

Proposed amendments to Civil Aviation Rule Part 21

Notice of Proposed Rule Making (NPRM 26-04)

12 October 2026

Affected Rules

Rule 21.10

Rule 21.503

Part 21, Appendix D

Consequential amendments

Part 1 Definitions and Abbreviations

Rule 21.73(b)(1)

Rule 43.153(a)(4)(i)

Rule 66.205(a)(2)

Rule 66.205(c)

Rule 66.207(1)(ii)

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1 Introduction

Purpose of this NPRM

- 1.1 The Civil Aviation Authority of New Zealand (CAA) is proposing to amend Civil Aviation Rules (rules) to:
 - add supplemental type certificates issued by the European Union Aviation Safety Agency (EASA) to the categories of acceptable technical data
 - modernise the structure of Part 21 by enabling the creation of transport instruments
 - move the categories of acceptable technical data from the rules into a transport instrument.
- 1.2 This proposal was developed as part of the CAA's Rules Update Programme Project: Recognition of Foreign Regulatory Frameworks for Certification.
- 1.3 This NPRM gives notice that the Minister of Transport intends to make the rule, explains the rule's objective, and provides the main document for consultation, in accordance with Section 61(1) of the Civil Aviation Act 2023.
- 1.4 This NPRM and consultation period also serve to meet the relevant requirements for consultation as set out in the current Cabinet Manual.

NPRM development

- 1.5 This NPRM was developed with input from CAA subject matter experts and Ministry for Cities, Environment, Regions and Transport policy and legal teams.
- 1.6 Draft proposals were initially consulted on through a Technical Advisory Group. The group's feedback informed the final proposals in this NPRM. An overview of the submissions is included in Appendix 4.

We want your feedback

- 1.7 We invite you to make a submission on the proposed amendments by sending your written feedback to the CAA by 9 November 2026. We will consider all submissions before proceeding with changes to the rules. If we need to make significant changes to the rule requirements in this proposal after considering submissions, we may undertake further consultation.

Final date for submissions

Submissions must be received by midnight on **9 November 2026**.

Who is likely to be affected or interested in this NPRM

- 1.8 The CAA has identified the following aviation participants who are likely to be affected by, or interested in, the proposed rule changes in this NPRM:
 - Owners and operators of New Zealand-registered aircraft
 - Aircraft maintenance facility owners and operators
 - Aircraft maintenance personnel

- Aircraft design organisations
- Maintenance training organisations

Accessibility

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2 Summary

The status quo

- 2.1 A supplemental type certificate is an approval issued by a national aviation authority that allows changes to an aircraft, engine, or propeller that were not part of the original design, i.e., a design change.
- 2.2 New Zealand's Civil Aviation Rule (rule) Part 21 – Certification of Products and Parts, Appendix D, paragraph (a)(8) enables supplemental type certificates to be considered acceptable technical data if they are issued by:
- the United States Federal Aviation Administration (FAA)
 - the Civil Aviation Safety Authority of Australia (CASA)
 - Transport Canada.
- 2.3 Being considered **acceptable technical data** means that the design changes included in these supplemental type certificates may be embodied¹ and used on New Zealand-registered aircraft without additional review by the CAA, so long as the data also meets the requirements of rule Part 21, Appendix D, paragraph (b).

What is the problem and what are we proposing?

Summary of the problem

- 2.4 Part 21 only allows supplemental type certificates issued by the FAA, CASA, and Transport Canada to be considered acceptable technical data.
- 2.5 Supplemental type certificates issued by other authorities can be used in New Zealand, but the CAA must first carry out a comprehensive review of those certificates before they can be embodied in New Zealand. This duplicates review and oversight work already undertaken by another aviation authority, resulting in additional costs for both industry and the CAA. Industry bears these costs through the fees charged for the review, while the CAA bears them through the staff time required to undertake it.
- 2.6 As a result, supplemental type certificates issued by national aviation authorities with standards equivalent to New Zealand's, like EASA, are treated inconsistently from those issued by the FAA, CASA and Transport Canada.
- 2.7 The CAA regularly reviews and approves EASA-issued data, which demonstrates confidence in EASA's product certification framework and regulatory oversight². However, the current structure of the

¹ A supplemental type certificate may introduce new or alternative materials, parts, components, appliances, instructions, or procedures as part of the design change. We therefore use the term "embodied" instead of installed.

² The CAA product certification team has reviewed approximately 70 sources of data originating from EASA, since 2006. In that time, the CAA product certification team has, on occasion, asked applicants seeking approval of a supplemental type certificate issued by EASA for clarifying information, but has not recommended declining acceptance where the data provided was considered applicable to the product as accepted/certified in New Zealand.

rules makes it difficult for the CAA to easily update the list of national aviation authorities whose supplemental type certificates can be accepted without further review.

