



**Notice of Proposed Rule Making
NPRM 18- 04
08 November 2018**

**Part 21
Certification of Products and Parts**

**Docket 18/CAR/21/05
2018 Rules Review**

Proposed Rule Applicable 8 November 2018

Civil Aviation

Docket

Background to the Civil Aviation Rules

The Civil Aviation Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the Papua New Guinea civil aviation system. The Rules are structured in a manner similar to the Civil Aviation Rules of New Zealand and the Federal Aviation Regulations of the USA. Where practicable the Rules also align with the International Civil Aviation Organization Annexes and the regulatory code of the Civil Aviation Safety Authority of Australia.

Rules are divided into Parts and each Part contains a series of individual rules that relate to a particular aviation activity. 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 (AMC) with the associated rule. An Advisory Circular may also contain guidance material (GM) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the State and regulatory authority (CASA) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the State and regulatory authority to set standards for, and monitor performance of, aviation participants while providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 45 of the Civil Aviation Act 2000 prescribes general requirements for participants in the civil aviation system and requires, among other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 69 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- (a) The implementation of Papua New Guinea's obligations under the Convention;
- (b) To provide for a safe, sustainable, effective and efficient aviation services;
- (c) The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services;
- (d) Assisting aviation safety and security, including but not limited to personal security;
- (e) Assisting economic development;
- (f) Improving access and mobility;
- (g) Protecting and promoting public health;
- (h) Ensuring environmental sustainability; and
- (i) Any matter related or reasonably incidental to any of the following:
 - (1) The Minister's functions and role under section 8 of the Act;
 - (2) The Authority's general objects and functions under section 11 of the Act;
 - (3) The Authority's functions in relation to safety under section 12 of the Act; and
 - (4) The Director's functions and powers under section of 17 the Act
 - (5) The Director's powers under section 52A, 53 and 54 of the Act
- (j) Any other matter contemplated by any provision of the Act.

Contents

1. Purpose of this NPRM	4
2. Background to the Proposal	4
General Summary	4
NPRM Development	4
Key Stakeholders	5
3. Issues Addressed during Development	5
Consequential Amendments	5
Exemptions	5
ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety	5
Compliance Costs	5
Summary of Changes.....	5
4. Legislative Analysis	6
Power to Make Rules.....	6
Matters to be taken into account.....	8
5. Submissions on the NPRM	8
Submissions are invited	8
Examination of Submissions	8
Disclosure.....	9
How to make a submission	9
Final date for submissions	9
Availability of the NPRM:.....	9
Further information.....	10
Proposed Rule Amendments	11

1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration the proposed amendments to Civil Aviation Rule (CAR) Part 21.

2. Background to the Proposal

2.1 General Summary

The last major amendment to Part 21 was amendment 2, dated 1 October 2010. This amendment is to correct editorial errors and update the rule to ICAO requirements which includes: delete reference to special category – airworthiness certificates; remove the provisions for granting continuing authorisations to operators; update requirements for the application and issue of export airworthiness certificates; deletion of provisions for the grant of supplemental type certificates (STCs); and align the rule with ICAO Annex 16 requirements for aeroplane carbon-dioxide emissions. These are summarised as follows:

- Minor editorial corrections are made for clarity in rules: 21.15; 21.85, 21.95 and 21.99. All references to CASA form prefix CAA is now replaced with CA.
- Delete all reference to special category-airworthiness certificates, as these are not being issued by CASA and therefore are considered obsolete in rules: 21.35(a)(3); 21.35(a)(4); 21.37; 21.43; 21.44; 21.49(a)(3); 21.49(c) and 21.95(e) (2).
- Re-title rule 21.45 and delete provisions for granting continuing authorisations for special flight permits to operators in rules: 21.45(b) and 21.45(c). Special flight permits will now be granted directly by CASA on application.
- Amend rules 21.63 and 21.65 on the application and issue of export airworthiness certificates.
- Inclusion of Annex 16 Vol. III requirements of aeroplane CO₂ emissions in rules: 21.23(1)(ii); 21.83; 21.95(a)(6); 21.95(b)(1) and the amendment to subparagraph in Appendix B(e).
- Delete and reserve subpart K – Supplemental Type Certificate, as CASA does not issue supplemental type certificates (STCs).

2.2 NPRM Development

The ICAO audit team reviewed Part 21 and highlighted the following gaps in our current rule resulting in the proposed rule amendments in this NPRM:

- the need to remove irrelevant requirements for approvals that CASA is not currently issuing in the PNG aviation context, such as special category airworthiness certificates and supplemental type certificates.
- the need to include Annex 16 aeroplane CO₂ emissions in the relevant parts of the rule.

As a signatory to the convention on international civil aviation, Papua New Guinea is committed to aligning its regulations to ICAO SARPS, where practicable. Therefore, international operations will need to remain consistent with the requirements of ICAO Annex 8 and 16.

This amendment does not impose any additional cost on operators.

2.3 Key Stakeholders

The Civil Aviation Safety Authority identifies the following as key stakeholders for the proposed rule amendments contained in this NPRM:

- The Civil Aviation Safety Authority
- The Minister for Transport
- The Minister for Civil Aviation
- Aircraft operators
- Aircraft maintenance organisations

3. Issues Addressed during Development

The main issues addressed during the development of this NPRM were: the inclusion of aeroplane CO₂ emissions of ICAO Annex 16 and to the deletion of certain requirements that are considered irrelevant to PNG's aviation context, such as the issue of special category -airworthiness certificates and supplemental type certificates. CASA also took the opportunity to correct editorial errors throughout the rule for better clarity and update consequential amendments to Parts 43, 47 and 91.

