



Government Notice /2019

Notice of Intention to Make Regulations

CIVIL AVIATION ACT, 2016 (ACT NO. 6 OF 2016)

NAMCARS PART 21: CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

DRAFT REGULATIONS (2018) AND (Selected) TECHNICAL STANDARDS (2018)
FOR PUBLIC COMMENT

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SUBPART 1: GENERAL

21.01.1 Applicability

(1) This Part applies to –

- (a) the type certification of products to be manufactured in Namibia;
- (b) the approval of changes to type certificates;
- (c) the type acceptance certification of products to be imported into Namibia;
- (d) the issuing of supplemental type certificates;
- (e) the issuing of production certificates;
- (f) the airworthiness certification of aircraft;
- (g) the approval of parts and appliances to be manufactured in Namibia;
- (h) the approval of parts and appliances to be imported into Namibia;
- (i) the issuing of export airworthiness approvals; and
- (j) the issuing of NAM-TSO authorisations.

(2) This Part does not apply to –

- (a) hang gliders;
- (b) paragliders;
- (c) unmanned free balloons;
- (d) captive balloons;
- (e) kites;
- (f) model aircraft;
- (g) parachutes;
- (h) powered paragliders;
- (i) rigid airships; or
- (j) unmanned aerial vehicles (incl RPAs/UAVs).

21.01.2 Types of aircraft

(1) For the purposes of the regulations in this Part, the applicable types of aircraft are –

- (a) gliders, power-assisted gliders, and touring gliders;
- (b) very light aeroplanes;
- (c) aeroplanes of normal, utility, acrobatic and commuter categories;
- (d) aeroplanes of the transport category;
- (e) rotorcraft of the normal category;
- (f) rotorcraft of the transport category;
- (g) manned free balloons; and
- (h) non-rigid airships.

(2) The airworthiness design standards for each type of aircraft referred to in sub-regulation (1), are those referred to in regulation 21.02.3.

21.01.3 Reporting of failures, malfunctions and defects and other occurrences

(1) The holder of any type certificate, supplemental type certificate, production certificate, NAM-PMA or NAM-TSO authorisation issued in terms of the regulations in this part, must, in accordance with sub-regulation (3), report in writing to the Executive Director the occurrence and circumstances of any failure, malfunction or defect in any product, part or appliance manufactured by such holder which –

- (a) has resulted in any of the occurrences specified in Document NAM-CATS 21; or

- (b) has passed through such, holder's quality assurance system and may result in any of the occurrences specified in Document NAM-CATS 21.
- (2) A report referred to in sub-regulation (1) must include –
- (a) the aircraft serial number;
 - (b) if the failure, malfunction or defect is associated with an article approved under NAM-TSO authorisation, the article serial number and model designation;
 - (c) if the failure, malfunction or defect is associated with an aircraft engine or aircraft propeller, the engine or propeller serial number;
 - (d) the product model;
 - (e) an identification, including the part number, of the part, component or system involved; and
 - (f) the nature of the failure, malfunction or defect.
- (3) A report referred to in sub-regulation (1) must be submitted to the Executive Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported: Provided that a report which was due on a –
- (a) Saturday or a Sunday, may be submitted on the following Monday;
 - (b) public holidays, may be submitted on the next working day.
- (4) In the event of the investigation of an accident or service difficulty report indicating that a product is unsafe because of a or design defect, the holder concerned must report to the Executive Director the results of its investigation and any action taken or proposed by such holder to correct such defect.
- (5) If action is required to correct the defect in existing products the holder concerned must submit the data necessary for the issuing of an appropriate airworthiness directive to the Executive Director.

21.01.4 Issuing of airworthiness directives

- (1) In the manner contemplated by section 38(3) of the Act, the Executive Director may issue appropriate airworthiness directives in respect of design changes which are necessary to correct the unsafe condition of a product.
- (2) If the Executive Director issues an airworthiness directive for a product, the holder of any certificate issued under the regulations in this part for the product type, must –
- (a) upon the request of the Executive Director, submit appropriate design changes to the Executive Director for approval; and
 - (b) upon approval of the design changes, make the descriptive data covering the changes available to all operators of the product.
- (3) An operator of an aircraft must not operate the aircraft unless the operator complies with—
- (a) every applicable airworthiness directive issued by the Executive Director in accordance with this regulation or ; and
 - (b) for an aircraft in excess of 5,700 kg MCTOW, and less than 5700 kg MCTOW every—
 - (i) applicable airworthiness directive issued by the State of Design of the aircraft; and
 - (ii) applicable airworthiness directive issued by the State of Design of an aeronautical product that is used on the aircraft; or

(iii) an alternative means of compliance approved in writing by the Executive Director in respect of an airworthiness directive that is applicable to the aircraft under paragraphs (a).and (b).

(4) If a person is notified by the Executive Director of an emergency airworthiness directive in relation to an aircraft and the person does not hold a Namibian certificate of registration for the aircraft, the person must immediately notify the Executive Director that he or she does not hold such certificate of registration.

21.01.5 Safety inspections and audits

(1) An applicant for the issuing of any certificate, approval or authorisation in terms of the regulations in this part, must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this part.

(2) The holder of any certificate, approval or authorisation issued under this part, must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

21.01.6 Register of certificates

(1) The Executive Director must, within the Civil Aviation Registry, maintain a register of all certificates approvals or authorisations issued in terms of the regulations in this Part.

(2) The register must contain the following particulars –

- (a) the full name of the holder of the certificate, approval or authorisation;
- (b) the postal address of the holder of the certificate, approval or authorisation;
- (c) the date on which the certificate, approval or authorisation was issued; and
- (d) the nationality of the holder of the certificate, approval or authorisation.
- (e) the number of the certificate, approval or authorization issued;
- (f) the date on which the certificate, approval or authorisation was cancelled, if applicable.
- (g) the telephone, telefax numbers, email address of the holder of the certificate, approval or authorisation;

(3) The particulars referred to in sub-regulation (2) must be recorded in the register within seven days from the date on which the certificate, approval or authorisation is issued by the Executive Director.

(4) A copy of the register must be furnished by the Executive Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

21.01.7 Unapproved (bogus) parts

(1) No person may trade in any bogus part intended for installation, or install any unapproved part, in a type certificated product.

(2) Any person authorised by these Regulations to install parts in a type certificated product, must, when installing a part, ensure that the part is not a bogus part, that it is instead an approved and serviceable part and that it conforms to the standard determined by the appropriate type certificate holder as being suitable for the intended application.

(3) The person referred to in subregulation (2) must, when obtaining the part from the supplier, ensure that the purchase order contains an accurate description of the part and sufficient details to indicate that such part is an approved part.

21.01.8 Suspension and imposition of conditions

(1) Any action by an airworthiness inspector required on the suspension and imposition of conditions of any aviation document, under delegation or otherwise, must comply with the procedural requirements contemplated in section 44 of the Act.

(2) An airworthiness inspector must ensure compliance with the procedures in Parts 13 and 185 on an appropriate course of action on any certificate, approval or authorization issued under this Part.

21.01.9 Alternative means of compliance

(1) An operator of an aircraft who is required under regulation 21.01.4(3)(a) and (b) to comply with the requirements of an airworthiness directive, may apply to the Executive Director for the approval of an alternative means of complying with the requirements specified in the airworthiness directive.

(2) An applicant for the approval of an alternative means of compliance under paragraph (1) must—

(a) complete form as prescribed by the Executive Director; and

(b) submit it to the Executive Director with a payment of the appropriate fee as prescribed in Part 187.

(3) The Executive Director may approve an alternative means of compliance for an operator regarding an airworthiness directive if the Executive Director is satisfied that the alternative means of compliance provides an equivalent level of safety to that achieved through compliance with the requirements specified in the airworthiness directive.

21.01.10 Deferred compliance

If an airworthiness directive requires a series of inspections of an aircraft or an aeronautical product installed in an aircraft, the operator of the aircraft may, unless specifically prohibited by the airworthiness directive, defer a required inspection, except the initial inspection, for a period of not more than 10% of the inspection interval specified in the airworthiness directive to allow the inspection to be carried out during other scheduled maintenance.

21.01.11 Conflict with other continuing airworthiness instructions

If there is a conflict between the requirements specified in an airworthiness directive and any other applicable instruction for continuing airworthiness, the requirement specified in the airworthiness directive prevails.

