
- (2) Surveillance and Oversight.
 - a. Witnessing of first article inspection of parts;
 - b. Monitoring the controls on special processes;
 - c. Conducting sample inspections on production parts;
 - d. Monitoring the activities and functions of designees or approved organizations;
 - e. Conducting investigations of service difficulties; and
 - f. Evaluating/surveilling of production quality systems.

(b) The implementing authority of the Party in which a design approval applicant is located may request test witnessing from the implementing authority of the Party in which a design approval applicant's supplier is located, or conformity certifications for prototype parts produced by that supplier. Only authority-to-

authority requests are permissible and the Parties' implementing authorities shall not respond to a request from the manufacturer or supplier. Assistance shall be provided only after consultations between the Parties' implementing authorities on the specific work to be performed and approval has been obtained from the implementing authority of the Party in which the supplier is located. (See Appendix C, Paragraphs C6.1 and C6.2).

4.1 Airworthiness Certificates. There may be certain programs and conditions that warrant technical assistance from each Party's implementing authority for the issuance of standard airworthiness certificates so that aircraft may be placed directly into operation from the site of manufacture. The importing authority may seek assistance from the exporting authority in the final processing and delivery of an airworthiness certificate when the aircraft has completed its manufacturing cycle, and has subsequently been granted an Export Certificate of Airworthiness by the exporting authority. This may require the development of a special procedure between the exporting and importing authorities to mitigate all undue regulatory burdens.

4.2 Protection of Proprietary Data and Freedom of Information Requests.

4.2.0 Protection of Proprietary Data. Subject to their domestic laws, both Parties recognize that data submitted by a design approval holder is likely to be protected by intellectual property laws and that accordingly the release of this data is likely to be restricted. Subject to their domestic laws, both Parties recognize the need to protect the confidentiality of proprietary data obtained from either implementing authority. (See Appendix C, Paragraph C6.3).

4.2.1 United States Freedom of Information Act (FOIA) Requests. The United States' implementing authority receives requests from the public under the United States Freedom of Information Act (FOIA) (5 U.S.C. 552) to release information which it may have in its possession. Each record the FAA has in its possession is required to be disclosed under the FOIA unless a FOIA exemption applies to that record. One exemption is for trade secrets, and financial or commercial information that is confidential or privileged. Design approval holders' data may include trade secrets or other information that is confidential because release of the information would damage the competitive position of the holder or other person.

When the FAA receives a FOIA request related to a product, part, or appliance of an FAA approval holder or applicant who is located in Australia, the FAA shall request CASA's assistance in contacting the FAA approval holder or applicant to help determine what portions of that information may qualify for exemption under the criteria above and to ask the approval holder or the applicant to provide factual information justifying use of the exemption. If the approval holder or applicant consents to the release of information, CASA shall provide the approval holder's or

applicant's written consent to the FAA. If release is objected to, a statement of the reasons shall be furnished by CASA to the FAA.

4.2.2 Australian FOI Requests. Australia's implementing authority receives requests from the public under Australia's Freedom of Information Act 1982 (FOI Act) to release information which it may have in its possession. Each document CASA has in its possession, that is relevant to a request, is required to be disclosed under the FOI Act unless an exemption under the Act applies to that document. One exemption is for trade secrets and information that has a commercial value which would be diminished or destroyed if disclosed. Design approval holders' data may include trade secrets or other information that is confidential because release of the information would damage the competitive position of the holder or other person.

When CASA receives an FOI request related to a product, part or appliance of a CASA approval holder or applicant who is located in the United States, CASA shall request the FAA's assistance in contacting the CASA approval holder or applicant to help determine what, if any, portions of that information may qualify for exemption under the criteria shown above and to ask the approval holder or applicant to provide factual information justifying use of the exemption. If the approval holder or applicant consents to the release of information, the FAA shall provide the approval holder's or applicant's written consent to CASA. If there is an objection to release of information, a statement of the reasons shall be furnished by the FAA to CASA. Despite receiving such an objection CASA may still disclose a document if it is not satisfied that an exemption applies, in accordance with the FOI Act.

- 4.3 Accident/Incident and Suspected Unapproved Parts Investigation Information Requests. When either Party needs information for the investigation of service incidents, accidents, or suspected unapproved parts involving a product, part, or appliance imported under these Implementation Procedures, the request for the information shall be directed to the appropriate office of the exporting authority. In turn, upon receipt of the request for information, the exporting authority shall do everything reasonably necessary to make sure the requested information is provided in a timely manner. If urgency requires that either Party request the information directly from the manufacturer because immediate contacts cannot be made with the exporting authority, the importing authority shall inform the exporting authority of this action as soon as possible.

SECTION V SPECIAL ARRANGEMENTS

- 5.0 The Parties recognize that urgent or unique situations may develop which have not been specifically addressed in these Implementation Procedures, but which are within the scope of these Implementation Procedures. When such a situation arises, the Parties agree that it shall be reviewed by the FAA Aircraft Certification Service Director and an appropriate representative from CASA, and that a special arrangement may be developed to address the situation. The special arrangement will be mutually decided by the FAA and CASA in a separate working procedure.
- 5.1 The Parties agree that when the unique or urgent situation falls within the responsibility of an FAA Aircraft Certification Service Directorate Manager, that Manager shall be responsible for developing the necessary special arrangement with CASA.
- 5.2 The special arrangements developed by the Parties' implementing authorities are listed in Appendix D.

SECTION VI AUTHORITY

6.0 The Parties agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives done at Washington, on the *seventh* day of May two thousand and ten.

FOR THE GOVERNMENT OF
THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF
AUSTRALIA:

By: **Dorenda D. Baker**

By: **Elizabeth Ward**

Director, Aircraft Certification Service
Federal Aviation Administration

Minister-Counsellor (Trade)
Embassy of Australia
Washington, D.C.

APPENDIX A

List of Addresses for

FAA Headquarters Offices, FAA Mike Monroney Aeronautical Center,
FAA Aircraft Certification Service Directorates, FAA Manufacturing Inspection Offices,
FAA Aircraft Certification Offices,
and
CASA / Infrastructure Offices

POINTS OF CONTACT.

