



U.S. Department
of Transportation
**Federal Aviation
Administration**

Advisory Circular

Subject: Applicant's Showing of Compliance and
Certifying Statement of Compliance

Date: 9/28/2011

AC No: 21-51

Initiated by: AIR-110

Change:

A. General Information.

1. What is the Purpose of this AC?

a. We, the Federal Aviation Administration (FAA), wrote this advisory circular (AC) to describe how to comply with the requirements of Title 14 of the Code of Federal Regulations (14 CFR) 21.20, 21.97 and 21.303(a)(5).

b. This AC is not mandatory and is not a regulation. This AC describes an acceptable means, but not the only means, to comply with the requirements 14 CFR 21.20, 21.97 and 21.303(a)(5). However, if you use the means described in this AC, you must follow it entirely.

2. Who Does this AC Apply to? This AC applies to applicants for a type certificate (TC), amended type certificate (ATC), supplemental type certificate (STC), or amended supplemental type certificate (ASTC) for civil aircraft, aircraft engines and propellers. This also applies to applicants for major changes to type design and parts manufacturer approval (PMA) via test and computation.

B. Show Compliance with all Applicable Requirements.

1. Title 14 CFR 21.20(a) and 21.97(a)(2). The intent of 14 CFR 21.20(a) and 21.97(a)(2) is to emphasize that it is the applicant who is responsible for satisfying all applicable requirements. For the purposes of this AC¹, in the case of an STC or other major change to type design, the applicable requirements are those designated for the change and those affected by the change. They are identified in the certification basis and generally include; airworthiness standards,

¹ 14 CFR 21.97 and 21.101 require that applicants show that the "changed product" complies with applicable airworthiness requirements. AIR is initiating rulemaking to clarify that the intent of these requirements is consistent with this Advisory Circular.

noise, fuel venting and emissions. The applicant must also show the “means” of compliance to the requirements prior to the FAA issuing the TC, ATC, STC, or ASTC or approving the major change to type design.

Note: Title 14 CFR 21.303(a)(4) also requires the design of the PMA article to meet the applicable airworthiness requirements, but identifying the means is not explicitly required by the rule. (See FAA Order 8110.42, *Parts Manufacturer Approval*)

2. Showing Compliance. Applicants for a TC, ATC, STC, ASTC, PMA, or major change to type design must show compliance to the applicable requirements. Substantiating data necessary to show compliance must be provided to the FAA along with a statement of compliance prior to FAA issuance of the certificate, PMA or major change approval.

3. Compliance Listing to Document the Means of Compliance.

a. You can achieve compliance to 14 CFR 21.20(a) or 21.97(a)(2) by using a compliance listing that contains, as a minimum, the following information:

(1) The design data being approved, (e.g. a master drawing list or a top drawing) including date and revision level.

(2) All the requirements you are, or will be, complying with, including amendment level, and

(3) For each of the requirements:

(a) The means of compliance, whether by analysis, test (flight, ground, or other), design similarity, equivalent level of safety, or exemption, etc. and

(b) A reference to the substantiating data used, or that will be used, to show compliance to that requirement.

Note: A compliance listing is also highly encouraged for PMA.

b. If you use a compliance listing, submit an initial one to the project aircraft certification office (ACO) and update it as compliance is shown. This is a good way to track a projects progress. A final completed compliance listing along with a final statement of compliance is required to be submitted prior to the FAA issuing the TC, ATC, STC, or ASTC or the FAA approving a major change to type design.

c. The initial and final compliance listings become permanent records in the FAA project file at the ACO or at the Organization Designation Authorization (ODA). You should keep a copy of the compliance listing in your project records.

C. Certifying Statement of Compliance.

1. Title 14 CFR 21.20(b), 21.97(a)(3), and 21.303(a)(5).

a. As an applicant, you must write and sign a statement of compliance certifying that you have met all the applicable requirements prior to our issuing the certificate or approval. An additional, optional statement may be made as part of the initial compliance listing.

b. The final statement of compliance that must be submitted at the completion of the project and after all requirements have been complied with must contain the words:

“I certify that we have complied with all applicable requirements, as identified in the certification basis [detailed certification basis or reference to it inserted here], using the methods of compliance identified in [insert the certification plan or compliance listing reference]”.