SUBPART 2: CODE OF AIRWORTHINESS

21.02.1 Airworthiness Design Standards

Where there is no code of airworthiness within the Regulations applicable to a Namibian registered aircraft the applicable airworthiness design standards in respect of any such aircraft are the requirements and mandatory design standards of the state of design or the code of airworthiness of another ICAO member state as determined to apply in each case by the Executive Director.

21.02.1 Airworthiness design standards

A holder of a type certificate for a Class I product, or an amendment thereof, must provide the Executive Director with proof that –

- (a) the product complies with the appropriate airworthiness design standards in force as prescribed in Document NAM-CATS 21.
- (b) the product complies with the appropriate aircraft noise, fuel venting and engine emission standards referred to in Part 34 or Part 36, as the case may be;
- (c) the product complies with any special conditions prescribed by the state of design of the product ;

- (d) any airworthiness design standards not complied with, are compensated for by factors providing an equivalent level of safety; and
- (e) in the case of an aircraft type, no feature or characteristic makes the aircraft type unsafe for the intended use.

21.02.3 Type design

A holder of a type certificate for a Class I product, or an amendment thereof, must;

- (a) provide the Executive Director with a type design consisting of –
 - (i) the drawings and specifications necessary to define the configuration and the design features of the product which have been shown to comply with the appropriate airworthiness design standards referred to in regulation 21.02.2;
 - (ii) a list of the drawings and specifications referred to in subparagraph (i);
 - (iii) information on dimensions, materials and processes and on methods of manufacture and assembly of the product necessary to ensure the conformity of the product;
 - (iv) the airworthiness limitations specified in the appropriate airworthiness design standards referred to in regulation 21.02.2; and
 - (v) any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting and engine emissions, if applicable, of later products of the same type; and
- (b) identify each type design and each variant within the type design.

21.02.4 Special conditions

The Executive Director may prescribe special conditions for a Class I product to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in regulation 21.02.2, if the Executive Director determines that the airworthiness design standards do not contain adequate or appropriate safety levels because –

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

SUBPART 4: ACCEPTANCE OR VALIDATION OF TYPE CERTIFICATES

21.04.1 Categories of type acceptance certificates

The categories of type acceptance certificates are –

- (a) standard category type acceptance certificate for a Class I product to be imported into Namibia; and
- (b) restricted category type acceptance certificate for a Class I product to be imported into Namibia.

21.04.2 Application for type acceptance certificate

An application for the issuing of a type acceptance certificate for a Class 1 product must be –

- (a) made in the form and manner prescribed by the Executive Director; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) proof of compliance with the provisions of regulations 21.04.3 and 21.04.4.

21.04.3 Airworthiness design standards

An applicant for the issuing of a type acceptance certificate for a Class I product must provide the Executive Director with proof that –

- (a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective at the date assigned in the foreign type certificate or equivalent document, unless another date is specified by the Executive Director. In this regulation, appropriate airworthiness design standards means a recognised airworthiness code in terms of regulation 21.02.1 relating to the design, materials, construction equipment, performance and maintenance of aircraft or aircraft component issued by the States of design are in compliance with Annex 8 to the Chicago Convention.
- (b) the product complies with any special conditions prescribed by the Executive Director in terms of regulation 21.02.5 and, if applicable, meets any special conditions under the foreign type certificate;;
- (c) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety; and
- (d) a feature or characteristic of the product makes it unsafe for the intended use.
- (e) the type certificate or equivalent document was issued based on an
airworthiness code recognized by the Authority.

21.04.4 Data requirements

(1) An applicant for the issuing of a type acceptance certificate for a Class I product must provide the Executive Director with –

- (a) proof that the type design has been approved by the appropriate authority of the exporting State by the issuing of a type certificate or an equivalent document and the type certificate or equivalent document is considered to be valid by the State of Design;
- (b) details of the airworthiness design standards complied with, for the issuing of the type certificate referred to in paragraph (a), including –
 - (i) the airworthiness design standards;
 - (ii) the effective date of such standards;
 - (iii) any special conditions imposed under the foreign type certification;
 - (iv) any requirements not complied with and any compensating factors providing an equivalent level of safety; and
 - (v) any airworthiness limitations;
- (c) a list identifying the data submitted for the issuing of the type certificate referred to in paragraph (a), showing compliance with the appropriate airworthiness design standards;
- (d) a certified true copy of the flight manual approved under a foreign type certificate or, if the appropriate design standards do not require a flight manual to be provided, a flight manual which complies with the standards as prescribed in Document NAM-CATS 21;
- (e) the illustrated parts catalogue; and
- (f) if required by the Executive Director –
 - (i) the maintenance manual for the product;
 - (ii) current service information issued by the manufacturer of the product; and
 - (iii) proof that the manufacturer has agreed to provide the Executive Director with a certified true copy of all amendments and re-issues of the documents referred to in paragraph (d), (e) and (f).

(2) The Executive Director may specify the range of serial numbers or models of products to which the application relates, or redefine the applicability of the certificate if the provisions of this regulation and regulation 21.04.3 are complied with in respect of any additional product.

21.04.5 Issuing of type acceptance certificate

(1) An application in terms of regulation 21.04.2 must be granted and a type acceptance certificate for a Class I product issued if the applicant complies with the provisions of regulations 21.04.3 and 21.04.4.

(2) type acceptance certificate may be issued in both the standard and restricted categories referred to in regulation 21.04.1, if the provisions of regulations 21.04.3 and 21.04.4 for each category are complied with.

(3) A restricted category type acceptance certificate must specify the operational purposes for which the product is certificated.

21.04.6 Form of type acceptance certificate

A type acceptance certificate must be issued on the appropriate form as prescribed by the Executive Director

21.04.7 Period of validity

(1) A type acceptance certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director.

(2) The holder of a type acceptance certificate which is suspended, must forthwith produce the type acceptance certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type acceptance certificate which is cancelled, must, within 30 days from the date on which the type acceptance certificate is cancelled, surrender such type acceptance certificate to the Executive Director.

21.04.8 Duty of holder of type acceptance certificate

The holder of a type acceptance certificate must keep the original type acceptance certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such inspector.

SUBPART 5: SUPPLEMENTAL TYPE CERTIFICATES

21.05.1 Acceptance.

The Executive Director may accept a supplemental type certificate or equivalent document issued by a state of design in respect of an aircraft or aircraft component if :

- (a) The supplemental type certificate or equivalent document was issued based on an airworthiness code recognized by the Executive Director ; or
- (b) The design, materials, construction equipment, performance and maintenance of aircraft or aircraft component technical evaluation against a recognized airworthiness code has been carried out by the Executive Director and has been found to :
 - (i) meet the required standards of the recognized airworthiness code ; or
 - (ii) have complied with any recommendations made by the Executive Director.

21.05.2 Issuance of a supplemental type certificate

(1) Any person who proposes to alter a product by introducing a major change in type design, not great enough to require a new application for a type certificate, must apply for a Supplemental Type Certificate to the regulatory authority of the State of Design that approved the type certificate for that product. The applicant must apply in accordance with the procedures prescribed by that State.

(2) The Executive Director upon receiving a request for a supplemental type certificate for an aircraft registered in Namibia must forward the request to the State of Design.

SUBPART 6: PRODUCTION UNDER TYPE CERTIFICATE

21.06.1 Production under type certificate

The manufacturer of a product being manufactured under a type certificate only must –

- (a) determine that each completed product conforms to the applicable type design and is in a condition for safe operation prior to submitting statements of conformity to the Executive Director;
- (b) unless otherwise authorised by the Executive Director, establish and maintain a production inspection system for products manufactured more than six months after the date on which the type certificate was issued, to ensure that such products conform to the type design and are in condition for safe operation; and
- (c) upon the establishment of the production inspection system referred to in paragraph (b), submit to the Executive Director a manual which describes such system as well as the procedures for making the determinations referred to in regulation 21.06.2(2).

21.06.2 Production inspection system

(1) For the purposes of regulation 21.06.1(c), the manufacturer must establish a Materials Review Board and materials review procedures.

(2) The procedures for making determinations are as prescribed in Document NAM-CATS 21.

(3) The composition of the Materials Review Board and its powers and duties, are as prescribed in Document NAM-CATS 21.

21.06.3 Tests for aircraft

The manufacturer of an aircraft being manufactured under a type certificate only must establish a production flight test procedure as prescribed in Document NAM-CATS 21, according to which the aircraft so manufactured, must be flight tested.

