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CERTIFICATION OF MILITARY AIRCRAFT AND RELATED PRODUCTS, PARTS AND APPLIANCES, AND DESIGN AND PRODUCTION ORGANISATIONS (FIN EMAR 21)

Enabling act:
Aviation Act (864/2014; sections 6, 7 and 42)

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SIM-To-Lt-035, Certification of military aircraft and related products, parts and appliances, and design and production organisations, HP277, 25.3.2019

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ABBREVIATIONS

APU	Auxiliary Power Unit
DDP	Declaration of Design and Performance
DOE	Design Organisation Exposition
EMAD-R	European Military Airworthiness Document - Recognition
EMAR	European Military Airworthiness Requirements
FIMAA	Military Aviation Authority Finland
FIN	Finland
MDOA	Military Design Organisation Approval
MOD	Ministry of Defence
MPA	Military Part Approval
MTC	Military Type-Certificate
MTSO	Military Technical Standard Order
OSD	Operational Suitability Data
pMS	participating Member State
SIM	Military Aviation Regulation
SIO	Military Aviation Advisory
STC	Supplemental Type-Certificate

INTRODUCTION

This regulation (former directive) is compatible with EMAR 21 Edition no. 2.0 (European Military Airworthiness Requirements) as published and approved by the Military Airworthiness Authorities (MAWA) Forum under the umbrella of the European Defence Agency (EDA). The numbering of subparts and paragraphs is identical to those used in EMAR 21 Edition no. 2.0.

The Finnish version is a translation of the original document in English. However, in case of a discrepancy, the Finnish translation will prevail.

Subpart P Military permit to fly does not apply to flight test activities of the Defense Forces. Regarding flight test operations, SIO-Ma-Lt-005 is followed.

1 REQUIREMENTS

GENERAL

21.1 General

a) When reference is given to ‘design organisation’ the following shall apply:

1. An organisation responsible for the design of products, parts and appliances or for changes or repairs thereto shall demonstrate its capability in compliance with this regulation. In the case that governmental organisations undertake design activities with any other organisation responsible for the design of products, parts, and appliances or for changes or repairs thereto, they shall be treated as a single organisation when demonstrating their capability in accordance with this regulation.

2. By way of derogation from (1), an organisation whose principal place of business is in a non-participating Member State, or where a participating Member State (pMS) has not yet transposed EMAR 21 in their national military airworthiness regulations, may demonstrate its capability by holding a certificate or similar approval issued by an authority of that State for the product, part and appliance for which it applies, provided:

   i. that State is providing oversight as State of Design; and

   ii. through Recognition (EMAD-R) it can be determined that the national airworthiness system of that State includes the same independent level of checking of compliance as provided by this regulation, either through an equivalent system of approvals of

organisations or through direct involvement of the authority of that State.

b) All references to ‘aircraft’ throughout this regulation mean ‘military aircraft’, defined as those that follow special laws and regulations and are designed with specific characteristics for military operations.

c) ‘Authority’ shall be, unless otherwise specified in this regulation;

1. the Authority in charge of the type certification process:
    i. for a multinational programme, the Military Airworthiness Authorities of the participating Nations/States; or
    ii. for a national programme, the Military Aviation Authority Finland (FIMAA),
2. The Authority in charge of the production/design organisation approval:
    i. for a multinational programme, the Military Airworthiness Authorities of the participating Nations/States; or
    ii. for a national programme, the FIMAA,
3. the Authority in charge to issue the military permit to fly
4. the registration Authority in charge to issue the Certificate of Airworthiness; or
5. for unregistered aircraft, the Authority which prescribed the identification marks.

d) ‘Applicant’ shall be:

1. the contractor which should comply with this regulation; or
2. any organisation (including MODs) which must obtain from an Authority a type certificate, a restricted type certificate, a supplemental type certificate, an MTSO authorisation, a

major change or a major repair design approval based on this regulation. It should be included herein the certificate of airworthiness, as mentioned in 21.A.172, and Military Permit to Fly /Flight Conditions, as mentioned in 21.A.703.

3. any organisation or operator or its representative which applies for an airworthiness certificate under Subpart H of this regulation.

e) ‘Certification’ means the process of recognition that a product, part, appliance or organisation complies with the applicable airworthiness requirements followed by the declaration of compliance.

f) ‘Continued (design) airworthiness’ means all tasks to be carried out to verify that the conditions under which a type certificate or a supplemental type certificate has been granted continue to be fulfilled at any time during its period of validity (Type Design).

g) ‘Continuing (preservation of) airworthiness’ means all of the processes ensuring that, at any time in its operating life, the aircraft complies with the airworthiness requirements in force and is in a condition for safe operation (Maintenance).

h) All references to ‘certificates’ throughout this regulation mean ‘military certificates’ (Although credit can be taken from any prior Civil Certificate issued by a recognised Civil Authority).

i) All references to ‘organisation approvals’ throughout this regulation mean ‘organisational approvals accepted or issued by military authorities.

j) Where this regulation requires specific EMAR forms to be used, equivalent forms approved by the Authority are permitted.

k) “Operational Suitability Data (OSD)” means data, which are part of an aircraft type-certificate, restricted type-certificate or supplemental type-certificate, consisting of all of the following:

i. the minimum syllabus of pilot type rating training, including determination of type rating;

ii. the definition of scope of the aircraft validation source data to support the objective qualification of simulators or the provisional data to support their interim qualification;

iii. the minimum syllabus of maintenance certifying staff type rating training, including determination of type rating;

iv. determination of type or variant for cabin crew and type specific data for cabin crew;

v. the master minimum equipment list.

SECTION A TECHNICAL REQUIREMENTS

SUBPART A - GENERAL PROVISIONS

21.A.1 Scope

This Section establishes general provisions governing the rights and obligations of the applicant for, and holder of, any certificate issued or to be issued in accordance with this Section.

21.A.2 Undertaking by another organisation than the applicant for, or holder of, a certificate

The actions and obligations required to be undertaken by the holder of, or applicant for, a certificate for a product, part or appliance under this Section may be undertaken on its behalf by any other organisation, provided the holder of, or applicant for, that certificate can show that it has made an agreement with the other organisation such as to ensure that the holder's obligations are and will be properly discharged.

21.A.3A Failures, malfunctions and defects

a) System for Collection, Investigation and Analysis of Data.

The holder of a type-certificate, restricted type-certificate, supplemental type-certificate, Military Technical Standard Order (MTSO) authorisation, major repair design approval or any other relevant approval deemed to have been issued under this regulation shall have a system for collecting, investigating and analysing reports of and information related to failures, malfunctions, defects or other occurrences which cause or might cause adverse effects on the airworthiness of the product, part or appliance covered by the type-certificate, restricted type-certificate, supplemental type-certificate, MTSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this regulation. Information about this system shall be made available to all known operators

of the product, part or appliance and, on request, to any person authorised under other associated regulations.

b) Reporting to the FIMAA.

1. The holder of a type-certificate, restricted type-certificate, supplemental type-certificate, MTSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this regulation, shall report to the FIMAA any failure, malfunction, defect or other occurrence of which it is aware related to a product, part or appliance covered by the type-certificate, restricted type-certificate, supplemental type-certificate, MTSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this regulation, and which has resulted in or may result in an unsafe condition.

2. These reports shall be made in a form and manner established by the FIMAA, as soon as practicable and in any case dispatched not later than 72 hours after the identification of the possible unsafe condition, unless exceptional circumstances prevent this.

c) Investigation of Reported Occurrences.

1. When an occurrence reported under paragraph (b), or under 21.A.129(f)(2) or 21.A.165(f)(2) results from a deficiency in the design, or a manufacturing deficiency, the holder of the type-certificate, restricted type-certificate, supplemental type-certificate, MTSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this regulation, or the manufacturer (Production Organisation) as appropriate, shall investigate the reason for the deficiency and report to the FIMAA the results of its

investigation and any action it is taking or proposes to take to correct that deficiency.

2. If the FIMAA finds that an action is required to correct the deficiency, the holder of the type-certificate, restricted type-certificate, supplemental type-certificate, MTSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this regulation, or the manufacturer as appropriate, shall submit the relevant data to the FIMAA.

21.A.3B Airworthiness Directives

a) An Airworthiness Directive means a document issued or adopted by the FIMAA or body authorized by the FIMAA which mandates actions to be performed on an aircraft to restore an acceptable level of safety, when evidence shows that the safety level of this aircraft may otherwise be compromised.

b) The FIMAA or body authorized by the FIMAA shall issue an Airworthiness Directive when:

1. an unsafe condition has been determined by the FIMAA or body authorized by the FIMAA to exist in an aircraft, as a result of a deficiency in the aircraft, or an engine, propeller, part or appliance installed on this aircraft; and

2. that condition is likely to exist or develop in other aircraft, including engine, propeller, part or appliance installed on those aircraft that may be affected by this unsafe condition.

c) When an Airworthiness Directive has to be issued by the FIMAA or body authorized by the FIMAA to correct the unsafe condition referred to in paragraph (b), or to require the performance of an inspection, the holder of the type-certificate, restricted type-certificate, supplemental type-

certificate, major repair design approval, MTSO authorisation or any other relevant approval deemed to have been issued under this regulation, shall:

1. propose the appropriate corrective action and/or required inspections and submit details of these proposals to the FIMAA or body authorized by the FIMAA for approval;
2. following the approval by the FIMAA or body authorized by the FIMAA of the corrective action and/or required inspections referred to under subparagraph (1), make available to all known operators or owners of the product, part or appliance and, on request, to any person required to comply with the airworthiness directive, appropriate descriptive data and accomplishment instructions.

d) An Airworthiness Directive shall contain at least the following information:

1. an identification of the unsafe condition;
2. an identification of the affected aircraft; operating and maintenance associated documentation;
3. the action(s) required;
4. the compliance time for the required action(s);
5. the date of entry into force.

21.A.4 Coordination between design and production

Each holder of a type-certificate, restricted type-certificate, supplemental type-certificate, MTSO authorisation, approval of a change to type-certificate or approval of a repair design, shall ensure collaboration between the design organisation and the production organisation as necessary to achieve:

a) The satisfactory coordination of design and production required by 21.A.122, 21A.130(b)(3) and (4), 21.A.133 or 21.A.165(c)(2) and (3) as appropriate; and

b) The proper support of the continued airworthiness of the product, part or appliance.

SUBPART B – MILITARY TYPE-CERTIFICATES AND MILITARY RESTRICTED TYPE-CERTIFICATES

21.A.11 Scope

This Subpart establishes the procedure for issuing type-certificates for products and restricted type-certificates for aircraft, and establishes the rights and obligations of the applicants for, and holders of, those certificates.

21.A.13 Eligibility

Any organisation that has demonstrated, or is in the process of demonstrating, its capability in accordance with 21.A.14 shall be eligible as an applicant for a type-certificate or a restricted type-certificate under the conditions laid down in this Subpart.

21.A.14 Demonstration of capability

a) An applicant for a type-certificate or restricted type-certificate shall demonstrate its capability by holding a design organisation approval, issued by the FIMAA in accordance with Subpart J.

b) By way of derogation from (a), as an alternative procedure to demonstrate its capability, an applicant may seek the FIMAA agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this regulation, under the following:

    1. products with simple or limited scope of design.
    2. starting phase toward a design organisation approval or limited duration of design activities.
    3. products for which the major part of the type-certification activities have already been accepted by the FIMAA.
    4. (Reserved)

c) (Reserved)

d) By way of derogation from (a), any governmental organisation applying for a type-certificate or restricted type-certificate may demonstrate its capability by having an agreement in place, accepted by the FIMAA, in accordance with 21.A.2 with a design organisation which has access to the type design data. The agreement shall include detailed statements how the actions and obligations are delegated to enable the governmental organisation, in cooperation with the contracted organisation, to comply with the requirements of Subpart J, including demonstration of compliance with 21.A.44.

21.A.15 Application

a) An application for a type-certificate or restricted type-certificate shall be made in a form and manner established by the FIMAA.

b) An application for a type-certificate or restricted type-certificate shall include, as a minimum, preliminary descriptive data of the product, the intended use of the product and the kind of operations for which certification is requested. In addition, it shall include, or be supplemented after the initial application, a certification programme for the demonstration of compliance in accordance with 21.A.20, consisting of:

1. a detailed description of the type design, including all the configurations to be certified;
2. the proposed operating characteristics and limitations;
3. the intended use of the product and the kind of operations for which certification is requested;
4. a proposal for the initial type-certification basis, operational suitability data certification basis and environmental protection requirements;

5. a proposal for a breakdown of the certification programme into meaningful groups of compliance demonstration activities and data, including a proposal for the means of compliance and related compliance documents;

6. a proposal for the assessment of the meaningful groups of compliance demonstration activities and data, addressing the likelihood of an unidentified non-compliance with the type-certification basis, operational suitability data certification basis or environmental protection requirements and the potential impact of that non-compliance on product safety or environmental protection. The proposed assessment shall take into account at least the following elements:

    i. novel or unusual features of the certification project, including operational, organisational and knowledge management aspects;

    ii. complexity of the design and/or demonstration of compliance;

    iii. criticality of the design or technology and the related safety and environmental risks, including those identified on similar designs; and

    iv. performance and experience of the design organisation of the applicant in the domain concerned.

    Based on this assessment, the application shall include a proposal for the involvement of the FIMAA in the verification of the compliance demonstration activities and data; and

7. a project schedule including major milestones.

c) After its initial submission to the FIMAA, the certification programme shall be updated by the applicant when there are changes to the certification project affecting any of the points 1 to 7 of (b).

d) An application for a type-certificate or restricted type-certificate for an aircraft shall include, or be supplemented after the initial application, an application supplement for approval of the operational suitability data.

e) An application for a type-certificate or restricted type-certificate shall be valid for five years, unless the FIMAA agrees at the time of application that its product requires a longer time period for the applicant to demonstrate and declare compliance.

f) In the case where a type-certificate or restricted type-certificate has not been issued, or it is evident that it will not be issued, within the time agreed in point (e), the applicant shall apply for an extension of the validity of the application and comply with any changes to the type-certification basis, operational suitability data certification basis and environmental protection requirements, as established and notified by the FIMAA for a new date that is in compliance with the time period established under (e).

