



## **CAR 21**

# **CERTIFICATION OF AIRCRAFT**

**FOREWORD**

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**REVISION RECORD**

**LIST of EFFECTIVE PAGES**

DRAFT

## FOREWORD

1. The Gibraltar Civil Aviation Authority is known in these operating regulations as the “Authority”.
2. CAR 21 addresses the certification of aircraft and related products, parts and appliances and is applicable for all aeroplanes and helicopters issued with a Certificate of Registration.
3. CAR 21 includes Standards and Recommended Practices up to and including ICAO Annex 8, Amendment 110, where appropriate.
4. The gazette published version is available on <https://www.gibraltarlaws.gov.gi> under operating regulations.
5. Unless otherwise stated, applicable CAR DEF definitions and abbreviations are used throughout this document. The abbreviation “NAA” meaning National Aviation Authority is used throughout these regulations.
6. The editing practices used in this document are as follows:
  - (a) ‘Shall’ is used to indicate a mandatory requirement whereby non-compliance may be considered an offence under Section 59 of the Civil Aviation Act – 2024 and may be enforced under the provisions of Section 58.
  - (b) ‘Should’ is used to indicate a recommendation by the Authority and has no legal effect.
  - (c) ‘May’ is used to indicate discretion by the Authority, the industry or the applicant, as appropriate.

*Note: The use of the male gender implies all genders.*

7. Paragraphs and sub-paragraphs with new, amended and corrected text will be enclosed within square brackets until a subsequent “amendment” is issued.

The Director General, in exercise of the powers conferred by Section 34 of the Civil Aviation Act – 2024, hereby issues these operating regulations.



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**CHAPTER 1****GENERAL****21.1 Purpose**

These regulations detail requirements governing the issue of a Type Acceptance Certificate, Certificate of Airworthiness, Permit to Fly and Export Certificate of Airworthiness. They also cover the requirements for the issue of documents for the design, certification, modification and repair of aircraft, aircraft engines, propellers, components, and appliances to permit their use in aircraft registered in Gibraltar and including documentation for the export of such aircraft.

**21.3 State of Registry responsibilities**

- (a) The owner or operator of an aircraft registered in Gibraltar shall notify the Authority of any known unsafe condition in accordance with CAR AIR 1, Chapter 6 or the applicable CAR OPS.
- (b) If it is found through service experience that changes to the Type Certificate or the Type Acceptance Certificate will contribute to the safety of the aircraft, the Authority will notify the State of Type Certification for the aircraft; and
  - (1) upon receipt of an associated report from the State of Type Certification make any appropriate changes to the Type Acceptance Certificate; and
  - (2) upon approval of any design change or inspection requirement by the State of Type Design, promulgate as a mandatory requirement data covering the change to all operators of the aircraft on the Gibraltar register.

**CHAPTER 2****TYPE ACCEPTANCE CERTIFICATES****21.11 Purpose**

This Chapter details requirements governing the issue of a Type Acceptance Certificate for complete aircraft. The Certificate granted by the Authority confirms specific type design acceptance to the type certificate holder and is a prerequisite for the issue of a Certificate of Airworthiness for an aircraft registered in Gibraltar.

**21.13 Applicability**

Unless otherwise stated the airworthiness standards prescribed in this Chapter apply to all aircraft with Certificates of Airworthiness issued by the Authority.

**21.15 Application for a Certificate**

An applicant for the grant of a Type Acceptance Certificate for an aircraft type shall apply to the Authority in writing, providing the following information:

- (a) the name and address of the applicant; and
- (b) full details of the aircraft and Type Certificate for which acceptance is required; and
- (c) any other information required by this Chapter.

**21.17 Issue of Certificates**

- (a) A Type Acceptance Certificate for an aircraft type may be issued if;
  - (1) the applicant demonstrates compliance with the applicable certification requirements in paragraph 21.23 and paragraph 21.25 in a manner acceptable to the Authority; and
  - (2) the granting of the certificate is not contrary to the interests of aviation safety.
- (b) A Type Acceptance Certificate may be granted to an aircraft type, model or series or to a limited range of serial numbers of an aircraft.
- (c) A Type Acceptance Certificate may be issued on the basis of a restricted type certificate for a Remotely Piloted Aircraft System (RPAS) only.

*Note: Unless specifically stated any reference to type certificate in Gibraltar regulations also refers to restricted type certificate.*

**21.19 Airworthiness conditions**

Additional special conditions for the aircraft may be prescribed if the Authority determines in their opinion that the standards specified in CAR 21.25 do not contain adequate or appropriate safety levels.

**21.21 Duration of Certificate**

A Type Acceptance Certificate shall remain in force until it is suspended or revoked provided that;

- (a) the foreign Type Design Type Certificate identified in compliance with paragraph 21.25(a)(1) or (4), as applicable, and referenced on the Type Acceptance Certificate remains valid; and
- (b) the Type Certificate holder continues to supply information to the Authority to support continued airworthiness and safe operation of the aircraft covered by the Type Acceptance Certificate.

### **21.23 Type acceptance airworthiness requirements**

An applicant for the grant of a Type Acceptance Certificate for an aircraft type shall provide the Authority with evidence that;

- (a) the aircraft type meets the applicable airworthiness design standards effective at the date assigned in the foreign Type Certificate, or equivalent document, unless another date is specified by the Authority; and
- (b) the aircraft type meets any special conditions imposed under the foreign Type Certification or prescribed by the Authority under paragraph 21.19; or
- (c) any airworthiness requirements not complied with under paragraph (a) or (b) are compensated for by factors providing an equivalent level of safety; and
- (d) no feature or characteristic of the aircraft type makes it unsafe for its intended use.

### **21.25 Type acceptance data requirements**

- (a) An applicant for the grant of a Type Acceptance Certificate for an aircraft type shall provide the Authority with evidence that:
  - (1) the Type Design has been approved by the issue of a Type Certificate by one of the following:
    - (i) Federal Aviation Administration (FAA) of the United States;
    - (ii) Transport Canada (TCCA);
    - (iii) European Aviation Safety Agency (EASA);
    - (iv) Civil Aviation Authority (UK CAA) of the United Kingdom, including those accepted by the applicable agreement between the UK and European Union; or
    - (v) Agência Nacional de Aviação Civil (ANAC) of Brazil; and
  - (2) the Type Certificate is currently considered valid by the issuing State's airworthiness authority; and
  - (3) the aircraft complies with CAR 21, Chapter 5.
  - (4) for Remotely Piloted Aircraft Systems only;
    - (i) the Type Design has been approved by the Israeli Civil Aviation Authority (CAAI) and currently considered valid;

- (ii) [the Type Certification of the remotely piloted aircraft shall include the remote pilot station and the C2 Link; and]
  - (iii) the Remotely Piloted Aircraft System complies with CAR 21, Chapter 5.
- (b) The applicant shall make available to the Authority on request:
- (1) the maintenance manual or instructions for continued airworthiness for the aircraft;
  - (2) all service information and its amendments issued by the Type Certificate holder of the aircraft, aircraft engine and propeller;
  - (3) the Aircraft Flight Manual, MMEL, CDL and any applicable weight and balance manual; and
  - (4) any other applicable operational certification data.

