

Federal Aviation Administration, DOT

§21.2

compensated for by factors that provide an equivalent level of safety.

(e) Each type certificate holder must comply no later than December 6, 2002, or within 18 months after the issuance of a type certificate for which application was filed before June 6, 2001, whichever is later; and each supplemental type certificate holder of a modification affecting the airplane fuel tank system must comply no later than June 6, 2003, or within 18 months after the issuance of a supplemental type certificate for which application was filed before June 6, 2001, whichever is later.

[Doc. No. 1999-6411, 66 FR 23129, May 7, 2001, as amended by Amdt. 21-82, 67 FR 57493, Sept. 10, 2002; 67 FR 70809, Nov. 26, 2002; Amdt. 21-83, 67 FR 72833, Dec. 9, 2002]

Subpart A—General

§21.1 Applicability.

(a) This part prescribes—

(1) Procedural requirements for the issue of type certificates and changes to those certificates; the issue of production certificates; the issue of airworthiness certificates; and the issue of export airworthiness approvals.

(2) Rules governing the holders of any certificate specified in paragraph (a)(1) of this section; and

(3) Procedural requirements for the approval of certain materials, parts, processes, and appliances.

(b) For the purposes of this part, the word “product” means an aircraft, aircraft engine, or propeller. In addition, for the purposes of Subpart L only, it includes components and parts of aircraft, of aircraft engines, and of propellers; also parts, materials, and appliances, approved under the Technical Standard Order system.

[Doc. No. 5085, 29 FR 14563, Oct. 24, 1964, as amended by Amdt. 21-2, 30 FR 8465, July 2, 1965; Amdt. 21-6, 30 FR 11379, Sept. 8, 1965]

EFFECTIVE DATE NOTE: By Doc. No. FAA-2006-25877, 74 FR 53384, Oct. 16, 2009, §21.1 was revised, effective Apr. 14, 2010. For the convenience of the user, the revised text is set forth as follows:

§21.1 Applicability and definitions.

(a) This part prescribes—

(1) Procedural requirements for issuing and changing—

- (i) Design approvals;
- (ii) Production approvals;
- (iii) Airworthiness certificates; and
- (iv) Airworthiness approvals;

(2) Rules governing applicants for, and holders of, any approval or certificate specified in paragraph (a)(1) of this section; and

(3) Procedural requirements for the approval of articles.

(b) For the purposes of this part—

(1) *Airworthiness approval* means a document issued by the FAA for an aircraft, aircraft engine, propeller, or article which certifies that the aircraft, aircraft engine, propeller, or article conforms to its approved design and is in a condition for safe operation;

(2) *Article* means a material, part, component, process, or appliance;

(3) *Commercial part* means an article that is listed on an FAA-approved Commercial Parts List included in a design approval holder’s Instructions for Continued Airworthiness required by §21.50;

(4) *Design approval* means a type certificate (including amended and supplemental type certificates) or the approved design under a PMA, TSO authorization, letter of TSO design approval, or other approved design;

(5) *Product* means an aircraft, aircraft engine, or propeller;

(6) *Production approval* means a document issued by the FAA to a person that allows the production of a product or article in accordance with its approved design and approved quality system, and can take the form of a production certificate, a PMA, or a TSO authorization;

(7) *State of Design* means the country or jurisdiction having regulatory authority over the organization responsible for the design and continued airworthiness of a civil aeronautical product or article;

(8) *State of Manufacture* means the country or jurisdiction having regulatory authority over the organization responsible for the production and airworthiness of a civil aeronautical product or article.

§21.2 Falsification of applications, reports, or records.

(a) No person shall make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a certificate or approval under this part;

(2) Any fraudulent or intentionally false entry in any record or report that is required to be kept, made, or used to show compliance with any requirement for the issuance or the exercise of the privileges of any certificate or approval issued under this part;

(3) Any reproduction for a fraudulent purpose of any certificate or approval issued under this part.

§21.3

(4) Any alteration of any certificate or approval issued under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any certificate or approval issued under this part and held by that person.

[Doc. No. 23345, 57 FR 41367, Sept. 9, 1992]

EFFECTIVE DATE NOTE: By Amdt. 21-92, 74 FR 53384, Oct. 16, 2009, §21.2 was amended by revising paragraphs (a) introductory text, (a)(1), (a)(2), and (b), effective Apr. 14, 2010. For the convenience of the user, the revised text is set forth as follows:

§21.2 Falsification of applications, reports, or records.

(a) A person may not make or cause to be made—

(1) Any fraudulent, intentionally false, or misleading statement on any application for a certificate or approval under this part;

(2) Any fraudulent, intentionally false, or misleading statement in any record or report that is kept, made, or used to show compliance with any requirement of this part;

* * * * *

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for—

(1) Denying issuance of any certificate or approval under this part; and

(2) Suspending or revoking any certificate or approval issued under this part and held by that person.

§21.3 Reporting of failures, malfunctions, and defects.

(a) Except as provided in paragraph (d) of this section, the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type Certificate shall report any failure, malfunction, or defect in any product, part, process, or article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) The holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type of Certificate shall report any defect in any product, part, or article manufactured by it that has left its quality control system and that it determines could result in

any of the occurrences listed in paragraph (c) of this section.

(c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this section:

(1) Fires caused by a system or equipment failure, malfunction, or defect.

(2) An engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components.

(3) The accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin.

(4) A malfunction, failure, or defect of a propeller control system.

(5) A propeller or rotorcraft hub or blade structural failure.

(6) Flammable fluid leakage in areas where an ignition source normally exists.

(7) A brake system failure caused by structural or material failure during operation.

(8) A significant aircraft primary structural defect or failure caused by any autogenous condition (fatigue, understrength, corrosion, etc.).

(9) Any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure.

(10) An engine failure.

(11) Any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft for which derogates the flying qualities.

(12) A complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft.

(13) A failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(d) The requirements of paragraph (a) of this section do not apply to—

(1) Failures, malfunctions, or defects that the holder of a Type Certificate (including a Supplemental Type Certificate), Parts Manufacturer Approval (PMA), or TSO authorization, or the licensee of a Type Certificate—

(i) Determines were caused by improper maintenance, or improper usage;

(ii) Knows were reported to the FAA by another person under the Federal Aviation Regulations; or