The designated offices for the technical implementation of these Implementation Procedures are:

For the FAA:

Aircraft Certification Service
International Policy Office (AIR-40)
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
USA
Telephone: 1-202-385-8940
Fax: 1-202-493-5144

For CASA:

Airworthiness and Engineering Branch
Civil Aviation Safety Authority
16 Furzer St
Phillip ACT 2606
Australia
Telephone: 61-2-6217 1577
Fax: 61-2-6217 1914

The designated offices for administrative coordination of these Implementation Procedures are:

For the FAA:

Assistant Administrator for International
Aviation (API-1)
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591
USA
Telephone: 1-202-385-8857
Fax: 1-202-267-5032

For CASA:

Corporate Relations and Strategy Branch
Civil Aviation Safety Authority
16 Furzer St
Phillip ACT 2601
Australia
Telephone: 61-2-6217 1010
Fax: 61-2-6217 1209

FAA Headquarters - Aircraft Certification Service

Mailing Address

International Policy Office

AIR-40
Room 600W
c/o Wilbur Wright Office Building
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-385-8940

Fax: 1-202-493-5144

Office Address

International Policy Office

AIR-40, Room 600W
600 Independence Avenue, SW
Washington, DC 20202

Aircraft Engineering Division

AIR-100
950 L'enfant Plaza SW, 5th Floor
Washington, DC 200024

Telephone: 1-202-385-6348

Fax: 1-202-385-6475

Production & Airworthiness Division

AIR-200
950 L'enfant Plaza SW, 5th Floor
Washington, DC 200024

Telephone: 1-202-385-6346

Fax: 1-202-483-6475

FAA Headquarters - Environmental Policy and Regulations

Office of Environment and Energy

AEE-1
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-3576

Fax: 1-202-267-5594

FAA Mike Monroney Aeronautical Center - Contact Point for FAA Airworthiness

Directives

Mailing Address:

Delegation & Airworthiness Programs
Branch
AIR-140
P.O. Box 26460
Oklahoma City, OK 73125

Telephone: 405-954-4776
Fax: 405-954-2209

Office Address:

Delegation & Airworthiness Programs
Branch
AIR-140
ARB, Room 304
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169

FAA Aircraft Certification Service Directorates

Engine and Propeller Directorate

ANE-100

Regulatory and policy responsibility for all aircraft engines, propellers, and auxiliary power units.

12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7100
Fax: 1-781-238-7199

Rotorcraft Directorate

ASW-100

Regulatory and policy responsibility for normal and transport category rotorcraft.

2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5100
Fax: 1-817-222-5959

FAA Aircraft Certification Service Directorates (continued)

Small Airplane Directorate

ACE-100

Regulatory and policy responsibility for:

1. Airplanes weighing less than 12,500 pounds and having passenger configurations of 9 seats or less,
2. Commuter airplanes weighing 19,000 pounds or less, with passenger configurations of 19 seats or less, and
3. Gliders, airships, and hot air balloons.

DOT Building, 901 Locust
Room 301
Kansas City, MO 64106-2641

Telephone: 1-816-329-4100
Fax: 1-816-329-4106

Transport Airplane Directorate

ANM-100

Regulatory and policy responsibility for all transport category airplanes.

1601 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-227-2100
Fax: 1-425-227-1100

FAA Manufacturing Inspection Offices

Engine and Propeller Directorate Manufacturing Inspection Office

For the States of: Connecticut, Delaware, Maine, Maryland, Massachusetts,
New Hampshire, New Jersey, New York, Pennsylvania,
Rhode Island, Vermont, Virginia, and West Virginia.

ANE-180
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7180
Fax: 1-781-238-7199

FAA Manufacturing Inspection Offices (continued)

Rotorcraft Directorate Manufacturing Inspection Office

For the States of: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

ASW-180
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-817-222-5180
Fax: 1-817-222-5962

Small Airplane Directorate Manufacturing Inspection Office

For the States of: Alabama, Alaska, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, and Wisconsin.

DOT Building,
901 Locust
Room 301
Kansas City, MO 64106-2641
Telephone: 1-816-329-4181
Fax: 1-816-329-4157

Transport Airplane Directorate Manufacturing Inspection Office

For the States of: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

ANM-108
1601 Lind Avenue, SW
Renton, WA 98055-4056
Telephone: 1-425-227-2108
Fax: 1-425-227-1100

FAA Aircraft Certification Offices (ACOs)

Boston Aircraft Certification Office

ANE-150
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7150
Fax: 1-781-238-7199

New York Aircraft Certification Office

ANE-170
1600 Stewart Avenue
Suite 410
Westbury, NY 11590

Telephone: 1-516-228-7300
Fax: 1-516-794-5531

Chicago Aircraft Certification Office

ACE-115C
2300 East Devon Avenue
Room 323
Des Plaines, IL 60018

Telephone: 1-847-294-7357
Fax: 1-847-294-7834

Anchorage Aircraft Certification Office

ACE-115N
222 West 8th Avenue,
Anchorage, AK 99513

Telephone: 1-907-271-2669
Fax: 1-907-271-6365

Denver Aircraft Certification Office

ANM-100D
Technical Operations Center (TOC)
26805 E. 68th Avenue, Room 214
Denver, CO 80249

Telephone: 1-303-342-1080
Fax: 1-303-342-1088

Boston Engine Certification Office

ANE-140
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7140
Fax: 1-781-238-7199

Atlanta Aircraft Certification Office

ACE-115A
1701 Columbia Ave
College Park, GA 30337

Telephone: 1-404-474-5500
Fax: 1-404-474-5606

Wichita Aircraft Certification Office

ACE-115W
1801 Airport Road
Room 100, Mid-Continent Airport
Wichita, KS 67209

Telephone: 1-316-946-4106
Fax: 1-316-946-4407

Seattle Aircraft Certification Office

ANM-100S
1601 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-917-6400
Fax: 1-425-917-6590

Los Angeles Aircraft Certification Office

ANM-100L
3960 Paramount Blvd.
Lakewood, CA 90712

Telephone: 1-562-627-5200
Fax: 1-562-627-5210

FAA Aircraft Certification Offices (continued)