3.1 Consequential Amendments

There are consequential amendments in Parts 43, 47 and 91 as a result of the deletion of special category airworthiness certificate in Part 21 subpart D.

3.2 Exemptions

There are no current Exemptions against this Rule Part.

3.3 ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety

The proposed rule amendments are intended to align, where practicable, with the SARPs contained in ICAO Annexes and are written in consultation with the following Annexes:

- Annex 8 – Airworthiness of Aircraft
- Annex 16, Volume III – Aeroplane CO₂ Emissions

This proposed rule amendment incorporates requirements for all stake holders to understand and updated information to maintain a standard minimum content prescribed by ICAO.

3.4 Compliance Costs

This amendment does not impose any additional cost on operators.

4. Summary of changes

The proposed amendments will align CAR 21 with ICAO requirements. They include:

- (1) Minor editorial amendments to rules: 21.15; 31.37; 21.63; 21.85; 21.95(a); 21.99(a) and Appendix C(b)(3). Minor editorial amendments also to replace CASA form prefix CAA with CA.
- (2) Amend rule 21.23 to include aeroplane CO₂ emissions requirement.
- (3) Delete rules 21.35 (a)(3) & 21.35(a)(4) to remove special category airworthiness certificate

- requirements and renumber (a)(5) to read (a)(3).
- (4) Delete rule 21.37 to remove special category certificate application requirements
 - (5) Delete rule 21.43 to remove special category certificate experimental requirements
 - (6) Delete rules 21.44 to remove special category certificate for PNC requirements
 - (7) Re-title rule 21.45, editorial amendments to rule 21.45(a) and deletion of rules 21.45(b) and 21.45(c) to remove requirements for special flight permit continuing authorisations.
 - (8) Delete rule subparagraph 21.45(a)(3)(ii) reference to identifiable paint schemes and markings which are irrelevant to PNG.
 - (9) Delete rule subparagraphs 21.49 (a)(3); 21.49(c); 21.49 (f) to remove requirements for special category experimental airworthiness, and renumber subparagraphs (d) and (e) to read as (c) and (d).
 - (10) Delete rule 21.51 – (a) (3) special category experimental airworthiness certificate
 - (11) Re-title rule 21.65 – for clarity on export airworthiness certificate requirements.
 - (12) Amend rules 21.83(a)(3); 21.95(a)(6); 21.95(b)(1) to include aeroplane CO₂ standards.
 - (13) Amend subparagraph Appendix B (e) to include details of aeroplane CO₂ emissions standards.
 - (14) Delete and reserve subpart K – supplemental type certificates as this is not applicable to PNG.

5. Legislative Analysis

5.1 Power to Make Rules

The Minister may make ordinary rules under sections 69, 70, 71 and 72 of the Civil Aviation Act 2000, for various purposes including implementing Papua New Guinea's obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made pursuant to:

- (a) Section 69(1)(a) which allows the Minister to make rules for the purpose of the implementation of Papua New Guinea's obligations under the Convention:
- (b) Section 69(b) which allows the Minister to make rules for the purpose of assisting aviation safety and security, including (but not limited to) personal security:
- (c) Section 69(5) which allows the Minister to make rules that provide for matters to be determined or approved by the Authority, the Director, or any other person or empower the Authority, the Director or any other person to impose requirements, or conditions on the performance of any activity including but not limited to procedures to be followed:
- (d) Section 70(c) which allows the Minister to make rules providing for general operating rules, air traffic rules, and flight rules, including but not limited to the following:
 - (1) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (2) the prevention of aircraft endangering persons or property.
- (e) Section 72(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:

- (1) aircraft:
 - (2) aircraft pilots:
 - (3) flight crew members:
 - (4) air traffic service personnel:
 - (5) aviation security service personnel:
 - (6) aircraft maintenance personnel:
 - (7) aviation examiners or medical examiners:
 - (8) air services:
 - (9) air traffic services:
 - (10) aerodromes and aerodrome operators:
 - (11) aeronautical navigation service providers:
 - (12) aviation training organisations:
 - (13) aircraft design, manufacture, and maintenance organisations:
 - (14) aeronautical procedures:
 - (15) aviation security services:
 - (16) aviation meteorological services:
 - (17) aeronautical communication services:
 - (18) any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system:
- (f) Section 70(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph 70(a) including the specifications of standards of design, construction, manufacture, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
- (g) Section 70(c) which allows the Minister to make rules setting the conditions of operation of foreign aircraft and international flights to, from, or within Papua New Guinea:
- (h) Section 70(d) which allows the Minister to make rules for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

The proposed amendment of Part 21 complies with the requirements of the Civil Aviation Act and does not contravene the Constitution, the Aerodrome (Business Concession) Act, Civil Aviation (Aircraft Operator Liability) Act, Aircraft Charges Act, Airport Departure Tax Act, the Explosive Act, Firearms Act, Customs Act, Plant and Disease Control Act and the Environmental Act.

The proposed Rule has been checked for language and compliance with the legal conventions of Papua New Guinea.

