



# Advisory Circular

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

**Date:** 10/01/15

**AC No:** 21-44A

**Initiated By:** AIR-100

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1      **PURPOSE.**

This advisory circular (AC) provides guidance on how to show compliance with Title 14 of the Code of Federal regulations (14 CFR) part 21, 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 this AC, you must follow it in all important respects.

2      **AUDIENCE.**

This AC affects persons and organizations who export a product or article pursuant to part 21, subpart L.

3      **CHANGES.**

This revision reflects amendment 21-98 to 14 CFR 21.137.

4      **CANCELLATION.**

As of its effective date, this AC cancels AC 21-44, dated 10/16/2009.

5      **EFFECTIVE DATE.**

This AC is effective 10/01/2015.

6      **RELATED PUBLICATIONS.**

- 14 CFR part 21, Certification Procedures for Products and Parts.
- FAA Order 8130.2, *Airworthiness Certification of Products and Articles*.

- FAA Order 8130.21, *Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag.*
- AC 21-2, *Complying with the Requirements of Importing Countries or Jurisdictions When Exporting U.S. Products, Articles, or Parts.*

## 7 **14 CFR PART 21, SUBPART L REQUIREMENTS.**

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.

## 8 **TYPES OF EXPORT AIRWORTHINESS APPROVALS.**

### 8.1 **Export Certificate of Airworthiness 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 export C of A represents a certifying statement from the FAA that a given aircraft conforms to its approved design and is in a condition for safe operation, unless otherwise specified (refer to 14 CFR 21.329), 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.

### 8.2 **Authorized Release Certificates for Export for Aircraft Engines, Propellers, and Articles Issued by the FAA or an Authorized Designee.**

FAA Form 8130-3, Authorized Release Certificate, is used for issuing an export airworthiness approval for an aircraft engine, propeller, or article. FAA Form 8130-3 is a certifying statement that a given aircraft engine, propeller, or article conforms to its approved design and is in a condition for safe operation, unless otherwise specified (refer to 14 CFR 21.331), at the time of examination and issuance of the certificate.

### 8.3 **Authorized Release Documents for Aircraft Engines, Propellers, and Articles Issued by a Production Approval Holder.**

Although an authorized release document is not an approval as defined by 14 CFR 21.1, a production approval holder (PAH) with an approved quality system that includes the procedures described in § 21.137(o) may authorize its personnel to issue authorized release documents using FAA Form 8130-3 for a new or used aircraft engine, propeller, or article manufactured by the PAH itself. An authorized release document is a certifying statement, made by a PAH, that an aircraft engine, propeller, or article conforms to its approved design and is in a condition for safe operation at the time of examination and issuance of the document, unless otherwise specified (refer to § 21.331). When a PAH produces an authorized release document for the purpose of export, § 21.137(o) requires the PAH to comply with § 21.331 (the rules applicable to

the export of new and used aircraft engines, propellers, and articles) and § 21.335 (the responsibilities of exporters), in addition to the other requirements of § 21.137(o) (procedures for issuing authorized release documents).

#### 8.4 **FAA Form 8130-3, Authorized Release Certificate.**

Depending on who is completing the form and for what purpose, this AC may refer to FAA Form 8130-3 as an airworthiness approval, authorized release certificate, airworthiness approval tag, or authorized release document for an aircraft engine, propeller, or article.

### 9 **ISSUANCE OF FAA FORM 8130-4 AND FAA FORM 8130-3 FOR PRODUCTS OR ARTICLES LOCATED IN ANOTHER COUNTRY.**

The FAA and its designees may issue FAA Form 8130-4 or FAA Form 8130-3 for products or articles located in another country, provided the FAA finds no undue burden in administering the applicable statutory and regulatory export approval requirements (refer to 14 CFR 21.325(c)). A PAH may issue FAA Form 8130-3 for products or articles located in another country, provided the PAH has an approved quality system that includes procedures described in § 21.137(o).

### 10 **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 11 of this AC.

### 11 **HOW TO APPLY FOR AN EXPORT AIRWORTHINESS APPROVAL FROM THE FAA.**

#### 11.1 **Aircraft.**

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 or the Organization Designation Authorization (ODA) holder as appropriate. For used aircraft, submit applications to the Flight Standards District Office (FSDO) with geographic responsibility or the ODA holder as appropriate.

#### 11.2 **Aircraft Engines, Propellers, and Articles.**

A person who does not have an approved quality system that includes the procedures described in § 21.137(o) may apply orally or in writing to the FAA or an authorized FAA designee for an export airworthiness approval for a new or used aircraft engine, propeller, or article. FAA designees must be pre-approved by their oversight office before issuing the airworthiness approval. A person may use the information contained on FAA Form 8130-1 as a guide to supply required information for applying orally to the FAA or an authorized FAA designee.

11.3 **Detailed Application Procedures and Procedures for Obtaining Civil Aviation Authority Acceptance.**

Detailed application procedures and procedures for obtaining civil aviation authority (CAA) acceptance may be found in FAA Order 8130.2.

