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Advisory Circular

AC 21-3(1)

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SPECIAL CERTIFICATES OF AIRWORTHINESS - OVERVIEW

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1. REFERENCES

- 1 Civil Aviation Safety Regulations 1998 (CASR)
1 Parts 21 to 35 and Civil Aviation Regulations
1 1988 (CARs) 262AK to 262AS.

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2. PURPOSE

- 2 This Advisory Circular (AC) provides guidance
2 and information to the public, Civil Aviation
2 Safety Authority (CASA) staff and persons
3 applying for the issue of special certificates of
4 airworthiness (CoAs).

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3. STATUS OF THIS ADVISORY CIRCULAR

This is the first amendment of the AC issued on
this subject.

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

Where an AC is referred to in a 'Note' below the regulation, the AC remains as guidance material.

ACs should always be read in conjunction with the referenced regulations.

4. ACRONYMS

ABAA	amateur built aircraft acceptance
AC	Advisory Circular
AD	airworthiness directive
AWI	airworthiness inspector
CAR	Civil Aviation Regulations 1988
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
CoA	certificate of airworthiness
ICAO	International Civil Aviation Organization
LSA	light sport aircraft

5. DEFINITIONS

aircraft type means a design and make of aircraft and refers to a group of essentially similar aircraft which, although possibly existing in different models, stem from a common basic design.

airworthiness directive (AD) means a mandatory regulatory document which requires the registered operator to comply with the requirements to address an unsafe condition on an aircraft or aeronautical product.

certificate of airworthiness means a standard certificate of airworthiness or a special certificate of airworthiness.

certificate of registration means a certificate issued under CASR 47.090.

registration holder of an aircraft means the person whose name is entered in the Australian Civil Aircraft Register as that of the aircraft's owner.

state of design means the State having jurisdiction over the organisation responsible for the type design.

6. BACKGROUND

6.1 Type certification is the process which can lead to issue of a Type Certificate for the design of a new type of aircraft. Type certification is necessary before a Certificate of Airworthiness (CoA) in one of the standard categories can be issued for an aircraft. Aircraft airworthiness certification is the process of assessing an aircraft against its type design, and ensuring the aircraft is in a condition for safe operation. Satisfactory completion of this process culminates in issue of a CoA for the individual aircraft.

- 6.2** The obligation on Contracting States of the International Civil Aviation Organization (ICAO) to issue CoAs is specified in Part II, Section 3 of ICAO Annex 8, *Airworthiness of Aircraft*. A CoA may be issued to an individual aircraft on the basis of evidence that the aircraft complies with the applicable airworthiness requirements, and that the aircraft has been satisfactorily constructed and maintained. The airworthiness categories in which Australian CoAs may be issued are described in detail in a companion Advisory Circular, AC 21-1 *Aircraft Airworthiness Certification Categories and Designations Explained*.
- 6.3** A CoA is necessary for each individual Australian aircraft as one of the legal conditions of being able to fly.
- 6.4** Issue of a standard CoA to an individual aircraft involves:
- ensuring that the aircraft conforms with the definition of the design and its method of construction i.e. the aircraft conforms to the type design; this in turn ensures that the aircraft meets (i) a design standard and (ii) the specified airworthiness requirements;
 - ensuring that the aircraft is free from manufacturing and post-production defects;
 - ensuring compliance with all applicable airworthiness directives (ADs). For imported aircraft, applicable ADs will include all applicable ADs from the state of design of the aircraft type;
 - ensuring that all required modifications, as dictated by design changes and applicable ADs, have been embodied;
 - ensuring that the required operational equipment has been fitted; and
 - ensuring that the aircraft's airworthiness state is properly reflected in the required documentation.
- 6.5** If these conditions are met, the aircraft can be issued with a standard CoA in the relevant category. Full information on the subject of standard CoAs is contained in AC 21-2 *Standard Certificates of Airworthiness*.
- 6.6** A special CoA can be issued to an aircraft which does not meet all the requirements for a CoA in one of the standard categories if the aircraft meets all the requirements for a CoA in one of the special categories. Note that an aircraft with only a special CoA must not be operated in international airspace or in the territory of a foreign country without the specific permission of that country.

