

Civil Aviation Rules



Part 21

CAA Consolidation

3 December 2009

Certification of Products and Parts

DESCRIPTION

Part 21 prescribes the requirements for -

- the type certification of a product to be manufactured in New Zealand,
- the type acceptance certification of a product to be imported into New Zealand,
- the airworthiness certification of an aircraft,
- the approval or authorisation of a design change, material, part, process, appliance, technical data, and a critical part,
- the issue of a document for the export of a product, critical part, or appliance, and
- the identification of a product or a critical part.

This document is the current consolidated version of Part 21 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: www.caa.govt.nz

Bulletin

This Part first came into force on 1 July 1995 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	12 October 1995
Amendment 2	15 February 1996
Amendment 3	1 April 1997
Amendment 4	1 April 1997
Amendment 5	25 December 1997
Amendment 6	28 July 2003
Amendment 7	1 March 2007
Amendment 8	3 December 2009

Summary of amendments:

Amendment 1:
(Docket 1039)

21.1(4) is amended replacing the word “aircraft” with “aircraft; and”.

21.1(5) is inserted.

21.3 is amended by the insertion of the definition of “Critical part”.

21.31(b) is amended by replacing the word “subparagraph” with “paragraph”.

21.35(b)(2) and 21.35(b)(3) are amended by replacing the word “subparagraphs” with “paragraphs”.

21.191(b)(6) is amended by replacing the words “aircraft is identified in accordance with” with the words “aircraft, its engines, propellers, and propeller hubs and blades are identified by the means specified in”.

21.191 is amended by revoking the

note regarding the transition provisions until Subpart Q comes into force.

21.193(a)(5)(iii) is amended by replacing the words “is identified in accordance with” with the words “is identified by the means specified in”.

21.193 is amended by revoking the note regarding the transition provisions until Subpart Q comes into force.

Appendix C paragraph (b)(1) is amended by replacing the word “subparagraph” with the word “paragraph”.

Part 21 is amended by revoking the words “**Subpart I - Q**
[Reserved]” and inserting “**Subpart I – P** *[Reserved]*”

Subpart Q is inserted.

Amendment 2:
(Docket 1022)

21.191(a)(1) is amended by replacing the reference to “Subpart G” with “Part 148”.

21.197 and 21.803 are amended by revoking the notes regarding transition measures until Subpart G comes into force, and by replacing the references to “Subpart G” in 21.197(2) and 21.803(a) and 21.803(c) respectively with “Part

Amendment 3:
(Docket 1062)

148”.

21.3 is amended by revoking the definition of “Product”.

The following rules are revoked and replaced:

21.7, 21.8, 21.17, 21.19, 21.25, 21.31, 21.37 and 21.813.

21.15 is amended by replacing the reference to “Subpart J” with “Part 148” and by revoking the note contained in the square brackets.

21.21 is revoked and “**21.21 Reserved**” is inserted.

21.27(a) is amended by replacing the reference to “Subpart J” with “Part 148”.

21.27 is amended by revoking the note contained in the square brackets.

The heading “Type Certificate Holder Requirements” above 21.51 is revoked.

The following rules are revoked: 21.51, 21.53, 21.55 and 21.57.

Subparts C, D and E are inserted.

The heading “**Subparts F and G Reserved**” is inserted after Subpart E

The heading “**Subparts I-P Reserved**” is revoked and replaced

by the heading “**Subparts I and J Reserved**”.

Subparts K, L, M, N, O and P are inserted.

Appendix D is inserted.

Amendment 4:
(Docket 1111)

Appendix C is revoked and replaced.

Amendment 5:
(Dockets 1259 & 1253)

21.33(1)(i), 21.39(a)(1), 21.41 title and 21.41(3) are amended by deleting the word “design” after the word “airworthiness”.

21.43 is amended by deleting the word “design” after the first occurrence of the word “airworthiness” in paragraph (a)(2) and by inserting the word “design” after the word “airworthiness” in paragraph (a)(3).

The following rules are replaced:

21.175, 21.177, 21.179(a), 21.191 and 21.809.

21.803 is amended by inserting the word “data” after the first occurrence of the word “fireproof” in paragraph (a), by deleting the word “approved” in paragraph (a)(1), by inserting the word “data” after the first occurrence of the word “fireproof” in paragraph (c).and by deleting the word “approved” in

paragraph (c).

Amendment 6:
(99/CAR/1342)

The following rules are revoked and replaced:

21.31, 21.33, 21.41, 21.43, 21.79,
21.117, 21.191 and 21.505.

21.32 is inserted.

Appendix C is revoked and replaced.

Amendment 7
(1/CAR/1357)

Rules 21.1, 21.11, 21.13, 21.17, 21.19, 21.25, 21.27, 21.39, 21.41, 21.43, 21.71, 21.91, 21.93, 21.103, 21.111, 21.119, 21.171, 21.173, 21.175, 21.177, 21.179, 21.181, 21.191, 21.193, 21.195, 21.197, 21.301, 21.303, 21.321, 21.331, 21.333, 21.339, 21.501, 21.505, 21.801, 21.805, 21.807, Appendices A, C and D, are revoked and substituted, Subpart F is inserted (rules 21.141 – 21.149), rules 21.15, 21.323 and 21.325 are revoked and rule numbers are reserved and title of Subpart G is reserved.

Amendment 8
(5/CAR/2)

Rules 21.173, 21.175, 21.177, 21.179, 21.181, 21.193, 21.195, 21.197, heading Subpart I and Appendix A are revoked and replaced; rules 21.199, 21.201, 21.203 and 21.205 are inserted; Subpart J is reserved.

List of Rules

Subpart A — General

21.1	Purpose	13
21.3	Definitions	13
21.5	Reserved	14
21.7	Overseas applications	14
21.8	Required design changes.....	14

Subpart B — Type Certificates and Type Acceptance Certificates

21.11	Purpose	14
21.13	Certificate categories	15
21.15	Reserved	15
21.17	Application for certificate	15
21.19	Issue of certificate	16
21.21	Reserved	17
21.23	Special conditions	17
21.25	Duration of certificate	17
21.27	Transfer of certificate.....	18

Type Certification Requirements

21.31	Airworthiness requirements	18
21.32	Aircraft noise and engine emission certification	19
21.33	Type design.....	20
21.35	Inspections and tests	21
21.37	Statement of compliance.....	22
21.39	Flight tests.....	22

Type Acceptance Certification Requirements

21.41	Airworthiness requirements	23
21.43	Data requirements	23

Subpart C — Design Changes

21.71	Purpose	25
21.73	Approval of design changes.....	25

21.75	Continuation of design changes	26
21.77	Continued airworthiness responsibilities	26
21.79	Acceptance of design changes by the issue of an airworthiness certificate	26
21.81	Form CAA 337 – approval of modifications	26

Subpart D — Changes to Type Certificates and Type Acceptance Certificates

21.91	Purpose	27
21.93	Changes to certificates	27
21.95	Design changes requiring a new certificate.....	27
21.97	Limitations of changes to type certificates.....	28
21.99	Eligibility	28
21.101	Application for approval.....	28
21.103	Approval of change to type certificate	29

Subpart E — Supplemental Type Certificates

21.111	Purpose	29
21.113	Supplemental type certificate.....	30
21.115	Eligibility	30
21.117	Application for certificate	30
21.119	Issue of certificate.....	31
21.121	Transfer of certificate.....	31
21.123	Responsibilities of certificate holder.....	32
21.125	Changes to certificate.....	32

Subpart F — Provisional Type Certificates

21.141	Purpose	33
21.143	Application for certificate	33
21.145	Issue of certificate.....	33
21.147	Provisional type certification requirements.....	33
21.149	Duration	35

Subpart G — Reserved

Subpart H — Airworthiness Certificates

21.171	Purpose	35
21.173	Certificate categories	35
21.175	Application for certificate	36
21.177	Special conditions for issue of certificate	36

21.179	Duration of certificate	37
21.181	Transfer of certificate.....	39

Certification Requirements

21.191	Standard and restricted category requirements	39
21.193	Special category—experimental certification requirements.....	41
21.195	Special category—exhibition certification requirements	42
21.197	Special category—amateur-built certification requirements	44
21.199	Special category—primary certification requirements.....	46
21.201	Special category—LSA certification requirements.....	48
21.203	Special category—limited certification requirements	51
21.205	Placard for special category aircraft.....	54

Subparts I — Special Flight Permits

21.251	Applicability	55
21.253	Special flight permit categories.....	55
21.255	Application for special flight permit	55
21.257	Conditions for issue of special flight permit	55
21.259	Duration of special flight permit.....	56

Special Flight Permit Requirements

21.261	Application for special flight permit	56
21.263	Application for special flight permit—continuing authorisation.....	57

Subpart J — Reserved

Subpart K — Materials, Parts, Processes, and Appliances

21.301	Purpose	57
21.303	Replacement and modification materials, parts, and appliances	58
21.305	Approval or acceptance of processes	59

Subpart L — Export Airworthiness Certificates

21.321	Purpose	59
21.323	Reserved	59
21.325	Reserved	59
21.327	Export airworthiness certificate exceptions	59
21.329	Eligibility	60
21.331	Application for export airworthiness certificate	60
21.333	Issue of export airworthiness certificate.....	62
21.335	Validity of certificate	62

21.337	Transfer of certificate.....	63
21.339	Use of <i>CAA Form One – authorised release certificate</i> for export....	63
21.341	Responsibilities of an exporter.....	63

Subpart M — Repairs

21.431	Applicability	64
21.433	Approval of designs for repairs.....	64

Subpart N — Technical Data and Airworthiness Specifications

21.501	Purpose	65
21.503	Acceptable technical data	65
21.505	Form CAA 337 – approval of technical data	65
21.507	Approval of specifications	68
21.509	Acceptance of specifications.....	68
21.511	Application for deviation from specification	68

Subpart O — New Zealand Technical Standard Order Authorisations

21.601	Applicability	69
21.603	Definitions	70
21.605	Requirement for NZTSO authorisation.....	70
21.607	Eligibility	70
21.609	Application for authorisation	71
21.611	Issue of authorisation.....	71
21.613	Privileges of authorisation	72
21.615	Validity of authorisation	72
21.617	Duration of authorisation	72
21.619	Transfer of authorisation.....	73
21.621	Responsibilities of authorisation holder.....	73
21.623	Design changes	74
21.625	Records	74

Subpart P — New Zealand Parts Manufacturing Approval Authorisations

21.701	Applicability	75
21.703	Requirement for NZPMA authorisation.....	75
21.705	Eligibility	76
21.707	Application for authorisation	76
21.709	Issue of authorisation.....	77
21.711	Privileges of authorisation	77

21.713	Validity of authorisation	78
21.715	Duration of authorisation	78
21.717	Transfer of authorisation.....	78
21.719	Responsibilities of authorisation holder.....	78
21.721	Records	79

Subpart Q — Identification of Products and Parts

21.801	Purpose	79
21.803	Identification of aircraft, aircraft engines, and propellers	80
21.805	Identification information	81
21.807	Removal, alteration and replacement of identification information ..	82
21.809	Removal and reinstallation of data plate.....	82
21.811	Identification of critical parts.....	83
21.813	Identification of replacement and modification materials, parts, and appliances.....	83

Appendix A

Transitional Arrangements	84
---------------------------------	----

Appendix B — Reserved

Appendix C

Airworthiness Design Standards.....	85
-------------------------------------	----

Appendix D

Acceptable Technical Data.....	88
--------------------------------	----

Subpart A — General

21.1 Purpose

This Part prescribes rules governing—

- (1) the type certification of a product to be manufactured in New Zealand:
- (2) the type acceptance certification of a product to be imported into New Zealand:
- (3) the airworthiness certification of an aircraft:
- (4) the approval or authorisation of a design change, material, part, process, appliance, technical data, and a critical part:
- (5) the issue of a document for the export of a product, critical part, or appliance:
- (6) the identification of a product or a critical part.

