

AGREEMENT BETWEEN
THE GOVERNMENT OF NEW ZEALAND
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR PROMOTION OF AVIATION SAFETY

The Government of New Zealand and the Government of the United States of America, hereinafter referred to as "the Contracting Parties",

Desiring to promote aviation safety and environmental quality;

Noting common concerns for the safe operation of civil aircraft;

Recognizing the emerging trend toward multinational design, production, and interchange of civil aeronautical products;

Desiring to enhance cooperation and increase efficiency in matters relating to civil aviation safety;

Considering the possible reduction of the economic burden imposed on the aviation industry and operators by redundant technical inspections, evaluations, and testing;

Recognizing the mutual benefit of improved procedures for the reciprocal acceptance of airworthiness approvals, environmental testing, and development of reciprocal recognition procedures for approval and monitoring of flight simulators, aircraft maintenance facilities, maintenance personnel, flight crew members, and flight operations,

Have agreed as follows:

ARTICLE I

A. The Contracting Parties agree:

1. To facilitate acceptance by each Contracting Party of the other Contracting Party's:

(a) airworthiness approvals and environmental testing and approval of civil aeronautical products; and

(b) qualification evaluations of flight simulators.

2. To facilitate acceptance by the Contracting Parties of the approval and monitoring of: maintenance facilities; alteration or modification facilities; maintenance personnel; flight crew members; aviation training establishments; and flight operations of the other Contracting Party.

3. To provide for cooperation in sustaining an equivalent level of safety and environmental objectives with respect to aviation safety.

B. Each Contracting Party shall designate its civil aviation authority as the executive agent to implement this Agreement. For the Government of the United States of America, the executive agent shall be the Federal Aviation Administration (FAA) of the Department of Transportation. For the Government of New Zealand, the executive agent shall be the Civil Aviation Authority (CAA).

ARTICLE II

For the purposes of this Agreement:

A. "Airworthiness approval" means a finding that the design or change to a design of a civil aeronautical product meets standards agreed between

the Contracting Parties or that a product conforms to a design that has been found to meet those standards, and is in a condition for safe operation.

B. "Alterations or modifications" means making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected civil aeronautical product.

C. "Approval of flight operations" means the technical inspections and evaluations conducted by a Contracting Party, using standards agreed between the Contracting Parties, of an entity providing commercial air transportation of passengers or cargo, or the finding that the entity complies with those standards.

D. "Civil aeronautical product" means any civil aircraft, aircraft engine, or propeller or subassembly, appliance, material, part, or component to be installed thereon.

E. "Environmental approval" means a finding that a civil aeronautical product complies with standards agreed between the Contracting Parties concerning noise and/or exhaust emissions. "Environmental testing" means a process by which a civil aeronautical product is evaluated for compliance with those standards, using procedures agreed between the Contracting Parties.

F. "Flight crew member" means a pilot, flight engineer or flight navigator assigned to duty in an aircraft during flight time.

G. "Flight simulator qualification evaluations" means the qualification process by which a flight simulator is assessed by comparison to the aircraft it simulates, in accordance with standards agreed between the civil aviation authorities of the Contracting Parties, or the finding that it complies with those standards.

H. "Maintenance" means the performance of inspection, overhaul, repair, preservation, and the replacement of parts, materials, appliances, or components of a product to ensure the continued airworthiness of that product, but excludes alterations or modifications.

I. "Monitoring" means the periodic surveillance by a civil aviation authority of a Contracting Party to determine continuing compliance with the appropriate standards.

ARTICLE III

A. The Contracting Parties' civil aviation authorities shall conduct technical assessments and work cooperatively to develop an understanding of each other's standards and systems in the following areas:

1. Airworthiness approvals of civil aeronautical products;
2. Environmental approval and environmental testing;
3. Approval and monitoring of maintenance facilities and maintenance personnel;
4. Approval and monitoring of flight operations and flight crew members;
5. Evaluation and qualification of flight simulators; and
6. Approval and monitoring of aviation training establishments.

B. When the civil aviation authorities of the Contracting Parties agree that the standards, rules, practices, procedures, and systems of both Contracting Parties in one of the technical

specialties listed in paragraph (A) of this Article are sufficiently equivalent or compatible to permit acceptance of findings of compliance made by one Contracting Party for the other Contracting Party to the agreed-upon standards, the civil aviation authorities shall execute written Implementation Procedures describing the methods by which such reciprocal acceptance shall be made with respect to that technical specialty.

C. The Implementation Procedures shall include at a minimum:

1. Definitions;
2. A description of the scope of the particular area of civil aviation to be addressed;
3. Provisions for reciprocal acceptance of civil aviation authority actions such as test witnessing, inspections, qualifications, approvals, monitoring and certifications;
4. Accountability;
5. Provisions for mutual cooperation and technical assistance;
6. Provisions for periodic evaluations; and
7. Provisions for amendments to or termination of the Implementation Procedures.

ARTICLE IV

Any disagreement regarding the interpretation or application of this Agreement or its Implementation Procedures shall be resolved by consultation between the Contracting Parties or their civil aviation authorities, respectively.

ARTICLE V

A. The Agreement between New Zealand and the United States of America concerning reciprocal acceptance of certificates of airworthiness for imported aircraft, effected by exchange of notes at Washington on March 20, 1970, as amended by exchange of notes at Washington on March 16 and 30, 1979 (hereinafter referred to as "the 1970 Agreement"), shall remain in force until terminated in accordance with paragraph 8 of the 1970 Agreement, following completion by the Contracting Parties' civil aviation authorities of the technical assessments and Implementation Procedures as described in Article III.

B. In the event of any inconsistency between the 1970 Agreement and this Agreement, which arises while the 1970 Agreement remains in force, the provisions of this Agreement shall prevail unless otherwise agreed by the Contracting Parties.

ARTICLE VI

A. This Agreement shall enter into force when the Contracting Parties have notified each other in writing that their respective requirements for the entry into force of this Agreement have been satisfied, and shall remain in force until terminated by either Contracting Party.

B. Such termination of this Agreement shall be effected by either Contracting Party giving the other Contracting Party sixty days written notice of its intention to terminate. Such termination shall also act to terminate existing Implementation Procedures executed in accordance with Article III of this Agreement. Individual Implementation Procedures may also be terminated or amended by the Contracting Parties' civil aviation authorities.

C. This Agreement may be amended by the written agreement of the Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington, this 26th day of March, 2002, in duplicate, in the English language.

FOR THE GOVERNMENT OF
NEW ZEALAND:

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