Summary and scope of the proposals

- 2.8 Under this proposal, we will enable the use of transport instruments, move the current list of acceptable technical data from Appendix D to a transport instrument, and add EASA-issued supplemental type certificates to the list of acceptable technical data. But the requirements for using acceptable technical data are not changing. Technical data will still need to be approved by or be acceptable to the Director under rule 21.503(a). The list of acceptable technical data will be in a transport instrument under rule 21.503(b). And all technical data will still need to meet certain requirements, which will now be listed in rule 21.503(c).
- 2.9 Specifically, we propose to:
- create rule 21.10 to enable the Director of Civil Aviation to make transport instruments under Part 10, Subpart 3 of the Act.
 - amend rule 21.503(b) to provide for a transport instrument specifying the categories of acceptable technical data and move the categories of acceptable technical data currently in Part 21, Appendix D, paragraph (a) into that transport instrument
 - add EASA-issued supplemental type certificates to the list of data that can be considered acceptable technical data
 - amend rule 21.503 to create rule 21.503(c) and move the provisions from Part 21, Appendix D, paragraph (b) into that rule
 - revoke Part 21, Appendix D
 - amend Part 21 to remove all other references to Part 21, Appendix D and replace them with references to rule 21.503(b).
 - amend Part 1 to add abbreviations for the Federal Aviation Administration of the United States (FAA), the Civil Aviation Safety Authority of Australia (CASA), and the European Union Aviation Safety Agency (EASA).
 - make consequential amendments and other minor editorial corrections.
- 2.10 We are not proposing any changes to the offences and penalties relating to this rule.
- 2.11 We expect the proposals will come into force in February or March 2027. We do not propose a transition period between the current and new rules.
- 2.12 Paragraphs 3.1 to 3.25 on pages 9 - 12 provide more detail on the proposals and Section 4 shows the proposals in rule format.

Why is the change needed?

- 2.13 The Rules Update Programme is a focused programme of work to update the rules. This project is one of 24 projects in the programme, which aims to:
- improve International Civil Aviation Organization (ICAO) alignment
 - support economic growth
 - improve efficiency by reducing regulatory burden and compliance costs

- modernise regulation and enable innovation
- maintain safety and security for the travelling public.

2.14 This project's primary aim is to enable productivity and economic growth by reducing regulatory burden and operating costs for the sector. The proposed changes will:

- support economic growth and enable innovation in the sector by allowing access to products that are not currently available due to the economic and opportunity costs associated with the supplemental type certificate acceptance process
- reduce regulatory burden by eliminating case-by-case assessment of supplemental type certificates issued by national aviation authorities with standards equivalent to New Zealand's
- modernise the regulatory framework to allow the rules to keep pace with the industry and technology to enable additional economic benefits in the future

3 Proposals in detail

Amendments to enable transport instruments to be made in Part 21

- 3.1 We propose to make a new rule, 21.10, to enable the Director to make transport instruments under Part 21 in accordance with Part 10, Subpart 3 of the Civil Aviation Act 2023.
- 3.2 Transport instruments can be updated more quickly than rules, allowing the Director to update performance standards, technical, and operational requirements in a timely manner, and providing flexibility for new technologies to be recognised.
- 3.3 We propose placing this transport instrument-enabling rule in Subpart A (General) to allow the Director to make transport instruments under any of the subparts in Part 21 if needed in the future, subject to the requirements of the Civil Aviation Act 2023.

Acceptable technical data transport instrument

Creation of a transport instrument for acceptable technical data

- 3.4 We propose that the Director create a new transport instrument, “Civil Aviation (Acceptable Technical Data) Transport Instrument [CATI 21.503]”, to specify the categories of data that may be considered acceptable technical data.

Contents of the transport instrument

- 3.5 We propose moving the provisions of Part 21, Appendix D, paragraph (a), which defines the categories of data that can be considered acceptable technical data, into the newly created transport instrument.
- 3.6 Including the categories of acceptable technical data in a transport instrument, rather than the rules, will allow them to be updated more quickly in future to reflect technological advances in the industry, changes in the regulatory maturity of other national aviation authorities, and changes in information-sharing agreements with other States without requiring additional rule amendments.
- 3.7 Moving the categories of acceptable technical data into a transport instrument will not change how the Director reviews and approves specific data. Instead, it shifts the process of evaluating and updating the categories of data included in the list of acceptable technical data to the Director but retains the criteria under which all categories of data can be considered acceptable in the rules.