5.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 75 of the Act that the Minister must take into account when making ordinary rules including the following:

5.2.1 ICAO Standards and Recommended Practices

The proposed rule amendments comply with applicable sections of the following International Civil Aviation Organization (ICAO) Annexes:

- Annex 8 – Airworthiness of Aircraft
- Annex 16 – Environmental Protection

5.2.2 Assisting Economic Development

The proposed rule amendments will have no detrimental impact on economic development, and in some cases will reduce costs incurred by the aviation industry.

5.2.3 Assisting Safety and Personal Security

The proposed rule amendments will maintain safety levels in respect to identifying the person or persons certifying release to service of an aircraft or aircraft component.

5.2.4 Improving Access and Mobility

The proposed rule amendments will have no impact on access and mobility.

5.2.5 Protecting and Promoting Public Health

The proposed rule amendments will have no impact on protecting and promoting public health.

5.2.6 Ensuring Environmental Sustainability

The proposed rule amendments will have no impact on environmental sustainability.

6. Submissions on the NPRM

6.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

6.2 Examination of Submissions

All submissions will be available in the rules docket for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CASA PNG web site and provided to each person who submits a written submission on this NPRM. Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority Headquarter Building 1, Level 1, Morea Toba Road, Six Mile, NCD Port Moresby between 8:30 am and 3:30 pm on weekdays, except statutory holidays.

6.3 Disclosure

Submitters should note that any information attached to submissions will become part of the docket file and will be available to the public for examination at the CASA office.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties.

7. How to make a submission

Submissions may be sent by the following methods:

by Mail: Docket Clerk (NPRM 18-04)
Civil Aviation Safety Authority
PO Box 1941
BOROKO
National Capital District

delivered: Docket Clerk (NPRM 18-04)
Civil Aviation Safety Authority
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

by Fax: Docket Clerk (NPRM 18-04)
3251789 / 325 1919

by Email: Docket Clerk (NPRM 18-04)
rules@casapng.gov.pg

7.1 Final date for submissions

Comments must be received before **3.30 pm, Friday 28th September 2018.**

7.2 Availability of the NPRM

Any person may obtain a copy of this NPRM from-

CASA web site: www.casapng.gov.pg

or at a cost from

Docket Clerk
Civil Aviation Safety Authority Headquarter
Building 1, Level 1
Morea-Tobo Road
Six Mile, Jacksons Airport
Port Moresby NCD

7.3 Further information

For further information contact:

Amanda Nambau (Ms)
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Subpart A — General

21.1 Purpose

This Part prescribes rules governing –

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

21.5 Overseas applications

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

21.7 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 must—
 - (1) if the Director determines that design changes are necessary to correct the unsafe condition of the product, upon the Director's request, submit authorised design changes to the Director for acceptance; and
 - (2) upon acceptance 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 must—
 - (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 Acceptance Certificates

21.11 Purpose

This Subpart prescribes rules governing the type acceptance certification of a product to be imported into Papua New Guinea.

21.13 Certificate categories

- (a) The following type acceptance certificates are granted under this Subpart:
- (1) standard category type acceptance certificate for a product type to be imported into Papua New Guinea;
 - (2) restricted category type acceptance certificate for a product type to be imported into Papua New Guinea.
- (b) A type acceptance certificate may be granted in both the standard and restricted categories if the certification requirements for each category are met.
- (c) When issuing 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 Application for certificate

An applicant for the grant of a type acceptance certificate for a product type shall complete form CAA-21/01, and submit it to the Director with—

- (1) the name and address for service in Papua New Guinea of the applicant; and
- (2) such further particulars relating to the product and the applicant as may be required by the Director; and
- (3) a payment of the appropriate application fee prescribed by regulation made under the Act.

21.17 Issue of certificate

An applicant is entitled to a type acceptance certificate for a product type if—

- (1) the applicant meets the applicable certification requirements in 21.23 and 21.25; and
- (2) the grant of the certificate is not contrary to the interests of aviation safety.

21.19 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 B 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.

21.21 Duration of certificate

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

- (2) the foreign type certificate used as the basis for PNG type acceptance of the product lapses:
- (3) the product manufacturer or type certificate holder ceases to supply the Director with required data.

21.23 Airworthiness requirements

An applicant for the grant 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~~ aeroplane CO₂ emissions standards-
specified in Appendix B, effective at the date assigned in the foreign type certificate or an equivalent document, unless another date is specified 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 21.19; and
- (3) any airworthiness requirements not complied with is compensated for by a factors providing 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.

21.25 Data requirements

(a) An applicant for the grant 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 a Contracting State by the issue of a type certificate or an equivalent document; and
 - (ii) the type certificate or equivalent document is considered valid by the issuing State's airworthiness authority; and
- (2) details of the airworthiness requirements complied with, for the issue of the type certificate specified in paragraph (a)(1), including—
 - (i) the airworthiness design standards; and
 - (ii) the effective date of the standards; and
 - (iii) any special conditions imposed under the foreign type certification; and
 - (iv) any requirements not complied with and any compensating factors providing an equivalent level of safety acceptable to the Director; and
 - (v) any airworthiness limitations; and
- (3) details of the evidence required in 21.41(10)(~~ii~~) regarding aircraft noise and ~~engine~~ aeroplane CO₂ 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 B paragraph (c); and
- (6) if required by the Director—
 - (i) a copy of the maintenance manual for the product; and
 - (ii) a copy of the illustrated parts catalogue for the product type; and
 - (iii) a copy of all current service information issued by the manufacturers of 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 amendments and re-issues 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.