21.3 Definitions

In this Part:

Critical part means an aircraft part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of a manufacturer's Maintenance Manual or Instructions for Continued Airworthiness:

Type certificate includes—

- (1) the type design; and
- (2) the operating limitations; and
- (3) the type certificate data sheet; and
- (4) the applicable airworthiness design standards specified in Appendix C; and
- (5) for an aircraft type, the flight manual; and

- (6) any other conditions or limitations prescribed for the product type under this Part.

21.5 Reserved

21.7 Overseas applications

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

21.8 Required design changes

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

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

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

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

Subpart B — Type Certificates and Type Acceptance Certificates

21.11 Purpose

This Subpart prescribes rules governing—

- (1) the type certification of a product to be manufactured in New Zealand;
- (2) the type acceptance certification of a product to be imported into New Zealand;
- (3) the responsibilities of a holder of a type certificate.

21.13 Certificate categories

(a) The following certificates may be issued by the Director under this Subpart:

- (1) *standard category* type certificate for a product type to be manufactured in New Zealand;
- (2) *restricted category* type certificate for an aircraft type to be manufactured in New Zealand;
- (3) *standard category* type acceptance certificate for a product type to be imported into New Zealand;
- (4) *restricted category* type acceptance certificate for an aircraft type to be imported into New Zealand.

(b) The Director may issue a certificate specified in paragraph (a) if the applicable requirements for the certificate are met.

(c) When issuing a *restricted category* type certificate or a *restricted category* type acceptance certificate for an aircraft, the Director must specify in the certificate the operational purposes for which the aircraft is certificated.

21.15 Reserved

21.17 Application for certificate

(a) An applicant for the issue of a type certificate for a product type must complete form CAA 24021/01 and submit it to the Director with—

- (1) a payment of the appropriate application fee prescribed by regulations made under the Act; and
- (2) the following information—

- (i) for an aircraft type, a three-view drawing of the aircraft type and any available preliminary basic data; and
 - (ii) for an aircraft engine or propeller type, a description of its design features, its operating characteristics, and its proposed operating limitations; and
 - (iii) any further particulars relating to the product as required by this Subpart or may be required by the Director.
- (b) An application for the issue of a type certificate for a product type remains in effect for a period of—
- (1) 3 years; or
 - (2) 5 years for an aeroplane type with a MCTOW greater than 5700 kg; or
 - (3) 5 years for a rotorcraft type with a MCTOW greater than 2730 kg; or
 - (4) a longer period that may be approved by the Director.
- (c) An applicant for the issue of a type acceptance certificate for a product type must complete form CAA 24021/02 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

21.19 Issue of certificate

- (a) An applicant is entitled to the issue of a type certificate or a type acceptance certificate for a product type if the Director is satisfied that—
- (1) the applicant meets the applicable certification requirements in rules 21.31 to 21.43; and
 - (2) the issue of the certificate is not contrary to the interests of aviation safety; and
 - (3) for a type certificate for a product type—

- (i) the inspections and tests required under rule 21.35 confirm that the product type meets the applicable airworthiness requirements; and either
 - (ii) the applicant holds or has applied for a *design organisation certificate* in accordance with Part 146; or
 - (iii) the applicant holds or has applied for a *manufacturing organisation certificate* in accordance with Part 148.
- (b) If a type certificate is not issued within the time period specified in rule 21.17(b) for the application, the applicant may, in accordance with rule 21.17(a),—
- (1) submit a new application for a type certificate; or
 - (2) submit an application to extend the original application.
- (c) If an application submitted under paragraph (b)(2) to extend an application for a type certificate is accepted, the effective date of the original application is deemed to be a date that precedes the actual date of issue of the type certificate by a period not greater than the period established under rule 21.17(b) for the original application.

21.21 Reserved

21.23 Special conditions

The Director may prescribe special conditions for a product to establish a level of safety equivalent to the airworthiness design standards specified in Appendix C if the Director determines that the airworthiness standards do not contain adequate or appropriate safety levels because—

- (1) the product has novel or unusual design features relative to the design practices on which the applicable airworthiness design standards are based; or
- (2) the intended use of the product is unconventional.

21.25 Duration of certificate

- (a) A type certificate remains in force unless the certificate is suspended or revoked.

(b) A type acceptance certificate remains in force unless the type certificate or other equivalent document required under rule 21.43(a)(1)(i) for the issue of the type acceptance certificate is no longer valid.

21.27 Transfer of certificate

(a) A holder of a type certificate must not transfer the certificate to another person unless the person to hold the type certificate is acceptable to the Director and the person holds—

- (1) a *design organisation certificate* issued in accordance with Part 146; or
- (2) a *manufacturing organisation certificate* issued in accordance with Part 148.

(b) A holder of a type certificate must, before transferring a type certificate,—

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

Type Certification Requirements

21.31 Airworthiness requirements

An applicant for the grant of a type certificate for a product type must provide the Director with evidence that—

- (1) except as provided in paragraph (2), the product type design complies with—
 - (i) the applicable airworthiness design standard specified in Appendix C or any later amendment of that standard as selected by the applicant; and
 - (ii) any special conditions prescribed by the Director under 21.23; and
 - (iii) any other airworthiness requirement the Director considers to be relevant; and

- (iv) the applicable aircraft noise and engine emission standards specified in Appendix C or any later amendment of those standards as selected by the applicant; and
- (2) any airworthiness requirement not complied with is compensated for by factors providing an equivalent level of safety; and
- (3) no feature or characteristic of the product type makes it, when operated in accordance with the correctly amended flight manual or other prescribed limitations, unsafe for the intended use.

21.32 Aircraft noise and engine emission certification

An applicant for the grant of a type certificate for a product type must provide the Director with—

- (1) for an aircraft type, aircraft noise certification information consisting of—
 - (i) the manufacturer's type and model designation, engine type and model, and if applicable the propeller type and model; and
 - (ii) a statement identifying the applicable noise standard for the aircraft type in accordance with the standard category aircraft noise standard specified in Appendix C; and
 - (iii) a list of any modifications that have been incorporated in the aircraft design to ensure compliance with the noise standard identified by the applicant under paragraph (1)(ii); and
 - (iv) a statement specifying the average aircraft noise levels measured in accordance with the standards and procedures prescribed for the noise standard identified by the applicant under paragraph (1)(ii); and
 - (v) a statement specifying the maximum weight of the aircraft during the noise level measurements required in paragraph (1)(iv); and

- (2) for turbojet and turbofan engine types, engine emission certification information meeting the standard category engine emission standards specified in Appendix C, including —
- (i) the manufacturer's type and model designation; and
 - (ii) a statement identifying the applicable engine emission standard for the engine type, in accordance with the standard category aircraft engine emission standard specified in Appendix C; and
 - (iii) a list of any modifications that have been incorporated in the engines to ensure compliance with the emission standard identified by the applicant under paragraph (2)(ii); and
 - (iv) a statement of the rated output as prescribed in the emission standard identified by the applicant under paragraph (2)(ii); and
 - (v) a statement of the reference pressure ratio as required by the emission standard identified by the applicant under paragraph (2)(ii); and
 - (vi) a statement identifying compliance with the Smoke Number requirements in the emission standard identified by the applicant under paragraph (2)(ii); and
 - (vii) a statement identifying compliance with the gaseous pollutant requirements in the emission standard identified by the applicant under paragraph (2)(ii).

21.33 Type design

An applicant for the grant of a type certificate for a product type must—

- (1) provide the Director with a type design that consists of—
- (i) the drawings, specifications, and information necessary to define the configuration and the design features of the product type which have been shown to comply with the applicable airworthiness requirements; and

- (ii) a list of those drawings and specifications provided under paragraph (1)(i); and
 - (iii) the information on dimensions, materials, and processes necessary to define the structural strength of the product type; and
 - (iv) the Airworthiness Limitations section of the Instructions for Continued Airworthiness, required in the applicable airworthiness design standards specified in Appendix C; and
 - (v) any other data necessary to allow the determination of the airworthiness of later products of the same type; and
- (2) identify each type design and each variant within the type design.

21.35 Inspections and tests

- (a) Each applicant for the grant of a type certificate for a product type shall inspect and test a product of the type to ensure that—
- (1) the product complies with the applicable airworthiness requirements; and
 - (2) the materials and product conform to the specifications in the type design; and
 - (3) all parts of the product conform to the drawings in the type design; and
 - (4) the manufacturing processes, construction and assembly conform to those specified in the type design.
- (b) The applicant shall, after making the inspections and tests required under paragraph (a)—
- (1) permit the Director to perform any inspection and flight and ground testing that the Director may require; and

- (2) provide evidence that the product meets the requirements in paragraphs (a)(2), (3) and (4); and
- (3) ensure that the product remains unchanged between the time that the product is shown to meet the requirements in paragraphs (a)(2), (3) and (4) and presentation to the Director for testing.

21.37 Statement of compliance

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

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

21.39 Flight tests

(a) Subject to paragraph (b), an applicant for the issue of a type certificate for an aircraft type must make a flight test that the Director may require to verify that—

- (1) the aircraft type complies with the applicable airworthiness requirements; and
- (2) the aircraft type and the aircraft components are reliable and function properly.

