



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 1997

by **JENNIFER MARY SHIPLEY**

A handwritten signature in black ink, appearing to read 'Jennifer Mary Shipley', written over the printed name.

Minister of Transport

**Civil Aviation Rules
Part 21 Amendment 3**

Docket Nr. 1062

Civil Aviation Rules
Part 21 Amendment 3

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 21 Amendment 3 is to prescribe the requirements for the issue of documents for products, their components, and appliances to allow for their use in the New Zealand aviation environment.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 21 Amendment 3 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed on 20 October 1995 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 96-7 under Docket 1062 on 22 May 1996.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 22 May 1996. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas aviation authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 37 days was allowed for comment on the proposed rule. Eleven written submissions were received in response to this notice. Two meetings were held with representative aviation industry organisations. There were three specific issues raised but no significant disagreements with the rule. The majority of the changes requested by the commenters were included. The specific issues were further discussed with the commenters at the meetings and subsequently examined in conjunction with specialists within the CAA.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 21 Amendment 3 comes into force on 1 April 1997.



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Subpart A — General

21.3 *Definitions*

21.3 is amended by revoking the definition of **Product**.

21.7 is amended by substituting it with the following:

“21.7 Overseas applications

Applications for certificates, approvals, or authorisations from persons located outside of New Zealand shall only be considered for approval if the Director is satisfied that there is a need for the certificate, approval, or authorisation.”

21.8 is amended by substituting it with the following:

“21.8 Required design changes

(a) Where the Director issues an airworthiness directive for a product under Part 39, the holder of the type certificate for the product type shall—

- (1) if the Director determines that design changes are necessary to correct the unsafe condition of the product, upon the Director’s request, submit appropriate design changes to the Director for approval; and
- (2) upon approval of the design changes, make the descriptive data covering the changes available to all operators of the product.

(b) If there are no current unsafe conditions of the product but it is found through service experience that changes in the type certificate will contribute to the safety of the product, the holder of the type certificate for a product type shall—

- (1) upon the Director’s request, submit appropriate design changes to the Director for approval; and
- (2) upon approval of the design changes, make the descriptive data covering the changes available to all operators of the product.”

Subpart B — Type Certificates and Type Acceptance Certificates

21.15 is amended by deleting “Subpart J” and replacing it with “Part 146”.

21.15 is amended by deleting the note that is contained within square brackets.

21.17 is amended by substituting it with the following:

"21.17 Application for certificates

(a) Each applicant for the grant of a type certificate for a product type shall complete form CAA 24021/01, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) for an aircraft type, a three-view drawing of that aircraft type and available preliminary basic data; and
- (3) for an aircraft engine type or propeller type, a description of its design features, its operating characteristics, and its proposed operating limitations; and
- (4) such further particulars relating to the product and the applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

(b) An application for the grant of a type certificate for a product type shall be effective for 3 years except—

- (1) for an aeroplane type with an MCTOW exceeding 5700 kg, where it is effective for 5 years; or
- (2) for a rotorcraft type with an MCTOW exceeding 2730 kg, where it is effective for 5 years; or
- (3) where the Director approves a longer period.

(c) Each applicant for the grant of a type acceptance certificate for an aircraft type shall complete form CAA 24021/02, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) such further particulars relating to the aircraft and the applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act."

21.19 is amended by substituting it with the following:

"21.19 Issue of certificates

(a) An applicant is entitled to a type certificate for a product type or a type acceptance certificate for an aircraft type if—

- (1) the applicant meets the applicable certification requirements in 21.31 to 21.43 in a manner acceptable to the Director; and
- (2) the granting of the certificate is not contrary to the interests of aviation safety; and
- (3) for a type certificate, inspection and test of the product type confirms that the product type meets the applicable airworthiness requirements.

(b) Where a type certificate will not be granted within the time that the application is effective, as specified in 21.17(b), the applicant may—

- (1) submit a new application; or
- (2) submit an application to extend the original application.

(c) If an application for an extension that is submitted under paragraph (b)(2) is accepted the effective date of application shall precede the date of issue of the type certificate by a period no greater than the period established under 21.17(b) for the original application. "

21.21 is amended by substituting it with the following:

"21.21 *Reserved* "

21.25 is amended by substituting it with the following:

"21.25 *Duration of certificate*

(a) A type certificate or a type acceptance certificate shall remain in force until it is suspended or revoked.

(b) The holder of a type certificate that is revoked shall forthwith surrender the certificate to the Director.

(c) The holder of a type certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement."

21.27(a) is amended by deleting "Subpart J" and replacing it with "Part 146".

21.27 is amended by deleting the note that is contained within square brackets.

21.31 is amended by substituting it with the following:

"21.31 *Airworthiness requirements*

Each applicant for the grant of a type certificate for a product type shall provide the Director with evidence that—

- (1) except as provided in subparagraph (2), the product type design complies with—

- (i) the applicable airworthiness design standards specified in Appendix C effective at the date of application and any later amendment selected by the applicant; and
 - (ii) any special conditions prescribed by the Director under 21.23; and
 - (iii) any other airworthiness requirement the Director finds to be relevant; and
- (2) any airworthiness requirement not complied with is compensated for by factors providing an equivalent level of safety; and
 - (3) no feature or characteristic of the product type makes it, when operated in accordance with the correctly amended flight manual or other prescribed limitations, unsafe for the intended use."

21.37 is amended by substituting it with the following:

"21.37 Statement of compliance

(a) Each applicant for the grant of a type certificate presenting a product to the Director for tests under 21.35(b) shall provide the Director with a statement of compliance stating that the applicant has complied with the requirements of 21.35(b)(2) and (3).

(b) Each applicant for the grant of a type certificate for a product type shall provide the Director with a statement of compliance stating that the product complies with the applicable airworthiness requirements."

The heading "Type Certificate Holder Requirements" above 21.51 is revoked.

21.51, 21.53, 21.55, and 21.57 are revoked.

The heading "Subparts C-G Reserved" is amended by substituting it with the following:

Subparts F and G — [Reserved]

Part 21 is amended by inserting after Subpart B the following:

"Subpart C — Design Changes

21.71 Applicability

This Subpart prescribes means for the approval of design changes.

21.73 Approval of design changes

- (a) A design change may be approved by—
- (1) including it in an Airworthiness Directive; or
 - (2) the approval of a modification; or
 - (3) the approval of a change to the type certificate or type acceptance certificate under Subpart D; or
 - (4) the issue of a supplemental type certificate under Subpart E.
- (b) Design changes are acceptable to the Director if they are—
- (1) described by technical data listed in Appendix D; or
 - (2) accepted by the issue of an airworthiness certificate.

21.75 Continuation of design changes

Each design change that has been approved by the Director at the time this Part comes into force shall be deemed to have been approved under this Part.

21.77 Continued airworthiness responsibilities

The organisation under which the statement of compliance for a design change was issued shall undertake the continued airworthiness responsibilities required by 146.61 in respect of the change.

21.79 Acceptance of design changes by the issue of an airworthiness certificate

- (a) A design change embodied on an aircraft may be accepted by the issue of an airworthiness certificate for that aircraft, provided—
- (1) the design change was found to be recorded in the maintenance records for the aircraft at the time of issue of the airworthiness certificate; and
 - (2) there is sufficient evidence that the design change meets the applicable airworthiness requirements.
- (b) A design change accepted under this rule shall only be embodied on the individual aircraft for which the airworthiness certificate has been issued.