EASA-issued supplemental type certificates

- 3.8 We propose to add supplemental type certificates issued by EASA as a category of data that may be treated as acceptable technical data included in the newly created transport instrument.
- 3.9 Doing so will align the treatment of EASA-issued supplemental type certificates with those issued by other national aviation authorities that maintain equivalent levels of aviation safety oversight.

Additional amendments to Part 21

- 3.10 We propose amending 21.503(a) to clarify that technical data must not be used unless it is approved by the Director or is acceptable to the Director.

- 3.11 We propose amending 21.503(b) to state that acceptable technical data are specified in a transport instrument rather than Appendix D.
- 3.12 We propose creating a new rule, 21.503(c), and moving the provisions of Part 21, Appendix D, paragraph (b), which establishes the conditions under which the categories of technical data are considered acceptable technical data, into that rule.
- 3.13 Because all provisions currently included in Part 21, Appendix D will be relocated to either the transport instrument or another rule, we propose revoking Part 21, Appendix D.
- 3.14 We propose a consequential amendment to rule 21.73(b)(1) to change a reference to Part 21, Appendix D, to a reference to rule 21.503(b).

Consequential amendments to Part 1 (Definitions and Abbreviations)

- 3.15 We propose an amendment to rule 1.3 to add the following abbreviations for national aviation authorities that are referred to in the transport instrument:

- FAA means the Federal Aviation Administration of the United States
- CASA means the Civil Aviation Safety Authority of Australia
- EASA means the European Union Aviation Safety Agency.

Consequential and editorial amendments to Part 43 (General Maintenance Rules)

- 3.16 We propose a consequential amendment to rule 43.153(a)(4)(i) to change a reference to Part 21, Appendix D, to a reference to rule 21.503(b).
- 3.17 We propose a minor editorial amendment to rule 43.153(a) to add a hyphen between 30 and day.

Consequential and editorial amendments to Part 66 (Aircraft Maintenance Personnel Licensing)

- 3.18 We propose consequential amendments to change a reference to Part 21, Appendix D, to a reference to rule 21.503(b) in the following rules:

- 66.205(a)(2)
- 66.205(c)
- 66.207(1)(ii)

- 3.19 We propose a minor editorial amendment to rule 66.205(a) to add an 's' after 'paragraph'.

Minor editorial corrections to Part 21

- 3.20 We propose these minor editorial changes to Part 21:

- In rule 21.73(a)(1), replace the term 'Airworthiness Directive' with 'airworthiness directive' to use the correct case
- Rule 21.77 to insert 'rule' before '146.61'
- Rule 21.81 to insert 'rule' before '21.505'
- Rule 21.101(2) to insert 'rule' before '21.505'

- Rule 21.117(2)(i) to insert 'rule' before '21.33', '21.35', '21.505(a)' and '21.32'
- Rule 21.121(a) to insert 'rule' before '21.123'
- Rule 21.123(a)(1) to insert 'rule' before '146.61'
- Rule 21.327 to insert 'rule' before '21.333(b)'
- Rule 21.613(a)(1) to insert 'rule' before '21.621' and '21.623'
- Rule 21.615(4) to insert 'rule' before '21.621'
- Rule 21.621:
 - in paragraph (5)(i) to insert 'rule' before '21.813'; and
 - in paragraph (6) to insert 'rule' before '21.625'
- Rule 21.711(1) to insert 'rule' before '21.719'
- Rule 21.713(3) to insert 'rule' before '21.719'
- Rule 21.719:
 - in paragraph (3)(i) to insert 'rule' before '21.813'
 - in paragraph (4) to insert 'rule' before '21.721'
- Rule 21.803(a)(1) to insert 'rule' before '21.805'
- Rule 21.803(c)(1) to insert 'rule' before '21.805'
- Rules 21.809(a) and (b) to insert 'rule' before '21.805'
- Remove the 's' from the heading of 'Subparts I' to correct a typographical error.

What is not proposed

3.21 No transitional clauses are proposed.

3.22 No changes to offences and penalties related to Part 21 are proposed.

Options and analysis

What options did we identify and evaluate

3.23 We identified and evaluated three options to resolve the problem with the current rules and meet the policy objectives. The proposals in this NPRM are based on Option 1.

1. Option 1: Create a new transport instrument, add EASA supplemental type certificates as acceptable technical data

- Create a new transport instrument; relocate the acceptable technical data categories currently included in Part 21, Appendix D, paragraph (a) into the newly created transport instrument; add EASA to the list of national aviation authorities whose supplemental type certificates can be treated as acceptable technical data without additional review; and leave the Part 21, Appendix D(b) criteria in the rules.

2. Option 2: Add EASA supplemental type certificates as acceptable technical data in existing rule

- Amend Part 21, Appendix D paragraph (a)(8) to add EASA to the list of national aviation authorities whose supplemental type certificates can be treated as acceptable technical data without additional review.