(b) The applicant must ensure that—

- (1) before a flight test that is required under paragraph (a) is made—
 - (i) the aircraft complies with the structural requirements of the applicable airworthiness design standards specified in Appendix C; and
 - (ii) the aircraft has undergone the necessary ground inspections and tests; and
 - (iii) the aircraft conforms to the type design; and

- (2) every flight test that is required under paragraph (a) is conducted—
 - (i) by a person who meets the requirements prescribed in rule 19.405; and
 - (ii) in accordance with applicable procedures that are acceptable to the Director.

Type Acceptance Certification Requirements

21.41 Airworthiness requirements

An applicant for the issue of a type acceptance certificate for a product type must provide the Director with evidence that—

- (1) the product type meets the applicable —
 - (i) airworthiness design standards; and
 - (ii) aircraft noise and engine emission standards—
specified in Appendix C, and effective at the date assigned in the foreign type certificate or an equivalent document, unless another date is specified in writing by the Director; and
- (2) the product type meets any special conditions imposed under the foreign type certification or as specified in writing by the Director under rule 21.23; and
- (3) any airworthiness requirement not complied with is compensated for by a factor that provides an equivalent level of safety; and
- (4) there is no feature or characteristic of the product type that makes it unsafe for the intended use.

21.43 Data requirements

(a) An applicant for the issue of a type acceptance certificate for a product type must provide the Director with—

- (1) evidence that—

- (i) the type design has been approved by an ICAO contracting State of Design by the issue of a type certificate or an equivalent document; and
 - (ii) the type certificate or equivalent document is considered to be valid by the State of Design; and
- (2) details of the airworthiness requirements complied with, for the issue of the type certificate or equivalent document specified in paragraph (a)(1), including—
- (i) the airworthiness design standards; and
 - (ii) the effective date of the standards; and
 - (iii) any special condition imposed under the foreign type certification; and
 - (iv) any requirement not complied with and any compensating factor that provides an equivalent level of safety acceptable to the Director; and
 - (v) any airworthiness limitation; and
- (3) details of the information required in rule 21.32(1) and (2) regarding aircraft noise and engine emission certification; and
- (4) a list identifying the data submitted for the issue of the type certificate or equivalent document specified in paragraph (a)(1), showing compliance with the applicable airworthiness design standards; and
- (5) for an aircraft, a copy of the flight manual approved under the type certificate or equivalent document specified in paragraph (a)(1) or, if the applicable design standards do not require a flight manual to be provided, a flight manual meeting the standards prescribed in Appendix C; and
- (6) if required by the Director,—
- (i) a copy of the maintenance manual for the product type; and

- (ii) a copy of the current service information issued by the manufacturer of the product type; and
 - (iii) a copy of an illustrated parts catalogue for the product type; and
- (7) evidence that the manufacturer, or holder of the type certificate or equivalent document specified in paragraph (a)(1), has agreed to provide the Director with a copy of every amendment and re-issue of the documents prescribed in paragraphs (a)(5) and (a)(6).
- (b) If the product type referred to in paragraph (a) is an aircraft type, the information required under paragraph (a)(6) must include the aircraft engine, and propeller, if applicable.
- (c) The Director may specify in writing the range of serial numbers or models of products to which the type acceptance certificate relates, or redefine the applicability of the certificate if the requirements under rules 21.41 and 21.43 are satisfied for any additional product.

Subpart C — Design Changes

21.71 Purpose

This Subpart prescribes rules governing the approval of a design change.

21.73 Approval of design changes

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

- (2) accepted by the issue of an airworthiness certificate.

21.75 Continuation of design changes

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

21.77 Continued airworthiness responsibilities

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

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

(a) A design change embodied on an aircraft may be accepted by the issue of an airworthiness certificate for that aircraft if —

- (1) the design change is recorded in the maintenance records for the aircraft at the time of issue of the airworthiness certificate; and
- (2) there is sufficient evidence that the design change meets the applicable airworthiness requirements; and
- (3) there is sufficient evidence that the design change meets the applicable aircraft noise and engine emission standards specified in Appendix C.

(b) A design change accepted under this rule may only be embodied on the individual aircraft for which the airworthiness certificate has been issued.

21.81 Form CAA 337 – approval of modifications

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

Subpart D — Changes to Type Certificates and Type Acceptance Certificates

21.91 Purpose

This Subpart prescribes rules governing the approval of a change to a type certificate and a type acceptance certificate.

21.93 Changes to certificates

(a) A change to a type certificate in accordance with this Subpart may include a change to any of the following:

- (1) the type certificate category:
- (2) the type design:
- (3) the flight manual:
- (4) the operating limitations:
- (5) the type certificate data sheet:
- (6) any special condition specified in the type certificate.

(b) A change to a type acceptance certificate must be made in accordance with rule 21.95(b).

21.95 Design changes requiring a new certificate

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

- (1) the Director determines that the proposed change in the design, configuration, power, power limitations for engines, speed limitations for engines, or weight, is so extensive that a substantially complete investigation of compliance with the airworthiness requirements is required; or
- (2) for an aircraft type, the proposed change is to—
 - (i) the number of engines or rotors; or

- (ii) engines or rotors using different principles of propulsion;
or
 - (iii) rotors using different principles of operation; or
- (3) for an aircraft engine type, the proposed change is in the principle of operation; or
- (4) for a propeller type, the proposed change is in—
- (i) the number of blades; or
 - (ii) the principle of pitch change operation; or
 - (iii) the blade material.

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

21.97 Limitations of changes to type certificates

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

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

21.99 Eligibility

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

21.101 Application for approval

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

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

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

21.103 Approval of change to type certificate

The Director may approve a change to a type certificate and an applicant is entitled to the approval of a change to a type certificate if—

- (1) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Director; and
- (2) the change to the type certificate is not contrary to the interests of aviation safety; and
- (3) any airworthiness requirement not complied with is compensated for by a factor that provides a level of safety acceptable to the Director for the intended continuing use of the aircraft; and
- (4) there is no feature or characteristic of the changed product that makes it unsafe for the intended use if it is operated in accordance with the correctly amended flight manual or other specified limitations.

Subpart E — Supplemental Type Certificates

21.111 Purpose

This Subpart prescribes—

- (1) rules governing the issue of a supplemental type certificate; and
- (2) the responsibilities of a holder of a supplemental type certificate.

21.113 Supplemental type certificate

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

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

21.115 Eligibility

Any person may apply for a supplemental type certificate.

21.117 Application for certificate

An applicant for a supplemental type certificate must complete form CAA 24021/09 and submit it to the Director with —

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the information requested in—
 - (i) 21.33; and
 - (ii) 21.35; and
 - (iii) 21.505(a); and
 - (iv) 21.32 if the proposed changes may affect the aircraft noise or engine emission levels; and
- (3) such further particulars relating to the design change and the applicant as may be required by the Director as indicated on the form; and

- (4) payment of the appropriate application fee prescribed by regulations made under the Act.

21.119 Issue of certificate

(a) The Director may issue a supplemental type certificate for a product or product type and an applicant is entitled to a supplemental type certificate if the Director is satisfied that—

- (1) the applicant meets the applicable requirements of this Subpart; and
- (2) the issue of the certificate is not contrary to the interests of aviation safety; and
- (3) any airworthiness requirement that is not complied with is compensated for by a factor that provides an equivalent level of safety; and
- (4) there is no feature or characteristic of the changed product that makes it unsafe for the intended use, if the changed product is operated in accordance with the correctly amended flight manual or other specified limitation.

(b) A certificate issued by the Director under this Subpart may be subject to conditions as the Director considers appropriate in each particular case.

21.121 Transfer of certificate

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

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

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

21.123 Responsibilities of certificate holder

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

21.125 Changes to certificate

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

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

Subpart F — Provisional Type Certificates

21.141 Purpose

This Subpart prescribes rules governing the issue of and amendment to a provisional type certificate for a product type.

21.143 Application for certificate

An applicant for the issue of a *provisional* type certificate or an amendment to a *provisional* type certificate must submit the application to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

21.145 Issue of certificate

(a) The Director may issue a *provisional* type certificate or an amendment to a *provisional* type certificate and an applicant is entitled to a *provisional* type certificate or an amendment to a *provisional* type certificate if the Director is satisfied that—

- (1) the applicant holds, or has applied for, a type certificate or a supplemental type certificate for the product as appropriate; and
- (2) the applicant meets the applicable requirements of this Subpart; and
- (3) the issue of a *provisional* type certificate or the amendment to a *provisional* type certificate is not contrary to the interests of aviation safety.

(b) A *provisional* type certificate issued by the Director under this Subpart may be subject to conditions that the Director considers appropriate in each particular case.

21.147 Provisional type certification requirements

(a) An applicant for the issue of a *provisional* type certificate or an amendment to a *provisional* type certificate must provide the Director with evidence that—

- (1) there is no feature, characteristic, or condition of the product that makes it unsafe when operated in accordance with the limitations established under paragraph (b)(1); and

- (2) the product has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate or supplemental type certificate the applicant holds or has applied for; and
 - (3) the product can be operated safely under the appropriate operating limitations established under paragraph (b)(1); and
 - (4) for an aircraft type—
 - (i) the aircraft substantially meets the applicable flight characteristic requirements for the type certificate or supplemental type certificate that the applicant holds or has applied for; and
 - (ii) the aircraft has performed every manoeuvre necessary to show compliance with the flight requirements for the issue of the type certificate or supplemental type certificate that the applicant holds or has applied for; and
 - (iii) the aircraft can be operated safely in accordance with any applicable limitations contained in the Civil Aviation Rules.
- (b) The applicant must establish—
- (1) the limitations required for the issue of the type certificate or supplemental type certificate that the applicant holds or has applied for, including limitations on weights, speed, flight manoeuvres, loading and operation of controls and equipment; and
 - (2) an inspection and maintenance programme for the continued airworthiness of the product.
- (c) An applicant for the issue of a *provisional* type certificate for an aircraft type must demonstrate appropriate operating restrictions for the aircraft for each limitation not established under paragraph (b)(1).

(d) An applicant for the issue of a *provisional* type certificate for an aircraft type must show that a prototype aircraft has been flown for at least 50 hours—

- (1) under a *special category – experimental* airworthiness certificate; or
- (2) under the auspices of a Defence Force of New Zealand, Australia, Canada, the United Kingdom or the United States of America.

(e) The Director may, in writing, reduce the number of flight hours required under paragraph (d) if the application is for an amendment to a provisional type certificate.

21.149 Duration

(a) A *provisional* type certificate remains in force until its expiry date, which must not be more than 24 months from the date of issue, unless the certificate is suspended or revoked.

(b) An amendment to a *provisional* type certificate remains in force for the period that the *provisional* type certificate remains in force under paragraph (a).