21.81 Form CAA 337 - approval of modifications

The Director shall approve a modification by approving the modification's technical data under 21.505.

Subpart D — Changes to Type Certificates and Type Acceptance Certificates

21.91 *Applicability*

This Subpart prescribes means for the approval of changes to type certificates and type acceptance certificates.

21.93 *Changes to certificates*

A change to a type certificate or type acceptance certificate in accordance with this Subpart includes any changes to—

- (1) the type certificate or type acceptance certificate category; or
- (2) the type design; or
- (3) the flight manual; or
- (4) the operating limitations; or
- (5) the type certificate data sheet; or
- (6) any special conditions prescribed on the type certificate or type acceptance certificate.

21.95 *Design changes requiring a new certificate*

(a) Each applicant for a design change approval shall make a new application for a type certificate where—

- (1) the Director determines that the proposed change in the design, configuration, power, power limitations for engines, speed limitations for engines, or weight, is so extensive that a substantially complete investigation of compliance with the airworthiness requirements is required; or
- (2) for an aircraft type, the proposed change is to—
 - (i) the number of engines or rotors; or
 - (ii) engines or rotors using different principles of propulsion;
or
 - (iii) rotors using different principles of operation; or
- (3) for an aircraft engine type, the proposed change is in the principle of operation; or
- (4) for a propeller type, the proposed change is in—
 - (i) the number of blades; or

- (ii) the principle of pitch change operation; or
- (iii) the blade material.

(b) Each applicant for the approval of a change to a type acceptance certificate shall make a new application for a type acceptance certificate in accordance with Subpart B and provide the Director with evidence that the applicable foreign authority has approved the change to its type certificate in accordance with the applicable airworthiness requirements.

21.97 Limitations of changes to type certificates

An approved change to a type certificate shall be limited to the specific configuration upon which the change is made unless the applicant provides the Director with—

- (1) the identification of the other configurations of the same type for which approval is requested; and
- (2) evidence that the change is compatible with the other configurations.

21.99 Eligibility

The applicant for a change to a type certificate shall be the certificate holder.

21.101 Application for approval

Each applicant for a change to a type certificate shall complete form CAA 24021/08, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the information requested in 21.505; and
- (3) any descriptive data for inclusion in the certificate; and
- (4) such further particulars relating to the product and applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

21.103 Issue of approval

An applicant is entitled to have a change to a type certificate approved if—

- (1) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Director; and

- (2) the issue of the approval is not contrary to the interests of aviation safety; and
- (3) any airworthiness requirements not complied with are compensated for by factors that provide a level of safety acceptable to the Director; and
- (4) no feature or characteristic of the changed product makes it, when operated in accordance with the correctly amended flight manual or other prescribed limitations, unsafe for the uses for which approval is requested.

Subpart E — Supplemental Type Certificates

21.111 *Applicability*

This Subpart prescribes the—

- (1) means for the issue of supplemental type certificates; and
- (2) responsibilities of the holders of supplemental type certificates.

21.113 *Supplemental type certificate*

A supplemental type certificate issued in accordance with this Subpart may allow changes to—

- (1) the type certificate category or type acceptance certificate category; or
- (2) the type design; or
- (3) the flight manual; or
- (4) the operating limitations; or
- (5) any special conditions prescribed on the type certificate or type acceptance certificate.

21.115 *Eligibility*

Any person may apply for a supplemental type certificate.

21.117 *Application for certificate*

Each applicant for a supplemental type certificate shall complete form CAA 24021/09, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and

- (2) the information requested in—
 - (i) 21.33; and
 - (ii) 21.35; and
 - (iii) 21.505(a); and
- (3) such further particulars relating to the design change and applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

21.119 Issue of certificate

An applicant is entitled to a supplemental type certificate if—

- (1) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Director; and
- (2) the granting of the certificate is not contrary to the interests of aviation safety; and
- (3) any airworthiness requirements not complied with are compensated for by factors that provide a level of safety acceptable to the Director; and
- (4) no feature or characteristic of the changed product makes it, when operated in accordance with the correctly amended flight manual or other prescribed limitations, unsafe for the uses for which the certificate is requested.

21.121 Transfer of certificate

(a) The holder of a supplemental type certificate shall not transfer the certificate to an organisation or person other than an organisation or person accepted by the Director as able to undertake the responsibilities of 21.123.

(b) The holder of a supplemental type certificate shall, before transferring the certificate—

- (1) notify the Director in writing, of the name and address for service in New Zealand of the transferee; and
- (2) produce the certificate to the Director for amendment.

21.123 Responsibilities of certificate holder

(a) The holder of the supplemental type certificate shall—

- (1) undertake the continued airworthiness responsibilities required by 146.61 in respect of the change to a type certificated product; and
- (2) upon the Director's request, provide the Director with evidence of appropriate liaison with the holder of the type certificate of the product; and
- (3) ensure that—
 - (i) all records are legible and of a permanent nature; and
 - (ii) except as provided in paragraph (b), the record of a design or design change is retained for a period of 2 years from the date the last example of the product type is permanently withdrawn from service; and
- (4) upon the Director's request, make the certificate, design information, drawings, test reports, and inspection records available to the Director.

(b) The Director may permit records to be retained for a lesser period than that required by paragraph (a)(3)(ii).

21.125 Changes to certificate

The holder of a supplemental type certificate intending to make a significant change to the design change described in the certificate shall—

- (1) apply for an amendment to the supplemental type certificate on form CAA 24021/09; or
- (2) apply for a new supplemental type certificate."

The heading "Subparts I-P Reserved" is amended by substituting it with the following:

Subparts I and J — [Reserved]

Part 21 is amended by inserting before Subpart Q the following:

"Subpart K — Materials, Parts, Processes, and Appliances

21.301 Applicability

This Subpart prescribes requirements for the approval or acceptance of materials, parts, processes, and appliances.

21.303 Replacement and modification materials, parts, and appliances

A replacement or modification material, part, or appliance to be installed into a type certificated product shall—

- (1) be authorised by the holder of the type certificate for the product as complying with the type design; or
- (2) be manufactured for a person to install on their own product and comply with the type design of the product including any embodied design changes; or
- (3) be issued with an authorised release certificate by the holder of a maintenance certificate issued under Part 145 who established the conformity of, and performed maintenance on, the part or appliance; or
- (4) be issued with an authorised release certificate by the holder of a manufacturing certificate issued under Part 148 who manufactured the part or appliance in accordance with a—
 - (i) NZTSO authorisation; or
 - (ii) NZPMA authorisation; or
 - (iii) a supplemental type certificate issued under Subpart E; or
 - (iv) a certificate of type approval issued under regulation 163 of the Civil Aviation Regulations 1953; or
- (5) be issued with a release note by the holder of a supply organisation certificate issued under Part 19 who established the conformity of the material, part, or appliance; or
- (6) be a standard part; or
- (7) be an imported part accepted for the purpose by the Director.

21.305 Approval or acceptance of processes

If a process is required to meet the airworthiness requirements for the issue of a type certificate or of any CAR, then it shall be—

- (1) included in the exposition of the holder of a maintenance organisation certificate issued under Part 145; or
- (2) included in the exposition of the holder of a manufacturing organisation certificate issued under Part 148; or
- (3) otherwise acceptable to the Director.