3. Option 3: Broad acceptance of supplemental type certificates from foreign regulators

- Allow for broad acceptance by enabling supplemental type certificates issued by any national aviation authority that is an ICAO contracting state to be treated as acceptable technical data without additional review, if they meet specific existing technical requirements in the rules.

How we assessed the options (criteria)

3.24 To achieve the policy objectives, we assessed the three options identified above against the following criteria:

- **Improve International Civil Aviation Organization (ICAO) alignment**
- **Supports economic growth**
- **Reduce regulatory burden and compliance costs**
- **Modernise regulation and enable innovation**
- **Maintain safety and security for the travelling public.**

Assessment of the options against the assessment criteria

3.25 Table 1 on page 13 shows a summary of how the options were assessed against the criteria. The table includes the following symbols:

✓✓ Meets the criteria ✓ Partially meets the criteria ✗ Does not meet the criteria

Table 1: Options analysis

Option	Criteria A	Criteria B	Criteria C	Criteria D	Criteria E
	Improve International Civil Aviation Organization (ICAO) alignment	Supports economic growth	Reduce regulatory burden and compliance costs	Modernise regulation and enable innovation	Maintain safety and security for the travelling public
Status Quo	✗ does not meet criteria	✗ does not meet criteria	✗ does not meet criteria	✗ does not meet criteria	✓✓ meets criteria
Any supplemental type certificate issued by a national aviation authority other than those listed in Part 21, Appendix D(a)(8) is reviewed before acceptance	Would not change alignment with ICAO standards	Current process requires the supplemental type certificate holder or installer to seek acceptance of a supplemental type certificate before use in New Zealand, limiting access to off-the-shelf design changes and associated parts	Current regulatory requirements and costs would remain in place	Updates to the categories of data that can be considered acceptable technical data are required to go through the rule-making process	There is no safety concern associated with the current process
Option 1: Create Transport Instrument and add EASA Supplemental Type Certificates as Acceptable Technical Data	✓✓ meets criteria	✓✓ meets criteria	✓✓ meets criteria	✓✓ meets criteria	✓✓ meets criteria
Create a transport instrument, move the Appendix D(a) acceptable technical data categories to the transport instrument, and add supplemental type certificates issued by EASA as acceptable technical data	+ Increases recognition of international standards based on experience that verifies EASA standards are at least equivalent to CAA standards and are adequately monitored and enforced, in accordance with ICAO Annex 8 Standards and Recommended Practices	+ Allows access to design changes that are not currently available due to the economic and opportunity costs associated with the supplemental type certificate acceptance process	+ Eliminates transaction costs incurred by the CAA associated with case-by-case assessment of supplemental type certificates issued by EASA + Eliminates regulatory burden and cost to industry for review and approval of EASA-issued supplemental type certificates	+ Creation of a transport instrument enables rapid addition or removal of other national aviation authorities in future, enabling the CAA to keep pace with innovation	+ Only allows for the acceptance of supplemental type certificates from a national aviation authority the CAA is familiar with and is confident has equivalent regulatory standards and enforcement
Option 2: Add EASA Supplemental Type Certificates as Acceptable Technical Data in Rule	✓✓ meets criteria	✓✓ meets criteria	✓✓ meets criteria	✗ does not meet criteria	✓✓ meets criteria
Include supplemental type certificates issued by EASA under Part 21, Appendix D(a)(8) as acceptable technical data	Same as Option 1	Same as Option 1	Same as Option 1	- Keeps current framework of the rules - Adding additional categories of acceptable technical data would require rulemaking	Same as Option 1
Option 3: Broad Acceptance	✓ partially meets criteria	✓✓ meets criteria	✓✓ meets criteria	✗ does not meet criteria	✗ does not meet criteria
Accept supplemental type certificates related to type accepted products that are issued by any ICAO contracting state that meet the requirements of Part 21, Appendix D(b)	+ Increases recognition of international standards	Same as Option 1	Same as Option 1	- Enabling access to supplemental type certificates without an established relationship to verify safety and efficacy is not consistent with the role of a modern aviation regulator	- Could allow access to design changes from national aviation authorities that do not ensure the same level of safety as the New Zealand rules

4 Proposed new rules, rules amendments, and Transport Instruments

Note: Inserted texts are shaded, deleted texts are struck through and shaded.