21.06.4 Tests for aircraft engines

The manufacturer of an aircraft engine being manufactured under a type certificate only must subject each engine other than a rocket engine for which such manufacturer must establish a sampling technique, to a test run as prescribed in Document NAM-CATS 21.

21.06.5 Tests for propellers

The manufacturer of propellers being manufactured under a type certificate only must give each variable pitch propeller a functional test to determine if the propeller operates properly throughout the normal range of operation.

21.06.6 Statement of conformity

- (1) The manufacturer of a product being manufactured under a type certificate only must –
- (a) upon the initial transfer of the ownership of the product manufactured under the type certificate; or
 - (b) upon application for the original issuing of –
 - (i) in the case of an aircraft, a certificate of airworthiness; or
 - (ii) in the case of an aircraft engine or propeller, an airworthiness approval tag,
- submit to the Executive Director a statement of conformity.

- (2) The statement of conformity must –
- (a) include –
 - (i) for each product, a statement that the product conforms to its type certificate and is in a condition for safe operation;
 - (ii) for each aircraft, a statement that the aircraft has been tested in accordance with the provisions of regulation 21.06.3;
 - (iii) for each aircraft engine, a statement that the engine has been tested in accordance with the provisions of regulation 21.06.4; and
 - (iv) for each variable pitch propeller, a statement that the propeller has been tested in accordance with the provisions of regulation 21.06.5; and
 - (b) be signed by the person authorised by the manufacturer to issue statements of conformity.

SUBPART 7: PRODUCTION CERTIFICATES

21.07.1 Requirements for production certificate

Any manufacturer who has been approved by the Executive Director in terms of Part 148, may apply for the issuing of a production certificate if the manufacturer holds –

- (a) a valid type certificate; or
- (b) a valid supplemental type certificate,

for the product concerned.

21.07.2 Application for production certificate or amendment thereof

An application for the issuing of a production certificate, or an amendment thereof, must be –

- (a) made in the form and manner prescribed by the Executive Director; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation;
 - (iii) a description of inspection procedures for raw materials, purchased items, and parts and assemblies produced by any partner or subcontractor, including methods used to ensure acceptable quality of parts and assemblies which cannot be completely inspected for conformity when delivered by the partner or subcontractor to the applicant;
 - (iv) a description of the methods used for production inspection of individual parts and complete assemblies, including –
 - (a) the identification of any special manufacturing processes involved;
 - (b) the means used to control the processes;
 - (c) the final test procedure for the complete product, and
 - (d) in the case of an aircraft, a copy of the applicant's production flight test procedures and check list;
 - (v) an outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts;

- (vi) an outline of a system for informing the personnel responsible for inspections of current changes in the engineering drawings, specifications and quality control procedures;
- (vii) a list or chart showing the location of all inspection stations; and
- (viii) the terms of approval referred to in regulation 21.07.4, for which application is being made.

21.07.3 Issuing of production certificate

(1) An application in terms of regulation 21.07.2 must be granted and a production certificate issued if the applicant complies with the requirements prescribed in regulation 21.07.1.

(2) The Executive Director may authorise more than one type certificated product to be manufactured under the terms of approval referred to in regulation 21.07.4, if the products have similar production characteristics.

(3) A production certificate must be issued on the appropriate form as prescribed by the Executive Director.

21.07.4 Terms of approval

The terms of approval must –

- (a) be issued as part of the production certificate;
- (b) specify the type certificated product to be manufactured; and
- (c) contain a production limitation record, listing the type certificate of each product which the holder of the production certificate is authorised to manufacture.

21.07.5 Duties of holder of production certificate

The holder of a production certificate must –

- (a) display the certificate in a prominent place at such holder's manufacturing facility for the product concerned and, if a copy of the certificate is displayed, must produce the original certificate to an authorised officer, inspector or authorised person if so requested by such inspector ; and
- (b) maintain the quality control of each product which such holder is authorised to manufacture, in conformity with the data and procedures approved by the Executive Director for such certificate.

21.07.6 Privileges of holder of production certificate

The holder of a production certificate shall be entitled to –

- (a) in the case of an aircraft, obtain a certificate of airworthiness; or
- (b) in the case of any other product, obtain approval for installation on certificated aircraft.

21.07.7 Transferability and period of validity

(1) A production certificate issued in terms of regulation 21.07.3 must –

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director.

(2) The holder of a production certificate which is suspended, must forthwith upon suspension thereof, produce the certificate to the Executive Director, authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a production certificate which is cancelled, must forthwith surrender such certificate to the Executive Director.

SUBPART 8: CERTIFICATES OF AIRWORTHINESS

21.08.1 Categories of certificates of airworthiness

- (1) The categories of certificates of airworthiness are –
 - (a) standard category certificates of airworthiness;
 - (b) special category certificates of airworthiness.
- (2) A standard certificate of airworthiness may be issued to aircraft in the specific operational category provided the aircraft meets the requirements of the specific regulatory part. The standard certificate of airworthiness may consist of the following operation category;
 - (a) Non-commercial operations, Part 91;
 - (b) Training, Part 141; and
 - (c) Commercial operations, Parts 121,127, 133, 135, 137 and 138.
- (3) A special airworthiness certificate may be issued to aircraft that do not fully meet the requirements of the State of Design for a standard airworthiness certificate. The types of special category certificate of airworthiness must consist of –
 - (a) an experimental certificate; or
 - (b) a special flight permit; and
 - (c) a restricted category certificate of airworthiness.
- (4) An aircraft may be issued with a standard category certificate of airworthiness which includes limitations that otherwise would require it to be issued with a special category certificate of airworthiness, provided the aircraft –
 - (a) can be converted from one configuration to another by removing or adding equipment by simple mechanical means; complies with the requirements prescribed for flight operations in that configuration and the particular operation; and
 - (b) after having been operated in terms of Part 137, is inspected for release to service according to the provisions of Part 43, each time the aircraft is restored to a configuration permitting the carriage of passengers in terms of either Part 121, Part 127, Part 135 or Part 138, as the case may be, unless the Executive Director finds this unnecessary for safety in a particular case.
- (5) The holder of a standard restricted or special category of airworthiness certificate must pay the annual currency fee as prescribed in Part 187, applicable to the type of certificate of airworthiness, on the anniversary date of such certificate.

21.08.2 Requirements for certificate of airworthiness

- (1) No aircraft may be operated in Namibia unless such aircraft has been issued with a certificate of airworthiness and unless the conditions on which such certificate was issued or rendered effective are complied with.
- (2) The Executive Director must issue a certificate of airworthiness for an aircraft registered in Namibia based on evidence satisfactory to the Executive Director that;

- (a) the aircraft complies with the design aspects of the appropriate airworthiness requirements (type certificate) and that the issue is not contrary to aviation safety..
- (b) the aircraft has been inspected in terms of regulation 21.01.5 for inspections and found airworthy by persons authorised by the Executive Director to make such determinations; and
- (c) the Authority has determined on inspection that the aircraft conforms to its type design and is in a condition for safe operation.

21.08.3 Application for certificate of airworthiness or amendment thereof

- (1) Any owner of an aircraft, or his, her or its authorised representative, may apply for the issuing of a certificate of airworthiness for the aircraft, or an amendment thereof.
- (2) An application for the issuing of a standard certificate of airworthiness, or an amendment thereof, must be –
 - (a) made in the form and manner prescribed by the Executive Director; and
 - (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) proof of compliance with the provisions of regulation 21.08.4.
- (3) An application for the issuing of an experimental certificate, or an amendment thereof, must be –
 - (a) made in the form and manner prescribed by the Executive Director; and
 - (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) proof of compliance with the provisions of regulation 21.08.5.
- (4) The holder of a standard restricted or special category of airworthiness certificate must pay the annual currency fee as prescribed in Part 187, applicable to the type of certificate of airworthiness, on the anniversary date of such certificate.