Subpart L — Export Airworthiness Certificates

21.321 Applicability

This Subpart prescribes—

- (1) the means for the issue of export airworthiness certificates; and
- (2) the responsibilities of the holders of export airworthiness certificates; and
- (3) the means for the issue of an authorised release certificate for the export of parts and appliances by organisations certificated for the purpose under—
 - (i) Part 145 for maintenance; and
 - (ii) Part 148 for manufacture.

21.323 Definitions

In this Subpart—

Product means—

- (1) an aircraft, aircraft engine, propeller, and their components; or
- (2) a material, part, or appliance approved under a NZTSO authorisation.

21.325 Export airworthiness certificates

(a) An export airworthiness certificate issued under this Subpart shall—

- (1) for aircraft, be in the form of an export airworthiness certificate; and
- (2) for other products, be in the form of—
 - (i) an export airworthiness certificate; or
 - (ii) an authorised release certificate.

(b) The issue of an export airworthiness certificate does not authorise the installation or operation of a product.

21.327 Export airworthiness certificate exceptions

If the applicant for an export airworthiness certificate provides a written statement by the State of the importer, in accordance with 21.333(b), the Director may issue the export airworthiness certificate with listed exceptions of—

- (1) the requirements of this Subpart that have not been met; and

- (2) any differences in configuration between the exported product and the relative type approved or type accepted product.

21.329 Eligibility

Any exporter or exporter's authorised representative may apply for the issue of an export airworthiness certificate for a product.

21.331 Application for certificate

(a) Each applicant for an export airworthiness certificate shall complete form CAA 24021/10, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) evidence that—
 - (i) the product conforms to a type design acceptable to the State of the importer; and
 - (ii) any special certification conditions of the State of the importer have been met; and
 - (iii) the State of the importer accepts any exceptions to be listed on the certificate; and
 - (iv) the product has been identified in accordance with Part 21 Subpart Q; and
 - (v) the applicable airworthiness directives have been complied with; and
- (3) any log books, modification and repair forms, and such historical records that the Director may require for other than new products; and
- (4) a description of any methods used, including the method's duration of effectiveness, for the preservation and packaging of products to protect them against corrosion and damage while in transit or storage; and
- (5) the date when ownership passed, or is expected to pass, to a purchaser in the foreign State; and
- (6) the date on which any documents not available at the date of application are expected to become available; and
- (7) supporting documentation for any variances to this Subpart; and

- (8) such further particulars relating to the product and applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

(b) Each applicant for an export airworthiness certificate for an aircraft shall, in addition to paragraph (a), provide the Director with—

- (1) evidence that—
 - (i) for a new aircraft, it has been manufactured in accordance with Part 148; and
 - (ii) for other than a new aircraft, it possesses or could qualify for an airworthiness certificate under Subpart H; and
 - (iii) the aircraft is issued with the appropriate flight manuals and, for new aircraft, maintenance manuals; and
 - (iv) a weight and balance report has been completed, with a loading schedule where applicable; and
 - (v) the aircraft has, within 60 days prior to application, undergone an Annual or 100-hour inspection in accordance with Part 43, or an equivalent inspection acceptable to the Director; and
 - (vi) any installations incorporated for the purpose of export delivery comply with the applicable airworthiness requirements or have been approved by the issue of a Special Flight Permit under Subpart H; and
- (2) confirmation that any installation described in paragraph (b)(1)(vi) will be removed and the aircraft restored to the approved type configuration upon completion of the delivery flight.

(c) The applicant shall make the product and associated data available for any inspections as the Director may require.

21.333 Issue of certificate

- (a) An applicant is entitled to an export airworthiness certificate for a product if—
- (1) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Director; and
 - (2) the granting of the certificate is not contrary to the interests of aviation safety; and

- (3) any airworthiness requirements not complied with are compensated for by factors that provide a level of safety acceptable to the Director.

(b) Notwithstanding paragraph (a), a product need not meet all the requirements of this rule if this is acceptable to the State of the importer and the State of the importer indicates that acceptability in writing.

21.335 Validity of certificate

(a) An export airworthiness certificate issued under this Subpart shall remain valid, providing there is no subsequent design change to the product, until the completion of delivery to the importer's State.

(b) The holder of an export airworthiness certificate invalidated because of a design change shall forthwith surrender the certificate to the Director.

21.337 Transfer of certificate

An export airworthiness certificate is transferred with the product.

21.339 Use of an authorised release certificate for export

(a) The authorised release certificate shall only be used for the export of a product where—

(1) the product—

- (i) is new, has been newly overhauled, or was last installed on an aircraft possessing a valid standard or restricted airworthiness certificate and is fit for release to service; and
- (ii) conforms to approved design data; and
- (iii) is in a condition for safe operation; and
- (iv) meets any special conditions for import required by the State of the importer; and

(2) the authorised release certificate has been issued in accordance with the requirements of Part 43 and the procedures of an organisation certificated under—

- (i) Part 145 for maintenance; or
- (ii) Part 148 for manufacture.

(b) Notwithstanding paragraph (a)(1), a product need not meet all the requirements of this rule if this is acceptable to the State of the importer and the State of the importer indicates that acceptability in writing.

21.341 Responsibilities of an exporter

(a) When title to an aircraft passes or has passed to a foreign purchaser, the exporter who was granted an export airworthiness certificate shall—

- (1) where applicable, request the cancellation of the New Zealand registration and airworthiness certificates, giving the date of transfer of title and the name and address of the foreign owner; and
- (2) return the registration and airworthiness certificates to the Director; and
- (3) submit a statement certifying that the New Zealand nationality and registration marks have been removed from the aircraft.

(b) Unless otherwise agreed with the State of the importer, the exporter who was granted an export airworthiness certificate shall—

- (1) forward to the appropriate authority of the State of the importer—
 - (i) all documents and information necessary for the proper operation of the product and any other material as is stipulated in the special requirements of the State of the importer; and
 - (ii) the applicable manufacturer's assembly instructions for un-assembled aircraft and an approved flight test check list; and
- (2) preserve and package products to protect them against corrosion and damage whilst in transit or storage; and
- (3) upon completion of an export delivery of an aircraft, remove, or have removed, any temporary installation incorporated for the purpose of delivery and restore the aircraft to the approved type configuration.

Subpart M — Repairs**21.431 Applicability**

This Subpart prescribes the means for the approval of repair designs.

21.433 Approval of designs for repairs

A repair, the design of which has not been approved under the type certificate or type acceptance certificate, shall be treated as a design change to be approved in accordance with Subparts C, D, or E.

Subpart N — Technical Data and Airworthiness Specifications

21.501 *Applicability*

This Subpart prescribes the means for—

- (1) the approval or acceptance of technical data; and
- (2) the approval or acceptance of specifications for materials, parts, processes, and appliances; and
- (3) approval of deviation from specifications for materials, parts, processes, or appliances.

21.503 *Acceptable technical data*

- (a) Technical data shall only be used if it is approved, or is acceptable to the Director.
- (b) Acceptable technical data are listed in Appendix D to this Part.

