

§ 21.327

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used Class I products that have been maintained in accordance with the applicable CAR's or FAR's and are located in a foreign country, if the Administrator finds that the location places no undue burden upon the FAA in administering the provisions of this regulation.

(3) Class II and III products that are manufactured and located in the United States.

(c) *Export airworthiness approval exceptions.* If the export airworthiness approval is issued on the basis of a written statement by the importing state as provided for in §21.327(e)(4), the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product, are listed on the export airworthiness approval as exceptions.

[Amdt. 21-2, 30 FR 8465, July 2, 1965, as amended by Amdt. 21-14, 32 FR 2999, Feb. 17, 1967; Amdt. 21-43, 40 FR 2577, Jan. 14, 1975; Amdt. 21-48, 44 FR 15649, Mar. 15, 1979]

EFFECTIVE DATE NOTE: At 72 FR 63800, Nov. 13, 2007, §21.325 was amended by adding new paragraph (b)(4), effective Jan. 14, 2008. For the convenience of the user, the added text is set forth as follows:

§ 21.325 Export airworthiness approvals.

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(b)* * *

(4) Class II and III products located outside of the United States if the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter.

§ 21.327 Application.

(a) Except as provided in paragraph (b) of this section, an application for export airworthiness approval for a Class I or Class II product is made on a form and in a manner prescribed by the Administrator and is submitted to the appropriate Flight Standards District Office or to the nearest international field office.

(b) A manufacturer holding a production certificate may apply orally to the appropriate Flight Standards District Office or the nearest international field office for export airworthiness approval of a Class II product approved under his production certificate.

(c) Application for export airworthiness approval of Class III products is made to the designated representative of the Administrator authorized to issue those approvals.

(d) A separate application must be made for—

(1) Each aircraft;

(2) Each engine and propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are exported to the same purchaser and country; and

(3) Each type of Class II product, except that one application may be used for more than one type of Class II product when—

(i) They are separated and identified in the application as to the type and model of the related Class I product; and

(ii) They are to be exported to the same purchaser and country.

(e) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is—

(1) An aircraft manufactured outside the United States and being exported to a country with which the United States has a reciprocal agreement concerning the validation of export certificates;

(2) An unassembled aircraft which has not been flight-tested;

(3) A product that does not meet the special requirement of the importing country; or

(4) A product that does not meet a requirement specified in §§ 21.329, 21.331, or 21.333, as applicable, for the issuance of an export airworthiness approval. The written statement must list the requirements not met.

(f) Each application for export airworthiness approval of a Class I product must include, as applicable:

(1) A Statement of Conformity, FAA Form 8130-9, for each new product that has not been manufactured under a production certificate.

(2) A weight and balance report, with a loading schedule when applicable, for each aircraft in accordance with Part 43 of this chapter. For transport aircraft and commuter category airplanes this report must be based on an actual

weighing of the aircraft within the preceding twelve months, but after any major repairs or alterations to the aircraft. Changes in equipment not classed as major changes that are made after the actual weighing may be accounted for on a "computed" basis and the report revised accordingly. Manufacturers of new nontransport category airplanes, normal category rotorcraft, and gliders may submit reports having computed weight and balance data, in place of an actual weighing of the aircraft, if fleet weight control procedures approved by the FAA have been established for such aircraft. In such a case, the following statement must be entered in each report: "The weight and balance data shown in this report are computed on the basis of Federal Aviation Administration approved procedures for establishing fleet weight averages." The weight and balance report must include an equipment list showing weights and moment arms of all required and optional items of equipment that are included in the certificated empty weight.

(3) A maintenance manual for each new product when such a manual is required by the applicable airworthiness rules.

(4) Evidence of compliance with the applicable airworthiness directives. A suitable notation must be made when such directives are not complied with.

(5) When temporary installations are incorporated in an aircraft for the purpose of export delivery, the application form must include a general description of the installations together with a statement that the installation will be removed and the aircraft restored to the approved configuration upon completion of the delivery flight.

(6) Historical records such as aircraft and engine log books, repair and alteration forms, etc., for used aircraft and newly overhauled products.

(7) For products intended for overseas shipment, the application form must describe the methods used, if any, for the preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. The description must also indicate the duration of the effectiveness of such methods.

(8) The Airplane or Rotorcraft Flight Manual when such material is required by the applicable airworthiness regulations for the particular aircraft.

(9) A statement as to the date when title passed or is expected to pass to a foreign purchaser.

(10) The data required by the special requirements of the importing country.

[Amdt. 21-2, 30 FR 8465, July 2, 1965, as amended by Doc. No. 8084, 32 FR 5769, Apr. 11, 1967; Amdt. 21-48, 44 FR 15650, Mar. 15, 1979; Amdt. 21-59, 52 FR 1836, Jan. 15, 1987]

§ 21.329 Issue of export certificates of airworthiness for Class I products.

An applicant is entitled to an export certificate of airworthiness for a Class I product if that applicant shows at the time the product is submitted to the Administrator for export airworthiness approval that it meets the requirements of paragraphs (a) through (f) of this section, as applicable, except as provided in paragraph (g) of this section:

(a) New or used aircraft manufactured in the United States must meet the airworthiness requirement for a standard U.S. airworthiness certificate under § 21.183, or meet the airworthiness certification requirements for a "restricted" airworthiness certificate under § 21.185.

(b) New or used aircraft manufactured outside the United States must have a valid U.S. standard airworthiness certificate.

(c) Used aircraft must have undergone an annual type inspection and be approved for return to service in accordance with Part 43 of this chapter. The inspection must have been performed and properly documented within 30 days before the date the application is made for an export certificate of airworthiness. In complying with this paragraph, consideration may be given to the inspections performed on an aircraft maintained in accordance with a continuous airworthiness maintenance program under Part 121 of this chapter or a progressive inspection program under Part 91 of this chapter, within the 30 days prior to the date the application is made for an export certificate of airworthiness.