**CHAPTER 3****DESIGN CHANGES****21.71 Purpose**

This Chapter details the requirements for the approval of design changes.

- (a) The approval of the installation of a design change by the Authority is a process based on the acceptance of the certification process by an NAA specified in paragraph 21.25(a)(1) or (4).
- (b) The applicant for a design change approval shall apply in a manner acceptable to the Authority.

**21.72 Classification of design changes**

- (a) The design change classification definition by the NAA specified in 21.25(a)(1) or (4) is acceptable for the overseas design approvals issued by the respective NAA.
- (b) The applicant shall provide evidence of classification of the design change to the Authority at the time of the application for the approval of a design change.
- (c) Changes in type design are classified as minor and major. A ‘minor change’ is one that has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission, or other characteristics affecting the airworthiness of the product, all other changes are ‘major changes’ under this Chapter.

**21.73 Acceptance of major design changes**

- (a) Design changes that are classified as Major shall be designed to the applicable Type Certification standards identified on the Type Acceptance Certificate against which the Certificate of Airworthiness was issued.
- (b) The applicant for acceptance of a design change to an aircraft shall demonstrate to the satisfaction of the Authority that the design change:
  - (1) has been certified, approved or accepted by an NAA specified in paragraph 21.25(a)(1) that issued the type certificate identified on the Type Acceptance Certificate, against which the C of A for the aircraft has been issued; or
  - (2) has been certified, approved or accepted by an NAA specified in paragraph 21.25(a)(1) that is not the issuing State of the Type Certificate identified on the Type Acceptance Certificate against which the C of A for the aircraft was issued and has been declared to comply with the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft by a suitably approved design organisation or individual; or
  - (3) through an internationally recognised bilateral agreement that the design change has been certified, approved, validated or accepted by an NAA specified in paragraph 21.25(a)(1) to the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft against which the Certificate of Airworthiness is issued.
  - (4) for Remotely Piloted Aircraft Systems the applicant demonstrating to the satisfaction of the Authority that the design change has been approved by the National Aviation Authority specified in paragraph 21.25(a)(4) to the applicable Type Certification standards identified

on the Type Acceptance Certificate for the aircraft.

- (c) The applicant shall provide to the satisfaction of the Authority:
- (1) sufficient technical evidence to demonstrate that the approval standard complies with the Type Acceptance Certificate against which the Certificate of Airworthiness was granted;
  - (2) all the necessary substantiation data of the design change;
  - (3) evidence of classification of the design change identified in paragraph 21.72(b);
  - (4) evidence that design change has been certified/approved/accepted/validated by the applicable National Aviation Authority identified in paragraph 21.73(b)(2);
  - (5) sufficient technical evidence of the applicability of the design change to the aircraft;
  - (6) sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft;
  - (7) if applicable, a statement of compliance with the requirements of ICAO Annex 16;
  - (8) if applicable, instructions of continued airworthiness approved as part of the foreign design change; and
  - (9) if applicable, flight manual supplement, operational manual supplements, MMEL supplement and any other operational data approved as part of the foreign design change.
- (d) The applicant shall make the aircraft and associated data available for any inspections as the Authority may require.
- (e) Except as provided in paragraphs 21.79 and 21.81, the Authority shall signify acceptance of the design change through the issuance of an acceptance document.

### **21.75 Acceptance of minor design changes**

- (a) The applicant for acceptance of a minor design change shall provide, to the satisfaction of the Authority, evidence that;
- (1) the minor design change is to a standard identified in the Type Acceptance Certificate for the aircraft and approved by an organisation approved by an NAA identified in CAR 21.25(a)(1) or (4), as applicable; or
  - (2) the design change has been accepted or approved in accordance with the respective procedures of the applicable Type Certification NAA identified in CAR 21.25(a)(1) or (4), as applicable; or
  - (3) the design change is approved by an organisation approved by an NAA other than an NAA identified in paragraph 21.25(a)(1) or (4) that has entered into a bilateral arrangement with an NAA identified in 21.25(a)(1) or (4) provided that the bilateral arrangement covers such matters, including the applicable Type Certificate standards identified on the Type Acceptance Certificate against which the Certificate of Airworthiness was issued.

- (b) Continued airworthiness information for design changes shall be available.
- (c) Where appropriate, for design changes affecting the operation of the aircraft, the information shall be available and integrated into the appropriate Operations Manual, checklists and MEL.
- (d) The applicant shall make the aircraft and associated data available for any inspections as the Authority may require.
- (e) Except as provided in paragraphs 21.79 and 21.81, the Authority shall signify acceptance of the design change through the issuance of an acceptance document.

#### **21.77 Continued airworthiness responsibilities**

- (a) The organisation under which the statement of compliance for a design change was issued shall undertake the continued airworthiness responsibilities required in respect of the change.
- (b) Any issues of continued airworthiness including those initiated by a design change approved under this Chapter shall be reported to the Authority and the organisation responsible for the design.

#### **21.79 Acceptance of design changes by the issue of a Certificate of Airworthiness**

For the initial issue of a Certificate of Airworthiness, design changes already embodied on the aircraft shall be accepted provided that;

- (a) the design change is recorded in the maintenance records for the aircraft; and
- (b) there is evidence that the design change meets the applicable airworthiness requirements.

#### **21.81 Acceptable design changes**

A design change covered by the issue of a Service Bulletin or equivalent document issued by the Type Certificate Holder is deemed to be accepted by the Authority without the need for a formal document to be issued provided that:

- (a) the design change is approved by an NAA specified in paragraph 21.25(a)(1) or (4) to the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft against which the Certificate of Airworthiness is issued; or
- (b) through an internationally recognised bilateral agreement that the design change has been certified, approved, validated or accepted by an NAA specified in paragraph 21.25(a)(1) to the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft against which the Certificate of Airworthiness is issued; and
- (c) there is sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft; and
- (d) continued airworthiness instructions for the design changes are available and integrated.
- (e) flight manual supplement, operational manual supplements, MMEL supplement and any other operational data approved is available.

