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*IMPLEMENTATION PROCEDURES*

FOR  
*AIRWORTHINESS*

COVERING

DESIGN APPROVAL, PRODUCTION ACTIVITIES,  
EXPORT AIRWORTHINESS APPROVAL,  
POST DESIGN APPROVAL ACTIVITIES, AND  
TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

Under the Agreement between  
The Government of the United States of America  
and  
The Government of New Zealand  
For The Promotion of Aviation Safety

REVISION B

December 4, 2015

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# IMPLEMENTATION PROCEDURES

for

*Airworthiness*

Covering

Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance

## SECTION I    GENERAL

### 1.1 Authorization

These Implementation Procedures for Airworthiness (IPA) are authorized by Article III of the Agreement between the Government of the United States of America (U.S.) and the Government of New Zealand for the Promotion of Aviation Safety, dated March 26, 2002, also known as the Bilateral Aviation Safety Agreement (BASA), or “BASA Executive Agreement.” In accordance with Article III of the BASA Executive Agreement, the Federal Aviation Administration (FAA) and the Civil Aviation Authority of New Zealand (CAA) have determined that the aircraft certification systems of each authority for the design approval, production approval, airworthiness approval, and continuing airworthiness of the civil aeronautical products and articles identified in this document, are sufficiently similar in structure and performance to support these Implementation Procedures. These Implementation Procedures replace the previously signed IPA dated June 8, 2006.

### 1.2 Purpose

The purpose of these Implementation Procedures is to define the civil aeronautical products and articles eligible for import into the U.S. and New Zealand (see Section II, Scope), the process for obtaining eligibility for import, and the means for providing continued support of those civil aeronautical products and articles after import.

### 1.3 Principles

These Implementation Procedures are based on a high degree of mutual confidence in the FAA’s and the CAA’s technical competence and ability to perform regulatory functions within the scope of these Implementation Procedures. The FAA and CAA when acting as the authority for the importing State will rely to the maximum extent possible on the approvals made by the other authority, as if they were made in accordance with its own applicable laws, regulations, and requirements. When a finding is made by one authority in accordance with the laws and regulations of the other authority and these Implementation Procedures, that finding is given the same validity as if it were made by the other authority. Therefore, the fundamental principle of these Implementation Procedures is to maximize the use of each other’s certification system to ensure that the airworthiness requirements of the validating authority are satisfied.

- 1.3.1 The FAA and the CAA agree that all information, including technical documentation, exchanged under these Implementation Procedures will be in the English language. The FAA and the CAA will ensure that any translated documents will have the same legal interpretation as the original documents.
- 1.3.2 The FAA and the CAA mutually recognize each other's delegation, designee and organizational approval systems as part of their aircraft certification systems.
  - 1.3.2.1 Findings made in accordance with these Implementation Procedures through these systems are given the same validity as those made directly by the FAA or the CAA.
  - 1.3.2.2 Unless agreed for specific projects, the FAA and the CAA are not required to notify the other of designees or representatives of delegated organizations traveling to the U.S. or New Zealand to make findings of compliance and/or to perform conformity inspections.

#### 1.4 Changes in the Authority Aircraft Certification Systems

- 1.4.1 These Implementation Procedures are based upon sufficiently similar aircraft certification systems being in place at the time of signing. Therefore, the FAA and the CAA will keep each other informed of significant changes within those systems, such as:
  - (1) Statutory responsibilities;
  - (2) Organizational structure (e.g., key personnel, management structure, technical training, office location);
  - (3) Significant revisions to airworthiness, certification, and environmental standards and procedures;
  - (4) Production quality system oversight, including oversight of out-of-country production of products and articles; or
  - (5) Delegated functions or the kinds of organizations to which functions have been delegated.
- 1.4.2 The FAA and the CAA recognize that revision by either authority to its regulations, policies, procedures, statutory responsibility, organizational structure, production quality system oversight, or delegation system may affect the basis and scope of these Implementation Procedures. Accordingly, upon notice of such changes by one authority, the other authority may request a meeting to review the need for amendment to these Implementation Procedures.

#### 1.5 Authority Meetings

The FAA and the CAA agree to meet, through management meetings, as necessary, to review these Implementation Procedures and ensure their continued validity. The frequency of these meetings will be mutually agreed upon by both authorities, and will depend on the number and significance of the issues to be discussed between the authorities. Every effort should be made to alternate the location of these meetings between the U.S. and New Zealand.

## 1.6 Applicable National Requirements, Procedures, and Guidance Material

- 1.6.1 The FAA's standards for aircraft airworthiness and environmental certification include, but are not limited to Title 14 of the Code of Federal Regulations (14 CFR), parts 21, 23, 25, 26, 27, 29, 31, 33, 34, 35, and 36. The FAA also uses European Aviation Safety Agency (EASA) Certification Specifications (CS)-22, CS-VLA (Very Light Airplanes), Joint Aviation Requirements (JAR)-22, and JAR-VLA for some special class aircraft. Guidance material, policy, and procedures are contained in FAA Advisory Circulars (AC), Airworthiness Directives, Orders, Notices, and Policy Memoranda.
- 1.6.2 The CAA's standards for airworthiness and environmental certification are contained in the Civil Aviation Rules (CAR) Part 21 and CAR Part 21 Appendix C and New Zealand Technical Standard Order (NZTSO) standards. Guidance material, policy, and procedures are contained in CAA Advisory Circulars, CAA Surveillance Policy, and CAA Aircraft Certification Unit Procedures contained in the Air Transport and Airworthiness Group Quality Manual.

## 1.7 Technical Consultations

- 1.7.1 The FAA and the CAA will notify each other of relevant draft policy and guidance material and will consult on new article performance standards or proposed changes to these standards.
- 1.7.2 The FAA and the CAA agree to consult as necessary to provide input when requested on technical issues and resolve technical disagreements. The frequency of these exchanges will depend on the number and significance of the issues to be discussed.

## 1.8 Interpretations and Resolution of Conflicts between FAA and CAA

- 1.8.1 In the case of conflicting interpretations by FAA and CAA of the laws, airworthiness or environmental regulations/standards, requirements, or acceptable means of compliance pertaining to certifications, approvals, or acceptance under these Implementation Procedures, the interpretation of the civil aviation authority whose law, regulation, standard, requirement, or acceptable means of compliance is being interpreted will prevail.
- 1.8.2 The FAA and CAA agree to resolve issues through consultation or any other mutual agreed-upon means. Every effort should be made to resolve issues at the lowest possible level before elevating issues to higher management.
- 1.8.3 To resolve conflicts the FAA and CAA will use the following processes.
  - 1.8.3.1 For the FAA:
    - (1) When a project manager (PM) and project certification manager (PCM) cannot agree, the first certification decision point is the local office manager, who will consult with the CAA Team Leader Design in the Aircraft Certification Unit (ACU).

- (2) If resolution cannot be reached, the issue will be expeditiously raised to the Directorate Manager (or Division Manager where applicable), who will consult with CAA Manager, ACU, as applicable.
- (3) If resolution cannot be reached, the Directorate/Division Manager will consult with the Aircraft Certification Service Director as appropriate.
- (4) The Aircraft Certification Service Director will resolve the matter or consult with the CAA General Manager Air Transport and Airworthiness (GMATA), per paragraph 1.7.

1.8.3.2 For the CAA:

- (1) When a project manager (PM) and project certification manager (PCM) cannot agree, the first certification decision point is the Team Leader Design in the ACU, who will consult with the local FAA office manager.
- (2) If resolution cannot be reached, the issue will be expeditiously raised to the CAA Manager ACU, who will consult with the FAA Directorate/Division Manager.
- (3) If resolution cannot be reached, the CAA Manager ACU will consult with the GMATA.
- (4) The GMATA will resolve the matter or consult with the FAA Aircraft Certification Director, per paragraph 1.7.

## 1.9 Notification of Investigation or Enforcement Action

- 1.9.1 The FAA and the CAA will, when relevant, notify each other promptly of any investigation and subsequent closure action for a non-compliance that falls within the scope of these Implementation Procedures. The notification will be sent to the other authority's point of contact identified in Appendix A.
- 1.9.2 The FAA and the CAA each retain the right to take enforcement action, including enforcement against their respective production approval holder when such action is related to the initial or continued airworthiness of an exported product.
- 1.9.3 The FAA and the CAA agree, when relevant, to mutual cooperation and mutual assistance in the investigation of any alleged or suspected violations of CAA or FAA laws or regulations. Both authorities will cooperate in sharing information needed for any investigation or enforcement action including its closure.

## 1.10 Revisions, Amendments, and Points of Contact.

- 1.10.1 The designated focal points for these implementing procedures are:
  - 1.10.1.1 For the FAA: the Aircraft Certification Service International Division (AIR-400).
  - 1.10.1.2 For the CAA, the ACU.
- 1.10.2 Contact information for the identified offices is listed in Appendix A.

- 1.10.3 These Implementation Procedures may be amended by mutual consent of the FAA and the CAA. Such amendments will be made effective by signature of the duly authorized representative of the FAA and the CAA.
- 1.10.4 Minor revisions and administrative/editorial changes to these procedures may be made by the focal points after mutual consultation.

#### 1.11 Entry into Force and Termination

These Implementation Procedures will enter into force upon signature and will remain in force until terminated by either party. In accordance with Article V of the BASA Executive Agreement dated March 26, 2003; and Section I, paragraph 1.8 of the Implementation Procedures for Airworthiness (IPA) dated June 8, 2006, entry into force of these Implementation Procedures will terminate the IPA dated June 8, 2006.

Either the FAA or the CAA may terminate these Implementation Procedures upon receipt of sixty (60) days written notice by the other party. Termination will take effect at the expiry of the sixty days and will not affect the validity of activities conducted under these Implementation Procedures prior to termination.

#### 1.12 Definitions

For the purpose of these Implementation Procedures, the following definitions are provided. Additional definitions can be found in Article II of the BASA Executive Agreement.

- 1.12.1 “Acrobatic Category Airplane” means an airplane that has a seating configuration, excluding pilot seats, of nine or less, a maximum certificated takeoff weight of 12,500 pounds or less, and intended for use without restrictions, other than those shown to be necessary as a result of required flight tests.
- 1.12.2 “Acceptable Technical Data” means the list of technical data including drawings, instructions or other data required for product certification, approvals, authorizations contained in New Zealand CAR Part 21 Appendix D. This data includes U.S. Type Certificates (TCs) and Supplemental Type Certificates (STCs).
- 1.12.3 “Additional Technical Condition” means a requirement of the importing State that is in addition to the applicable airworthiness and environmental requirements of the State of Design or that may be prescribed:
  - 1.12.3.1 For airworthiness requirements, that provides a level of safety equivalent to that provided by the applicable airworthiness requirements for the importing State.
  - 1.12.3.2 For environmental requirements, that provides noise, fuel venting, and exhaust emission levels no greater than those provided by the applicable environmental requirements of the importing State.
- 1.12.4 “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.

- 1.12.5 “Airworthiness Directives (AD)” means legally enforceable rules issued by the FAA in accordance with 14 CFR part 39 or legally enforceable rules issued by the CAA in accordance with CAR Part 39.
- 1.12.6 “Airworthiness Standards” means regulations governing the design and performance of civil aeronautical products and articles.
- 1.12.7 “Alteration” means a major alteration not listed in the aircraft, aircraft engine, or propeller specifications that might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or is not done according to accepted practices or cannot be done by elementary operations. A minor alteration is any alteration other than a major alteration.
- 1.12.8 “Appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, aircraft engine, or propeller.
- 1.12.9 “Article” means a material, part, component, process, or appliance.
- 1.12.10 “Certificating Civil Aviation Authority” or “Certificating Authority” means the organization within the State of Design, charged by the laws of the State, to regulate the design, production, and airworthiness approval and environmental certification of civil aeronautical products and articles.
- 1.12.11 “Civil Aeronautical Product” or “Product” means each civil aircraft, aircraft engine or propeller.
- 1.12.12 “Commuter Category Airplane” means a multiengine airplane that has a seating configuration, excluding pilot seats, of 19 or less, and a maximum certificated takeoff weight of 19,000 pounds or less. The commuter category operation is limited to any maneuver incident to normal flying, stalls (except whip stalls), and steep turns, in which the angle of bank is not more than 60 degrees.
- 1.12.13 “Compliance Determination” means the determination, by either the Certificating Authority’s system or the Validating Authority’s system, that the applicant has demonstrated compliance with identified, individual airworthiness standards”.
- 1.12.14 “Critical Component” means a part identified as critical by the design approval holder during the product type validation process or otherwise by the authority for the State of Design. Typically, such components include parts for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section or certification maintenance requirements of the manufacturer’s maintenance manual or Instructions for Continued Airworthiness.
- 1.12.15 “Critical Part” means each part or assembly in an FAA or CAA approved design, that, if it were to fail, could reasonably be expected to cause an unsafe condition in an aircraft, aircraft engine, or propeller.

- 1.12.16“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.
- 1.12.17“Deviation” when used with respect to Technical Standard Order (TSO) articles means a difference from any performance standard of a TSO and requires factors or design features providing an equivalent level of safety to compensate for the standards from which a deviation is requested.
- 1.12.18“Environmental Approval” means an approval issued when a civil aeronautical product has been found to comply with standards concerning noise, fuel venting, and/or exhaust emissions.
- 1.12.19“Environmental Standards” means regulations governing designs with regard to noise characteristics, fuel venting, and exhaust emissions of civil aeronautical products and articles.
- 1.12.20“Environmental Testing” means a process by which the design or change to a design of a civil aeronautical product or article is evaluated for compliance with applicable standards and procedures concerning noise, fuel venting or exhaust emissions.
- 1.12.21“Equivalent Level of Safety Finding” means a finding that alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought.
- 1.12.22“Exemption” means a grant of relief from requirements of a current regulation when processed through the appropriate regulatory procedure by the FAA or the CAA, as applicable.
- 1.12.23“Export” means the process by which a product or article is released from a civil aviation authority’s regulatory system for subsequent use in another civil aviation authority’s regulatory system.
- 1.12.24“Familiarization” means the process whereby the validating authority obtains information and experience on an aeronautical product designed in the exporting State in order to: prescribe additional technical conditions for that product; mandate corrective airworthiness action in the event that the product experiences service difficulties during its operation in the importing State; and ensure the development of appropriate maintenance, operating, and pilot type rating information (if applicable) for the product.
- 1.12.25“Finding” means a determination of compliance or non-compliance as the result of a civil aviation authority’s review, investigation, inspection, test, and/or analysis.
- 1.12.261“Import” means the process by which a product or article is accepted into a civil aviation authority’s regulatory system for subsequent use in that civil aviation authority’s regulatory system.
- 1.12.27“Issue Paper” means a document representing an item that requires resolution prior to the issuance of a U.S. or New Zealand Type Certificate (TC) or Supplemental Type Certificate (STC).

- 1.12.28“Letter of Design Approval (LODA)” means a Letter of Design Approval issued by the FAA for an article manufactured outside the United States that meets a specific Technical Standard Order (TSO).
- 1.12.29“Licensing Agreement” means a commercial agreement between a Type Certificate (TC) or Supplemental Type Certificate (STC) holder and a Production Approval Holder (PAH) (or applicant) formalizing the rights and duties of both parties to use the design data for the purpose of manufacturing the product or article.
- 1.12.30“Maintenance” means the inspection, overhaul, repair, preservation, and the replacement of parts or articles of a product, but excludes preventive maintenance.
- 1.12.31“Major Design Change” means a change other than a minor design change.
- 1.12.32“Major Repair” means a repair that, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or a repair that is not done according to accepted practices or cannot be done by elementary operation.
- 1.12.33“Manufacturer” means the person who, by FAA regulation or CAA rule, is responsible for determining that all products or parts thereof produced within the quality system conform to an FAA or CAA-approved design or established government or industry standard and are in a condition for safe operation.
- 1.12.34“Minor Design Change” means a change that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product.
- 1.12.35“Minor Repair” means a repair other than a major repair.
- 1.12.36“Modification” means a change that is new to the article (i.e., part, component, or article) and approved under a major or minor change to the type design.
- 1.12.37“Multi-National Consortium” means a group of manufacturers from multiple countries who have agreed to form a single company for the production of a particular product.
- 1.12.38“New Aircraft” means an aircraft that is still owned by the manufacturer, distributor, dealer, or their trustee, if there is no intervening private owner, lease, or time sharing arrangement, and the aircraft has not been used in any pilot school and/or other commercial operation.
- 1.12.39“Non-TSO Function” means one that is not covered by a TSO-approved minimum performance standard, does not support or affect the hosting article’s TSO function(s), and could technically be implemented outside of the TSO article.
- 1.12.40“Normal Category Airplane” means an airplane that has a seating configuration, excluding pilot seats, of nine or less, a maximum certificated takeoff weight of 12,500 pounds or less, and is intended for nonacrobatic operation. Nonacrobatic operation includes:

- (1) Any maneuver incident to normal flying;
  - (2) Stalls (except whip stalls); and
  - (3) Lazy eights, chandelles, and steep turns, in which the angle of bank is not more than 60 degrees.
- 1.12.41 "Overhauled Engine" means an engine that has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested in accordance with approved or acceptable standards and technical data.
- 1.12.42 "Parts Manufacturer Approval (PMA)" means a combined design and production approval issued for modification and replacement articles. It allows a manufacturer to produce and sell these articles for installation on type certificated products.
- 1.12.43 "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or government entity, and includes a trustee, receiver, assignee, or other similar representative of any of them.
- 1.12.44 "Product" see 1.12.11 "Civil Aeronautical Product."
- 1.12.45 "Production Approval" means a document issued 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 a form of a Production Certificate, a Parts Manufacturer Approval, or a Technical Standard Order Authorization. Under New Zealand CAR, a Production Approval is the holder of a Part 148 Manufacturing Organisation Certificate.
- 1.12.46 "Production Approval Extension" means an extension by the FAA or CAA of a Production Certificate to a facility located in another country or jurisdiction that has a bilateral agreement with the U.S. or New Zealand.
- 1.12.47 "Production Quality System" means a systematic process which meets the requirements of the authority for the State of Manufacture and ensures that products and articles will conform to the approved design and will be in a condition for safe operation.
- 1.12.48 "Rebuilt Engine" means an engine that has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested by the production approval holder in accordance with 14 CFR part 43 or CAR Part 145.
- 1.12.49 "Restricted Category Aircraft" means an aircraft that meets the airworthiness requirements for special purpose operations if it shows compliance with the applicable noise requirements, shows no feature or characteristic that makes it unsafe when it is operated under the limitations prescribed for its intended use, and/or is the type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force of the United States and has been later modified for a special purpose.
- 1.12.50 "Special Condition" means an additional airworthiness standard(s) prescribed by the FAA or the CAA when the airworthiness standards for the category of product do not contain adequate or appropriate safety standards due to novel or unusual design features. Special Conditions contain such safety standards as the FAA or

the CAA find necessary to establish a level of safety equivalent to that established in the applicable regulations.