Proposed new rule(s)

Part 21 Certification of Products and Parts

21.10 Transport instruments for the purposes of this Part

- (a) A transport instrument may be made for the purposes of this Part, subject to any requirements specified in a rule referring to the instrument.
- (b) In accordance with section 431 of the Act a transport instrument made for the purposes of this Part may be made by the Director.
- (c) Before making a transport instrument the Director must have regard to any relevant standards, guidance and practice.
- (d) The transport instrument must specify dates for compliance, if applicable.
- (e) The Director may amend or replace a transport instrument when necessary.
- (f) A transport instrument is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements)

Proposed amendment(s)

21.503 Acceptable technical data

- (a) Technical data must ~~be used only if~~ not be used unless –
 - (i) approved by the Director; or
 - (ii) acceptable to the Director.
- (b) Acceptable technical data are ~~listed in Appendix D~~ specified in a transport instrument which may be identified as CATI 21.503.
- (c) Technical data referred to in paragraph (b) are acceptable if –
 - (1) the data are appropriate to the product, component, or appliance, and are 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 are 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.

Appendix D - Revoked

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 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.~~

Proposed consequential amendment(s)

21.73 Approval of design changes

- (a) A design change may be approved by –
 - (1) including it in an ~~A~~airworthiness ~~D~~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~~ as specified in rule 21.503(b); or
 - (2) accepted by the issue of an airworthiness certificate.
- (c) [unchanged]

Part 43 General Maintenance Rules

43.153 Review requirements

- (a) Except as provided in paragraph (b), a person performing a review of airworthiness, required under rule 91.615, for an aircraft must, within the 30-day period immediately before certifying that the review has been completed –
 - (1) – (3) [unchanged]
 - (4) check that since the last review of airworthiness, or inspection for the issue of an airworthiness certificate –
 - (i) every modification and repair has been correctly recorded and certified for release-to-service referencing the applicable technical data ~~listed in Appendix D to Part 21~~ as specified in rule 21.503(b); and
 - (ii) – (vii) [unchanged]

(5) – (6) [unchanged]

(b) – (c) [unchanged]

Part 66 Aircraft Maintenance Personnel Licensing

66.205 Privileges and limitations

(a) Subject to paragraphs (b), (c), (d), a certificate of inspection authorisation entitles the holder to –

(1) [unchanged]

(2) certify conformity with the technical data ~~listed in Appendix D to Part 21~~ as specified in rule 21.503(b) after completion of major repairs and major modifications in accordance with Part 43, Subpart E.

(b) [unchanged]

(c) A holder of a licence in electrical group 1, instrument groups 1 and 2, and radio groups 1, 2 and 3 is restricted to certify conformity in accordance with the technical data ~~listed in Appendix D to Part 21~~ as specified in rule 21.503(b) after completion of avionics major repairs and major modifications.

(d) [unchanged]

66.207 Recent experience requirements

The holder of a certificate of inspection authorisation must not exercise the privileges of that certificate unless:

(1) within the preceding 12 months, the holder has –

(i) [unchanged]

(ii) certified 4 aircraft or components for conformity with the ~~data listed in Appendix D to Part 21~~ as specified in rule 21.503(b) after completion of major repairs or major modifications; or

(iii)– (v) [unchanged]

(2) [unchanged]

Part 1 Definitions and Abbreviations

1.3 Abbreviations

FAA means the Federal Aviation Administration of the United States of America:

CASA means the Civil Aviation Safety Authority of Australia:

EASA means the European Union Aviation Safety Agency:

Proposed Transport Instrument(s)

Civil Aviation (Acceptable Technical Data) Transport Instrument [CATI 21.503]

1.1 Title

This civil aviation transport instrument is the Civil Aviation (Acceptable Technical Data) Transport Instrument and may be identified as CATI 21.503.

1.3 Commencement date

This civil aviation transport instrument comes into force on [date] 2027.

1.5 Definitions

The terms used in this transport instrument have the same meaning set out in Parts 1 and 21 of the Civil Aviation Rules.

1.7 Acceptable technical data

For the purposes of rule 21.503(b), the following are acceptable 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~~ **FAA**:
 - (ii) ~~Civil Aviation Safety Authority of Australia~~ **CASA**:
 - (iii) **Transport Canada**:
 - (iv) ~~European Union Aviation Safety Agency~~ **EASA**:
- (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~~ **FAA**:
- (12) data included in and specific to the category of an airworthiness certificate.