Fort Worth Airplane Certification Office

ASW-150
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-817-222-5150
Fax: 1-817-222-5960

Fort Worth Rotorcraft Certification Office

ASW-170
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-817-222-5170
Fax: 1-817-222-5960

Fort Worth Special Certification Office

ASW-190
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-817-222-5190
Fax: 1-817-222-5785

CASA Offices

Website: www.casa.gov.au

Administration and Coordination

Corporate Relations and Strategy Branch

Telephone: 61-2-6217 1010

Fax: 61-2-6217 1209

Civil Aviation Safety Authority
16 Furzer St
Phillip ACT 2606
Australia

Aircraft Certification

Airworthiness and Engineering Branch

Civil Aviation Safety Authority

GPO Box 2005
Canberra ACT 2601
Australia

Telephone: 61-2-6217 1577

Fax: 61-2-6217 1914

Department of Infrastructure, Transport, Regional Development and Local Government

Aviation Environment Branch

Aviation and Airports Division

Department of Infrastructure, Transport, Regional Development and Local Government

GPO Box 594
Canberra ACT 2601
Australia

Telephone: 61-2-6274 8087

Fax: 61-2-6274 7804

APPENDIX B

List of Referenced Documents

FAA Referenced Documents

1. Code of Federal Regulations, Title 14, parts 21-36, 39, 43, 45, 91, and 183
2. FAA Advisory Circular 21-23, Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported into the United States
3. FAA Order 8110.4, Type Certification
4. FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products
5. FAA Order 8130.21, Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag
6. FAA Advisory Circular 21-2, Export Airworthiness Approval Procedures
7. Annex 8 to the Chicago Convention, Airworthiness of Aircraft
8. FAA Order 8120.2, Production Approval and Certificate Management Procedures
9. FAA Order 8100.7, Aircraft Certification Systems Evaluation Program
10. FAA Advisory Circular 21-20, Supplier Surveillance Procedures
11. Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag
12. FAA Form 8130-4, Export Certificate of Airworthiness
13. FAA Form 8120-10, Request for Conformity
14. FAA Order 8110.52, Type Validation and Post-Type Validation Procedures
15. FAA Order 8110.42, *Parts Manufacturer Approval*

APPENDIX B

List of Referenced Documents

CASA Referenced Documents

1. *Freedom of Information Act 1982*
2. Air Navigation (Aircraft Noise) Regulations 1984
3. Air Navigation (Fuel Spillage) Regulations 1999
4. Air Navigation (Aircraft Engine Emissions) Regulations
5. Civil Aviation Regulations 1988
6. Civil Aviation Safety Regulations 1998, Parts 21, 22, 23 25, 26, 27, 29, 31, 32, 33, and 35
7. CASA's Type Certification Procedures Manual
8. CASA's Surveillance Procedures Manual
9. Annex 8 to the Chicago Convention, Airworthiness of Aircraft
10. Annex 13 to the Chicago Convention, Aircraft Accident and Incident Investigation
11. CASA Form 917, Authorized Release Certificate
12. CASA Form 979, Statement of Compliance with the Civil Aviation Regulations
13. CASA Form 723, Export Certificate of Airworthiness
14. CASA Advisory Circular 21-17 Export Airworthiness Approvals
15. CASA Advisory Circular 21-22 Approval of Imported Engines, Propellers, Materials, Parts and Appliances
16. CASA Advisory Circular 21-30 Type Acceptance Certificates for Imported Aircraft
17. CASA Advisory Circular 21-16 *Australian Parts Manufacturer Approval (APMA)*
18. Production Approval Procedures Manual

19. Surveillance Procedures for CASR Part 21

APPENDIX C

Supplemental Administrative Instructions

This Appendix provides supplemental administrative instructions to the Implementation Procedures for Airworthiness.

C1 GENERAL (Reference Section I, paragraph 1.2.1).

C1.1 Designee Activities

Unless otherwise agreed for specific projects, the FAA or CASA will not routinely notify the other of designees or representatives of delegated organizations traveling to the United States or to Australia to make findings of compliance and/or to perform conformity inspections

FAA and CASA understand that there may be occasional situations where either may interact directly with an individual designee or representative of a delegated organization of the other Party. In such cases it is the responsibility of the initiator of the contact to notify the other as soon as possible. Any such direct communication between FAA or CASA and the other's designees or organizational representatives should be limited to information exchange. The FAA and CASA will consult with one another on significant validation program decisions.

C2 DESIGN APPROVAL SUPPLEMENTAL INSTRUCTIONS

C2.1 General. (Reference Section III, Paragraph. 3.0.0).

(a) The validation process used by the FAA to facilitate type approval and importation of an aeronautical product from Australia is conducted in accordance with FAA Order 8110.52. The validation process is initiated by an application and entails a familiarization briefing by the applicant, the establishment of the certification basis by the FAA, a technical information exchange in the form of data, specialist meetings on technical compliance, and/or the development of issue papers, establishment of the scope of delegation to CASA, compliance determinations, and finally, the issuance of the design approval. The design approval issued by the FAA is based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance certifications made by CASA.

(b) The FAA is able to make findings of compliance, without further showing, based upon statements of compliance by CASA. Since CASA needs to understand the FAA's position on all the items for which CASA will be making determinations of compliance, both authorities will ensure that they communicate adequately on these items. Both authorities will discuss certification/validation issues before meeting together with the applicant. Also, the FAA will seek CASA's opinions before significant

issues are resolved and, accordingly, may postpone a meeting with the applicant to discuss and resolve technical issues until CASA is adequately represented.

(c) The acceptance process used by CASA to facilitate type acceptance and the importation of aircraft on the basis of a Type Certificate issued by the FAA is conducted in accordance with CASR 21.29A, 21.29B and 21.29C and is outlined in CASA's Type Certification Procedures Manual and Advisory Circular 21-30 Type Acceptance Certificates for Imported Aircraft.

(d) The FAA and CASA recognize that direct communications between the importing authority and the applicant are sometimes necessary. Direct communications should be limited to technical questions regarding the product (familiarization). The original certifying implementing authority should be informed on the outcome from these discussions. Close cooperation between the importing and the exporting authorities is necessary to provide for effective management of the validation or acceptance process and for the most cost effective utilization of resources.