(d) The Director may require provision of further data at any time after issue of a type acceptance certificate if such data is required for to satisfy the conditions for continuance of the type acceptance certificate to remain valid.

Subpart C — Changes to Type Acceptance Certificates

21.27 Purpose

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

21.29 Changes to certificates

A change to a type acceptance certificate in accordance with this Subpart may include a change to any of the following—

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

21.31 Changes requiring a new certificate

An applicant for the approval of a change to a type acceptance certificate must 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.

Subpart D — Airworthiness Certificates

21.33 Purpose

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

21.35 Certificate categories

- (a) The following certificates for an aircraft are granted by the Director under Section 49 of the Act in accordance with the applicable requirements of Subpart:
- (1) standard category airworthiness certificate:
 - (2) restricted category airworthiness certificate:
 - ~~(3) special category airworthiness certificate—experimental:~~
 - ~~(4) special category airworthiness certificate—production non-type certificated(PNC):~~
 - (5) special flight permit.
- (b) 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.
- (c) An airworthiness certificate may be granted in both the standard and restricted categories if—
- (1) the aircraft meets the certification requirements for each category when in the configuration for that category; and
 - (2) the aircraft can be converted from one configuration to the other by removing or adding equipment by simple mechanical means.
- (d) Except as provided for in (e), an aircraft that is internally equipped for dispensing substances on agricultural aircraft operations to an extent which makes it inappropriate for use in air operations, shall only be granted a restricted category airworthiness certificate for the purpose of agricultural aircraft operations.
- (e) The Director may grant a restricted category airworthiness certificate to an aircraft that is internally equipped for dispensing substances on agricultural aircraft operations for a purpose other than agricultural operations provided the conditions of the type acceptance certificate are satisfied.

21.37 Application for certificate

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

- (1) form CAA 21/02 for a standard or restricted category airworthiness certificate:
- ~~(2) form CAA 21/03 for a special category experimental certificate:~~
- ~~(3) form CAA 21/07 for a special category airworthiness certificate—production non-type certificated:~~
- (2) form CAA 21/04 or an equivalent that is acceptable to the Director for a special flight permit:

21.39 Issue of certificate

- (a) Subject to paragraphs (b) and (c), an applicant is entitled to an airworthiness certificate for an aircraft if the Director is satisfied that the applicable certification requirements under this Subpart are met.
- (b) An applicant is entitled to an airworthiness certificate for an aircraft in both the standard and restricted categories 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 that category; and
 - (2) the aircraft can be converted from one configuration to the other by removing or adding equipment by simple mechanical means.
- (c) An applicant is entitled to only a restricted category airworthiness certificate for an aircraft if the aircraft is internally equipped for dispensing substances on an agricultural aircraft operation and the extent of the internal equipment makes the aircraft inappropriate for use in air operations.
- ~~(d) An applicant is entitled to a special category experimental airworthiness certificate for an aircraft 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 level of safety is adequate for the purposes for which the aircraft is to be operated.~~
- (e) An applicant is entitled to a special permit for an aircraft if the Director is satisfied that-
 - (1) the applicable certification requirements under this Subpart are met; and
 - (2) despite any failure of the aircraft to meet applicable airworthiness and maintenance requirements, the level of safety is adequate for one of the following purposes as appropriate:
 - (i) flying the aircraft to a base where maintenance is to be performed, or to a place of storage;
 - (ii) evacuating an aircraft from an area of impending danger;
 - (iii) demonstrating the eligibility of an aircraft for the issue of airworthiness certificate.

21.41 Standard and restricted category requirements

An applicant for the grant of a standard or restricted 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 type acceptance certificates issued in accordance with Subpart B; and
- (2) every modification and repair to the aircraft conforms to a design change approved in accordance with acceptable technical data under Subpart H 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 Papua New Guinea registered aircraft and in accordance with Part 47, displays an identification plate and one of the following forms of marking-
 - (i) 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 J; and
- (7) the aircraft conforms with every applicable additional airworthiness requirements prescribed in Part 26; and
- (8) the aircraft has, within 60 days before the application for the airworthiness certificate, undergone-
 - (i) a 100 hrs, or equivalent, inspection in accordance with the manufacturer's maintenance schedule; or
 - (ii) a schedule inspection in accordance with an applicable maintenance programme of an operator certified 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, within the 5 years before application for the airworthiness certificate, been weighed; and
- (10) the aircraft and each modification and repair to the aircraft complies with the applicable aircraft noise and ~~engine~~ aeroplane CO₂ emission standards specified in Appendix B; and
- (11) the aircraft is in a condition for safe operation.