*Note 1: The Operator is responsible under Operational Regulations for updating and approval of operational manuals due to introduction of ICA, FMS, MMEL of any other operational data due to design change.*

*Note 2: A TC holder may issue data using Service Bulletin, Aircraft Service change etc. For data to be acceptable under CAR 21.81 it is required that such data is approved by the TC holder.*

**CHAPTER 4****CERTIFICATES AND RESTRICTED CERTIFICATES OF AIRWORTHINESS****21.171 Purpose**

This Chapter details requirements governing the airworthiness certification of aircraft.

*Note: Unless specifically stated, any reference to Certificate of Airworthiness in Gibraltar regulations also refers to restricted Certificate of Airworthiness.*

**21.172 Certificate of airworthiness - General**

- (a) An aircraft may not undertake international navigation unless there is in force for the aircraft a certificate of airworthiness issued or rendered valid by the Authority, as the State of Registry, and operated in conformance with the terms of the certificate of airworthiness and within the approved operating limitations contained in its flight manual.
- (b) The Authority shall issue, or render valid, a Certificate of Airworthiness for which it intends to claim recognition when it has satisfactory evidence that the aircraft complies with appropriate and equivalent airworthiness requirements of CAR 21, CAR AIR 1/2, CAR OPS1/3/4 or CAR CAMO as appropriate.
- (c) A Certificate of Airworthiness shall be renewed or shall remain valid, subject to CAR 21.181(a) provided that the continuing airworthiness of the aircraft shall be determined by a periodical inspection in accordance with CAR AIR 1, Chapter 5.
- (d) Each aircraft processing a Certificate of Airworthiness shall be provided with a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements and additional instructions and information necessary for the safe operation of the aircraft.
- (e) The Certificate of Airworthiness issued to a remotely piloted aircraft shall convey evidence of the airworthy status of the remotely piloted aircraft system (RPAS), as a complete system, to ensure it conforms to the type design and is in a condition for safe operation.

**21.173 Certification standard**

- (a) Certificates of Airworthiness issued under this Chapter are based on the airworthiness standards of the applicable Type Acceptance Certificate.
- (b) Restricted Certificates of Airworthiness shall be issued to aircraft which conform to a restricted type certificate that has been issued in accordance with CAR 21 or which has been shown to comply with specific airworthiness specifications ensuring adequate safety.
- (c) A Certificate of Airworthiness issued under this Chapter may contain operating conditions and limitations.
- (d) An Aircraft Flight Manual approved by the State of Type Certification is associated with and forms part of the Certificate of Airworthiness.

### 21.175 Application for a Certificate or Restricted Certificate of Airworthiness

- (a) The applicant for the grant of a certificate of airworthiness shall provide, to the satisfaction of the Authority, evidence that:
- (1) the aircraft conforms to an applicable Type Acceptance Certificate issued under Chapter 2; and in respect to a Restricted Certificate of Airworthiness, historical records to establish the production, modification, and maintenance standard of the aircraft, including all limitations associated with a restricted certificate of airworthiness;
  - (2) each design change and repair to the aircraft conforms to design changes as required by Chapter 3;
  - (3) the aircraft complies with any applicable airworthiness directives required to be complied with under CAR AIR 1.075 or CAR OPS 1/3, as appropriate;
  - (4) the aircraft is issued with the appropriate flight manual that is current for the type and model and which includes limitations, identifies any required placards, supplements and appendices as required by the aircraft design standard;
  - (5) the aircraft's maintenance and continued airworthiness records are in the English language, complete and up-to-date and maintained in accordance with CAR AIR 1.055; and
  - (6) when an aircraft possessing a valid certificate of airworthiness issued by an EASA Member State or the United Kingdom Civil Aviation Authority is entered on the register of Gibraltar, the Authority when issuing its certificate of Airworthiness may consider the previous certificate of airworthiness and valid Airworthiness Review Certificate as satisfactory evidence, in whole or in part, that the aircraft complies with CAR 21.179. In all other cases a valid Export Certificate of Airworthiness issued by the exporting State's National Aviation Authority shall be required. Any exceptions to the foregoing shall be agreed in writing by the Authority on a case-by-case basis.
  - (7) the Type Design is approved as specified in paragraph 21.25(a)(1), or (4), as applicable;
  - (8) the aircraft is appropriately registered in Gibraltar and displays nationality and registration marks in accordance with CAR REG, Chapter 2;
  - (9) the aircraft and its components are identified by the means specified in the Type Design standards or are acceptable to the Authority;
  - (10) the aircraft has undergone a maintenance inspection, acceptable to the Authority;
  - (11) the aircraft has been weighed within the previous five years and the mass and balance complies with CAR AIR 1, Chapter 2; and
  - (12) the aircraft has undergone an acceptable check flight if prescribed by the Authority.
- (b) The Authority may require an Aircraft Airworthiness Review to determine the aircraft's build, modification and repair standard to be conducted by an appropriately approved organisation or an organisation having an appropriate design approval granted by a National Aviation Authority identified in paragraph 21.25(a)(1) or (4), as applicable.

- (c) The aircraft shall be made available and the records presented for inspection at a location/s acceptable to the Authority.
- (d) An airworthiness status report shall be completed and presented by a person or an organisation acceptable to the Authority.

#### **21.179 Issue of Certificate or Restricted Certificate of Airworthiness**

- (a) The Authority may issue a Certificate of Airworthiness or Restricted Certificate of Airworthiness for an aircraft when the Authority is satisfied that:
  - (1) the applicant has demonstrated that the aircraft complies with the relevant Type Acceptance Certificate; and
  - (2) the applicant meets the applicable requirements of this Chapter in a manner acceptable to the Authority; and
  - (3) the granting of the certificate is not contrary to the interests of aviation safety; and
  - (4) any airworthiness review, if required by paragraph 21.175(b), has been accomplished and the results are satisfactory to the Authority.
- (b) A Restricted Certificate of Airworthiness may be issued to a RPAS provided it conforms to either a design accepted under a restricted type certificate, or STANAG 4617, and is in a condition for safe operation.
- (c) The Certificate of Airworthiness for all aircraft except remotely piloted aircraft (RPA) shall contain the information shown in ICAO Annex 8, Part II, Chapter 3, Figure 1 and shall be generally similar to it.
- (d) The Certificate of Airworthiness for all RPA shall contain the information shown in ICAO Annex 8, Part II, Chapter 3 Figure 2 and shall be generally similar to it.
- (e) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on its Certificate of Airworthiness a complete enumeration of the details in respect of which it so failed.