- 1.12.51 "Standard Part" means a part that is manufactured in complete compliance with an established government or industry-accepted specification, which contains design, manufacturing, and uniform identification requirements. The specification must include all information necessary to produce and conform the part, and must be published so that any person or organization may manufacture the part.
- 1.12.52 "State of Design" means the State or territory having jurisdiction over the authority responsible for the type design and continued airworthiness of the product or article.
- 1.12.53 "State of Manufacture" means the State or territory having regulatory authority over the organization responsible for the production and airworthiness of a civil aeronautical product or article.
- 1.12.54 "Supplier" means any person or organization at any tier contracted to furnish engines, propellers, articles, or services.
- 1.12.55 "Technical Standard Order (TSO)" means a minimum performance standard used to evaluate an article. Each Technical Standard Order (TSO) covers a certain type of article. When authorized to manufacture an article to a TSO standard, this is referred to as a TSO Authorization.
- 1.12.56 "Technical Standard Order Authorization (TSOA)" means a design and production approval issued to the manufacturer of an article that has been found to meet a specific TSO. A TSOA is not an approval to install and use the article in the aircraft. It means that the article meets the specific TSO and the applicant is authorized to manufacture it.
- 1.12.57 "Used Aircraft" means each aircraft that is not a new aircraft, as defined in paragraph 1.12.38 above.
- 1.12.58 "Utility Category Airplane" means an airplane limited to a seating configuration, excluding pilot seats, of nine or less, a maximum certificated takeoff weight of 12,500 pounds or less, and is intended for limited acrobatic operation. Airplanes certificated in the utility category may be used in any of the operations covered under paragraph (a) of this section and in limited acrobatic operations. Limited acrobatic operation includes:
- (1) Spins (if approved for the particular type of airplane); and
  - (2) Lazy eights, chandelles, and steep turns, or similar maneuvers, in which the angle of bank is more than 60 degrees but not more than 90 degrees.
- 1.12.59 "Validating Civil Aviation Authority" or "Validating Authority (VA)" means the organization within the importing state, charged by the laws of the importing state, with regulating the design, production, and airworthiness approval and environmental certification civil aeronautical products and articles.
- 1.12.60 "Validation" means the FAA's or CAA's process for issuing an approval of a design certificated by the other.

## SECTION II    SCOPE OF THESE IMPLEMENTATION PROCEDURES

### 2.1 General

These Implementation Procedures cover the products and articles identified below, their approvals, and the provisions set forth in the following paragraphs.

#### 2.1.1 Airworthiness Certification

These Implementation Procedures apply to such aircraft type designs to be type certificated by the FAA and the CAA for standard category airworthiness certification.

2.1.1.1 The FAA and the CAA do not normally issue design approvals for products or articles manufactured outside their regulatory jurisdiction unless there is a demonstrated U.S. or New Zealand interest, as the importing State, in issuing the approval.

2.1.1.2 For the FAA, standard airworthiness certificates are issued for aircraft type certificated in the normal, utility, acrobatic, commuter, and transport categories of aircraft, as well as for manned-free balloons and special classes of aircraft which include airships, very light airplanes (VLA), gliders, and other non-conventional aircraft.

2.1.1.3 For the CAA, standard airworthiness certificates are issued for aircraft that are type certificated in the normal, utility, acrobatic, commuter and transport categories.

2.1.1.4 Aircraft for which a special airworthiness certificate is issued by the FAA or a special category airworthiness certificate is issued by the CAA will be dealt with on a case-by-case basis through the special arrangements provision in Section IX of this document.

### 2.2 Products, Articles, and Associated Approvals Accepted for Import by the U.S. under these Implementation Procedures

#### 2.2.1 FAA Acceptance of the Following CAA Design Approvals as the Basis for FAA Design Approval:

- (1) TCs for aircraft of the classes and categories listed in Table 2 for which New Zealand is the State of Design;
- (2) NZTSO Design Approvals with certifying statements of compliance to FAA Technical Standard Orders for articles; and
- (3) CAA Parts Manufacturer Approval [Reserved].

NOTE: Refer to Addendum to Implementation Procedures for Airworthiness.

#### 2.2.2 FAA Acceptance of the Following CAA-Approved Design Changes as the Basis for FAA Design Change Approval:

- (1) Amended TCs for aircraft of the classes and categories listed in Table 2 for which New Zealand is the State of Design;
- (2) STCs for aircraft of the classes and categories listed in Table 2 for which New Zealand is the State of Design;
- (3) STCs for aircraft of the classes and categories listed in Table 2 for which the U.S. is the State of Design with limitations as identified in Addendum to the IPA, paragraph 3;
- (4) STCs for aircraft of the classes and categories listed in Table 2 for which a third country is the State of Design and the product has been type certificated by both the FAA and CAA with limitations as identified in Addendum to the IPA, paragraph 3; and
- (5) Other CAA-approved design changes as identified in paragraph 4.2 for products and articles for which New Zealand is the State of Design.

NOTE: Refer to Addendum to Implementation Procedures for Airworthiness. When the CAA submits an application to the FAA in a technical area which is not within the scope of this IPA and is not noted in the Addendum to the IPA, the CAA will contact the applicable FAA office indicated in Appendix A and communicate the details of the CAA application for a U.S. STC. The FAA may elect to conduct an additional technical evaluation of the CAA's understanding of the STC requirements prior to accepting the application. If the application is accepted by the FAA, the result of the technical evaluation may be used to develop the certification basis and determine the FAA level of involvement.

#### 2.2.3 FAA Acceptance of the Following CAA-Approved Design Data:

CAA-approved design data used in support of repairs as identified in paragraph 4.2.6, for:

- (1) New Zealand State of Design (limited to products and parts in the scope in Table 2); and
- (2) United States State of Design (limited to products and parts in the scope in Table 1).

#### 2.2.4 FAA Acceptance of CAA Export Certificates of Airworthiness for the Following Products:

##### 2.2.4.1 Aircraft that Conform to a Type Design Approved Under an FAA Type Certificate including:

- (1) New and used aircraft of the classes and categories listed in Table 2 for which the New Zealand is the State of Design;
- (2) New and used aircraft for the classes and categories listed in Table 1 for which the U.S. is the State of Design; and

- (3) New and used aircraft for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and New Zealand covering the same class of product.

Note: Acceptance of aircraft manufactured in a country or territory other than its State of Design requires either the development of a Special Arrangement per Section VI or FAA review and acceptance of an existing arrangement established between the State of Design and State of Manufacture. This applies to paragraphs 2.3.4.1(1), (2), and (3).

#### 2.2.5 FAA Acceptance of CAA Form One – Authorized Release Certificates for the Following Products and Articles:

##### 2.2.5.1 Engines and Propellers that Conform to a Type Design Approved Under an FAA Type Certificate (TC) Including:

- (1) New aircraft engines, [Reserved]
- (2) New propellers, [Reserved]

##### 2.2.5.2 Articles that Conform to an FAA Approved Design Including:

- (1) New TSO articles;
- (2) New replacement and modification parts that conform to FAA-approved design data and are eligible for installation in a product or article that has been granted an FAA design approval, as follows:
  - (a) Replacement parts manufactured by the original Production Approval Holder for all products and articles for which New Zealand is the State of Design; and
  - (b) Modification parts manufactured by the original Production Approval Holder for all products and articles for which New Zealand is the State of Design.

- (3) New PMA parts.

#### 2.2.6 FAA Acceptance of Standard Parts.

The FAA will accept Standard Parts for all products and articles covered under these Implementation Procedures when they conform to established U.S. or New Zealand industry or government specifications, or to a CAA New Zealand Technical Standard Order (NZTSO).

#### 2.2.7 FAA Acceptance of CAA Findings for Environmental Requirements as the Basis for FAA Compliance Findings: [Reserved]

### 2.3 Products, Articles, and Associated Approvals Accepted for Import by New Zealand under these Implementation Procedures

#### 2.3.1 CAA Acceptance of the Following FAA Design Approvals as the Basis for CAA Design Approval:

- (1) Type Certificates (TC) for products for which the U.S. is the State of Design;
- (2) FAA Technical Standard Order Authorizations (TSOA); and
- (3) FAA Parts Manufacturer Approval (PMA) parts.

Note: The CAA accepts FAA TSOA and PMA and does not issue a CAA design approval.

#### 2.3.2 CAA Acceptance of the Following FAA-Approved Design Changes as the Basis for CAA Design Approval:

- (1) Amended TCs for products for which the U.S. is the State of Design;
- (2) Supplemental Type Certificates (STC) or Amended STCs for products that have been issued both an FAA and CAA type design approval and the product is of:
  - (a) U.S. State of Design;
  - (b) New Zealand State of Design; or
  - (c) A third country State of Design.

Note: The STC is not acceptable technical data as defined in NZCAR Part 21 Appendix D.

- (3) Other FAA-approved design changes as identified in paragraph 4.2, for products and articles for which the U.S. is the State of Design).

#### 2.3.3 CAA Acceptance of the Following FAA-Approved Design Data:

- (1) FAA-approved or accepted design data used in the support of repairs as identified in paragraph 4.2.6, for products and articles of:
  - (a) U.S. State of Design;
  - (b) New Zealand State of Design; or
  - (c) A third country State of Design, when both the FAA and CAA have issued a type design approval for the product.
- (2) FAA Technical Standard Order Authorizations (TSOAs).

Note: The CAA accepts FAA TSOA and PMA and does not issue a CAA design approval.

#### 2.3.4 CAA Acceptance of FAA Export Certificates of Airworthiness for the Following Products:

##### 2.3.4.1 Aircraft that Conform to a Type Design Approved Under a CAA Type Certificate or Validation of Type Certificate Including:

- (1) New and used aircraft of the classes and categories listed in Table 1 for which the U.S. is the State of Design;
- (2) New and used aircraft for the classes and categories listed in Table 2 for which the CAA is the State of Design; and

- (3) New and used aircraft for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and New Zealand covering the same class of product.

Note: Acceptance of aircraft manufactured in a country or territory other than its State of Design requires either the development of a Special Arrangement per Section VI and IX or CAA review and acceptance of an existing arrangement established between the State of Design and State of Manufacture. This applies to paragraphs 2.2.4.1(1), (2), and (3).

### 2.3.5 CAA Acceptance of FAA Authorized Release Certificates for the Following Engines, Propellers, and Articles:

#### 2.3.5.1 Engines and Propellers that Conform to a Type Design Approved Under a CAA Type Certificate or Validation of Type Certificate Including:

- (1) New, rebuilt, and overhauled aircraft engines for which the U.S. is the State of Design;
- (2) New aircraft engines manufactured in the U.S. for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and New Zealand covering engines;
- (3) New propellers for which the U.S. is the State of Design; and
- (4) New propellers manufactured in the U.S. for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and New Zealand covering propellers.

Note: Acceptance of products manufactured in a country or territory other than its State of Design requires either the development of a Special Arrangement per Section VI and IX or CAA review and acceptance of an existing arrangement established between the State of Design and State of Manufacture. This applies to paragraphs 2.3.5.1(1), (2), (3), and (4).

#### 2.3.5.2 Articles that Conform to a CAA Design Approval Including:

- (1) New TSO articles;
- (2) New replacement and modification parts that conform to CAA approved design data and that are eligible for installation in a product or article which has been granted a CAA design approval, as follows:
  - (a) Replacement parts manufactured by the original Production Approval Holder for all products and articles, regardless of the State of Design; and
  - (b) Modification parts manufactured by the original Production Approval Holder for all products and articles, regardless of the State of Design.

- (3) New Parts Manufacturer Approval (PMA) parts.

Note: The CAA accepts FAA TSO and PMA and does not issue a CAA design approval.

#### 2.3.6 CAA Acceptance of Standard Parts

The CAA will accept Standard Parts for all products and articles covered under these Implementation Procedures when they conform to established New Zealand or U.S. industry or government specifications.

#### 2.3.7 CAA Acceptance of FAA Findings for Environmental Requirements as the Basis for CAA Compliance Findings:

- (1) Noise certification requirements under 14 CFR part 36 for subsonic transport category large airplanes and subsonic turbojet powered airplanes;
- (2) Noise certification requirements under 14 CFR part 36 for propeller-driven small airplanes and propeller-driven commuter category airplanes;
- (3) Noise certification requirements under 14 CFR part 36 for helicopters; and
- (4) Fuel venting and exhaust emissions certification requirements under 14 CFR part 34 for turbine powered airplanes.

#### 2.4 Provisions for Technical Assistance

The types of technical assistance activities within the scope of these Implementing Procedures between the FAA and the CAA are specified in Section VIII.

#### 2.5 Provisions for Special Arrangements

These Implementation Procedures provide for designated officials within the FAA and the CAA to make special arrangements -- with respect to design approval, production activities, export airworthiness approval, post design approval, or technical assistance -- in unique situations which have not been specifically addressed in these Implementation Procedures, but which are anticipated by the BASA Executive Agreement.

#### 2.6 Summary Tables

The following tables summarize the design approvals, new products, and articles designed and manufactured in the U.S. or New Zealand that are eligible for import under these Implementation Procedures. (These tables do not show third country State of Design products eligible for import.)

**Table 1: Summary of U.S. State of Design Products and Articles Eligible for Export to New Zealand**

Products/Article Type	Import Eligible Designs & Design Changes		14 CFR Ref.	Design Approval Type		Export Record
				FAA	CAA	
<b><u>PRODUCTS</u></b>	TC	STC				
Normal Airplanes	✓	✓	Part 23	TC or STC	Validated TC or STC	FAA Form 8130-4
Utility Airplanes	✓	✓				
Acrobatic Airplanes	✓	✓				
Commuter Airplanes	✓	✓				
Transport Airplanes	✓	✓	Part 25			
Normal Rotorcraft	✓	✓	Part 27			
Transport Rotorcraft	✓	✓	Part 29			
Airships	✓	✓	Part 21			
Very Light Airplanes	✓	✓				
Gliders	✓	✓				
Powered Lift	✓	✓				
Manned Free Balloons	✓	✓	Part 31			
Primary	*	*	Part 21			
Restricted	*	*				
Surplus Military	*	*				
Engines (New)	✓	✓	Part 33	TC or STC	Validated TC or STC	FAA Form 8130-3
Engines (Rebuilt)	✓	✓				
Engines (Overhauled)	✓	✓				
Propellers	✓	✓	Part 35			
<b><u>ARTICLES</u></b>						
TSO	✓		Part 21	TSOA	NZTSOA	FAA Form 8130-3
PMA	✓			Original Approval	Original Approval	
Replacement and Modification Parts	✓			Original Approval	Original Approval	
Standard Parts	✓			None	None	No FAA Form

*Note: This table does not show third countries' aircraft eligible for import into New Zealand from the United States. See paragraph 7.4.4.3.*

**Table 2: Summary of New Zealand State of Design Products and Articles Eligible for Export to the U.S.**

Products/Article Type	Import Eligible Designs & Design Changes		14 CFR Ref.	Design Approval Type		Export Record
				FAA	CAA	
<b>PRODUCTS</b>	TC	STC				
Normal Airplanes	√ Note 2	√ Notes 2, 4	Part 23	TC or STC	Validated TC or STC	
Utility Airplanes	√ Note 2	√ Notes 2, 4				
Acrobatic Airplanes	√ Note 2	√ Notes 2, 4				
Commuter Airplanes	{RES}	√ Notes 2, 4				
Transport Airplanes	{RES}	√ Note 4	Part 25			
Normal Rotorcraft	{RES}	√ Notes 3, 4	Part 27			
Transport Rotorcraft	{RES}	√ Notes 3, 4	Part 29			
Airships	{RES}	{RES}	Part 21			
Very Light Airplanes	{RES}	{RES}				
Gliders	{RES}	{RES}				
Powered Lift	{RES}	{RES}				
Manned Free Balloons	{RES}	{RES}	Part 31			
Primary	*	*	Part 21			
Restricted	*	*				
Surplus Military	*	*				
Engines (New)	{RES}	{RES}	Part 33	TC or STC	Validated TC or STC	
Engines (Rebuilt)	{RES}	{RES}				
Engines (Overhauled)	{RES}	{RES}				
Propellers	{RES}	{RES}	Part 35			
<b>ARTICLES</b>						
TSO		√	Part 21	TSOA	NZTSOA	
PMA		√		Original Approval	Original Approval	
Replacement and Modification Parts		√		Original Approval	Original Approval	
Standard Parts		{RES}		None	None	

Note 1: This table does not show third countries' aircraft eligible for import into the U.S. from New Zealand. See paragraph 7.2.4.3.

