



# **CAR 21**

# **CERTIFICATION OF AIRCRAFT**

**FOREWORD**

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**REVISION RECORD**

**LIST of EFFECTIVE PAGES**



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## FOREWORD

- (a) The Civil Aviation and Maritime Navigation Authority (L'Autorità per l'Aviazione Civile e la Navigazione Marittima) of the Republic of San Marino is known in these regulations as the “Authority”
- (b) CAR 21 addresses the certification of aircraft and related products, parts and appliances.
- (c) CAR 21 is applicable for all aeroplanes and helicopters.
- (d) The editing practices used in this document are as follows:
  - (1) ‘Shall’ is used to indicate a mandatory requirement.
  - (2) ‘Should’ is used to indicate a recommendation.
  - (3) ‘May’ is used to indicate discretion by the Authority, the industry or the applicant, as appropriate.
  - (4) ‘Will’ indicates a mandatory requirement.

*Note: The use of the male gender implies the female gender and vice versa.*

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



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**SUBPART A****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 San Marino 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 San Marino shall notify the Authority of any known unsafe condition in accordance with CAR GEN, Subpart F 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 San Marino register.



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## SUBPART B

### TYPE ACCEPTANCE CERTIFICATES

#### 21.11 Purpose

This Subpart 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 San Marino.

#### 21.13 Applicability

Unless otherwise stated the airworthiness standards prescribed in this Subpart 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 Subpart.

#### 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 San Marino 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) and (2) 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 Federal Aviation Administration (FAA) of the United States, Transport Canada, or the European Aviation Safety Agency (EASA) by the issue of a Type Certificate;
  - (2) for Remotely Piloted Aircraft Systems, the Type Design has been approved by the Israeli Civil Aviation Authority (CAAI); and
  - (3) the Type Certificate is currently considered valid by the issuing State's airworthiness authority; and
  - (4) the aircraft complies with CAR 21, Subpart I
- (b) The applicant shall make available to the Authority on request:
  - (1) the maintenance manual or instructions for continued airworthiness for the aircraft; and
  - (2) all service information and its amendments issued by the Type Certificate holder of the aircraft, aircraft engine and propeller; and
  - (3) the Aircraft Flight Manual, MMEL, CDL and any applicable weight and balance manual; and
  - (4) any other applicable operational certification data.

**SUBPART C****DESIGN CHANGES****21.71 Purpose**

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

**21.73 Approval of major design changes**

- (a) Design changes and repairs 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) [Approval of a major design change or repair is subject to:
  - (1) the NAA responsible for the Type Design of the aircraft having approved the major design change or repair; or]
  - (2) the major design change having been designed by an organisation having an appropriate design approval granted by an National Aviation Authority specified in paragraph 21.25(a)(1) or (2); and
  - (3) the design change being approved by a National Aviation Authority specified in paragraph 21.25(a)(1) or (2) 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; and
  - (2) approval documentation from the applicable National Aviation Authority identified in paragraph 21.73(b)(3); and
  - (3) sufficient technical evidence of the applicability of the design change to the aircraft; and
  - (4) sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft; and
  - (5) a statement of compliance with the requirements of ICAO Annex 16.
- (d) Continued airworthiness information for design changes and repairs shall be available and integrated into the appropriate maintenance programme.
- (e) Where appropriate, for design changes and repairs affecting the operation of the aircraft, the information shall be available and integrated into the appropriate Flight Manual, Operations Manual, Checklists and MEL.
- (f) The applicant shall make the aircraft and associated data available for any inspections as the Authority may require.



- (g) [Except as provided for in paragraphs 21.79 and 21.81, approval of the design change is signified by the issue of an approval document by the Authority.]

### **21.75 Approval of minor design changes**

- (a) [The applicant for approval of a minor design change or minor repair 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; or
  - (2) the design change or repair is accepted or approved in accordance with the respective procedures by an organisation approved by an National Aviation Authority identified in paragraph 21.25(a)(1) or (2) and designed to the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft; or
  - (3) the design change or repair is approved by an organisation approved by an NAA other than an NAA identified in paragraph 21.25(a)(1) that has entered into a bilateral arrangement with an NAA identified in 21.25(a)(1) 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 and repairs shall be available and integrated into the appropriate maintenance programme.
- (c) Where appropriate, for design changes and repairs 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 for in paragraphs 21.79 and 21.81, approval of the design change is signified by the issue of an approval document by the Authority.]