#### **21.181 Reissue of Certificate or Restricted Certificate of Airworthiness**

- (a) The applicant for the reissue of a Certificate of Airworthiness or Restricted Certificate of Airworthiness shall provide, to the satisfaction of the Authority, evidence that the aircraft continues to meet the applicable requirements of these regulations in a manner acceptable to the Authority.
- (b) If the application is made and a satisfactory inspection by the Authority for the reissue of a Certificate of Airworthiness or Restricted Certificate of Airworthiness is performed up to 60 days before the expiry date of the certificate, it may be reissued from the date of expiry subject to all the criteria for reissue being met and the circumstances of the application.
- (c) If the application is made and a satisfactory inspection by the Authority for the reissue of a Certificate of Airworthiness or Restricted Certificate of Airworthiness is made more than 60 days before the expiry of the certificate or if the investigations necessary continue beyond the expiry date, the certificate will be reissued from the date all applicable criteria are met.

### 21.183 Certificate or Restricted Certificate of Airworthiness in force

- (a) Unless specifically authorised by the Authority, a Certificate of Airworthiness or Restricted Certificate of Airworthiness will remain in force for a maximum period of;
- (1) 12 months for an aircraft operating in accordance with CAR OPS 1/3;
  - (2) 24 months for an aircraft operating in accordance with CAR OPS 1/3, which has had the initial 12-month validity extended by an Airworthiness Review;
  - (3) 12 months for an aircraft operating under a foreign AOC;
  - (4) 12 months for aeroplanes below 5700 kg operating in accordance with CAR OPS 2A, Part I or helicopters below 3175 kg operating in accordance with CAR OPS 2H;
  - (5) 24 months for aerial work aircraft operating under CAR OPS 2A/H,
  - (6) 24 months for an aeroplane operating under CAR OPS 2A Part II or a helicopter above 3175 kg operating in accordance with CAR OPS 2H and the continuing airworthiness is managed by the owner/operator in accordance with CAR AIR 2;
  - (7) 36 months for an aeroplane that has the continuing airworthiness managed by an approved CAR CAMO organisation; or
  - (8) 24 months for an aircraft operating under CAR OPS 4;

from the date of issue or re-issue unless it is suspended or revoked, provided that:

- (i) the aircraft remains registered in Gibraltar;
- (ii) the Type Acceptance Certificate remains in force;
- (iii) the aircraft is maintained in accordance with the applicable approved or accepted maintenance programme, any additional airworthiness requirements and appropriate requirements specified in CAR AIR 2, Chapters 3 and 4; CAR OPS 1/3 or CAR CAMO, as applicable;
- (iv) it has not sustained damage beyond the limits specified by the Type Certificate or Supplemental Type Certificate Holder;
- (v) the aircraft, including appliances, emergency equipment and operational equipment, is maintained in an airworthy condition;
- (vi) for aircraft operated in accordance with CAR OPS 1/3 the C of A validity of 24 months is conditional on the 12-month validity being extended by an organisation approved by the Authority to do so after conducting an Airworthiness Review; and
- (vii) an Airworthiness Review Declaration, in accordance with CAR AIR 1, Chapter 5, has been issued for aircraft operating under CAR OPS 2A, Part II, CAR OPS 2H or CAR OPS 4, or the aeroplane has the continuing airworthiness managed by an approved CAR CAMO organisation as applicable.

- (b) If a Certificate of Airworthiness or Restricted Certificate of Airworthiness is revoked or suspended by the Authority, the owner or operator shall immediately surrender the Certificate to the Authority.

### 21.185 Loss of airworthiness

- (a) Except when operating under a Permit to Fly in accordance with CAR 21, Chapter 9, or subject to sub-paragraph (b), a certificate of airworthiness ceases to be in force;
- (1) whilst the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is being or has been overhauled, repaired, replaced, modified or maintained;
  - (2) if maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft is required by a maintenance programme approved or accepted by the State of Registry for that aircraft;
  - (3) if any part of the aircraft or of such equipment is modified, is removed or is replaced, otherwise than in a manner and with material of a type approved by the Authority for the purpose either generally or in relation to a class of aircraft or to the particular aircraft; or
  - (4) until the satisfactory completion of any inspection for the purpose of ascertaining whether the aircraft remains airworthy which is or has been;
    - (i) made mandatory by the Authority; or
    - (ii) required by a maintenance programme approved or accepted by the Authority for that aircraft; or
  - (5) until the satisfactory completion of any modification of the aircraft or of any of its equipment that is made mandatory by the Authority for the purpose of ensuring that the aircraft remains airworthy.
- (b) A certificate of airworthiness that has ceased to be in force under paragraph (a) becomes valid again on the issue of a certificate of release to service under CAR AIR 1, Chapter 3 relating to the overhaul, repair, replacement, modification, maintenance or inspection.
- (c) Except when operating under a Permit to Fly in accordance with CAR 21, Chapter 9, any failure to maintain an aircraft in an airworthy condition as defined by the appropriate airworthiness requirements shall cause the Certificate of Airworthiness or Restricted Certificate of Airworthiness to become invalid and render the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.

*Note: For remotely piloted aircraft, that which must be restored to an airworthy condition includes the RPS controlling the RPA, the required C2 Link(s) or any other components defined by the appropriate airworthiness regulations.*

### 21.187 Damage to aircraft

- (a) When an aircraft has sustained damage, the State of Registry shall judge whether the damage is of a nature such that the aircraft is no longer airworthy as defined by the appropriate airworthiness requirements.

- (b) If the damage is sustained or ascertained when the aircraft is in the territory of another Contracting State, the authorities of the other Contracting State shall be entitled to prevent the aircraft from resuming its flight on the condition that they shall advise the Authority, as the State of Registry immediately, communicating to it all details necessary to formulate the judgment referred to in (a) above.
- (c) When the Authority, as the State of Registry, considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, it shall prohibit the aircraft from resuming flight until it is restored to an airworthy condition. The Authority, as the State of Registry may, however, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft to fly a non-commercial air transport operation to an aerodrome at which it will be restored to an airworthy condition. In prescribing particular limiting conditions, the Authority, as the State of Registry, shall consider all limitations proposed by the Contracting State that had originally, in accordance with (b) above, prevented the aircraft from resuming its flight. That Contracting State shall permit such flight or flights within the prescribed limitations.
- (d) When the Authority, as the State of Registry, considers that the damage sustained is of a nature such that the aircraft is still airworthy, the aircraft shall be allowed to resume its flight.

**CHAPTER 5****AIRCRAFT ENVIRONMENTAL STANDARDS****21.200 Purpose**

These regulations cover the certification standards relevant to the granting of Noise and Emission certificates for aircraft registered and operated in international air navigation.