Subpart G — Reserved

Subpart H — Airworthiness Certificates

21.171 Purpose

This Subpart prescribes rules governing the airworthiness certification of an aircraft.

21.173 Certificate categories

The following airworthiness certificates for New Zealand registered aircraft are issued by the Director under section 9 of the Act in accordance with the applicable requirements of this Subpart:

- (1) *standard category*;
- (2) *restricted category*;

- (3) *special category — experimental:*
- (4) *special category — exhibition:*
- (5) *special category — amateur-built:*
- (6) *special category — primary:*
- (7) *special category — LSA:*
- (8) *special category — limited:*
- (9) *provisional category.*

21.175 Application for certificate

An applicant for the grant of an airworthiness certificate for an aircraft must complete the applicable form and submit it to the Director with a payment of the application fee prescribed by regulations made under the Act:

- (1) form CAA 24021/05 for *standard* or *restricted category*:
- (2) form CAA 24021/06 for *special category*:
- (3) form CAA 24021/14 for *provisional category*.

21.177 Special conditions for issue of certificate

(a) An airworthiness certificate for an aircraft may be issued in both the *standard category* and the *restricted category* if the Director is satisfied that—

- (1) the applicable certification requirements for each category under this Subpart are met when the aircraft is configured for the category; and
- (2) the aircraft can be converted from one configuration to the other by removing or adding equipment by simple mechanical means.

(b) Only a *restricted category* airworthiness certificate may be issued for an aircraft if the Director is satisfied that—

- (1) the aircraft is internally equipped for dispensing substances on an agricultural aircraft operation; and
 - (2) the extent of the internal equipment makes the aircraft inappropriate for use in an air transport operation.
- (c) An airworthiness certificate for an aircraft may only be issued in 1 of the *special categories* listed under rule 21.173 if the Director is satisfied that—
- (1) the applicable certification requirements under this Subpart are met in respect of the purposes for which the aircraft is to be operated; and
 - (2) the aircraft is in a condition for safe operation.
- (d) The Director may specify in an airworthiness certificate the purpose of the certificate and any associated conditions and limitations for the operation of the aircraft.

21.179 Duration of certificate

- (a) The following airworthiness certificates for an aircraft remain in force if the maintenance on the aircraft is performed in accordance with the applicable requirements of Parts 91 and 43 unless the certificate has expired, or is suspended or revoked:
- (1) *standard category*;
 - (2) *restricted category*;
 - (3) *special category*.
- (b) A *standard category* airworthiness certificate for an aircraft and a *restricted category* airworthiness certificate for an aircraft expire if—
- (1) the aircraft ceases to be a New Zealand registered aircraft; or
 - (2) the *type certificate* or the *type acceptance certificate*, as applicable, issued for the aircraft type, its engines, and propellers if applicable, ceases to remain in force; or

- (3) a new airworthiness certificate in the same category is issued for the aircraft.
- (c) A *special category* airworthiness certificate for an aircraft expires if—
- (1) the aircraft ceases to be a New Zealand registered aircraft; or
 - (2) a new airworthiness certificate in the same category is issued for the aircraft.
- (d) The holder of an airworthiness certificate that has expired under paragraphs (b) or (c) must surrender the certificate to the Director.
- (e) The holder of a *standard category* airworthiness certificate or a *restricted category* airworthiness certificate that has expired under paragraph (b)(2) may apply under rule 21.175 for the grant of an appropriate *special category* airworthiness certificate for the aircraft.
- (f) A *provisional category* airworthiness certificate for an aircraft remains in force for the period specified in the certificate—
- (1) if—
 - (i) the maintenance on the aircraft is performed in accordance with the applicable requirements of Parts 91 and 43; and
 - (ii) the aircraft remains a New Zealand registered aircraft; and
 - (iii) the *provisional type certificate* issued under rule 21.145 for the aircraft type remains in force; and
 - (2) unless—
 - (i) the *provisional category* airworthiness certificate is suspended or revoked; or
 - (ii) a *standard category* airworthiness certificate or a *restricted category* airworthiness certificate is issued for the aircraft.

21.181 Transfer of certificate

Despite rule 19.11, the holder of a New Zealand certificate of registration for an aircraft must transfer the following applicable airworthiness certificates with the aircraft if, in accordance with rule 47.57, the holder of the certificate of registration ceases to have lawful entitlement to possession of the aircraft:

- (1) *standard category*;
- (2) *restricted category*;
- (3) *special category*;
- (4) *provisional category*.

Certification Requirements

21.191 Standard and restricted category requirements

An applicant for a *standard category*, *restricted category*, or *provisional category* airworthiness certificate for an aircraft must provide the Director with evidence that—

- (1) the aircraft, its engines, and propellers if applicable conform to applicable current—
 - (i) type certificates issued in accordance with Subpart B; or
 - (ii) type acceptance certificates issued in accordance with Subpart B; or
 - (iii) provisional type certificates issued in accordance with Subpart F; and
- (2) every modification and repair to the aircraft conforms to a design change approved in accordance with acceptable technical data under Subpart N for the aircraft type; and
- (3) every airworthiness directive that is applicable to the aircraft has been complied with in accordance with Part 39; and
- (4) the aircraft is issued with —

- (i) the appropriate flight manual; and
 - (ii) the appropriate logbooks, repair and alteration forms and documents; and
- (5) the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and 1 of the following forms of marking:
- (i) the nationality and registration marks:
 - (ii) Police marks:
 - (iii) an approved identifiable paint scheme and markings; and
- (6) the aircraft, its engines, propellers, and propeller hubs and blades are identified by the means specified in Subpart Q; and
- (7) the aircraft conforms with every applicable additional airworthiness requirement prescribed in Part 26; and
- (8) the aircraft has, within 60 days before the application for the airworthiness certificate, undergone —
- (i) a 100-hour, or equivalent, inspection in accordance with the manufacturer's maintenance schedule; or
 - (ii) a scheduled inspection in accordance with an applicable maintenance programme of an air operator certificated in accordance with Part 119 or an air transport operator certificated by an ICAO Contracting State; or
 - (iii) an equivalent inspection acceptable to the Director; and
- (9) the aircraft has been weighed within the last 5 years prior to the application under rule 21.175; and
- (10) the aircraft is in a condition for safe operation; and
- (11) the aircraft and each modification and repair to the aircraft complies with the applicable aircraft noise and engine emission standards specified in Appendix C.

21.193 Special category—experimental certification requirements

An applicant for the grant of a *special category—experimental* airworthiness certificate for an aircraft must provide the Director with—

- (1) a statement specifying the purpose for which the aircraft is to be operated, including—
 - (i) details of the proposed operation; and
 - (ii) the estimated duration or number of flights required for the operation; and
 - (iii) details of the areas over which the operation is to be conducted; and
- (2) sufficient data to identify the aircraft, including a three-view drawing of the aircraft, except for an aircraft converted from a previously certificated type without appreciable change in the external configuration; and
- (3) any other information that the Director may request relating to the application; and
- (4) flight manuals, maintenance manuals and any document relating to the operation of the aircraft as the Director may require; and
- (5) evidence that the aircraft conforms with any design change necessary for the safe operation of the aircraft that the Director may require; and
- (6) evidence that the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and 1 of the following forms of marking—
 - (i) the nationality and registration marks; or
 - (ii) an approved identifiable paint scheme and markings; and
- (7) evidence that the aircraft is identified by the means specified in Subpart Q; and

- (8) evidence that a maintenance programme for the aircraft has been approved in accordance with rule 91.607; and
- (9) evidence that the placard requirements prescribed in rule 21.205 are met.

21.195 Special category—exhibition certification requirements

(a) An applicant for the grant of a *special category—exhibition* airworthiness certificate for an aircraft, must provide the Director with—

- (1) a statement specifying the purpose for which the aircraft is to be operated; and
- (2) sufficient data to identify the aircraft make and model; and
- (3) any other information that the Director may request relating to the application; and
- (4) flight manuals, maintenance manuals and any documents relating to the operation of the aircraft as the Director may require; and
- (5) evidence that the aircraft conforms with any design change necessary for the safe operation of the aircraft that the Director may require; and
- (6) evidence that the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and 1 of the following forms of marking—
 - (i) the nationality and registration marks; or
 - (ii) an approved identifiable paint scheme and markings; and
- (7) evidence that the holder of the certificate of registration for the aircraft holds a valid operator statement for the aircraft in accordance with rule 47.55(c); and
- (8) evidence that the aircraft is identified by the means specified in Subpart Q; and

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- (9) evidence that a flight evaluation has been completed and that the aircraft—
 - (i) is controllable throughout its range of speeds and throughout all the normal operating manoeuvres; and
 - (ii) does not have any hazardous operating characteristics or design features; and
 - (10) evidence that a maintenance programme for the aircraft has been approved in accordance with rule 91.607; and
 - (11) evidence that every applicable airworthiness directive has been complied with in accordance with Part 39; and
 - (12) data from a flight evaluation concerning—
 - (i) any operational limitations for the aircraft; and
 - (ii) any airworthiness limitations for the aircraft; and
 - (13) evidence that the placard requirements prescribed in rule 21.205 are met.
- (b) A flight evaluation required by paragraph (a)(9) must be conducted—
- (1) in accordance with the limitations and conditions stated on a *special category—experimental* airworthiness certificate issued for the aircraft; and
 - (2) by a test pilot approved for the purpose under rule 19.405.
- (c) An applicant for the grant of a *special category—exhibition* airworthiness certificate for an aircraft that has a *special category—experimental* airworthiness certificate that is valid on 3 December 2009 is not required to provide the information required under paragraphs (a)(4) to (a)(6), (a)(8), (a)(9), (a)(11), and (a)(12) unless requested by the Director, if—
- (1) the information provided under paragraph (a)(2) includes the registration marks for the aircraft; and

- (2) the maintenance programme required under rule 91.605(b)(2) includes the details required under rule 91.607(d) and (e).