12 **REGULATORY PROVISIONS FOR ISSUANCE OF AN EXPORT AIRWORTHINESS APPROVAL.**

Section 21.329 prescribes the requirements for the issuance of an export C of A for either new or used aircraft. Section 21.331 contains the requirements for the issuance of an export airworthiness approval for an aircraft engine, propeller, and article.

12.1 **New or Used Aircraft Manufactured Under Part 21, Subpart F or Subpart G.**

The FAA or its designee issues an export C of A for a new or used aircraft manufactured under part 21, subpart F, Production Under Type Certificate, or subpart G, Production Certificates, 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.

12.2 **New or Used Aircraft Not Manufactured Under Part 21, Subpart F or Subpart G.**

The FAA or its designee may 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, § 21.329(a)(2) requires the aircraft to possess 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). One example of aircraft not manufactured under subpart F or subpart G is an import aircraft that has been issued an FAA type certificate pursuant to 14 CFR 21.29.

12.3 **Additional Considerations for Used Aircraft.**

To support the validity of their present airworthiness certificates and associated eligibility for export, used aircraft are required to have been properly maintained. Verification of proper maintenance includes, but is not limited to, ensuring a used aircraft—

12.3.1 Has been properly maintained pursuant to 14 CFR part 43, 14 CFR part 121, or 14 CFR part 135.

12.3.2 Has been inspected within the given timeframe of the appropriate inspection pursuant to 14 CFR 91.409.

12.4 **Issuance of FAA Form 8130-3 for an Aircraft Engine, Propeller, or Article for Export.**

The FAA, its designee, or a PAH may issue FAA Form 8130-3 to export an aircraft engine, propeller, or article that conforms to its approved design and is in a condition for safe operation, unless otherwise specified (refer to § 21.331). A PAH may only issue

FAA Form 8130-3 if the PAH has an approved quality system that includes the procedures described in § 21.137(o), and only for an aircraft engine, propeller, or article manufactured by the PAH itself.

### 13 **PRODUCTS OR ARTICLES THAT DO NOT MEET THE REQUIREMENTS OF 14 CFR PART 21, SUBPART L.**

#### 13.1 **Aircraft.**

13.1.1 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.

13.1.2 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.

13.1.3 When an exporter notifies the FAA that it cannot comply with § 21.329(a) because of a deviation, the exporter should first prepare a technical description of the specific nonconformities. The FAA will then prepare an accompanying cover letter and transmit it, with the request, to the CAA of the importing country or jurisdiction, requesting a written statement accepting that deviation. Governmental authorities will transmit and receive requests for acceptance before export. The FAA will not issue export documentation without first receiving a written statement of acceptance from the importing CAA.

13.1.4 If the CAA of the importing country or jurisdiction provides a written statement of acceptance to the FAA, the FAA or its designee 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.

#### 13.2 **Aircraft Engines, Propellers, and Articles.**

13.2.1 Section 21.331(b) and (d) allows the FAA or its designee to issue an export airworthiness approval for a new aircraft engine, propeller, or article, or for a used aircraft engine or propeller, that does not meet the requirements of § 21.331(a) or § 21.331 (c), as long as the importing country or jurisdiction accepts a deviation from that requirement. However, no provisions allow the export of a used article that does not meet the requirements of § 21.331(c).

13.2.2 As provided in § 21.331(b) and (d), if the CAA of an importing country or jurisdiction accepts any deviations from § 21.331(a) and (c), the FAA, its designee, or a PAH must list as exceptions any differences between the aircraft engine, propeller, or article on the approval or authorized release document. The individual or entity issuing

FAA Form 8130-3 should note all deviations as exceptions in the form's "Remarks" block, referencing the importing CAA's written statement of acceptance. The form also should be accompanied by a copy of the importing CAA's statement of acceptance.

- 13.2.3 When an exporter notifies the FAA that it cannot comply with § 21.331(a) and (c), and before issuance of FAA Form 8130-3, the FAA will request a written statement from the importing CAA indicating the CAA's acceptance of the aircraft engine, propeller, or article. Governmental authorities will transmit and receive requests for acceptance before export. The FAA will not issue export documentation without first receiving a written statement of acceptance from the importing CAA. The FAA will notify the exporter or designee of the CAA's written response.

### 13.3 **Other Responsibilities of Exporters.**

- 13.3.1 If an exporter cannot meet the requirements of § 21.335(a) through (e) as agreed to by the importing country or jurisdiction, the exporter should provide the FAA with a written declaration identifying all the requirements it cannot meet and appropriate justification.
- 13.3.2 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 (refer to paragraphs 13.1 and 13.2 of this AC).

## 14 **SPECIAL REQUIREMENTS OF IMPORTING COUNTRIES.**

- 14.1 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 ensure compliance with the requirements of importing countries or jurisdictions as—
- Established as a provision in a bilateral agreement, or
  - Specified within AC 21-2, appendix 2, Special Requirements of Importing Countries. AC 21-2 can be found on the FAA's website ([www.faa.gov/aircraft/air\\_cert/international](http://www.faa.gov/aircraft/air_cert/international)).
- 14.2 The FAA and its designees will not issue an export C of A, and neither the FAA, its designees, nor a PAH will issue FAA Form 8130-3, before an exporter satisfies each requirement of the importing country or jurisdiction as described in paragraph 14.1.
- 14.3 The FAA will consider any applications submitted (in writing or orally) to the FAA for an export airworthiness approval to be incomplete until the applicant states whether the importing country or jurisdiction's requirements have been satisfied.