**21.205 Administration of ICAO Annex 16 Standards Volume I**

- (a) The provisions of (b) to (f) shall apply to all aircraft included in the classifications defined for noise certification purposes in ICAO Annex 16, Volume I, Chapters 2, 3, 4, 5, 6, 8, 10, 11 and 12 where such aircraft are engaged in international air navigation.
- (b) Noise certification shall be granted or validated by the Authority, as the State of Registry of an aircraft, on the basis of satisfactory evidence that the aircraft complies with requirements that are at least equal to the applicable Standards specified in the current version of ICAO Annex 16, Volume I and Volume II.
- (c) If noise recertification is requested, it shall be granted or validated by the Authority, as the State of Registry of an aircraft, on the basis of satisfactory evidence that the aircraft complies with requirements that are at least equal to the applicable Standards specified in ICAO Annex 16, Volume I and Volume II. The date used by the Authority to determine the recertification basis shall be the date of acceptance of the first application for recertification.
- (d) The documents attesting noise certification shall be approved by the Authority, as the State of Registry, and shall be required to be carried on the aircraft.
- (e) The documents attesting noise certification for an aircraft shall provide at least the following information:

- Item 1. Name of State.
- Item 2. Title of the noise document.
- Item 3. Number of the document.
- Item 4. Nationality or common mark and registration marks.
- Item 5. Manufacturer and manufacturer's designation of aircraft.
- Item 6. Aircraft serial number.
- Item 7. Engine manufacturer, type and model.
- Item 8. Propeller type and model for propeller-driven aeroplanes.
- Item 9. Maximum take-off mass in kilograms.
- Item 10. Maximum landing mass, in kilograms for certificates issued under Chapters 2, 3, 4, 5 and 12 of Annex 16, Volume 1.

- Item 11. The chapter and section of ICAO Annex 16, Volume I according to which the aircraft was certificated.
  - Item 12. Additional modifications incorporated for the purpose of compliance with the applicable noise certification Standards.
  - Item 13. The lateral/full-power noise level in the corresponding unit for documents issued under Chapters 2, 3, 4, 5 and 12 of in ICAO Annex 16, Volume I.
  - Item 14. The approach noise level in the corresponding unit for documents issued under Chapters 2, 3, 4, 5, 8 and 12 of ICAO Annex 16, Volume I.
  - Item 15. The flyover noise level in the corresponding unit for documents issued under Chapters 2, 3, 4, 5 and 12 of ICAO Annex 16, Volume I.
  - Item 16. The over-flight noise level in the corresponding unit for documents issued under Chapters 6, 8 and 11 of in ICAO Annex 16, Volume I.
  - Item 17. The take-off noise level in the corresponding unit for documents issued under Chapters 8 and 10 of in ICAO Annex 16, Volume I.
  - Item 18. Statement of compliance, including a reference to ICAO Annex 16, Volume I.
  - Item 19. Date of issuance of the noise certification document.
  - Item 20. Signature of the officer issuing it.
- (f) Item headings on the noise certification documents shall be uniformly numbered in Arabic numerals, as indicated above, so that on any noise certification document the number will, under any arrangement, refer to the same item heading, except where the information in Items 1 through 6 and Items 18 through 20 is given in the certificate of airworthiness, in which case the numbering system of the certificate of airworthiness shall prevail.
- (g) An administrative system for implementation of noise certification documentation has been developed by the Authority, as the State of Registry.
- (h) The Authority shall recognise as valid a noise certification granted by another Contracting State provided that the requirements under which such certification was granted are at least equal to the applicable Standards specified in ICAO Annex 16, Volume I.
- (i) The Authority shall suspend or revoke the noise certification of an aircraft on its register if the aircraft ceases to comply with the applicable noise Standards. The Authority, as the State of Registry, shall not remove the suspension of a noise certification or grant a new noise certification unless the aircraft is found on reassessment, to comply with the applicable noise Standards.
- (j) The amendment of Annex 16, Volume 1 to be used by the Authority, shall be that which is applicable on the date of submission to the Authority for;
- (1) a Type Certificate in the case of a new type; or
  - (2) approval of a change in type design in the case of a derived version; or
  - (3) in either case, under an equivalent application procedure prescribed by the Authority.

- (k) Unless otherwise specified in ICAO Annex 16, Volume I, the date to be used by the Authority in determining the applicability shall be the date the application for a Type Certificate was submitted to the State of Design, or the date of submission under an equivalent application procedure prescribed by the certifying authority of the State of Design.
- (l) For derived versions where the provisions refer to “the application for the certification of the change in type design”, the date to be used by the Authority shall be the date the application for the change in type design was submitted to the Contracting State that first certified the change in type design, or the date of submission under an equivalent application.
- (m) An application shall be effective for the period specified in the designation of the airworthiness regulations appropriate to the aircraft type, except in special cases where the certifying authority accepts an extension of this period. When this period of effectivity is exceeded, the date to be used in determining the applicability of the Standards of Annex 16 Volume I or III shall be the date of issue of the Type Certificate or approval of the change in type design, or the date of issue of approval under an equivalent procedure prescribed by the State of Design, less the period of effectivity.

### **21.210 Noise Certification Applicability**

- (a) Aircraft registered in Gibraltar to which the requirements of ICAO Annex 16, Volume 1 are applicable shall not fly without a noise certificate issued by the Authority.
- (b) Aircraft that are not registered in Gibraltar to which the requirements of ICAO Annex 16, Volume 1 are applicable shall not fly without a noise certificate issued by the State of Registry.

### **21.220 Application and grant of noise certificate**

- (a) An applicant for a noise certificate shall furnish the Authority with the following information:
  - (1) the type and designation of the aircraft;
  - (2) the aircraft serial number and registration mark;
  - (3) a statement of any modifications incorporated for the purpose of compliance with the applicable noise certification standards;
  - (4) the MTWA at which compliance with the applicable noise certification standards has been achieved;
  - (5) references to flight manual supplements or revisions required for compliance with the applicable noise certification standards; and
  - (6) the Noise Certificate or the documents attesting to noise certification as described in paragraph 21.205 above, issued by the National Aviation Authority for the State that issued the certificate in compliance with the appropriate Standards of ICAO Annex 16 Volume 1.
- (b) The Authority shall grant or validate a noise certificate on being satisfied by evidence that the particular aircraft complies with the appropriate Standards of ICAO Annex 16 Volume 1.

### **21.230 Validity of noise certificate**

- (a) The validity of a noise certificate issued by the Authority is subject to the aircraft continuing to comply with the noise certification standards against which the noise certificate was issued.