21.08.4 Requirements for standard category certificate of airworthiness

- (1) An applicant for the issuing of a standard category certificate of airworthiness for an aircraft, or an amendment thereof, must provide the Executive Director with proof that –
 - (a) in the case of a new aircraft type manufactured by the holder of a manufacturing organisation approval issued under Part 148 –
 - (i) the applicant is the manufacturer; and
 - (ii) the applicant has issued a statement of conformity in terms of regulation 21.02.6; or
 - (b) in the case of an imported aircraft –
 - (i) a standard category type acceptance certificate has been issued for the aircraft type in terms of regulation 21.04.5; and
 - (ii) a statement of conformity has been issued by, or in accordance with the laws of, the appropriate authority of the exporting State.
- (2) The applicant must, in addition to the provisions of sub-regulation (1), provide the Executive Director with proof that –
 - (a) the aircraft conforms to an appropriate type certificate or type acceptance certificate;
 - (b) any modification to the aircraft conforms to the design changes approved for the type;
 - (c) the aircraft complies with the appropriate airworthiness directives issued in terms of regulation 21.01.4;

- (d) the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms and documents which the Executive Director may require; and
- (e) the aircraft is in a condition for safe operation.

21.08.5 Carrying out test flights in certain circumstances

An aircraft required to be issued or re-issued with a certificate of airworthiness or if such certificate of airworthiness is required to be rendered effective may be test flown with the written permission of the owner or operator provided that –

- (a) the aircraft has been issued with or possesses a valid Namibian certificate of registration;
- (b) an application form, as prescribed by the Executive Director requesting the issue of a certificate of airworthiness has been lodged with the Executive Director;
- (c) the application is accompanied by the fee prescribed in Part 187 for the issue of the above-mentioned certificate;
- (d) where the certificate of airworthiness has expired due to an imposed calendar limit and such certificate needs to be re-issued, the requirements pertaining to the currency fee prescribed in the aforementioned regulations are to be met;
- (e) the aircraft is to be certified safe for the intended flight in the airframe logbook, prior to the flight by the holder of a valid, suitably rated aircraft maintenance engineer's licence issued in terms of Part 66, or by such person who is a holder of valid certification, on type, issued in terms of Part 145 of these regulations; and
- (f) the aircraft has to make its first landing at the point of departure.

21.08.6 Requirements and application for experimental certificate

(1) An experimental certificate for an aircraft may be issued for the purposes of –

- (a) showing compliance with the regulations with specific reference to the conducting of flight tests and other operations to show compliance with the airworthiness regulations including –
 - (i) flights to show compliance for issuance of a type certificate or
 - (ii) supplemental type certificate;
 - (iii) flights to substantiate major design changes; and
 - (iv) flights to show compliance with the function and reliability requirements of the regulations; or
- (b) research and development relating to the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft.

(2) An experimental certificate for a non-type certificated aircraft is issued as a proving flight authority as prescribed in Part 24 of the regulations.

(3) An application for the issue of an experimental certificate or an amendment thereto, other than for a non-type certificated aircraft, must be made in the form and manner prescribed by the Executive Director and must include –

- (a) a statement specifying the purposes of the test flights;
- (b) sufficient data to identify the aircraft;
- (c) the estimated time and duration or number of the test flights;
- (d) details of the area over which the tests will be conducted;
- (e) proof that the aircraft complies with any design criteria or design changes necessary for the safe operation of the aircraft that the Executive Director may require;
- (f) flight manuals, maintenance manuals, or such documents relating to the operation of the aircraft that the Executive Director may require, if such manuals or documents already have been developed;
- (g) except for aircraft converted from a previously type-certificated aircraft without appreciable change in the external configuration or silhouette, three-view drawings or three-dimensional views of the aircraft; and

(h) any other information that the Executive Director may require to safeguard the public.

(4) An application for the issue of a proving flight authority for a non-type certificated aircraft or an amendment thereto must be made in accordance with the provisions of Part 24.

(5) An experimental certificate issued in terms of this Part shall be valid only for flights within the borders of Namibia and over international waters. For flights over or within the territory of another State permission of the responsible aeronautical authority is required.

21.08.7 Requirements and application for special flight permit

(1) A special flight permit for an aircraft may be issued for the purposes of –

- (a) ferrying an aircraft where the certificate of airworthiness has become invalid due to the aircraft no longer meeting its airworthiness standard to a base where maintenance can be carried out;
- (b) delivering or exporting the aircraft;
- (c) evacuating the aircraft from areas of impending danger;
- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 21.02.3; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available. The excess mass that may be authorised under this sub-regulation is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.

(2) A special flight permit for a non-type certificated aircraft is issued as an authority to fly as prescribed in Part 24 of the regulations.

(3) An applicant for the issuing of a special flight permit for an aircraft or an amendment thereto, other than for a non-type certificated aircraft, must be made in the form and manner prescribed by the Executive Director and be accompanied by a statement containing –

- (a) the purpose of the flight(s);
- (b) the proposed itinerary;
- (c) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (d) any restriction that the applicant considers necessary for the safe operation of the aircraft; and
- (e) any other information that the Executive Director may require for the purpose of prescribing operating limitations.

(4) The Executive Director may make, or require the applicant to make appropriate inspections or tests to establish safety aspects.

(5) The application referred to in sub-regulation (3) must be accompanied by the appropriate fee as prescribed in Part 187.

(6) An application for the issue of an authority to fly for a non-type certificated aircraft or an amendment thereto must be made in accordance with the provisions of Part 24.

(7) A special flight permit issued in terms of this Part shall be valid only for flights within the borders of Namibia and over international waters. For flights over or within the territory of another State permission of the responsible aeronautical authority is required.

21.08.8 Special flight permits with continued authorisation

(1) Upon application, the Executive Director may issue a special flight permit with a continued authorisation to –

- (a) the holder of an operating certificate for the purpose of ferrying an aircraft that may not meet applicable airworthiness requirements but is capable of safe flight to a base where maintenance or alterations are performed; or
- (b) the holder of a manufacturing authorisation approval issued in terms of Part 148 for the purpose of –
 - (i) flight testing new production aircraft manufactured by such holder; and
 - (ii) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests.

(2) The permit issued under this regulation is an authorisation, including conditions and limitations for flight, which is set forth in the operations manual or manual of procedure of the holder of the operating certificate or authorisation approval, as the case may be.

(3) The permit issued under this Regulation shall be valid only for flights within the borders of Namibia and over international waters. For flights over or within the territory of another State permission of the responsible aeronautical authority is required.

(4) The application referred to in sub-regulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

21.08.9 Form of certificate of airworthiness

A certificate of airworthiness must be issued in the appropriate form as prescribed by the Executive Director.

21.08.10 Validation of certificate of airworthiness issued by appropriate authority.

(1) The holder of a certificate of airworthiness issued by an appropriate authority, may apply to the Executive Director in the appropriate form as prescribed by the Executive Director, for a validation of such certificate.

(2) The application for a validation referred to in subregulation (1) must be accompanied by

- (a) the appropriate fee as prescribed in Part 187; and
- (b) a copy of the certificate to which the validation pertains.

(3) A certificate of airworthiness issued by an appropriate authority may be validated by the Executive Director

- (a) subject to the same restrictions which apply to such certificate;
and
- (b) on the appropriate form as prescribed by the Executive Director.

(4) A validation issued by the Executive Director shall be valid for

- (a) a period of 12 months calculated from the date of issue of the validation; or
- (b) the period of validity of the certificate issued by the appropriate authority concerned, whichever is the lesser period.

(5) The holder of a validation issued by the Executive Director may, subject to the provisions of subregulation (6), apply to the Executive Director for the renewal of the validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Executive Director may renew the validation for the same appropriate period referred to in subregulation (4).

21.08.11 RVSM approval

(1) For aircraft that are to be operated within airspace where Reduced Vertical Separation Minima (RVSM) apply, an airworthiness approval certificate is required.

(2) The requirements for such RVSM airworthiness approval certificate are contained in Section 6 of technical standard 91.04.31 of Document NAM-CATS 91 and paragraph 8 of the aforementioned Section 6 provides for any variation or modification from the initial installation that affects RVSM approval.

(3) An application for the issuing of an RVSM approval certificate must be made to the Executive Director as prescribed in regulation 91.04.31 (3).

(4) The application referred to in sub-regulation 91.04.31 (3), must be accompanied by the appropriate fee as prescribed in Part 187.

21.08.12 Period of validity

(1) A certificate of airworthiness shall be valid for a period of 12 calendar months calculated from the date of issue or renewal thereof. The certificate shall remain in force until- –

- (a) it expires or is suspended by the Executive Director, or
- (b) it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or is cancelled by the Executive Director.

(2) Subject to the provisions of sub-regulation (1), a certificate of airworthiness shall remain valid for as long as –

- (a) the aircraft remains a Namibian registered aircraft; and
- (b) in respect of an aircraft with a standard or restricted category certificate of airworthiness, the aircraft is maintained in accordance with the Regulations.