21.43 ~~Special category certificate – experimental requirement. Reserved~~

~~(a) An applicant for the grant of an experimental certificate for an aircraft must provide the Director with—~~

- ~~(1) a statement specifying the purpose for which the aircraft is to be used; and~~
- ~~(2) sufficient data to identify the aircraft; and~~
- ~~(3) any information that the Director may require; and~~
- ~~(4) flight manuals, maintenance manuals and any such documents relating to the operation of the aircraft as the Director may require; and~~
- ~~(5) evidence that—~~
 - ~~(i) the aircraft complies with any design changes necessary for the safe operation of the aircraft that the Director may require; and~~
 - ~~(ii) the aircraft is identified by the means specified in Subpart J; and~~

- ~~(6) — evidence that the aircraft is a Papua New Guinea registered aircraft and in accordance with Part 47, displays an identification plate and one of the following forms of marking:~~
- ~~(i) — nationality and registration marks;~~
 - ~~(ii) — Police marks;~~
 - ~~(iii) — an approved identifiable paint scheme and markings; and~~
- ~~(b) — An applicant for the grant of a special category experimental certificate for an aircraft that is to be operated for the purpose of research and development or showing compliance with rules must, in addition to paragraph (a), provide the Director with —~~
- ~~(1) — details of the purpose of the operation; and~~
 - ~~(2) — the estimated time or number of flights required for the operation; and~~
 - ~~(3) — details of the areas over which the operation is to be conducted; and~~
 - ~~(4) — except for aircraft converted from a previously certificated type without appreciable change in the external configuration, a three view drawings or three view dimensional photographs of the aircraft.~~
- ~~(c) — An applicant for the grant of a special category experimental certificate for an aircraft to be used for a purpose other than those prescribed in paragraph (b), must, in addition to paragraph (a), provide the Director with evidence that —~~
- ~~(1) — a period of flight evaluation has been completed which shows —~~
 - ~~(i) — the aircraft is controllable throughout its normal range of speeds and throughout every manoeuvres to be executed; and~~
 - ~~(ii) — the aircraft has no hazardous operating characteristics or design features; or~~
 - ~~(iii) — the aircraft conforms to a type design that has been shown to provide an acceptable level of safety for the purpose by — showing compliance with an appropriate airworthiness design standard; or~~
 - ~~(iv) — providing information concerning the airworthiness history of aircraft that conform to the type design.~~

21.44 Special category certificate – PNC requirements Reserved

~~Each applicant for the grant of a special category certificate – PNC for an aircraft must provide the Director with —~~

- ~~(1) — sufficient data to identify the aircraft; and~~
- ~~(2) — any information that the Director may require to safeguard the public; and~~
- ~~(3) — flight manuals, maintenance manuals and such documents relating to the operation of the aircraft as the Director may require; and~~
- ~~(4) — evidence that —~~
 - ~~(i) — the aircraft is of a type that has been accepted by the Director as a PNC aircraft, and the history of the aircraft is consistent with the operator acceptance and service history that was used as the basis for PNC acceptance; and~~

- ~~(ii) the aircraft complies with any design changes necessary for safe operation of the aircraft that the Director may require; and~~
- ~~(iii) the aircraft is a Papua New Guinea registered aircraft and complies with the marking requirements of Part 47; and~~
- ~~(iv) the aircraft and its engine(s) and propellers are identified by the means specified in Subpart J; and~~
- ~~(v) the aircraft is essentially unmodified from the original design or operational configuration; and~~
- ~~(vi) the aircraft complies with any applicable airworthiness directives issued under Part 39; and~~
- ~~(vii) the aircraft has, within 60 days prior to application, undergone an inspection meeting the minimum requirements of Part 43; and~~
- ~~(viii) the aircraft is in a condition for safe operation; and~~
- ~~(ix) a period of flight evaluation has been completed showing the aircraft is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed and has no hazardous operating characteristics or design features.~~

21.45 Special flight permit requirements

- (a) 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 required to operate the aircraft and its equipment; and
 - (iv) any non-compliance with any applicable airworthiness requirements; and
 - (v) any restriction the applicant determines necessary for the safe operation of the aircraft; and
 - (vi) any other information considered necessary by the Director may require for the purpose of prescribing operating limitations;
 - (2) any other information the Director may require for the purpose of prescribing operating limitations; and
 - (3) evidence that the aircraft is a Papua New Guinea registered aircraft and in accordance with Part 47, displays an identification plate, nationality and registration marks. ~~one of the following forms of marking; and~~
 - ~~(i) nationality and registration marks;~~
 - ~~(ii) an approved identifiable paint scheme and markings.~~
 - (4) completed form CA 21/04 with payment of the appropriate fee.
- (b) Notwithstanding paragraph (a), the Director may grant to the holder of an air operator

certificate issued under Part 119 a continuing authorisation for the holder to issue special flight permits for the purpose of flying aircraft to a base where maintenance can be performed.

(c) For the grant of a continuing authorisation in accordance with paragraph (b) the holder of an air operator certificate must include in the Exposition required by Part 119.115 procedures acceptable to the Director for the application of the authorisation.

21.47 Reserved

21.49 Duration of certificate

(a) The following airworthiness certificates for an aircraft remains in force if the maintenance of 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 airworthiness certificate:
- (2) restricted category airworthiness certificate:
- ~~(3) special category experimental airworthiness certificate:~~

(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 a Papua New Guinea registered aircraft; or
- (2) the type acceptance certificate 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 experimental airworthiness certificate for an aircraft expires if-~~

- ~~(1) the aircraft ceases to be a Papua New Guinea registered aircraft; or~~
- ~~(2) a new airworthiness certificate in the same category is issued for the aircraft.~~

~~(d)~~ A special flight permit remains in force for the period specified in the permit if the aircraft remains a Papua New Guinea registered aircraft, unless the permit is suspended or revoked.

~~(e)~~ The holder of an airworthiness certificate that has expired under paragraphs (b) or (c) must surrender the certificate to the Director.