C2.2 Supplemental Instructions for United States Type Certificates. (Reference Section III, Paragraph. 3.0.1).

(a) Application for United States Type Certificate. If the application is for a category of product or which is of a level of complexity that has not been previously certificated by CASA, the FAA may increase the scope of its validation program. CASA will notify the FAA as soon as it becomes aware of this type of pending application, so that the FAA may plan for the additional resources required.

(b) Familiarization Meeting.

(1) CASA will arrange a familiarization meeting between the FAA, CASA, and the applicant to discuss the validation process, the approved or proposed domestic (Australian) certification basis, and all novel or unusual features of the product.

(2) At this meeting the FAA will work to establish the United States type certification basis and the means of compliance for the product under application by determining the United States airworthiness and environmental standards that would be applied to a similar product if it were to be produced in the United States. The extent to which these activities are accomplished at the meeting will depend on the FAA's familiarity with the product and applicant, the applicant's familiarity with the FAA's process and, in general, the overall preparedness of all parties.

(3) For simple projects or less complex products, technical familiarization may be streamlined if jointly determined by both the FAA and CASA.

(c) Establishment of Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The FAA and CASA will mutually determine a plan to ensure adequate compliance finding capability. The FAA will notify CASA of its Project Manager.

(d) Establishment of Type Certification Basis.

(1) In general, the FAA may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in the United States as a result of service history and actions taken by CASA to correct unsafe conditions.

(2) The FAA will review all novel and unusual design features for development of special conditions. The FAA will work closely with CASA in the development of special conditions and exemptions providing CASA and the applicant an opportunity to comment on the proposal.

(e) Data Submittal and Review. In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the FAA may make written requests for data to CASA. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) will be required to be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

(f) Technical Meetings.

(1) In addition to the initial familiarization meeting, other technical meetings may be necessary to assure that any additional technical conditions that have been communicated to CASA are well understood, and that any outstanding technical issues are resolved. These meetings should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through CASA and will normally have both implementing authorities' representatives in attendance.

(2) Early in the program, based on the known design and information presented in the familiarization and technical meetings, the FAA will identify the areas in which further FAA activity will be required (e.g.,

required data, certification plans, reports, tests and test witnessing, areas of concern or special emphasis). The anticipated level of activity by the FAA will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or subsequent design changes are made.

(3) CASA will keep the FAA informed of the progress of its domestic type certification program on a regular basis. CASA should notify the FAA Project Manager as soon as possible of all additional novel or unusual design features, and all other design features that might cause or have caused CASA to develop a special condition or to make an equivalent level of safety finding.

(g) Issue Papers.

(1) The FAA will prepare issue papers which identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent level of safety findings, and special conditions. However, when the FAA's and CASA's positions are equivalent, CASA's issue papers may be used directly by the FAA in lieu of an FAA issue paper. Nevertheless, the FAA will process its own issue papers which address equivalent levels of safety or special conditions.

(2) The FAA will coordinate all issue papers and changes to issue papers with CASA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

(h) Environmental Testing and Approval Process. (Reference Section III, Paragraph 3.0.1.3). The typical process for environmental testing and approvals in the United States includes the following:

(1) Environmental (noise, fuel venting, and exhaust emissions) certification compliance demonstration plans will be submitted to the FAA for review, comment, and subsequent approval prior to undertaking certification testing.

(2) Information and data will be supplied to the FAA in order to conduct a finding in accordance with the Noise Control Act of 1972 (42 U.S.C. 4901-4918 and 49 U.S.C. 44715(a)(3)). The FAA, before issuing an original Type Certificate for an aircraft of any category, will assess the extent of noise abatement technology incorporated into the type design and determine whether additional noise reduction is achievable. This examination will be initiated as soon as possible after the application for type certification in each original type certification project and reflect noise reduction potentials that become evident during the design and certification process.

(3) Information and data will be supplied to the FAA in order to conduct an evaluation of the measurement and analysis methods and practices, and data correction procedures of the applicant for aircraft noise certification under 14 CFR part 36, Subpart B and/or Subpart H.

(4) Compliance demonstration aircraft noise test plans and engine exhaust emissions test plans to be used for demonstrating United States environmental certification compliance will be submitted to the FAA for review and comment, and subsequent approval not less than 90 days prior to commencing testing.

(5) Proposed equivalent procedures to be used by the applicant during testing, data processing, data reduction, and data analysis will be specifically identified to the FAA and approved in advance by the FAA as part of items (1) and (4) above.

(6) Compliance demonstration tests will be witnessed by FAA personnel, or FAA designated engineering representatives. Prior to the start of testing it is necessary to assure the conformity of the test article (aircraft or engine configuration) to that identified in the FAA -approved compliance demonstration test plans.

(7) Compliance demonstration reports will be submitted to the FAA for review and comment and subsequent approval prior to type certification approval.

(i) Evaluation of Operational and Maintenance Aspects. The FAA has established Aircraft Evaluation Groups (AEG), located at the product-accountable Directorates. The AEG are responsible for the operational and maintenance aspects of the type certification process. The AEG will be invited to participate in the familiarization meeting by the FAA Project Manager, and will generate issue papers as appropriate to the type design. Compliance with AEG requirements is not necessary at the time of the issuance of the United States Type Certificate, but to avoid operational suitability problems, applicants will be encouraged to complete AEG requirements early in the project.

C2.3 Supplemental Application Instructions for United States Supplemental Type Certificates. (Reference Section III, Paragraph 3.0.3).

(a) The STC process is described in FAA Order 8110.4, Type Certification. The FAA will issue an STC when compliance with the applicable United States airworthiness requirements has been verified and a compliance statement has been made by CASA.

(b) CASA will send the STC application and required information to the FAA Office responsible for the FAA Type Certificate of the product.

Appendix A to the Implementation Procedures for Airworthiness contains a list of addresses for FAA Offices.

C2.4 Supplemental Application Instructions for FAA Letters of TSO Design Approval. (Reference Section III, Paragraph 3.0.5). CASA should forward applications for letters of TSO design approval to the FAA Los Angeles ACO at the address indicated in Appendix A to the Implementation Procedures for Airworthiness.