21.505 *Form CAA 337 – approval of technical data*

(a) Except as provided in paragraphs (b), (c), and (d), each applicant for the approval of technical data shall complete form CAA 337, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) any documentation necessary to define the data; and
- (3) a description of any design change including—
 - (i) sufficient data to identify the change; and
 - (ii) the identification of all parts of a product, component, or appliance affected by the change; and
- (4) for a product, component, or appliance to be changed in accordance with the data—
 - (i) identification of any investigations necessary to show compliance with the applicable airworthiness requirements; and
 - (ii) adequate maintenance and operating data to ensure the product, component, or appliance can be properly maintained and operated; and

- (5) such further particulars relating to the technical data, any design change, and the applicant as may be required by the Director as indicated on the form; and
- (6) either—
 - (i) a statement of compliance provided by a certificated design organisation stating that the technical data meets the airworthiness requirements of 21.31 and any associated design change is fit for embodiment; or
 - (ii) an equivalent statement to that required by paragraph (a)(6)(i) issued in accordance with the requirements of an appropriate foreign authority; or
 - (iii) a written request that a statement of compliance be provided during the technical data approval process—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

(b) Notwithstanding paragraph (a)(6)(i), a statement of compliance may state that the technical data—

- (1) meets the airworthiness requirements incorporated by reference in the type certificate; or
- (2) if special conditions are applied, meets a level of safety equivalent to that provided in paragraph (a)(6)(i).

(c) The Director may approve technical data without the applicant meeting the information requirements of paragraph (a) provided—

- (1) the technical data—
 - (i) application is limited to an individual product, component, or appliance; and
 - (ii) for an aircraft that holds a special category airworthiness certificate, meets the standards which applied for the issue of the airworthiness certificate; and
- (2) if the complete data required is unavailable, the data provided by the applicant is sufficient to identify any associated design change.

(d) A design organisation certificated under Part 146 may use documents other than the form CAA 337 to record the information required by paragraph (a).

(e) An applicant is entitled to the approval of technical data if—

- (1) the applicant meets the applicable requirements of 21.505 in a manner acceptable to the Director; and
- (2) the approval of the data is not contrary to the interests of aviation safety; and
- (3) any airworthiness requirements not complied with are compensated for by factors that provide a level of safety acceptable to the Director; and
- (4) no feature or characteristic of a product, component, or appliance makes it unsafe for its intended use when—
 - (i) changed in accordance with the data; and
 - (ii) operated in accordance with the correctly amended flight manual or other prescribed limitations.

21.507 Approval of specifications

The specification for a material, part, process, or appliance shall be approved by—

- (1) the issue of an NZTSO if sufficient information is available to show that the specification defines an acceptable minimum performance standard; or
- (2) the application of that specification in an approved design or design change but only for that design or design change; or
- (3) another method acceptable to the Director.

21.509 Acceptance of specifications

A specification for a material, part, process, or appliance may be acceptable to the Director if—

- (1) it is applied by, or accepted for use in, an airworthiness design standard listed in Appendix C and is used only for that airworthiness design standard; or
- (2) it has been approved or accepted by a foreign aviation authority; or
- (3) it is a specification for a standard part and it is—
 - (i) an established industry specification; or
 - (ii) a New Zealand national specification; or
 - (iii) a foreign national specification.

21.511 Application for deviation from specification

(a) Each applicant for a deviation to the performance standard of a NZTSO or accepted specification shall complete form CAA 24021/11, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the identification of the product, component, or appliance to which the deviation is to apply; and
- (3) any documentation necessary to support the deviation and its suitability for application to the product, component, or appliance; and
- (4) evidence that the standard from which a deviation is requested is compensated for by factors or design features providing—
 - (i) an equivalent minimum performance standard; and
 - (ii) a level of safety acceptable to the Director; and
- (5) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

(b) An applicant is entitled to an approval of a deviation from specification if—

- (1) the applicant meets the applicable requirements of this Rule in a manner acceptable to the Director; and
- (2) the approval of the deviation is not contrary to the interests of aviation safety; and
- (3) any airworthiness requirements not complied with are compensated for by factors that provide a level of safety acceptable to the Director.

Subpart O — New Zealand Technical Standard Order Authorisations**21.601 Applicability**

This Subpart prescribes rules governing—

- (1) the approval of designs for articles by the issue of a NZTSO authorisation; and
- (2) the responsibilities of the holder of a NZTSO authorisation.

21.603 Definitions

In this Part:

Article means any material, part, process, or appliance.

21.605 Requirement for NZTSO authorisation

(a) A NZTSO authorisation is—

- (1) a design approval issued to the manufacturer of an article that has been found to meet a NZTSO; and
- (2) an authorisation to mark an article with the letters NZTSO.

(b) No person may identify an article with a NZTSO marking unless that person holds a NZTSO authorisation in respect of that article and the article meets the NZTSO performance standards.

21.607 Eligibility

(a) The applicant for the grant of a NZTSO authorisation shall—

- (1) be the holder of, or the applicant for, a manufacturing organisation certificate issued under Part 148; and
- (2) have made all necessary preparations to, or be able to, produce the article.

(b) In addition to paragraph (a), if the Director determines that the specification includes significant airworthiness requirements, the applicant for the grant of a NZTSO authorisation shall—

- (1) be the holder of, or the applicant for, a design organisation certificate issued under Part 146 with a rating appropriate to the article to be produced; or
- (2) arrange for the holder of a design organisation certificate with a rating appropriate to the article to be produced to show compliance with the specification; or
- (3) have an equivalent procedure acceptable to the Director.

21.609 Application for authorisation

Each applicant for the grant of a NZTSO authorisation shall complete form CAA 24021/12, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) evidence that the applicant can—
 - (i) comply with the design and performance requirements of the NZTSO; and
 - (ii) reliably reproduce each article in accordance with the technical conditions of the applicable specification; and
- (3) one copy of the technical data required by the applicable NZTSO; and
- (4) a statement of compliance by the applicant, or for an article that the Director determines includes significant airworthiness requirements, by the holder of a design organisation certificate issued under Part 146, stating that each article to be produced will comply with the technical conditions of the applicable specification; and
- (5) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

21.611 Issue of authorisation

An applicant is entitled to a NZTSO authorisation if—

- (1) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Director; and
- (2) the granting of the certificate is not contrary to the interests of aviation safety; and
- (3) the applicant has obtained a manufacturing organisation certificate issued under Part 148.

21.613 Privileges of authorisation

- (a) The holder of a NZTSO authorisation for an article may—
 - (1) manufacture the article subject to compliance with 21.621 and 21.623(a) and (b); and
 - (2) identify the article with the NZTSO marking.

21.615 Validity of authorisation

The NZTSO authorisation may be suspended or revoked if the Director determines that—

- (1) the conditions required under this Subpart for the grant of an authorisation are no longer being observed; or
- (2) the specification has been—
 - (i) cancelled; or
 - (ii) revised to such an extent that the existing authorisation is no longer appropriate; or
- (3) the manufacturing organisation certificate issued under Part 148 is suspended or revoked; or
- (4) the responsibilities of the holder specified in 21.621 are no longer being discharged; or
- (5) the article has been shown to give rise to unacceptable hazards in service.

21.617 Duration of authorisation

(a) A NZTSO authorisation issued under this Subpart shall remain in force until it is suspended or revoked.