21.A.19 Changes requiring a new type-certificate

Any organisation proposing to change a product, shall apply for a new type-certificate if the FIMAA finds that the change in design, configuration, power, thrust, or mass is so extensive that a substantially complete investigation of compliance with the applicable type-certification basis is required.

21.A.20 Demonstration of compliance with the type certification basis, operational suitability data certification basis and environmental protection requirements

a) Following the acceptance of the certification programme by the FIMAA, the applicant shall demonstrate compliance with the type-certification basis, operational suitability data certification basis and environmental protection requirements, as established and notified to the applicant by the FIMAA, and shall provide the FIMAA with the means by which such compliance has been demonstrated.

b) The applicant shall report to the FIMAA any difficulty or event encountered during the process of demonstration of compliance that may have an appreciable effect on the risk assessment under 21.A.15(b)(6) or on the certification programme, or may otherwise necessitate a change to the level of involvement of the FIMAA previously notified to the applicant.

c) The applicant shall record justification of compliance within compliance documents as referred to in the certification programme.

d) After completion of all demonstrations of compliance in accordance with the certification programme, including any inspections and tests in accordance with 21.A.33, and after all flight tests in accordance with 21.A.35, the applicant shall declare that:

1. it has demonstrated compliance with the type-certification basis, operational suitability data certification basis and environmental protection requirements, as established and notified by the FIMAA, following the certification programme as accepted by the FIMAA; and

2. no feature or characteristic has been identified that may make the product unsafe for the uses for which certification is requested.

e) The applicant shall submit to the FIMAA the declaration of compliance provided for in (d). Where the applicant holds an appropriate design organisation approval, the declaration of compliance shall be made in accordance with Subpart J and submitted to the FIMAA.

21.A.21 Requirements for the issuance of a type-certificate or restricted type-certificate

a) In order to be issued a product type-certificate or, when the aircraft does not meet the essential requirements referred to in SIO-Ma-Lt-005 an aircraft restricted type-certificate, the applicant shall:

1. demonstrate its capability in accordance with 21.A.14;
2. comply with 21.A.20;
3. demonstrate that the engine and propeller, if installed in the aircraft:
    i. have a type-certificate issued or determined in accordance with this regulation; or
    ii. have been demonstrated to be in compliance with the aircraft type-certification basis established and the environmental protection requirements designated and notified by the FIMAA as necessary to ensure the safe flight of the aircraft.

b) By derogation from (a)(2), at the applicant's request included in the declaration referred to in 21.A.20(d), the applicant is entitled to have the aircraft type-certificate or restricted type-certificate issued before the applicant has demonstrated compliance with the operational suitability data certification basis, provided that the applicant demonstrates such compliance before the date at which those data are to be actually used.

21.A.31 Type design

a) The type design shall consist of:

1. the drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the product shown to comply with the applicable type-certification basis and environmental protection requirements;
2. information on materials and processes and on methods of manufacture and assembly of the product necessary to ensure the conformity of the product;

3. an approved airworthiness limitations section of the instructions for continuing airworthiness as defined by the applicable airworthiness codes; and

4. any other data allowing by comparison the determination of the airworthiness and, if relevant, the environmental characteristics of later products of the same type.

b) Each type design shall be adequately identified.

21.A.33 Inspections and tests

a) (Reserved)

b) Before each test is undertaken during the demonstration of compliance required by 21.A.20, the applicant shall have verified:

1. for the test specimen, that:

i. the materials and processes adequately conform to the specifications for the proposed type design;

ii. the parts of the products adequately conform to the drawings in the proposed type design; and

iii. the manufacturing processes, construction and assembly adequately conform to those specified in the proposed type design; and

2. for the test and measuring equipment to be used for the test, that those are adequate for the test and appropriately calibrated.

c) On the basis of the verifications carried out in accordance with (b), the applicant shall issue a statement of conformity listing any potential non-conformity, together with a justification that this will not affect the test results, and shall allow the FIMAA to make an inspection it considers necessary to check the validity of that statement.

d) The applicant shall allow the FIMAA to:

1. review any data and information related to the demonstration of compliance; and
2. witness or carry out any test, including any flight and ground test, or inspection conducted for the purpose of the demonstration of compliance.

e) For all the tests and inspections witnessed or carried out by the FIMAA in accordance with (d)(2):

1. the applicant shall submit to the FIMAA a statement of conformity provided for in (c); and
2. no change that affects the validity of the statement of conformity shall be made to the test specimen, or the test and measuring equipment, between the time the statement of conformity provided for in (c) was issued and the time the test specimen is presented to the FIMAA for test.

21.A.35 Flight Tests

a) Flight testing for the purpose of obtaining a type-certificate shall be conducted in accordance with conditions for such flight testing approved by the FIMAA.

b) The applicant shall make all flight tests that the FIMAA finds necessary:

1. to determine compliance with the applicable type-certification basis and environmental protection requirements; and
2. to determine whether there is reasonable assurance that the aircraft, its parts and appliances are reliable and function properly.

c) (Reserved)

d) (Reserved)

e) (Reserved)

f) The flight tests prescribed in subparagraph (b)(2) shall include:

1. for aircraft incorporating turbine engines of a type not previously used in type-certificated aircraft, at least 300 hours of operation or as agreed by the FIMAA, with a full complement of engines that conform to a type-certificate; and

2. for all other aircraft, at least 150 hours of operation or as agreed by the FIMAA.

21.A.41 Type-certificate and restricted type-certificate

The type-certificate and restricted type-certificate shall include the type design, the operating limitations, the type-certificate data sheet for airworthiness and emissions, the applicable type-certification basis and environmental protection requirements with which the FIMAA records compliance, and any other conditions or limitations prescribed for the product in the applicable airworthiness codes and environmental protection requirements. The aircraft type-certificate and restricted type-certificate shall include in addition the applicable operational suitability data certification basis, the operational suitability data and the type-certificate data sheet for noise. The aircraft type-certificate and restricted type-certificate data sheet shall include the record of CO2 emissions compliance and the engine type-certificate data sheet shall include the record of exhaust emissions compliance

21.A.M42 Integration

The aircraft MTC Holder shall be responsible for the integration of Products, Weapons and other systems onto the aircraft, except for approvals under Subpart E.

21.A.44 Obligations of the holder

Each holder of a type-certificate or restricted type-certificate shall:

a) undertake the obligations laid down in 21.A.3A, 21.A.3B, 21.A.4, 21.A.55, 21.A.57, 21.A.61 and 21.A.62; and, for this purpose, shall continue to meet the qualification requirements for eligibility of 21.A.14; and

b) specify the marking in accordance with Subpart Q.

21.A.47 Transferability

Transfer of a type-certificate or restricted type-certificate may only be made to a organisation that is able to undertake the obligations under 21.A.44, and, for this purpose, has demonstrated its ability to qualify under the criteria of 21.A.14.

21.A.51 Duration and continued validity

a) A type-certificate and restricted type-certificate shall be issued for an unlimited duration. They shall remain valid subject to:

    1. the holder remaining in compliance with this regulation; and

    2. the certificate not being surrendered or revoked under the applicable administrative procedures established by the FIMAA.

b) Upon surrender or revocation, the type-certificate and restricted type-certificate shall be returned to the FIMAA.

21.A.55 Record keeping

All relevant design information, drawings and test reports, including inspection records for the product tested, shall be held by the type-certificate or restricted type-certificate holder at the disposal of the FIMAA and shall be retained in order to provide the information necessary to ensure the continued airworthiness, continued validity of the operational suitability data and compliance with applicable environmental protection requirements of the product.

21.A.57 Manuals

The holder of a type-certificate or restricted type-certificate shall produce, maintain and update master copies of all manuals required by the applicable type-certification basis, the applicable operational suitability data certification basis and environmental protection requirements for the product, and provide copies, on request, to the FIMAA.

21.A.61 Instructions for continuing airworthiness

a) The holder of the type-certificate or restricted type-certificate shall furnish at least one set of complete instructions for continuing airworthiness, comprising descriptive data and accomplishment instructions prepared in accordance with the applicable type-certification basis, to each known operator of one or more aircraft, engine or propeller upon its delivery or upon issue of the first certificate of airworthiness for the affected aircraft, whichever occurs later and thereafter make those instructions available on request to any other person or organisation required to comply with any of the terms of those instructions. The availability of some manual or portion of the instructions for continuing airworthiness, dealing with overhaul or other forms of heavy maintenance, may be delayed until after the product has entered into service, but shall be available before any of the products reaches the relevant age or flight-hours/cycles.

b) In addition, changes to the instructions for continuing airworthiness shall be made available to all known operators of the product and shall also be provided on request to any other person or organisation required to comply with any of those instructions. A programme showing how changes to the instructions for continuing airworthiness are distributed shall be submitted to the FIMAA.

21.A.62 Availability of operational suitability data

The holder of the type-certificate or restricted type-certificate shall make available:

a) at least one set of complete operational suitability data prepared in accordance with the applicable operational suitability certification basis, to all known operators of the aircraft, before the operational suitability data must be used by a training organisation or operator; and

b) any change to the operational suitability data to all known operators of the aircraft; and

c) on request, the relevant data referred to in (a) and (b) above, to:

    1. the competent authority responsible for verifying conformity with one or more elements of this set of operational suitability data; and

    2. any person or organisation required to comply with one or more elements of this set of operational suitability data.

(SUBPART C - NOT APPLICABLE)

SUBPART D - CHANGES TO MILITARY TYPE-CERTIFICATES AND MILITARY RESTRICTED TYPE-CERTIFICATES

21.A.90A Scope

This Subpart establishes the procedure for the approval of changes to type-certificates, and establishes the rights and obligations of the applicants for, and holders of, those approvals. In this Subpart, references to type-certificates include type-certificate and restricted type-certificate.

21.A.90B Reserved

(Reserved)

21.A.91 Classification of changes to a type-certificate

Changes to a type-certificate are classified as minor and major. A ‘minor change’ has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, operational suitability data, or other characteristics affecting the airworthiness of the product or its environmental characteristics. Without prejudice to 21.A.19, all other changes are ‘major changes’ under this Subpart. Major and minor changes shall be approved in accordance with 21.A.95 or 21.A.97 as appropriate, and shall be adequately identified.

21.A.92 Eligibility

a) Only the type-certificate holder may apply for approval of a major change to a type-certificate under this Subpart; all other applicants for a major change to a type-certificate shall apply under Subpart E.

b) Any organisation may apply for approval of a minor change to a type-certificate under this Subpart.

21.A.93 Application

a) An application for approval of a change to a type-certificate shall be made in a form and manner established by the FIMAA.

b) An application shall include, or be supplemented after the initial application with, a certification programme for the demonstration of compliance in accordance with 21.A.20, consisting of:

1. a description of the change identifying:

   i. the configuration(s) of the product in the type-certificate upon which the change is to be made;

   ii. all areas of the product in the type-certificate, including the approved manuals, that are changed or affected by the change; and

   iii. when the change affects the operational suitability data, any necessary changes to the operational suitability data;

2. an identification of any reinvestigations necessary to demonstrate compliance of the change and areas affected by the change with the type-certification basis, operational suitability data certification basis and environmental protection requirements; and

3. for a major change to a type-certificate:

   i. a proposal for the initial type-certification basis, operational suitability data certification basis and environmental protection requirements, prepared in accordance with the requirements and options specified in 21.A.101;

   ii. a proposal for a breakdown of the certification programme into meaningful groups of compliance

demonstration activities and data, including a proposal for the means of compliance and related compliance documents;

iii. a proposal for the assessment of the meaningful groups of compliance demonstration activities and data, addressing the likelihood of an unidentified non-compliance with the type-certification basis, operational suitability data certification basis or environmental protection requirements and the potential impact of that non-compliance on product safety or environmental protection. The proposed assessment shall take into account at least the following elements:

- novel or unusual features of the certification project, including operational, organisational and knowledge management aspects;
- complexity of the design and/or demonstration of compliance;
- criticality of the design or technology and the related safety and environmental risks, including those identified on similar designs; and
- performance and experience of the design organisation of the applicant in the domain concerned.

Based on this assessment, the application shall include a proposal for the FIMAA's involvement in the verification of the compliance demonstration activities and data; and

iv. a project schedule including major milestones.

c) An application for a change to a type-certificate shall be valid for five years unless the FIMAA agrees at the time of application on a longer time period.

In the case where the change has not been approved, or it is evident that it will not be approved, within the time limit provided for in this point, the applicant shall apply for an extension of the validity of the application and comply with the type-certification basis, operational suitability data certification basis and environmental protection requirements, as established by the FIMAA in accordance with 21.A.101.

21.A.95 Requirements for approval of a minor change

a) Minor changes in a type-certificate shall be classified and approved by:

   1. the FIMAA; or

   2. an approved design organisation within the scope of its privileges provided for in (1) and (2) of 21.A.263(c), as recorded in the terms of approval.

b) A minor change to a type-certificate shall only be approved:

   1. when it has been demonstrated that the change and areas affected by the change comply with the type-certification basis and the environmental protection requirements incorporated by reference in the type-certificate;

   2. in the case of a change affecting the operational suitability data, when it has been demonstrated that the necessary changes to the operational suitability data comply with the operational suitability data certification basis incorporated by reference in the type-certificate;

   3. when compliance with the type-certification basis that applies in accordance with (1) has been declared and the justifications of compliance have been recorded in the compliance documents; and

4. when no feature or characteristic has been identified that may make the product unsafe for the uses for which certification is requested.

c) By derogation from (b)(1), airworthiness codes which became applicable after those incorporated by reference in the type-certificate can be used for approval of a minor change, provided they do not affect the demonstration of compliance.

d) By derogation from b(2), at the applicant's request included in the declaration referred to in 21.A.20(d), a minor change to an aircraft type-certificate may be approved before compliance with the operational suitability data certification basis has been demonstrated, provided that the applicant demonstrates such compliance before the date at which those data are actually used.

e) The applicant shall submit to the FIMAA the substantiation data for the change and a statement that compliance has been demonstrated in accordance with (b).

f) An approval of a minor change to a type-certificate shall be limited to the specific configuration(s) in the type-certificate to which the change relates.