C2.5 Supplemental Application Instructions for CASA Letters of ATSO Approval. (Reference Section III, Paragraph 3.0.6). The FAA ACO should forward applications for CASA Letters of ATSO Approval to the CASA Airworthiness and Engineering Branch at the address indicated in Appendix A to the Implementation Procedures for Airworthiness.

C2.6 A listing and details of ATSOs are available on CASA's website at www.casa.gov.au.

C3 SUPPLEMENTAL INFORMATION ON PRODUCTION AND SURVEILLANCE ACTIVITIES

C3.1 Surveillance of Production Approval Holders. (Reference Section III, Paragraph 3.1.1).

(a) FAA production approval and supplier surveillance programs are described in FAA Order 8120.2, Production Approval and Certificate Management Procedures, Advisory Circular 21-20, Supplier Surveillance Procedures, and FAA Order 8100.7, Aircraft Certification Systems Evaluation Program.

(b) CASA production approval and supplier surveillance programs are described in CASA's Surveillance Procedures for CASR Part 21- Production Approval holders and Authorised Persons.

C3.2 Supplier Surveillance - Outside the Exporting Country. (Reference Section III, Paragraph 3.1.4).

(a) The FAA or CASA may seek assistance from a third country civil airworthiness authority at the supplier's location in the undertaking of FAA or CASA regulatory surveillance and oversight functions of suppliers to production approval holders of the exporting country. This should only be done when an arrangement for technical assistance has been formalized between the FAA or CASA and the civil airworthiness authority of the third country.

(b) The production approval holder will not be allowed to use a supplier in a country where the implementing authority of the production approval holder is denied unimpeded access, by either the supplier or the supplier's civil airworthiness authority, to the supplier's facility to perform surveillance activities. The production approval holder will also not be allowed to use a supplier located in a country if that country denies entry to the implementing authority of the production approval holder.

C4 SUPPLEMENTAL INSTRUCTIONS ON EXPORT AIRWORTHINESS APPROVALS

C4.1 General. (Reference Section III, Paragraph 3.2.0).

(a) For the FAA, Export Certificates of Airworthiness (FAA Form 8130-4) are issued for completed aircraft, aircraft engines, and propellers. Authorized Release Certificates (Airworthiness Approval Tags, FAA Form 8130-3) are issued by the FAA for appliances and parts. For CASA, Export Certificates of Airworthiness (CASA Form 723) are issued for completed aircraft. Authorized Release Certificates (CASA Form 917) are issued for aircraft engines, propellers, new parts (including modification and/or replacement parts), and appliances.

(b) When a used aircraft produced in the United States or Australia is to be imported into the other country from a third country, the implementing authority of the country of manufacture will, upon request, assist the importing authority in obtaining information regarding the configuration of the aircraft at the time it left the manufacturer. The FAA and CASA will also provide, upon request, information regarding subsequent installations on the aircraft that have been approved by either the FAA or CASA as the exporting authority. (Reference Section III, Paragraphs 3.2.1.4, 3.2.1.5, 3.2.2.3, 3.2.2.4, and 3.2.2.5).

C4.2 Supplemental Instructions for FAA Acceptance of CASA Export Certificates of Airworthiness and Authorized Release Certificates. (Reference Section III, Paragraph 3.2.1).

(a) The FAA's requirements and procedures for import are described in 14 CFR part 21, FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products, and Advisory Circular 21-23, Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States.

(b) CASA's process for issuing export certificates is described in CASR Part 21, Subpart L, Certificates of Airworthiness and Special Flight Permits Manual, and Advisory Circular 21-17, Export Airworthiness Approvals.

(c) New Aircraft. (Reference Section III Paragraph 3.2.1.0(b)). The appropriate documentation will contain the following statement: “The [INSERT AIRCRAFT MODEL] covered by this certificate conforms to the type design approved under United States Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation,” and/or any other “import requirements” text as specified in the United States Type Certificate Data Sheet.

(d) New Engines and Propellers. (Reference Section III Paragraph 3.2.1.1(b)). The appropriate documentation will contain the following statement: “The [INSERT ENGINE/PROPELLER MODEL as appropriate] covered by this certificate conforms to the type design approved under United States Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation and has undergone a final operational check,” and/or any other “import requirements” text as specified in the FAA Type Certificate Data Sheet.

(e) Used Aircraft for Which a Design Approval Has Been Granted by the FAA. (Reference Section III Paragraph 3.2.1.4). The FAA may request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness issued by CASA; records which verify that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program. The appropriate export documentation will contain the statement in paragraph C4.2(c) above.

(f) Notification of Exceptions on Export Documents. (Reference Section III Paragraph 3.2.1.5). CASA should notify the FAA’s geographic-responsible Manufacturing Inspection Office (MIO). Addresses for all FAA MIOs are listed in Appendix A to the Implementation Procedures for Airworthiness.

C4.3 Supplemental Instructions for CASA Acceptance of FAA Export Certificates of Airworthiness and Authorized Release Certificates. (Reference Section III Paragraph 3.2.2).

(a) CASA’s requirements and procedures for import are described in CASR Part 21, the Type Certification Procedures Manual, Advisory Circular 21-22, Approval of Imported Engines, Propellers, Materials, Parts and Appliances, Advisory Circular 21-30, Type Acceptance Certificates for Imported Aircraft.

(b) The FAA's process for issuing export certificates is described in 14 CFR part 21 and FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products, FAA Order 8130.21, Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag, and FAA Advisory Circular 21-2, Export Airworthiness Approval Procedures.

(c) New Aircraft, Aircraft Engines, and Propellers. (Reference Section III, Paragraph 3.2.2.0(b)).

(1) For aircraft, the appropriate documentation will contain the following statement: "The [INSERT MODEL] covered by the certificate conforms to the type design approved under FAA Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation."

(2) For aircraft engines and propellers, the appropriate documentation will contain the following statement: "The [INSERT AIRCRAFT ENGINE OR PROPELLER] covered by this certificate conforms to the type design approved under FAA Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], is found to be in a condition for safe operation and has undergone a final operational check."