(b) The holder of a NZTSO authorisation that is revoked shall forthwith surrender the certificate to the Director.

(c) The holder of a NZTSO authorisation that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

21.619 Transfer of authorisation

A NZTSO authorisation issued under this Subpart is not transferable.

21.621 Responsibilities of authorisation holder

Each manufacturer of an article who is the holder of a NZTSO authorisation for that article shall—

- (1) manufacture each part in accordance with the manufacturing organisation certificate issued under Part 148; and
- (2) ensure that each completed article conforms to its design data and is safe for installation; and
- (3) prepare, maintain, and update master copies of all manuals required for the maintenance and operation of the product; and

- (4) make available to the users of the article those maintenance, overhaul, and repair manuals necessary for the maintenance and operation of the article; and
- (5) permanently and legibly mark each article with the following information—
 - (i) the information prescribed in 21.813; and
 - (ii) the name, type, or part number of the article; and
 - (iii) the applicable NZTSO number; and
- (6) upon the Director's request, make the maintenance, overhaul, and repair manuals and any other records required by 21.625 available to the Director.

21.623 Design changes

- (a) No person shall make design changes to an article under this Subpart unless—
 - (1) they are the holder of the appropriate NZTSO authorisation; or
 - (2) they apply for a separate NZTSO authorisation.
- (b) The holder of a NZTSO authorisation may make design changes to an article it manufactures, other than significant design changes, without further authorisation by the Director provided the holder—
 - (1) retains the basic model number of the article; and
 - (2) identifies any design change by a model number suffix or part number change; and
 - (3) forwards to the Director any revised data that is necessary to identify the design change and show continued compliance with the NZTSO.
- (c) The holder of a NZTSO authorisation intending to make a significant design change to an article it manufactures shall—
 - (1) assign a new type or model designation to the article; and
 - (2) apply for a new NZTSO authorisation.

21.625 Records

- (a) Each holder of a NZTSO authorisation shall establish procedures to—
 - (1) identify, collect, index, store, maintain, and dispose of—

- (i) records of each model of each article manufactured by the holder under a NZTSO authorisation; and
 - (ii) all relevant design information, drawings, specifications, tests, analyses, and reports that show the articles comply with the applicable NZTSO and this Part; and
- (2) ensure that—
- (i) all records are legible and of a permanent nature; and
 - (ii) except as provided in paragraph (b), the records required by paragraph (1) are retained for a period of 2 years from the date the last example of the article is permanently withdrawn from service.
- (b) The Director may permit records to be retained for a lesser period than that required by paragraph (a)(2)(ii).

Subpart P — New Zealand Parts Manufacturing Approval Authorisations

21.701 *Applicability*

This Subpart prescribes rules governing—

- (1) the approval of designs for replacement or modification parts by the issue of a NZPMA authorisation; and
- (2) the responsibilities of the holder of a NZPMA authorisation.

21.703 *Requirement for NZPMA authorisation*

(a) A NZPMA authorisation is—

- (1) a design approval issued to the manufacturer of a replacement or modification part that has been found by the Director to comply with the applicable airworthiness requirements; and
- (2) an authorisation to mark a part with the letters NZPMA.

(b) No person may identify a part with a NZPMA marking unless that person holds a NZPMA authorisation in respect of that part and the part meets the applicable airworthiness requirements.

21.705 *Eligibility*

The applicant for the grant of a NZPMA authorisation shall—

- (1) be the holder of a manufacturing organisation certificate issued under Part 148 and have applied for changes to their exposition for the manufacture of the part; or
- (2) have applied for the grant of a manufacturing organisation certificate issued under Part 148 for the manufacture of the part.

21.707 Application for authorisation

(a) Each applicant for the grant of a NZPMA authorisation shall complete form CAA 24021/13, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the identity of the product onto which the part is to be installed; and
- (3) a design that consists of—
 - (i) the drawings and specifications necessary to define the configuration and the design features of the part; and
 - (ii) evidence that the configuration and the design features of the part comply with the applicable airworthiness requirements; and
 - (iii) a list of those drawings and specifications specified in paragraph (a)(3)(i); and
 - (iv) the information on dimensions, materials, and processes necessary to define the structural strength of the part; and
- (4) evidence that the applicant can reliably reproduce each part in accordance with the design referred to in paragraph (a)(3); and
- (5) a statement of compliance by the applicant, or for an article that the Director determines includes significant airworthiness requirements, by the holder of a design organisation certificate issued under Part 146, stating that—
 - (i) the design of the part referred to in paragraph (a)(3) is identical to the design of the part that it is to replace or complies with the airworthiness design standards that apply to the product referred to in paragraph (a)(2); and
 - (ii) any inspections, tests, and computations required to show that the part complies with the technical conditions of the applicable airworthiness standards have been completed and documented; and

- (6) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

(b) The applicant shall make the part and associated data available for any inspections that the Director may require.

21.709 Issue of authorisation

An applicant is entitled to a NZPMA authorisation if—

- (1) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Director; and
- (2) the granting of the certificate is not contrary to the interests of aviation safety; and
- (3) the applicant has obtained a manufacturing organisation certificate issued under Part 148.

21.711 Privileges of authorisation

The holder of a NZPMA authorisation for a part may—

- (1) manufacture the part subject to compliance with 21.719; and
- (2) identify the part with the NZPMA marking.

21.713 Validity of authorisation

The NZPMA authorisation may be suspended or revoked if the Director finds that—

- (1) the conditions required when the authorisation was granted are no longer being observed; or
- (2) the manufacturing organisation certificate issued under Part 148 is suspended or revoked; or
- (3) the responsibilities of the holder specified in 21.719 are no longer being discharged; or
- (4) the article has been shown to give rise to unacceptable hazards in service.

21.715 Duration of authorisation

(a) A NZPMA authorisation issued under this Subpart shall remain in force until it is suspended or revoked.

- (b) The holder of a NZPMA authorisation that is revoked shall forthwith surrender the certificate to the Director.
- (c) The holder of a NZPMA authorisation that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

21.717 Transfer of authorisation

A NZPMA authorisation issued under this Subpart is not transferable.

21.719 Responsibilities of authorisation holder

Each holder of a NZPMA authorisation for a part shall—

- (1) manufacture each part in accordance with the manufacturing organisation certificate issued under Part 148; and
- (2) ensure that each completed part conforms to its design data and is safe for installation; and
- (3) permanently and legibly mark each part with the following information:
 - (i) the information prescribed in 21.813; and
 - (ii) the name, type, or part number of the article; and
 - (iii) the applicable NZPMA number; and
- (4) upon the Director's request, make the records required by 21.721 available to the Director.

21.721 Records

- (a) Each holder of a NZPMA authorisation shall establish procedures to—
- (1) identify, collect, index, store, maintain, and dispose of—
 - (i) records of all parts manufactured by the holder under a NZPMA authorisation; and
 - (ii) all relevant design information, drawings, specifications, tests, analyses, and reports that show the parts comply with the applicable NZPMA and this Part; and
 - (2) ensure that—
 - (i) all records are legible and of a permanent nature; and
 - (ii) except as provided in paragraph (b), the records required by paragraph (1) are retained for a period of 2 years from the

date the last example of the article is permanently withdrawn from service.