### **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 Subpart 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 [Service Bulletins

A design change covered by the issue of a Service Bulletin or equivalent document issued by the Type Certificate Holder, Supplemental Type Certificate Holder or the organisation responsible for the design of a component part or appliance is deemed to be approved by the Authority without the need for a formal approval document to be issued provided that:

- (a) the design change is approved 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; and
- (b) there is sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft; and
- (c) continued airworthiness information for design changes and repairs is available and integrated into the appropriate maintenance programme.]



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## SUBPART H

### CERTIFICATES AND RESTRICTED CERTIFICATES OF AIRWORTHINESS

#### 21.171 Purpose

This Subpart details requirements governing the airworthiness certification of aircraft.

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

#### 21.172 Certificate of airworthiness - General

- (a) The Authority shall not issue a Certificate of Airworthiness for which it intends to claim recognition unless it has satisfactory evidence that the aircraft complies with appropriate and equivalent airworthiness requirements of CAR 21, CAR OPS1/3 or CAR AIR as appropriate.
- (b) 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 GEN, Subpart E.
- (c) 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.

#### 21.173 Certification standard

- (a) Certificates of Airworthiness issued under this Subpart 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 Subpart 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 Subpart B; 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; and
  - (2) each design change and repair to the aircraft conforms to design changes as required by Subpart C; and



- (3) the aircraft complies with any applicable airworthiness directives required to be complied with under CAR AIR, Subpart C or CAR OPS 1/3, as appropriate; and
  - (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; and
  - (5) the aircraft's maintenance and continued airworthiness records are complete and up-to-date and maintained in accordance with CAR GEN, Subpart B and CAR AIR, Subpart D or CAR OPS 1/3, Subpart M, as appropriate; and
  - (6) When an aircraft possessing a valid certificate of airworthiness issued by an EASA Member State is entered on the register of the Republic of San Marino, 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) specified in paragraph 21.25(a)(1) or (2); and
  - (8) the aircraft is appropriately registered in San Marino and displays nationality and registration marks in accordance with CAR GEN, Subpart F; and
  - (9) the aircraft and its components are identified by the means specified in the Type Design standards or are acceptable to the Authority; and
  - (10) the aircraft has undergone a maintenance inspection, acceptable to the Authority; and
  - (11) the aircraft has been weighed within the previous five years and the mass and balance complies with CAR AIR.81.
  - (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 (2).
- (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 Subpart 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 or Restricted Certificate of Airworthiness is formatted in compliance with ICAO Annex 8, Part 2 Chapter 3 and is in the English language.

### **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; or
  - (2) 12 months for an aircraft operating under a foreign AOC; or
  - (3) 12 months for aircraft below 5 700 kg operating in accordance with CAR OPS 2, Part I only; or
  - (4) 24 months for aerial work aircraft operating under CAR OPS 2, or
  - (5) 24 months for an aircraft operating under CAR OPS 2 Part II, or
  - (6) 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:

- (1) the aircraft remains registered in San Marino; and



- (2) the Type Acceptance Certificate remains in force; and
  - (3) 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, Subparts C and D; and
  - (4) it has not sustained damage beyond the limits specified by the Type Certificate or Supplemental Type Certificate Holder; and
  - (5) the aircraft, including appliances, emergency equipment and operational equipment, is maintained in an airworthy condition; and
  - (6) an Airworthiness Review Declaration, in accordance with CAR GEN, Subpart E, has been issued for aircraft operating under CAR OPS 2, Part II or CAR OPS 4, 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 Temporary loss of airworthiness**

Except when operating under a Permit to Fly in accordance with CAR 21 Subpart P, 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.

#### **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.

**SUBPART I****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 San Marino.

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

- (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 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) Unless otherwise specified in ICAO Annex 16, Volume I, the date to be used by the Authority in determining the applicability of the Standards in ICAO Annex 16, Volume I shall be the date of application submitted to the State of Design for a type certificate, or the date of application under an equivalent prescribed procedure by the certificating authority of the State of Design. The application shall be effective for a duration equal to the period applied in the designation of the airworthiness regulations appropriate to the aircraft type, except in special cases where the certificating authority accepts an extension of this period.





- (k) When this period of effectivity is exceeded, the date to be used in determining the applicability of the Standards in ICAO Annex 16, Volume I shall be the date of issue of the type certificate, or the date of issue of approval under an equivalent prescribed procedure, less the duration of effectivity.

### **21.210 Noise Certification Applicability**

- (a) Aircraft registered in San Marino to which the requirements of Volume 1 of Annex 16 are applicable shall not fly without a noise certificate issued by the Authority.
- (b) Aircraft that are not registered in San Marino to which the requirements of Volume 1 of Annex 16 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; and
  - (2) the aircraft serial number and registration mark; and
  - (3) a statement of any modifications incorporated for the purpose of compliance with the applicable noise certification standards; and
  - (4) the MTWA at which compliance with the applicable noise certification standards has been achieved; and
  - (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 paragraph 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 paragraph 21.210.
- (c) A Noise Certificate is valid until it is suspended, revoked or the aircraft has been removed from San Marino'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 San Marino to which the requirements of Volume 2 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 San Marino to which the requirements of Volume 2 of Annex 16 are applicable shall not fly within San Marino unless the aircraft is certificated to these standards.