Proposed editorial corrections

In rule 21.73(a)(1), replace the term 'Airworthiness Directive' with 'airworthiness directive' (use of small case)

Rule 21.77 is amended by inserting 'rule' before '146.61'

Rule 21.81 is amended by inserting 'rule' before '21.505'

Rule 21.101(2) is amended by inserting 'rule' before '21.505'

Rules 21.117(2)(i) to (iv) are amended by inserting 'rule' before '21.33', '21.35', '21.505(a)' and '21.32' respectively

Rule 21.121(a) is amended by inserting 'rule' before '21.123'

Rule 21.123(a)(1) is amended by inserting 'rule' before '146.61'

Rule 21.327 is amended by inserting 'rule' before '21.333(b)'

Rule 21.613(a)(1) is amended by inserting 'rule' before '21.621' and '21.623'

Rule 21.615(4) is amended by inserting 'rule' before '21.621'

Rule 21.621 is amended –

- (i) in paragraph (5)(i) by inserting 'rule' before '21.813'; and
- (ii) in paragraph (6) by inserting 'rule' before '21.625'

Rule 21.711(1) is amended by inserting 'rule' before '21.719'

Rule 21.713(3) is amended by inserting 'rule' before '21.719'

Rule 21.719 is amended –

- (i) in paragraph (3)(i) by inserting 'rule' before '21.813'; and
- (ii) in paragraph (4) by inserting 'rule' before '21.721'

Rule 21.803(a)(1) is amended by inserting 'rule' before '21.805'

Rule 21.803(c)(1) is amended by inserting 'rule' before '21.805'

Rule 21.809 is amended in paragraphs (a) and (b) by inserting 'rule' before '21.805'

The heading of 'Subparts I' is amended by deleting 's' after 'Subpart'

- Subparts I — Special Flight Permits

Appendix 1: How to make a submission

You can make a submission at [NPRMs open for submission | aviation.govt.nz](https://aviation.govt.nz/nprms/open-for-submission), or submit your feedback by:

Email:	docket@caa.govt.nz subject line: "Submission on NPRM 26-04"		
Mail:	Docket Clerk (NPRM 26-04)	In person:	Docket Clerk (NPRM 26-04)
	Civil Aviation Authority		Civil Aviation Authority
	PO Box 3555		Level 15, 55 Featherston St
	Wellington 6140		Wellington 6140
	New Zealand		New Zealand

For more information, email docket@caa.govt.nz or phone +64 4 560 9640.

All submissions will be acknowledged.

Your submission may be made public Please note that all submissions are public information and can be viewed before and after the closing date for submissions. Email docket@caa.govt.nz if you wish to view a submission.

Please Tell us if you want any part of your submission kept confidential, and explain why. Requests for information to be withheld will be assessed by CAA. Information will only be withheld where a conclusive ground under section 6 of the Official Information Act 1982 (OIA) applies, or where considerations under section 9 of the OIA outweigh reasons for the information to be released.

If CAA receives an OIA request for submissions, we will consider any requests for confidentiality when deciding whether there are grounds under the OIA for withholding any information.

Under the OIA information may still be released if there is no good reason for withholding, or if there is a public interest in disclosure that outweighs any good reasons for withholding.

A summary of submissions will be published on the CAA website. The summary will also be emailed to everyone who makes a written submission on this NPRM.

Once consultation has closed, officials will analyse the submissions and consider whether to recommend changes to the proposals in the light of the submissions received.

The Minister of Transport will consider officials' recommendations and then decide whether any of the proposals in the document will be progressed into rules.

Appendix 2: Background to Civil Aviation Rules

The Civil Aviation Act 2023 (the Act) establishes the statutory framework governing the aviation system. It sets out functions, powers and duties of participants in the civil aviation system.

The Civil Aviation Rules (the Rules) are made under the Act and prescribe detailed requirements and technical standards that aviation participants must comply with in order to meet their obligations under the Act. The Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit, the New Zealand civil aviation system. The Rules are structured in a similar manner to the Federal Aviation Regulations (FARs) of the USA.

The Rules are divided into Parts, and each Part contains a series of individual rules which relate to a particular aviation activity. Some rules empower the use of a transport instrument or a CAA notice that can be used to set mandatory requirements such as performance standards, conditions, operating requirements, procedures and technical specifications. Transport instruments and CAA notices can be amended by the Director where amendments are in accordance with the corresponding enabling rule and following appropriate consultation.

The Rules and transport instruments are secondary legislation under the Legislation Act 2019. Under that Act, the Rules and transport instruments must be presented to the House of Representatives. The House of Representatives may, by resolution, disallow any secondary legislation. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Advisory Circulars accompany many rule Parts and contain information about standards, practices, and procedures that the Director has established to be an acceptable means of compliance with the associated rule.

The objective of the Civil Aviation Rules system is to balance responsibility between the Crown and CAA, and those who provide services and exercise privileges in the civil aviation system. This balance must enable the Crown and regulatory authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 13 of the Act prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Sections 52 to 60 of the Act allow the Minister to make ordinary rules for a range of purposes including:

- regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft:
- regulating people, activities, and things in relation to the safety and security of civil aviation:
- regulating the effect or potential effect of civil aviation on people, activities, and things:
- providing for the implementation of New Zealand's obligations under the Convention:

- providing for anything the Act says may or must be provided for by rules:
- providing for anything incidental that is necessary for carrying out, or giving full effect to, the Act.