(3) The holder of a certificate of airworthiness which expires, must forthwith surrender the certificate to the Executive Director.

(4) The holder of a certificate of airworthiness which is suspended, must forthwith upon suspension thereof, produced the certificate to the Executive Director, authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of a certificate of airworthiness which is cancelled, must forthwith surrender such certificate to the Executive Director.

21.08.13 Transferability

A standard or restricted certificate of airworthiness and an experimental certificate must be transferred with the aircraft.

21.08.14 Application for reissuing of certificate

(1) If a certificate issued under this Part is lost, stolen, damaged or destroyed, the holder thereof, or an aircraft maintenance organisation approved under Part 145 which is responsible for the servicing and maintenance of the aircraft, may apply to the Executive Director for the issue of a duplicate certificate.

(2) An application referred to in sub-regulation (1) must be –

- (a) made in the appropriate form as prescribed by the Executive Director; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate must be issued on the appropriate form as prescribed by the Executive Director.

21.08.15 Temporary loss of airworthiness

Any failure to maintain an aircraft in an airworthy condition as defined by the appropriate airworthiness requirements shall render the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.

21.08.16 Damage to aircraft

(1) When an aircraft has sustained damage, the Executive Director must judge whether the damage is of a nature such that the aircraft is no longer airworthy as defined by the appropriate airworthiness requirements.

(2) If the damage is sustained or ascertained when the aircraft is on the territory of another State, the Executive Director may request the authorities of that State to advise the Executive Director immediately, communicating to him or her all details necessary to formulate the judgment referred to in the introductory subregulation (1).

(3) When the Executive Director considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, he or she must prohibit the aircraft from resuming flight until it is restored to an airworthy condition; the Executive Director may, however, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft to fly non commercially to an aerodrome at which it can be restored to an airworthy condition. In prescribing particular limiting conditions the Executive Director must consider all limitations proposed by the State where that state has prevented the aircraft from resuming its flight.

(4) When the Executive Director considers that the damage sustained is of a nature such that the aircraft is still airworthy, the Executive Director may allow the aircraft to resume its flight.

21.08.17 Aircraft limitations and information

The owner or operator of a Namibian registered aircraft must hold and be able to produce for inspection upon request by Executive Director, authorised officer, inspector or authorised person a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements and additional instructions and information necessary for the safe operation of the aircraft.

SUBPART 9: APPROVAL OF PARTS AND APPLIANCES

21.09.1 Replacement and modification parts

(1) Subject to the provisions of sub-regulation (2), no person may produce a modification or replacement part for sale for installation on a type certificate product unless such modification or replacement part is produced pursuant to a NAM-PMA issued under this subpart.

(2) The provisions of sub-regulation (1) shall not apply in respect of –

- (a) parts produced under a type certificate;
- (b) parts produced by an owner or operator for maintaining its own product;
- (c) parts produced under NAM-TSO; or
- (d) standard parts conforming to established civil aviation industry or Namibian civil aviation specifications.

21.09.2 Inspections and tests

(1) An applicant for the issuing of a NAM-PMA must carry out all inspections and tests which may be necessary to determine –

- (a) compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3
- (b) that the materials conform to the specifications in the design;
- (c) that the part conforms to the drawings in the design; and
- (d) that the manufacturing processes, construction and assembly conform to those processes specified in the design.

- (2) Unless authorised by the Executive Director –
- (a) no part shall be presented to the Executive Director for an inspection or test unless compliance with the provisions of sub-regulation (1) (b) and (d) has been proven for such part; and
 - (b) no change may be made to a part between the time that compliance with the provisions of sub-regulation (1) (b) and (d) is proven for the part, and the time that such part is presented to the Executive Director for the inspection or test.
- (3) The applicant must establish a manufacturing inspection system to ensure that each completed part conforms to its design data and is safe for installation on appropriate type certified products.

21.09.3 Application for NAM-PMA

- (1) Any manufacturer who has been approved by the Executive Director in terms of Part 148, may apply for a NAM-PMA.
- (2) An application for the issuing of a NAM-PMA must be –
- (a) made in the form and manner prescribed by the Executive Director; and
 - (b) accompanied by –
 - (i) drawings and specifications necessary to show the configuration of the part;
 - (ii) information on dimensions, materials and processes necessary to define the structural strength of the part;
 - (iii) test reports and computations necessary to show that the design of the part complies with the airworthiness design standards referred to in regulation 21.02.3 applicable to the product on which the part is to be installed;
 - (iv) if the design of the part was obtained by a licensing agreement, a copy of such agreement; and
 - (v) the appropriate fee as prescribed in Part 187.

21.09.4 Issuing of NAM-PMA

- (1) Subject to the provisions of sub-regulation (2), an application in terms of regulation 21.09.3 must be granted and a NAM-PMA issued if –
- (a) the Executive Director is satisfied, upon examination of the design and the results of all inspections and tests, that the design complies with the airworthiness design standards referred to in regulation 21.02.3, applicable to the product on which the part is to be installed; and
 - (b) the applicant submits a statement certifying that the manufacturing inspection system referred to in regulation 21.09.2(3) has been established.
- (2) The Executive Director may not issue a NAM-PMA if the manufacturing facility for the part is located outside Namibia, unless the Executive Director is satisfied that the location of such a facility will not impede the administration of the appropriate airworthiness requirements prescribed in this part.

21.09.5 Duties of holder of NAM-PMA

The holder of a NAM-PMA must –

- (a) maintain the manufacturing inspection system referred to in regulation 21.09.2(3);
- (b) notify the Executive Director in writing, within 14 days from the date on which the manufacturing facility for the part concerned, was relocated or expanded to include additional facilities at other locations, of such relocation or expansion; and
- (c) determine that each completed part conforms to the approved design data and is safe for installation on type certificated products.

21.09.6 Transferability and period of validity

- (1) A NAM-PMA issued in terms of regulation 21.09.4 is –
 - (a) not transferable; and
 - (b) valid until it is surrendered by the holder thereof, or is suspended or cancelled by the Executive Director.
- (2) The holder of a NAM-PMA which is suspended, must forthwith upon suspension produce it to the Executive Director, authorised officer, inspector or authorised person for the appropriate endorsement.
- (3) The holder of a NAM-PMA which is cancelled, must forthwith surrender such approval to the Executive Director.

SUBPART 10: APPROVAL OF PARTS AND APPLIANCES: IMPORT

21.10.1 Approval

- (1) Any part or appliance manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the part or appliance for export and import, shall be deemed to comply with the requirements for approval prescribed in this Part, if the appropriate authority of the State in which the part or appliance was manufactured, issues an export certificate of airworthiness certifying that such part or appliance complies with such requirements, unless the Executive Director determines, based on requested technical data submitted or not submitted in terms of sub-regulation (2), that the part or appliance is not considered to be compliant with the airworthiness requirements for approval prescribed in this part.
- (2) An applicant for the approval of a part or appliance must, upon request by the Executive Director, submit to the Executive Director any technical data concerning the aeronautical product.

SUBPART 11: EXPORT AIRWORTHINESS APPROVALS

21.11.1 Export airworthiness approvals

- (1) An export airworthiness approval for –
 - (a) a Class I product, must be issued in the form of an export certificate of airworthiness; and
 - (b) a Class II or a Class III product, must be issued in the form of an export airworthiness approval tag.
- (2) An export airworthiness approval may be issued for –
 - (a) any aircraft other than an aircraft referred to in paragraph (b), which has been assembled and flight tested, and any other Class I product located in Namibia;
 - (b) any small aeroplane, glider or normal category rotorcraft which has been type certificated and manufactured under a production certificate;
 - (c) any used aircraft with a valid certificate of airworthiness, or other Class I product which has been maintained in accordance with the provisions of Part 43 and is located in a foreign State, if the Executive Director is satisfied that the location does not impede the administration of the provisions of this Part;
 - (d) any Class II or Class III product manufactured and located in Namibia.

21.11.2 Application for export airworthiness approval

- (1) Any exporter or his, her or its authorised representative may apply for an export airworthiness approval for a Class I or a Class II product.

(2) Any manufacturer who has been approved by the Executive Director in terms of Part 148, may apply for an export airworthiness approval for a Class III product if the manufacturer holds for such product –

- (a) a NAM-PMA; or
- (b) a NAM-TSO authorisation.