(b) The Director may permit records to be retained for a lesser period than that required by paragraph (a)(2)(ii)."

Subpart Q — Identification of Products and Parts

21.813 is amended by substituting it with the following:

"21.813 Identification of replacement and modification materials, parts, and appliances

(a) Except as provided in paragraph (b), each person who manufactures a replacement or modification part or appliance under an authorisation required by Subpart K shall, in addition to the identification information prescribed in 21.805, permanently and legibly mark the part or appliance with—

- (1) the letters 'NZTSO' or 'NZPMA' as appropriate; and
- (2) the name, trademark, or symbol of the holder of the authorisation; and
- (3) the part number; and
- (4) the name and model designation of each product issued with a type certificate or type acceptance certificate, on which the part is eligible for installation.

(b) Each person who manufactures a replacement or modification material, part, or appliance under 21.303(2) shall permanently and legibly mark the material, part, or appliance in such a manner as to ensure it can be—

- (1) identified separately to those otherwise acceptable materials, parts, and appliances; and
- (2) clearly related to its manufacturing data.

(c) If a material, part, or appliance is too small or it is otherwise impractical to mark the material, part, or appliance with the information required by paragraphs (a) or (b), the information shall be recorded on a tag attached to the material, part, appliance, or its container.

(d) Where the marking required by paragraph (a)(4) is so extensive that to record it on a tag is impractical, the tag attached to the material, part, appliance, or the container may refer to a specific readily available manual or catalogue for the name and model designation of each product issued with a

type certificate or type acceptance certificate, on which the material, part, or appliance is eligible for installation.”

Part 21 is amended by inserting after Appendix C the following:

“Appendix D — Acceptable Technical Data

- (a) Subject to paragraph (b), the following are acceptable technical data:
- (1) type certificate data sheets:
 - (2) foreign type certificate data sheets used for the issue of a type acceptance certificate:
 - (3) type design data for type certificated products:
 - (4) design change data that support a design change approved by the means specified in 21.73:
 - (5) data approved by the Director under 21.505:
 - (6) data provided by the Authority in an advisory circular:
 - (7) airworthiness directives that give specific instructions for modification or repair:
 - (8) supplemental type certificates issued by the—
 - (i) United States of America Federal Aviation Authority; and
 - (ii) Australian Civil Aviation Safety Authority:
 - (9) supplemental type approvals issued by Transport Canada:
 - (10) aeronautical specifications:
 - (11) data giving specific instructions for modification or repair contained in a maintenance manual, repair manual, overhaul manual, continuing airworthiness document, service bulletin, or an equivalent provided by the manufacturer of the product for which it is to be used and which is listed in the type certificate or by reference in the type acceptance certificate:
 - (12) AC43.13-1A, issued by the United States of America Federal Aviation Authority:
 - (13) data included in, and specific to the category of, an airworthiness certificate.
- (b) The technical data listed in paragraph (a) are acceptable provided that—

- (1) the data is appropriate to the product, component, or appliance, directly applicable to the work being carried out; and
- (2) for a foreign supplemental type certificate or supplemental type approval—
 - (i) a complete new flight manual is not introduced; and
 - (ii) the aircraft type is not re-designated; and
 - (iii) the data is supplemental to the particular type certificate accepted by the Director and that type certificate is referenced on the supplemental type certificate or supplemental type approval; and
- (3) data provided by the manufacturer of a component does not conflict with data provided by the manufacturer of the product or assembly of which the component is to form a part."

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 21.
It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new Rules format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State

authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 96-7 under Docket Number 1062 on 22 May 1996. This Notice proposed the introduction of Civil Aviation Rules Part 21 to provide a regulatory safety boundary for Certification of Products and Parts. This Notice also proposed amendments to Parts 43 and 66 resulting from the new rules developed for Part 21.

Supplementary Information

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

Summary of Comments on Docket Number 1062 NPRM

Part 21 included proposed changes to Parts 43 and 66. Part 66 was also in the NPRM stage of the rulemaking process. The responses to submissions on the rule changes proposed in the docket for Part 66 are included in the consultation documents attached to the final rule.

1. General comments on the NPRM

From the 11 submissions received, four general issues were raised.

1.1 One submission was received that discussed the time constraints placed on responding to the rule. The commenters expressed concern over the wide changes involved with the rules and with Part 21 in particular.

CAA response: The CAA agrees with the commenters in that there is a limited time to allow comments from industry. The CAA also agrees that the volume of proposed rules is high. The time constraint has been set in the Civil

Aviation Amendment Act 1991 sections 8 and 14. These sections of this act determine when the present Civil Aviation Regulations 1953 expire and the CAA must provide rules and advisory circulars by this time. This constraint necessitates a reasonably quick response from industry to NPRM but the constraint also applies to the CAA who must analyse the responses and draft the final rules.

Because of its wider implications, the submission has been brought to the Director's attention for discussions in the management forum.

1.2 Three submissions suggested that more use should be made of definitions to enable a better understanding of terminology in the rules.

CAA response: The CAA agrees with the intention of the submissions and has examined the appropriate sections to ensure that the necessary definitions are included.

1.3 Three submissions provided comments on rule structure and general corrections.

CAA response: The CAA agrees with the submissions and has incorporated the appropriate suggestions.

1.4 One commenter pointed out corrections and clarifications that could have been included in the pre-amble.

CAA response: The CAA accepts these comments and, whilst not directly on the rule, will consider them when writing the advisory circulars.

CAA comment: The CAA has taken the opportunity to carry out several amendments to the existing rules of Part 21. These amendments result from—

- changes in the proposed rules for the rest of Part 21
- introduction of other rule parts
- problems with the form, but not the content, of the existing rules.

CAA comment: The CAA has revised the policy on the reference to forms in the rules and where forms are required to be submitted by applicants the rules have been amended. These amendments only change the form of the rule and not the content.

2. Specific comments on the NPRM

Specific comments received from the 11 submissions are discussed as follows:

2.1 21.3 Definitions [Final Rule 21.3]

Three commenters expressed views on the definitions of modification and repair and the removal of the term major used in respect of these definitions.

CAA response: The CAA agrees with the general concept of the comments and has reworded the definitions. The term major has been retained to differentiate those modifications and repairs requiring conformity certifications. The term minor has not been retained. Modifications and repairs that are not major are considered to be maintenance.

CAA comment: Only the definitions related specifically to Part 21 are retained here. All other definitions are removed to Part 1.

2.2 21.31 Airworthiness design requirements [Final Rule 21.31]

One commenter suggested that the conformity of a product to its type design was not required as part of the airworthiness requirements.

CAA response: The CAA agrees and has removed the requirement.

CAA comment: The CAA examined the wording of this rule and has changed the evidence required from that of a product type to that of a product type design. This requirement better reflects what evidence is being produced by the applicant.

2.3 21.73 Design change approvals [Final Rule 21.73]

Two commenters suggested that the types of design change approvals suggested there was a way to approve a modification other than the form CAA 337. The commenters suggested this conflicted with the rest of the proposed rules.

CAA response: The CAA agrees and has reworded the rule and clarified the requirements.

CAA comment: The rule has been reworded to differentiate between those design changes accepted and those design changes approved.

2.4 21.77 Continued airworthiness responsibilities [Final Rule 21.77]

One commenter suggested that the continuing airworthiness responsibilities were too onerous for an individual and that the rule should place the requirement on the organisation.