- (b) Major modifications that appreciably affect the noise characteristics of the aircraft may invalidate the noise certificate issued by the Authority unless:
  - (1) on application for the approval of the modification under CAR 21.73, evidence is provided that the appropriate standards in CAR 21.210 have been met; or
  - (2) the Authority is satisfied with approved operational limitations that are contained in the aircraft flight manual that are required to maintain compliance with the appropriate noise certification standards in CAR 21.210.
- (c) A Noise Certificate is valid until it is suspended, revoked or the aircraft has been removed from Gibraltar's register.

#### **21.240 Recertification**

- (a) If noise recertification is required, an application shall be made to the Authority.
- (b) The Authority may make any reasonable investigation and require specific testing of the aircraft.
- (c) Compliance with paragraph 21.220 shall be demonstrated before any new certificate reflecting revised noise certification standards is granted.

#### **21.250 Revocation and Suspension**

- (a) The Authority may suspend or revoke the noise certificate if the holder of the certificate is unable to demonstrate compliance with the appropriate noise certification standards.
- (b) The holder of a revoked or suspended noise certificate shall surrender it immediately to the Authority.

#### **21.260 Engine Emissions Applicability**

- (a) Aircraft registered in Gibraltar to which the requirements of Volume II of Annex 16 are applicable shall not fly unless the Authority has endorsed the Type Acceptance Certificate for the aircraft issued under these regulations, to the effect that emission certification standards are complied with.
- (b) Aircraft that are not registered in Gibraltar to which the requirements of Volume II of Annex 16 are applicable shall not fly within Gibraltar unless the aircraft is certificated to these standards.

#### **21.270 Engine Emissions Certification**

- (a) An applicant for a Type Acceptance Certificate under CAR 21, Chapter 2 shall provide sufficient evidence that the certification standards in paragraph 21.260 have been complied with.
- (b) The Authority shall endorse the applicable Type Acceptance Certificate upon being satisfied that the applicable emission standards have been complied with.

#### **21.273 Emissions Certification**

- (a) The Authority shall recognise as valid emissions certification granted by the certifying authority of another Contracting State provided that the requirements under which such certification was granted are not less stringent than the provisions of ICAO Annex 16, Volume II.

- (b) The Authority shall recognise as valid engine exemptions against an engine production cut-off requirement granted by a certificating authority of another Contracting State provided that the exemptions are granted in accordance with the process and criteria defined in the *Environmental Technical Manual* (Doc 9501), Volume II — *Procedures for the Emissions Certification of Aircraft Engines*.

### **21.275 Vented Fuel**

The Authority shall recognise as valid a certification relating to fuel venting granted by the certificating authority of another Contracting State provided the requirements under which such certification was granted are not less stringent than the provision of ICAO Annex 16, Volume II.

### **21.280 Non-compliance**

- (a) Failure to comply with the standards specified in paragraph 21.260 may invalidate the aircraft's Certificate of Airworthiness.
- (b) Without prejudice to any invalidation described in paragraph (a) above, the Authority may suspend or revoke the aircraft's Certificate of Airworthiness in such circumstances.

### **21.285 Administration of ICAO Annex 16 Standards Volume III**

- (a) The provisions of this regulation shall apply to all aeroplanes included in the classifications defined for CO<sub>2</sub> certification purposes in ICAO Annex 16, Volume III, Chapter 2 where such aeroplanes are engaged in international air navigation.
- (b) CO<sub>2</sub> emissions certification shall be granted or validated by the Authority, as the State of Registry of an aeroplane, on the basis of satisfactory evidence that the aeroplane complies with requirements that are at least equal to the applicable Standards specified in the current version of ICAO Annex 16, Volume III.
- (c) The Authority shall recognise as valid a CO<sub>2</sub> emissions certificate granted by another Contracting State provided that the requirements under which such certification was granted are at least equal to the applicable Standards specified in ICAO Annex 16, Volume III.
- (d) The amendment of ICAO Annex 16, Volume III to be used by the Authority, shall be that which is applicable on the date of submission to the Authority for:
  - (1) a Type Certificate in the case of a new type; or
  - (2) approval of a change in type design in the case of a derived version; or
  - (3) in either case, under an equivalent application procedure prescribed by the Authority.
- (e) Unless otherwise specified in Annex 16, Volume III, the date to be used by the Authority in determining the applicability shall be the date the application for a Type Certificate was submitted to the State of Design, or the date of submission under an equivalent application procedure prescribed by the certificating authority of the State of Design.
- (f) An application shall be effective for the period specified in the airworthiness regulations appropriate to the aeroplane type, except in special cases where the certificating authority grants an extension. When the period of effectivity is extended, the date to be used in determining the applicability of the Standards in this ICAO Annex 16, Volume III shall be the date of issue of the Type Certificate,

or approval of the change in type design, or the date of issue of approval under an equivalent procedure prescribed by the State of Design, less the period of effectivity.

- (g) For derived versions of non-CO<sub>2</sub> certified aeroplanes and derived versions of CO<sub>2</sub> certified aeroplanes, the applicability provisions concerning the Standards of ICAO Annex 16, Volume III refer to the date on which “the application for the certification of the change in type design” was made. The date to be used by the Authority shall be the date the application for the change in type design was submitted to the Contracting State that first certified the change in type design.
- (h) Where the provisions governing the applicability of the Standards of ICAO Annex 16 Volume III refer to the date on which the certificate of airworthiness was first issued to an individual aeroplane, the date to be used by the Authority in determining the applicability of those Standards shall be the date on which the first certificate of airworthiness was issued by any Contracting State.
- (i) The Authority shall publish the certified CO<sub>2</sub> emissions evaluation metric value granted or validated by that authority.
- (j) The use of equivalent procedures in lieu of the procedures specified in ICAO Annex 16 Volume III shall be approved by the certificating authority.
- (k) The Authority shall recognize valid aeroplane exemptions granted by an authority of another Contracting State responsible for production of the aeroplane provided that an acceptable process was used.

**CHAPTER 6****MATERIALS, PARTS, COMPONENTS AND APPLIANCES****21.301 Purpose**

This Chapter details requirements for the acceptance of materials, parts, components and appliances.

**21.303 Replacement and modification of parts, components and appliances**

A replacement or the design change of a part, component or appliance to be installed in an aircraft registered in Gibraltar shall;

- (a) be supported by an authorised internationally accepted release certificate issued by an organisation approved by a National Aviation Authority listed in paragraph 21.25(a)(1) or (4), or accepted by the Authority in a particular case in exceptional circumstances, as applicable; and
- (b) conform to the certification standards of the applicable Type Acceptance Certificate and any applicable Supplemental Type Certificate.