Note 2: Certain design changes are also accepted for U.S. State of Design aircraft, see paragraph 2.2.2.

Note 3: See paragraph 2.2.2.

Note 4: See Addendum. The FAA has retained certain compliance determinations in the Addendum to Implementation Procedures for Airworthiness: U.S. Type Certification Criteria between the Federal Aviation Administration (FAA) and the Civil Aviation Authority (CAA) of New Zealand.

## SECTION III    DESIGN APPROVAL PROCEDURES

### 3.1 General

- 3.1.1 The FAA and the CAA will normally conduct certification activities under a validation process on a product in order to make a finding of compliance and issue its design approval. The validation process is initiated by an application and normally entails a familiarization briefing by the applicant. This is followed by the establishment of the certification basis by the validating authority, a technical information exchange in the form of data, specialist meetings on technical compliance, and/or the development of issue papers. Additionally, the validating authority, after determining the certification basis, may request assistance from the certifying authority, to conduct compliance findings on its behalf. The design approval issued by the FAA or by the CAA is based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance determinations made by the certifying authority.
- 3.1.2 The CAA will, as the importing authority, conduct an acceptance process to facilitate type acceptance and the importation of aircraft on the basis of a type certificate issued by the FAA. This assessment is conducted in accordance with CAR 21 Subpart B and Advisory Circular AC 21-1, Product Certification – Type Certificate and Type Acceptance Certificates.
- 3.1.3 Close cooperation between the validating and the certifying authority is necessary to provide for effective management of the validation process and for the most cost-effective utilization of resources. Working in accordance with the principle that communications should occur between authorities, correspondence will be answered through and coordinated with the certifying authority. The FAA and the CAA also recognize that direct communications between the validating authority and the applicant are sometimes necessary. Direct communication should be limited to technical questions regarding the product (familiarization) and should be conducted with the awareness and consent of the certifying authority. The certifying authority should be informed of the outcome of these discussions.
- 3.1.4 Applications for FAA or CAA approval are intended for civil aeronautical products and articles. Products and articles which are intended only for military and/or public use are not eligible for FAA or CAA validation under this agreement unless the authority for the State of Design has accepted to certify the product or article and there is a civilian and/or public use application within the jurisdiction of the importing State. In these cases, the FAA and CAA will consult to determine whether validation is within the scope of the agreement or requires a Special Arrangement under Section IX.

## 3.2 Design Approval Procedures for U.S. Type Certificates

### 3.2.1 General

U.S. TCs may be issued under the provisions of 14 CFR section 21.29 for products manufactured in a foreign country or jurisdiction that are to be imported into the U.S.

### 3.2.2 Application Process for a U.S. Type Certificate

3.2.2.1 An application for a U.S. TC from an applicant in New Zealand may be submitted if:

- (1) The product is within the scope of this agreement as provided in paragraph 2.2.4.1; and
- (2) The product has been issued a New Zealand TC, or an application for type certification has been made to the CAA.

3.2.2.2 The applicant must complete FAA form 8110-12 and forward it along with all applicable technical data listed in paragraph 3.2.2.3 to the CAAACU.

3.2.2.3 The CAA should ensure that the applicant's technical data package contains the following information:

- (1) Data defined in 14 CFR section 21.15;
- (2) The New Zealand TC and Type Certificate Data Sheet (TCDS), if available;
- (3) A definition of the New Zealand airworthiness and environmental standards upon which the CAA design approval was (or is to be) based;
- (4) The amendment level of the U.S. airworthiness and environmental standards the CAA believes to be satisfied by its own standards;
- (5) Date of application to the CAA;
- (6) The applicant's requested date for U.S. type certification;
- (7) If known at the time of application, a description of all novel or unusual design features which might necessitate issuance of FAA special conditions under 14 CFR section 21.16 or which might require a special review of acceptable means of compliance;
- (8) All known or expected exemptions or equivalent level of safety findings relative to the New Zealand airworthiness standards for design approval that might affect compliance with the applicable U.S. airworthiness and environmental standards; and
- (9) Information on U.S. market potential, including specific customers and U.S. content of the product, if available.

- 3.2.2.4 The CAA should forward the application to the appropriate FAA Aircraft Certification Service Directorate, based on the class and category of product. See Appendix A for a list of addresses.
  - 3.2.2.5 If the application is for a product that is of a level of complexity that has not been previously certificated by the CAA, the CAA should notify the FAA. This notification should be made as soon as the CAA becomes aware of this type of pending application, so that the FAA may plan the scope of its validation program.
  - 3.2.2.6 The FAA will notify the CAA within ten (10) working days of receipt of application and, if necessary, include in this notification a request for any missing information. The FAA will return the application in thirty (30) working days if the necessary information is not provided.
- 3.2.3 Familiarization Meetings
- 3.2.3.1 If the FAA determines that a familiarization meeting is necessary, the CAA will arrange a familiarization meeting between the FAA, the applicant, and the CAA to discuss the validation process, the approved or proposed CAA certification basis, and all novel or unusual features of the product.
  - 3.2.3.2 At this meeting the FAA will work to establish the U.S. type certification basis and the means of compliance for the product under application by determining the U.S. airworthiness and environmental standards that would be applied to a similar product if it were to be produced in the U.S. The extent to which these activities are accomplished at the meeting will depend on the FAA's familiarity with the product and applicant, the applicant's familiarity with the FAA's process and, in general, the overall preparedness of all parties.
  - 3.2.3.3 For simple projects or less complex products, technical familiarization may be streamlined if agreed to by both the FAA and the CAA.
- 3.2.4 Establishment of Project Certification Team
- An important consideration that should be addressed at the familiarization meeting is the composition of the FAA Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The FAA and CAA will promptly notify each other of its respective Project Managers.
- 3.2.5 Establishment of U.S. Type Certification Basis
- 3.2.5.1 New TCs. The FAA will develop the certification basis using:
    - (1) For type designs that do not hold an approval from the CAA, the applicable airworthiness standards in effect on the date the application is made to the FAA; or
    - (2) For type designs that hold an approval from the CAA, the application date that determined the applicable airworthiness standards applied by the CAA for the issuance of a New Zealand TC.

### 3.2.5.2 Additional Requirements

- (1) In general, the FAA may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in the U.S. as a result of service history and actions taken by the CAA to correct unsafe conditions.
- (2) The FAA will review all novel or unusual design features for development of special conditions. The FAA will work closely with the CAA in the development of special conditions and exemptions, providing the CAA and the applicant with an opportunity to comment on the proposal.

3.2.5.3 Applicants for a U.S. TC must also comply with the applicable fuel venting and exhaust emission standards of 14 CFR part 34 and the noise standards of 14 CFR part 36 in effect on the date of application to the FAA for type certification. Information on FAA environmental testing and approval procedures is contained in Section 3.5.

### 3.2.6 Agreement on U.S. Type Certification Basis

The CAA should review the FAA's proposed U.S. type certification basis and notify the FAA Project Manager of the proposed methods of compliance. The FAA may accept the U.S. type certification basis or the New Zealand type certification basis plus all FAA additional technical conditions. The FAA will coordinate with the CAA in the development of additional technical conditions to allow each authority to benefit from the technical expertise of the other.

### 3.2.7 Data Submittal & Design Review

In order to find compliance with additional technical conditions, special conditions, equivalent levels of safety, or any other previously agreed upon areas, the FAA may make written requests for data to the CAA. These requests will, in the spirit of the BASA Executive Agreement, be the minimum necessary to ensure that the validating authority acquires the needed familiarity. These requests should provide a formal written justification for the data requested. The CAA, in responding to such requests, should verify that the data provided has been reviewed and, if required, approved by the CAA. Compliance documentation should be complete and detailed enough to determine whether compliance has been made to the regulations.

### 3.2.8 Technical Meetings

3.2.8.1 In addition to the initial familiarization meeting, other technical meetings may be necessary to ensure that any additional technical conditions that have been communicated to the CAA are well understood, and that any outstanding technical issues are resolved. These meetings should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the CAA and will normally have both authorities in attendance.

- 3.2.8.2 Early in the program, based on the known design and information presented in the familiarization and technical meetings, the FAA will identify the areas in which further activity by the FAA will be required. The anticipated level of activity by the FAA will be documented in writing. This document may be revised if the initial design definition is incomplete or subsequent design changes are made.
- 3.2.8.3 The CAA will keep the FAA informed of the progress of its type certification program on a periodic basis. The CAA should notify the FAA's Project Manager as soon as possible of all additional novel or unusual design features, and all other design features that might cause or have caused the CAA to develop a special condition or to make an equivalent level of safety finding.

### 3.2.9 Issue Papers

- 3.2.9.1 The FAA as validating authority should minimize the duplication of issue papers developed by the CAA. The FAA requires the development of issue papers which contain the certification basis and other unique import requirements. The FAA may also require issue papers to address issues such as acceptable means of compliance, equivalent levels of safety findings, special conditions, and additional technical conditions. However, the FAA may directly adopt a CAA issue paper in lieu of an issue paper originated by the FAA when:
  - (1) The FAA and CAA positions are equivalent;
  - (2) The FAA product accountable directorate has provided concurrence with the CAA issue paper; and
  - (3) The issue paper does not address findings of equivalent levels of safety, exemptions or special conditions.
- 3.2.9.2 FAA issue papers will be coordinated through the CAA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues. The FAA will incorporate the CAA's and the applicant's position in all FAA originated issue papers.

### 3.2.10 Final Certification Meeting/Issuance of the U.S. TC

Upon issuance of the New Zealand TC and demonstrated compliance with the U.S. type certification basis, the CAA will forward a certifying statement to the FAA, in accordance with 14 CFR section 21.29, along with all additional requested materials. The FAA, upon receipt and review of the documents, will prepare the TC and TCDS and forward them to the CAA for transmittal to the applicant. A final meeting would only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

### 3.2.11 Evaluation of U.S. Operational and Maintenance Aspects

The FAA has established Aircraft Evaluation Groups (AEG) located at the product-accountable Directorates. The AEGs are responsible for the operational and maintenance aspects of the type certification process. The AEG will conduct

Boards, as appropriate, to review the following items on New Zealand products prior to entry into U.S. operations: Maintenance Review Board (MRB) Report and associated Instructions for Continued Airworthiness (ICA) Documentation; Operational Configuration, Pilot Training and Licensing Requirements; and the formulation and approval of a Master Minimum Equipment List (MMEL). The AEG will be invited to participate in the familiarization meeting by the FAA Project Manager and will generate issue papers as appropriate to the type design. Compliance with AEG requirements is not required at the time of FAA TC issuance, but must be demonstrated before issuance of the first U.S. standard airworthiness certificate. To avoid operational suitability problems, applicants are encouraged to complete AEG requirements early in the project.

### 3.3 Design Approval Procedures for U.S. Supplemental Type Certificates

#### 3.3.1 General

U.S. STCs may be issued to an applicant in New Zealand under the provisions of 14 CFR section 21.29 and section 21.117 for approval of major changes to the type design of a product (refer to Section II, Table 2).

#### 3.3.2 Application Process for U.S. STCs

3.3.2.1 An application for a U.S. STC from an applicant in New Zealand may be submitted if:

- (1) The design change is within the scope of this agreement as provided in paragraph 2.2.5.2;
- (2) The FAA has certificated/validated the product; and
- (3) The CAA has issued a New Zealand STC.

3.3.2.2 The applicant must complete FAA form 8110-12 and forward it along with all applicable technical data listed in paragraph 3.3.2.3 to the CAA.

3.3.2.3 The CAA should ensure that the applicant's technical data package contains the following information:

- (1) A description of the change, together with the make and model of the product;
- (2) A copy of the New Zealand STC and certification basis;
- (3) Date of application to the CAA for the New Zealand STC;
- (4) The applicant's requested date for U.S. supplemental type certification;
- (5) A description of all novel or unusual design features which might necessitate issuance of FAA special condition;
- (6) All exemptions or equivalent level of safety findings granted by the CAA for the STC; and
- (7) Available information on U.S. market potential, including specific customers, delivery schedule, and U.S. content.

- 3.3.2.4 The CAA should forward the application to the appropriate FAA Aircraft Certification Service Directorate, based on the class and category of product. Appendix A contains a list of addresses for the FAA Aircraft Certification Service Directorates.
- 3.3.2.5 The FAA will notify the CAA within ten (10) working days of receipt of application and, if necessary, include in this notification a request for any missing information. The FAA will return the application in thirty (30) days if the necessary information is not provided.
- 3.3.2.6 The FAA may accept applications for concurrent STC validation/certification, in which case some of the information specified in paragraph 3.3.2.3 may not be available at the time of the application. The CAAC should provide the justification with the application.
- 3.3.3 Establishment of U.S. Supplemental Type Certification Basis
  - 3.3.3.1 The FAA will develop its supplemental type certification basis in accordance with 14 CFR 21.115 in a manner that is consistent with the criteria that is used to establish the certification basis of a domestic STC of similar design and service history. The date of the application is the date application is made to the CAA.
  - 3.3.3.2 In the case of an STC involving an acoustical change, compliance must be shown with the applicable noise requirements of 14 CFR part 36 in effect on the date of application to the FAA for the STC. In the case of an emissions change, compliance must be shown with the applicable fuel venting and exhaust emissions requirements of 14 CFR part 34 in effect on the date of application to the FAA for the STC. Information on FAA environmental testing and approval procedures is contained in Section 3.5.
- 3.3.4 FAA Validation Process for STCs
  - 3.3.4.1 The basic design approval procedures for U.S. type certification (paragraph 3.2 above) will be used for STCs, but both authorities may jointly determine to streamline these procedures based on the magnitude and complexity of the design change. The CAA will share issue papers or similar documents with the FAA as early as possible.
  - 3.3.4.2 The following documentation will be required, as applicable, for review by the FAA during the STC approval process:
    - (1) Compliance Checklist;
    - (2) Aircraft Flight Manual (AFM) Supplement;
    - (3) Master Documentation List/Master Drawing List;
    - (4) Manufacturing and Installation Instruction Drawings;
    - (5) Maintenance/Repair Manual Supplements;
    - (6) Weight and Balance data; and

- (7) Instructions for Continued Airworthiness.
- (8) The FAA will retain determinations of equivalent levels of safety, special conditions and exemptions.

### 3.3.5 Issuance of the U.S. STC

The FAA will issue an STC when compliance with the applicable U.S. airworthiness and environmental certification requirements has been verified and the CAA has made a compliance statement to FAA's certification basis, and the CAA has issued its STC. The FAA will forward the STC to the CAA for transmittal to the applicant.

## 3.4 Design Approval Procedures for U.S. Technical Standard Order Design Approval and Non-TSO Functions

### 3.4.1 Application Process for an FAA Letter of TSO Design Approval

3.4.1.1 An application for an FAA Letter of TSO Design Approval from an applicant in New Zealand may only be submitted for articles that have been approved by the CAA through a CAA TSO Authorization and of a kind for which a minimum performance standard has been published in an FAA TSO.

3.4.1.2 The applicant must forward the application package and include all applicable technical data listed in paragraph 3.4.1.3 to the CAA.

3.4.1.3 The CAA should ensure that the application package contains the following information:

- (1) All required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO article;
- (2) If applicable, a request to deviate from the FAA TSO standard (including any CAA-approved equivalencies) and substantiation data for FAA approval, or identification of the deviation and evidence of FAA approval (if request was made in advance of application);
- (3) A statement of conformance to the FAA TSO performance standard from the applicant;
- (4) A certifying statement from the CAA indicating that the article has been examined, tested, and found to meet the applicable FAA TSO or other standards found by the FAA to provide an equivalent level of safety;
- (5) A copy of the NZTSO Authorization; and
- (6) If known at the time of application, evidence that the article will be imported into the U.S., installed on a U.S.–registered aircraft, or installed on a U.S.–manufactured product. The evidence must identify the FAA TSO article model at a minimum. The evidence provided must also be valid at the time of application in order for the project to be worked promptly.

3.4.1.4 The CAA should ensure the applicant has applied for a FAA TSO performance standard that is effective on the date of application.