21.A.97 Requirements for approval of a major change

a) Major changes to a type-certificate shall be classified and approved by:

1. the FIMAA; or

2. an approved design organisation within the scope of its privileges provided for in (1) and (8) of 21.A.263(c), as recorded in the terms of approval.

b) A major change to a type-certificate shall only be approved:

1. when it has been demonstrated that the change and areas affected by the change comply with the type certification

basis and environmental protection requirements, as established by the FIMAA in accordance with 21.A.101;

2. in the case of a change affecting the operational suitability data, when it has been demonstrated that the necessary changes to the operational suitability data meet the operational suitability data certification basis, as established by the FIMAA in accordance with 21.A.101; and

3. when compliance with (1) and (2) has been demonstrated in accordance with 21.A.20, as applicable to the change.

c) By derogation from (2) and (3) of (b), at the applicant's request included in the declaration referred to in 21.A.20(d), a major change to an aircraft type-certificate may be approved before compliance with the operational suitability data certification basis has been demonstrated, provided that the applicant demonstrates such compliance before the date at which those data are actually used.

d) An approval of a major change to a type-certificate shall be limited to the specific configuration(s) in the type-certificate to which the change relates.

21.A.101 Type-certification basis, operational suitability data certification basis and environmental protection requirements for a major change to a type-certificate

a) A major change to a type-certificate and areas affected by the change shall comply with either the airworthiness codes applicable to the changed product on the date of the application for the change or airworthiness codes which became applicable after that date in accordance with (f) below. The validity of the application shall be determined in accordance with 21.A.93(c). In addition, the changed product shall comply with the environmental protection requirements designated by the FIMAA.

b) By derogation from (a), an earlier amendment to an airworthiness code referred to in (a), and to any other airworthiness requirement which is

directly related may be used in any of the following situations, unless the earlier amendment became applicable before the date at which the corresponding airworthiness codes incorporated by reference in the type-certificate became applicable:

1. a change that the FIMAA finds not to be significant. In determining whether a specific change is significant, the FIMAA considers the change in context with all previous relevant design changes and all related revisions to the applicable airworthiness codes incorporated by reference in the type-certificate for the product. Changes meeting one of the following criteria shall automatically be considered significant:

    i. the general configuration or the principles of construction are not retained;

    ii. the assumptions used for certification of the product to be changed do not remain valid.

2. each area, system, part or appliance that the FIMAA finds not affected by the change.

3. each area, system, part or appliance that is affected by the change, for which the FIMAA finds that compliance with the airworthiness codes described in (a) would not contribute materially to the level of safety of the changed product or is impractical.

c) (Reserved)

d) If the FIMAA finds that the airworthiness codes applicable on the date of the application for the change do not provide adequate standards with respect to the proposed change, the applicant shall also comply with any special conditions, and amendments to those special conditions, prescribed by the FIMAA, to provide a level of safety equivalent to that

established in the airworthiness codes applicable on the date of the application for the change.

e) By derogation from (a), (b) and (c), the change and areas affected by the change may comply with an alternative to an airworthiness code designated by the FIMAA if proposed by the applicant, provided that the FIMAA finds that the alternative provides a level of safety which is:

1. in the case of a type-certificate:

   i. equivalent to that of the airworthiness codes designated by the FIMAA under (a), (b) or (c) above; or

   ii. compliant with the essential requirements of SIO-Ma-Lt-005.

2. in the case of a restricted type-certificate, adequate with regard to the intended use.

f) If an applicant chooses to comply with airworthiness requirements set out in an amendment that becomes applicable after submitting the application for a change to a type-certificate, the change and areas affected by the change shall also comply with any other airworthiness code or requirement which is directly related.

g) When the application for a change to a type-certificate for an aircraft includes, or is supplemented after the initial application to include, changes to the operational suitability data, the operational suitability data certification basis shall be established in accordance with (a)-(f).

21.A.105 Record keeping

a) For each change, all relevant design information, drawings and test reports, including inspection records for the changed product tested, shall be held by the applicant at the disposal of the FIMAA and shall be retained in order to provide the information necessary to ensure the continued airworthiness, continued validity of the operational suitability data and

compliance with applicable environmental protection requirements of the changed product.

b) Unless otherwise laid down by the FIMAA, the records must be retained for at least two years after the removal of service of the last aircraft of the type certified.

21.A.107 Instructions for continuing airworthiness

a) The holder of a minor change approval to a type-certificate shall furnish at least one set of the associated variations, if any, to the instructions for continuing airworthiness of the product on which the minor change is to be installed, prepared in accordance with the applicable type-certification basis, to each known operator of one or more aircraft, engine, or propeller incorporating the minor change, upon its delivery, or upon issuance of the first certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter make those variations in instructions available, on request, to any other person or organisation required to comply with any of the terms of those instructions.

b) In addition, changes to those variations of the instructions for continuing airworthiness shall be made available to all known operators of a product incorporating the minor change and shall be made available, on request, to any person or organisation required to comply with any of those instructions.

21.A.108 Availability of operational suitability data

In the case of a change affecting the operational suitability data, the holder of the minor change approval shall make available

a) at least one set of changes to the operational suitability data prepared in accordance with the applicable operational suitability certification basis, to all known operators of the changed aircraft, before the operational suitability data must be used by a training organisation or operator; and

b) any further change to the affected operational suitability data, to all known operators of the changed aircraft; and

c) on request, the relevant parts of the changes in (a) and (b) above, to:

1. the competent authority responsible for verifying conformity with one or more elements of the affected operational suitability data; and

2. any person or organisation required to comply with one or more elements of this set of operational suitability data.

21.A.109 Obligations and MPA marking

The holder of a minor change approval to a type-certificate shall:

a) undertake the obligations laid down in 21.A.4, 21.A.105, 21.A.107 and 21.A.108; and

b) specify the marking, including MPA (herein ‘Military Part Approval’) letters, in accordance with 21.A.804.

SUBPART E - MILITARY SUPPLEMENTAL TYPE-CERTIFICATES

21.A.111 Scope

This Subpart establishes the procedure for the approval of major changes to the type-certificate under supplemental type-certificate procedures, and establishes the rights and obligations of the applicants for, and holders of, those certificates. In this Subpart, the references to type-certificates include type-certificates and restricted type-certificates.

21.A.112A Eligibility

Any organisation that has demonstrated, or is in the process of demonstrating, its capability in accordance with 21.A.112B may apply for a supplemental type-certificate (STC) in accordance with the conditions laid down in this Subpart.

21.A.112B Demonstration of capability

a) An applicant for a supplemental type-certificate shall demonstrate its capability by holding a design organisation approval, issued by the FIMAA in accordance with Subpart J.

b) By way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek FIMAA agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Subpart.

c) (Reserved)

d) By way of derogation from paragraph (a), any government organisation applying for a supplemental type-certificate may demonstrate its capability in accordance with 21.A.2 and 21.A.14(d), including a demonstration of compliance with 21.A.118A.

21.A.113 Application for a supplemental type-certificate

a) An application for a supplemental type-certificate shall be made in a form and manner established by the FIMAA.

b) When applying for a supplemental type-certificate, the applicant shall:

i. include in the application the information required by 21.A.93(b);

ii. specify whether the certification data has been or will be prepared completely by the applicant or on the basis of an arrangement with the owner of the type-certification data.

c) 21.A.93(c) applies to the requirements for the time limits of the application effectivity as well as the requirements related to the need to update the type-certification basis, operational suitability data certification basis and environmental protection requirements, when the change has not been approved or it is evident that it will not be approved within the time limit established.

21.A.115 Requirements for approval of major changes in the form of a supplemental type-certificate

a) Supplemental type-certificates shall be issued by:

1. the FIMAA; or

2. an approved design organisation within the scope of its privileges provided for in (1) and (9) of 21.A.263(c), as recorded in the terms of approval.

b) A supplemental type-certificate shall only be issued when:

1. the applicant has demonstrated its capability in accordance with 21.A.112B;

2. it has been demonstrated that the change to a type-certificate and areas affected by the change comply with the type-certification basis and the environmental protection requirements, as established by the FIMAA in accordance with 21.A.101;

3. in the case of a supplemental type-certificate affecting the operational suitability data, it has been demonstrated that the necessary changes to the operational suitability data meet the operational suitability data certification basis, as established by the FIMAA in accordance with 21.A.101;

4. compliance with (2) and (3) has been demonstrated in accordance with 21.A.20, as applicable to the change; and

5. in case the applicant has specified that it provided certification data on the basis of an arrangement with the owner of the type-certification data in accordance with 21.A.113(b):

    i. the type-certificate holder has indicated that it has no technical objection to the information submitted under 21.A.93; and

    ii. the type-certificate holder has agreed to collaborate with the supplemental type-certificate holder to ensure discharge of all obligations for continued airworthiness of the changed product through compliance with 21.A.44 and 21.A.118A.

c) By derogation from (3) and (4) of (b), at the applicant's request included in the declaration referred to in 21.A.20(d), the applicant is entitled to have a supplemental type-certificate for an aircraft issued before the applicant has demonstrated compliance with the operational suitability data certification basis, provided that the applicant demonstrates such compliance before the date at which those data are to be actually used.

d) A supplemental type-certificate shall be limited to the specific configuration(s) in the type-certificate to which the related major change relates.

21.A.116 Transferability

A supplemental type-certificate shall only be transferred to an organisation that is able to undertake the obligations of 21.A.118A and for this purpose has demonstrated its ability to qualify under the criteria of 21.A.112B.

21.A.117 Changes to that part of a product covered by a supplemental type-certificate

a) Minor changes to that part of a product covered by a supplemental type-certificate shall be classified and approved in accordance with Subpart D.

b) Each major change to that part of a product covered by a supplemental type-certificate shall be approved as a separate supplemental type-certificate in accordance with this Subpart.

c) By way of derogation from paragraph (b), a major change to that part of a product covered by a supplemental type-certificate submitted by the supplemental type-certificate holder itself may be approved as a change to the existing supplemental type-certificate.

21.A.118A Obligations and MPA marking

Each holder of a supplemental type-certificate shall:

a) undertake the obligations:

1. laid down in 21.A.3A, 21.A.3B, 21.A.4, 21.A.105, 21.A.119, 21.A.120A and 21.A.120B;

2. implicit in the collaboration with the type-certificate holder under 21.A.115(b)(5);

and for this purpose continue to meet the criteria of 21.A.112B.

b) specify the marking, including MPA letters, in accordance with 21.A.804(a).

21.A.118B Duration and continued validity

a) A supplemental type-certificate shall be issued for an unlimited duration. It shall remain valid subject to:

1. the holder remaining in compliance with thisregulation; and
2. the certificate not being surrendered or revoked under the applicable administrative procedures established by the FIMAA.

b) Upon surrender or revocation, the supplemental type-certificate shall be returned to the FIMAA.

21.A.119 Manuals

The holder of a supplemental type-certificate shall produce, maintain, and update master copies of variations in the manuals required by the applicable type-certification basis, the applicable operational suitability data certification basis and environmental protection requirements for the product, necessary to cover the changes introduced under the supplemental type-certificate, and furnish copies of these manuals to the FIMAA, on request.

21.A.120A Instructions for continuing airworthiness

a) The holder of the supplemental type-certificate for an aircraft, engine, or propeller, shall furnish at least one set of the associated variations to the instructions for continuing airworthiness, prepared in accordance with the applicable type-certification basis, to each known operator of one or more aircraft, engine, or propeller incorporating the features of the supplemental type-certificate, upon its delivery, or upon issuance of the first certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter make those variations in instructions available, on request, to any

other person or organisation required to comply with any of the terms of those instructions. Availability of some manual or portion of the variations to the instructions for continuing airworthiness, dealing with overhaul or other forms of heavy maintenance, may be delayed until after the product has entered into service, but shall be available before any of the products reaches the relevant age or flight-hours/cycles.

b) In addition, changes to those variations of the instructions for continuing airworthiness shall be made available to all known operators of a product incorporating the supplemental type-certificate and shall be made available, on request, to any person or organisation required to comply with any of those instructions. A programme showing how changes to the variations to the instructions for continuing airworthiness are distributed shall be submitted to the FIMAA.

21.A.120B Availability of operational suitability data

In the case of a change affecting the operational suitability data, the holder of the supplemental type-certificate shall make available:

a) at least one set of changes to the operational suitability data prepared in accordance with the applicable operational suitability certification basis, to all known operators of the changed aircraft, before the operational suitability data must be used by a training organisation or an operator; and

b) any further change to the affected operational suitability data, to all known operators of the changed aircraft; and

c) on request, the relevant parts of the changes in (a) and (b) above, to:

    1. the competent authority responsible for verifying conformity with one or more elements of the affected operational suitability data; and

    2. any person or organisation required to comply with one or more elements of this set of operational suitability data.

SUBPART F - PRODUCTION WITHOUT MILITARY PRODUCTION ORGANISATION APPROVAL

21.A.121 Scope

a) This Subpart establishes the procedure for demonstrating the conformity with the applicable design data of a product, part and appliance that is intended to be manufactured without a production organisation approval under Subpart G.

b) This Subpart establishes the rules governing the obligations of the manufacturer of a product, part or appliance being manufactured under this Subpart.

21.A.122 Eligibility

Any organisation may apply to show conformity of individual products, parts or appliances under this Subpart, if:

a) it holds or has applied for an approval covering the design of that product, part or appliance; or

b) it has ensured satisfactory coordination between production and design, through an appropriate arrangement with the applicant for, or holder of, an approval of such a design.