15 **PRODUCTS OR ARTICLES THAT DO NOT MEET THE SPECIAL REQUIREMENTS OF AN IMPORTING COUNTRY.**

15.1 An exporter will submit in writing to the FAA those special requirements of the importing country or jurisdiction that the product or article does not meet. Before export, the FAA will request a written statement from the CAA of the importing country or jurisdiction, indicating the CAA's acceptance of that product or article.

15.2 If the FAA receives a written statement of acceptance from the CAA of the importing country or jurisdiction, each item failing to meet the importing country's or jurisdiction's requirements will be listed as an exception on the export airworthiness approval. Reference should also be made in the remarks block to the importing CAA's written statement of acceptance.

16 **EXPORTING TO A COUNTRY OR JURISDICTION THAT DOES NOT HAVE A BILATERAL AGREEMENT WITH THE UNITED STATES AND NO REQUIREMENTS LISTED IN AC 21-2, APPENDIX 2.**

When exporting an aircraft, aircraft engine, propeller, or article to a country or jurisdiction that does not have a bilateral agreement with the United States, and if no special import requirements are listed in AC 21-2, appendix 2, FAA Form 8130-4 (for aircraft) or FAA Form 8130-3 (for aircraft engines, propellers, or articles) may not be necessary. A business or contractual agreement between a seller and purchaser (for example, a PAH and an aircraft end-user in the importing country or jurisdiction) does not constitute or qualify as a Government-to-Government request for an export approval or document. However, the FAA will permit the issuance of export airworthiness approvals for products and articles that conform to their approved design and are in a condition for safe operation, unless otherwise specified (refer to § 21.331).

17 **RESPONSIBILITIES OF EXPORTERS.**

Pursuant to § 21.335, unless otherwise agreed to by the importing country or jurisdiction, exporters must meet the following requirements:

17.1 **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 included in AC 21-2, appendix 2, which contains importing country or jurisdiction special requirements. Bilateral agreements with certain countries or jurisdictions may also 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 be found on the FAA's website ([www.faa.gov/aircraft/air\\_cert/international](http://www.faa.gov/aircraft/air_cert/international)).

**17.2 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. In addition, an exporter should provide the following:

- 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.
- A statement regarding any special preservation and packaging. This statement should be on FAA Form 8130-4 (for aircraft) and FAA Form 8130-3 (for aircraft engines, propellers, and articles).
- Any necessary instructions for the importer on returning the product or article to a condition for safe operation (de-preservation).

**17.3 Remove Temporary Installations and Restore the Aircraft.**

17.3.1 An exporter, or someone acting on behalf of the exporter, must remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery.

17.3.2 An exporter, or someone acting on behalf of the exporter, must 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 design and is in a condition for safe operation, unless otherwise specified.

**17.4 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.

**17.5 Contact the FAA Aircraft Registry.**

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

- 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.
- Return the registration and airworthiness certificates to AFS-750.
- Provide a statement to AFS-750 certifying that the U.S. identification and registration numbers have been removed from the aircraft, pursuant to 14 CFR 21.335.

**18 DETERMINATION OF “NEW” AND “USED” PRODUCTS OR ARTICLES.**

The FAA’s methodology for determining “new” and “used” products or articles is described in FAA Order 8130.2.



19 **WHERE TO FIND THE REQUIREMENTS OF IMPORTING COUNTRIES OR JURISDICTIONS.**

The FAA website ([www.faa.gov/aircraft/air\\_cert/international](http://www.faa.gov/aircraft/air_cert/international)) contains the text of all bilateral agreements. The website also contains AC 21-2, appendix 2, which includes the special import requirements that importing countries or jurisdictions have submitted to the FAA.

20 **WHERE TO FIND THIS AC.**

20.1 You may find this AC at [http://www.faa.gov/regulations\\_policies/advisory\\_circulars/](http://www.faa.gov/regulations_policies/advisory_circulars/).

20.2 If you have any suggestions for improvements or changes, you may use the template provided at the end of this AC.



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### Appendix A. Advisory Circular Feedback Form

If you find an error in this AC, have recommendations for improving it, or have suggestions for new items/subjects to be added, you may let us know by (1) emailing this form to 9-AWA-AVS-AIR500-Coord@faa.gov or (2) faxing it to the attention of the AIR Directives Management Officer at 202-267-3983.

Subject: \_\_\_\_\_

Date: \_\_\_\_\_

*Please check all appropriate line items:*

An error (procedural or typographical) has been noted in paragraph \_\_\_\_\_ on page \_\_\_\_\_.

Recommend paragraph \_\_\_\_\_ on page \_\_\_\_\_ be changed as follows:

In a future change to this AC, please cover the following subject:  
(*Briefly describe what you want added.*)

Other comments:

I would like to discuss the above. Please contact me.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_