*Note: A control station and any other equipment remote from the remotely piloted aircraft is considered a part and appliance.*

**21.305 Materials**

Materials to be utilised for the repair, replacement and design change of an aircraft registered in Gibraltar shall:

- (a) be of a specification specified in approved data; and
- (b) be in conformance with any Type Certificate Holders criteria; and
- (c) Accompanied by an accredited form of release certification.

**21.307 Parts Manufacturing Approval (PMA)**

PMA parts may be accepted for modification and/or replacement parts for installation on a Gibraltar registered aircraft if:

- (a) the PMA part is not a “critical component.”; or
- (b) the PMA part conforms to design data obtained under a licensing agreement from the TC or STC holder; or
- (c) the PMA holder is the holder of an STC which incorporates the PMA part.

**CHAPTER 7****EXPORT CERTIFICATE OF AIRWORTHINESS****21.321 Purpose**

This Chapter details:

- (a) the requirements for the issue of an Export Certificate of Airworthiness; and
- (b) the responsibilities of the holders of an Export Certificate of Airworthiness.

**21.325 Export Certificate of Airworthiness**

The issue of an Export Certificate of Airworthiness does not authorise the aircraft for flight.

**21.327 Export Certificate of Airworthiness exceptions**

With the prior agreement of the importing State an Export Certificate may be issued with a list of exceptions when the aircraft is determined to not meet the requirements prescribed by the State of type certification on which the Authority's Type Acceptance Certification rests, the requirements of the Authority, or is not in a condition for safe operation.

**21.329 Applicant eligibility**

The applicant for an Export Certificate of Airworthiness shall be the owner of the aircraft or a person authorised by the owner.

**21.331 Application for Export Certificate of Airworthiness**

- (a) Each applicant to the Authority for an Export Certificate of Airworthiness shall satisfy and provide satisfactory evidence of the following:
  - (1) the name and address of the applicant;
  - (2) that the aircraft conforms to the relevant Type Acceptance Certificate;
  - (3) the aircraft possesses, or could qualify for, a Certificate of Airworthiness or Restricted Certificate of Airworthiness under Chapter 4;
  - (4) the aircraft is issued with the appropriate flight manual;
  - (5) the aircraft is issued with any applicable Noise Certificate;
  - (6) a weight and balance report has been completed, with a loading schedule where applicable;
  - (7) the aircraft has undergone a routine maintenance inspection in accordance with the approved maintenance programme, or an equivalent inspection acceptable to the Authority;
  - (8) the applicable airworthiness directives have been complied with;
  - (9) up-to-date and complete logbooks, design change and repair records, and other such historical records required to support the continued airworthiness of the aircraft;

- (10) a description of any methods used, including the method's duration of effectiveness, for the preservation and packaging of aircraft to protect them against corrosion and damage while in transit or storage;
  - (11) details of any special instructions for inspection, maintenance and operation for the aircraft;
  - (12) supporting documentation for any variances to this Chapter; and
  - (13) such further particulars relating to the aircraft and applicant as may be required by the Authority.
- (b) Any programmed transponder with a code allocated by Gibraltar shall be recorded in the aircraft logbook pending reallocation by the new State of Registry.
  - (c) Any coded emergency locator transmitter registered with Gibraltar shall be recorded in the aircraft logbook pending re-registration by the new State of Registry.
  - (d) The applicant shall make the aircraft and associated data available for any inspections as the Authority may require.

#### **21.333 Issue of Export Certificate of Airworthiness**

The applicant for the grant of an export certificate of airworthiness shall provide, to the satisfaction of the Authority, evidence that:

- (a) the applicant meets the applicable requirements of this Chapter in a manner acceptable to the Authority; and
- (b) the granting of the Certificate is not contrary to the interests of aviation safety.

#### **21.335 Validity of Export Certificate of Airworthiness**

An Export Certificate of Airworthiness issued under this Chapter is valid at the date of issue, but the importing State is responsible for determining the period for which it will accept it as valid.

## CHAPTER 8

### REPAIR DESIGN CHANGES

#### 21.431 General

- (a) [This Chapter details the requirements for the acceptance of repair designs.
- (b) The acceptance of a repair design by the Authority is a process based on the acceptance of the certification process by a NAA specified in paragraphs 21.25(a)(1) or (4).
- (c) The applicant for acceptance a repair design shall apply in a manner acceptable to the Authority.
- (d) A repair design covered by the issue of a Service Bulletin or equivalent document issued by the Type Certificate Holder is deemed to be accepted by the Authority without the need for a formal approval document.]
- (e) The repair design is classified in CAR 21.72.

#### 21.433 Major repairs

The installer of a Type Certificate holder's approved major repair shall ensure that;

- (a) there is sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft;
- (b) any continued airworthiness information for a repair design is available; and
- (c) flight manual supplement, operational manual supplements, MMEL supplement and any other operational data approved is available.

*Note 1: A No Technical Objection or Recommended Repair Design is not considered to be approved repair data.*

*Note 2: The Operator is responsible under Operational Regulations for updating and approval of operational manuals due to introduction of ICA, FMS, MMEL of any other operational data due to design change.*

- (d) The installer of a Type Certificate holder's major repair scheme shall ensure that:
  - (1) there is sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft; and
  - (2) any continued airworthiness information for a repair scheme is available and integrated into the appropriate maintenance programme.

#### 21.435 Approval of Minor Repairs

- (a) [A repair design that is not covered by an existing type certificate holder's approved data in accordance with CAR 21.431(c), shall be designed and subject to acceptance as a design change in accordance with CAR 21, Chapter 3.]

- (b) [A repair design that is not covered by an existing type certificate holder's approved data in accordance with CAR 21.431(c), shall be designed and subject to acceptance as a design change in accordance with CAR 21, Chapter 3.]
- (c) The installer of a Type Certificate holder's repair design shall ensure that:
  - (1) there is sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft;
  - (2) any continued airworthiness information for a repair scheme is available; and
  - (3) flight manual supplement, operational manual supplements, MMEL supplement and any other operational data approved is available.

*Note: A No Technical Objection or Recommended Repair Scheme is not considered to be type approved maintenance data.*

#### **21.437 Continued airworthiness responsibilities**

- (a) The organisation under which the statement of compliance for a repair design was issued shall undertake the continued airworthiness responsibilities required in respect of the repair.
- (b) Any issues of continued airworthiness including those initiated by a repair design approved under this Chapter shall be reported to the Authority and the organisation responsible for the repair design.

