



Advisory Circular

Subject: Issuance of Export
Airworthiness Approvals Under 14 CFR
Part 21 Subpart L

Date: 10/16/2009
Initiated by: AIR-200

AC No: 21-44

1. Purpose. This advisory circular (AC) provides information about Title 14, Code of Federal Regulations (14 CFR) part 21, Certification Procedures for Products, Articles, and Parts. The AC covers subpart L, Export Airworthiness Approvals. This AC is not mandatory and does not constitute a regulation. This AC describes an acceptable means, but not the only means, to comply with these requirements. However, if you use the means described in the AC, you must follow it in all important respects.

2. Audience. This AC affects persons and organizations who export a product or article under the provisions of 14 CFR, part 21, subpart L.

3. Effective Date. This AC is effective 180 days after the publication of Production and Airworthiness Approvals, Part Marking, and Miscellaneous Amendments; Final Rule in the Federal Register under docket number FAA-2006-25877-0114.

4. Related Publications.

- a. Part 21, Certification Procedures for Products, Articles, and Parts.
- b. Order 8130.2, Airworthiness Certification of Aircraft and Related Products.
- c. Order 8130.21, Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag.
- d. AC 21-2, Requirements of Importing Countries or Jurisdictions.

5. Subpart L Regulations. Part 21, subpart L contains procedural requirements for issuing export airworthiness approvals and the rules governing the holders of those approvals. This includes requirements that address the different types of export airworthiness approvals, the application process, the issuance of export airworthiness approvals, and the responsibilities of exporters.

6. Types of Export Airworthiness Approvals the Federal Aviation Administration (FAA) Issues. The FAA issues export airworthiness approvals for aircraft, aircraft engines, propellers, and articles. The requirements are described below.

a. Export Airworthiness Approvals for Aircraft. FAA Form 8130-4, Export Certificate of Airworthiness (C of A), is used to issue an export airworthiness approval for an aircraft. The C of A represents a certifying statement from the FAA that a given aircraft (1) conforms to its FAA type design or properly altered condition, and (2) is in a condition for safe operation at the time of examination and issuance of the certificate. When required by the importing country or jurisdiction, the export C of A also includes a supplemental statement attesting to the aircraft's conformity to the importing country's type design. An export C of A is not an authorization to operate the aircraft.

b. Export Airworthiness Approvals for Aircraft Engines, Propellers, and Articles. FAA Form 8130-3, Authorized Release Certificate, is used for issuing export airworthiness approvals to aircraft engines, propellers, and articles. The authorized release certificate is a certifying statement from the FAA that a given aircraft engine, propeller, or article (1) conforms to its FAA design approval or properly altered condition, and (2) is in a condition for safe operation at the time of examination and issuance of the certificate.

NOTE: E-Cards are no longer required for engines and propellers.

7. Issuance of FAA Form 8130-4 and Form 8130-3 for Products or Articles Located in Another Country. Form 8130-4 and Form 8130-3 may be issued for any product or article located in another country as long as the FAA finds no undue burden in administering the applicable requirements of Title 49 of the United States Code, Transportation, and 14 CFR part 21 subpart L.

8. Individuals Who May Apply for an Export Airworthiness Approval. Any person may apply for an export airworthiness approval. Each applicant will apply in a form and manner prescribed by the FAA, as described in paragraph 9 below.

9. How to Apply for an Export Airworthiness Approval.

a. For an export C of A for an aircraft, submit FAA Form 8130-1, Application for Export Certificate of Airworthiness. For new aircraft, submit applications to the manufacturing inspection district office (MIDO) with geographic responsibility. For used aircraft, submit applications to the flight standards district office (FSDO) with geographic responsibility. Detailed application procedures may be found in FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products.

b. For an export airworthiness approval for new articles, or an aircraft engine, propeller, or article, a PAH may apply orally to the FAA.

