



Open Letter to CASA, DITRDC and Minister.

CASA fails to meet Australia-USA BASA Obligations

Issue: Why is CASA risking the loss of this important international agreement by not mirror imaging the FAR certification standards and processes so CASA issued STCs are accepted by the FAA?

Why is this government to government technical agreement being jeopardised by CASA not implementing FAR acceptable procedures, processes and standards to support Australian civil aviation product manufacturers access to the biggest aviation market in the world, the USA?

The process has gone backwards with the past couple of CEOs of CASA.

Fact: Australia has only one Bilateral Aviation Safety Agreement (BASA) that includes a process where CASA issued Australian Supplemental Type Certificates can be accepted by the USA regulator, the FAA. i.e. the BASA with the USA.

This international agreement and implementation procedures have been approved by Parliament but being ignored by CASA product certification personnel.

History:

In 1998 the government supported the adoption of FAR Part 21 as the basis to enhance and underpin the Australia – USA Bilateral Aviation Safety Agreement and Implementation Procedures. A result of the adoption of FAR Part 21 enabled an amendment to the Agreement to “*reduce impediments to the Australian aviation industry gaining access to the United States of America (US) market, reduce costs imposed on the aviation industry by technical inspections, evaluations and testing, and promote aviation safety.*”

Australia-USA Bilateral Aviation Safety Agreement Implementation Procedure Amendment

*“SECTION 1: PURPOSE AND GENERAL PROVISIONS The purpose of this document is to amend the Implementation Procedures for Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities to **allow for U.S. acceptance of CASA Supplemental Type Certificate (STC) modifications to United States State of Design (SoD) 14 CFR part 25, 27 and 29 aircraft and for CASA STC modifications to third country SoD 14 CFR part 23, 25, 27 and 29 aircraft which have been type certificated by both the Federal Aviation Administration (FAA) and the Civil Aviation Safety Authority (CASA).**”*

It is quite clear in the BASA Implementation Procedures that CASA must use the FAR basis civil aviation product⁽⁵⁾ certification system to approve Australian STCs, PMAs, etc so that CASA can provide to the FAA their approvals for acceptance under this provision.

(5) "Civil aeronautical product" means any civil aircraft, aircraft engine or propeller ; or subassembly, appliance, material, part, or component to be installed thereon."

Australian design/manufacturers totally support the BASA and Implementation Procedures with the FAA, including the last amendment, that further opened the USA aviation market to Australia. They at last expanded a government to government agreements that benefited Australian design and manufactured products gaining access to the USA civil aviation market.

It requires Australia’s aviation product certification to mirror image the FAA certification standards and processes and to maintain currency with the FAR Part 21 system.

CASA has failed to maintain CASR Part 21 harmonised with FAR Part 21 and they have also failed to keep their product certification processes and practices harmonised.

CASA Internal Processes, Practices & Competency are apparently not FAR Based

Australian civil aviation designers and manufacturers have lost faith in CASA's capability to certify civil aviation products to the FAR standards so they can be accepted as equal by the FAA so Australian manufacturers can sell their CASA approved STCs in the USA aviation market. The following changes were made to the BASA & Implementation Procedures.

“2.3.2 The United States shall accept, as the basis for FAA Design Approval, the following CASA Design Approvals:

(a) Unchanged;

(b) Unchanged;

(c) Supplemental Type Certificates on the following aircraft for which the United States is the State of Design: 14 CFR part 23 and similar size part 21 (§21.17[b] special class, and §21.25[a][1] and [b] restricted category aircraft); and 14 CFR part 25, 27, and 29 aircraft (refer to the Addendum for specific technical areas within this scope);

(d) Supplemental Type Certificates on 14 CFR part 23, 25, 27, and 29 third country State of Design aircraft which have been type certificated by both the FAA and CASA (refer to the Addendum for specific technical areas within this scope); (e) Australian TSO authorization, and

(f) Other approved major design changes (as identified in Section III, paragraph 3.3.1.0) for products and aircraft parts and appliances for which the United States or Australia is the State of Design.”

Industry Feedback:

Those Australian manufacturers that have gone through this process have found the 18 months to 2 year process to get CASA to approve their product and then to get CASA to submit their CASA approval to the FAA is simply not acceptable to the product owner. The FAA has rejected CASA STCs as they were based on EASA standards, not FAR standards.

The problem is that the FAA finds that CASA hasn't fully certified to the FAR airworthiness standards or have certified to EASA standards. CASA has failed its own industry by not staying fully harmonised with the FAR certification standards. Many in our industry are now going to other countries for product certification.

CASA Certification Staff: Industry expects one reason is that CASA has replaced retiring civil aviation product certification engineers with ex-Defence engineers whose backgrounds are based on meeting the European defence certifications standards that are based on EASA product Standards that are different to the USA product Standards. CASA has made no attempt to have their engineers trained by the FAA to obtain FAR product certification qualifications.

NB: Post the last FAA-CASA meeting in Canberra a few years ago, CASA made a public statement they will urgently amend CASR Part 21 to reharmonise FAR Part 21.

Why? Simply because the FAA informed CASA that our CASR Part 21 and CASA harmonised certification processes underpin the BASA this country has with the USA.

Industry has one priority, harmonisation with the biggest civil aviation market in the world, the United States of America. Australia's government must continue to support this BASA.