- 3.4.1.5 The CAA should forward the application to the FAA address indicated in Appendix A.
  - 3.4.1.6 When the CAA receives an application for an FAA Letter of TSO Design Approval to a TSO performance standard to which the CAA has not previously made compliance findings, the CAA will contact the applicable FAA office indicated in Appendix A for the latest FAA technical policy and procedures related to the FAA TSO performance standard. The FAA may elect to conduct an additional technical evaluation of the CAA's understanding of the specific TSO requirements.
  - 3.4.1.7 The FAA will notify the CAA within ten (10) working days of receipt of application and, if necessary, include in this notification a request for any missing information. The FAA will return the application in thirty (30) working days if the necessary information is not provided.
  - 3.4.1.8 The FAA will consider recognition of other performance standards as the basis for a new TSO design standard after the standard is evaluated by the FAA, and published for public comment. A New Zealand applicant with a NZTSO that is based on a performance standard other than an FAA TSO should make a request for approval of this performance standard through the CAA to the Technical Programs and Continued Airworthiness Branch (AIR-130), Engineering Division, FAA headquarters. Once the alternative performance standard has been approved and published by the FAA, the application process for the approval of the article itself follows paragraph 3.4.1.3 above.
- 3.4.2 Issuance of the FAA Letter of TSO Design Approval
- 3.4.2.1 In accordance with 14 CFR section 21.621, the FAA may issue a Letter of TSO Design Approval after:
    - (1) Receipt of all the items identified in paragraphs 3.4.1.3 above;
    - (2) Conducting a review of the data/documentation specified in the FAA TSO performance standard;
    - (3) Receipt and review of other specific technical data, as jointly agreed between the CAA and the FAA, needed to demonstrate compliance with an FAA TSO standard;
    - (4) Approval of all proposed deviations to the FAA TSO in accordance with 14 CFR section 21.618; and
  - 3.4.2.2 Receipt of a certifying statement from the applicant through the CAA, with certification by the CAA, that the performance of the article complies with the applicable FAA TSO or other accepted standards of the FAA, which provide an equivalent level of safety. The FAA will forward the Letter of TSO Design Approval to the applicant and notify the CAA of its issuance.
- 3.4.3 Installation Approval
- An FAA Letter of TSO Design Approval does not constitute an installation approval for the article on an aircraft. The installer must obtain an installation

approval from the applicable civil aviation authority for use on an aircraft registered under that authority.

### 3.5 FAA Environmental Testing and Approval Procedures

#### 3.5.1 General

3.5.1.1 The FAA is authorized to make findings of compliance to 14 CFR parts 34 and 36 based upon FAA-witnessed tests conducted in accordance with FAA-approved test plans. FAA will review and approve all compliance demonstration plans and reports submitted via the CAA. The FAA environmental requirements are documented in FAA Order 8110.4, Type Certification.

3.5.1.2 [Reserved]

#### 3.5.2 Approval Process

3.5.2.1 The FAA process for environmental testing and approvals includes the following:

- (1) Environmental (noise, fuel venting and exhaust emissions) certification compliance demonstration plans must be submitted to the FAA for review, comment, and subsequent approval prior to undertaking certification testing.
- (2) Information and data must be supplied to the FAA in order to conduct a finding in accordance with Title 49 of the United States Code (49 U.S.C.) Section 44715. The FAA, before issuing an original TC for an aircraft of any category, must assess the extent of noise abatement technology incorporated into the type design and determine whether additional noise reduction is achievable. This examination must be initiated as soon as possible after the application for type certification in each original type certification project and reflect noise reduction potentials that become evident during the design and certification process.
- (3) Information and data must be supplied to the FAA in order to conduct an evaluation of the measurement and analysis methods and practices, and data correction procedures of the applicant for aircraft noise certification under 14 CFR part 36, Subparts B, G, and/or H.
- (4) Compliance demonstration aircraft noise test plans and engine exhaust emissions test plans to be used for demonstrating U.S. environmental certification compliance must be submitted to the FAA for review and comment, and subsequent approval not less than ninety (90) days prior to commencing testing.
- (5) Proposed equivalent procedures to be used by the applicant during testing, data processing, data reduction, and data analysis must be specifically identified to the FAA and approved in advance by the FAA as part of items (1) and (4).

- (6) FAA personnel, or FAA designated engineering representatives must witness compliance demonstration tests. Prior to the start of testing it is necessary to ensure the conformity of the test article (aircraft or engine configuration) to that identified in the FAA approved compliance demonstration test plans.
- (7) Compliance demonstration reports must be submitted to the FAA for review and/or comment and subsequent approval prior to type certification approval.

### 3.6 Submission of Electronic Data to the FAA

For the FAA, where electronic data is submitted to CAA, it must be in a format that is compatible with the FAA's information system and there must be an arrangement between the New Zealand applicant and CAA for the use, storage, and access to this electronic data in accordance with. Both the FAA and CAA must concur with this arrangement for the submission and storage of electronic data.

### 3.7 Design Approval Procedures for New Zealand Type Acceptance Certificates.

#### 3.7.1 General

- (1) The CAA does not issue a TC for a product manufactured outside New Zealand. Imported products are covered by a type acceptance certificate (TAC) issued under the provisions of CAR Part 21 Subpart B for products that meet the applicable design standards of CAR Part 21 Appendix C.
- (2) Type acceptance can be independent of the importation and New Zealand certification of an aircraft or product covered by the referenced U.S. TC.
- (3) Aircraft covered by a U.S. TC in the standard category are accepted as meeting CAR Part 21.41.

#### 3.7.2 Application Process for a New Zealand Type Acceptance Certification.

A New Zealand Type Acceptance Certification (TAC) is carried out in accordance with CAR Part 21.41 and Part 21.43.

3.7.2.1 An application for a New Zealand TAC from an applicant in the U.S. may be submitted if:

- (1) The product is within the scope of this agreement as provided in paragraph 2.3.4.1; and
- (2) The product has been issued U.S. TC, or an application for type certification has been made to the FAA.

3.7.2.2 The applicant must forward all applicable technical data listed in paragraph 3.7.2.3 to the FAA Aircraft Certification Office responsible for the applicant's geographic area listed in Appendix A.

3.7.2.3 Applicant's technical data package

- (1) The FAA should ensure that the applicant's technical data package contains the following information unless the aircraft meets the criteria in paragraph (2):
  - (a) The U.S. TC and TCDS, if available;
  - (b) Copies of any variations to the certification basis, such as exemptions, equivalent level of safety decisions, and special conditions;
  - (c) Compliance checklist and compliance reports; Note: Compliance reports are not required with the application data package, some may be requested later after CAA reviews the data package;
  - (d) Flight and/or operational manual;
  - (e) Instructions for Continued Airworthiness (e.g. maintenance manuals, IPC and Service Bulletins); and
  - (f) Other reference documents, if necessary.
  - (g) Similar data for the engine and propeller, where applicable, if these are also new.
- (2) Additional data may be required for large aircraft, as detailed in CAA Advisory Circular 21-2, Product certification – airworthiness certificates in the Standard and Restricted categories.

3.7.2.4 The FAA should forward the application to the CAA ACU. See Appendix A for the address.

3.7.2.5 The CAA will notify the FAA within ten (10) working days of receipt of the application and include a request for any missing information if necessary. The CAA will return the application in thirty (30) days if the necessary information is not provided.

### 3.7.3 Familiarization Meetings

A familiarization meeting is not a requirement for a TAC application but the CAA may hold a meeting where it considers it appropriate. If the CAA determines that a familiarization meeting is necessary, the FAA will arrange a familiarization meeting between the CAA, the applicant, and the FAA to discuss the validation process, the approved or proposed FAA certification basis, and all novel or unusual features of the product.

### 3.7.4 Establishment of Project Certification Team

An important consideration that should be addressed at the familiarization meeting is the composition of the CAA Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The CAA and FAA will promptly notify each other of its respective Project Managers.

### 3.7.5 Establishment of New Zealand Type Certification Basis

3.7.5.1 New Type Acceptance Certificates: The CAA establishes the certification basis using the standards specified in CAR Part 21 Appendix C, effective on the date the application was made for the U.S. TC.

- (1) For type designs that do not hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application is made to the CAA; or
- (2) For type designs that hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application was made to the FAA for a U.S. TC.

3.7.5.2 Additional requirements.

- (1) In general, the CAA may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in the New Zealand as a result of service history and actions taken by the FAA to correct unsafe conditions.
- (2) Additional requirements in the form of special conditions may be prescribed by the Director under CAR 21.23 where the product has novel or unusual design features or the intended use of the product is unconventional. The CAA will work closely with the FAA in the development of special conditions and exemptions providing the FAA and the applicant an opportunity to comment on the proposal.

3.7.5.3 Environmental (Type) Certification Basis. The CAA noise and emission standards for standard category aircraft are prescribed in CAR Part 21 Appendix C and are effective on the date prescribed for the environmental certification basis on the U.S. TC. These include:

- (1) Noise Standards.
  - (a) The applicable chapter of Annex 16 Volume I to the Chicago Convention for all aircraft; or
  - (b) The higher standard where it has been specified on the aircraft TC, noise certificate or equivalent document; or
  - (c) A set of acceptable airworthiness design standards as advised by the CAA.
- (2) Emission Standards.
  - (a) The applicable chapter of Annex 16 Volume II to the Chicago Convention; or
  - (b) A set of acceptable airworthiness design standards as advised by the CAA.

### 3.7.6 Agreement on New Zealand Type Certification Basis

The FAA should review the proposed New Zealand type certification basis and notify the Project Manager at the CAA of the proposed methods of compliance. The CAA may accept the New Zealand type certification basis or the U.S. type certification basis plus all CAA additional technical conditions. The CAA will coordinate with the FAA in the development of additional technical conditions to allow each authority to benefit from the technical expertise of the other.

### 3.7.7 Data Submittal & Design Review: Data can be submitted in paper or electronic format. Access to a website is also an acceptable alternative.

### 3.7.8 Technical Meetings: The CAA convenes technical meetings if it considers it necessary for issuance of a Type Acceptance Certificate (TAC).

3.7.8.1 These meetings should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the FAA and will normally have both authorities' representatives in attendance.

3.7.8.2 The CAA may identify the areas in which further CAA activity will be required. The anticipated level of activity by the CAA will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or subsequent design changes are made.

### 3.7.9 Issue Papers: The CAA prepares issue papers as it considers it necessary for issuance of a Type Acceptance Certificate (TAC).

3.7.9.1 The CAA, as validating authority, should minimize the duplication of issue papers developed by the FAA. The CAA may require issue papers to address issues such as acceptable means of compliance, equivalent levels of safety findings, special conditions, and additional technical conditions. However, the CAA may directly adopt an FAA issue paper in lieu of an issue paper originated by the CAA when:

- (1) The CAA and FAA positions are equivalent;
- (2) The CAA-Airworthiness Division has provided concurrence with the FAA issue paper; and
- (3) The issue paper does not address findings of equivalent levels of safety or special conditions.

3.7.9.2 CAA issue papers will be coordinated through the FAA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues. The CAA will incorporate the FAA's and the applicant's position in all CAA originated issue papers.

### 3.7.10 Final Certification Meeting/Issuance of the New Zealand Type Acceptance Certificate (TAC).

The CAA does not require a final certification meeting prior to issuance of the TAC. On issuance of the TAC, the CAA will notify the FAA Aircraft Certification Office identified in paragraph 3.7.2.2 for transmittal to the applicant.

### 3.8 Design Approval Procedures for Acceptance of a U.S. Type Certificate (STC)

#### 3.8.1 General

3.8.1.1 New Zealand STCs are issued under the provisions of CAR Part 21 Subpart E for approval of major changes to the type design of an aircraft type that has been accepted by the CAA.

3.8.1.2 U.S. STCs are designated acceptable technical data under CAR Part 21 Appendix D, subject to the specified conditions in paragraph (b), without further showing.

#### 3.8.2 Application Process for Acceptance of a U.S. STC

3.8.2.1 When an FAA STC does not qualify as acceptable technical data under CAR Part 21 Appendix D, application for validation of the STC may be submitted if:

- (1) The CAA has certificated/validated the product; and
- (2) The FAA has issued a U.S. STC.

3.8.2.2 The applicant must forward a request for New Zealand validation of the U.S. STC to the FAA Aircraft Certification Office responsible for the applicant's geographic area listed in Appendix A. The FAA should forward the application to the CAAACU. Appendix A contains the address for the CAA Office.

3.8.2.3 Upon receipt of the application, the CAA will notify the FAA within ten (10) working days of receipt of application. If necessary, the CAA will include in this notification a request for any missing information. The CAA will return the application in thirty (30) days if the necessary information is not provided.

#### 3.8.3 CAA Validation Process for STCs

The CAA will review the U.S. STC data, and if satisfied with the certification basis and the data, will issue a letter in accordance with CAR 21.503(a) specifying the FAA STC to be acceptable technical data.

3.8.4 The CAA will forward the letter to the originating FAA Aircraft Certification Office for transmittal to the applicant.

### 3.9 Design Approval Procedures for New Zealand Technical Standard Order Authorization (NZ TSOA)

The CAA will accept FAA TSOA without further showing.

### 3.10 CAA Environmental Testing and Approval Procedures

The CAA will accept the findings of compliance to the aircraft noise and emissions requirements of CAR Part 21 Appendix C based upon FAA witnessed tests, conducted in accordance with FAA-approved test plans, and based upon CAA review and approval of all data and compliance demonstration reports submitted via the FAA.

### 3.11 Submission of Electronic Data to the FAA

For the CAA, where electronic data is submitted to the FAA, it must be in a format that is compatible with the CAA's information systems and there must be an arrangement between the U.S. applicant and the FAA for the use, storage, and access to this electronic data in accordance with FAA Order 8000.79, Use of Electronic Technology and Storage of Data. Both the CAA and FAA must concur with this arrangement for the submission and storage of electronic data.

### 3.12 Concurrent Design Approval Procedures

- 3.12.1 The FAA and the CAA may agree to conduct a concurrent design approval process for products within the scope of this agreement. In a concurrent process, the applicant requests validation of the product by the FAA or the CAA, as validating authority, at the same time as certification by the other partner authority, while any Issue Papers may be efficiently addressed in the design development and compliance demonstration. A common type design should be an objective of a concurrent process. This approach may allow the applicant to address Issue Papers during the demonstration of compliance to the State of Design authority certification basis. A concurrent process can result in a more efficient program for the applicant, the FAA, and the CAA; therefore, concurrent processes are encouraged. However, care must be exercised to ensure the responsibilities for the State of Design authority are retained.
- 3.12.2 A concurrent certification/validation project provides the best opportunities for collaborative development of both FAA and CAA use of exceptions to the latest airworthiness standards, special conditions, exemptions, equivalent level of safety findings and acceptable means of compliance. Additionally, it provides for early identification of areas where jointly agreed solutions are not readily available.
- 3.12.3 The FAA and the CAA will meet early with the applicant to identify their respective applicable standards. The authorities will strive to achieve a common certification basis and acceptable means of compliance to the maximum extent possible. However, the FAA and CAA retain responsibility for their respective certification basis. The FAA and the CAA may mutually develop and document working procedures for such projects.

## SECTION IV    POST DESIGN APPROVAL PROCEDURES

### 4.1 Continued Airworthiness

#### 4.1.1 General

- 4.1.1.1 Under International Civil Aviation Organization (ICAO) Annex 8 of the Convention on International Civil Aviation done at Chicago on 7 December 1944 (Chicago Convention), the authority for the State of Design is responsible for resolving in-service safety issues related to design or production. The authority for the State of Design will provide applicable information that it has found to be necessary for mandatory modifications, required limitations and/or inspections to the other authority to ensure continued operational safety of the product or article. Each authority will review and normally accept the corrective actions taken by the authority for the State of Design in the issuance of its own mandatory corrective actions.
- 4.1.1.2 At the request of either authority, the authority for the State of Design will assist in determining what action is considered necessary for the continued operational safety of the product or article. The importing State retains sole authority for decisions on final actions to be taken for products or articles under their jurisdiction.
- 4.1.1.3 The FAA and the CAA will strive to resolve differences. The decision for final action to be taken, with respect to the product or article under the jurisdiction of the importing State, lies solely with its authority following consultation with the authority for the State of Design.
- 4.1.1.4 The FAA and the CAA recognize the importance of the routine sharing of Continued Operational Safety (COS) information as a means to assist in the identification and resolution of emerging airworthiness issues. The FAA and the CAA will share their COS data with each other to assist in their respective COS oversight.
- 4.1.1.5 The validating authority has the right to seek information from the authority for the State of Design, which includes but is not limited to design data and findings of compliance. Additionally, once the design is validated, the authority for the State of Design will provide any mandatory continued airworthiness information necessary to ensure continued airworthiness of the product registered in the jurisdiction of the importing State.
- 4.1.1.6 The FAA and the CAA will establish structured processes, including specific focal points, for regular feedback and communicating continued airworthiness issues on products certified by either the FAA or the CAA and validated by the other. The extent of these processes will be commensurate with the continued airworthiness activities associated with the product.

#### 4.1.2 Malfunctions, Failures, and Defects (MF&D) and Service Difficulty Reports (SDR)

4.1.2.1 The FAA and the CAA agree to perform the following functions for the products and articles for which it is the State of Design:

- (1) Tracking of MF&D reports/SDR and accident/incidents;
- (2) Evaluating MF&D reports/SDR and accident/incidents;
- (3) Investigating and resolving all suspected unsafe conditions;
- (4) Advising the validating authority of all known unsafe conditions and the necessary corrective actions (see paragraph 4.1.3);
- (5) Upon request, providing the importing authority with the following:
  - (a) Reports of MF&D/SDR and accidents/incidents;
  - (b) Status of investigations into MF&D/SDR and accidents/incidents;
  - (c) Copies of final reports reached in its investigation into M&D/SDR; and
  - (d) Copies of final reports reached in its investigation into accidents/incidents in accordance with Annex 13 to the Chicago Convention.
- (6) Making a reasonable effort to resolve issues raised by the validating authority concerning matters of safety for products registered in the importing State.

