



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *23rd* day of *October* 2007

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry J. Duynhoven', with a large, stylized flourish at the end.

Minister for Transport Safety

Civil Aviation Rules

Part 129, Amendment 6

Foreign Air Transport Operator--Certification

Docket 4/CAR/8

Contents

Rule objective	3
Extent of consultation.....	3
Summary of submissions	4
Examination of submissions.....	4
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	5
Part 129 Amendments	6
Subpart C—Foreign Air Transport Operator—Operating Requirements	6
129.109 Emergency Locator Transmitter	6
Consultation Details	8

Rule objective

The objective of amendment 6 to Part 129 is to amend the operating requirements for foreign air transport operators to reflect the international civil aviation organisation (ICAO) standards for the carriage of 406 MHz emergency locator transmitters (ELT). This amendment is consequential to amendment xx to Part 91.

Extent of consultation

Satellite monitoring of ELT signals is carried out by the international COSPAS-SARSAT system. This search and rescue satellite-aided distress alert and location system currently processes signals on the international civil and military distress frequencies of 121.5 MHz, 243 MHz and 406 MHz. Most of the current ELTs used in civil aviation operate on 121.5 MHz only.

Due to the limitations of the 121.5 and 243 MHz signal characteristics together with a high number of false alerts from 121.5 MHz ELTs, the international agencies involved in search and rescue – the International Maritime Organisation (IMO), International Civil Aviation Organisation (ICAO), and the providers of the COSPAS-SARSAT system – have agreed that satellite monitoring and processing of 121.5 MHz and 243 MHz signals will cease from 1 February 2009. The ICAO standard now requires ELTs to operate on 406 MHz and 121.5 MHz, with the 406 MHz signal providing the initial alert and location via the COSPAS-SARSAT system and the 121.5 MHz signal used for final homing by search aircraft.

In March 2005 the CAA issued a Rule Project Scope Statement to address the change to the carriage of the 406 MHz ELT. This Project Scope Statement identified the issues that would require amendments to various rules to reflect the technical characteristics, carriage requirements, coding and registration, and maintenance aspects associated with the change to the 406 MHz ELT.

Following the publication of the Rule Project Scope Statement considerable discussion took place between the CAA and a number of airline operators, aviation industry representatives, New Zealand distributors of ELT equipment, overseas regulatory authorities, and the Rescue Coordination Centre New Zealand (RCCNZ) regarding various matters associated with the change to the 406 MHz ELT. These

informal discussions formed the basis for the development of the proposed rule amendments.

A Notice of Proposed Rulemaking, NPRM 06-03, containing the proposed amendments to Parts 1, 43, 91, 121 and 129 was issued for public consultation under Docket 4/CAR/8 on 22 June 2006.

The publication of this NPRM was notified in the Gazette on 22 June 2006 and advertised in the daily newspapers in the five main provincial centres on 24 June 2006. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 39 days was allowed for comment on the proposed rule.

Summary of submissions

Twenty-four written submissions were received on the NPRM. These submissions and comments have been considered and as a result, the proposed Appendix A transition rule requiring retrofitting of 406 MHz ELT has been withdrawn and replaced by a new rule that reflects the ICAO standards for the carriage of 406 MHz ELT.

The rule as amended was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules in this Part are reflected by the insertion of a new rule.

Effective date of rule

Amendment 6 to Part 129 comes into force on 22 November 2007.

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 129 Amendments

Subpart C—Foreign Air Transport Operator— Operating Requirements

The following new rule is inserted

129.109 Emergency Locator Transmitter

(a) A holder of a foreign air operator certificate conducting a foreign air transport operation with an aeroplane is not required to comply with rule 91.529(a).

(b) Despite paragraph (a), a holder of a foreign air operator certificate must not conduct a foreign air transport operation using an aeroplane after 1 July 2008 unless the aeroplane is equipped in accordance with the following:

- (1) if the aeroplane is authorised to carry more than 19 passengers and the individual airworthiness certificate for the aeroplane was first issued before 1 July 2008, the aeroplane must be equipped with at least 1 automatic ELT or 2 ELTs of any type:
- (2) if the aeroplane is authorised to carry more than 19 passengers and the individual airworthiness certificate for the aeroplane is first issued after 1 July 2008, the aeroplane must be equipped with at least 2 ELTs, one of which must be automatic:
- (3) if the aeroplane is authorised to carry 19 passengers or less and the individual airworthiness certificate for the aeroplane was first issued before 1 July 2008, the aeroplane must be equipped with at least one ELT of any type:
- (4) if the aeroplane is authorised to carry 19 passengers or less and the individual airworthiness certificate for the aeroplane is first issued after 1 July 2008, the aeroplane must be equipped with at least 1 automatic ELT:
- (5) every ELT installed or carried in the aeroplane must—

- (i) meet the requirements of FAA TSO C-126; and
- (ii) transmit on both frequencies of 406 MHz and 121.5 MHz.

Consultation Details

(This statement does not form part of the rules contained in Part 129. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 06-03, containing the proposed rules was issued for public consultation under Docket 4/CAR/8 on 22 June 2006. A period of 39 days was allowed for comment on the proposed rule.

A total of 24 written submissions were received. Of these, 14 submissions were from organisations and 10 from individuals. The CAA has worked through these submissions and as a result has amended the rules where appropriate.

The consultation details relating to amendment 6 to Part 129 are contained in the consultation details of amendment 18 to Part 91. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road, Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone (04) 560 9603 and ask for docket 4/CAR/8.