21.197 Special category—amateur-built certification requirements

(a) An applicant for the grant of a *special category—amateur-built* airworthiness certificate for an aircraft must provide the Director with—

- (1) a statement specifying the purpose for which the aircraft is to be operated; and
- (2) sufficient data to identify the aircraft make and model; and
- (3) any other information that the Director may request relating to the application; and
- (4) flight manuals, maintenance manuals and any documents relating to the operation of the aircraft as the Director may require; and
- (5) evidence that—
 - (i) the amateur constructor has built the major portion of the aircraft for their own education or recreation; or
 - (ii) the aircraft is a light sport aircraft designated by the manufacturer as an experimental – light sport aircraft; and
- (6) evidence that the aircraft conforms with any design change necessary for the safe operation of the aircraft that the Director may require; and
- (7) evidence that the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and 1 of the following forms of marking—
 - (i) the nationality and registration marks; or
 - (ii) an approved identifiable paint scheme and markings; and

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- (8) evidence that the aircraft is identified by the means specified in Subpart Q; and
 - (9) evidence that a flight evaluation has been completed and that the aircraft—
 - (i) is controllable throughout its range of speeds and throughout all the normal operating manoeuvres; and
 - (ii) does not have any hazardous operating characteristics or design features; and
 - (10) evidence that a maintenance programme for the aircraft has been approved in accordance with rule 91.607; and
 - (11) evidence that every applicable airworthiness directive has been complied with in accordance with Part 39; and
 - (12) data from a flight evaluation concerning—
 - (i) any operational limitations for the aircraft; and
 - (ii) any airworthiness limitations for the aircraft; and
 - (13) evidence that the placard requirements prescribed in rule 21.205 are met.
- (b) A flight evaluation required by paragraph (a)(12) must be conducted—
- (1) in accordance with the limitations and conditions stated on a *special category—experimental* airworthiness certificate issued for the aircraft; and
 - (2) by a test pilot approved for the purpose under rule 19.405.
- (c) An applicant for the grant of a *special category—amateur-built* airworthiness certificate for an aircraft that has, or is deemed to have under Appendix A paragraph (g), a *special category—experimental* airworthiness certificate that is valid on 3 December 2009 is not required to provide the information required under paragraphs (a)(4) to (a)(12) unless requested by

the Director if the information provided under paragraph (a)(2) includes the registration marks for the aircraft.

21.199 Special category—primary certification requirements

An applicant for the grant of a *special category—primary* airworthiness certificate for an aircraft must provide the Director with—

- (1) a statement specifying the purpose for which the aircraft is to be operated; and
- (2) sufficient data to identify the aircraft make and model; and
- (3) any other information that the Director may request relating to the application; and
- (4) flight manuals, maintenance and repair manuals, parts manual, and any other documents relating to the operation of the aircraft as the Director may require; and
- (5) evidence that every modification and repair to the aircraft conforms to a design change approved in accordance with Subpart C; and
- (6) evidence that every applicable airworthiness directive has been complied with in accordance with Part 39; and
- (7) evidence that the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and 1 of the following forms of marking—
 - (i) the nationality and registration marks; or
 - (ii) an approved identifiable paint scheme and markings; and
- (8) evidence that the aircraft, its engines, propellers, and propeller hubs and blades are identified by the means specified in Subpart Q; and
- (9) evidence that a maintenance programme for the aircraft has been approved under rule 91.607; and

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- (10) evidence that continuing airworthiness data relating to the aircraft and installed components is available from sources acceptable to the Director; and
 - (11) evidence that the aircraft has, within 60 days prior to the application for the airworthiness certificate, undergone a 100-hour, or equivalent inspection in accordance with the manufacturer's maintenance schedule, or an equivalent inspection acceptable to the Director; and
 - (12) for an imported aircraft—
 - (i) evidence that the aircraft had been certificated as a primary category aircraft in accordance with FAR 21.24, or an equivalent certification acceptable to the Director, by the relevant authority for airworthiness in the country of export; and
 - (ii) evidence that the aircraft conforms to the requirements and airworthiness design standards for a primary category aircraft prescribed in FAR 21.24, or the requirements and airworthiness design standards for the equivalent certification accepted by the Director under paragraph (i); and
 - (13) for a New Zealand manufactured aircraft—
 - (i) evidence that the aircraft was manufactured under the authority of an aircraft manufacturing organisation certificate issued in accordance with Part 148; and
 - (ii) evidence that the aircraft conforms with the requirements and airworthiness design standards for a primary category aircraft prescribed in FAR 21.24, or conforms with an equivalent airworthiness design standard acceptable to the Director; and
 - (14) evidence that the placard requirements prescribed in rule 21.205 are met.

21.201 Special category—LSA certification requirements

(a) An applicant for the grant of a *special category—LSA* airworthiness certificate for an aircraft must provide the Director with—

- (1) a statement specifying the purpose for which the aircraft is to be operated; and
- (2) sufficient data to identify the aircraft make and model; and
- (3) any other information that the Director may request relating to the application; and
- (4) flight manuals, the manufacturer's maintenance manual and inspection procedures, and any other documents relating to the operation of the aircraft as the Director may require; and
- (5) evidence that the aircraft conforms with any design change necessary for the safe operation of the aircraft that the Director may require; and
- (6) evidence that the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and 1 of the following forms of marking—
 - (i) the nationality and registration marks; or
 - (ii) an approved identifiable paint scheme and markings; and
- (7) evidence that the aircraft is identified by the means specified in Subpart Q; and
- (8) evidence that a flight evaluation has been completed and that the aircraft—
 - (i) is controllable throughout its range of speeds and throughout all the normal operating manoeuvres; and
 - (ii) does not have any hazardous operating characteristics or design features; and

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- (9) evidence that a maintenance programme for the aircraft has been approved in accordance with rule 91.607; and
- (10) evidence that every applicable airworthiness directive has been complied with in accordance with Part 39; and
- (11) for an imported aircraft—
- (i) evidence that the aircraft has been issued with, or is eligible for the issue of, a special airworthiness certificate in the light sport category in accordance with the requirements specified in FAR 21.190 or an equivalent standard acceptable to the Director; and
 - (ii) the aircraft manufacturer's signed statement of compliance for the aircraft, or a certified copy of the manufacturer's signed statement, that meets the requirements of paragraph (b); and
- (12) for a New Zealand manufactured aircraft—
- (i) evidence that the aircraft was manufactured under the authority of an aircraft manufacturing organisation certificate issued in accordance with Part 148; and
 - (ii) the aircraft manufacturer's signed statement of compliance for the aircraft, or a certified copy of the manufacturer's signed statement, that meets the requirements of paragraph (b); and
- (13) evidence that the placard requirements prescribed in rule 21.205 are met.
- (b) A manufacturer's statement of compliance required under paragraphs (a)(11) and (12) must include at least the following information:
- (1) details specifying the aircraft's make and model, serial number and date of manufacture:
 - (2) technical details to show that the aircraft can be defined as a light sport aircraft:

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- (3) the identification of the consensus standard that is applicable to the design and manufacture of the aircraft:
- (4) a statement certifying that—
- (i) the manufacturer has a quality assurance system that meets the requirements of the consensus standard identified under paragraph (b)(3); and
 - (ii) the manufacturer's design data for the aircraft conforms with the consensus standard identified under paragraph (b)(3); and
 - (iii) based on the quality assurance system required under paragraph (b)(4)(i), the aircraft conforms with the manufacturer's design data for the aircraft and with the consensus standard identified under paragraph (b)(3); and
 - (iv) in accordance with a production acceptance test procedure established by the manufacturer in accordance with the consensus standard identified under paragraph (b)(3)—
 - (A) the manufacturer has ground-tested and flight-tested the aircraft; and
 - (B) the manufacturer is satisfied that the aircraft's performance during ground and flight testing meets the design requirements; and
 - (C) the aircraft is in a condition for safe operation; and
 - (v) the manufacturer has a procedure to monitor the continuing airworthiness of the aircraft and to issue safety directives or requirements that comply with the consensus standard identified under paragraph (b)(3) to correct any unsafe condition.

(c) A light sport aircraft that is built from a kitset and a light sport aircraft that is designated by the manufacturer as an experimental - light sport aircraft is not eligible for the issue of a *special category—LSA* airworthiness certificate.

21.203 Special category—limited certification requirements

(a) An applicant for the grant of a *special category—limited* airworthiness certificate for an aircraft must provide the Director with—

- (1) a statement specifying the purpose for which the aircraft is to be operated; and
- (2) sufficient data to identify the aircraft make and model; and
- (3) evidence that the aircraft type was produced in a series and factory built in a controlled design environment; and
- (4) evidence that the aircraft type has been previously accepted for civil or military operations; and
- (5) evidence that the aircraft—
 - (i) is essentially unmodified from the original type design and operational configuration; or
 - (ii) has been extensively restored without significant variation to the original type design and operational configuration; or
 - (iii) essentially conforms with the original design standards and operational configuration in spite of having significant changes made which are subject to an appropriate design approval or are acceptable to the Director; and
- (6) evidence that every applicable airworthiness directive has been complied with in accordance with Part 39; and
- (7) evidence that a maintenance programme for the aircraft has been approved in accordance with rule 91.607; and

-
- (8) flight manual limitation data including the following:
- (i) speed parameters:
 - (ii) weight and loading information:
 - (iii) engine operating parameters:
 - (iv) fuel and oil specifications:
 - (v) fuel consumption data:
 - (vi) total usable fuel quantities:
 - (vii) eligibility for flight in known icing conditions:
 - (viii) critical and prohibited manoeuvres:
 - (ix) emergency procedures:
 - (x) maximum number of occupants:
 - (xi) minimum flight crew members if more than one flight crew member is required:
 - (xii) recommended take-off and landing distances:
 - (xiii) if applicable, single engine climb performance; and
- (9) evidence that the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and 1 of the following forms of marking—
- (i) the nationality and registration marks; or
 - (ii) an approved identifiable paint scheme and markings; and
- (10) evidence that the holder of the certificate of registration for the aircraft holds a valid operator statement for the aircraft in accordance with rule 47.55(c); and
- (11) evidence that the aircraft has undergone an inspection, equivalent to an annual or 100-hour inspection in accordance

with the manufacturer's or a military maintenance schedule, or an equivalent inspection acceptable to the Director, within the 60 day period before the application for the airworthiness certificate was submitted to the Director; and

- (12) evidence that the aircraft has completed—
 - (i) a flight evaluation to establish that the aircraft is controllable throughout its range of speeds and throughout all the normal operating manoeuvres if documented evidence of the aircraft's safety, integrity and reliability record is not available; or
 - (ii) a flight evaluation to establish known operating limitations or confirm changes to those limitations as a result of modification; or
 - (iii) a combination of paragraphs (i) and (ii); and
 - (13) evidence that the aircraft is in a condition for safe operation; and
 - (14) evidence that the placard requirements prescribed in rule 21.205 are met.
- (b) The flight manual limitation data required by paragraph (a)(8) must originate from—
- (1) the manufacturer's data or military operating manuals acceptable to the Director; or
 - (2) data accepted by a foreign civil airworthiness authority; or
 - (3) data generated from a flight evaluation conducted under a *special category—experimental* airworthiness certificate issued for the aircraft; or
 - (4) a combination of paragraphs (1), (2), and (3).
- (c) A flight evaluation required by paragraphs (a)(12), and (b)(3) must be conducted—

- (1) in accordance with the limitations and conditions stated on a *special category—experimental* airworthiness certificate issued for the aircraft; and
 - (2) by a test pilot approved for the purpose under rule 19.405.
- (d) An applicant for the grant of a *special category—limited* airworthiness certificate for an aircraft that has a *special category—experimental* airworthiness certificate that is valid on 3 December 2009 is not required to provide the information required under paragraphs (a)(6), (a)(9), (a)(11), and (a)(12) unless requested by the Director, if—
- (1) the information provided under paragraph (a)(2) includes the registration marks for the aircraft; and
 - (2) the maintenance programme required under rule 91.605(b)(2) includes the details required under rule 91.607(d) and (e).