CAA response: The CAA agrees and has amended the rule.

One commenter suggested that there be more emphasis on the operator of a product to supply that information to the organisation responsible for the continued airworthiness.

CAA response: The CAA agrees. Part 146 places a requirement on the organisation to inform the appropriate operators of a type certificated product of the organisation's system for accumulating the required information. The CAA will examine the rules requiring operators to provide the defect information to the manufacturer or design organisation.

One commenter questioned what would happen when a design organisation went out of business.

CAA response: The CAA agrees that this is an issue. There are two cases to consider. First, if a design organisation goes out of business but sells the designs to another party. The purchaser would be expected to accept the responsibilities for the continuing airworthiness. Secondly, if the organisation does not sell the designs then the designs would cease to have any industry support. In this second case, the CAA would have to take some positive action and either withdraw approval of the design or accept the continuing airworthiness responsibilities.

2.5 21.79 Foreign design changes [Final Rule 21.79]

CAA comment: The Civil Aviation Authority examined the need for this rule in relation to aircraft arriving into New Zealand. The CAA decided that 21.83 and the acceptance of design changes by the issue of an airworthiness certificate covered most instances. The CAA also decided that should a foreign design change be brought into New Zealand then this would be a form of technical data and should follow the same process as locally produced technical data during a design change approval process. The rule was removed.

2.6 21.85 Application for modification approval [Final Rule 21.81]

Three commenters suggested that a Part 146 Aircraft Design Organisation would want to use a form or forms other than the form CAA 337.

CAA response: The CAA agrees and has amended the rule to provided for documents other than the form CAA 337. This amendment can be found in 21.505.

CAA comment: The CAA considered information required in 21.101 should apply to all design changes and would be better located under the modification approval rule. The CAA also considered that the limited information provisions of 21.81 better resided under the modification rule also.

The basis for the approval of a modification is the approval of the associated technical data. The form CAA 337 is performing two functions; the approval of data and the certification of conformity. For modification approval only the approval of the technical data is considered relevant to Part 21.

The information from 21.81, 21.83, 21.85, and 21.101 has now been incorporated into one rule and placed in Subpart N. Rules 21.81, 21.83, and 21.85 were replaced with a single rule referencing the approval of technical data. Rule 21.101 was reworded. This arrangement does not change the intent but improves the legal and technical correctness of these rules.

2.7 21.113 Supplemental type certificate [Final Rule 21.113]

One commenter suggested that the reason for and nature of a supplemental type certificate be better explained in either the rule or an advisory circular.

CAA response: The CAA agrees and will provide further guidance in the accompanying advisory circular.

2.8 21.117 Application for certificate [Final Rule 21.117]

One commenter suggested that the approval of a supplemental type certificate was one function that should not be delegated.

CAA response: The CAA agrees and will consider this in the implementation and ongoing application of the rules.

2.9 21.123 Responsibilities of certificate holder [Final Rule 21.123]

One commenter suggested that the collaboration with a type certificate holder may not be achievable and should be removed.

CAA response: The CAA agrees that this may be difficult to achieve but also recognises that there may be an instance when the CAA requires an applicant to liaise with the type certificate holder. The wording is such that this requirement will only be at the Director's request and not as a matter of course.

Two commenters suggested that the time that records had to be kept could be difficult to determine because of the wording 'retained for a period of 2 years from the date the last example of the product type is permanently withdrawn from service'.

CAA response: The CAA agrees with the difficulty this could create. The time limit is, however, considered appropriate despite the difficulty in determining accurately the date of withdrawal from service. Because of this difficulty a provision to dispose of the records at some other period, with the Director's approval, has been provided.

2.10 Changes to certificates [Final Rule 21.125]

One commenter suggested that there should be rules regarding the revision of a supplemental type certificate and what design changes require the application for a new supplemental type certificate.

CAA response: The CAA agrees and has included a rule to require significant changes to a supplemental type certificate to require either an application for an amendment to the certificate or an application for a new certificate. Significant changes are considered to include the addition or change of applicable product models. Guidance will be provided in the advisory circular as to the interpretation of the term significant.

2.11 21.303 Replacement and modification parts [Final Rule 21.303]

One commenter suggested that the advisory circular should provide examples of what are considered replacement parts.

CAA response: The CAA agrees and will provide this information in the advisory circular.

One commenter suggested that the provision for a person to manufacture a part if they are installing that part needs clarification.

CAA response: The CAA agrees and has amended the rule.

One commenter questioned if the manufacture of parts under this rule extended to glider engineers.

CAA response: The privileges of glider engineers is covered in Part 43 and the proposed Part 149. The manufacture of parts for type certificated products under this rule is restricted to use on a person's own product. In the case of replacement parts manufactured in accordance with specific instructions provided by the manufacturer, these parts could be covered under 21.303(1) and (2).

CAA comment: The wording of the subparagraphs of this rule have been amended to better reflect the requirements. Changes include:

- Reference to the type certificate holder in subparagraph (1):
- Including supplemental type certificates to the manufacturing authorisations of the Part 148 organisation:
- Including existing certificates of type approval to the manufacturing authorisations of the Part 148 organisation:
- Including release notes issued by a supply organisation certificated under Part 19:

2.12 21.305 Approval or acceptance of materials, parts, and appliances [Final Rule removed]

CAA comment: Rule 21.305 as a separate rule served no particular purpose and could be covered by 21.303. Rule 21.305 was removed.

2.13 21.323 Definitions [Final Rule 21.323]

One commenter stated that the change in the product definition in Subpart L could cause confusion in reading the rule.

CAA response: The CAA accepts this comment but considers that the use of a separate definition aids the reading of the subsequent rules. The use of the full description of the items concerned is extremely cumbersome in the rule text.

The CAA will monitor the rule and could amend it at a later date if the rule causes too much confusion.

2.14 21.331 Application for certificate [Final Rule 21.331]

Four commenters expressed concern over the increased requirements for the exporter to provide evidence of the meeting of special conditions of the importing state. The commenters suggested that it was either an Authority to Authority matter or an importer's responsibility.

CAA response: The CAA disagrees that any special requirements are an importer's problem. The CAA has checked the requirements of other countries and what exporters in those countries must provide. The proposed requirements are consistent with other international requirements.

The export airworthiness certificate is a CAA issued document and reflects the technical competency of the New Zealand industry. New Zealand's technical competency is recognised in Bilateral Airworthiness Agreements. Under these bilateral agreements the CAA has a obligation to ensure that the special conditions imposed by a signatory are met. These requirements are entirely consistent with foreign requirements.

An export airworthiness certificate is an optional document and the exporter must consider whether a certificate is required. If an export airworthiness certificate is requested by an exporter then it is appropriate that the applicant provide evidence that any special conditions are met.

The CAA agrees that it is more appropriate for the special conditions to be determined Authority to Authority and will be providing information in an advisory circular summarising the requirements. The CAA stresses that it remains the exporter's responsibility to provide evidence that these special requirements are met, or are otherwise acceptable to the importing state.

2.15 Acceptable technical data [Final Rule 21.503]

CAA comment: This rule has been included to accept the data in Appendix D.

2.16 21.505 Application for approval of technical data [Final Rule 21.505]

One commenter suggested that a delegation holder may approve technical data.