(d) Used Aircraft for Which a Design Approval Has Been Granted by CASA, or for Which CASA has Issued a Type Acceptance Certificate. (Reference Section III, Paragraph 3.2.2.3 and 3.2.2.4). CASA may request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness issued by the FAA; verifying records which ensure that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program. The appropriate export documentation will contain the statement in paragraph C4.3(c)(1) above.

C5 SUPPLEMENTAL POST DESIGN APPROVAL INSTRUCTIONS

C5.1 SUPPLEMENTAL INSTRUCTIONS REGARDING CONTINUED AIRWORTHINESS

(a) Supplemental Instructions for Reporting of Malfunctions, Failures, and Defects (MF&D). (Reference Section III Paragraph 3.3.0.1).

(1) Upon request, the implementing authority of each country will provide the following information for the products, parts, and appliances exported to the other country:

- (i) Reports of MF&D and accidents/incidents;
- (ii) Status of investigations into MF&D and accidents/incidents;
- (iii) Copies of conclusions reached in its investigation into MF&D; and
- (iv) Copies of conclusions reached in investigations into accidents/incidents in accordance with Annex 13 to the Chicago Convention.

(2) The FAA and CASA, as importing authorities, jointly determine to perform the following functions:

- (i) Advising the exporting authority of MF&D and accidents/incidents which are believed to be potentially unsafe conditions occurring on the products and appliances which are imported from the country of the exporting authority.
- (ii) Supporting the exporting authority in investigations of unsafe conditions and their occurrences on the imported aircraft.
- (iii) Advising the exporting authority, if as a result of investigations made by the importing authority into MF&D and accidents/incidents, it has determined that it will make corrective actions mandatory.

(3) Copies of United States MF&D reports are available from the FAA Mike Monroney Aeronautical Center, Delegation and Airworthiness Programs Branch, AIR-140. Copies of United States MF&D reports are also available on the Mike Monroney Aeronautical Center Internet web site at <http://av-info.faa.gov/sdrx>. Copies of Australian MF&D reports are available from the Airworthiness and Engineering Branch(See Appendix A to the Implementation Procedures for Airworthiness).

(b) Unsafe Condition and Mandatory Continuing Airworthiness Actions. (Reference Section III Par 3.3.0.2).

(1) Each country's implementing authority, the FAA (under 14 CFR part 39) and CASA (under CASR Part 39) will perform the following functions

for the products, appliances, and parts for which it is the State of Design (exporting authority):

- (i) Ensuring the mandatory continuing airworthiness action includes the following:
 - a. Make, model, and serial numbers of affected aircraft, aircraft engines, propellers, appliances, and parts;
 - b. Description of the unsafe condition, reasons for the mandatory action, and its impact on the overall aircraft and continued operation;
 - c. Description of the cause of the unsafe condition (e.g., stress corrosion, fatigue, design problem, quality control, unapproved part);
 - d. The means by which the unsafe condition was detected and, if resulting from in-service experience, the number of occurrences; and
 - e. Corrective actions and corresponding compliance times, with a list of the relevant manufacturer's service information including reference number, revision number and date.
- (ii) Ensuring that the following information is provided to the other implementing authority as part of the mandatory continuing airworthiness action or directly from the approval holder:
 - a. An estimate of the number of aircraft world-wide needing corrective action;
 - b. A statement on the availability of parts; and
 - c. An estimate of the number of labor hours and the cost of parts required for the corrective actions.
- (iii) Issuing a revised or superseding mandatory continuing airworthiness action whenever the exporting authority finds any previously issued mandatory continuing airworthiness action was incomplete or inadequate to fully correct the unsafe condition.
- (iv) Notifying the importing authority of the unsafe condition and the necessary corrective actions by submitting a copy of the mandatory continuing airworthiness action at the time of

publication to the appropriate address. Additionally, for Australian products, CASA should arrange for copies of all relevant service bulletins referenced in the mandatory action, as well as other supporting documentation, to be forwarded to the appropriate focal point in the product-responsible FAA Directorate as listed in Appendix A to the Implementation Procedures for Airworthiness.

- (v) In the case of emergency airworthiness information, the exporting authority should ensure special handling so that the importing authority is notified immediately.
- (vi) Advising and assisting the importing authority in defining the appropriate actions for the importing authority to take in the issuance of its own mandatory continuing airworthiness action.
- (vii) Providing sufficient information to the importing authority for its use in making determinations as to the acceptability of alternative means of compliance to mandatory continuing airworthiness actions.

(2) The countries' implementing authorities may disagree as to the finding of an unsafe condition. In that case, the importing authority will consult with the implementing authority of the State of Design (exporting authority) prior to issuing its own airworthiness directive. CASA's coordination should be with the FAA Product Directorate if a decision to pursue a unilateral airworthiness directive is made.

(3) Each country's importing authority will respond quickly to the issuance of a mandatory continuing airworthiness action by the exporting authority in deciding whether to issue its own similar mandatory continuing airworthiness action addressing all unsafe conditions on affected products or appliances certified, approved or otherwise accepted by the importing authority.

C5.2 SUPPLEMENTAL INSTRUCTIONS REGARDING POST DESIGN APPROVAL DESIGN CHANGES (Ref Section III Paragraph 3.3.1).

(a) Procedures for Changes to a United States Type Certificate.

(1) CASA will notify the FAA whenever the certification basis of a proposed change includes a requirement where the FAA may exercise discretion in making the finding. This includes findings of equivalent level of safety, additional technical conditions, special conditions, and other requirements where the FAA exercises its judgment in making the finding.

(2) Major changes to a type certificated design for products identified in Section II paragraph 2.1.2 of the Implementation Procedures for Airworthiness which are not great enough to require new application for a TC may also be approved through the issuance of a United States STC. Procedures for the issuance of a United States STC are found in Section III paragraph 3.0.3 of the Implementation Procedures for Airworthiness.

(3) Minor design changes made by the TC holder will be considered approved by the FAA upon approval by CASA under its normal procedures.

(4) As specified in 14 CFR § 21.93, for the purpose of complying with 14 CFR part 34, each voluntary change in the type design of an airplane or engine that may increase fuel venting or exhaust emissions is an “emissions change,” requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR part 36, each voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an “acoustical change”, requiring further demonstration of compliance.

