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PART 10

CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

Effective March 28, 1955

WASHINGTON, D. C.

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PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of March 1955.

At the present time the United States has in effect bilateral agreements with eight foreign countries which provide for the reciprocal recognition of certificates of airworthiness for imported aircraft. Most of these agreements provide for the issuance of United States airworthiness certificates for aircraft imported from any of these countries, provided that the competent authority of the exporting country issues a certificate of airworthiness for the aircraft.

Although the United States has benefited substantially by these agreements, in that aircraft of United States manufacture have been readily accepted by foreign countries parties to such agreements as virtually meeting their airworthiness standards, this country has not been called upon, to any substantial degree, until relatively recently to reciprocate by issuing airworthiness certificates to aircraft of foreign manufacture. A resurgence of civil aircraft design and manufacture since World War II, particularly in Europe, has resulted in requests to the United States Government for the certification or approval of foreign manufactured aircraft and related products.

The certification of aircraft under the bilateral agreements has caused administrative difficulties because these agreements provide only for the issuance of airworthiness certificates and not type certificates, whereas the Civil Aeronautics Act specifically requires a type certificate as a prerequisite for the issuance of an airworthiness certificate for aircraft.

Formerly the Civil Air Regulations made no provision for the issuance of certificates or approvals for foreign manufactured aircraft and related products in accordance with bilateral agreements. In order that these agreements can be carried out by the United States Government consistent with the Civil Aeronautics Act of 1938 and in a uniform manner with respect to all foreign manufactured aircraft and related products, certain provisions had to be incorporated into the Civil Air Regulations. Further there was a need for provisions for the issuance of approvals for all foreign manufactured materials, parts, and appliances.

New Part 10 of the Civil Air Regulations establishes rules for the issuance of type certificates for foreign aircraft and related products under the terms of reciprocal agreements with foreign countries. In addition, rules for approval of related products (engines, propellers, etc.) which are manufactured in a foreign country with which the United States is party to a reciprocal agreement, and rules for approval of materials, parts, and appliances, which are manufactured in a foreign country, are included in new Part 10. At the same time amendments were necessary to the present rules for aircraft airworthiness certification contained in Part 1 of the Civil Air Regulations.

New Part 10 and amendments to Part 1 permit the Administrator of Civil Aeronautics to issue certificates and approvals upon certification of a foreign government with which the United States has a reciprocal agreement that the aircraft, product, etc., meets the standards prescribed in the Civil Air Regulations for aircraft, products, etc., built in the United States or other standards which give the same level of airworthiness. The Administrator is also authorized to approve materials, parts, and appliances manufactured in a foreign country under the same standards. Aircraft, related products, etc., which become so certificated or approved are required by Part 10 to be designated as "import" and clearly labeled as such. Part 10 permits the Administrator of Civil Aeronautics to require any technical data respecting the foreign manufactured aircraft, related product, etc., which he might find necessary to carry out his responsibilities.

By the adoption of new Part 10 it is not intended that this part contain administrative requirements for import aircraft and related products which wholly replace the administrative requirements in Part 1. The latter are intended to be applicable except as they may be inconsistent with corresponding provisions of Part 10. For example, the requirements for identification markings, special flight permits, etc., contained in Part 1 are equally applicable to import aircraft. Also, the requirements for production certification and for changes in type design are also applicable, except that their application to any specific aircraft or related product depends upon the extent of technical data made available to the Administrator.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. Since this rule is one relieving restriction with regard to administrative requirements of the Civil Air Regulations, and imposes no additional burden on any person, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a new Part 10 of the Civil Air Regulations to read as follows, effective March 28, 1955:

APPLICABILITY AND DEFINITIONS

Sec.
10.0 Applicability of this part.
10.1 Definitions.

TYPE CERTIFICATES

10.10 Eligibility.
10.11 Requirements for issuance.

AIRWORTHINESS CERTIFICATES AND OTHER APPROVALS

10.20 Airworthiness certificates.
10.21 Approval of materials, parts, and appliances.

APPLICABLE REQUIREMENTS

10.30 Designation.
10.31 Data required.

AUTHORITY: §§ 10.1 to 10.31 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 1102, 52 Stat. 1007, 1009, 1026, as amended; 49 U. S. C. 551, 553, 672.

APPLICABILITY AND DEFINITIONS

§ 10.0 *Applicability of this part.* This part establishes administrative requirements for the issuance of type and airworthiness certificates for aircraft, and of type certificates and approvals for related products, when such aircraft or product is manufactured in a foreign country with which the United States has concluded an agreement concerning the acceptance thereof for the purpose of export and import. In addition, this part establishes administrative requirements for the issuance of approvals for materials, parts, and appliances other than those sold in conjunction with a type certificated aircraft or related product when such material, part, or appliance is manufactured in a foreign country.

§ 10.1 *Definitions.* As used in this part, terms are defined as follows:

(a) *Administration—(1) Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *Design*—(1) *Aircraft.* An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(2) *Aircraft engine.* An aircraft engine means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(3) *Appliances.* Appliances means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers.

(4) *Product.* The term product, as used in this part, means:

(i) An aircraft,

(ii) An aircraft engine,

(iii) A propeller, or

(iv) Any appliance specified in the Civil Air Regulations as eligible for a type certificate.

(5) *Propeller.* A propeller includes all parts, appurtenances, and accessories thereof.

TYPE CERTIFICATES

§ 10.10 *Eligibility.* A product which is manufactured in a foreign country with which the United States has concluded an agreement concerning the acceptance thereof for the purpose of export and import, is eligible for the issuance of a type certificate under this part. The application for a type certificate for a specified product shall be made upon a form and in a manner prescribed by the Administrator.

§ 10.11 *Requirements for issuance.* A type certificate for a product shall be issued to an applicant when the government of the country in which the product was manufactured certifies that the product has been examined, tested, and found to comply with either paragraph (a) or paragraph (b) of this section.

(a) The airworthiness requirements prescribed in the Civil Air Regulations applicable to the product involved.[1]

(b) The applicable airworthiness requirements of the government of the country in which it was manufactured together with such other requirements as may be prescribed by the Administrator to provide a level of safety equivalent to the requirements prescribed in paragraph (a) of this section.

AIRWORTHINESS CERTIFICATES AND OTHER APPROVALS

§ 10.20 *Airworthiness certificates.* The requirements for the original issuance of airworthiness certificates for aircraft shall be in accordance with § 1.67 (c) of this chapter.

§ 10.21 *Approval of materials, parts, and appliances.* (a) Materials, parts, and appliances manufactured in a foreign country shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an aircraft, or by any other form of approval by the Administrator.

(b) Any material, part, or appliance shall be deemed to have met the requirements for approval when the government of the country of manufacture certifies that the material, part, or appliance meets the pertinent specifications adopted by the Administrator, unless the Administrator finds, on the basis of data submitted in accordance with § 10.31, that the material, part, or appliance is otherwise inconsistent with the intent of the pertinent Civil Air Regulations.

APPLICABLE REQUIREMENTS

§ 10.30 *Designation.* All aircraft, products, materials, parts, and appliances certificated or approved in accordance with this part shall be designated as "import" and clearly labeled as such.

§ 10.31 *Data required.* Such technical data respecting the aircraft, product, material, part, or appliance, for which certification or approval is sought, shall be submitted as the Administrator finds necessary.

[1] Separate airworthiness requirements are effective for various categories of aircraft, for aircraft engines, and for propellers in different parts of the Civil Air Regulations. When any one part is applicable all provisions therein including the administrative provisions are applicable.

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