10. Requirements to Be Met Before the FAA Issues an Export C of A for a New or Used Aircraft. 14 CFR § 21.329, Issue of export certificates of airworthiness, prescribes the requirements for the issuance of an export C of A for either new or used aircraft. This includes aircraft located outside the United States, as long as the FAA finds no undue burden in administering the applicable regulations.

a. New or Used Aircraft Manufactured Under Part 21, Subpart F or Subpart G. The FAA issues an export C of A for a new or used aircraft manufactured under part 21, subpart F, Production Under Type Certificate (TC), or subpart G, Production Certificates (PC), if the aircraft meets the airworthiness requirements of part 21, subpart H, Airworthiness Certificates. Such aircraft are eligible for either a standard airworthiness certificate, or a special airworthiness certificate in either the primary or the restricted category.

b. New or Used Aircraft Not Manufactured Under Part 21, Subpart F or Subpart G. The FAA will also issue an export C of A for a new or used aircraft that was not manufactured under subpart F or subpart G. In this case, the aircraft already has a valid standard airworthiness certificate or a valid special airworthiness certificate in either the primary or restricted category (issued in accordance with the requirements of subpart H). Examples of aircraft not manufactured under subpart F or subpart G include import aircraft that have been issued an FAA type design in accordance with § 21.29, Issue of Type Certificate: Import Products, and aircraft that have been constructed using spare and surplus parts.

11. Additional Considerations for Used Aircraft. To support the validity of its present airworthiness certificate and associated eligibility for export, used aircraft is required to have been properly maintained. Verification of proper maintenance includes, but is not limited to, the following:

a. A used aircraft will have been properly maintained in accordance with 14 CFR part 43, Maintenance, Preventive Maintenance, Rebuilding, and Alteration, or 14 CFR part 121, Operating Requirements: Domestic, Flag, and Supplemental Operations.

b. A used aircraft is within the inspection times of the appropriate inspection in accordance with 14 CFR part 91, General Operating and Flight Rules, § 91.409, Inspections.

12. Procedures to Follow When a New or Used Aircraft Does Not Meet the Requirements of § 21.329(a).

a. A new or used aircraft does not have to meet the requirements of § 21.329(a) if the importing country or jurisdiction accepts a deviation from that requirement.

b. At the time FAA Form 8130-1 is submitted, the exporter will identify to the FAA, in writing, those applicable requirements the aircraft does not meet. For example,

an unassembled aircraft, or an aircraft fitted with a temporary installation for extra fuel or navigation equipment that is not an optional configuration identified in the type design, does not meet the requirements of § 21.329(a). Therefore, the exporter will identify these items and the applicable requirements to the FAA.

c. When an exporter notifies the FAA that it cannot comply with the applicable requirements of § 21.329, the FAA will request a written statement from the civil aviation authority (CAA) of the importing country or jurisdiction. Requests for acceptance of these aircraft are transmitted to, and received from, authority to authority prior to export. Detailed procedures for obtaining CAA acceptance of aircraft are contained in Order 8130.2.

d. If the CAA of the importing country or jurisdiction provides a written statement of acceptance to the FAA, the FAA will list as an exception on the FAA's export C of A the differences between the aircraft to be exported and its type design. The export C of A should reference the importing CAA's written statement of acceptance. Details of this process are contained in Order 8130.2.

13. How to Address the Requirements of Importing Countries or Jurisdictions.

a. Subpart L does not specifically address the requirements of importing countries or jurisdictions. However, as an agency of the U.S. Government, the FAA is obligated to comply with the requirements of importing countries or jurisdictions if these requirements are—

(1) Specified as a provision in a bilateral agreement, or

(2) Contained in a specific document formally submitted to the FAA for publication in AC 21-2, Requirements of Importing Countries or Jurisdictions.

b. An exporter will satisfy each requirement of the importing country or jurisdiction before the FAA will issue an export C of A. It is the exporter's responsibility to review the specific importing requirements associated with a particular country or jurisdiction. It is also the exporter's responsibility, with the assistance of the FAA if needed, to determine whether an importing country's or jurisdiction's special requirements have been met before export. The exporter will document any special importing requirements on Form 8130-1.

14. Where to Find the Requirements of Importing Countries or Jurisdictions. The FAA website (www.faa.gov/aircraft/aircert/international) contains the text of all bilateral agreements. The website also contains appendix 2 to AC 21-2, which details the special import requirements that importing countries or jurisdictions have submitted to the FAA.