(b) Procedures for Changes to an Australian Type Acceptance Certificate (TAC). The TAC references to the FAA Type Certificate, Type Certificate Data Sheet, and any changes, other than the addition of a new model, to these documents automatically form part of the TAC.

(c) Procedures for Changes to a Supplemental Type Certificate. As CASA automatically accepts FAA STCs without issuing a corresponding CASA document, it follows that changes to FAA STCs are also accepted. Where unique situations may occur, the FAA will consult with CASA on the specific process to be applied.

(d) Procedures for Changes to a Flight Manual. The FAA and CASA may delegate the review and signature of revisions to flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. Minor revisions will be reviewed by the exporting authority on behalf of the importing authority, and the exporting authority will ensure that the data meets the importing authority’s requirements. Significant revisions will be submitted to the importing authority for review and acceptance before any signature on behalf of the importing authority. For an individual certification project, the exporting authority should consult with the importing authority when it decides which revisions are significant and which are minor.

(e) FAA Noise and Emissions Requirements for Changes to a Type Design (TC/STC) by Any Person. For the purpose of complying with 14 CFR part 34, each voluntary change in the type design of an airplane or engine that may increase fuel venting or exhaust emissions is an

“emissions change,” requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR part 36, each voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an “acoustical change,” requiring further demonstration of compliance. The FAA retains all findings of acoustical or emissions changes under 14 CFR § 21.93(b) and (c).

C5.3 SUPPLEMENTAL INSTRUCTIONS RELATED TO APPROVAL OF DESIGN DATA USED TO SUPPORT REPAIRS (Reference Section III Paragraph 3.3.2).

(a) FAA as Exporting Authority.

(1) Design data used in support of major repairs are approved in accordance with FAA Order 8110.4, Type Certification Process, and FAA Order 8110.37, Designated Engineering Representative (DER) Guidance Handbook. Minor repairs are made in accordance with “acceptable” data, in accordance with 14 CFR part 43.

(2) FAA-approved design data used in support of major repairs are supplied on FAA Form 8110-3, 8100-9, or FAA Form 337.

(b) CASA as Exporting Authority.

(1) Design data used in support of repairs are approved in accordance with Civil Aviation Order (CAO) 100.6 by CASA, or by individuals with a design approval authorization (CAR35), acting within an approved organization (CAR30).

(2) When exporting a used transport category airplane where the United States is the State of Design, CASA will provide the following certifying statement along with the airplane maintenance records:

“The data identified in this document have been examined and were approved under the authority of the Civil Aviation Safety Authority of Australia. Additional maintenance requirements that must be incorporated into the aircraft maintenance program are identified within the approved data.”

C5.4 SUPPLEMENTAL INSTRUCTIONS FOR ADMINISTRATION OF DESIGN APPROVALS

(a) Transfer of a United States TC or STC to a Person Located in Australia. (Reference Section III, Paragraph 3.3.3.0).

(1) Upon notification of a transfer by a United States TC or STC holder to a person in Australia, the FAA office that issued the TC or STC will

notify CASA and establish procedures to transfer the ICAO State of Design responsibilities for the TC or STC to CASA.

(2) If a corresponding CASA TC already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on that CASA TC. For any FAA-certificated model not listed on the CASA TC, the FAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable CASA certification requirements. As appropriate, this support would include a statement of compliance from the FAA that the model meets CASA's certification requirements. Upon acceptance, CASA will place the additional model on the CASA TC.

(3) If a corresponding CASA STC already exists for the changed product, the transfer will apply to the model listed on that CASA STC.

(4) If the transferee of the TC or STC applies for a CASA TC or STC, the FAA will provide support to establish acceptance of the FAA TC or STC as showing compliance to the applicable certification requirements of CASA. As appropriate, this support would include a statement of compliance from the FAA that the product meets CASA's certification requirements. Upon acceptance, CASA will issue the CASA TC or STC, as appropriate.

(5) The transfer of the ICAO State of Design responsibilities for the TC or STC to CASA is considered complete when CASA confirms that all necessary data has been transferred to the new holder, and the new holder is able to perform the responsibilities required of a TC or STC holder.

(6) The FAA will reissue a TC or STC in the name of the transferee after the CASA TC or STC issuance, unless the new holder does not wish to maintain FAA approval. Also, for STCs, the FAA will only reissue the STC when it is for an Australian product that is eligible for import into Australia. If the transferee does not wish to maintain FAA approval, the FAA will not reissue the TC or STC.

(7) For TC transfers, if the transferee does not hold and does not apply for a CASA TC, or if the transferee's CASA TC covers only some models covered by the FAA TC and the transferee does not apply for an additional approval, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to CASA. The FAA will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on the FAA.

(8) For STC transfers, if CASA has not issued the corresponding TC for the product being changed, or if the transferee does not hold and does

not apply for a CASA STC for the same design change, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to CASA. The FAA will continue to fulfill ICAO State of Design responsibilities for the STC only as long as an undue burden is not placed on the FAA.

(b) Transfer of a CASA TC or STC to a Person Located in the United States. (Reference Section III, Paragraph 3.3.3.1).

(1) Upon notification of a transfer by an Australian TC or STC holder to a person in the United States, CASA will notify the FAA Office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibilities for the TC or STC to the FAA.

(2) If a corresponding United States TC already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on the United States TC. For any CASA certificated model not listed on the FAA TC, CASA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable FAA certification requirements. As appropriate, this support would include a statement of compliance from CASA that the model meets the United States certification requirements. Upon acceptance the FAA will place the additional model on the FAA TC.

(3) If a corresponding United States STC already exists for the changed product, the transfer will apply to the model listed on that FAA STC.

(4) If the transferee of the TC or STC applies for an FAA TC or STC, CASA will provide support to establish acceptance of the CASA TC or STC as showing compliance to the applicable certification requirements of the FAA. As appropriate, this support would include a statement of compliance from CASA that the product meets the FAA's certification requirements. Upon acceptance the FAA will issue the FAA TC or STC, as appropriate.

(5) The transfer of the ICAO State of Design responsibilities for the TC or STC to the FAA is considered complete when the FAA confirms that all necessary data has been transferred to the new holder, and the new holder is able to perform the responsibilities required of a TC or STC holder.