21.205 Placard for special category aircraft

An aircraft that is issued with a *special category* airworthiness certificate must have a legible placard with the following wording, or other similar wording acceptable to the Director, installed in the aircraft and in clear view of each passenger—

“Warning

This is a *Special Category* — (*Subcategory*) aircraft and does not meet the New Zealand Civil Aviation airworthiness standards for a standard category aircraft to carry passengers on an air transport operation.

Passengers fly in this aircraft at their own risk.”

Subparts I — Special Flight Permits

21.251 Applicability

This Subpart prescribes rules governing the issue of a special flight permit for an aircraft.

21.253 Special flight permit categories

The following special flight permits for an aircraft are granted by the Director under section 9 of the Act in accordance with the applicable requirements of this Subpart:

- (1) *special flight permit*:
- (2) *special flight permit—continuing authorisation*.

21.255 Application for special flight permit

An applicant for the grant of a special flight permit must complete 1 of the following forms as appropriate and submit it to the Director with a payment of the application fee prescribed by regulations made under the Act—

- (1) form CAA 24021/07 for a *special flight permit*:
- (2) form CAA 24021/15 for a *special flight permit—continuing authorisation*.

21.257 Conditions for issue of special flight permit

(a) The Director may issue a *special flight permit* for an aircraft if the Director is satisfied that—

- (1) the applicable certification requirements under this Subpart are met; and
- (2) in spite of any failure of the aircraft to meet applicable airworthiness and maintenance requirements prescribed in this Part or any other civil aviation rule, the level of safety is adequate for any of the following purposes:
 - (i) flying the aircraft to a base where maintenance is to be performed, or to a point of storage:

- (ii) flight testing of a new aircraft by the holder of a manufacturing organisation certificate issued in accordance with Part 148:
 - (iii) evacuating the aircraft from an area of impending danger.
- (b) The Director may issue a *special flight permit—continuing authorisation* for an aircraft type if the Director is satisfied that the applicable certification requirements under this Subpart are met and the level of safety is adequate for the purposes for which an aircraft is to be operated.
- (c) The Director may specify in a special flight permit the purpose of the permit and any associated conditions and limitations for the operation of the aircraft.

21.259 Duration of special flight permit

- (a) A *special flight permit* for an aircraft remains in force for the period specified in the permit if the aircraft remains a New Zealand registered aircraft, unless the permit is suspended or revoked by the Director.
- (b) A *special flight permit—continuing authorisation* for an aircraft type remains in force for the period specified in the permit unless the permit is suspended or revoked by the Director.

Special Flight Permit Requirements

21.261 Application for special flight permit

An applicant for the grant of a *special flight permit* for an aircraft must provide the Director with—

- (1) details of—
 - (i) the purpose of the flight; and
 - (ii) the proposed itinerary; and
 - (iii) the crew members required to operate the aircraft and its equipment; and

- (iv) any non-compliance with any applicable airworthiness or maintenance requirement; and
 - (v) any restriction that may be necessary for the safe operation of the aircraft; and
- (2) any other information the Director may require; and
 - (3) evidence that the aircraft is a New Zealand registered aircraft and, in accordance with Part 47, displays an identification plate and an approved form of aircraft marking; and
 - (4) evidence that the aircraft is identified by a means specified in Subpart Q.

21.263 Application for special flight permit—continuing authorisation

An applicant for the grant of a *special flight permit—continuing authorisation* for an aircraft type must provide the Director with—

- (1) a statement to confirm that the operation of any aircraft under the special flight permit is for the purpose of flight testing under a manufacturing organisation certificate issued in accordance with Part 148; and
- (2) details of the aircraft type; and
- (3) details of the manufacturing organisation's procedures for ensuring that each flight test is carried out safely; and
- (4) any other information the Director may require.

Subpart J — Reserved

Subpart K — Materials, Parts, Processes, and Appliances

21.301 Purpose

This Subpart prescribes rules governing the approval or acceptance of a material, part, process, and appliance.

21.303 Replacement and modification materials, parts, and appliances

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

- (1) be authorised by the holder of the type certificate for the product as complying with the type design; or
- (2) be manufactured by a person performing maintenance on the product and the replacement or modification material, part, or appliance must be —
 - (i) certified by the person to conform to an approved type design including any embodied design change; and
 - (ii) identified in accordance with Subpart Q, or
- (3) be issued with a *CAA Form One – authorised release certificate* issued by the holder of a maintenance organisation certificate issued in accordance with Part 145 who established the conformity and traceability of, and performed maintenance on, the part or appliance; or
- (4) be issued with a *CAA Form One – authorised release certificate* issued by the holder of a manufacturing organisation certificate issued in accordance with Part 148 who manufactured the part or appliance in accordance with a—
 - (i) NZTSO authorisation; or
 - (ii) NZPMA authorisation; or
 - (iii) supplemental type certificate issued under Subpart E; or
 - (iv) certificate of type approval issued under regulation 163 of the Civil Aviation Regulations 1953; or
- (5) be issued with a release note, by the holder of a supply organisation certificate issued in accordance with Part 19, who established the conformity of the material, part, or appliance; or

- (6) be a standard part; or
- (7) be an imported part accepted for the purpose by the Director.

21.305 Approval or acceptance of processes

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

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

Subpart L — Export Airworthiness Certificates

21.321 Purpose

This Subpart prescribes rules governing the issue of—

- (1) an export airworthiness certificate for the export of a product:
- (2) *CAA Form One – authorised release certificates* for the export of a part and an appliance.

21.323 Reserved

21.325 Reserved

21.327 Export airworthiness certificate exceptions

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

- (1) the requirements of this Subpart that have not been met; and
- (2) any differences in configuration between the exported product and the relative type approved or type accepted product.

21.329 Eligibility

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

21.331 Application for export airworthiness certificate

(a) An applicant for the issue of an *export* airworthiness certificate must complete form CAA 24021/10, and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act and provide the Director with—

- (1) evidence that—
 - (i) the product conforms to a type design acceptable to the State of the importer; and
 - (ii) any special certification condition of the State of the importer has been met; and
 - (iii) the State of the importer accepts any exception to be listed in the certificate; and
 - (iv) the product has been identified in accordance with Subpart Q; and
 - (v) the applicable airworthiness directives have been complied with; and
- (2) any log book, modification and repair form, and historical record that the Director may require for other than a new product; and
- (3) a description of any method used, including the duration of the effectiveness of the method, for the preservation and packaging of a product, to protect it against corrosion and damage while in transit or storage; and
- (4) the date when ownership passed, or is expected to pass, to a purchaser in the State of the importer; and
- (5) the date on which any document that is not available at the date of application is expected to become available; and

- (6) supporting documentation for any variance to this Subpart; and
 - (7) further particulars relating to the product and the applicant, if required by the Director as indicated in the form.
- (b) An applicant for the issue of an *export* airworthiness certificate for an aircraft must, in addition to paragraph (a), provide the Director with—
- (1) evidence that—
 - (i) for a new aircraft, it has been manufactured under the authority of a manufacturing organisation certificate issued in accordance with Part 148; and
 - (ii) for other than a new aircraft, it possesses or qualifies for an airworthiness certificate under Subpart H; and
 - (iii) the aircraft is issued with the appropriate flight manual and, for a new aircraft, maintenance manual; and
 - (iv) a weight and balance report has been completed, with a loading schedule if applicable; and
 - (v) the aircraft has, within 60 days before the application for the export airworthiness certificate, undergone a 100-hour, or equivalent, inspection in accordance with a manufacturer's maintenance schedule, or an equivalent inspection acceptable to the Director; and
 - (vi) any installations incorporated for the purpose of export delivery comply with the applicable airworthiness requirements or have been approved by the issue of a *special category – special flight permit* airworthiness certificate under Subpart H; and
 - (2) confirmation that any installation described in paragraph (b)(1)(vi) is to be removed and the aircraft restored to the approved type configuration upon completion of the delivery flight.

(c) The applicant must make the product that is the subject of the export airworthiness certificate and associated data available for inspection if required by the Director.

21.333 Issue of export airworthiness certificate

(a) The Director may issue an *export* airworthiness certificate for a product and an applicant is entitled to an *export* airworthiness certificate if the Director is satisfied that—

- (1) the applicant meets the applicable requirements of this Subpart; and
- (2) the issue of the certificate is not contrary to the interests of aviation safety; and
- (3) any airworthiness requirement that is not complied with is compensated for by a factor that provides an acceptable level of safety.

(b) Notwithstanding paragraph (a)(1), the Director may issue an *export* airworthiness certificate for a product that does not meet every airworthiness requirement of rule 21.331 if the applicant provides written evidence that the non-compliance with any particular requirement is acceptable to the State of the importer.

(c) An *export* airworthiness certificate issued by the Director under this Subpart—

- (1) may be subject to conditions as the Director considers appropriate in each particular case; and
- (2) does not authorise the installation or use of a product.

21.335 Validity of certificate

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

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

21.337 Transfer of certificate

An export airworthiness certificate is transferred with the product.

21.339 Use of *CAA Form One – authorised release certificate for export*

(a) The *CAA Form One – authorised release certificate* must only be used for the export of a part or appliance if—

- (1) the part or appliance—
 - (i) is new, has been newly overhauled, or was last installed in an aircraft which possesses a valid standard or restricted category airworthiness certificate and the part or appliance is fit for release to service; and
 - (ii) conforms to approved design data; and
 - (iii) is in a condition for safe operation; and
 - (iv) meets any special conditions for import required by the State of the importer; and
- (2) the *CAA Form One – authorised release certificate* has been issued in accordance with the procedures of—
 - (i) an aircraft maintenance organisation certificated in accordance with Part 145; or
 - (ii) an aircraft manufacturing organisation certificated in accordance with Part 148.

(b) A part or appliance does not need to meet every requirement under paragraph (a) if the State of the importer indicates in writing that the part or appliance is acceptable to the State.