4.1.2.2 The FAA and the CAA, as validating authorities, agree to perform the following functions:

- (1) Advising the other authority of MF&D/SDR and accidents/incidents which are believed to be potentially unsafe conditions occurring on the products or articles which are imported from that State;
- (2) Supporting the authority for the State of Design in investigations of unsafe conditions and their occurrences on the imported aircraft; and
- (3) Advising the authority for the State of Design, if it has determined that it will make corrective actions mandatory as a result of investigations into MF&D/SDR and accidents/incidents.

4.1.2.3 Copies of U.S. MF&D/SDR reports can be found at the addresses listed in Appendix A.

#### 4.1.3 Unsafe Condition and Mandatory Continuing Airworthiness Actions

4.1.3.1 The FAA (under 14 CFR part 39) and the CAA (under CAR Part 39), agree to perform the following functions for the products, articles, parts, and design changes for which they are the authority for State of Design:

- (1) Issuing a mandatory continuing airworthiness action (Airworthiness Directive) whenever the authority determines that an unsafe condition exists in a type certificated product or article, and is likely to exist or develop on a type certificated product or article of the same type design. This may include a product that has an engine, propeller, article, or part installed on it and the installation causes the unsafe condition. The contents of such a mandatory continuing airworthiness action should include, but are not limited to, the following:
  - (a) Make, model, and serial numbers of affected aircraft, aircraft engines, propellers, articles, and parts;
  - (b) Description of the unsafe condition, reasons for the mandatory action, and its impact on the overall aircraft, aircraft engine, or propeller and continued operation;
  - (c) Description of the cause of the unsafe condition;
  - (d) The means by which the unsafe condition was detected and, if resulting from in-service experience, the number of occurrences; and
  - (e) Corrective actions and corresponding compliance times, with a list of the relevant manufacturer's service information including reference number, revision number and date.
- (2) Ensuring that the following information is provided to the other authority as part of the mandatory continuing airworthiness action or directly from the approval holder:
  - (a) The number of aircraft world-wide needing corrective action;
  - (b) A statement on the availability of parts; and
  - (c) An estimate of the number of labor hours and the cost of parts required for the corrective actions (for New Zealand, this data is usually included in the manufacturer's service bulletin).
- (3) Issuing a revised or superseding mandatory continuing airworthiness action whenever the authority for the State of Design finds any previously issued mandatory continuing airworthiness action was incomplete or inadequate to fully correct the unsafe condition.

- (4) Providing timely notification to the validating authority of the unsafe condition and the necessary corrective actions by submitting a copy of the mandatory continuing airworthiness action at the time of publication to the address referenced in Appendix A. Additionally, the authority for the State of Design will arrange for copies of all relevant service bulletins referenced in the mandatory action, as well as other supporting documentation, to be forwarded to the appropriate focal point in the product-responsible FAA Directorate or the CAA Aircraft Certification Unit, as appropriate.
  - (5) In the case of emergency airworthiness information, the authority for the State of Design should ensure special handling so that the validating authority is notified immediately.
  - (6) Advising and assisting the validating authority in defining the appropriate actions for the validating authority to take in the issuance of its own mandatory continuing airworthiness action.
  - (7) Providing sufficient information to the validating authority for its use in making determinations as to the acceptability of alternative means of compliance to mandatory continuing airworthiness actions.
  - (8) Maintaining a web-based database of mandatory continuing airworthiness information that can be accessed by the State of Registry.
- 4.1.3.2 The FAA and the CAA recognize that they may disagree as to the finding of an unsafe condition. In that case, it is expected that the validating authority will normally consult with the authority for the State of Design prior to issuing its own airworthiness directive.
- 4.1.3.3 The FAA and the CAA, as validating authorities, agree to respond quickly to the issuance of a mandatory continuing airworthiness action by the authority for the State of Design in making its own determination of the need for issuing its own similar mandatory continuing airworthiness action that addresses all unsafe conditions on affected products or articles certified, approved, or otherwise accepted by the importing authority.
- 4.1.3.4 The FAA and the CAA as an authority for the State of Design will share information on any changes that affect operating limitations, life limits, or any other airworthiness limitation to include manual changes and changes to certification maintenance requirements. These changes should be promptly sent to the validating authority in order to ensure the continued operational safety of the aircraft. The FAA and the CAA will treat a reduced life limit as an unsafe condition and will accordingly issue an Airworthiness Directive (AD). The FAA and the CAA may also issue an AD for other limitation changes if they are considered an unsafe condition.

## 4.2 Design Change Procedures

### 4.2.1 Procedures for Changes to a Type Certificate

#### 4.2.1.1 CAA Procedures for Changes to a New Zealand Type Acceptance Certificate.

- (1) Once the CAA issues a Type Acceptance Certificate to validate the FAA TC, the CAA will accept any changes under that type certificate that are included in the scope of the previous acceptance. Any change will be accepted which does not introduce a new Flight Manual, or change any part of the certification basis that introduces items which the CAA reserves the right to review, such as exemptions, special conditions, or equivalent level of safety determinations.
- (2) The CAA requires a Type Acceptance Certificate to be updated, if the type certificate holder changes. An applicant may elect to apply to have a Type Acceptance Certificate revised at any time, to update the information in the Type Acceptance Report. Such changes may require the issuance of a new type acceptance certificate under CAR Part 21.95 (b). The certification procedure described in paragraph 3.0.2 will be applied.
- (3) Where the approval of new type acceptance certificate required by CAR Part 21.95(b) is required, the application will include evidence that the FAA has approved the change to its TC in accordance with the applicable airworthiness requirements.

#### 4.2.1.2 FAA Procedures for Changes to a U.S. Type Certificate

- (1) Major changes to a type design, sought by the TC holder, may be issued as amendments to the TC issued under the provisions of 14 CFR section 21.29 or otherwise approved by the FAA. A certification procedure similar to that described in paragraph 3.2 will be applied, but adjusted as appropriate for the magnitude and complexity of the design change. Under the provisions of 14 CFR section 21.101 this may also require a change to the certification basis in the case of the amended TC. The FAA retains the right to determine if the proposed change is so substantial that a new TC is required for the changed type design.
- (2) To assist the FAA in determining its level of activity with a specific design change, the CAA should notify the FAA of each major type design change proposed by the TC holder that would affect:
  - (a) The Aircraft Flight Manual (AFM);
  - (b) The Approved Airworthiness Limitations;
  - (c) The TC Data Sheet;
  - (d) The certification basis (reference 14 CFR section 21.101);

- (e) The Master Minimum Equipment List;
- (f) A Certification Maintenance Requirement;
- (g) The Instructions for Continued Airworthiness; or
- (h) Other specific changes identified by the FAA.

Based on this information, the FAA will determine whether the changes can be considered approved by the FAA upon CAA's approval under its normal procedures.

- (3) The CAA must notify the FAA whenever the certification basis of a proposed change includes a requirement where the FAA may exercise discretion in making the finding. This includes findings of equivalent level of safety, additional technical conditions, special conditions, and other requirements where the FAA exercises its judgment in making the finding.
- (4) Major changes to a type certificated design (aircraft, aircraft engines, and propellers) which are not great enough to require a new application for a TC may also be approved through the issuance of a U.S. STC. Procedures for the issuance of a U.S. STC are found in paragraph 3.3.
- (5) Minor design changes made by the TC holder will be considered approved by the FAA upon approval by the CAA under its normal procedures.
- (6) As specified in 14 CFR section 21.93, for the purpose of complying with 14 CFR part 34, each voluntary change in the type design of an aircraft or engine that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR part 36, each voluntary change in the type design of an aircraft or aircraft engine that results in an increase in the noise emission levels of that aircraft is an "acoustical change," requiring further demonstration of compliance. The FAA retains all findings of acoustical or emissions change under 14 CFR section 21.93 (b) and (c).

#### 4.2.2 Procedures for Changes to a Supplemental Type Certificate.

The FAA and the CAA agree to follow the procedures in paragraphs 4.2.1.1 and 4.2.1.2 to the extent applicable. The FAA and CAA will consult with each other on the specific process to be applied when unique situations occur.

#### 4.2.3 Procedures for Changes to a TSO Article

- 4.2.3.1 The CAA accepts FAA-approved changes to a TSO Article without further showing.

4.2.3.2 For the FAA, major changes to a TSO design require re-substantiation of the new design and re-issuance of the Letter of TSO Design Approval, and will be done in accordance with paragraph 3.4. For minor changes, the FAA will not require prior notification and will rely upon the CAA's determination of compliance to the TSO.

#### 4.2.4 Procedures for Changes to a Flight Manual.

The FAA and CAA may request the review and signature of revisions to flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. The authority for the State of Design will review minor revisions on behalf of the validating authority, and will ensure that the data meets the validating authority's requirements. Major revisions must be submitted to the validating authority for review and acceptance before any signature on behalf of the validating authority. For an individual certification project, the authority for the State of Design will consult with the validating authority when it decides which revisions are major and which are minor.

#### 4.2.5 FAA Noise and Emissions Requirements for Changes to a Type Design by Any Person.

For the purpose of complying with 14 CFR part 34, each voluntary change in the type design of an aircraft or engine that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR part 36, each voluntary change in the type design of an aircraft or aircraft engine that results in an increase in the noise emission levels of that aircraft is an "acoustical change," requiring further demonstration of compliance. The FAA retains all findings of acoustical or emissions change under 14 CFR section 21.93(b) and (c).

#### 4.2.6 Approval of Design Data Used In Support Of Repairs

4.2.6.1 Design data used in support of repairs must be approved or accepted, as appropriate, by the certificating authority in a manner that is acceptable to the validating authority. Design data approved by the certificating authority in accordance with the procedures set forth below is considered to be approved by the validating authority provided it meets the criteria of the validating authority.

##### 4.2.6.2 FAA and CAA Repair Data Approval Processes

- (1) The FAA will approve design data used in support of major repairs in accordance with FAA Order 8110.4, Type Certification Process, FAA Order 8110.37, Designated Engineering Representative Guidance Handbook, FAA Order 8900.1, Flight Standards Information Management System, FAA Order 8110.17A, Field Approval Delegation Handbook and 8300.16, Major Repair and Alteration Data Approval. Minor repairs are made in accordance with "acceptable" data, in accordance with 14 CFR part 43.

- (2) The CAA will approve design data used in support of repairs in accordance with CAR Part 21 Subpart M – Repairs, which requires repairs to be treated as design changes and approved in accordance with CAR Part 21 Subparts C, D or E or the approval of technical data under CAR Part 21.505.
- (3) When exporting a used aircraft where the U. S. is the State of Design, the CAA must, in addition to the requirements described in paragraph 7.2.4, review the data approved by the Instrument of Delegation holder and provide a certifying statement along with the aircraft maintenance records that states:

“The data identified in this document have been examined and were approved under the authority of the Civil Aviation Authority of New Zealand. Additional maintenance requirements that must be incorporated into the aircraft maintenance program are identified with the approved data.”

## SECTION V    ADMINISTRATION OF DESIGN APPROVALS

### 5.1 General

This section addresses procedures for the transfer, surrender, revocation, suspension, termination, or withdrawal of design approval.

### 5.2 Transfer of TCs and STCs

The FAA and the CAA will administer the transfer of TCs/STCs only where an applicant agrees to assume responsibility for both an U.S. and NZ TC/STC and the affected operating fleet. The U.S. regulations allow the transfer of a U.S. TC or STC, followed by notification to the FAA. The New Zealand CARs permit the transfer of a New Zealand TC or STC to a person or an organization as specified in CAR Part 21.27 and section 21.121 respectively.

#### 5.2.1 Transfer of a U.S. TC/STC to a Person in New Zealand

5.2.1.1 The CAA does not normally issue TCs for products not intended to be manufactured in New Zealand. However, a situation may arise in which it is practical to consider the transfer of the State of Design responsibilities between the U.S. and New Zealand. A New Zealand TC may only be issued to the holder of a design organization certificate issued under CAR Part 146 or manufacturing organization certificate issued under CAR Part 148. Similarly, a New Zealand STC may only be transferred to an organization or person acceptable to the Director of the CAA. Early coordination between the U.S. TC holder and the FAA with the proposed TC holder and the CAA is essential. The FAA will notify the CAA of the proposed transfer and include information about current production status.

5.2.1.2 Upon transfer or an agreed-upon date, the CAA in carrying out State of Design functions will comply with the requirements of Annex 8 to the Chicago Convention, Airworthiness of Aircraft, for affected products. For TCs, the CAA will notify the FAA and all ICAO Contracting States of the change in State of Design responsibility, upon completion of the procedures described below.

5.2.1.3 The FAA will transfer to the CAA, the ICAO State of Design responsibilities for TCs and STCs within the scope of these Implementation Procedures. The CAA will not assume ICAO State of Design functions for models or design changes that have not been found to meet the CAA certification requirements.

- 5.2.1.4 Upon notification of a potential transfer by a U.S. TC/STC holder to a person in New Zealand, the FAA office that issued the TC/STC will notify the CAA and establish procedures to transfer the ICAO State of Design responsibilities for the TC/STC to New Zealand. Each transfer will be accomplished on a case-by-case basis through a working arrangement which identifies the FAA and the CAA's responsibilities in the transfer process and provides for the transfer of appropriate type design data and service difficulty information.
- 5.2.1.5 If a corresponding New Zealand TC/STC exists for the product or design change, the transfer of ICAO State of Design functions will apply to all models listed on that New Zealand TC/STC.
- (1) For any FAA-certificated model not listed on the New Zealand TC, the FAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable CAA certification requirements. This support would include the FAA's statement of compliance that the model meets the New Zealand certification requirements. Upon acceptance, the CAA will place the additional model on the New Zealand TC.
  - (2) For STCs, if the original New Zealand STC does not include a specific FAA-certificated model of the product listed on the U.S. STC, the applicability of the new New Zealand STC will only include those TCs that have been validated by the CAA.
- 5.2.1.6 If the TC/STC transferee applies for a CAA TC/STC, the FAA will provide support to establish acceptance of the FAA TC/STC as showing compliance to the applicable certification requirements of the CAA. This would include the FAA's statement of compliance that the product or design change meets the CAA certification requirements. Upon acceptance, the CAA will issue the CAA TC/STC.
- 5.2.1.7 The transfer of the ICAO State of Design responsibilities for the TC/STC to New Zealand will be considered complete when the CAA confirms all necessary data has been transferred to the new holder, and the new holder is able to perform the responsibilities required of a TC/STC holder.
- 5.2.1.8 The FAA will reissue a TC in the name of the new holder after the CAA TC issuance.
- 5.2.1.9 For STC transfers, the FAA will only reissue an STC in the name of the new holder after CAA's STC issuance when it is for a New Zealand product that is eligible for import into the United States. If the transferee does not wish to maintain FAA approval, the FAA will not reissue the STC.
- 5.2.1.10 If the new holder does not have a CAA TC/STC or if its CAA TC/STC covers only some models covered by the FAA TC/STC and the new holder does not apply for an additional approval, the FAA will not transfer ICAO State of Design functions for those applicable models to the CAA. The FAA will continue to carry out ICAO State of Design functions for those models only as long as an undue burden is not placed on the FAA.

## 5.2.2 Transfer of a New Zealand TC/STC to a Person in the U.S.

- 5.2.2.1 The FAA does not normally issue TCs for products not intended to be manufactured in the U.S. However, a situation may arise in which it is practical to consider the transfer of the State of Design responsibilities between New Zealand and the U.S. Early coordination between New Zealand TC holder and the CAA with the proposed TC holder and the FAA is essential. The CAA will notify the FAA of the proposed transfer and include information about current production status. All information related to the transfer of a New Zealand TC/STC to a person in the U.S., including technical documentation, will be in the English language. The authority will ensure that any translated documents have the same legal interpretation as the original documents.
- 5.2.2.2 Upon transfer or an agreed-upon date, the FAA will carry out the requirements of Annex 8 to the Chicago Convention, Airworthiness of Aircraft, for affected aircraft. For TCs, the FAA will notify the CAA and all ICAO Contracting States of the change in State of Design responsibility.
- 5.2.2.3 The CAA will transfer to the FAA the ICAO State of Design responsibilities for TCs for products and STCs within the scope of these Implementation Procedures. The FAA will not assume ICAO State of Design functions for models or design changes that have not been found to meet the FAA certification requirements.
- 5.2.2.4 Upon notification of a potential transfer by a New Zealand TC/STC holder to a person in the U.S., the CAA will notify the FAA office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibility for the TC/STC to the U.S. Each transfer will be accomplished on a case-by-case basis through a working arrangement which identifies CAA and FAA's responsibilities in the transfer process and provides for the transfer of appropriate type design data and service difficulty information.
- 5.2.2.5 If a corresponding U.S. TC/STC exists for the product or design change, the transfer of ICAO State of Design functions will apply to all models listed on the U.S. TC/STC.
- (1) For any CAA-certificated model not previously listed on the FAA TC, the CAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable FAA certification requirements. This support would include the CAA's statement of compliance that the model meets U.S. certification requirements. Upon acceptance, the FAA will place the additional model on the FAA TC.