15. New or Used Aircraft That Do Not Meet the Requirements of an Importing Country or Jurisdiction.

a. At the time Form 8130-1 is submitted, the exporter will identify to the FAA, in writing, those requirements of the importing country or jurisdiction the aircraft does not meet. Before export, the FAA will request a written statement from the CAA of the importing country or jurisdiction, signifying the CAA's acceptance of such an aircraft. Requests for acceptance of these aircraft should be made between authorities.

b. If the FAA receives a written statement of acceptance from the CAA of the importing country or jurisdiction, the items failing to meet the importing country's or jurisdiction's requirements will be listed as an exception on Form 8130-4, with reference to the importing CAA's written statement of acceptance. Detailed procedures are contained in Order 8130.2.

c. If there are also portions of § 21.329(a) that the aircraft does not meet, it is important that the exporter identify those to the FAA. By doing so, only one request is made to the CAA and only one written statement of acceptance is necessary. (Refer to paragraph 12 above.)

16. Exporting an Aircraft to a Country or Jurisdiction That Does Not Have a Bilateral Agreement With the United States. When exporting an aircraft to a country or jurisdiction that does not have a bilateral agreement with the United States, and no definitive special import requirements have been formally submitted to the FAA, an FAA export C of A is not necessary. A business or contractual agreement between the seller and the purchaser (for example, the PAH and the aircraft end-user in the importing country or jurisdiction) does not constitute or qualify as a government-to-government request for an export C of A. However, the FAA will permit the issuance of Form 8130-4 for export of all eligible aircraft when these aircraft conform to their FAA-approved design or properly altered condition, and are in a condition for safe operation.

17. Requirements to Be Met Before the FAA Issues an Export Airworthiness Approval for a New or Used Aircraft Engine, Propeller, or Article. 14 CFR § 21.331, Issue of airworthiness approvals for aircraft engines, propellers, and articles, contains the requirements for the issuance of an export airworthiness approval for a new or used aircraft engine, propeller, or article. This includes aircraft engines, propellers, and articles located outside the United States, as long as the FAA finds no undue burden in administering the applicable regulations.

a. **New Aircraft Engines, Propellers, or Articles.** The FAA or its designee may issue an export airworthiness approval, Form 8130-3, to export a new aircraft engine, propeller, or article that is manufactured under part 21. The aircraft engine, propeller, or article is required to conform to its approved design and be in a condition for safe operation.

b. **Used Aircraft Engines, Propellers, or Articles.** Any person (for example, distributor, operator, private owner) may obtain from the FAA or its designee an export airworthiness approval for a used aircraft engine, propeller, or article. The used aircraft engine, propeller, or article is required to conform to its FAA-approved design and be in

a condition for safe operation. This includes a statement from the applicant that a used aircraft engine, propeller, or article has been properly maintained in accordance with part 43.

18. Procedures to Follow When an Aircraft Engine, Propeller, or Article Does Not Meet the Requirements of § 21.331.

a. New Aircraft Engines, Propellers, or Articles. A new aircraft engine, propeller, or article does not have to meet the requirements of § 21.331 for the FAA to issue an export airworthiness approval, if the importing country or jurisdiction accepts a deviation from that requirement. Form 8130-3 will list, as an exception, each difference between the new aircraft engine, propeller, or article and its approved design.

b. Used Aircraft Engines or Propellers. A used aircraft engine or propeller does not have to meet the requirements of § 21.331 for the FAA to issue an export airworthiness approval, if the importing country or jurisdiction accepts a deviation from that requirement. Form 8130-3 will list, as an exception, each difference between the used aircraft engine or propeller and its approved design.

c. Used Articles. There are no provisions for exporting a used article that does not meet the requirements of § 21.331(c). Any used article is required to conform to its approved design and be in a condition for safe operation before export.

d. CAA Acceptance Statement. When an applicant notifies the FAA that the aircraft engine, propeller, or article does not comply with the applicable requirements of § 21.331, the FAA will request a written statement from the CAA of the importing country or jurisdiction, signifying its acceptance. Requests for acceptance of these aircraft engines, propellers, and articles are transmitted to and received from authority to authority prior to export. Detailed procedures for obtaining CAA acceptance of aircraft engines, propellers, or articles are contained in Order 8130.2.

e. CAA Acceptance Statement and Form 8130-3. If the CAA of the importing country or jurisdiction provides a written statement of acceptance, the FAA or its designee will list any exceptions on Form 8130-3 in the remarks block, with reference to the importing CAA's written statement of acceptance.