(3) An application for the issuing of an export airworthiness approval for a Class I, a Class II or a Class III product must be –

- (a) made in the form and manner prescribed by the Executive Director; and accompanied by –
 - (i) a written statement from the appropriate authority of the importing State that such authority will validate the export airworthiness approval if the product being exported is –
 - (aa) an aircraft manufactured outside Namibia and being exported to a foreign State with which the Namibian government has entered into a reciprocal agreement concerning the recognition of export airworthiness approvals;
 - (bb) an unassembled aircraft which has not been flight-tested.;
 - (cc) a product which does not comply with the requirements referred to in regulation 21.11.3(1), (2) or (3), as the case may be, for the issuing of an export airworthiness approval, in which case the written statement must contain a list of those requirements not complied with;
 - (ii) in the case of an application for the issuing of an export airworthiness approval for a Class I product –
 - (aa) a statement of conformity for each product;
 - (bb) the mass and balance report as prescribed in Document NAM-CATS 21;
 - (cc) a maintenance manual for each product if the manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3;
 - (dd) proof of compliance with the appropriate airworthiness directives issued in terms of regulation 21.01.4, including suitable notation of those directives which are not complied with;
 - (ee) the aircraft flight manual if such manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3, for the particular aircraft;
 - (ff) a statement on the date on which ownership passed or is expected to pass to a foreign purchaser;
 - (gg) the date required by the appropriate authority of the importing State;
 - (hh) any special certification condition of the State of the importer has been met;
 - (ii) the State of the importer accepts any exception to be listed in the certificate;
 - (jj) any log book, modification and repair form, and historical record that the Executive Director may require for other than a new product;
 - (kk) a description of any method used, including the duration of the effectiveness of the method, for the preservation and packaging of a product, to protect it against corrosion and damage while in transit or storage;
 - (ll) the date when ownership passed, or is expected to pass, to a purchaser in the State of the importer;
 - (mm) the date on which any document that is not available at the date of application is expected to become available;
 - (nn) supporting documentation for any variance to this Subpart; and
 - (oo) further particulars relating to the product and the applicant, if required by the Executive Director as indicated in the form.

(pp) the appropriate fee as prescribed in Part 187.

(4) An applicant for the issue of an *export* airworthiness certificate for an aircraft must, in addition to the requirements set out in sub-paragraph 3 (b) (ii), provide the Executive Director with evidence that—

(a) for a new aircraft, it has been manufactured under the authority of a manufacturing organisation certificate issued in accordance with Part 148; and

(b) for other than a new aircraft, it possesses or qualifies for an airworthiness certificate under Subpart 8 and

(c) the aircraft is issued with the appropriate flight manual and, for a new aircraft, maintenance manual; and

(d) a weight and balance report has been completed, with a loading schedule if applicable; and

(e) the aircraft has, within 60 days before the application for the export airworthiness certificate, undergone a 100- hour, or equivalent, inspection in accordance with a manufacturer's maintenance schedule, or an equivalent inspection acceptable to the Executive Director; and

(f) 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 certificate of airworthiness – special flight permit* airworthiness certificate under Subpart 8 and

(g) confirmation that any installation described in paragraph (x)(a)(vi) is to be removed and the aircraft restored to the approved type configuration upon completion of the delivery flight.

21.11.3 Issuing of export airworthiness approval

(1) An application in terms of regulation 21.11.2 must be granted and an export certificate of airworthiness for a Class I product issued on the appropriate form if –

(a) the applicant meets the applicable requirements of this Subpart;

(b) the issue of the certificate is not contrary to the interests of aviation safety;

(c) any airworthiness requirement that is not complied with is compensated for by a factor that provides an acceptable level of safety.

(d) in the case of a product manufactured in Namibia, the product complies with the requirements prescribed in subpart 8;

(e) in the case of a product manufactured outside Namibia, a valid Namibian certificate of airworthiness has been issued for the product;

(f) the product has undergone a mandatory periodic inspection and be approved for release to service; and

(g) the requirements prescribed by the appropriate authority of the importing State are complied with.

(2) Notwithstanding paragraph (1)(a), the Executive Director may issue an *export* airworthiness certificate for a product that does not meet every airworthiness requirement of rule 21.11.2 if the applicant provides written evidence to the Executive Director that the non-compliance with any particular requirement is acceptable to the State of the importer.

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

(a) may be subject to conditions as the Executive Director considers appropriate in each particular case; and

(b) does not authorise the installation or use of a product.

(4) An application in terms of regulation 21.11.2 must be granted and an export airworthiness approval tag for a Class II product issued on the appropriate form if the product –

(a) is new or has been newly overhauled and conforms to the approved design data;

(b) is in a condition for safe operation;

(c) is identified with at least –

(i) the name;

(ii) the part number;

(iii) the model and designation; and

(iv) the serial number or equivalent, of the manufacturer; and

(d) complies with the requirements prescribed by the appropriate authority of the importing State.

(5) An application in terms of regulation 21.11.2 must be granted and an export airworthiness approval tag for a Class III product issued on the appropriate form if the product –

(a) conforms to the approved design data applicable to the Class I or Class II product of which it is part;

(b) is in a condition for safe operation; and

(c) complies with the requirements prescribed by the appropriate authority of the importing State.

21.11.4 Duties of holder of export airworthiness approval

The holder of an export airworthiness approval must –

(a) forward to the appropriate authority of the importing State, all documents and information which may be necessary for the safe and proper operation of the product being exported and any other material as is stipulated in the special requirements of the State of the importer; and;

(b) forward the applicable manufacturer's assembly instructions and a flight test checklist form approved by the Executive Director to the appropriate authority of the importing State if unassembled aircraft are being exported; and

(c) upon completion of an export delivery remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight; and

(d) secure all proper foreign entry clearances from all the States involved when conducting sales demonstrations or delivery flights; and

(e) when ownership of an aircraft passes or has passed to a foreign purchaser –

(i) request cancellation of the Namibian registration and certificate of airworthiness; and

(ii) submit a statement certifying that the Namibian nationality and registration marks have been removed from the aircraft.

(iii) return the registration and airworthiness certificates to the Executive Director; and

(f) preserve and package products to protect them against corrosion and damage whilst in transit or storage.

21.11.5 Inspections and overhauls

Each inspection and overhaul required for export airworthiness approval of a Class I and a Class II product must be carried out and approved by –

- (a) the manufacturer of the product;
- (b) an aircraft maintenance organisation approved by the Executive Director in terms of Part 145; or
- (c) an operator, if the product is maintained under the operator's continued airworthiness maintenance programme and maintenance manual.

21.11.5 Validity of certificate

- (1) An export airworthiness certificate issued under this Subpart shall remain valid, providing there is no subsequent design change to the product, until the completion of delivery to the importer's State.
- (2) The holder of an export airworthiness certificate invalidated because of a design change must forthwith surrender the certificate to the Executive Director.

21.11.6 Transfer of certificate

An export airworthiness certificate must be transferred with the product.

SUBPART 12: NAM-TSO AUTHORISATIONS

21.12.1 NAM-TSO markings

No person may identify an article with NAM-TSO marking unless such person holds a NAM-TSO authorisation and the article complies with the appropriate NAM-TSO performance standards as prescribed in Document NAM-CATS 21.

21.12.2 Application for NAM-TSO authorisation

- (1) An applicant for the issuing of a NAM-TSO authorisation must be the holder of a manufacturing organisation approval issued in terms of Part 148.
- (2) An application for the issuing of a NAM-TSO authorisation must be –
 - (a) made in the form and manner prescribed by the Executive Director; and
 - (b) accompanied by –
 - (i) a statement of conformity certifying that the applicant has complied with the requirements prescribed in this subpart and that the article complies with the appropriate NAM-TSO which is valid on the date of application for such article;
 - (ii) one copy of the technical data required in the appropriate NAM-TSO; and
 - (iii) the appropriate fee as prescribed in Part 187.
- (3) If a series of minor changes in accordance with the provisions of regulation 21.12.6 is anticipated, the applicant may include in its application the basic model number of the article and the part number of the components, with open brackets after such number, to denote that suffix change letters or numbers or combinations thereof, will be added from time to time.
- (4) If the application is deficient, the Executive Director may request the applicant to submit such additional information which may be necessary to prove compliance with the requirements prescribed in this subpart.
- (5) If the applicant fails to submit the additional information referred to in sub-regulation (4) within 30 days from the date on which the Executive Director requested such additional information, the application must be denied and the applicant so notified.