- (2) For STCs, if the FAA's original STC does not include a specific CAA-certificated model of the product listed on the New Zealand STC, the applicability of the new U.S. STC will only include those TCs that have been validated by the FAA.
- 5.2.2.6 If the new TC/STC holder applies for an FAA TC/STC, the CAA will provide support to establish acceptance of the CAA TC/STC as showing compliance to the applicable certification requirements of the FAA. This would include the CAA's statement of compliance that the product or design change meets the FAA's certification requirements. Upon acceptance, the FAA will issue the FAA TC/STC.
- 5.2.2.7 The transfer of the ICAO State of Design functions for the TC/STC to the FAA will be considered complete when the FAA confirms that all necessary data has been transferred to the new holder, and the new holder is able to perform the responsibilities required of a TC/STC holder.
- 5.2.2.8 The CAA will reissue a TC in the name of the new holder, after the FAA TC issuance unless the new holder does not wish to maintain CAA approval.
- 5.2.2.9 For STC transfers, the CAA will only reissue an STC in the name of the new holder after the FAA's STC issuance, unless the new holder does not wish to maintain CAA approval.
- 5.2.2.10 If the new holder does not have a U.S. TC/STC or if its U.S. TC/STC covers only some models covered by the NZ TC/STC and the new holder does not apply for an additional approval, the CAA will not transfer ICAO State of Design functions for those applicable models to the FAA. The CAA will continue to carry out ICAO State of Design functions for those models only as long as an undue burden is not placed on the CAA.

### 5.3 Transfer of TCs and STCs within the U.S. or New Zealand

#### 5.3.1 Transfer of a New Zealand TC/STC within New Zealand

- 5.3.1.1 The CAA will notify the FAA when a NZ TC/STC validated by the FAA is transferred from one person in New Zealand to another person within New Zealand.
- 5.3.1.2 The FAA will transfer its TC only when the FAA has been satisfied that the applicant is able to undertake the responsibilities in 14 CFR part 21 and that the NZ TC has been transferred to the same applicant. The FAA may request the CAA to provide technical assistance in making the determination that the new New Zealand TC holder will be able to execute the responsibilities of 14 CFR part 21.
- 5.3.1.3 The FAA will reissue a TC/STC in the name of the new holder after the NZ TC/STC issuance.

#### 5.3.2 Transfer of a U.S. TC/STC within the U.S.

- 5.3.2.1 The FAA will notify the CAA when an U.S. TC/STC validated by the CAA is transferred from one person in the U.S. to another person in the U.S.

- 5.3.2.2 When a U.S. TC is transferred the new TC holder should apply to the CAA to update the NZ Type Acceptance Certificate. The CAA will need to be satisfied that the applicant is able to undertake the responsibilities in CAR 21.43 (a)(7) and that the U.S. TC has been transferred to the same applicant. The CAA may request the FAA to provide technical assistance in making the determination that the new U.S. TC holder will be able to execute the responsibilities of 14 CFR part 21.

#### 5.4 Surrender of Type Certificate or Supplemental Type Certificate

If a certificate holder elects to surrender a TC or STC issued by the FAA or CAA, the authority of the State of Design will immediately notify the other in writing of the action. For the CAA, notification will be to the FAA's product-responsible directorate as listed in Appendix A. For the FAA, notification will be to the CAA at the address given in Appendix B. The FAA or CAA, as State of Design, will accomplish all actions necessary to ensure continued airworthiness of the product until such time as:

- (1) The TC or STC is transferred/reissued to a new holder when that new holder demonstrates competence to fulfill the necessary obligations; or
- (2) The FAA or CAA terminates the TC or STC. Prior to termination, the FAA or the CAA will notify the other of the pending cancellation.

#### 5.5 Revocation or Suspension of Type Certificate or Supplemental Type Certificate

5.5.1 In the event the CAA revokes or suspends a TC or STC of a product for which the CAA is the authority for the State of Design, the CAA should immediately inform the FAA product-responsible Directorate in writing. The FAA, upon notification, will conduct an investigation to determine if action is required in the U.S. If the revocation or suspension was "for cause" and the FAA concurs with the CAA's certificate action, the FAA will initiate revocation or suspension of the U.S. TC or STC. The CAA will retain responsibility for assisting the FAA with design related issues concerning the continued operational safety of any orphaned aircraft. Final certificate action is at the sole discretion of the FAA. The FAA may revoke the U.S. TC or STC if the continued airworthiness responsibilities would cause an undue burden for the FAA.

5.5.2 In the event the FAA revokes or suspends a TC or STC of a product for which the FAA is the authority for the State of Design, the FAA product-responsible Directorate should immediately inform the CAA in writing. The CAA, upon notification, will revoke the type acceptance certificate. As U.S. STCs are considered acceptable technical data and not issued a New Zealand STC, the CAA will notify all potentially affected New Zealand operators. The FAA will retain responsibility for assisting the CAA with design related issues concerning the continued operational safety of any orphaned aircraft. If a U.S. TC is revoked, under CAR 21.25(b) the New Zealand Type Acceptance Certificate becomes invalid.

## 5.6 Surrender or Withdrawal of a TSO Design Approval

### 5.6.1 Surrenders

If an FAA TSOA or a CAA TSOA holder elects to surrender their TSO approval, the FAA or the CAA will immediately notify the other in writing of the action. The authority for the State of Design will accomplish all actions necessary to ensure continued airworthiness of the article, until such time as the TSO approval is formally withdrawn.

### 5.6.2 Withdrawals

If a TSO approval is withdrawn, the FAA or the CAA, as authorities for the State of Design, will immediately notify the other in writing of the action. The authority for the State of Design will accomplish all actions necessary to ensure continued airworthiness of the article produced under its TSO approval. In the event of withdrawal of a TSO approval, the authority for the State of Design will investigate all noncompliances and nonconformities for corrective action and notify the validating authority of the corrective action. The authority for the State of Design still has the responsibility for the continued airworthiness of those TSO articles manufactured under its authority.

## SECTION VI PRODUCTION AND SURVEILLANCE ACTIVITIES

### 6.1 Production Quality System

All products and articles exported to the U.S. or New Zealand under the provisions of these Implementation Procedures will be produced in accordance with an approved production quality system. The production quality system ensures conformity to the approved design of the importing State, and ensures that completed products and articles are in a condition for safe operation. The production quality system addresses the manufacture of products and articles within and outside the State of export. When production activities occur outside the State of export, the associated products or articles will be considered as manufactured in the exporting State.

### 6.2 Surveillance of Production Approval Holders

6.2.1 The FAA and the CAA, as authorities for the State of Manufacture, will conduct regulatory surveillance of production approval holders and their suppliers in accordance with each authority's specific policies, practices, and/or procedures. Ongoing and scheduled evaluations should be conducted to verify that the production approval holder is in continual compliance with its approved production quality system, manufacturing products and articles that fully conform to the approved design, and are in a condition for safe operation. The exporting authority should verify the correction of all deficiencies.

6.2.2 Production approval holder and supplier surveillance programs by the FAA are described in FAA Order 8120.23, Certificate Management of Production Approval Holders.

6.2.3 The CAA's production approval holder and supplier surveillance programs are described in CAR Part 21, Subpart O – New Zealand Technical Standard Authorisations, CAR Part 21, Subpart P – New Zealand Parts Manufacturing Approval Authorisations, CAR Part 148 – Aircraft Manufacturing Organisations – Certification, and AC 148-1 Aircraft Manufacturing Organisations and CAA Surveillance Policy.

### 6.3 Extensions of Production Approvals

6.3.1 As the authority for the State of Manufacture, the FAA and CAA may authorize production approval extensions. This includes manufacturing sites and facilities in each other's countries or in a third State. The authority for the State of Manufacture remains fully responsible for the surveillance and oversight of these manufacturing sites and facilities.

6.3.2 The FAA is responsible for surveillance and oversight of U.S. production approval holders with an extension facility located in New Zealand. Routine surveillance and oversight may be performed by the CAA on behalf of the FAA through the provisions of Section VIII. The CAA is responsible for surveillance and oversight of CAA production approval holders located with an extension facility in the U.S. Routine surveillance and oversight may be performed by the FAA on behalf of the CAA through the provisions of Section VIII.

6.3.3 The FAA or CAA may seek assistance from the civil aviation authority of a third State in the undertaking of FAA or CAA regulatory surveillance and oversight functions when a production approval extension has been authorized in that third State. This may only be done when an arrangement for technical assistance has been formalized between the FAA or the CAA and the civil aviation authority of the third State.

#### 6.4 Production Approvals Based on Licensing Agreement

6.4.1 The FAA and CAA recognize that some business relationships may result in the licensing of data for products or articles designed under one authority's approval and manufactured under the other authority's approval. In such cases, the FAA and CAA will work together to develop an arrangement defining their regulatory responsibilities to ensure accountability under Annex 8 to the Chicago Convention. Such special arrangements will address the continued airworthiness responsibilities of the State of Design and the State of Manufacture and will be documented in accordance with Section IX.

6.4.2 For products, either the FAA or CAA can grant a production approval in its respective country based on design data obtained through a licensing agreement (i.e., licensing the rights to use the design data) with the design approval holder in the other country. In this case, the authority granting that production approval will ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each product conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the production approval holder are approved. These design changes will be submitted to the type design holder who will obtain approval from its authority using established procedures. These production approvals based on a licensing agreement will be addressed on a case-by-case basis under the Special Arrangements provision of Section IX.

6.4.3 For parts, either the FAA or CAA may grant a production approval in its respective country based on design data obtained through a licensing agreement (i.e., licensing the rights to use the design data) with the Type Certificate holder in the other country. In this case, the authority granting production approval must have validated the Type Certificate and will ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each part conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the production approval holder are approved. These design changes will be submitted to the Type Certificate holder who will obtain approval from its authority using normal procedures.

#### 6.5 Supplier Surveillance – Outside the Exporting Country

6.5.1 The authority for the State of Manufacture will include in its regulatory surveillance and oversight programs a means of surveilling persons/suppliers, located outside the exporting State. This surveillance and oversight will be equivalent to the program for domestic suppliers. This surveillance activity will assist the authorities in determining conformity to an approved design and if parts are safe for installation on type certificated products.

- 6.5.2 The FAA is responsible for surveillance and oversight of U.S. production approval holders' suppliers located in New Zealand. Routine surveillance and oversight may be performed by the CAA on behalf of the FAA through the provisions of Section VIII. The CAA is responsible for surveillance and oversight of CAA production approval holders' suppliers located in the U.S. Routine surveillance and oversight may be performed by the FAA on behalf of the CAA through the provisions of Section VIII.
- 6.5.3 The FAA or the CAA may seek assistance from the civil aviation authority of a third State at the supplier's location in the undertaking of FAA or CAA regulatory surveillance and oversight functions of suppliers to production approval holders of the exporting State. This may only be done when an arrangement for technical assistance has been formalized between the FAA or the CAA and the civil aviation authority of the third State.
- 6.5.4 The production approval holder may not use a supplier in a State where the authority of the production approval holder is denied unimpeded access, by either the supplier or the supplier's civil aviation authority, to the supplier's facility to perform surveillance activities. The production approval holder also may not use a supplier located in a State if that State denies entry to the authority of the production approval holder.

## 6.6 Multi-National Consortia

- 6.6.1 Approvals may be issued to multinational consortia for the design and production of products and/or articles in either the U.S. or New Zealand. These consortia clearly define one State of Design and one State of Manufacture, for the purposes of regulatory accountability. There may be domestic and international suppliers to the approval holder(s) that produce parts for use in the final product to be exported.
- 6.6.2 The FAA and the CAA will continue to conduct regulatory surveillance and oversight of the domestic design and production approval holder(s) and should emphasize surveillance and oversight of critical parts suppliers. Each authority will use its regulatory surveillance and oversight programs that best enable it to ensure the consortium suppliers are producing parts that conform to the approved design and are in a condition for safe operation.

## SECTION VII EXPORT AIRWORTHINESS APPROVAL PROCEDURES

### 7.1 General

Export Certificates of Airworthiness are issued by the FAA and the CAA for completed aircraft. Authorized Release Certificates (Airworthiness Approval Tags) are issued by the FAA for aircraft engines, propellers, and articles. The CAA issues Export Airworthiness Certificates for engines and propellers. The CAA issues Form One - Authorised Release Certificates for appliances and parts.

### 7.2 FAA Acceptance of CAA Export Certificates of Airworthiness and Authorized Release Certificates

7.2.1 The FAA's requirements and procedures for import are described in 14 CFR part 21, FAA Order 8130.2, and Advisory Circular 21-23.

7.2.2 The CAA's process for issuing Export Airworthiness Certificates is described in CAR Part 21, Subpart L, and in the Aircraft Certification Unit Procedures.

7.2.3 New Aircraft Exported to the U.S. for which an FAA Design Approval Has Been Granted

7.2.3.1 Except as provided in paragraph 7.2.9, the FAA will accept a CAA Export Certificate of Airworthiness (CAA Form 2136) on new aircraft identified in paragraph 2.2.4.1, only when the CAA certifies that each aircraft:

- (1) Conforms to a type design approved by the FAA, as specified in the FAA's TCDS, and any additional STCs approved by the FAA;
- (2) Is in a condition for safe operation, including compliance with applicable FAA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.3; and
- (4) Meets all additional requirements prescribed by the FAA, as notified by the FAA.

7.2.3.2 Each airplane exported to the U.S. with CAA airworthiness approval will have a CAA Form 2136 Export Certificate of Airworthiness. The CAA Form 2136 should contain the following statement: "The [INSERT AIRPLANE MODEL] covered by this certificate conforms to the type design approved under U.S. Type Certificate Number [INSERT TC NUMBER AND TCDS REVISION LEVEL, and DATE], with such modifications as have been approved for embodiment therein, the applicable New Zealand Civil Aviation Rules with respect to issue of an airworthiness certificate in the standard category, the special certification conditions of the State of the importer notified to the CAA, and is in a condition for safe operation.

7.2.4 Used Aircraft Exported to the U.S. for which an FAA Design Approval Has Been Granted

#### 7.2.4.1 Acceptance of Used Aircraft of New Zealand State of Design

- (1) The FAA will accept CAA Export Certificates of Airworthiness on used aircraft from New Zealand, as identified in paragraph 2.2.4.1(1) for which New Zealand is the State of Design, for import into the U.S., only if a TC holder exists to support continued airworthiness of such aircraft and the CAA certifies that each used aircraft:
  - (a) Conforms to the type design approved by the FAA, as specified in the FAA's TCDS, and any additional STCs approved by the FAA, as notified to the CAA;
  - (b) Is in a condition for safe operation, including compliance with all applicable FAA ADs, as notified;
  - (c) Is marked in accordance with paragraph 7.3;
  - (d) Is properly maintained using approved procedures and methods (evidenced by logbooks and maintenance records); and
  - (e) Meets all additional requirements prescribed by the FAA, as notified by the FAA.
- (2) The FAA may also request inspection and maintenance records that include, but are not limited to:
  - (a) The original or certified true copy of the Export Certificate of Airworthiness issued by the CAA;
  - (b) Records which verify that all overhauls, major changes, and repairs were accomplished in accordance with approved data; and
  - (c) Maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life in accordance with the requirements of an approved maintenance program.
- (3) The CAA will assist the FAA, when requested, in obtaining information regarding the configuration of the aircraft at the time it left the manufacturer. This applies when a used aircraft, manufactured in New Zealand, is to be imported into the U.S. from a third country. The CAA will also provide, upon request, information regarding subsequent installations on the aircraft that have been approved by the CAA.
- (4) If a used civil aircraft produced in New Zealand has been used in military service at any time, the CAA will consult with the FAA to determine if the FAA will accept such an aircraft.

- 7.2.4.2 Acceptance of Used U.S. Aircraft Exported (Returned) to the U.S. when the U.S. is the State of Design
- (1) The FAA will accept CAA Export Certificates of Airworthiness for used aircraft exported (returned) to the U.S., when the U.S. is the State of Design and the conditions of paragraphs 7.2.4.1(1) and (a) have been met.
  - (2) If the CAA is not in a position to assess whether or not the used aircraft satisfies the above conditions, the CAA will inform the FAA accordingly.

7.2.4.3 Acceptance of Used Aircraft for which a Third Country is the State of Design

The FAA will accept CAA Export Certificates of Airworthiness for used aircraft manufactured in a third country or in New Zealand when that third country has a bilateral agreement/arrangement with both the U.S. and New Zealand covering the same class of product, and the conditions of paragraph 7.2.4.1(1) (A) through (E) have been met. If the CAA is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the FAA accordingly.

7.2.5 Aircraft Engines and Propellers Exported to the U.S. [Reserved]

7.2.6 New TSO Articles Exported to the U.S.

The FAA will accept CAA Authorized Release Certificates-Airworthiness Approval Tag on new TSO articles, as identified in Section II, only when the CAA certifies, by the issuance of a CAA Form One - Authorized Release Certificate, that each TSO article:

- (1) Conforms to the design approved by the FAA, as specified in the FAA Letter of TSO Design Approval;
- (2) Complies with applicable FAA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.3; and
- (4) Meets all additional requirements prescribed by the FAA, as notified by FAA.

7.2.7 New Modification and Replacement Parts Exported to the U.S.

7.2.7.1 Each new part exported to the U.S. will have a CAA Form One, Authorized Release Certificate. The FAA will accept these CAA authorized release certificates on new modification and/or replacement parts as identified in paragraph 2.2.5.2(2) only when the CAA certifies, by issuance of a CAA Form One that each part:

- (1) Is eligible for installation in a product or article identified in Section II that has been granted an FAA design approval;
- (2) Conforms to FAA-approved design data and is safe for installation;
- (3) Is marked in accordance with paragraph 7.3; and

- (4) Meets all additional requirements prescribed by the FAA, as notified by the FAA.