19. How to Address the Requirements of Importing Countries or Jurisdictions.

a. Subpart L does not specifically address the requirements of importing countries or jurisdictions. However, as an agency of the U.S. Government, the FAA is obligated to comply with the requirements of importing countries or jurisdictions if these requirements are—

- (1) Specified as a provision in bilateral agreement, or

(2) Contained in a specific document formally submitted to the FAA for publication in AC 21-2.

b. An exporter will satisfy each requirement of the importing country or jurisdiction prior to the FAA issuing an export airworthiness approval. It is the exporter's responsibility to review the specific importing requirements associated with a particular country or jurisdiction. The exporter, with the assistance of the FAA if needed, is also responsible for determining whether an importing country's or jurisdiction's special requirements have been satisfied before export.

c. For a PAH who applies orally to the FAA for an export airworthiness approval, the FAA principal inspector will determine the appropriate documentation needed to verify whether the requirements of the importing country or jurisdiction have been satisfied. For all other persons (non-PAHs), the exporter will indicate on Form 8130-1 whether special importing requirements have been met.

20. Where to Find the Requirements of Importing Countries or Jurisdictions. The FAA website (www.faa.gov/aircraft/air_cert/international) contains the text of all bilateral agreements. The website also contains appendix 2 to AC 21-2, which includes the requirements submitted to the FAA by importing countries or jurisdictions.

21. New or Used Aircraft Engines, Propellers, or Articles That Do Not Meet the Requirements of an Importing Country or Jurisdiction.

a. At the time Form 8130-1 is submitted, the exporter will identify to the FAA those requirements of the importing country or jurisdiction that the exporter cannot meet. The FAA will request a written statement from the CAA of the importing country or jurisdiction, signifying the CAA's acceptance of the aircraft engine, propeller, or article. Requests for acceptance of these aircraft engines, propellers, and articles are made between authorities prior to export.

b. If the FAA receives a written statement of acceptance from the CAA of the importing country or jurisdiction, the FAA or its designee will list as an exception the items failing to meet the importing country's or jurisdiction's requirements on the Form 8130-3 in the remarks block. Reference should also be made in the remarks block to the importing CAA's written statement of acceptance. Examples of these types of items include copies of material review board reports, technical manuals describing the tools needed for maintenance, or spare parts catalogues that are not available.

c. If there are also portions of § 21.331 that the exporter cannot meet, it is important that the exporter identify those to the FAA. By doing so, only one request is made to the CAA and only one written statement of acceptance is necessary. (Refer to paragraph 18 above.)

22. Exporting an Aircraft Engine, Propeller, or Article to a Country or Jurisdiction That Does Not Have a Bilateral Agreement With the United States.

a. When exporting an aircraft engine, propeller, or article to a country or jurisdiction that does not have a bilateral agreement with the United States, and no definitive special import requirements have been formally submitted to the FAA, a Form 8130-3 is not necessary. A business or contractual agreement between the seller and the purchaser (for example, the PAH and the end-user in the importing country or jurisdiction) does not constitute or qualify as a government-to-government request for an export airworthiness approval. The following applies:

(1) If the FAA has issued an airworthiness approval for a new aircraft engine, propeller, or article manufactured under subpart F or subpart G, this original airworthiness approval remains with the new aircraft engine, propeller, or article being exported; a supplemental Form 8130-3, for the purpose of export, would not be issued.

(2) If an original airworthiness approval has not been issued, the FAA will permit the issuance of Form 8130-3 for export for all eligible aircraft engines, propellers, and articles when they conform to their FAA-approved design and are in a condition for safe operation.

b. A Form 8130-3 is also not necessary when exporting used aircraft engines, propellers, or articles to a country or jurisdiction that does not have a bilateral agreement with the United States, and no definitive special import requirements have been formally submitted to the FAA. As stated above, a business or contractual agreement between the seller and the purchaser does not constitute or qualify as a government-to-government request for an export airworthiness approval. However, the FAA will permit the issuance of Form 8130-3 for export of all eligible used aircraft engines, propellers, and articles when they are found to conform to their FAA-approved design and are in a condition for safe operation.