7. SPECIAL CERTIFICATES OF AIRWORTHINESS

- 7.1** The following categories of aircraft are issued with special CoAs:
- primary;
 - intermediate;
 - restricted;
 - limited;
 - amateur-built (accepted under an Amateur Built Aircraft Acceptance (ABAA)); and
 - light sport aircraft (LSA) covered by CASR 21.186.

7.2 The following are also classified under CASR 21.175 as a special CoA:

- provisional CoA; and
- experimental certificate.

8. APPLYING FOR A SPECIAL COA

8.1 Who may apply

8.1.1 CASR 21.173 (1) states that an aircraft registration holder is eligible to apply for a CoA for the aircraft. The aircraft registration holder is the person nominated on the Certificate of Registration. Therefore one major prerequisite for application for a special CoA is that the aircraft must already be registered on the Australian Civil Aircraft Register.

8.2 Where to apply

8.2.1 Applicants for special CoA issue may apply to the CASA regional office which covers the geographical prime base of intended operations. However, nothing precludes an applicant making the initial approach to the nearest regional office and requesting CASA coordination of the application.

8.2.2 An applicant may wish the processing of an application for a special CoA to be undertaken from the outset, by a person who is authorised by CASA to process and issue a CoA on CASA's behalf. Such persons have their authority conferred under CASR 21.176, and hence they may be referred to as '21.176 authorised persons'. In this case, the 21.176 authorised persons will undertake the necessary initial coordination with CASA regional and operations offices.

8.2.3 CASA regional offices contact information is provided on the CASA website <http://casa.gov.au>.

8.3 Payment of fees

8.3.1 Section 97 of the Civil Aviation Act allows prescribed fees to be payable to CASA in advance of work to be done.

8.3.2 In the case of issue of CoA, experimental certificates or special flight permits, an hourly fee as specified in the CASA Schedule of Fees is charged. An estimate, payment and reconciliation procedure is as follows:

- The field office which receives the application prepares an estimate based on experience, and the specific tasks to be undertaken. This is usually done when the applicant makes initial contact with the airworthiness inspector (AWI) assigned to the task. General eligibility, timeframe and operational role aspects are discussed. The estimate is based on time estimates, and travel costs as applicable;
- The applicant pays the estimate fee;
- Actual man hours expended are recorded on time sheets as the task is undertaken; and
- The reconciliation will be made just before the CoA, certificate or permit is issued. If an over-estimate has been made, a refund will be paid to the applicant. If fees have been underestimated, a final payment from the applicant will be required prior to certificate/permit issue.

8.3.3 A different fee structure would usually apply in the case of application through a 21.176 authorised person. This is a matter for the applicant and authorised person to negotiate, and is outside CASA control.

8.4 The application forms

8.4.1 Application for issue of a special CoA in the following categories:

- primary;
- intermediate;
- restricted;
- limited; and
- amateur-built (ABAA)

is made on Form 718 *Application for Issue of a Special Certificate of Airworthiness*.

8.4.2 Application for issue of a special CoA or an experimental certificate for light sport aircraft is made on Form 682 *Application for Special Certificate of Airworthiness or Experimental Certificate for Light Sport Aircraft*.

8.4.3 Application for issue of an experimental certificate or a provisional CoA is also made on Form 718.

8.4.4 Application forms may be obtained from the CASA website or any of the field offices.

9. FURTHER INFORMATION

9.1 As the procedural requirements for certification of the categories/designations as addressed in this AC can be quite different, and in some cases relatively complex, the procedures involved from application to certificate issue are set out in detail in the following companion ACs:

- AC 21-4 – *Amateur-Built Experimental Aircraft – Certification*;
- AC 21-5 – *Limited Category Aircraft – Certification*;
- AC 21-6 – *Restricted Category Aircraft – Certification*;
- AC 21-7 – *Primary Category Aircraft – Certification*;
- AC 21-8 – *Intermediate Category Aircraft – Certification*;
- AC 21-9 – *Special Flight Permits*;
- AC 21-10 – *Experimental Certificates*;
- AC 21-11 – *Amateur-Built (ABAA) Aircraft – Certification*; and
- AC 21-41 – *Light Sport Aircraft Certificate of Airworthiness*.

Note: A provisional CoA is expected to be used infrequently by the Australian aviation industry. Procedural aspects are included in Advisory Circular AC 21-13 Australian-Designed Aircraft Type Certification.

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