7.2.7.2 When parts are shipped under direct ship authorizations extended to approved suppliers, the accompanying CAA's authorized release certificates must indicate that the production approval holder has authorized direct shipment. This indication may be a supplemental "remark" entry on the CAA's authorized release certificate indicating the authorization to the supplier for direct shipment of parts from the supplier's location.

7.2.7.3 FAA acceptance of CAA PMA parts: [Reserved]

#### 7.2.8 Standard Parts Exported to the U.S.

The FAA will accept Standard Parts for all products and articles covered under these Implementation Procedures when they conform to established U.S. or New Zealand industry or government specifications, or to a New Zealand Technical Standard Order (NZTSO).

#### 7.2.9 Coordination of Exceptions on an Export Certificate of Airworthiness

The CAA will notify the FAA prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the FAA approved type design is to be noted under the "Exceptions" section of the Export Certificate of Airworthiness. This notification should help to resolve all issues concerning the aircraft's eligibility for an airworthiness certificate. This notification should be sent to the geographic responsible Manufacturing Inspection Office (MIO). Addresses for all FAA MIOs are listed in Appendix A. In all cases, a written acceptance from the FAA is required before the issuance of the CAA Export Certificate of Airworthiness. A copy of this written acceptance is required before the issuance of the CAA Export Airworthiness Certificate and will be included with the export documentation.

#### 7.2.10 Coordination of Exceptions on an Airworthiness Approval Tag-Authorized Release Certificate

The CAA will notify the FAA's geographic-responsible Manufacturing Inspection Office (MIO) prior to the issuance of an Airworthiness Approval Tag, CAA Form One for a TSO article or part in which non-compliance to the FAA-approved design is to be noted in the "Remarks" block of the CAA Form One. This notification should help resolve issues regarding the article or part's installation eligibility. This notification should be sent to the geographic responsible MIO. Addresses for all FAA MIOs are listed in Appendix A. In all cases, a written acceptance from the FAA is required before the issuance of a CAA Form One. A copy of this written acceptance will be included with the export documentation.

### 7.3 Additional U.S. Requirements for Imported Products and Articles

The following identifies those additional requirements which must be complied with as a condition of acceptance for products and articles imported into the U.S., or for use on a U.S. registered aircraft.

### 7.3.1 Identification and Marking

- 7.3.1.1 Aircraft must be identified as required in 14 CFR section 45.11.
- 7.3.1.2 Aircraft engines and propellers must be identified as required in 14 CFR section 45.11.
- 7.3.1.3 Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with 14 CFR section 45.145.
- 7.3.1.4 Each article of a design approved by an FAA Letter of TSO Design Approval must be marked in accordance with the requirements in 14 CFR section 45.15, and all additional marking requirements specified in the particular TSO.
- 7.3.1.5 Each replacement or modification article must be marked with the part number, serial number if applicable, and a manufacturer's name, trademark, or symbol. Information related to the manufacturer's name of the type certificated product on which the article is eligible for installation must be provided. If the article is too small or it is otherwise impractical to mark an article with this information, a tag attached to the article, or a readily available manual or catalogue, may contain this information.
- 7.3.1.6 For parts produced in accordance with U.S. STC design data, the part must be accompanied with information that identifies the applicable U.S. STC. This information may be included on the appropriate airworthiness approval document. If the part is too small or it is otherwise impractical to mark a part with this information, a tag attached to the part, or a readily available manual or catalogue, may contain this information.

### 7.3.2 Instructions for Continued Airworthiness

Instructions for continued airworthiness and maintenance manuals having airworthiness limitation sections must be provided by the certificate holder as prescribed in 14 CFR section 21.50.

### 7.3.3 Aircraft Flight Manual, Operating Placards and Markings, Weight and Balance Report, and Equipment List

Each aircraft must be accompanied by an approved Aircraft Flight Manual (AFM), including all applicable supplements. The aircraft must also have the appropriate operating placards and markings, a current weight and balance report, and a list of installed equipment.

### 7.3.4 Logbooks and Maintenance Records

Each aircraft (including the aircraft engine, propeller, or article) must be accompanied by logbooks and maintenance records equivalent to those specified in 14 CFR section 91.417. The maintenance records must also show that, for a used aircraft, that aircraft has had a 100-hour inspection, or equivalent, as specified in 14 CFR section 21.183(d).

## 7.4 CAA Acceptance of FAA Export Certificates of Airworthiness and Authorized Release Certificates

7.4.1 The CAA's requirements and procedures for import are described CAR, Part 21, Certification of Products and Parts, Subpart B, Advisory Circulars 21-1 Type Certificates and Type Acceptance Certificates, 21-2 Airworthiness Certificates in the Standard and Restricted Categories and 20-2 Acceptability of Parts, and the Aircraft Certification Unit Procedures.

7.4.2 The FAA's process for issuing export certificates is described in 14 CFR part 21 and FAA Order 8130.2, FAA Order 8130.21, and FAA AC 21-2.

### 7.4.3 New Aircraft Exported to New Zealand

7.4.3.1 Except as provided in paragraph 7.4.9, the CAA will accept FAA Export Certificates of Airworthiness (FAA Form 8130-4) on new aircraft identified in paragraph 2.3.4.1, only when the FAA certifies that each aircraft:

- (1) Conforms to an FAA-approved type design and type accepted by the CAA under CAR Part 21 Subpart B. (Accepted types are listed in CAAAC 21-1.2);
- (2) Is in a condition for safe operation, including compliance with applicable CAAADs, as notified;
- (3) Is marked in accordance with paragraph 7.5; and
- (4) Meets all additional requirements prescribed by the CAA, as notified by the CAA.

7.4.3.2 Each aircraft exported to New Zealand with FAA airworthiness approval will have an FAA Form 8130-4, Export Certificate of Airworthiness. The FAA Form 8130-4 should contain information equivalent to the following statement: "The [INSERT AIRCRAFT MODEL] covered by this certificate conforms to the type design approved under U.S Type Certificate Number [INSERT TC NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation," and any other "import requirements" text as specified in the New Zealand TCDS.

### 7.4.4 Used Aircraft Exported to New Zealand for which a CAA Design Approval Has Been Granted

#### 7.4.4.1 Acceptance of Used Aircraft of U.S. State of Design

- (1) The CAA will accept FAA's Export Certificates of Airworthiness on used aircraft from the U.S., as identified in paragraph 2.3.4.1(1) for which the U.S. is the State of Design, for import into New Zealand, only if a TC holder exists to support continued airworthiness of such aircraft and the FAA certifies that each used aircraft:

- (a) Conforms to a type design approved by the CAA or where the CAA has granted type acceptance, and any additional STCs accepted by the CAA, as notified to the FAA;
  - (b) Is in a condition for safe operation, including compliance with all applicable FAA ADs and CAA ADs, as notified;
  - (c) Is marked in accordance with paragraph 7.5;
  - (d) Is properly maintained using approved procedures and methods (evidenced by logbooks and maintenance records); and
  - (e) Meets all additional requirements prescribed by the CAA, as notified by the CAA.
- (2) The CAA may also request inspection and maintenance records which include, but are not limited to:
- (a) The original or certified true copy of the Export Certificate of Airworthiness issued by the civil aviation authority of the State of Manufacture;
  - (b) Records which ensure that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and
  - (c) Maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life in accordance with the requirements of an approved maintenance program.
- (3) The FAA will assist the CAA, when requested, in obtaining information regarding the configuration of the aircraft at the time it left the manufacturer. This applies when a used aircraft, manufactured in the U.S., is to be imported into the New Zealand from a third country. The FAA will also provide, upon request, information regarding subsequent installations on the aircraft that have been approved by the FAA.
- (4) If a used civil aircraft produced in the U.S. has been used in military service at any time, the FAA will consult with the CAA to determine if the CAA will accept such an aircraft.

7.4.4.2 Acceptance of Used New Zealand Aircraft Exported (Returned) to New Zealand when New Zealand is the State of Design

- (1) The CAA will accept FAA Export Certificates of Airworthiness on used aircraft exported (returned) to New Zealand, when New Zealand is the State of Design for those aircraft, and when the conditions of paragraph 7.4.4.1(1) and (2) have been met.

- (2) If the FAA is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the CAA accordingly.

7.4.4.3 Acceptance of Used Aircraft for which a Third Country is the State of Design.

The CAA will accept the FAA's Export Certificate of Airworthiness for used aircraft manufactured in a third country or in the U.S. when that third country has a bilateral agreement/arrangement with both the FAA and the CAA covering the same class of product, and the conditions of paragraph 7.4.4.1(1) (a through e) have been met. If the FAA is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the CAA accordingly.

7.4.5 New Propellers and New, Rebuilt, or Overhauled Aircraft Engines Exported to New Zealand

7.4.5.1 The CAA will accept FAA Authorized Release Certificates on new propellers and new, rebuilt, and overhauled aircraft engines, as identified in Section II, only when the FAA certifies that each aircraft propeller or engine:

- (1) Conforms to an FAA-approved type design and type accepted by the CAA under CAR Part 21 Subpart B (Accepted types are listed in CAA AC 21-1 Appendix 2);
- (2) Is in a condition for safe operation, including compliance with applicable CAA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.5;
- (4) Meets all additional requirements prescribed by the CAA, as notified by the CAA; and
- (5) Has undergone a final operational check.

7.4.5.2 Each aircraft engine and/or propeller exported to New Zealand with FAA airworthiness approval will have an FAA Form 8130-3, Authorized Release Certificate, issued in accordance with the requirements of 14 CFR part 21, Subpart L. The Authorized Release Certificate should contain information equivalent to the following statement: "The [INSERT AIRCRAFT ENGINE OR PROPELLER] covered by this certificate conforms to the type design approved under U.S. TC Number [INSERT TYPE CERTIFICATE NUMBER, TCDS REVISION LEVEL, AND DATE], is found to be in a condition for safe operation and has undergone a final operational check," and any other "import requirements" text as specified in the CAA TCDS.

7.4.6 New TSO Articles Exported to New Zealand

The CAA will accept FAA Authorized Release Certificates on new TSO articles, as identified in Section II, only when the FAA certifies, by the issuance of an FAA Form 8130-3, that each TSO article:

- (1) Conforms to the design accepted by the CAA, as specified in the CAA Letter of TSO Design Approval;
- (2) Complies with applicable CAA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.5; and
- (4) Meets all additional requirements prescribed by the CAA, as notified by the CAA.

#### 7.4.7 New Modification and Replacement Parts Exported to New Zealand

7.4.7.1 Each part exported to New Zealand with an FAA airworthiness approval will have an FAA Form 8130-3. The CAA will accept an FAA Form 8130-3 on new modification and/or replacement parts, as identified in paragraph 2.3.5.2(2) when the FAA certifies, by issuance of an FAA Form 8130-3, that each part:

- (1) Is eligible for installation in a product or article that has been issued a CAA design approval, is type accepted, or is an article which has been granted an FAA design approval;
- (2) Conforms to FAA-approved design data or acceptable technical data (contained in CAR Part 21 Appendix D) and is safe for installation and in a condition for safe operation;
- (3) Is marked in accordance with paragraph 7.5; and
- (4) Meets all additional requirements prescribed by the CAA, as notified by the CAA.

7.4.7.2 When parts are shipped under direct ship authorizations extended to approved suppliers, the accompanying FAA Form 8130-3 must indicate that the production approval holder has authorized direct shipment. This indication may be a supplemental “remark” entry on the FAA Form 8130-3 indicating the authorization to the supplier for direct shipment of parts from the supplier’s location.

#### 7.4.8 Standard Parts Exported to New Zealand

The CAA will accept new standard parts (reference paragraph 2.3.6) exported from the U.S. when accompanied by an FAA Form 8130-3, if the standard part is eligible for an FAA Form 8130-3. All other new standard parts will be accepted when accompanied by a manufacturer’s Certificate of Conformity verifying the part’s conformance to an established New Zealand or U.S. industry or government specification.

#### 7.4.9 Coordination of Exceptions on an Export Certificate of Airworthiness

The FAA will notify the CAA’s Aircraft Certification Unit prior to issuing an Export Certificate of Airworthiness in which non-compliance to the New Zealand type-accepted design is to be noted under the “Exceptions” section of the Export Certificate of Airworthiness. This notification should help to resolve all issues concerning the aircraft’s eligibility for a CAA airworthiness certificate. Addresses for all CAA offices are listed in Appendix A. In all cases, a written acceptance

from the CAA is required before the issuance of the FAA Export Certificate of Airworthiness. A copy of this written acceptance will be included with the export documentation.

#### 7.4.10 Coordination of Exceptions on an Authorized Release Certificate

The FAA will notify the CAA's Aircraft Certification Unit prior to the issuance of an Authorized Release Certificate, FAA Form 8130-3, for an engine, propeller, TSO article or part in which a finding to the FAA-approved design is to be noted in the "Remarks" block of the FAA Form 8130-3. This notification should help resolve all issues regarding the installation eligibility of the engine, propeller, article, or part. This notification should be sent to the ACU. Addresses for all CAA contacts are listed in Appendix A. In all cases, a written acceptance from the CAA is required before the issuance of an FAA Form 8130-3. A copy of this written acceptance will be included with the export documentation.

### 7.5 Additional New Zealand Requirements for Imported Products

The following identifies those additional requirements which must be complied with as a condition of acceptance for products and articles imported into New Zealand, or for use on a New Zealand registered aircraft.

#### 7.5.1 Identification and Marking

7.5.1.1 Aircraft, aircraft engines, and propellers must be identified as required in CAR Part 21 Subpart Q.

7.5.1.2 Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in a manner outlined in accordance with CAR Paragraph 21.811.

7.5.1.3 Each article of an FAA design approval must be marked in accordance with the requirements in 14 CFR part 21, subpart O and CAR Paragraphs 21.621, 21.805 and 21.813, respectively, and all additional marking requirements specified in the particular TSO or NZ TSO.

7.5.1.4 Each replacement or modification part must be marked with the part number, serial number if applicable, and the manufacturer's name, trademark, or symbol. Information related to the manufacturer's name and model designation of the type certificated product on which the part is eligible for installation must be provided. If the part is too small or it is otherwise impractical to mark a part with this information, a tag attached to the part, or a readily available manual or catalogue, may contain this information.

#### 7.5.2 Instructions for Continued Airworthiness

Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals that include airworthiness limitation sections, as prescribed in the airworthiness standards under which the product was type certificated.

#### 7.5.3 Aircraft Flight Manual, Operating Placards and Markings, Weight and Balance Report, and Equipment List

Each aircraft must be accompanied by an approved Aircraft Flight Manual (AFM), including all applicable supplements. The aircraft must also have the appropriate operating placards and markings, a current weight and balance report, and a list of installed equipment.

#### 7.5.4 Maintenance Records

Maintenance records equivalent to those specified in CAR Paragraph 91.627 must accompany each aircraft, including the aircraft engine, propeller, rotor, or article.

## SECTION VIII TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

### 8.1 General

- 8.1.1 Upon request and after mutual agreement, and as resources permit, the FAA and the CAA may provide technical assistance to each other within the scope of this agreement or as otherwise requested when significant activities are conducted in either the U.S. or New Zealand.
- 8.1.2 Every effort should be made to have these certification tasks performed locally on each other's behalf. These technical assistance activities will help with regulatory surveillance and oversight functions at locations outside of the requesting authority's country. These supporting technical assistance activities do not relieve the authority of the responsibilities for regulatory control, environmental certification, and airworthiness approval of products and articles manufactured at facilities located outside of the requesting authority's country.
- 8.1.3 The FAA and the CAA will use their own policies and procedures when providing such technical assistance to the other, unless other special arrangements are agreed upon. Types of assistance may include, but are not limited to, the following:
- (1) Certification Support
    - (a) Approving test plans;
    - (b) Witnessing tests;
    - (c) Performing conformity inspections;
    - (d) Reviewing reports;
    - (e) Obtaining data;
    - (f) Verifying/determining compliance;
    - (g) Monitoring the activities and functions of designees or approved organizations; and
    - (h) Conducting investigations of service difficulties.
  - (2) Production and Surveillance Support
    - (a) Conformity inspections;
    - (b) Monitoring the controls of special processes;
    - (c) Witnessing the first article inspection of parts;
    - (d) Conducting sample inspections on production parts;
    - (e) Monitoring the activities and functions of designees or approved organizations; and
    - (f) Evaluating or conducting surveillance of production quality systems.

- (3) Airworthiness Certification Support
  - (a) Determining the original export configuration of a used aircraft.
  - (b) Monitoring the activities and functions of designees or approved organizations.
- (4) Continued Airworthiness Support
  - (a) Conducting investigations of service difficulties.
- (5) Technical Training
  - (a) Any additional assistance needed to support the technical implementation of this agreement.