Appendix 3: Legislative analysis

The Minister's powers to make the proposed rules in this NPRM can be found in the sections of the Act set out in the following table.

Section	Provision
52(1)	The Minister may make rules relating to civil aviation for all or any of the following purposes (among others): (a) regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft: (b) regulating people, activities, and things in relation to the safety and security of civil aviation: (c) regulating the effect or potential effect of civil aviation on people, activities, and things: (d) providing for the implementation of New Zealand's obligations under the Convention:
53(1)	The Minister may make rules under section 52 relating to the designation, classification, and certification of all or any of the following (among others): (a) aircraft (c) aeronautical products (e) aviation participants
54(1)	The Minister may make rules under section 52 relating to the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in section 53, including but not limited to the following (among others): (e) the specification of standards of design, construction, manufacture, maintenance, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
55(1)	The Minister may make rules under section 52 providing that an aviation document is required by or in respect of all or any of the following (among others): (a) New Zealand registered aircraft: (c) aeronautical products: (d) aviation participants.
60	The Minister may make rules under section 52 for all or any of the following purposes (among others): (a) the definitions, abbreviations, and units of measurement to apply within the civil aviation system:

The transport instrument proposed in this consultation would be made under the sections set out in the following table:

Section	Provision
430(1)(b)	A regulation or rule made under this Act may provide for any matter that could be included in that regulation or rule to be dealt with in a transport instrument, but must not do so unless, in the case of the Minister making the rule, the Minister is satisfied that the subject matter is appropriate to be in a transport instrument rather than in the rule itself.
430(2)	A regulation or rule that provides for a transport instrument must specify whether the Secretary or the Director may make the instrument.
430(3)	A regulation or rule that provides for a transport instrument may— (a) provide for a particular transport instrument as amended or replaced from time to time: (b) provide for any transport instrument that may be made for the purposes of that regulation or rule (even if the instrument has not been made at the time the regulation or rule is made): (c) provide for any requirements in relation to the instrument or its creation.
431(1) and 431(3)(b)	A specified person may make a transport instrument, and, in this case, the specified person is the Director.
432(a)	The specified person must not make a transport instrument unless satisfied that all persons and organisations that the specified person thinks appropriate have been consulted, having regard to the subject matter of the proposed instrument.

Power to make a Transport Instrument

Sections 430 and 431 of the Civil Aviation Act 2023 enable the Director to make transport instruments.

Transport instruments only have legal effect when referred to in a rule. In making the proposal above, we considered the Ministry for Cities, Environment, Regions and Transport guidance that transport instruments should contain non-controversial, technical and prescriptive matters that have limited impact, and allow for future flexibility and innovation.

The CAA and Ministry for Cities, Environment, Regions and Transport consider the matters in this proposal are appropriate for inclusion in a transport instrument. Shifting the categories of acceptable technical data into a transport instrument will not change existing processes through which the Director reviews and approves specific data. Instead, it shifts the process of evaluating and updating the categories of data included in the list of acceptable technical data to the Director but retains the criteria under which all categories of data can be considered acceptable in the rules.

Matters to be considered by the Minister before making a rule

Under section 61(2), before making a rule, the Minister must—

- be satisfied that the rule will, to the extent that is practicable, facilitate conformity with the applicable standards of ICAO relating to aviation safety and security; and

- be satisfied that the rule is not inconsistent with New Zealand's international obligations relating to aviation safety and security; and
- have regard to and give the weight that the Minister considers appropriate in each case, to the criteria specified in section 72.

An analysis of the matters the Minister must have regard to under section 72 is set out in the following table.

Section	Criteria	Consideration
72(a)	The main and additional purposes of this Act. ³	The proposed rule advances the Act's main and additional purposes to the extent they are relevant. Safety is met because shifting the categories of acceptable technical data into a transport instrument will not change existing processes through which the Director reviews and approves specific data. Instead, it shifts the process of evaluating and updating the categories of data included in the list of acceptable technical data to the Director but retains the criteria under which all categories of data can be considered acceptable in the rules.
72(b)	The recommended practices of ICAO relating to aviation safety and security.	The proposed rule aligns with the recommended practices of ICAO relating to aviation safety. The use of a transport instrument increases the Director's ability to recognise international standards based on direct experience that verifies another State's standards are at least equivalent to CAA standards and are adequately monitored and enforced.
72(c)	The level of risk existing to aviation safety in each proposed activity or service.	The proposed rule accounts for the level of risk existing to aviation safety in each proposed activity. The proposal will leave the criteria under which all categories of data can be considered acceptable within the rules. The use of a transport instrument affords the Director an additional method of risk mitigation. A transport instrument will allow the Director to place additional requirements on sources of acceptable technical data or remove sources of acceptable technical data if their risk profile changes.
72(d)	The nature of the activity or service for which the rule is being established.	The proposed rule is suitable for the nature of the activity it intends to establish.