21.A.124 Application

a) Each application for an agreement to the showing of conformity of individual products, parts and appliances under this Subpart shall be made in a form and manner established by the FIMAA.

b) Such application shall contain:

1. evidence which demonstrates, where applicable, that:

i. the issuance of a production organisation approval under Subpart G would be inappropriate; or

ii. the certification or approval of a product, part or appliance under this Subpart is needed pending the issuance of a production organisation approval under Subpart G.

2. an outline of the information required by 21.A.125A(b).

21.A.125A Issue of a letter of agreement

The applicant shall be entitled to have a letter of agreement issued by the FIMAA agreeing to the showing of conformity of individual products, parts and appliances under this Subpart, after:

a) having established a production inspection system that ensures that each product, part or appliance conforms to the applicable design data and is in condition for safe operation;

b) having provided a manual that contains:

1. a description of the production inspection system required under paragraph (a);

2. a description of the means for making the determinations of the production inspection system; and

3. a description of the tests required in 21.A.127 and 21.A.128, and the names of persons authorised for the purpose of 21.A.130(a).

c) demonstrating that it is able to provide assistance in accordance with 21.A.3A and 21.A.129(d).

21.A.125B Findings

a) When objective evidence is found showing non-compliance of the holder of a letter of agreement with the applicable requirements of this regulation, the finding shall be classified as follows:

    1. a level one finding is any non-compliance with this regulation which could lead to uncontrolled non-compliances with applicable design data and which could affect the safety of the aircraft;

    2. a level two finding is any non-compliance with this regulation which is not classified as level one.

b) A level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under paragraph (a).

c) After receipt of notification of findings under the applicable administrative procedures established by the FIMAA:

    1. in case of a level one finding, the holder of the letter of agreement shall demonstrate corrective action to the satisfaction of the FIMAA within a period of no more than 21 working days after written confirmation of the finding;

    2. in case of level two findings, the corrective action period granted by the FIMAA shall be appropriate to the nature of the finding but in any case, initially shall not be more than three months. In certain circumstances and subject to the nature of the finding the FIMAA may extend the three month period subject to a satisfactory corrective action plan agreed by the FIMAA;

    3. a level three finding shall not require immediate action by the holder of the letter of agreement.

d) In case of level one or level two findings, the letter of agreement may be subject to a partial or full limitation, suspension and revocation under the applicable administrative procedures established by the FIMAA. The holder of the letter of agreement shall provide confirmation of receipt of the notice of limitation, suspension or revocation of the letter of agreement in a timely manner.

21.A.125C Duration and continued validity

a) The letter of agreement shall be issued for a limited duration not exceeding one year, or as agreed by the FIMAA. It shall remain valid unless:

1. the holder of the letter of agreement fails to demonstrate compliance with the applicable requirements of this Subpart; or
2. there is evidence that the manufacturer cannot maintain satisfactory control of the manufacture of products, parts, or appliances under the agreement; or
3. the manufacturer no longer meets the requirements of 21.A.122; or
4. the letter of agreement has been surrendered, revoked under the applicable administrative procedures established by the FIMAA, or has expired.

b) Upon surrender, revocation or expiry, the letter of agreement shall be returned to the FIMAA.

21.A.126 Production inspection system

a) The production inspection system required under 21.A.125A(a) shall provide a means for determining that:

1. incoming materials, and bought or subcontracted parts, used in the finished product are as specified in the applicable design data;
2. incoming materials, and bought or subcontracted parts, are properly identified;
3. processes, manufacturing techniques and methods of assembly affecting the quality and safety of the finished product are accomplished in accordance with specifications accepted by the FIMAA;
4. design changes, including material substitutions, have been approved under Subpart D or E and controlled before being incorporated in the finished product.

b) The production inspection system required by 21.A.125A (a), shall also be such as to ensure that:

1. parts in process are inspected for conformity with the applicable design data at points in production where accurate determinations can be made;
2. materials subject to damage and deterioration are suitably stored and adequately protected;
3. current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;
4. rejected materials and parts are segregated and identified in a manner that precludes installation in the finished product;
5. materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in the finished product, are subjected to an approved engineering and manufacturing review procedure. Those materials and parts determined by this

procedure to be serviceable shall be properly identified and re-inspected if rework or repair is necessary. Materials and parts rejected by this procedure shall be marked and disposed of to ensure that they are not incorporated in the final product;

6. records produced under the production inspection system are maintained, identified with the completed product or part where practicable, and retained by the manufacturer in order to provide the information necessary to ensure the continued airworthiness of the product.

21.A.127 Tests: aircraft

a) Each manufacturer of an aircraft manufactured under this Subpart shall establish an approved production ground and flight test procedure and check-off forms, and in accordance with those forms, test each aircraft produced, as a means of establishing relevant aspects of compliance with 21.A.125A(a).

b) Each production test procedure shall include at least the following:

1. a check on handling qualities;
2. a check on flight performance (using normal aircraft instrumentation);
3. a check on the proper functioning of all aircraft equipment and systems;
4. a determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test;
5. a check of the operational characteristics of the aircraft on the ground;

6. a check on any other items peculiar to the aircraft being tested.

21.A.128 Tests: engines and propellers

Each manufacturer of engines or propellers, manufactured under this Subpart, shall subject each engine, or variable pitch propeller, to an acceptable functional test as specified in the type-certificate holder's documentation, to determine if it operates properly throughout the range of operation for which it is type-certificated, as a means of establishing relevant aspects of compliance with 21.A.125A(a).

21.A.129 Obligations of the manufacturer

Each manufacturer of a product, part or appliance being manufactured under this Subpart shall:

a) make each product, part or appliance available for inspection by the FIMAA;

b) maintain at the place of manufacture the technical data and drawings necessary to determine whether the product conforms to the applicable design data;

c) maintain the production inspection system that ensures that each product conforms to the applicable design data and is in condition for safe operation;

d) provide assistance to the holder of the type-certificate, restricted type-certificate or design approval in dealing with any continued airworthiness actions that are related to the products, parts or appliances that have been produced;

e) establish and maintain an internal occurrence reporting system in the interest of safety, to enable the collection and assessment of occurrence reports in order to identify adverse trends or to address deficiencies, and to extract reportable occurrences. This system shall include evaluation of

relevant information relating to occurrences and the promulgation of related information;

f)

1. report to the holder of the type-certificate, restricted type-certificate or design approval, all cases where products, parts or appliances have been released by the manufacturer and subsequently identified to have deviations from the applicable design data, and investigate with the holder of the type-certificate, restricted type-certificate or design approval to identify those deviations which could lead to an unsafe condition;

2. report to the FIMAA the deviations which could lead to an unsafe condition identified according to subparagraph (1). Such reports shall be made in a form and manner established by the FIMAA under 21.A.3A(b)(2);

3. where the manufacturer acts as supplier to another production organisation, report also to that other organisation all cases where it has released products, parts or appliances to that organisation and subsequently identified them to have possible deviations from the applicable design data.

21.A.130 Statement of conformity

a) Each manufacturer of a product, part or appliance manufactured under this Subpart shall raise a statement of conformity, an EMAR Form 52 (SVY952), for complete aircraft, or EMAR Form 1 (SVY901), for other products, parts or appliances. This statement shall be signed by an authorised person who holds a responsible position in the manufacturing organisation.

b) A statement of conformity shall include all of the below:

1. for each product, part or appliance a statement that the product, part or appliance conforms to the approved design data and is in condition for safe operation;
2. for each aircraft, a statement that the aircraft has been ground and flight checked in accordance with 21.A.127(a);
3. For each engine, or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final functional test, in accordance with 21.A.128;
4. additionally, in the case of environmental requirements:
    i. a statement that the completed engine is in compliance with the applicable engine exhaust emissions requirements on the date of manufacture of the engine, and
    ii. a statement that the completed aircraft is in compliance with the applicable CO2 emissions requirements on the date its first certificate of airworthiness is issued.

c) Each manufacturer of such a product, part or appliance shall present a current statement of conformity, for validation by the FIMAA:

1. Upon the initial transfer by it of the ownership of such a product, part or appliance; or
2. Upon application for the original issue of an aircraft certificate of airworthiness; or
3. Upon application for the original issue of an airworthiness release document for an engine, a propeller, a part or appliance.

d) The FIMAA shall validate by counter-signature the Statement of Conformity if it finds after inspection that the product, part or appliance conforms to the applicable design data and is in condition for safe operation.

SUBPART G - MILITARY PRODUCTION ORGANISATION APPROVAL FOR PRODUCTS, PARTS AND APPLIANCES

21.A.131 Scope

This Subpart establishes:

a) The procedure for the issuance of a production organisation approval for a production organisation showing conformity of products, parts and appliances with the applicable design data;

b) The rules governing rights and obligations of the applicant for, and holders of, such approvals.

21.A.133 Eligibility

Any organisation shall be eligible as an applicant for an approval under this Subpart. The applicant shall:

a) justify that, for a defined scope of work, an approval under this Subpart is appropriate for the purpose of showing conformity with a specific design; and

b) hold or have applied for an approval of that specific design; or

c) have ensured, through an appropriate arrangement with the applicant for, or holder of, an approval of that specific design, satisfactory coordination between production and design.

21.A.134 Application

Each application for a production organisation approval shall be made to the FIMAA in a form and manner established by the FIMAA, and shall include an outline of the information required by 21.A.143 and the terms of approval requested to be issued under 21.A.151.

21.A.135 Issue of production organisation approval

An organisation shall be entitled to have a production organisation approval issued by the FIMAA when it has demonstrated compliance with the applicable requirements under this Subpart.

21.A.139 Quality System

a) The production organisation shall demonstrate that it has established and is able to maintain a quality system. The quality system shall be documented. This quality system shall be such as to enable the organisation to ensure that each product, part or appliance produced by the organisation or by its partners, or supplied from or subcontracted to outside parties, conforms to the applicable design data and is in condition for safe operation, and thus exercise the privileges set forth in 21.A.163.

b) The quality system shall contain:

    1. as applicable within the scope of approval, control procedures for:

        i. document issue, approval, or change;

        ii. vendor and subcontractor assessment audit and control;

        iii. verification that incoming products, parts, materials, and equipment, including items supplied new or used by buyers of products, are as specified in the applicable design data;

        iv. identification and traceability;

        v. manufacturing processes;

        vi. inspection and testing, including production flight tests;

        vii. calibration of tools, jigs, and test equipment;

viii. non-conforming item control;

ix. airworthiness coordination with the applicant for, or holder of, the design approval;

x. records completion and retention;

xi. personnel competence and qualification;

xii. issue of airworthiness release documents;

xiii. handling, storage and packing;

xiv. internal quality audits and resulting corrective actions;

xv. work within the terms of approval performed at any location other than the approved facilities;

xvi. work carried out after completion of production but prior to delivery, to maintain the aircraft in a condition for safe operation;

xvii. issue of military permit to fly and approval of associated flight conditions.

The control procedures shall include specific provisions for any critical parts.

2. An independent quality assurance function to monitor compliance with, and adequacy of, the documented procedures of the quality system. This monitoring shall include a feedback system to the person or group of persons referred to in 21.A.145(c)(2) and ultimately to the manager referred to in 21.A.145(c)(1) to ensure, as necessary, corrective action.

21.A.143 Production Organisation Exposition

a) The organisation shall submit to the FIMAA a production organisation exposition providing the following information:

1. a statement signed by the accountable manager confirming that the production organisation exposition and any associated manuals which define the approved organisation's compliance with this Subpart will be complied with at all times;
2. the title(s) and names of managers accepted by the FIMAA in accordance with 21.A.145(c)(2);
3. the duties and responsibilities of the manager(s) as required by 21.A.145(c)(2) including matters on which they may deal directly with the FIMAA on behalf of the organisation;
4. an organisational chart showing associated chains of responsibility of the managers as required by 21.A.145(c)(1) and (2);
5. a list of certifying staff as referred to in 21.A.145(d);
6. a general description of man-power resources;
7. a general description of the facilities located at each address specified in the production organisation's certificate of approval;
8. a general description of the production organisation's scope of work relevant to the terms of approval;
9. the procedure for the notification of organisational changes to the FIMAA;
10. the amendment procedure for the production organisation exposition;
11. a description of the quality system and the procedures as required by 21.A.139(b)(1);
12. a list of those outside parties referred to in 21.A.139(a).

13. if flight tests are to be conducted, a flight test operations manual defining the organisation's policies and procedures in relation to flight test. The flight test operations manual shall include:

    i. a description of the organisation's processes for flight test, including the flight test organisation involvement into the permit to fly issuance process;

    ii. crewing policy, including composition, competency, currency and flight time limitations, where applicable;

    iii. procedures for the carriage of persons other than crew members and for flight test training, when applicable;

    iv. a policy for risk and safety management and associated methodologies;

    v. procedures to identify the instruments and equipment to be carried;

    vi. a list of documents that need to be produced for flight test.

b) The production organisation exposition shall be amended as necessary to remain an up-to-date description of the organisation, and copies of any amendments shall be supplied to the FIMAA.