#### **21.439 Unrepaired damage**

- (a) When a damaged is left unrepaired, and is not covered by data approved under the provisions of this Chapter, the evaluation of the damage for its airworthiness consequences may be made by the Authority:
  - (1) An application for the evaluation of the damage shall be made to the Authority in an acceptable manner.
  - (2) [The applicant for acceptance of unrepaired damage to an aircraft shall demonstrate to the satisfaction of the Authority that the unrepaired damage;]
    - (i) has been certified, approved, or accepted by an NAA specified in paragraph 21.25(a)(1) or (4) that issued the type certificate identified on the Type Acceptance Certificate, against which the C of A for the aircraft has been issued;
    - (ii) has been certified, approved or accepted by an NAA specified in paragraph 21.25(a)(1) or (4) that is not the issuing State of the Type Certificate identified on the Type Acceptance Certificate against which the C of A for the aircraft was issued and has been declared to comply with the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft by a suitably approved design organisation or individual; or
    - (iii) through an internationally recognised bilateral agreement that the design change has been certified, approved, validated, or accepted by an NAA specified in paragraph 21.25(a)(1) or (4) to the applicable Type Certification standards identified on the

Type Acceptance Certificate for the aircraft against which the Certificate of Airworthiness is issued.

- (3) Any instructions and limitations associated with the unrepaired damage shall be available to the operator.

*Note: The Operator is responsible under Operational Regulations for updating and approval of operational manuals due to introduction of ICA, FMS, MMEL of any other operational data due to design change.*

- (4) A type certificate holder's approval of unrepaired damage is acceptable under provisions of CAR 21.431 provided that;
- (i) The operator notifies the Authority of the unrepaired damage prior to issue of a CRS and;
  - (ii) The operator provides the data for unrepaired damage approved by the type certificate holder with the notification required in CAR 21.439(a)(4)(i).

**CHAPTER 9****ISSUE AND RENEWAL OF PERMITS TO FLY****21.701 Purpose**

This Chapter details the requirements for the issue and renewal of a Permit to Fly.

**21.703 Applicability**

Subject to paragraph 21.705, a Permit to Fly may be issued in the following circumstances:

- (a) to the operator of an aircraft whose Certificate of Airworthiness is not in force; or
- (b) to the owner of an aircraft:
  - (1) that does not qualify for the issue of a Certificate of Airworthiness as specified in Chapter 4; and
  - (2) for an aircraft less than 800 kg MTOW, the aircraft or aircraft design has been previously certified for flight by a National Aviation Authority identified in paragraph 21.25(a)(1) or (4), as applicable.

**21.705 Issue of Permit to Fly**

- (a) In respect of paragraph 21.703(a), a Permit to Fly shall be issued in accordance with this Chapter 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) showing compliance with regulations or certification standards;
  - (2) flying the aircraft for customer acceptance;
  - (3) delivering or exporting the aircraft;
  - (4) flying the aircraft for Authority acceptance;
  - (5) flying the aircraft to a location where maintenance, permanent repair, alterations or aircraft painting is to be performed;
  - (6) flying the aircraft to a place of storage;
  - (7) flying an aircraft at a weight in excess of its maximum certificated take-off weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available;
  - (8) flying the aircraft when the aircraft has sustained damage beyond the applicable limits;
  - (9) flying an aircraft where certain equipment outside of the minimum equipment list is unserviceable;
  - (10) conducting a flight associated with the approval of a modification; or

- (11) the conduct of a flight acceptable to the Authority.
- (b) provided that the operator provides the Authority with sufficient technical justification confirming that the aircraft is fit for the intended flight or journey; or
- (c) under paragraph 21.703(b)(1) provided it is an aircraft acceptable to the Authority.
- (d) In respect of paragraph 21.703(b), a Permit to Fly shall be granted for the purpose of flying the aircraft subject to the Authority being satisfied following an application being made containing:
  - (1) a description of the aircraft; and
  - (2) details of the maintenance arrangements proposed; and
  - (3) details of the experience and qualifications of a person or organisation responsible for issuing a Permit Flight Release in accordance with CAR AIR 1, Chapter 4.

### **21.709 Duration of Permit to Fly**

- (a) A Permit to Fly issued according to paragraph 21.703(a) shall be valid for the minimum period required to undertake the journey, and in any case not exceeding 30 days. The validity of the certificate shall cease on arrival at the final destination nominated to the Authority.
- (b) A Permit to Fly issued according to paragraph 21.703(b) shall be valid for a period decided by the Authority not exceeding 12 months and which may be renewed for a further 12 months provided that the operator provides the Authority with sufficient technical justification confirming that the aircraft is fit for continued flight.

### **21.711 Renewal of Permit to Fly**

The Permit to Fly may be renewed subject to the Authority remaining satisfied by investigation that the aircraft continues to meet the requirements for issue.

### **21.713 Conditions of Permit to Fly**

- (a) The conditions and limitations specified by the Authority on the Permit to Fly shall be complied with.
- (b) The following limitations shall apply to all permits to fly;
  - (1) a copy of the permit shall be on board the aircraft at all times when operating under the terms of the permit;
  - (2) persons or property shall not be carried for compensation or hire;
  - (3) the registration marks assigned to the aircraft by the Authority, as the State of Registry, shall be displayed on the aircraft in conformity with the requirements of CAR AIR 1, Chapters 7 and 8;
  - (4) no person shall be carried in the aircraft unless that person is essential to the purpose of the flight and has been advised of the contents of the permit and the airworthiness status of the aircraft;

- (5) the aircraft shall be operated only by crew who are aware of the purpose of the flight and any limitations imposed, and who hold appropriate licences acceptable to the Authority, as the State of Registry;
  - (6) all flights shall be conducted so as to avoid areas where flights might create hazardous exposure to persons or property;
  - (7) all flights shall be conducted within the performance operating limitations prescribed in the aircraft flight manual and any additional limitations specified by the Authority, as the State of Registry for the particular flight; and
  - (8) the period of validity of the permit shall be specified.
- (c) If the aircraft is not in compliance with ICAO Annex 8 and the flight involves operations over States other than the State of Registry, the air operator of the aircraft shall obtain the necessary overfly authorisations from the respective authorities of each of those States prior to undertaking the flight.

### **21.715 Maintenance arrangements**

Appropriate maintenance arrangements shall be in place as required by CAR AIR 1, Chapter 4.

## CHAPTER 10

### IDENTIFICATION OF AIRCRAFT AND PARTS

#### **21.801 Purpose**

This Chapter details requirements governing the identification of:

- (a) aircraft, aircraft engines and propellers; and
- (b) component parts; and
- (c) parts subject to design change.

#### **21.803 Alteration and replacement of identification information**

Any alteration to or replacement of identification information shall be accomplished only in accordance with design change data approved or accepted by the Authority.