## 8.2 Witnessing of Tests During Design Approval

- 8.2.1 The FAA and the CAA may request assistance in the witnessing of tests from the other airworthiness authority.
- 8.2.2 Only authority-to-authority requests are permissible and neither the FAA nor the CAA will respond to a test witnessing request made directly from the manufacturer or supplier. Witnessing of tests will be conducted only after consultations and agreement between the FAA and the CAA on the specific work to be performed. A written request for witnessing of tests will be provided.
- 8.2.3 Unless otherwise delegated, approval of the design approval applicant's test plans, test procedures, test specimens, and hardware configuration remains the responsibility of the airworthiness authority of the country in which the design approval applicant is located. Establishing the conformity of each test article prior to the conduct of the test is the responsibility of the design approval applicant.
- 8.2.4 Test witnessing activities may require the development of a working arrangement based on the complexity and frequency of the requested certifications. At the discretion of the authority receiving such requests, these activities may be delegated to authorized designees or approved organizations.
- 8.2.5 Where there is no working arrangement, requests for witnessing of individual tests must be specific enough to provide for identification of the location, timing, and nature of the test to be witnessed. An approved test plan must be provided by the FAA or the CAA, as appropriate, at least two weeks prior to each scheduled test.
- 8.2.6 CAA requests for witnessing of tests should be sent in writing to the appropriate FAA Aircraft/Engine Certification Office. For tests associated with a current CAA validation of an FAA design approval, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For tests associated with a New Zealand certification program, the requests should be sent to the FAA Aircraft Certification Office with geographic responsibility for where the tests will take place. FAA offices are listed in Appendix A. The FAA requests for witnessing of tests will be sent in writing to the CAA Aircraft Certification Unit at the address listed in Appendix A.

8.2.7 Upon completion of test witnessing on behalf of the requesting authority, the FAA or the CAA will send a report stating that the test was conducted in accordance with approved test plans and confirming the test results, as well as any other documentation as notified by the requesting authority.

### 8.3 Compliance Determinations

8.3.1 The FAA or the CAA may also request that specific compliance determinations be made, associated with the witnessing of tests or other activities. Such statements of compliance will be made to the airworthiness or environmental standards of the requesting authority.

8.3.2 The FAA's or the CAA's statements of compliance will be sent in an electronically transmitted formal letter to the requesting FAA Aircraft Certification Office (ACO) or CAA ACU office.

### 8.4 Conformity Certifications during Design Approvals

8.4.1 The civil aviation authority of the State in which a design approval applicant is located may request conformity certifications from the civil aviation authority in the State in which the design approval applicant's supplier is located for prototype parts produced by that supplier. The civil aviation authority of the State in which a design approval applicant is located may request conformity certifications from the civil aviation authority in the State in which the design approval applicant's part supplier is located.

8.4.2 Only authority-to-authority requests are permissible and authorities will not respond to a conformity certification request from the manufacturer or supplier. All requests will be in writing. Certifications will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed, and agreement has been obtained from the airworthiness authority in the State in which the supplier is located. Requests for conformity certifications should be limited to prototype parts that are of such complexity that they cannot be inspected by the manufacturer or its airworthiness authority prior to installation in the final product. Conformity certifications may require the development of a working procedure based on the complexity of the requested certifications. At the discretion of the authority in receipt of such requests, conformity certifications may be delegated to authorized designees or approved organizations.

8.4.3 CAA requests for conformity certifications will be sent to the FAA Directorate Manufacturing Inspection Office with geographic responsibility for the U.S. region in which the conformity certification will take place. FAA offices are listed in Appendix A. CAA requests will be sent as a formal letter. FAA requests for conformity certifications will be sent on a completed FAA Form 8120-10, Request for Conformity, to the CAA Aircraft Certification Unit at the address listed in Appendix A.

8.4.4 Upon completion of all conformity inspections conducted on behalf of the requesting authority, the FAA or the CAA will complete and return all documentation to the requesting authority. The civil aviation authority of the State in which the supplier is located will note all deviations from the

requirements notified by the design approval applicant's civil aviation authority on the conformity certification for the particular part. Any nonconformity described as a deviation should be brought to the attention of the FAA or the CAA for evaluation and disposition. The FAA or the CAA should receive a report stating the disposition required on each deviation before an FAA Form 8130-3 or CAA Form 8130-9 is issued.

- 8.4.5 Conformity certification on prototype parts and inspections on production parts should not be construed to be an export airworthiness approval, as a conformity certification does not constitute an airworthiness determination. Airworthiness determinations remain the responsibility of the design or production approval holder and the civil aviation authority of the State in which the holder is located.

## 8.5 Surveillance and Other Support

The FAA or the CAA may request other types of technical assistance outlined in paragraph 8.1.3. Each request will be handled on a case-by-case basis, as resources permit. Each written request will include sufficient information for the task to be performed and reported back to the requestor. Where the technical assistance is repetitive or long-term, a special arrangement may be needed.

## 8.6 Airworthiness Certificates

There may be certain programs and conditions that warrant technical assistance for the issuance of standard airworthiness certificates so that aircraft may be placed directly into operation from the site of manufacture. The importing authority may seek assistance from the exporting authority in the final processing and delivery of an airworthiness certificate when the aircraft has been manufactured, granted an Export Certificate of Airworthiness by the exporting authority, and entered on the importing State's registry. This will require the development of a Special Arrangement between the exporting and importing authorities.

## 8.7 Protection of Proprietary Data and Freedom of Information Act (FOIA) Requests and Official Information Act 1982 (OIA) Requests.

### 8.7.1 Protection of Proprietary Data

Both authorities recognize that data submitted by a design approval holder is the intellectual property of that holder, and release of that data by the FAA or the CAA is restricted. The FAA and the CAA agree that they will not copy, release, or show proprietary data obtained from either authority to anyone other than an FAA or CAA employee without written consent of the design approval holder or other data submitter. This written consent should be obtained by the FAA or the CAA from the design approval holder through the civil aviation authority of the State in which the holder is located and will be provided to the other authority.

### 8.7.2 FOIA Requests

The FAA often receives requests from the public under the United States Freedom of Information Act (FOIA) (5 U.S.C., Section 552) to release information that the FAA may have in its possession. Each record the FAA has in its possession must be disclosed under the FOIA unless a FOIA exemption applies to that record. Trade secrets and financial or commercial information that is

confidential or privileged are examples of criteria that may exempt records from FOIA. Design approval holders' data may include trade secrets or other information that is confidential because release of the information would damage the competitive position of the holder or other person.

When the FAA receives a FOIA request related to a product or article of an FAA approval holder or applicant who is located in New Zealand, the FAA will request CAA assistance in contacting the FAA approval holder or applicant to obtain justification for a determination of what may qualify for exemption under the criteria found in 5 U.S.C. Section 552.

### 8.7.3 OIA Requests

The CAA often receives requests from the public under the New Zealand Official Information Act of 1982 (OIA) to release information which the CAA may have in its possession. All information the CAA has in its possession must be disclosed unless a ground for withholding that information under the OIA applies. Grounds for non-disclosure under the OIA are detailed in Sections 6, 9, and 10 of the Act. Design approval holders' data may include trade secrets or other information that is confidential, or information that would damage the commercial position of the holder or other person if released. When the CAA receives an OIA request related to a product, part, or appliance of a CAA approval holder or applicant who is located in the United States, the CAA will request the FAA's assistance in contacting the CAA approval holder or applicant to help determine what portions of that information may be withheld under the OIA and to ask them to provide factual information justifying withholding. If the approval holder or applicant consents to the release of information, the FAA must provide the written consent to the CAA. If release is objected to, the FAA must furnish a statement of the reasons to the CAA. Such objection is not a ground for withholding information under the OIA.

## 8.8 Export Control Limitations

Export control limitations are based on U.S. federal regulations that regulate the export of certain goods and services to all foreign countries. The FAA may have these limitations with any country to ensure compliance with all applicable federal laws. The FAA will collaborate with the CAA on export limitations.

## 8.9 Accident/Incident and Suspected Unapproved Parts Investigation Information Requests

8.9.1 When the FAA or the CAA needs information for the investigation of service incidents, accidents, or suspected unapproved parts involving a product or article imported under these Implementation Procedures, the request for the information should be directed to the appropriate authority. FAA requests for information should be directed to the CAA Safety Investigation Unit. Upon receipt of the request for information, the authority will ensure that the requested information is provided in a timely manner.

8.9.2 In case of an incident/accident, the FAA and the CAA will cooperate to address urgent information needs. Following an incident/accident, the FAA or the CAA will provide the requested information. The FAA and the CAA will establish individual focal points to respond to each other's questions and ensure that timely

communication occurs. The FAA or the CAA may request information directly from a manufacturer if immediate contact with the appropriate focal points cannot be made. If the FAA or the CAA requests information directly from a manufacturer, notification of this action will be made to the other authority as soon as possible. Either the FAA or the CAA, as applicable, will assist in ensuring that the manufacturer provides requested information expeditiously.

## SECTION IX    SPECIAL ARRANGEMENTS

### 9.1 General

- 9.1.1 Urgent or unique situations may develop that have not been specifically addressed in these Implementation Procedures, but are within the scope of the BASA. If an urgent or unique situation arises, it will be reviewed by the respective FAA Aircraft Certification Service Director and the CAA Manager of Aircraft Certification, and a procedure will be developed to address the situation. The procedure will be mutually agreed upon by the FAA and the CAA in a separate working procedure. If it is apparent that the situation is unique, with little possibility of repetition, then the working procedure will be of limited duration. If, however, the situation anticipates new technology or management developments that could lead to further repetitions, these Implementation Procedures will be revised accordingly by the FAA and the CAA.
- 9.1.2 It should be noted, when the unique or urgent situation falls within the responsibility of an FAA Aircraft Certification Service Directorate Manager, the Manager will be responsible for developing the necessary procedures with the CAA.

SECTION X    AUTHORITY

10.1 General

The FAA and CAA agree to the provisions of these Implementation Procedures as indicated by the signatures of their duly authorized representatives.

Federal Aviation Administration  
Department Of Transportation  
United States Of America

Civil Aviation Authority  
Ministry of Transport  
New Zealand

By



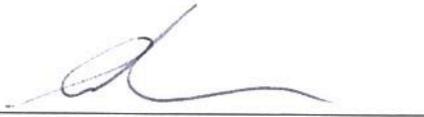
Title

Director,  
Aircraft Certification Service

Date

12/4/15

By



Title

Manager,  
Aircraft Certification Unit

Date

6 December 2015

## APPENDIX A ADDRESSES

### A.1 List of Addresses for the FAA and the CAA

#### A.1.1 FAA Offices

Key FAA Offices for these Implementation Procedures:

#### **Application for U.S. Type / Supplemental Type Certificate Approval**

Federal Aviation Administration  
Small Airplane Directorate  
Standards Office (ACE-110)  
901 Locust Street, Room 301  
Kansas City, MO 64106

Phone: 1-816-329-4100

Fax: 1-816-329-4106

#### **Bilateral Agreement, Export / Import Approvals, Policy**

Federal Aviation Administration  
Aircraft Certification Service –  
International Division  
800 Independence Avenue SW  
Washington DC 20591

Phone: 1-202-267-0908

Fax: 1-202-493-5144

Email: [7-AWA-AVS-AIR-040@faa.gov](mailto:7-AWA-AVS-AIR-040@faa.gov)

#### **Application for U.S. Supplemental Type Certificate Approval**

Federal Aviation Administration  
Transport Airplane Directorate (ANM-100)  
1601 Lind Avenue S.W.  
Renton, WA 98057-3356

Phone: 1-425-227-2100

Fax: 1-425-227-1100

#### **Application for U.S. Supplemental Type Certificate Approval**

Federal Aviation Administration  
Rotorcraft Directorate (ASW-100)  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Phone: 1-817-222-5100

Fax: 1-817-222-5959

#### **Application for Letter of TSO Design Approval**

Federal Aviation Administration  
Los Angeles ACO (ANM-100L)  
3960 Paramount Boulevard  
Lakewood, CA 90712-4137

Phone: 1-562-627-5200

Fax: 1-562-627-5210

#### **Manufacturing Inspection Office (MIO)**

[http://www.faa.gov/aircraft/air\\_cert/locate\\_office/](http://www.faa.gov/aircraft/air_cert/locate_office/)

### A.1.2 CAA Offices

A list of key CAA Offices for these Implementation Procedures can be found at:  
[http://www.caa.govt.nz/about\\_caa/contact\\_us.htm](http://www.caa.govt.nz/about_caa/contact_us.htm)

## A.2 MF&D/SDR Reporting Locations

A.2.1 Copies of U.S. MF&D/SDR reports are available from the FAA Mike Monroney Aeronautical Center, Aviation Data Systems Branch, AFS-620. Copies of U.S. MF&D reports are also available on the Mike Monroney Aeronautical Center internet web site at <http://av-info.faa.gov/sdrx>.

A.2.2 New Zealand CAA005 Defect reports are considered confidential.

## APPENDIX B LIST OF FAA REFERENCED DOCUMENTS

### B.1 FAA Referenced Documents

1. Code of Federal Regulations, Title 14, parts 21-36, 39, 43, 45, 91, and 183
2. FAA Advisory Circular 21-2
3. FAA Advisory Circular 21-23
4. FAA Advisory Circular 43-210
5. FAA Order 8110.4
6. FAA Order 8110.17A
7. FAA Order 8110.37
8. FAA Order 8110.120
9. FAA Order 8120.23
10. FAA Order 8130.2
11. FAA Order 8130.21
12. FAA Order 8300.16
13. FAA Order 8900.1
14. Annex 8 to the Chicago Convention, Airworthiness of Aircraft
15. Addendum to the Implementation Procedures for Airworthiness between the Federal Aviation Administration (FAA) and Civil Aviation Authority (CAA) of New Zealand.

## APPENDIX B LIST OF CAA REFERENCED DOCUMENTS

### B.2 CAA Referenced Documents

1. Civil Aviation Act 1990
2. Civil Aviation Rules Parts 21, 26, 39, 43, 146 and 148
3. CAA Advisory Circular 21-1, Product Certification – Type Certificate and Type Acceptance Certificates
4. CAA Advisory Circular 21-1.2, Product certification – Type Certificates and Type Acceptance Certificates – Appendix 2 to AC21-1A
5. CAA Advisory Circular 21-2, Product Certification – Airworthiness Certificates in the Standard and Restricted Categories
6. CAA Advisory Circular 20-2, Acceptability of Parts
7. CAA Surveillance Policy
8. CAA Aircraft Certification Unit Procedures

### **Other Referenced Documents**

1. Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*
2. Annex 16 to the Chicago Convention, *Environmental Protection*

**ADDENDUM TO THE IMPLEMENTATION PROCEDURES FOR AIRWORTHINESS**  
*between the Federal Aviation Administration (FAA) and the Civil Aviation Authority (CAA) of*  
*New Zealand*

1. Authorization

This Addendum is added to the FAA and the CAA Implementation Procedures for Airworthiness (IPA) dated December 4<sup>th</sup>, 2015, Section II.

2. Purpose

The purpose of this Addendum is to document the scope for Table 2 of the IPA, Section II: Summary of New Zealand State of Design Products and Articles Eligible for Export to the U.S. and compliance determinations that are retained by the FAA.

3. Areas of Compliance Determination Limitations by the FAA

3.1 14 CFR part 23 aircraft

The FAA will accept STC applications and compliance determinations.

3.2 14 CFR part 25 aircraft

The FAA will accept STC applications and compliance determinations made by the CAA for the following:

- (1) Passenger cabin and crew rest compartment reconfigurations, communications systems, and in-flight entertainment (IFE) systems modifications (not avionics systems).
- (2) Similar modifications of equal scope and complexity. Those modifications must not adversely impact the aircraft's handling qualities or affect the certified maximum gross weight and the rated power of the aircraft.

3.3 14 CFR part 27 and part 29 rotorcraft

The FAA will accept STC applications and compliance determinations made by the CAA for the following:

- (1) Helicopter exhaust system modifications for reciprocating engines;
- (2) Helicopter installations of luggage pods;
- (3) Agricultural spray systems; and
- (4) Similar modifications of equal scope and complexity. Those modifications must not adversely impact the aircraft's handling qualities or affect the certified maximum gross weight and the rated power of the aircraft.

- 3.4 When the CAA submits an application to the FAA in a technical area which is not within the scope of the IPA and is not noted above, the CAA will contact the applicable FAA office indicated in Appendix A of the IPA and communicate the details of the CAA application for a U.S. STC. The FAA may elect to conduct an additional technical evaluation of the CAA's understanding of the STC requirements prior to accepting the application. If the application is accepted by the FAA, the result of the technical evaluation may be used to develop the certification basis and determine the FAA level of involvement.

3.5 Additional information

- 3.5.1 Certification plans must be submitted for FAA acceptance at the time of application for an STC.
- 3.5.2 The FAA will retain determinations of equivalent levels of safety, development of special conditions, and granting of exemptions.
- 3.5.3 The FAA will accept all compliance determinations (within the scope) for 14 CFR part 23, part 25, part 27, part 29, and data approvals made by the CAA when assigned by the FAA without further review.

4. The FAA and the CAA agree to the provisions of this Addendum as indicated by the signature of their duly authorized representatives.

Federal Aviation Administration  
Department Of Transportation  
United States Of America

Civil Aviation Authority  
Ministry of Transport  
New Zealand

By

  
\_\_\_\_\_  
Chris Carter

By

  
\_\_\_\_\_  
Shaun Johnson

Title

Manager,  
International Division  
Aircraft Certification Service  
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Title

Manager,  
Aircraft Certification Unit  
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Date

DEC 4, 2015  
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Date

4 December, 2015  
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