~~(f) The holder of a standard category airworthiness certificate or a restricted airworthiness certificate that has expired under paragraph (b)(2) may apply under rule 21.43 for the grant of a special category experimental airworthiness certificate for the aircraft.~~

21.51 Transfer of certificate

The holder of a Papua New Guinea 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 ceases to have lawful entitlement to the aircraft:

- (1) standard category airworthiness certificate:
- (2) restricted category airworthiness certificate:
- ~~(3) special category experimental airworthiness certificate.~~

Subpart E — Export Airworthiness Certificates

21.53 Purpose

This Subpart prescribes rules governing the issue of—

- (1) an export airworthiness certificates for the export of a product; and
- (2) an authorised release certificate for the export of a part or an appliance by organisations certificated for the purpose under Part 145.

21.55 Reserved

21.57 Reserved

21.59 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 21.65(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 relevant type accepted product.

21.61 Eligibility

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

21.63 Application for export airworthiness certificate

(a) An applicant for the issue of an export airworthiness certificate must complete form CAA 21/05 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act and provide to 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 conditions of the State of the importer has been met; and
 - (iii) the State of the importer accepts any exceptions to be listed on the certificate; and
 - (iv) the product has been identified in accordance with Subpart J; and
 - (v) the applicable airworthiness directives have been complied with; and
- (2) any log books, modification and repair forms, and historical records that the Director may require for other than a new product; and
- (3) a description of any methods used, including the duration of 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) any further particulars relating to the product and applicant required by the Director.
- (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) the aircraft possesses or qualifies for an airworthiness certificate under Subpart D; and
 - (ii) the aircraft is issued with the appropriate flight manuals; and
 - (iii) a weight and balance report has been completed, with a loading schedule if applicable; and
 - (iv) the aircraft has, within 60 days before the application for the export airworthiness certificate, undergone an inspection meeting the minimum requirements of Part 43, or an equivalent inspection acceptable to the Director; and
 - (v) any installations incorporated for the purpose of export delivery comply with the applicable airworthiness requirements or have been approved by the issue of a Special Flight Permit under Subpart D; and
 - (2) Confirmation that any installation described in paragraph (b)(1)(v) 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 any inspection if required by the Director.

21.65 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 requirements of rule 21.63 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 authorize the installation or use of a product.
- (d) Where a maintenance requirement, additional to those specified by the type certificate holder, is required to maintain the continuing airworthiness of a product, the Director may notify the additional

maintenance requirement on an export airworthiness certificate as a condition under (c)(1).

21.67 Validity of certificate

- (a) An export airworthiness certificate issued under this Subpart remains valid, providing there is no subsequent design change to the product, until the completion of delivery to the State of the importer.
- (b) The holder of an export airworthiness certificate invalidated because of a design change must surrender the certificate to the Director.

21.69 Transfer of certificate

An export airworthiness certificate is transferred with the product.

21.71 Use of an authorised release certificate for export

- (a) The authorised release certificate must only be used for the export of a part or appliance where—
 - (1) the part or appliance—
 - (i) is new or overhauled, or was last installed in an aircraft which possesses a valid standard or restricted 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 authorised release certificate has been issued in accordance with the procedures of an organisation certificated under Part145.
- (b) A part or appliance does not need to meet every requirements under paragraph (a) the State of the importer indicates in writing that the part or appliance is acceptable to the State.

21.73 Responsibilities of an exporter

- (a) When title to an aircraft passes or has passed to a foreign purchaser, the exporter who was issued an export airworthiness certificate must—
 - (1) where applicable, request the cancellation of the Papua New Guinea 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 Papua New Guinea nationality and registration marks have been removed from the aircraft.
- (b) Unless otherwise agreed with the State of the importer, the exporter who was issued an export airworthiness certificate must—
 - (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 check schedule; 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 F— Design Changes

21.75 Purpose

This Subpart prescribes rules governing the approval of design changes.

21.77 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 acceptance certificate under Subpart C.
- (b) Design changes are acceptable to the Director if they are—
 - (1) described by technical data listed in Appendix C; or
 - (2) accepted by the issue of an airworthiness certificate.

21.78 Notification of embodiment of acceptable design changes

An acceptable design change embodied in accordance with paragraph 21.77(b)(1) must be notified to the Director within 7 days of embodiment.

21.79 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.

21.81 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 Part 146 in respect of the change.

21.83 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 to be recorded in the maintenance records for the aircraft at the time of issue of the airworthiness certificate; and
 - (2) there is sufficient evidence that the design change meets the applicable airworthiness requirements.
 - (3) there is sufficient evidence that the design change meets the applicable aircraft noise, and ~~engine~~ aeroplane CO₂ emission standards specified in Appendix B.

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

21.85 Form CAA 337 – approval of modifications

The Director shall approve a modification by approving the modification's technical data under 21.95.

Subpart G — Repairs

21.87 Purpose

This Subpart prescribes rules governing the approval of repair designs.

21.89 Approval of designs for repairs

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

Subpart H — Technical Data and Airworthiness Specifications

21.91 Purpose

This Subpart prescribes rules governing the approval of acceptance of technical data:

- (1) the approval or acceptance of specifications for a material, part, process, or appliance; and
- (2) the approval of a deviation from specifications for a material, part, process, or appliance.