21.341 Responsibilities of an exporter

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

- (1) where applicable, request the cancellation of the New Zealand registration and airworthiness certificates, giving the date of

- transfer of title and the name and address of the foreign owner;
and
- (2) return the registration and airworthiness certificates to the Director; and
 - (3) submit a statement certifying that the New Zealand nationality and registration marks have been removed from the aircraft.
- (b) Unless otherwise agreed with the State of the importer, the exporter who was granted an export airworthiness certificate shall—
- (1) forward to the appropriate authority of the State of the importer—
 - (i) all documents and information necessary for the proper operation of the product and any other material as is stipulated in the special requirements of the State of the importer; and
 - (ii) the applicable manufacturer's assembly instructions for un-assembled aircraft and an approved flight test check list; and
 - (2) preserve and package products to protect them against corrosion and damage whilst in transit or storage; and
 - (3) upon completion of an export delivery of an aircraft, remove, or have removed, any temporary installation incorporated for the purpose of delivery and restore the aircraft to the approved type configuration.

Subpart M — Repairs

21.431 Applicability

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

21.433 Approval of designs for repairs

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

Subpart N — Technical Data and Airworthiness Specifications

21.501 Purpose

This Subpart prescribes rules governing—

- (1) the approval or acceptance of technical data:
- (2) the approval or acceptance of specifications for a material, part, process, or appliance:
- (3) the approval of a deviation from specifications for a material, part, process, or appliance.

21.503 Acceptable technical data

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

21.505 Form CAA 337 – approval of technical data

(a) Except as provided in paragraphs (b) and (c), an applicant for the approval of technical data must complete form CAA 337, and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act and provide the Director with—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) any documentation necessary to define the data; and
- (3) a description of any design change including—
 - (i) sufficient data to identify the change; and
 - (ii) the identification of every part of a product, component, or appliance affected by the change; and

-
- (4) for a product, component, or appliance to be changed in accordance with the data,—
- (i) details of any investigation, test or analysis that may be necessary to show compliance with the applicable airworthiness requirements; and
 - (ii) adequate maintenance and operating data to ensure the product, component, or appliance can be properly maintained and operated; and
- (5) any further particulars relating to the applicant, the technical data, and any design change, if required by the Director as indicated in the form; and
- (6) one of the following:
- (i) a statement of compliance provided by a design organisation certificated in accordance with Part 146 stating that the technical data meets the airworthiness requirements of rule 21.31, and the applicable additional airworthiness requirements prescribed in Part 26, and the applicable aircraft noise and engine emission requirements prescribed in rule 21.32, and that the associated design change is fit for embodiment:
 - (ii) a statement equivalent to that required by paragraph (a)(6)(i) issued in accordance with the requirements of an appropriate foreign authority:
 - (iii) a written request that a statement of compliance be provided during the technical data approval process.
- (b) Notwithstanding paragraph (a)(6)(i), a statement of compliance may state that the technical data—
- (1) meets the airworthiness, aircraft noise and engine emission requirements incorporated by reference in the type certificate; or
 - (2) if special conditions are applied, meets a level of safety equivalent to that required under paragraph (a)(6)(i).

(c) An aircraft design organisation certificated in accordance with Part 146 may use a document other than form CAA 337 to record the information required under paragraph (a).

(d) The Director may approve technical data and an applicant is entitled to the approval of technical data if the Director is satisfied that—

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

(e) Notwithstanding paragraph (d)(1), the Director may approve technical data without the applicant meeting every requirement of paragraph (a) if—

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

21.507 Approval of specifications

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

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

21.509 Acceptance of specifications

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

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

21.511 Application for deviation from specification

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

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

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

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

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

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

Subpart O — New Zealand Technical Standard Order Authorisations

21.601 Applicability

This Subpart prescribes rules governing—

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

- (2) the responsibilities of the holder of a NZTSO authorisation.

21.603 Definitions

In this Part:

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

21.605 Requirement for NZTSO authorisation

- (a) A NZTSO authorisation is—
 - (1) a design approval issued to the manufacturer of an article that has been found to meet a NZTSO; and
 - (2) an authorisation to mark an article with the letters NZTSO.
- (b) No person may identify an article with a NZTSO marking unless that person holds a NZTSO authorisation in respect of that article and the article meets the NZTSO performance standards.

21.607 Eligibility

- (a) The applicant for the grant of a NZTSO authorisation shall—
 - (1) be the holder of, or the applicant for, a manufacturing organisation certificate issued under Part 148; and
 - (2) have made all necessary preparations to, or be able to, produce the article.
- (b) In addition to paragraph (a), if the Director determines that the specification includes significant airworthiness requirements, the applicant for the grant of a NZTSO authorisation shall—
 - (1) be the holder of, or the applicant for, a design organisation certificate issued under Part 146 with a rating appropriate to the article to be produced; or
 - (2) arrange for the holder of a design organisation certificate with a rating appropriate to the article to be produced to show compliance with the specification; or
 - (3) have an equivalent procedure acceptable to the Director.

21.609 Application for authorisation

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

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

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

21.611 Issue of authorisation

An applicant is entitled to a NZTSO authorisation if—

- (1) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Director; and
- (2) the granting of the certificate is not contrary to the interests of aviation safety; and

- (3) the applicant has obtained a manufacturing organisation certificate issued under Part 148.

21.613 Privileges of authorisation

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

21.615 Validity of authorisation

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

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

21.617 Duration of authorisation

- (a) A NZTSO authorisation issued under this Subpart shall remain in force until it is suspended or revoked.
- (b) The holder of a NZTSO authorisation that is revoked shall forthwith surrender the certificate to the Director.

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

21.619 Transfer of authorisation

A NZTSO authorisation issued under this Subpart is not transferable.

21.621 Responsibilities of authorisation holder

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

- (1) manufacture each part in accordance with the manufacturing organisation certificate issued under Part 148; and
- (2) ensure that each completed article conforms to its design data and is safe for installation; and
- (3) prepare, maintain, and update master copies of all manuals required for the maintenance and operation of the product; and
- (4) make available to the users of the article those maintenance, overhaul, and repair manuals necessary for the maintenance and operation of the article; and
- (5) permanently and legibly mark each article with the following information—
 - (i) the information prescribed in 21.813; and
 - (ii) the name, type, or part number of the article; and
 - (iii) the applicable NZTSO number; and
- (6) upon the Director's request, make the maintenance, overhaul, and repair manuals and any other records required by 21.625 available to the Director.

21.623 Design changes

(a) No person shall make design changes to an article under this Subpart unless—

- (1) they are the holder of the appropriate NZTSO authorisation; or
- (2) they apply for a separate NZTSO authorisation.

(b) The holder of a NZTSO authorisation may make design changes to an article it manufactures, other than significant design changes, without further authorisation by the Director provided the holder—

- (1) retains the basic model number of the article; and
- (2) identifies any design change by a model number suffix or part number change; and
- (3) forwards to the Director any revised data that is necessary to identify the design change and show continued compliance with the NZTSO.

(c) The holder of a NZTSO authorisation intending to make a significant design change to an article it manufactures shall—

- (1) assign a new type or model designation to the article; and
- (2) apply for a new NZTSO authorisation.

21.625 Records

(a) Each holder of a NZTSO authorisation shall establish procedures to—

- (1) identify, collect, index, store, maintain, and dispose of—
 - (i) records of each model of each article manufactured by the holder under a NZTSO authorisation; and
 - (ii) all relevant design information, drawings, specifications, tests, analyses, and reports that show the articles comply with the applicable NZTSO and this Part; and

- (2) ensure that—
 - (i) all records are legible and of a permanent nature; and
 - (ii) except as provided in paragraph (b), the records required by paragraph (1) are retained for a period of 2 years from the date the last example of the article is permanently withdrawn from service.

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

Subpart P — New Zealand Parts Manufacturing Approval Authorisations

21.701 Applicability

This Subpart prescribes rules governing—

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

21.703 Requirement for NZPMA authorisation

- (a) A NZPMA authorisation is—
 - (1) a design approval issued to the manufacturer of a replacement or modification part that has been found by the Director to comply with the applicable airworthiness requirements; and
 - (2) an authorisation to mark a part with the letters NZPMA.
- (b) No person may identify a part with a NZPMA marking unless that person holds a NZPMA authorisation in respect of that part and the part meets the applicable airworthiness requirements.

21.705 Eligibility

The applicant for the grant of a NZPMA authorisation shall—

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

21.707 Application for authorisation

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

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the identity of the product onto which the part is to be installed; and
- (3) a design that consists of—
 - (i) the drawings and specifications necessary to define the configuration and the design features of the part; and
 - (ii) evidence that the configuration and the design features of the part comply with the applicable airworthiness requirements; and
 - (iii) a list of those drawings and specifications specified in paragraph (a)(3)(i); and
 - (iv) the information on dimensions, materials, and processes necessary to define the structural strength of the part; and
- (4) evidence that the applicant can reliably reproduce each part in accordance with the design referred to in paragraph (a)(3); and
- (5) a statement of compliance by the applicant, or for an article that the Director determines includes significant airworthiness

requirements, by the holder of a design organisation certificate issued under Part 146, stating that—

- (i) the design of the part referred to in paragraph (a)(3) is identical to the design of the part that it is to replace or complies with the airworthiness design standards that apply to the product referred to in paragraph (a)(2); and
 - (ii) any inspections, tests, and computations required to show that the part complies with the technical conditions of the applicable airworthiness standards have been completed and documented; and
- (6) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

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

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

21.709 Issue of authorisation

An applicant is entitled to a NZPMA authorisation if—

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

21.711 Privileges of authorisation

The holder of a NZPMA authorisation for a part may—

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

21.713 Validity of authorisation

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

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

21.715 Duration of authorisation

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

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

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

21.717 Transfer of authorisation

A NZPMA authorisation issued under this Subpart is not transferable.

21.719 Responsibilities of authorisation holder

Each holder of a NZPMA authorisation for a part shall—

- (1) manufacture each part in accordance with the manufacturing organisation certificate issued under Part 148; and
- (2) ensure that each completed part conforms to its design data and is safe for installation; and

- (3) permanently and legibly mark each part with the following information:
 - (i) the information prescribed in 21.813; and
 - (ii) the name, type, or part number of the article; and
 - (iii) the applicable NZPMA number; and
- (4) upon the Director's request, make the records required by 21.721 available to the Director.

21.721 Records

(a) Each holder of a NZPMA authorisation shall establish procedures to—

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

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

Subpart Q — Identification of Products and Parts

21.801 Purpose

This Subpart prescribes rules governing the identification of—

- (1) aircraft, aircraft engines, and propellers:
- (2) critical parts:
- (3) certain replacement and modification parts.