21.A.145 Approval requirements

The production organisation shall demonstrate, on the basis of the information submitted in accordance with 21.A.143 that:

a) with regard to general approval requirements, facilities, working conditions, equipment and tools, processes and associated materials, number

and competence of staff, and general organisation are adequate to discharge obligations under 21.A.165.

b) with regard to all necessary airworthiness and environmental data:

    1. the production organisation is in receipt of such data from the FIMAA, and from the holder of, or applicant for, the type-certificate, restricted type-certificate or design approval, including any exemption granted against the CO2 production cut-off requirements, to determine conformity with the applicable design data;

    2. the production organisation has established a procedure to ensure that airworthiness and environmental data are correctly incorporated in its production data; and

    3. such data are kept up to date and made available to all personnel who need access to such data to perform their duties.

c) with regard to management and staff:

    1. a manager has been nominated by the production organisation, and is accountable to the FIMAA. His or her responsibilities within the organisation shall consist of ensuring that all production is performed to the required standards and that the production organisation is continuously in compliance with the data and procedures identified in the exposition referred to in 21.A.143;

    2. a person or group of persons have been nominated by the production organisation to ensure that the organisation is in compliance with the requirements of this regulation, and are identified, together with the extent of their authority. Such person(s) shall act under the direct authority of the accountable manager referred to in (1). The person(s) nominated shall be able to show the appropriate knowledge,

background and experience to discharge their responsibilities; and

3. staff at all levels have been given appropriate authority to be able to discharge their allocated responsibilities and that there is full and effective coordination within the production organisation in respect of airworthiness and environmental data matters.

d) with regard to certifying staff, authorised by the production organisation to sign the documents issued under 21.A.163 under the scope or terms of approval:

1. the knowledge, background (including other functions in the organisation), and experience of the certifying staff are appropriate to discharge their allocated responsibilities;

2. the production organisation maintains a record of all certifying staff which shall include details of the scope of their authorisation;

3. certifying staff are provided with evidence of the scope of their authorisation.

21.A.147 Changes to the approved production organisation

a) After the issue of a production organisation approval, each change to the approved production organisation that is significant to the showing of conformity or to the airworthiness and environmental characteristics of the product, part or appliance, particularly changes to the quality system, shall be approved by the FIMAA. An application for approval shall be submitted in writing to the FIMAA and the organisation shall demonstrate to the FIMAA before implementation of the change, that it will continue to comply with this Subpart.

b) The FIMAA shall establish the conditions under which a production organisation approved under this Subpart may operate during such changes unless the FIMAA determines that the approval should be suspended.

21.A.148 Changes of location

A change of the location of the manufacturing facilities of the approved production organisation shall be deemed of significance and therefore shall comply with 21.A.147.

21.A.149 Transferability

Except as a result of a change in ownership, which is deemed significant for the purposes of 21.A.147, a production organisation approval is not transferable.

21.A.151 Terms of approval

The terms of approval shall identify the scope of work, the products or the categories of parts and appliances, or both, for which the holder is entitled to exercise the privileges under 21.A.163. Those terms shall be issued as part of a production organisation approval.

21.A.153 Changes to the terms of approval

Each change to the terms of approval shall be approved by the FIMAA. An application for a change to the terms of approval shall be made in a form and manner established by the FIMAA. The applicant shall comply with the applicable requirements of this Subpart.

21.A.157 Investigations

A production organisation shall make arrangements that allow the FIMAA to make any investigations, including investigations of partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirements of this Subpart.

21.A.158 Findings

a) When objective evidence is found showing non-compliance of the holder of a production organisation approval with the applicable requirements of this regulation, the finding shall be classified as follows:

   1. a level one finding is any non-compliance with this regulation which could lead to uncontrolled non-compliances with applicable design data and which could affect the safety of the aircraft;

   2. a level two finding is any non-compliance with this regulation which is not classified as level one.

b) A level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under paragraph (a).

c) After receipt of notification of findings issued under the applicable administrative procedures established by the FIMAA:

   1. in case of a level one finding, the holder of the production organisation approval shall demonstrate corrective action to the satisfaction of the FIMAA within a period of no more than 21 working days after written confirmation of the finding;

   2. in case of level two findings, the corrective action period granted by the FIMAA shall be appropriate to the nature of the finding but in any case, initially shall not be more than three months. In certain circumstances and subject to the nature of the finding the FIMAA may extend the three months period subject to a satisfactory corrective action plan agreed by the FIMAA;

   3. a level three finding shall not require immediate action by the holder of the production organisation approval.

d) In case of level one or level two findings, the production organisation approval may be subject to a partial or full limitation, suspension or revocation under the applicable administrative procedures established by the FIMAA. The holder of the production organisation approval shall provide confirmation of receipt of the notice of limitation, suspension or revocation of the production organisation approval in a timely manner.

21.A.159 Duration and continued validity

a) A production organisation approval shall be issued for an unlimited duration, unless otherwise specified by the FIMAA. It shall remain valid unless:

1. the production organisation fails to demonstrate compliance with the applicable requirements of this Subpart; or
2. the FIMAA is prevented by the holder or any of its partners or subcontractors to perform the investigations in accordance with 21.A.157; or
3. there is evidence that the production organisation cannot maintain satisfactory control of the manufacture of products, parts or appliances under the approval; or
4. the production organisation no longer meets the requirements of 21.A.133; or
5. the certificate has been surrendered or revoked under the applicable administrative procedures established by the FIMAA;

b) Upon surrender or revocation, the certificate shall be returned to the FIMAA.

21.A.163 Privileges

Pursuant to the terms of approval issued under 21.A.135, the holder of a production organisation approval may:

a) perform production activities under this regulation;

b) in the case of complete aircraft and upon presentation of a statement of conformity (EMAR Form 52 (SVY952)) under 21.A.174, obtain an aircraft certificate of airworthiness and a noise certificate, where applicable, without further showing;

c) in the case of other products, parts or appliances, issue authorised release certificates (EMAR Form 1 (SVY901)) without further showing;

d) maintain a new aircraft that it has produced and issue a certificate of release to service (EMAR Form 53 (SVY953)) in respect of that maintenance; or

e) under procedures agreed with its FIMAA, for an aircraft it has produced and when the production organisation itself is controlling under its MPOA, the configuration of the aircraft and is attesting conformity with the design conditions approved for the flight, to issue a military permit to fly in accordance with 21.A.711(c) including approval of the flight conditions in accordance with 21.A.710(b).

21.A.165 Obligations of the holder

The holder of a production organisation approval shall:

a) ensure that the production organisation exposition furnished in accordance with 21.A.143 and the documents to which it refers, are used as basic working documents within the organisation;

b) maintain the production organisation in conformity with the data and procedures approved for the production organisation approval;

c)

1. determine that each completed aircraft conforms to the type design and is in condition for safe operation prior to submitting statements of conformity to the FIMAA; or

2. determine that other products, parts or appliances are complete and conform to the approved design data and are in condition for safe operation before issuing EMAR Form 1 (SVY901) to certify conformity to approved design data and condition for safe operation;

3. additionally, in the case of environmental requirements determine that:

    i. the completed engine is in compliance with the applicable engine exhaust emissions requirements on the date of manufacture of the engine; and

    ii. the completed aircraft is in compliance with the applicable CO2 emissions requirements on the date its first certificate of airworthiness is issued.

4. determine that other products, parts or appliances conform to the applicable data before issuing an EMAR Form 1 (SVY901) as a conformity certificate.

d) record all details of work carried out;

e) establish and maintain an internal occurrence reporting system in the interest of safety, to enable the collection and assessment of occurrence reports in order to identify adverse trends or to address deficiencies, and to extract reportable occurrences. This system shall include evaluation of relevant information relating to occurrences and the promulgation of related information;

f)

1. report to the holder of the type-certificate or design approval, all cases where products, parts or appliances have been released by the production organisation and subsequently identified to have possible deviations from the applicable design data, and investigate with the holder of the type-

certificate, or design approval in order to identify those deviations which could lead to an unsafe condition;

2. report to the FIMAA the deviations which could lead to an unsafe condition identified according to (1). Such reports shall be made in a form and manner established by the FIMAA under 21.A.3A(b)(2);

3. where the holder of the production organisation approval is acting as a supplier to another production organisation, report also to that other organisation all cases where it has released products, parts or appliances to that organisation and subsequently identified them to have possible deviations from the applicable design data.

g) provide assistance to the holder of the type-certificate or design approval in dealing with any continuing airworthiness actions that are related to the products, parts or appliances that have been produced;

h) establish an archiving system incorporating requirements imposed on its partners, suppliers and subcontractors, ensuring conservation of the data used to justify conformity of the products, parts or appliances. Such data shall be held at the disposal of the FIMAA and be retained in order to provide the information necessary to ensure the continued airworthiness of the products, parts or appliances;

i) where, under its terms of approval, the holder issues a certificate of release to service, determine that each completed aircraft has been subjected to necessary maintenance and is in condition for safe operation, prior to issuing the certificate;

j) where applicable, under the privilege of 21.A.163(e), determine the conditions under which a military permit to fly can be issued; and

k) where applicable, under the privilege of 21.A.163(e), establish compliance with 21.A.711(c) and (e) before issuing a military permit to fly to an aircraft.

SUBPART H - MILITARY CERTIFICATES OF AIRWORTHINESS AND MILITARY RESTRICTED CERTIFICATES OF AIRWORTHINESS

21.A.171 Scope

This Subpart establishes the procedure for issuing airworthiness certificates.

21.A.172 Eligibility

Any organisation or operator under whose name an aircraft is registered or will be registered, or its representative, shall be eligible as an applicant for an airworthiness certificate for that aircraft under this Subpart.

21.A.173 Classification

Airworthiness certificates shall be classified as follows:

a) certificates of airworthiness shall be issued to aircraft which conform to a type-certificate that has been issued in accordance with this regulation;

b) restricted certificates of airworthiness shall be issued to aircraft:

    1. which conform to a restricted type-certificate that has been issued in accordance with this regulation; or

    2. which have been shown to the FIMAA to comply with specific airworthiness specifications ensuring adequate safety.

21.A.174 Application

a) Pursuant to regulation 21.A.172, an application for an airworthiness certificate shall be made in a form and manner established by the FIMAA.

b) Each application for a certificate of airworthiness or restricted certificate of airworthiness shall include:

    1. the class of airworthiness certificate applied for;

2. an Airworthiness Inspection Document issued by the Airworthiness Review Organisation approved according to SIM-To-Lt-034.

3. with regard to new aircraft:

   i. a statement of conformity:

      - issued under 21.A.163(b); or

      - issued under 21.A.130 and validated by the FIMAA; or

      - for an imported aircraft, any acceptable evidence to support that the aircraft conforms to a design approved by the FIMAA.

   ii. a weight and balance report with a loading schedule;

   iii. the flight manual and any other manuals required by the FIMAA.

4. with regard to used aircraft:

   i. originating from an EMAR compliant environment, a military airworthiness review certificate issued in accordance with EMAR M;

   ii. in any other case:

      - a statement by the Authority of the State where the aircraft is, or was, registered, reflecting the airworthiness status of the aircraft on its register at time of transfer;

      - a weight and balance report with a loading schedule;

      - the flight manual and any other manuals required by the FIMAA;

- historical records to establish the production, modification, and maintenance standard of the aircraft, including all limitations associated with a restricted certificate of airworthiness.;

c) Unless otherwise agreed, the statements referred to in (b)(3)(i) and (b)(4)(ii) shall be issued no more than 60 days before presentation of the aircraft to the FIMAA.

21.A.175 Language

The manuals, placards, listings, and instrument markings and other necessary information required by applicable airworthiness codes shall be presented in a language acceptable to the Authority of the State of registry.

21.A.177 Amendment or modification

Not applicable

21.A.179 Transferability and re-issuance within States applying EMARs

Not applicable

21.A.180 Inspections

The holder of the airworthiness certificate shall provide access to the aircraft for which that airworthiness certificate has been issued upon request by the FIMAA.

21.A.181 Duration and continued validity

a) An airworthiness certificate shall be issued for an unlimited duration. It shall remain valid subject to:

1. compliance with the applicable type-design and continuing airworthiness requirements; and

2. the aircraft remaining on the same register; and
3. the type-certificate or restricted type-certificate under which it is issued not being previously invalidated under 21.A.51; and
4. the certificate not being surrendered or revoked under the applicable administrative procedures established by the FIMAA.

b) Upon surrender or revocation, the certificate shall be returned to the FIMAA.

21.A.182 Aircraft identification

Each applicant for an airworthiness certificate under this Subpart shall demonstrate that its aircraft is identified in accordance with Subpart Q.

SUBPART I - NOISE CERTIFICATES

21.A.201 Scope

This Subpart establishes the procedure for issuing noise certificates.

21.A.203 Eligibility

Any organisation under whose name an aircraft is registered or will be registered, or its representative, shall be eligible as an applicant for a noise certificate for that aircraft under this Subpart.

21.A.204 Application

a) Pursuant to 21.A.203, an application for a noise certificate shall be made in a form and manner established by the FIMAA.

b) Each application shall include:

1. with regard to new aircraft:

   i. a statement of conformity:

      - issued under 21.A.163(b); or
      - issued under 21.A.130 and validated by the FIMAA; or
      - for an imported aircraft, any acceptable evidence that the aircraft conforms to a design approved by the FIMAA; and

   ii. the noise information determined in accordance with the applicable noise requirements;

2. with regard to used aircraft:

   i. the noise information determined in accordance with the applicable noise requirements; and

ii. historical records to establish the production, modification, and maintenance standard of the aircraft.

c) Unless otherwise agreed, the evidence referred to in (b)(1) shall be issued no more than 60 days before presentation of the aircraft to the FIMAA.

21.A.207 Amendment or modification

A noise certificate may be amended or modified only by the FIMAA.

21.A.209 Transferability and re-issuance within States applying this EMAR

Not applicable

21.A.210 Inspections

The holder of the noise certificate shall provide access to the aircraft for which that noise certificate has been issued upon request by the FIMAA for inspection.

21.A.211 Duration and continued validity

a) A noise certificate shall be issued for an unlimited duration. It shall remain valid subject to:

1. compliance with the applicable type-design, environmental protection and continuing airworthiness requirements; and
2. the aircraft remaining on the same register; and
3. the type-certificate or restricted type-certificate under which it is issued not being previously invalidated under 21.A.51;
4. the certificate not being surrendered or revoked under the applicable administrative procedures established by the FIMAA.

b) Upon surrender or revocation, the certificate shall be returned to the FIMAA.