21.12.3 Issuing of NAM-TSO authorisation

- (1) An application referred to in regulation 21.12.2 must be granted and a NAM-TSO authorisation issued if –
 - (a) the applicant complies with the requirements prescribed in this Subpart;
 - (b) the Executive Director is satisfied that the applicant has the ability to manufacture duplicate articles in accordance with the requirements prescribed in this Subpart; and
 - (c) the Executive Director is satisfied that the issuing of the NAM-TSO authorisation is not contrary to the interests of aviation safety.
- (2) The Executive Director must issue or refuse to issue the NAM-TSO authorisation within 30 days after the receipt of the application or, if additional information has been requested, within 30 days from the date of receiving such additional information.
- (3) The Executive Director may not issue the NAM-TSO authorisation if the manufacturing facility for the article is located outside Namibia, unless the Executive Director is satisfied that the location of such facility will not impede the administration of the appropriate airworthiness requirements prescribed in this part.

21.12.4 Duties of holder of NAM-TSO authorisation

A manufacturer who holds a NAM-TSO authorisation for an article must –

- (a) manufacture the article in accordance with the requirements prescribed in this subpart and the appropriate NAM-TSO;
- (b) conduct all the required tests and inspections and establish and maintain a quality assurance system which is adequate to ensure that the article complies with the requirements referred to in paragraph (a) and is in condition for safe operation;
- (c) prepare and maintain, for each model of each article for which a NAM-TSO authorisation has been issued, a current file of complete technical data and records in accordance with regulation 21.12.7;
- (d) permanently and legibly mark each article to which this regulation applies with –
 - (i) the name and address of the manufacturer;
 - (ii) the name, type, part number or model designation of the article;
 - (iii) the serial number or the date on which the article was manufactured, or both; and
 - (iv) the appropriate NAM-TSO number.

21.12.5 Approval for deviation

- (1) A manufacturer who requests approval to deviate from any performance standard of a NAM-TSO, must demonstrate to the satisfaction of the Executive Director that the standards from which a deviation is requested, are compensated for by factors or design features providing an equivalent level of safety.
- (2) The written request for approval to deviate, together with all pertinent data, must –
 - (a) if the article is manufactured in Namibia, be submitted to the Executive Director; and
 - (b) if the article is manufactured in a foreign State, be submitted through the appropriate authority of such State to the Executive Director, and be accompanied by the appropriate fee as prescribed in Part 187.
- (3) The Executive Director must grant the approval if the Executive Director is satisfied that the deviation concerned will not jeopardise aviation safety.

21.12.6 Design changes

- (1) A manufacturer who holds a NAM-TSO authorisation may make minor design changes to an article without the prior approval of the Executive Director if the changed article retains the original model number and such holder submits to the Executive Director any revised data which are necessary for compliance with the provisions of regulation 21.12.2(3).

(2) If a manufacturer who holds a NAM-TSO authorisation wishes to make major design changes to an article, the manufacturer must assign a new type or model designation to the article and apply for an authorisation in terms of regulation 21.12.2.

(3) No design change by any person other than the manufacturer who submitted the statement of conformity for the article, may be approved under this subpart unless the person seeking the approval is a manufacturer and applies in terms of regulation 21.12.2(2) for a separate NAM-TSO authorisation.

21.12.7 Record-keeping requirements

(1) A manufacturer who holds a NAM-TSO authorisation must, for each article manufactured under the authorisation, keep the following documents at its manufacturing facility:

- (a) A complete and current technical data file for each type or model article, including design drawings and specifications; and
- (b) complete and current inspection records reflecting that all inspections and tests required to ensure compliance with the appropriate requirements prescribed in this subpart, have been properly completed and documented.

(2) A manufacturer who holds a NAM-TSO authorisation must retain the records referred to in sub-regulation (1) (a) until it no longer manufactures the article concerned: Provided that at the time that manufacture ceases the manufacturer must supply copies of such records to the Executive Director.

(3) A manufacturer who holds a NAM-TSO authorisation must retain the records referred to in sub-regulation (1) (b) for a period of at least five years.

21.12.8 NAM-TSO design approval for appliances: Import

(1) An application for the issuing of a NAM-TSO design approval must be made in the form and manner prescribed by the Executive Director and must be accompanied by –

- (a) proof of compliance with the requirements referred to in sub-regulation (2); and
- (b) the appropriate fee as prescribed in Part 187.

(2) A NAM-TSO design approval may be issued for an appliance which is manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the appliance for export and import and which is to be imported into Namibia if:

- (a) the appropriate authority of the State in which the appliance was manufactured, certifies that the appliance has been examined and tested and complies with –
 - (i) the applicable NAM-TSO; or
 - (ii) the appropriate performance standards prescribed by the appropriate authority of the State in which the appliance was manufactured and any other performance standards as prescribed in Document NAM-CATS 21 to provide a level of safety provided by the applicable NAM-TSO; and
- (b) the manufacturer has submitted to the Executive Director one copy of the technical data required in the appropriate performance standards through the appropriate authority.

(3) The Executive Director must issue a NAM-TSO design approval if the applicant complies with the requirements referred to in sub-regulation (2), and must list any deviation granted to the manufacturer in terms of regulation 21.12.5.

(4) After the Executive Director has issued a NAM-TSO design approval and the appropriate authority of the State in which the appliance was manufactured, issues an export certificate of airworthiness referred to in regulation 21.10.1, the manufacturer is thereby authorised to identify the appliance in accordance with the NAM-TSO marking requirements referred to in regulation 21.12.4(d) and in the applicable NAM-TSO.

(5) Each appliance must be accompanied by an export certificate of airworthiness referred to in sub-regulation (3).

21.12.9 Transferability and period of validity

(1) A NAM-TSO authorisation issued in terms of regulation 21.12.3 or a letter of NAM-TSO design approval issued in terms of regulation 21.12.8, shall –

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof; or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director.

(2) The holder of a NAM-TSO authorisation or a NAM-TSO design approval, which is suspended, must forthwith produce the authorisation or approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a NAM-TSO authorisation or a NAM-TSO design approval, which is cancelled, must within 30 days from the date on which the authorisation or approval is cancelled, surrender such authorisation or approval to the Executive Director.

SUBPART 13: CONTINUING AIRWORTHINESS OF AIRCRAFT

21.13.1 Determination of Continuing Airworthiness of Aircraft

(1) The continuing airworthiness of an aircraft must be determined by the Executive Director in relation to the mandatory requirements and design standards of the State of Design in force for that aircraft.

(2) The Executive Director must develop or adopt requirements to ensure the continued airworthiness of an aircraft during its service life.

21.13.2 Information Relating to Continuing Airworthiness of Aircraft.

(1) When an aircraft of a particular type for which Namibia is not the State of Design is first entered on the register, and for which the Executive Director issues or validates a Certificate of Airworthiness in accordance with this Part, the Executive Director must advise the State of Design that he has entered such an aircraft on the register of Namibia.

(2) The Executive Director, if Namibia is the State of Design of an aircraft must transmit any generally applicable information which he or she has found necessary for the safe operation of the aircraft which, for the purpose of this part, shall be called mandatory continuing information, as follows:

- (a) to every State which has entered aircraft designed in Namibia on its register; and
- (b) to any other State upon request.

(3) The Executive Director must, upon receipt of mandatory continuing airworthiness information from the State of Design adopt the mandatory information directly or assess the information received and take appropriate action to ensure the continued airworthiness of the aircraft during its service life, including requirements to ensure that the aircraft continues to comply with the appropriate airworthiness requirements after a modification, a repair or the installation of a replacement part; and Is maintained in an airworthiness condition and in compliance with the maintenance requirements of Annex 6. Similarly, the Executive Director must transmit all mandatory continuing airworthiness information to the State of Design including, but not limited to, information in respect of products or modifications which originated in respect of that aircraft in the state of Registry.

(4) For aeroplanes of over 5700 kg and helicopters over 3175kg maximum certificated take-off mass, each operator certificated in terms of these regulations must establish a system whereby information on fault, malfunctions, defects and other occurrences which cause or might cause adverse effects on the continuing airworthiness of the aircraft is transmitted to the organization responsible for

the type design of that aircraft.

(5) Where a continuing airworthiness safety issue is associated with a modification, the State of Registry must ensure that there exists a system whereby the above information is transmitted to the organization responsible for the design of the modification.