21.93 Technical data

- (a) Technical data shall only be used if it is approved, or is acceptable to the Director.
- (b) Approved data is data approved by the Director in accordance with 21.95.
- (c) Acceptable technical data is data listed in Appendix C to this Part.

21.95 Form CAA 337 – approval of technical data

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

- (1) the name and address for service in Papua New Guinea of the applicant; and
- (2) any documentation necessary to define the data; and
- (3) a description of any design change including—
 - (i) sufficient data to identify the change; and
 - (ii) the identification of all parts of a product, component, or appliance affected by the change; and
- (4) for a product, component, or appliance to be changed in accordance with the data—
 - (i) details of any investigations, 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, required by the Director; and
 - (6) either—
 - (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 21.23 and the applicable additional airworthiness requirements prescribed in Part 26, and the applicable aircraft noise, and ~~engine~~ aeroplane CO₂ emission standards requirements prescribed in 21.23 and that the associated design change is fit for embodiment;
 - (ii) an equivalent statement to that required by paragraph (a)(6)(i) issued in accordance with the requirements of an appropriate foreign authority.
- (b) Notwithstanding paragraph (a)(6)(i), a statement of compliance may state that the technical data—
- (1) meets the airworthiness requirements, aircraft noise and ~~engine~~ aeroplane CO₂ emission standards requirements incorporated by reference in the type certificate; or
 - (2) if special conditions are applied, meets a level of safety equivalent to that provided in paragraph (a)(6)(i).
- ~~(d)~~(c) An aircraft design organisation certificated in accordance with Part 146 may use a document other than the form CAA 337 to record the information required by paragraph (a).
- ~~(e)~~(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 interest 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 prescribed limitations.
- ~~(f)~~(e) Notwithstanding paragraph (d)(1), the Director may approve technical data without the applicant meeting every requirements 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 any associated design change.

21.97 Approval of specifications

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

- (1) the application of that specification in an approved design or design change but only for that design or design change; or
- (2) another method acceptable to the Director.

21.98 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 B 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 Papua New Guinea national specification; or
 - (iii) a foreign national specification.

21.99 Application for deviation from specification

(a) An applicant for a deviation to the performance standard of an accepted specification must complete form CAA 21/06, 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 Papua New Guinea 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) any further particulars relating to the applicant required by the Director.

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

Subpart I — Materials, Parts, Processes, and Appliances

21.101 Purpose

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

21.103 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 changes; and
 - (ii) identified in accordance with Subpart J; or
- (3) be issued with an 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 release note by the holder of a supply organisation certificate issued in accordance with Part 144 who established the conformity of the material, part, or appliance; or
- (5) be a standard part; or
- (6) be an imported part accepted for the purpose by the Director.

21.105 Approval or acceptance of processes

If a process is required to meet the airworthiness requirements of any CAR, then it must 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) be otherwise acceptable to the Director.

Subpart J — Identification of Products and Parts

21.107 Purpose

This Subpart prescribes rules governing the identification of—

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

21.109 Identification of aircraft, aircraft engines and propellers

An aircraft, aircraft engine and propeller type accepted in Papua New Guinea must be identified with the information and in the manner prescribed in the design standard for the product.

21.111 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 identification information without the approval of the Director.

- (1) the identification information that is required under rule 21.109 to be marked on an aircraft and engine data plate:
- (2) the identification information that is required under rule 21.109 to identify a propeller, propeller blade or propeller hub.
- (3) the part number and serial number that is required under rule 21.115 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 number and serial number referred to in paragraph (a)(3) if the removal, alteration, or replacement is carried out in accordance with a method, technique and practice that is acceptable to the Director.

21.113 Removal and reinstallation of data plate

(a) Except as provided by paragraph (b), a person must not remove or reinstall the data plate containing the identification information prescribed in 21.109 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 21.109 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 a method, technique, or practice acceptable to the Director; and
- (3) the removed data plate is reinstalled on the product or part from which it was removed.

21.115 Identification of critical parts

A person who manufactures a critical part must permanently and legibly mark the part with—

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

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

(a) A person who manufactures a replacement or modification material, part, or appliance under 21.103(2) must 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.

(b) 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 paragraph (a), the information shall be recorded on a tag attached to the material, part, appliance, or its container.

(c) Where the marking required by paragraph (b) 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 acceptance certificate, on which the material, part, or appliance is eligible for installation.

Subpart K — Supplemental Type Certificates Reserved

21.119 Purpose

This Subpart prescribes—

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

21.121 Supplemental type certificate

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

- (1) ~~the 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 acceptance certificate.~~

21.123 Eligibility

~~Any person may apply for a supplemental type certificate.~~

21.125 Application for certificate

~~An applicant for a supplemental type certificate must complete form CAA 21/09 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 Papua New Guinea of the applicant; and~~
- (2) ~~a product design which consists of—~~
 - (i) ~~the drawings and specifications 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 the drawings and specifications specified in subparagraph (i); and~~