SUBPART J - MILITARY DESIGN ORGANISATION APPROVAL

21.A.231 Scope

This Subpart establishes the procedure for the approval of design organisations and rules governing the rights and obligations of applicants for, and holders of, such approvals. In this Subpart, the references to type-certificates include type-certificates and restricted type-certificates.

21.A.233 Eligibility

At the discretion of the FIMAA, any organisation shall be eligible as an applicant for an approval under this Subpart:

a) In accordance with 21.A.14, 21.A.112B, 21.A.432B or 21.A.602B; or

b) For approval of minor changes or minor repair design, when requested for the purpose of obtaining privileges under 21.A.263.

21.A.234 Application

Each application for a design organisation approval shall be made in a form and manner established by the FIMAA and shall include an outline of the information required by 21.A.243, and the terms of approval requested to be issued under 21.A.251.

21.A.235 Issue of design organisation approval

An organisation shall be entitled to have a design organisation approval issued by the FIMAA when it has demonstrated compliance with the applicable requirements under this Subpart.

21.A.239 Design assurance system

a) The design organisation shall demonstrate that it has established and is able to maintain a design assurance system for the control and supervision of the design, and of design changes, of products, parts and appliances

covered by the application. This design assurance system shall be such as to enable the organisation:

1. to ensure that the design of the products, parts and appliances or the design change thereof, comply with the applicable type-certification basis, the applicable operational suitability data certification basis and environmental protection requirements; and
2. to ensure that its responsibilities are properly discharged in accordance with:
   i. the appropriate provisions of this regulation; and
   ii. the terms of approval issued under 21.A.251.
3. to independently monitor the compliance with, and adequacy of, the documented procedures of the system. This monitoring shall include a feed-back system to a person or a group of persons having the responsibility to ensure corrective actions.

b) The design assurance system shall include an independent checking function of the showings of compliance on the basis of which the organisation submits compliance statements and associated documentation to the FIMAA.

c) The design organisation shall specify the manner in which the design assurance system accounts for the acceptability of the parts or appliances designed or the tasks performed by partners or subcontractor according to methods which are the subject of written procedures.

21.A.243 Handbook (Design Organisation Exposition)

a) The design organisation shall furnish a handbook to the FIMAA describing, directly or by cross-reference, the organisation, the relevant procedures and the products, or changes to products to be designed. If flight tests are

to be conducted, a flight test operations manual defining the organisation's policies and procedures in relation to flight test shall be furnished. The flight test operations manual shall include:

1. a description of the organisation's processes for flight test, including the flight test organisation involvement into the permit to fly issuance process;
2. crewing policy, including composition, competency, currency and flight time limitations, as required by the Authority;
3. procedures for the carriage of persons other than crew members and for flight test training, when applicable;
4. a policy for risk and safety management and associated methodologies;
5. procedures to identify the instruments and equipment to be carried;
6. a list of documents that need to be produced for flight test.

b) Where any parts or appliances, or any changes to the products are designed by partner organisations or subcontractors, the handbook shall include a statement of how the design organisation is able to give, for all parts and appliances, the assurance of compliance required by 21.A.239(b), and shall contain, directly or by cross-reference, descriptions and information on the design activities and organisation of those partners or subcontractors, as necessary to establish this statement.

c) The handbook shall be amended as necessary to remain an up-to-date description of the organisation, and copies of amendments shall be supplied to the FIMAA.

d) The design organisation shall furnish a statement of the qualifications and experience of the management staff and other persons responsible for

making decisions affecting airworthiness and environmental protection in the organisation.

21.A.245 Approval requirements

The design organisation shall demonstrate, on the basis of the information submitted in accordance with 21.A.243 that, in addition to complying with 21.A.239:

a) the staff in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities and that these, together with the accommodation, facilities and equipment are adequate to enable the staff to achieve the airworthiness, operational suitability and environmental protection objectives for the product;

b) there is full and efficient coordination between departments and within departments in respect of airworthiness, operational suitability and environmental protection matters.

21.A.247 Changes in design assurance system

After the issue of a design organisation approval, each change to the design assurance system that is significant to the showing of compliance or to the airworthiness, operational suitability and environmental protection of the product, shall be approved by the FIMAA. An application for approval shall be submitted in writing to the FIMAA and the design organisation shall demonstrate to the FIMAA, on the basis of submission of proposed changes to the handbook, and before implementation of the change, that it will continue to comply with this Subpart after implementation.

21.A.249 Transferability

Except as a result of a change in ownership, which is deemed significant for the purposes of 21.A.247, a design organisation approval is not transferable.

21.A.251 Terms of approval

The terms of approval shall identify the types of design work, the categories of products, parts and appliances for which the design organisation holds a design organisation approval, and the functions and duties that the organisation is approved to perform in regard to the airworthiness, operational suitability and environmental characteristics of products. For design organisation approvals covering type-certification or Military Technical Standard Order MTSO authorisation for Auxiliary Power Units (APUs), the terms of approval shall contain in addition the list of products or APUs. Those terms shall be issued as part of a design organisation approval.

21.A.253 Changes to the terms of approval

Each change to the terms of approval shall be approved by the FIMAA. An application for a change to the terms of approval shall be made in a form and manner established by the FIMAA. The design organisation shall comply with the applicable requirements of this Subpart.

21.A.257 Investigations

a) The design organisation shall make arrangements that allow the FIMAA to make any investigations, including investigations of partners and subcontractors, necessary to determine compliance and continued compliance with the applicable requirements of this Subpart.

b) The design organisation shall allow the FIMAA to review any report and make any inspection and perform or witness any flight and ground test necessary to check the validity of the compliance statements submitted by the applicant under 21.A.239(b).

21.A.258 Findings

a) When, during the investigations referred to in 21.A.257. objective evidence is found demonstrating non-compliance of the holder of a design

organisation approval with the applicable requirements of this regulation, the finding shall be classified as follows:

1. a level one finding is any non-compliance with this regulation that may lead to uncontrolled non-compliances with applicable requirements and which could affect the safety of the aircraft;

2. a level two finding is any non-compliance with this regulation that is not classified as level one.

b) A level three finding is any item where it has been identified, by objective evidence, to contain potential problems that could lead to a non-compliance under paragraph (a).

c) After receipt of notification of findings under the applicable administrative procedures established by the FIMAA,

1. in case of a level one finding, the holder of a design organisation approval shall demonstrate to the satisfaction of the FIMAA that it has taken adequate corrective action within a period of no more than 21 working days after written confirmation of the finding;

2. in case of level two findings, the holder of a design organisation approval shall demonstrate to the satisfaction of the FIMAA that it has taken adequate corrective action within a time period set by the FIMAA which is appropriate to the nature of the finding and is initially not more than three months. The FIMAA may extend the initial time period where it considers that the nature of the finding allows such extension and where the applicant has submitted a corrective action plan which the FIMAA finds satisfactory; and

3. a level three finding shall not require immediate action by the holder of the design organisation approval.

d) In case of level one or level two findings, the design organisation approval may be subject to a partial or full suspension or revocation under the applicable administrative procedures established by the FIMAA. The holder of the design organisation approval shall provide confirmation of receipt of the notice of suspension or revocation of the design organisation approval in a timely manner.

21.A.259 Duration and continued validity

a) A design organisation approval shall be issued for an unlimited duration, unless otherwise specified by the FIMAA. It shall remain valid for that duration unless:

1. the design organisation fails to demonstrate compliance with the applicable requirements of this Subpart; or
2. the FIMAA is prevented by the holder or any of its partners or subcontractors to perform the investigations in accordance with 21.A.257; or
3. there is evidence that the design assurance system cannot maintain satisfactory control and supervision of the design of products or changes thereof under the approval; or
4. the certificate has been surrendered or revoked under the applicable administrative procedures established by the FIMAA.

b) Upon surrender or revocation, the certificate shall be returned to the FIMAA.

21.A.263 Privileges

a) (Reserved)

b) (Reserved)

c) A holder of a design organisation approval shall be entitled, within the scope of its terms of approval, as established by the FIMAA, and under the relevant procedures of the design assurance system:

1. to classify changes to a type-certificate or to a supplemental type-certificate and repairs as ‘major’ or ‘minor’;
2. to approve minor changes to type-certificates or to supplemental type-certificates and minor repairs;
3. (Reserved)
4. (Reserved)
5. to approve certain major repair designs under Subpart M to products or auxiliary power units (APUs);
6. to approve for certain aircraft the flight conditions under which a military permit to fly can be issued in accordance with 21.A.710(a)(2), except for permits to fly to be issued for the purpose of 21.A.701(a)(15);
7. to issue a military permit to fly in accordance with 21.A.711(b) for an aircraft it has designed or modified, or for which it has approved, in accordance with 21.A.263(c)(6), the flight conditions under which the military permit to fly can be issued, and when the holder of a design organisation approval itself:
    i. controls the configuration of the aircraft, and
    ii. attests conformity with the design conditions approved for the flight.
8. to approve certain major changes to a type-certificate under Subpart D; and
9. to issue certain supplemental type-certificates under Subpart E and approve certain major changes to those certificates.

d) For a military product derived from a civil type certified product, the holder of a MDOA shall be entitled, within its terms of approval and under the relevant procedures of the design assurance system:

1. to declare the applicability, through validation of no impact to the military certification basis and the intended use, of the following when it is has already been approved by a recognized civil airworthiness authority:
    i. a modification; or
    ii. an instruction for continuing airworthiness; or
    iii. revisions to the flight manual; or
    iv. revisions to the maintenance manual.
2. to approve the following, when it is has already been approved by a recognized civil airworthiness authority and when it has been declared to be applicable to the military product:
    i. a major modification; or
    ii. revisions to the flight manual; or
    iii. revisions to the approved sections of the maintenance manual.

21.A.265 Obligations of the holder

The holder of a design organisation approval shall, within the scope of its terms of approval, as established by the FIMAA:

a) maintain the handbook required under 21.A.243 in conformity with the design assurance system;

b) ensure that this handbook or relevant procedures included by cross-reference are used as a basic working document within the organisation;

c) determine that the design of products, or changes or repairs thereto comply with applicable specifications and requirements and have no unsafe features;

d) provide the FIMAA with statements and associated documentation confirming compliance with (c), except for approval processes carried out in accordance with 21.A.263(c);

e) provide to the FIMAA data and information related to the required actions under 21.A.3B;

f) determine, in accordance with 21.A.263(c)(6), the flight conditions under which a military permit to fly can be issued; and

g) establish, in accordance with 21.A.263(c)(7), compliance with (b) and (e) of 21.A.711 before issuing a military permit to fly for an aircraft.

h) designate data and information issued under the authority of the approved design organisation within the scope of its terms of approval as established by the FIMAA with the following statement: “The technical content of this document is approved under the authority of the MDOA ref. FIN.FIMAA.EMAR.21J.[XXXX]”.

SUBPART K - PARTS AND APPLIANCES

21.A.301 Scope

This Subpart establishes the procedure relating to the approval of parts and appliances.

21.A.303 Compliance with applicable requirements

The showing of compliance of parts and appliances to be installed in a type-certificated product shall be made:

a) in conjunction with the type-certification procedures of Subpart B, D or E for the product in which it is to be installed; or

b) where applicable, under the MTSO authorisation procedures of Subpart O; or

c) in the case of standard parts, in accordance with officially recognised Standards.

21.A.305 Approval of parts and appliances

In all cases where the approval of a part or appliance is explicitly required by Law or Authority measures, the part or appliance shall comply with the applicable technical standards and airworthiness codes as referred to in Subpart O.

21.A.307 Release of parts and appliances for installation

A part or appliance shall be eligible for installation in a type-certificated product when it is in a condition for safe operation, and it is:

a) accompanied by an authorised release certificate (EMAR Form 1 (SVY901) or equivalent certificate acceptable to the FIMAA), certifying that the item was manufactured in conformity to approved design data and is marked in accordance with Subpart Q; or

b) a standard part; or

c) (reserved)

d) by way of derogation from (a), accompanied by a Certificate of Conformity or equivalent release documentation certifying that the item was manufactured in conformity to applicable design data such as the technical and performance standards identified in the approved type-design of the type-certified product, and

1. it is not a critical part, not required for type-certification or by applicable rules governing the intended operations; and
2. it has been demonstrated to the FIMAA that the item will not adversely affect the airworthiness of the aircraft; and
3. the Certificate of Conformity or equivalent release documentation, identifying the part and manufacturer, is acceptable to the FIMAA; and
4. the part is marked with a name, trademark, or symbol identifying the manufacturer and part designation in accordance with the applicable design data.

(SUBPART L - NOT APPLICABLE)

SUBPART M - REPAIRS

21.A.431A Scope

a) This Subpart establishes the procedure for the approval of a repair design of a product, part or appliance and establishes the rights and obligations of the applicants for, and holders of, those approvals.

b) This Subpart defines standard repairs that are not subject to an approval process under this Subpart.

c) A 'repair' means elimination of damage and/or restoration to an airworthy condition following initial release to service by the manufacturer of any product, part or appliance.

d) The elimination of damage by replacement of parts or appliances without the necessity for design activity shall be considered as a maintenance task and shall therefore require no approval under this.

e) A repair to an MTSO article other than an Auxiliary Power Unit (APU) shall be treated as a change to the MTSO design and shall be processed in accordance with 21.A.611.

f) In this Subpart, the references to type-certificates include type-certificates and restricted type-certificates.

21.A.431B Standard repairs

a) Standard repairs are repairs:

1. in relation to products, as accepted by the FIMAA; and
2. that follow design data included in airworthiness codes or equivalent standards issued or accepted by the FIMAA, containing acceptable methods, techniques and practices for carrying out and identifying standard repairs, including the associated instructions for continuing airworthiness; and

3. that are not in conflict with type-certificate holders data.

b) 21.A.432A to 21.A.451 are not applicable to standard repairs.

21.A.432A Eligibility

a) Any organisation that has demonstrated, or is in the process of demonstrating, its capability according to 21.A.432B shall be eligible as an applicant for a major repair design approval under the conditions laid down in this Subpart.

b) Any organisation shall be eligible to apply for approval of a minor repair design.