21.803 Identification of aircraft, aircraft engines, and propellers

(a) Each person who manufactures an aircraft or aircraft engine under Part 148 shall identify the aircraft or engine by means of a fireproof data plate that is—

- (1) marked with the identification information prescribed in 21.805 by etching, stamping, engraving, or other method of fireproof marking; and
- (2) secured in such a manner that it is not likely to be—
 - (i) defaced or removed during normal service; or
 - (ii) lost or destroyed in an accident; and
- (3) for an aircraft other than a manned free balloon, secured to the fuselage so that it is legible to a person on the ground—
 - (i) at an accessible location near an entrance; or
 - (ii) externally on another part of the fuselage; and
- (4) for an aircraft engine, secured to the engine at an accessible location; and
- (5) for a manned free balloon—
 - (i) secured to the balloon envelope; and
 - (ii) located where it is visible to the operator when the balloon is inflated.

(b) Each person who manufactures a manned free balloon shall, in addition to paragraph (a), permanently and legibly mark the basket and any heater assembly with—

- (1) the manufacturer's name; and
 - (2) a part number or an equivalent; and
 - (3) a serial number or an equivalent.
- (c) Each person who manufactures a propeller, propeller blade or propeller hub under Part 148 shall identify it by means of a fireproof data plate, or by etching, stamping, engraving, or other method of fireproof marking, that—

- (1) contains the identification information prescribed in 21.805; and
- (2) is placed on a non-critical surface; and
- (3) is not likely to be—
 - (i) defaced or removed during normal service; or
 - (ii) lost or destroyed in an accident.

21.805 Identification information

The identification information that is required to be marked on the data plate under rule 21.803(a)(1), and for the identification of a propeller, propeller blade, or propeller hub under rule 21.803(c)(1) must include—

- (1) the manufacturer's name; and
- (2) the model designation; and
- (3) the manufacturer's serial number; and
- (4) if applicable, the type certificate or type acceptance certificate number; and
- (5) if applicable, the manufacturing organisation certificate number or foreign equivalent; and
- (6) for an aircraft engine, the established rating; and
- (7) any other information that the Director may require.

21.807 Removal, alteration and replacement of identification information

(a) Except as provided in paragraph (b), a person must not remove, alter, or replace any of the following without the approval of the Director—

- (1) the identification information that is required under rule 21.803(a)(1) to be marked on a data plate:
- (2) the identification information that is required under rule 21.803(c)(1) to identify a propeller, propeller blade, or propeller hub:
- (3) the part number and serial number that is required under rule 21.811 for the identification of a critical part.

(b) A person performing maintenance in accordance with Part 43 may remove, alter, or replace the identification information referred to in paragraphs (a)(1) and (a)(2) and the part and serial number referred to in paragraph (a)(3) if the removal, alteration, or replacement is carried out in accordance with a method, technique, or practice that is acceptable to the Director.

21.809 Removal and reinstallation of data plate

(a) Except as provided by paragraph (b), a person shall not remove or reinstall the data plate containing the identification information prescribed in 21.805 without the approval of the Director.

(b) A person performing maintenance in accordance with Part 43 may remove or reinstall the data plate containing the identification information prescribed in 21.805 if—

- (1) the removal of the data plate is necessary during the maintenance; and
- (2) the data plate is removed and reinstalled in accordance with methods, techniques, and practices acceptable to the Director; and
- (3) the removed data plate is reinstalled on the product or part from which it was removed.

21.811 Identification of critical parts

Each person who manufactures a critical part shall permanently and legibly mark the part with—

- (1) a part number or an equivalent; and
- (2) a serial number or an equivalent.

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

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

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

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

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

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

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

Appendix A

Transitional Arrangements

(a) A certificate of type approval that was issued for a standard category aircraft under regulation 163 of the Civil Aviation Regulations 1953 before 1 July 1995, and is in force on 3 December 2009 is deemed to be a standard category type certificate for the purpose of this Part.

(b) A certificate of type approval that was issued for an agricultural or restricted category aircraft under regulation 163 of the Civil Aviation Regulations 1953 before 1 July 1995, and is in force on 3 December 2009 is deemed to be a restricted category type certificate for the purpose of this Part.

(c) If approved by the Director, aircraft of a type and model issued with a certificate of airworthiness under regulation 161 of the Civil Aviation Regulations 1953 before 1 July 1995 is deemed to have a type acceptance certificate in the same category for the purpose of this Part.

(d) If approved by the Director, an engine type and model, and a propeller type and model that is fitted to a New Zealand registered aircraft that—

- (1) has a *standard category* airworthiness certificate or a *restricted category* airworthiness certificate that was issued before 1 March 2007 and is valid on 3 December 2009; or
- (2) is deemed to have a *standard category* airworthiness certificate under paragraph (e), or a *restricted category* airworthiness certificate under paragraph (f) and the deemed certificate is valid on 3 December 2009—

is deemed to have a type acceptance certificate for the purpose of this Part.

(e) A standard category certificate of airworthiness for an aircraft that was issued under regulation 161 of the Civil Aviation Regulations 1953 before 1 July 1995 and is in force on 3 December 2009 is—

- (1) deemed to be a *standard category* airworthiness certificate for the purpose of the Civil Aviation Rules; and
- (2) subject to the same conditions and limitations prescribed on the certificate of airworthiness.

(f) An agricultural or restricted category certificate of airworthiness for an aircraft that was issued under regulation 161 of the Civil Aviation Regulations 1953 before 1 July 1995 and is in force on 3 December 2009 is—

- (1) deemed to be a *restricted category* airworthiness certificate for the purpose of the Civil Aviation Rules; and
- (2) subject to the same conditions and limitations prescribed on the certificate of airworthiness.

(g) A permit to fly that was issued for an Amateur-built aircraft under regulation 161A of the Civil Aviation Regulations 1953 before 1 July 1995 and is in force on 3 December 2009 is—

- (1) deemed to be a *special category—experimental* airworthiness certificate for the purpose of the Civil Aviation Rules; and
- (2) subject to the same conditions and limitations prescribed on the permit to fly.

Appendix B — Reserved

Appendix C

Airworthiness Design Standards

(a) Subject to paragraph (c), the standard category airworthiness design standards are—

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- (1) any of the following Federal Aviation Regulations issued by the Federal Aviation Administration of the United States of America:
 - (i) Part 23 — Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Aeroplanes, excluding 23.785(a) and 23.807(b)(5):
 - (ii) Part 25 — Airworthiness Standards: Transport Category Aeroplanes:
 - (iii) Part 27 — Airworthiness Standards: Normal Category Rotorcraft:
 - (iv) Part 29 — Airworthiness Standards: Transport Category Rotorcraft:
 - (v) Part 31 — Airworthiness Standards: Manned Free Balloons:
 - (vi) Part 33 — Airworthiness Standards: Aircraft Engines:
 - (vii) Part 35 — Airworthiness Standards: Propellers; or
 - (2) a set of airworthiness design standards that the Director determines—
 - (i) comply with ICAO Annex 8; and
 - (ii) provide an equivalent level of safety to those airworthiness design standards specified in paragraph (a)(1).
- (b) Subject to paragraph (c), the restricted category airworthiness design standards are—
- (1) any of the design standards specified in paragraph (a), and any relevant standards specified in paragraphs (d) and (e), excluding those requirements that the Director determines inappropriate for the purpose for which the aircraft is to be used; or

- (2) a set of airworthiness design standards that the Director determines appropriate for the purpose for which the aircraft is to be used.
- (c) The airworthiness design standard for a standard category or a restricted category aircraft must include a flight manual that contains—
 - (1) the operating limitations and information required to be provided by the applicable airworthiness design standard, in the form of a manual, markings, or placards; and
 - (2) for an aeroplane and rotorcraft, the maximum ambient atmospheric temperatures for which engine cooling was demonstrated, in the performance information section of the flight manual; and
 - (3) the information required under rule 21.32 in the form of a certificate or a page in the flight manual.
- (d) The standard category aircraft noise standards are—
 - (1) the standards specified in the applicable chapter of ICAO Annex 16 Volume I except that —
 - (i) after 30 June 2003 every subsonic turbo-jet and turbo-fan powered aeroplanes must comply with the standards specified in Chapter 3 of Annex 16 Volume I; and
 - (ii) if a higher standard has been specified in the aircraft type certificate, noise certificate or equivalent document, then that standard applies; or
 - (2) a set of equivalent airworthiness design standards acceptable to the Director.
- (e) The standard category aircraft engine emission standards are—
 - (1) the standards specified in the applicable chapter of ICAO Annex 16 Volume II; or
 - (2) a set of equivalent airworthiness design standards acceptable to the Director.

Appendix D

Acceptable Technical Data

- (a) Subject to paragraph (b), the following are acceptable technical data:
- (1) a type certificate data sheet:
 - (2) a foreign type certificate data sheet used for the issue of a type acceptance certificate:
 - (3) type design data for a type certificated product:
 - (4) design change data that supports a design change approved by the means specified in rule 21.73:
 - (5) data approved by the Director under rule 21.505:
 - (6) data provided by the Director in an Advisory Circular:
 - (7) an airworthiness directive that gives a specific instruction for modification or repair:
 - (8) a supplemental type certificate issued by the following:
 - (i) the Federal Aviation Administration of the United States of America:
 - (ii) the Civil Aviation Safety Authority of Australia:
 - (iii) Transport Canada:
 - (9) supplemental type approvals issued by Transport Canada:
 - (10) data giving a specific instruction for modification or repair contained in a maintenance manual, repair manual, overhaul manual, instruction for continued airworthiness, service bulletin, or an equivalent provided by the manufacturer of the product for which it is to be used and which is listed in the type certificate, or by reference in the type acceptance certificate:
 - (11) AC43.13-1B, issued by the Federal Aviation Administration of the United States of America:

- (12) data included in and specific to the category of an airworthiness certificate.
- (b) The technical data listed in paragraph (a) are acceptable if—
- (1) the data is appropriate to the product, component, or appliance, and is directly applicable to the work being carried out; and
 - (2) for a foreign supplemental type certificate or supplemental type approval—
 - (i) a complete new flight manual is not introduced; and
 - (ii) the aircraft type is not re-designated; and
 - (iii) the data is supplemental to the particular type certificate accepted by the Director and that type certificate is referenced on the supplemental type certificate or supplemental type approval; and
 - (3) the installer has the written permission of the holder of the supplemental type certificate or supplemental type approval to install the STC; and
 - (4) data provided by the manufacturer of a component does not conflict with data provided by the manufacturer of the product or assembly of which the component is to form a part.