Note: If you are applying for a PMA, the certification basis is usually that of the eligible product on which the parts are to be installed. Insert the reference identified on the type certification data sheet into the statement above. If there is any change to the certification basis for the PMA, note it in the certifying statement.

The statement can be made on a separate letter or as part of the final compliance listing.

c. The optional statement of compliance that is part of a initial compliance listing must contain the words:

“I certify that we will not submit data to the FAA or its designee until we have complied with the applicable requirements for that submittal.”

d. Compliance findings made by the FAA or our designees do not relieve the applicant from the responsibility for showing compliance.

e. The statement needs to be made by an individual having authority over the certification, and legally representing the applicant, but not an FAA designee or ODA unit member. The individual may be your agent that you authorized to act on your behalf. Identify the individual and the individual’s position in the company at the time of application or well in advance of the program’s completion. If you have a Partnership for Safety Plan (PSP) or Project Specific Certification Plan (PSCP), the authorized individual may be identified therein.

2. Timing of Showing of Compliance and Statement of Compliance. Since the final statement is an attestation that you have shown compliance with all the requirements, it can only be made after all compliance work has been completed. It must be made before the FAA issues the TC, ATC, STC, ASTC, PMA, or major change approval.

D. Frequently Asked Questions.

1. Is a statement required for foreign applicants? Yes. If you are a foreign applicant, you need to provide a statement directly to the appropriate FAA directorate office. The statement made by your civil airworthiness authority under a 14 CFR 21.29 validation program does not relieve you from complying with 14 CFR 21.20 or 21.97. You must make a statement of compliance directly to us.

2. What's the difference between a compliance listing and compliance checklist? They are the same. The new term "compliance listing" better reflects its function, a listing of compliance. Its content is defined in paragraph B.3.a. above.

3. Is the statement of compliance required with each data submittal? No. The final statement of compliance made at the completion of the project (paragraph C.1.b.) assures the FAA that you have submitted compliant data. However, while not required, we believe that it is good practice to submit a statement as part of an initial compliance listing (paragraph C.1.c.) to assure us that you will submit compliant data. Neither statement of compliance is required for the FAA or designee to initiate their data review. Individual findings of compliance can be made for data submitted, but the certificate or approval will not be granted without a final statement of compliance.

4. How does the applicant's showing of compliance and statement of compliance differ from the FAA designee compliance approval? The designee is acting as a representative of the FAA when the designee approves individual reports, test data, and analyses on behalf of the FAA. Title 14 CFR 21.20(b), 21.97(a)(3), and 21.303(a)(5) requires the applicant to make a statement of compliance. Since the applicant's responsibilities are not FAA functions, this is not a task that a designee could perform.

5. Does this rule change the responsibility of compliance "finding" to the applicant? No. The FAA will make the final finding of compliance and indicate that by issuing the certificate or approval. The applicant is, however, responsible to show compliance, indicate the means of compliance and provide a statement of compliance. The statement is subject to the falsification provisions in 14 CFR 21.2.

6. What if I use Organization Designation Authorization (ODA) to issue the approval? If you use an ODA, you have the same responsibility to show compliance before data are reviewed by the ODA unit and are required to make the final statement of compliance before the ODA holder issues the certificate or approval.

7. Do I have to send in a statement of compliance for existing approvals? No. This is not for past approvals. The requirement is only for new approvals that have an issuance or reissuance date of April 16, 2011 or later.

E. Administrative Information.

1. Related Documents.

- a. FAA Order 8110.4, *Type Certification*.
- b. FAA Order 8110.42, *Parts Manufacturer Approval Procedures*.
- c. FAA Order 8100.15, *Organization Designation Authorization Procedures*.

2. How to Order FAA Publications. You can get copies from our Regulatory and Guidance library (RGL) at www.airweb.faa.gov/rgl. On the RGL website, select "Advisory Circulars," then select "By Number."



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