21.A.432B Demonstration of capability

a) An applicant for a major repair design approval shall demonstrate its capability by holding a design organisation approval, issued by the FIMAA in accordance with Subpart J.

b) By way of derogation from paragraph (a), as an alternative procedure to demonstrate its capability, an applicant may seek FIMAA agreement for the use of procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this Subpart.

c) (Reserved)

d) By way of derogation from paragraph (a), any government organisation applying for a major repair design approval may demonstrate its capability in accordance with 21.A.2 and 21.A.14(d), including a demonstration of compliance with 21.A.451.

21.A.432C Application for a repair design approval

a) An application for a repair design approval shall be made in a form and manner established by the FIMAA.

b) An application for a major repair design approval shall include, or be supplemented after the initial application, a certification programme containing:

1. a description of the damage and repair design identifying the configuration of the type design upon which the repair is made;

2. an identification of all areas of the type design and the approved manuals that are changed or affected by the repair design;

3. an identification of any reinvestigations necessary to demonstrate compliance of the repair design and areas affected by the repair design with the type-certification basis incorporated by reference in, as applicable, either the type-certificate, the supplemental type-certificate or the APU MTSO authorisation;

4. any proposed amendments to the type-certification basis incorporated by reference in, as applicable, either the type-certificate, the supplemental type-certificate or the APU MTSO authorisation;

5. a proposal for a breakdown of the certification programme into meaningful groups of compliance demonstration activities and data, including the means and process proposed to be followed to demonstrate compliance with 21.A.433(a)(1) and references to related compliance documents;

6. a proposal for the assessment of the meaningful groups of compliance demonstration activities and data, addressing the likelihood of an unidentified non-compliance with the type-certification basis and the potential impact of that non-

compliance on product safety. The proposed assessment shall take into account at least the following elements:

i. novel or unusual features of the certification project, including operational, organisational and knowledge management aspects;

ii. complexity of the design and/or demonstration of compliance;

iii. criticality of the design or technology and the related safety and environmental risks, including those identified on similar designs; and

iv. performance and experience of the design organisation of the applicant in the domain concerned.

Based on this assessment, the application shall include a proposal for the FIMAA's involvement in the verification of the compliance demonstration activities and data; and

7. the specification whether the certification data is prepared completely by the applicant or on the basis of an arrangement with the owner of the type-certification data.

21.A.433 Requirements for a repair design

a) A repair design shall only be approved:

1. when it has been demonstrated, following the certification programme referred to in 21.A.432C(b), that the repair design complies with the type-certification basis incorporated by reference in, as applicable, either the type-certificate, the supplemental type-certificate or the APU MTSO authorisation, as well as with any amendments established and notified by the FIMAA;

2. when compliance with the type-certification basis that applies in accordance with (a)(1) has been declared and the justifications of compliance have been recorded in the compliance documents;

3. when no feature or characteristic has been identified that may make the product unsafe for the uses for which certification is requested; and

4. where the applicant has specified that it provided certification data on the basis of an arrangement with the owner of the type-certification data in accordance with 21.A.432C(b)(7):

    i. when the holder has indicated that it has no technical objection to the information submitted under (a)(2); and

    ii. when the holder has agreed to collaborate with the repair design approval holder to ensure discharge of all obligations for continued airworthiness of the changed product through compliance with 21.A.451.

b) The applicant shall submit to the FIMAA the declaration referred to in (a)(2) and, on request by the FIMAA, all necessary substantiation data.

21.A.435 Classification and approval of repair designs

a) A repair design shall be classified as either “major” or “minor” in accordance with the criteria set out in 21.A.91 for a change to the type-certificate.

b) A repair design shall be classified and approved by:

1. by the FIMAA; or

2. an approved design organisation within the scope of its privileges provided for in (1), (2) and (5) of 21.A.263(c), as recorded in the terms of approval.

21.A.439 Production of repair parts

Parts and appliances to be used for the repair shall be manufactured in accordance with production data based upon all the necessary design data as provided by the repair design approval holder:

a) under Subpart F; or

b) by an organisation appropriately approved in accordance with Subpart G; or

c) by an appropriately approved maintenance organisation.

21.A.441 Repair embodiment

a) The embodiment of a repair shall be made in accordance with SIM-To-Lt-031 (FIN EMAR 145), or by a production organisation appropriately approved in accordance with Subpart G, in accordance with the privilege provided for in 21.A.163(d).

b) The design organisation shall transmit to the organisation performing the repair all the necessary installation instructions.

21.A.443 Limitations

A repair design may be approved subject to limitations, in which case the repair design approval shall include all necessary instructions and limitations. These instructions and limitations shall be transmitted by the repair design approval holder to the operator in accordance with a procedure agreed with the FIMAA.

21.A.445 Unrepaired damage

a) When a damaged product, part or appliance, is left unrepaired, and is not covered by previously approved data, the evaluation of the damage for its airworthiness consequences may only be made:

    1. by the FIMAA; or

2. by an appropriately approved design organisation under a procedure agreed with the FIMAA.

Any necessary limitations shall be processed in accordance with the procedures of 21.A.443.

b) Where the organisation evaluating the damage under paragraph (a) is neither the FIMAA nor the type-certificate or supplemental type-certificate or APU MTSO authorisation holder, this organisation shall justify that the information on which the evaluation is based is adequate either from its organisation's own resources or through an arrangement with the type-certificate, supplemental type-certificate or APU MTSO authorisation holder, or manufacturer, as applicable.

21.A.447 Record-keeping

For each repair, all relevant design information, drawings, test reports, instructions and limitations possibly issued in accordance with 21.A.443, justification for classification and evidence of the repair design approval, shall:

a) be held by the repair design approval holder at the disposal of the FIMAA; and

b) be retained by the repair design approval holder in order to provide the information necessary to ensure the continued airworthiness of the repaired products, parts or appliances.

21.A.449 Instructions for continuing airworthiness

a) The holder of the repair design approval shall furnish at least one complete set of those changes to the instructions for continuing airworthiness which result from the design of the repair, comprising descriptive data and accomplishment instructions prepared in accordance with the applicable requirements, to each operator of aircraft incorporating the repair. The repaired product, part or appliance may be released back into service before

the changes to those instructions have been completed, but this shall be for a limited service period, and in agreement with the FIMAA. Those changes to the instructions shall be made available on request to any other person required to comply with any of the terms of those changes to the instructions. The availability of some manual or portion of the changes to the instructions for continuing airworthiness, dealing with overhaul or other forms of heavy maintenance, may be delayed until after the product has entered into service, but shall be available before any of the products reaches the relevant age or flight - hours/cycles.

b) If updates to those changes to the instructions for continuing airworthiness are issued by the holder of the repair design approval after the repair has been first approved, these updates shall be furnished to each operator and shall be made available on request to any other person required to comply with any of the terms of those changes to the instructions. A programme showing how updates to the changes to the instructions for continuing airworthiness are distributed shall be submitted to the FIMAA.

21.A.451 Obligations and MPA marking

a) Each holder of a major repair design approval shall:

1. undertake the obligations:

i. laid down in 21.A.3A, 21.A.3B, 21.A.4, 21.A.439, 21.A.441, 21.A.443, 21.A.447 and 21.A.449;

ii. implicit in the collaboration with the type-certificate or supplemental type-certificate and with the APU MTSO authorisation holder under 21.A.433(b), as appropriate.

2. specify the marking, including MPA (‘Military Part Approval’) letters, in accordance with 21.A.804(a).

b) Except for type-certificate holders or APU authorisation holders for which 21.A.44 applies, the holder of a minor repair design approval shall:

1. undertake the obligations laid down in 21.A.4, 21.A.447 and 21.A.449; and
2. specify the marking, including MPA letters, in accordance with 21.A.804(a).

(SUBPART N - NOT APPLICABLE)

SUBPART O - MILITARY TECHNICAL STANDARD ORDER AUTHORISATIONS

21.A.601 Scope

This Subpart establishes the procedure for issuing Military Technical Standard Order (MTSO) authorisations and the rules governing the rights and obligations of applicants for, or holders of, such authorisations.

21.A.602A Eligibility

Any organisation that produces or is preparing to produce an MTSO article, and that has demonstrated, or is in the process of demonstrating, its capability under 21.A.602B shall be eligible as an applicant for an MTSO authorisation.

21.A.602B Demonstration of capability

Any applicant for an MTSO authorisation shall demonstrate its capability as follows:

a) for production, by holding a production organisation approval, issued in accordance with Subpart G, or through compliance with Subpart F procedures; and

b) for design:

    1. for an Auxiliary Power Unit, by holding a design organisation approval, issued by the FIMAA in accordance with Subpart J;

    2. for all other articles, by using procedures setting out the specific design practices, resources and sequence of activities necessary to comply with this regulation.

21.A.603 Application

a) An application for an MTSO authorisation shall be made in a form and manner established by the FIMAA and shall include an outline of the information required by 21.A.605.

b) When a series of minor changes in accordance with 21.A.611 is anticipated, the applicant shall set forth in its application the basic model number of the article and the associated part numbers with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

21.A.604 MTSO authorisation for an Auxiliary Power Unit (APU)

With regard to MTSO authorisation for an APU:

a) by way of derogation from 21.A.603, 21.A.610 and 21.A.615, the following requirements shall apply: 21.A.15, 21.A.20, 21.A.21, 21.A.31, 21.A.33 and 21.A.44.

However, a MTSO authorization shall be issued in accordance with 21.A.606 instead of a type-certificate;

b) by way of derogation from 21.A.611, the requirements of Subpart D shall apply to the approval of design changes by the APU MTSO authorization holder and design changes from other applicants classified as a minor change, and the requirements of Subpart E shall apply to the approval of design changes by other applicants classified as a major change. Where the requirements of Subpart E apply, a separate MTSO authorisation shall be issued instead of a supplemental type-certificate; and

c) the requirements of Subpart M shall apply to the approval of repair designs.

21.A.605 Data requirements

a) The applicant shall submit to the FIMAA the following documents:

1. a certification programme for the MTSO authorisation, setting out the means to demonstrate compliance with 21.A.606(b);
2. a statement of compliance certifying that the applicant has met the requirements of this Subpart;
3. a Declaration of Design and Performance (DDP), stating that the applicant has demonstrated that the article complies with the technical standards and airworthiness specifications in accordance with the certification programme;
4. a copy of the technical data required in the applicable technical standards and airworthiness specifications;
5. the exposition (or a reference to the exposition) referred to in 21.A.143 for the purpose of obtaining an appropriate production organisation approval under Subpart G or the manual (or a reference to the manual) referred to in 21.A.125A(b) for the purpose of manufacturing under Subpart F without production organisation approval;
6. for an APU, the handbook, or a reference to the handbook, referred to in 21.A.243 for the purpose of obtaining an appropriate design organisation approval under Subpart J;
7. for all other articles, the procedures, or a reference to the procedures, referred to in 21.A.602B(b)(2).

b) The applicant shall report to the FIMAA any difficulty or event encountered during the approval process that may significantly impact the MTSO authorisation.

21.A.606 Requirements for the issuance of an MTSO authorisation

In order to be issued a MTSO authorization, the applicant shall:

a) demonstrate its capability in accordance with 21.A.602B;

b) demonstrate that the article complies with the technical conditions of the applicable technical standards and airworthiness specifications or with deviations therefrom approved in accordance with 21.A.610, if any;

c) comply with the requirements of this Subpart; and

d) declare that no feature or characteristic has been identified that may make the article unsafe for the uses for which certification is requested.

21.A.607 MTSO authorisation privileges

The holder of an MTSO authorisation is entitled to produce and to mark the article with the appropriate MTSO marking.

21.A.608 Declaration of Design and Performance (DDP)

a) The DDP shall contain at least the following information:

1. information corresponding to 21.A.31(a) and (b), identifying the article and its design and testing standard;
2. the rated performance of the article, where appropriate, either directly or by reference to other supplementary documents;
3. a statement of compliance certifying that the article has met the applicable technical standards and airworthiness specifications;
4. reference to relevant test reports;
5. reference to the appropriate Maintenance, Overhaul and Repair Manuals;

6. the levels of compliance, where various levels of compliance are allowed by the applicable technical standards and airworthiness specifications;
7. list of deviations accepted in accordance with 21.A.610.

b) The DDP shall be endorsed with the date and signature of the holder of the MTSO authorisation, or its authorised representative.

21.A.609 Obligations of holders of MTSO authorisations

The holder of an MTSO authorisation under this Subpart shall:

a) manufacture each article in accordance with Subpart G or Subpart F that ensures that each completed article conforms to its design data and is safe for installation;

b) prepare and maintain, for each model of each article for which an MTSO authorisation has been issued, a current file of complete technical data and records in accordance with 21.A.613;

c) prepare, maintain and update master copies of all manuals required by the applicable airworthiness specifications for the article;

d) make available to users of the article and to the FIMAA on request those maintenance, overhaul and repair manuals necessary for the usage and maintenance of the article, and changes to those manuals;

e) mark each article in accordance with 21.A.807;

f) comply with 21.A.3A, 21.A.3B and 21.A.4;

g) continue to meet requirement 21.A.602B.

21.A.610 Approval for deviation

a) Each manufacturer who requests approval to deviate from any performance requirements of applicable technical standards and airworthiness

specifications shall demonstrate that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

b) The request for approval to deviate, together with all pertinent data, shall be submitted to the FIMAA.

21.A.611 Design changes

a) The holder of the MTSO authorisation may make minor design changes (any change other than a major change) without further authorisation by the FIMAA. In this case, the changed article keeps the original model number (part number changes or amendments shall be used to identify minor changes) and the holder shall forward to the FIMAA any revised data that are necessary for compliance with 21.A.603(b).

b) Any design change by the holder of the MTSO authorisation that is extensive enough to require a substantially complete investigation to determine compliance with the applicable technical standards and airworthiness specifications is a major change. Before making such a change, the holder shall assign a new type or model designation to the article and apply for a new authorisation under 21.A.603.

c) No design change by any person or organisation, other than the holder of the MTSO authorisation who submitted the statement of compliance for the article, is eligible for approval under this Subpart O unless the person or organisation seeking the approval applies under 21.A.603 for a separate MTSO authorisation.