- ~~(iii) the information on dimensions, materials, and processes necessary to define the structural strength of the product type; and~~
- ~~(iv) Instructions for Continued Airworthiness; and~~
- ~~(v) any other data necessary to allow, by comparison, the determination of the airworthiness of later products of the same type; and~~
- ~~(3) details of inspections and tests carried out to ensure that —~~
 - ~~(i) the product complies with the applicable airworthiness requirements; and~~
 - ~~(ii) the materials and product conform to the specifications in the type design; and~~
 - ~~(iii) all parts of the product conform to the drawings in the type design; and~~
 - ~~(iv) the manufacturing processes, construction and assembly conform to those specified in the type design; and~~
- ~~(4) if the proposed changes in 21.121 may affect the noise certification of the aircraft—~~
 - ~~(i) a statement identifying the applicable noise standard specified in Appendix B which the aircraft type complied with prior to incorporation of the change; and~~
 - ~~(ii) a list of modifications previously incorporated in the aircraft design to ensure compliance with the applicable noise standard identified under paragraph (5)(i); and~~
 - ~~(iii) details of the average aircraft noise levels after incorporation of the change, measured in accordance with the procedures prescribed in the noise standard identified in paragraph(5)(i);and~~
 - ~~(iv) a statement specifying the maximum weight of the aircraft during the noise level measurements required under paragraph (5)(iii);and~~
- ~~(5) for turbojet and turbofan engines, if the proposed change may affect the emission certification of the engine—~~
 - ~~(i) a statement identifying the applicable engine emission standard specified in Appendix B which the aircraft engine complied with prior to incorporation of the change; and~~
 - ~~(ii) a list of modifications previously incorporated in the engine design to ensure compliance with the specified emission standard identified under paragraph (6)(i); and~~
 - ~~(iii) a statement of the rated output measured as prescribed under the emission standard identified under paragraph (6)(i), measured after incorporation of the change; and a statement of the reference pressure ratio as prescribed under the emission standard identified under paragraph (6)(i), measured after incorporation of the change; and~~
 - ~~(iv) a statement identifying compliance with the Smoke Number requirements in the emission standard identified under paragraph (6)(i), measured after incorporation of the change; and~~
 - ~~(v) a statement identifying compliance with gaseous pollutant requirements in the emission standard identified under paragraph (6)(i), measured after incorporation of the change; and~~

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

21.129 — 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 Part 21.131.~~
- ~~(b) The holder of a supplemental type certificate must, before transferring the certificate —~~
 - ~~(1) notify the Director in writing, of the name and address for service in Papua New Guinea of the transferee; and~~
 - ~~(2) produce the certificate to the Director for amendment.~~

21.131 — Responsibilities of certificate holder

- ~~(a) The holder of the supplemental type certificate must —~~
 - ~~(1) undertake the continued airworthiness responsibilities required by Part 146 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).~~

21.133 — Changes to certificate

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

- ~~(1) Apply for an amendment to the supplemental type certificate on form CAA 21/09; or~~
- ~~(2) apply for a new supplemental type certificate.~~

Subpart L – Transition Provisions

21.151 Transition

Transition provisions detailed in Part 20 apply to this Part.

Appendix A - Reserved

Appendix B - Airworthiness Design Standards

- (a) Subject to paragraph (c), the standard category airworthiness design standards are—
- (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 Annex 8 to the Convention, or appropriate design standards considered acceptable by the Director; and
 - (ii) provide an equivalent level of safety to those airworthiness design standards prescribed in paragraph (1) which were applicable at the time of type certification.
- (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 or 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 aeroplanes 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 by 21.23(1)(ii) 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 1 except that-
 - (i) all subsonic turbo-jet and turbo-fan powered aeroplanes must comply with the standards specified in Annex 16, Volume 1, Chapter 3; 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~~ aeroplane CO₂ emission standards are-
- (1) the standards specified in the applicable chapter of ICAO Annex 16 Volume II and Volume III; or
 - (2) a set of equivalent airworthiness design standards acceptable to the Director.

Appendix C- Acceptable Technical Data

- (a) Subject to paragraph (b), the following are acceptable technical data:
- (1) the design standards listed in Appendix B:
 - (2) a type certificate datasheets:
 - (3) a foreign type certificate data sheets used for the issue of a type acceptance certificate:
 - (4) type design data for a type certificated products:
 - (5) design change data that support a design change approved by the means specified in rule 21.77:
 - (6) data approved by the Director under rule 21.95:
 - (7) data provided by the PNG Civil Aviation Authority and published in an advisory circular:
 - (8) an airworthiness directives that gives specific instructions for modification or repair:
 - (9) a supplemental type certificates issued by the following—
 - (i) the Federal Aviation Administration of the United States of America; and
 - (ii) Australian Civil Aviation Safety Authority; and
 - (iii) the Civil Aviation Authority of New Zealand; and
 - (iv) supplemental type certificates or equivalent issued by the State of Design acceptable to the Director.
 - (10) supplemental type approvals issued by Transport Canada:
 - (11) aeronautical specifications:
 - (12) data giving specific instructions for modification or repair contained in a maintenance manual, repair manual, overhaul manual, continuing airworthiness document, service bulletin, or an equivalent provided by the manufacturer of the product for which it is to be used and which is listed in the type certificate or by reference in the type acceptance certificate:
 - (13) current issues of AC43.13-1B and AC43.13-2B, issued by the Federal Aviation Administration of the United States of America, provided the use of the AC is approved by the aircraft or component manufacturer:
 - (14) data included in, and specific to the category of, an airworthiness certificate.
- (b) The technical data listed in paragraph (a) are acceptable provided that—
- (1) the data is appropriate to the product, component, or appliance, 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 ~~STC or STA~~ to install the ~~STC or STA~~; 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.