³ Sections 3 and 4 of the Act.

		The use of a transport instrument is suitable for acceptable technical data because it is technical information that has either been approved by the Director or that is sufficiently accurate, complete, and relevant for its intended purpose in demonstrating airworthiness, safety, or compliance with applicable requirements.
72(e)	The level of risk existing to aviation safety and security in New Zealand in general.	The proposed rule accounts for the level of risk existing to aviation safety in New Zealand in general. Shifting the categories of acceptable technical data into a transport instrument does not change the existing level of risk. This proposal will not change existing processes through which the Director reviews and approves specific data and retains the criteria under which all categories of data can be considered acceptable in the rules.
72(f)	The need to maintain and improve aviation safety and security, including (but not limited to) personal security.	The proposed rule accounts for the need to maintain and improve aviation safety. As with 72(e), this proposal maintains the existing level of risk, and therefore the existing level of safety.
72(g)	The costs of implementing measures for which the rule is being proposed.	The proposed rule accounts for the costs of implementing measures. One respondent in the Technical Advisory Group stated that the use of a transport instrument could result in extra costs for operators. However, because this proposal is moving existing rules into a transport instrument, not creating new requirements, and is expanding access to supplemental type certifications without the need for CAA review, there are no additional compliance costs imposed on operators from either the implementation of this proposal or the long-term use of a transport instrument.
72(h)	The international circumstances in respect of • aviation safety and security; and • mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements.	The proposed rule accounts for the international circumstances in respect of aviation safety. This proposal enables increased recognition of international standards through the creation of a transport instrument which will allow the Director to add or remove recognition of foreign national aviation authority technical data after verifying that their standards are at least equivalent to CAA standards and are adequately monitored and enforced.
72(i)	Any other matters that the Minister or, as the case may be, the Director considers appropriate in the circumstances.	Not applicable.

Appendix 4: Technical Advisory Group Submission Summary

Seven Technical Advisory Group members provided feedback on Options 1-3⁴. Technical Advisory Group members were asked to consider risks, cost and other impacts on business, and impacts on the broader NZ aviation sector in their feedback on the options.

- Option 1, the use of a transport instrument, was the clearly preferred option with five of the seven Technical Advisory Group members preferring it.
- Option 2 was supported by two of the Technical Advisory Group members.
- Option 3 was unsupported.

The respondents’ comments are summarised in the table below.

Option 1: New Transport Instrument, add EASA Supplemental Type Certificates as Acceptable Technical Data	Option 2: Add EASA Supplemental Type Certificates as Acceptable Technical Data in rule	Option 3: Broad Acceptance
+ Most long-term and sustainable practical solution; this will save time, money and enhance efficiency. + Best option but would need careful design to implement successfully, including that the transport instrument process is not significantly longer than option 2. + Minimal safety risk especially given CAA’s experience in dealing with these national aviation authorities’ supplemental type certificates under existing rules. + flexible mechanism, immediate benefits, reduce CAA and industry cost and delay. Safety and competitiveness risks appear low and manageable with clear recognition criteria and powers to condition, restrict or withdraw recognition. + for a large transport operator such as Air New Zealand – an additional benefit would be being able to accept repair parts for aircraft that may become U/S at ports operating under EASA or CAAS/UKCAA jurisdiction from a locally authorised supplier. + Not hard to educate the design organisations. – Incurs additional layer of legislation resulting in extra costs for operators and more bureaucracy. The chances of the option 2 list changing frequently over time is highly unlikely. – May be slow to implement. – Risks adding complexity and confusion. – Potential to limit supplemental type certificate acceptance and add cost to the operator through applications for supplemental type certificate approval.	+ Easy to accomplish with immediate benefits in terms of less bureaucracy and business cost. Little or no additional business or safety risk. + maintains the current risk checks and balances.	+ Might be suitable for the general aviation environment (which is essentially non-ICAO) allowing holders of Inspection Authorisation licence to undertake technical assessment of supplemental type certificate without direct CAA involvement (other than routine oversight). – Risks reputational damage by taking what would be seen by other national aviation authority and possibly ICAO as a laissez-faire approach not consistent with the State Safety Programme. – Not all national aviation authorities warrant the same level of confidence as FAA, EASA, UKCAA. – Question of level of confidence in ICAO audits of regulators. – Is too broad and lacks appropriate oversight.

⁴ When presented to the Technical Advisory Group, these options were numbered differently, but the concepts presented were the same.