### **21.270 Engine Emissions Certification**

- (a) An applicant for a Type Acceptance Certificate under CAR 21, Subpart B 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 certifying 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 certifying 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.



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**SUBPART K****MATERIALS, PARTS, COMPONENTS AND APPLIANCES****21.301 Purpose**

This Subpart 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 San Marino 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 (2), or an Authorised Release Certificate Form 003 issued by an organisation approved by the Brazilian Civil Aviation Authority; 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 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 San Marino 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.



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**SUBPART L****EXPORT CERTIFICATE OF AIRWORTHINESS****21.321 Purpose**

This Subpart 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; and
  - (2) that the aircraft conforms to the relevant Type Acceptance Certificate; and
  - (3) the aircraft possesses, or could qualify for, a Certificate of Airworthiness or Restricted Certificate of Airworthiness under Subpart E; and
  - (4) the aircraft is issued with the appropriate flight manual; and
  - (5) the aircraft is issued with any applicable Noise Certificate; and
  - (6) a weight and balance report has been completed, with a loading schedule where applicable; and
  - (7) the aircraft has undergone a routine maintenance inspection in accordance with the approved maintenance programme, or an equivalent inspection acceptable to the Authority; and
  - (8) the applicable airworthiness directives have been complied with; and



- (9) up-to-date and complete log books, design change and repair records, and other such historical records required to support the continued airworthiness of the aircraft; and
  - (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; and
  - (11) details of any special instructions for inspection, maintenance and operation for the aircraft; and
  - (12) supporting documentation for any variances to this Subpart; 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 San Marino shall be recorded in the aircraft logbook pending reallocation by the new State of Registry.
  - (c) Any coded emergency locator transmitter registered with San Marino 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 Subpart 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 Subpart 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.



## SUBPART M

### REPAIRS

#### 21.431 General

- (a) This Subpart details requirements for the approval and design and recording of repairs.
- (b) All modifications and repairs shall comply with airworthiness requirements acceptable to the Authority.
- (c) Procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

#### 21.433 Major repairs

A repair that is not covered by existing approved maintenance data shall be designed and subject to approval as a design change in accordance with Subpart C.

#### 21.435 Approval of minor repairs

- (a) A repair that is covered by existing approved maintenance data is acceptable to the Authority when it has been demonstrated that the repair does not conflict with any existing repairs.
- (b) A repair that is not covered by existing approved maintenance data, but the Type Certificate Holder, or supplemental Type Certificate Holder has determined that the repair still meets the State of Type Certification's type design standard and 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, is acceptable to the Authority.

#### 21.437 Continued airworthiness requirements

- (a) An accomplished repair that by design requires continued inspection or further work shall be recorded in the aircraft records in a manner acceptable to the Authority.
- (b) Any continued airworthiness requirements associated with an accomplished repair shall be integrated into the approved Maintenance Programme for the aircraft.
- (c) Details of accomplished repairs and continued airworthiness instructions shall be recorded in accordance with CAR AIR, Subpart D or CAR OPS 1/3, Subpart M, as appropriate.



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**SUBPART P****ISSUE AND RENEWAL OF PERMITS TO FLY****21.701 Purpose**

This Subpart 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 Subpart E; 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 (2).

**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 Subpart to aircraft that do not meet, or have not been shown to meet, applicable airworthiness requirements but are capable of safe flight under defined conditions and for the following purposes:
  - (1) 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 lands areas where adequate landing facilities or appropriate fuel is not available;
  - (8) delivering or exporting the aircraft before the aircraft is registered in the State where the certificate of airworthiness will be issued;
  - (9) flying the aircraft when the aircraft has sustained damage beyond the applicable limits;



- (10) flying an aircraft where certain equipment outside of the minimum equipment list is unserviceable;
  - (11) conducting a flight associated with the approval of a modification; or
  - (12) 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 Release in accordance with CAR GEN Subpart D.

#### **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**

The conditions specified by the Authority on the Permit to Fly shall be complied with.

#### **21.715 Maintenance arrangements**

Appropriate maintenance arrangements shall be in place as required by CAR GEN, Subpart D.

**SUBPART Q****IDENTIFICATION OF AIRCRAFT AND PARTS****21.801 Purpose**

This Subpart 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 by the Authority.



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