23. Responsibilities of Exporters. 14 CFR § 21.335 prescribes the responsibilities of exporters. Unless otherwise agreed to by the importing country or jurisdiction, each exporter will meet the following requirements:

a. **Provide Importing Documents.** An exporter will forward to the importing country or jurisdiction all documents specified by that country or jurisdiction. A list of these documents is in appendix 2 to AC 21-2, which contains importing country or jurisdiction special requirements. AC 21-2 may be found on the FAA's website (www.faa.gov/aircraft/aircert/international).

b. **Review Bilateral Agreements.** Bilateral agreements with certain countries or jurisdictions may contain documentation requirements. An exporter should review each bilateral agreement for the importing requirements associated with a particular country or jurisdiction. The text of all bilateral agreements can also be found on the FAA's website (www.faa.gov/aircraft/aircert/international).

c. Preserve and Package Products and Articles. An exporter will preserve and package products and articles as necessary to protect them against corrosion and damage during transit or storage. Specifically, an exporter should provide the following:

(1) A statement on the duration of effectiveness of such preservation and packaging. This statement would normally be found in the aircraft, aircraft engine, or propeller logbook.

(2) A statement regarding any special preservation and packaging. This statement should be on Form 8130-4 (for aircraft) and Form 8130-3 (for aircraft engines, propellers, and articles).

(3) Any necessary instructions for the importer on returning the product or article to a condition for safe operation (de-preservation).

d. Remove Temporary Installations and Restore the Aircraft.

(1) An exporter will remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery.

(2) An exporter, or someone acting on behalf of the exporter, will restore the aircraft to the approved configuration upon completion of the delivery flight. Restoring the aircraft to the approved configuration includes ensuring the aircraft conforms to its approved type design or properly altered condition, and is in a condition for safe operation.

e. Secure Foreign Entry Clearances. An exporter will secure all proper foreign entry clearances from all the countries or jurisdictions involved when conducting sales demonstrations or delivery flights.

f. Contact the FAA Aircraft Registry. When title to an aircraft passes or has passed to a foreign purchaser, an exporter will contact the FAA Aircraft Registry (AFS-750) to—

(1) Request cancellation of the U.S. registration and airworthiness certificates from the FAA, giving the date of transfer of title, and the name and address of the foreign owner.

(2) Return the registration and airworthiness certificates to the FAA Aircraft Registry.

(3) Provide a statement to the FAA Aircraft Registry Office certifying that the U.S. identification and registration numbers have been removed from the aircraft in compliance with 14 CFR part 45, Identification and registration marking, § 45.33, Sale of aircraft; removal of marks.

24. Procedures to Follow When an Exporter Cannot Comply With the Requirements of § 21.335 (a) Through (e).

a. If an exporter cannot meet the requirements of § 21.335(a) through (e), the exporter will provide the FAA a written declaration stating which requirements cannot be complied with, and justification for each noncompliance.

b. The FAA will request a written statement from the CAA of the importing country or jurisdiction, signifying its agreement and acceptance that the exporter has not met one or more of the requirements. Such requests are made between authorities.

b. If the FAA receives a written statement of acceptance from the CAA of the importing country or jurisdiction, the FAA or its designee will list any exceptions on Form 8130-4 (for aircraft) or Form 8130-3 (for aircraft engines, propellers, and articles), in the remarks block. Reference should also be made in the remarks block to the importing CAA's written statement of acceptance.

c. If there are also portions of § 21.329(a), § 21.331, or any other requirements of the importing country or jurisdiction that the exporter cannot meet, it is important that the exporter identify those to the FAA. By doing so, only one request is made to the CAA and only one written statement of acceptance is necessary. (Refer to paragraphs 11, 14, 17, and 20 above.) Detailed procedures for obtaining CAA acceptance are contained in Order 8130.2.

25. Where to Find This AC. You may find this AC at http://www.faa.gov/regulations_policies/advisory_circulars/.



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