21.A.613 Record-keeping

Further to the record keeping requirements appropriate to or associated with the quality system, all relevant design information, drawings and test reports, including inspection records for the article tested, shall be held at the disposal of the FIMAA and shall be retained

in order to provide the information necessary to ensure the continued airworthiness of the article and of the type-certificated product in which it is fitted.

21.A.615 Inspection by the Authority

Upon a request of the FIMAA, each applicant for, or holder of an MTSO authorisation for an article shall allow the FIMAA to:

a) witness any tests;

b) inspect the technical data files on that article.

21.A.619 Duration and continued validity

a) An MTSO authorisation shall be issued for an unlimited duration. It shall remain valid unless:

    1. the conditions required when MTSO authorisation was granted are no longer being observed; or

    2. the obligations of the holder specified in 21.A.609 are no longer being discharged; or

    3. the article has proved to give rise to unacceptable hazards in service; or

    4. the authorisation has been surrendered or revoked under the applicable administrative procedures established by the FIMAA.

b) Upon surrender or revocation, the certificate shall be returned to the FIMAA.

21.A.621 Transferability

Except for a change in ownership of the holder, which shall be regarded as a change of significance, and shall therefore comply with 21.A.147 and 21.A.247 as applicable, an MTSO authorisation issued under this regulation is not transferable.

SUBPART P - MILITARY PERMIT TO FLY

21.A.701 Scope

a) Military permits to fly shall be issued in accordance with this Subpart to aircraft that do not meet, or have not been shown to meet, applicable airworthiness requirements but are capable of safe flight under defined conditions and for the following purposes:

1. development;
2. showing compliance with regulations or airworthiness codes;
3. design organisations or production organisations crew training;
4. production flight testing of new production aircraft;
5. flying aircraft under production between production facilities;
6. flying the aircraft for customer acceptance;
7. delivering or exporting the aircraft;
8. flying the aircraft for FIMAA acceptance;
9. market survey, including customer’s crew training;
10. exhibition and air show;
11. flying the aircraft to a location where maintenance or airworthiness review are to be performed, or to a place of storage;
12. flying an aircraft at a weight in excess of its maximum certificated takeoff weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available;
13. (reserved)

14. flying aircraft meeting the applicable airworthiness requirements before conformity to the environmental requirements has been found;

15. for individual aircraft or types for which a certificate of airworthiness or restricted certificate of airworthiness is not appropriate;

16. flying an aircraft for troubleshooting purposes or to check the functioning of one or more systems, parts or appliances after maintenance.

b) This Subpart establishes the procedure for issuing military permits to fly and approving associated flight conditions and establishes the rights and obligations of the applicants for, and holders of, those permits and approvals for flight conditions.

21.A.703 Eligibility

a) Any organisation shall be eligible as an applicant for a military permit to fly except for a military permit to fly requested for the purpose of 21.A.701(a)(15) where the applicant shall be the owner.

b) Any organisation shall be eligible for application for the approval of the flight conditions.

21.A.705 Authority of the State

The military permit to fly under this regulation shall be issued by FIMAA including cases where aircraft will fly in another State. The military permit to fly contains all the conditions and restrictions to ensure safe flight but other airspace and operational rules remain the competence of the authority of the state where the flight will take place. The applicant shall therefore also ensure compliance with the relevant regulations of that State.

21.A.707 Application for military permit to fly

a) Pursuant to 21.A.703 and when the applicant has not been granted the privilege to issue a military permit to fly, an application for a military permit to fly shall be made to the FIMAA in a form and manner established by the FIMAA.

b) Each application for a military permit to fly shall include:

1. the purpose(s) of the flight(s), in accordance with 21.A.701;
2. the ways in which the aircraft does not comply with the applicable airworthiness requirements;
3. the flight conditions approved in accordance with 21.A.710.

c) Where the flight conditions are not approved at the time of application for a military permit to fly, an application for approval of the flight conditions shall be made in accordance with 21.A.709.

21.A.708 Flight Conditions

Flight conditions include:

a) the configuration(s) for which the military permit to fly is requested;

b) any condition or restriction necessary for safe operation of the aircraft, including:

1. the conditions or restrictions put on itineraries or airspace, or both, required for the flight(s);
2. any conditions or restrictions put on the flight crew to fly the aircraft required by the Authority;
3. the restrictions regarding carriage of persons other than flight crew;
4. the operating limitations, specific procedures or technical conditions to be met;

5. the specific flight test programme (if applicable);

6. the specific continuing airworthiness arrangements including maintenance instructions and the regime under which they will be performed.

c) the substantiation that the aircraft is capable of safe flight under the conditions or restrictions of subparagraph (b);

d) the method used for the control of the aircraft configuration, in order to remain within the established conditions.

21.A.709 Application for approval of flight conditions

a) Pursuant to 21.A.707(c) and when the applicant has not been granted the privilege to approve the flight conditions, an application for approval of the flight conditions shall be made in a form and manner established by the FIMAA.

b) Each application for approval of the flight conditions shall include:

1. the proposed flight conditions;

2. the documentation supporting these conditions; and

3. a declaration that the aircraft is capable of safe flight under the conditions or restrictions of paragraph 21.A.708(b).

21.A.710 Approval of flight conditions

a) When approval of the flight conditions is related to the safety of the design, the flight conditions shall be approved by:

1. the FIMAA; or

2. an appropriately approved design organization, under the privilege of 21.A.263(c)(6).

b) When approval of the flight conditions is not related to the safety of the design, the flight conditions shall be approved by the FIMAA, or the appropriately approved organisation that will also issue the military permit to fly.

c) Before approving the flight conditions, the FIMAA or the approved organisation must be satisfied that the aircraft is capable of safe flight under the specified conditions and restrictions. The FIMAA may make or require the applicant to make any necessary inspections or tests for that purpose.

21.A.711 Issue of a military permit to fly

a) The FIMAA may issue a permit to fly upon presentation of the data required by this Subpart.

b) An appropriately approved design organisation may issue a military permit to fly under the privilege granted under 21.A.263(c)(7), when the flight conditions referred to in 21.A.708 have been approved in accordance with 21.A.710.

c) An appropriately approved production organisation may issue a military permit to fly under the privilege granted under 21.A.163(e), when the flight conditions referred to in 21.A.708 have been approved in accordance with 21.A.710.

d) (Reserved)

e) The military permit to fly shall specify the purpose(s) and any conditions and restrictions, which have been approved in accordance with 21.A.710.

f) For permits issued under subparagraph (b), (c) or (d), a copy of the military permit to fly and associated flight conditions shall be submitted to the FIMAA at the earliest opportunity but not later than three days from the permit being issued.

g) Upon evidence that any of the conditions specified in 21.A.723(a) are not met for a military permit to fly that an organisation has issued pursuant to

subparagraph (b), (c) or (d), that organisation shall revoke that military permit to fly immediately and inform without delay the FIMAA.

h) An appropriately approved military type certification holder may issue a military permit to fly under the priviledge granted by the FIMAA, when the flight conditions referred to in 21.A.708 have been approved in accordande with 21.A.710.

21.A.713 Changes

a) Any change that invalidates the flight conditions or associated substantiation established for the military permit to fly shall be approved in accordance with 21.A.710. When relevant, an application shall be made in accordance with 21.A.709.

b) A change affecting the content of the military permit to fly requires the issuance of a new military permit to fly in accordance with 21.A.711.

21.A.715 Language

The manuals, placards, listings, and instrument markings and other necessary information required by applicable type-certification basis shall be presented in a language acceptable to the FIMAA.

21.A.719 Transferability

a) A military permit to fly is not transferable.

b) (Reserved)

21.A.721 Inspections

The holder of, or the applicant for, a military permit to fly shall provide access to the aircraft concerned at the request of the FIMAA.

21.A.723 Duration and continued validity

a) A military permit to fly shall be issued for a maximum of 12 months, unless otherwise specified by the FIMAA, and shall remain valid subject to:

1. compliance with the conditions and restrictions of 21.A.711(e) associated to the military permit to fly;
2. the military permit to fly not being surrendered or revoked under the applicable administrative procedures established by the FIMAA;
3. the aircraft remaining on the same register.

b) (Reserved)

c) Upon surrender or revocation, the military permit to fly shall be returned to the FIMAA.

21.A.725 Renewal of military permit to fly

Renewal of the military permit to fly shall be processed as a change in accordance with 21.A.713.

21.A.727 Obligations of the holder of a military permit to fly

The holder of a military permit to fly shall ensure that all the conditions and restrictions associated with the military permit to fly are satisfied and maintained.

21.A.729 Record keeping

a) All documents produced to establish and justify the flight conditions shall be held by the holder of the approval of the flight conditions at the disposal of the FIMAA and shall be retained in order to provide the information necessary to ensure the continued airworthiness of the aircraft.

b) All documents associated to the issue of permits to fly under the privilege of approved organisations, including inspection records, documents

supporting the approval of flight conditions and the military permit to fly itself, shall be held by the related approved organisation at the disposal of the FIMAA and shall be retained in order to provide the information necessary to ensure the continued airworthiness of the aircraft.

SUBPART Q - IDENTIFICATION OF PRODUCTS, PARTS AND APPLIANCES

21.A.801 Identification of products

a) The identification of products shall include the following information:

1. manufacturer's name;
2. product designation;
3. manufacturer's Serial number; and
4. any other information the FIMAA finds appropriate.

b) Any organisation that manufactures an aircraft or engine under Subpart G or Subpart F shall identify that aircraft or engine by means of a fireproof plate that has the information specified in paragraph (a) marked on it by etching, stamping, engraving, or other approved method of fireproof marking. The identification plate shall be secured in such a manner that it is accessible and legible, and will not likely be defaced or removed during normal service, or lost or destroyed in an accident.

c) Any organisation that manufactures a propeller, propeller blade, or propeller hub under Subpart G or Subpart F shall identify it by means of a plate, stamping, engraving, etching or other approved method of fireproof identification that is placed on it on a non-critical surface, contains the information specified in paragraph (a), and will not likely be defaced or removed during normal service or lost or destroyed in an accident.

d) (Reserved).

21.A.803 Handling of identification data

a) No person shall remove, change, or place identification information referred to in 21.A.801(a) on any aircraft, engine, propeller, propeller blade, or propeller hub, or in 21.A.807(a) on an APU, without the approval of the FIMAA.

b) No person shall remove or install any identification plate referred to in 21.A.801, or in 21.A.807 for an APU, without the approval of the FIMAA.

c) By way of derogation from paragraphs (a) and (b), any person or organisation performing maintenance work under the applicable associated implementing rules may, in accordance with methods, techniques and practices established by the FIMAA:

1. remove, change, or place the identification information referred to in 21.A.801(a) on any aircraft, engine, propeller, propeller blade, or propeller hub, or in 21.A.807(a) on an APU; or

2. remove an identification plate referred to in 21.A.801, or 21.A.807 for an APU, when necessary during maintenance operations.

d) No person shall install an identification plate removed in accordance with subparagraph (c)(2) on any aircraft, engine, propeller, propeller blade, or propeller hub other than the one from which it was removed.

21.A.804 Identification of parts and appliances

a) Each part or appliance shall be marked permanently and legibly with:

1. a name, trademark, or symbol identifying the manufacturer in a manner identified by the applicable design data; and

2. the part number, as defined in the applicable design data; and

3. the letters MPA (Military Part Approval) for parts or appliances produced in accordance with approved design data not belonging to the type-certificate holder of the related product, except for MTSO articles.

b) By way of derogation from paragraph (a), if the FIMAA agrees that a part or appliance is too small or that it is otherwise impractical to mark a part or appliance with any of the information required by paragraph (a), the authorised release document accompanying the part or appliance or its container shall include the information that could not be marked on the part.

21.A.805 Identification of critical parts

In addition to the requirement of 21.A.804, each manufacturer of a part to be fitted on a type-certificated product which has been identified as a critical part shall permanently and legibly mark that part with a part number and a serial number.

21.A.807 Identification of MTSO articles

a) Each holder of an MTSO authorisation under Subpart O shall permanently and legibly mark each article with the following information:

1. the name and address of the manufacturer;
2. the name, type, part number or model designation of the article;
3. the serial number or the date of manufacture of the article or both; and
4. the applicable MTSO number.

b) By way of derogation from paragraph (a), if the FIMAA agrees that a part is too small or that it is otherwise impractical to mark a part with any of the information required by paragraph (a), the authorised release document accompanying the part or its container shall include the information that could not be marked on the part.

c) Each person who manufactures an APU under Subpart G or Subpart F shall identify that APU by means of a fire-proof plate that has the information specified in paragraph (a) marked on it by etching, stamping,

engraving, or other approved method of fireproof marking. The identification plate shall be secured in such a manner that it is accessible and legible, and will not likely be defaced or removed during normal service, or lost or destroyed in an accident.

SECTION B PROCEDURES FOR AUTHORITIES

NOT APPLICABLE

2 TRANSITIONAL PROVISION

This regulation comes into force 1.4.2023.

Approved organizations shall ensure that their operations and manuals comply with the requirements by 31 December 2023.

3 EXEMPTIONS

The Military Aviation Authority Finland may grant exemptions from this regulation based on a justifiable application addressing the exceptional features of the activities in question. The application process and instructions are detailed in the Military Aviation Authority Advisory SIO-Pe-YI-008 “Applying for an exemption to a decision by the Military Aviation Authority or valid military aviation regulation”

Director
Colonel, M.Sc. (Tech.) Kim Juhala

Technical Director
M.Sc. (Tech.) Kimmo Pelkonen