(6) CASA will reissue a TC or STC in the name of the transferee after the FAA TC or STC issuance, unless the new holder does not wish to maintain CASA approval.

(7) For TC transfers, if the transferee does not hold and does not apply for an FAA TC, or if the transferee's FAA TC covers only some models covered by the CASA TC and the transferee does not apply for an additional approval, CASA will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. CASA will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on CASA.

(8) For STC transfers, if the FAA has not issued the corresponding TC for the product being changed, or if the transferee does not hold and does not apply for a United States STC for the same design change, CASA will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. CASA will continue to fulfill ICAO State of Design responsibilities for the STC only as long as an undue burden is not placed on CASA.

C6 TECHNICAL ASSISTANCE REQUESTS BETWEEN AUTHORITIES

C6.1 Witnessing of Tests During Design Approval. (Reference Section IV, paragraph 4.0(b)).

(a) The implementing authority of the country in which the design approval applicant is located will make the written request for witnessing of tests.

(b) Approval of the applicant's test plans, test procedures, test specimens, and hardware configuration remains the responsibility of the implementing authority of the country in which the design approval applicant is located. The applicant will be required to establish the conformity of each test article prior to the conduct of the test.

(c) Requests for witnessing of tests will be specific enough to provide for identification of the location, timing, and nature of the test to be witnessed. The requesting implementing authority will provide an approved test plan at least two weeks prior to each scheduled test.

(d) CASA requests for witnessing of tests will be sent to the appropriate FAA ACO. For tests associated with a current CASA or FAA validation program, the requests will be sent to the FAA ACO responsible for the United States applicant. For tests associated with an Australian certification program only, the requests will be sent to the FAA ACO which has geographic responsibility for the location where the tests will take place. FAA ACOs are listed in Appendix A to the Implementation Procedures for Airworthiness. CASA's requests will be sent by letter or facsimile. The FAA requests for witnessing of tests will be sent by letter or facsimile to the appropriate CASA address, as listed in Appendix A to the Implementation Procedures for Airworthiness.

(e) Upon completion of test witnessing on behalf of the requesting implementing authority, the implementing authority that receives the request will send a report stating that the test was conducted in accordance with approved test plans and confirming the test results, as well as any other documentation as notified by the requesting implementing authority.

C6.2 Conformity Inspections During Design Approval. (Reference Section IV, paragraph 4.0(b)).

(a) Requests for conformity inspections will be limited to prototype parts that are of such complexity that they are not inspectable by the manufacturer or the requesting implementing authority prior to installation in the final product. Conformity inspections may require the development of a working procedure based on their complexity. At the discretion of the implementing authority in receipt of such requests, conformity inspections may be delegated to authorized designees or delegated organizations.

(b) CASA requests for conformity inspections will be sent to the appropriate FAA Office. Conformity inspection requests associated with a current CASA or FAA validation program will be sent to the FAA ACO responsible for the United States applicant. Conformity inspection requests associated with an Australian certification program only will be sent to the FAA Directorate Manufacturing Inspection Office which has geographic responsibility for the State in which the conformity inspection will take place. FAA Offices are listed in Appendix A to the Implementation Procedures for Airworthiness. CASA's requests will be sent by letter or facsimile. FAA requests for conformity inspection will be sent on a completed FAA Request for Conformity form, to the appropriate CASA address, as listed in Appendix A to the Implementation Procedures for Airworthiness.

(c) Upon completion of all conformity inspections conducted on behalf of the requesting implementing authority, the FAA or CASA will complete and return all documentation to the requesting implementing authority, as notified. The implementing authority of the country in which the supplier is located will note all deviations from the requirements notified by the applicant's implementing authority on the conformity inspection record for the particular part. Any nonconformity described as a deviation will be brought to the attention of the FAA or CASA for evaluation and disposition. The FAA or CASA will obtain a report stating the disposition required on each deviation before an FAA Authorized Release Certificate or CASA Statement of Compliance form is issued.

(d) Neither conformity determinations on prototype parts, nor inspections on production parts, will be construed as being an export airworthiness approval, since a conformity determination does not constitute an

airworthiness determination. Airworthiness determinations remain the responsibility of the design/production approval holder and the implementing authority of the country in which the holder is located.

C6.3 Protection of Proprietary Data. (Ref Section IV, paragraph 4.2.0)
Subject to their domestic laws, the FAA and CASA will not copy, release, or show proprietary data obtained from either implementing authority to anyone other than an FAA or CASA employee without written consent of the design approval holder or other data submitter. This written consent should be obtained by the FAA or CASA from the design approval holder through the implementing authority of the country in which the holder is located and will be provided to the other implementing authority.

APPENDIX D
List of Special Arrangements

1. Name of Special Arrangement:

Date of Issue:

2. Name of Special Arrangement:

Date of Issue:

APPENDIX E

List of Acronyms

ACO	Aircraft Certification Office (FAA.)
AEG	Aircraft Evaluations Group (FAA)
AFM	Aircraft Flight Manual
APMA	Australian Parts Manufacturer Approval
ATSO	Australian Technical Standard Order
CAO	Civil Aviation Order (CASA)
CASA	Civil Aviation Safety Authority of Australia
CAR	Civil Aviation Regulations 1988 (Australia)
CASR	Civil Aviation Safety Regulations 1998 (Australia)
CFR	Code of Federal Regulations (U.S.)
CS	Certification Specification (EASA)
DER	Designated Engineering Representative (FAA)
FAA	Federal Aviation Administration (U.S.)
FOI	Freedom of Information (Australia)
FOIA	Freedom of Information Act (U.S.)
ICAO	International Civil Aviation Organization
MF&D	Malfunctions, Failures, and Defects
MIO	Manufacturing Inspection Office
MMEL	Master Minimum Equipment List
MRB	Maintenance Review Board
SPM	Surveillance Procedures Manual (CASA)
STC	Supplemental Type Certificate
TAC	Type Acceptance Certificate (Australia)

TC	Type Certificate
TCDS	Type Certificate Data Sheet
TSO	Technical Standard Order (FAA)
VLA	Very Light Aircraft