CAA response: The CAA agrees and will provide this ability to delegation holders as applicable.

Two commenters suggested that the form CAA 337 was not an appropriate form for the approval of data, particularly in a design organisation.

CAA response: The CAA agrees in the case of a Part 146 certificated organisation and has provided an ability to use alternative forms.

CAA comment: The CAA examined the use of the form CAA 337 with respect to the approval of technical data. In practice the approval of technical data separate to another design change activity will be limited. In most cases the technical data, if it is not approved, will form part of a modification package, repair scheme, supplemental type certificate, or other design change. The rule 21.505 provides the mechanism, associated with the processing of the form CAA 337 or equivalent, to approve technical data. The information requirements of this rule have been derived from 21.81, 21.85, and 21.101 of the NPRM.

2.17 21.511 Application for deviation from specification [Final Rule 21.511]

CAA comment: The CAA has included a form for this application.

2.18 21.607 Eligibility [Final Rule 21.607]

One commenter suggested that the wording should allow for organisations that are able to produce to apply for a New Zealand Technical Standard Order authorisation.

CAA response: The CAA agrees and has amended the rule.

2.19 21.615 Validity of authorisation [Final Rule 21.615]

One commenter questioned what would happen if the New Zealand Technical Standard Order was updated or cancelled.

CAA response: The CAA agrees and has amended this rule to reflect the cancellation or significant updating of the specification and the validity of the authorisation.

2.20 21.621 Responsibilities of authorisation holder [Final Rule 21.621]

Two commenters questioned the correctness of the reference 21.805.

CAA response: The CAA agrees and has amended the reference to 21.813.

2.21 21.623 Design changes [Final Rule 21.623]

One commenter requested guidance for the term significant with respect to design changes by the holder of a New Zealand Technical Standard Order authorisation.

CAA response: The CAA agrees and will provide guidance in the advisory circular.

2.22 Appendix D – Acceptable technical data [Final Rule Appendix D]

One commenter suggested changing the descriptions of some of the Appendix D data to better define the information. The commenter also suggested supplemental type certificates from other Authorities should be accepted.

CAA response: The CAA agrees with most of the changes and has incorporated them. The supplemental type certificates from other countries have been examined for inclusion and the CAA considers supplemental type certificates and supplemental type approvals from the United States of America Federal Aviation Administration, the Australian Civil Aviation Safety Authority, and from Transport Canada to be acceptable data. All technical data, and in particular the foreign supplemental type certificates, are conditional on the requirements of this Appendix being met.

2.23 43.103 Certifying requirements [Final Rule 43.103]

One commenter suggested that the only exclusions to the certification requirements of Subpart E should be the maintenance manuals.

CAA response: The CAA agrees and has amended the rule.

2.24 Part 43, Subpart E – Certifying conformity following major modification or major repair [Final Rule Part 43, Subpart E]

One commenter expressed concern over the requirements for the holder of an inspection authorisation to certify conformity after an overhaul.

CAA response: The CAA agrees and points out that the overhaul of a component will not require an inspection authorisation certification. The overhaul task is carried out in accordance with manufacturer's manuals and is not considered a modification or repair in its own right.

2.25 43.203 Persons to certify conformity [Final Rule 43.203]

Three commenters suggested that the rule should provide for internal authorisations in lieu of inspections authorisation holders.

CAA response: The CAA agrees and recognises that internal authorisations are appropriate providing the person meets the same requirements as Part 66.

One commenter suggested that glider engineers should be able to be authorised by a gliding organisation to fulfil this certification function.

CAA response: The CAA agrees and will be examining the qualifications and necessary experience of glider engineers to fulfil this function in conjunction with the writing of Part 66.

2.26 43.207 Certification [Final Rule 43.207]

One commenter suggested that the form CAA 337 should be only forwarded after the aircraft is released to service. The commenter, and one other commenter, also suggested that seven days was an acceptable time frame.

CAA response: The CAA agrees and has amended the rule.

2.27 Part 43, Appendix H – Major modifications and major repairs [Final Rule removed]

Three commenters suggested retaining the term Major to differentiate maintenance from the modifications requiring conformity. The commenters also suggested that the definitions used for major modifications and major repairs needed revision.

CAA response: The CAA agrees and has amended the rules.

CAA comment: The CAA has examined the definitions of major modifications at length. The term major has been re-introduced and the definitions amended accordingly. The definitions now have consequences included to assist in the interpretation of what is a major modification or major repair. The CAA acknowledges that a definitive description of major modifications and major repairs is difficult and in many cases will be reliant on the experience and skill of the licensed aircraft maintenance engineer to make a judgement.

The CAA has removed Appendix H to Part 43 and considers the definitions to be comprehensive enough on their own. The consequences detailed in the definitions are always applicable and the information provided as Appendix H to Part 43 in the NPRM will be provided in an advisory circular. The advisory circular will provide guidance material for dealing with modifications and repairs.

2.28 66.207 Recent experience requirements [Final Rule to be confirmed]

One commenter suggested that as some certifications of conformity will only be for components those tasks should count towards the Part 66 inspection authorisation recent experience requirements.

CAA response: The CAA agrees and examine the rule during the finalising of Part 66.

2.29 Form CAA 337

One commenter suggested that the approval and rejection of technical data boxes should be separated.

CAA response: The CAA agrees and will examine this for the final layout of the form.

One commenter suggested that the boxes in Block 6 should reflect the privileges and appropriate personnel more correctly.

CAA response: The CAA agrees and has amended the form.

CAA comment: It is intended to provide the form of the layout of the form CAA 337 in an advisory circular to allow people to computer generate their own documents, similarly to the CAA Form One.

2.30 Part 145, Appendix A – Certificate ratings [Final Rule Part 145, Appendix A]

CAA comment: As a result of discussions regarding the implementation of Part 21 Subpart K, and in particular 21.305, the CAA has included a rating on the Part 145 maintenance organisation certificate to allow for processing to be carried out. The rating is not intended to be issued to organisations otherwise engaged in maintenance under another rating as these functions are already permitted. The rating is also not considered a requirement for a processing organisation as another means of acceptance is provided by 21.305 subparagraph (c). The rating is provided for those organisations identified by the CAA as being supportive of the aviation industry but not otherwise engaged in aircraft maintenance.

Conclusion

The Authority concludes from this consultation that the majority of aviation industry participants favour the direction of the new rules. Specific issues that were identified in the comments received from the consultative group have been addressed. The rules also meet New Zealand's international obligations under the applicable ICAO Annex. The comments and all the background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1062.

Regulatory activities

These Subparts will replace existing requirements in the Civil Aviation Regulation 1953 and also requirements contained in the New Zealand Civil Airworthiness Requirements, which is authorised under regulation 8A(4).

Specific amendments to the Regulations and NZCAR will not be necessary. Section 14(2) of the Civil Aviation Amendment Act 1991 (as amended by section 34 of 1996 No. 91) deems the Civil Aviation Regulations 1953 that are continued in force by section 8 of that Act to be revoked on the close of 31 March 1997.

Section 14(3) states that any order, notice, requirement, circular, or other publication continued in force by section 8 shall expire on the close of 31 March 1997.

Commencement

Part 21 Amendment 3 comes into force on 1 April 1997.