(6) The Executive Director must ensure that, in respect of aeroplanes over 5700 kg and helicopters over 3175kg maximum certificated take-off mass, each operator of such operator who is certificated in terms of these regulations must establish a system for:

- (a) receiving information submitted in accordance with this subpart
- (b) deciding if and when airworthiness action is needed;
- (c) developing the necessary airworthiness actions; and
- (d) promulgating the information on those actions .

(7) The Executive Director must ensure that, in respect of aeroplanes over 5700 kg and helicopters over 3175kg maximum certificated take-off mass, each operator of such aircraft operator who is certificated in terms of these regulations must establish a continuing structural integrity programme to ensure the airworthiness of the aircraft. The programme must include specific information concerning corrosion prevention and control.

(8) Each aircraft must be provided with a flight manual, placards, or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft.

SUBPART 14 DISTRIBUTION OF AERONAUTICAL PRODUCTS

21.14.1 General

(a) This subpart prescribes the conditions under which a person will be eligible for approval by the Executive Director to distribute aeronautical products; establishes a person's entitlement to approval; and states the responsibilities of a holder of a distributor approval.

(b) For the purpose of this Subpart only, an "aeronautical product" means an aircraft engine, aircraft propeller or aircraft appliance or the component parts thereof.

(c) An "approved distribution organisation" means an organisation which has been certificated by the Authority for the distribution of aeronautical products within Namibia.

21.14.2 Eligibility

(1) An approved distribution organisation must:

- (a) Obtain its products from;
 - (i) A manufacturer of aeronautical products, who is approved either by the Authority or by a foreign civil aviation authority, with whom the Authority has either a bilateral airworthiness agreement or its equivalent,

- (ii) A manufacturer who is approved to produce, identify and certify an appliance conforming to a specific appliance type approval or FAA Technical Standard Order (TSO),
- (iii) A manufacturer who produces, identifies and certifies standard parts and materials which conform to established industrial, national or international standards, and which are referenced in approved design data,
- (iv) An organization approved either by the Authority or a foreign civil aviation authority under a bilateral airworthiness agreement, to perform maintenance on aeronautical products and who is authorized to certify such products as serviceable and in a condition for safe operation,
- (v) An organization which is approved by the Authority for the distribution of aeronautical products pursuant to this Subpart, or
- (vi) A supplier who provides original certification of product conformity to approved design data for supplies acquired from authorized sources as specified in this section

(2) Show that it has the organization, facilities, equipment and the personnel necessary to comply with the policies, responsibilities, methods and procedures established in its product control system manual as set out in section; and

(3) Show that it has established and can maintain a product control system pursuant to regulation, 21.14.03. This subpart is not applicable to:

- (i) Persons engaged in the distribution of new or used aircraft; or
- (ii) An approved manufacturer authorized pursuant to certify aeronautical products of its own manufacture.

21.14.3 Product Control System

Each applicant must have in place a product control system, planned and developed in conjunction with its other management functions. The product control system must include, but need not be limited to:

- (a) A product control system manual which includes as applicable;
 - (i) A statement of commitment by the senior accountable manager to define the policies and objectives of the product control system;
 - (ii) The assignment of responsibilities and delegation of authority granted to the product control department,
 - (iii) A list and a brief description of written product control system procedures pursuant to subparagraph b, and
 - (iv) The method of updating the product control system including the submission of changes to the Authority for its approval.
- (b) Written product control system procedures which provide instructions and data necessary to retain established integrity of aeronautical products while in the care of the distributor. Product control system procedures must include, as applicable, but need not be limited to;
 - (i) Purchasing procedures for ensuring that all aeronautical products obtained for distribution are in conformance with approved design data,
 - (ii) Receiving and inspection procedures to ensure that all incoming aeronautical products are properly identified, documented and visually inspected to detect any apparent damage that may have occurred during shipment,
 - (iii) Procedures for the handling, segregation and storage of aeronautical products,

- (iv) Preservation and packaging procedures to protect aeronautical products against deterioration and damage during storage,
- (v) Certification and release procedures for aeronautical products pursuant to of this subpart,
- (vi) Procedures for establishing and maintaining records as objective evidence that aeronautical products have been purchased, identified, inspected and certified in conformity with the requirements of this Subpart.

21.14.4 Entitlement to Certification

(1) An applicant is entitled to certification if the Authority is satisfied, after evaluation of the organization, facilities and supporting data, that all applicable conditions for eligibility have been met, that the senior personnel of the organisation are fit and proper persons and that the grant of certification will not be against the interests of aviation safety..

(2) Certification will only be available to organizations with facilities located in Namibia.

21.14.5 Privileges of Certification

A certificate holder may:

- (a) Authorize personnel who have been registered with the Authority to certify, on behalf of the holder, airworthiness documentation for aeronautical products destined for embodiment in Namibian registered aircraft; and
- (b) Authorize personnel who have been approved as Airworthiness Inspectors by the Authority pursuant to the Act to certify airworthiness documentation on behalf of the Authority for aeronautical products, other than aircraft, destined for export.

21.14.06 Responsibilities of a Certificate Holder

The holder must:

- (a) Maintain its organization, facilities and product control system as approved by the Executive Director;
- (b) Ensure that each aeronautical product which it distributes can be shown, through documented evidence, to conform to approved design data;
- (c) Notify the Authority within a reasonable time of any significant change to the organization, facilities or product control system which could affect the exercise of the privileges of certification, or the conditions under which certification was granted;
- (d) Allow, and assist as necessary, personnel of the Authority to perform, in its plant or in any of its supplier's plants, inspections on reasonable notice to determine continuing compliance with the requirements of this Subpart; and
- (e) Retain all product control system records for a minimum of two years after delivery of the aeronautical products.

21.14.7 Approval procedures - Application

(1) To apply for certification the applicant must submit to the Authority:

- (a) A general description of the aeronautical products which it distributes, or proposes to distribute;
- (b) The location and description of the facilities at which the products are to be distributed. If the distribution procedures of a facility are carried out at more than one location under the same management, all locations must be shown in the application

- for approval. If, however, the distributor's product control system varies with each location, separate applications for approval must be submitted;
- (c) A copy of its product control system manual showing the functional responsibilities of management personnel; and
 - (d) The name and position of the person authorized to liaise with airworthiness inspection personnel of the Authority.

(2) The applicant must make available to, on request and with reasonable notice by the Authority, all data referred to in its application and in its product control system manual.

21.14.8 Granting Approval

(1) To enable the Authority to evaluate the applicant's facilities and capabilities, the applicant must allow personnel of the Authority reasonable access to its facilities and data, and provide assistance when requested.

(2) An applicant must be issued with a certificate when, after examination of the supporting data and after inspection of the organization and distribution facilities, the Authority has determined that the applicant has met the requirements of regulation 21.14.01 to 21.14.06 inclusive. The certificate must set forth the:

- (i) Certificate number;
- (ii) Name and address of the certificate holder; and
- (iii) Date of signature and the title of the person authorised to sign on behalf of the Authority.

21.14.9 Approval Display

(1) No person may claim, either orally or in writing, to have any form of certification unless in possession of a valid Certificate issued by the Authority.

(2) A certificate holder must display its certificate in a prominent place in its facility that can be readily seen by the public.

21.14.10 Approval Limitations

(1) Certificate must be surrendered forthwith to the Authority if the business is terminated.

(2) If a certificate holder plans to relocate it must notify the Authority of its intention and provide details of the new location and a description of the facilities at which the products are to be distributed.

(3) A certificate is effective until surrendered, suspended or cancelled.

(4) If the Authority finds that a holder of a distributor approval is not fulfilling its responsibilities pursuant to this subpart the Authority may give written notification to the holder to correct identified deficiencies and if they are not corrected within an acceptable time the Authority may suspend or cancel the distributor approval.

21.14.11 Authorized Signatories

To exercise the privileges pursuant to this subpart, the holder of a certificate must Submit to the Authority the names of the personnel whom the distributor proposes to nominate as having signing authority to sign release certifications, on behalf of the approved organization, as specified in this subpart. The certificate holder must obtain the Authority's approval before proceeding the signing of release certifications, on behalf of the approved organization;

21.14.12 Certification - Aeronautical Products

(1) Each certificate holder must, on releasing an aeronautical product to a customer, provide that customer with a completed release certificate properly describing the product by the manufacturers name, part or model

number, serial number (if applicable), and its nomenclature. The release certificate, must also include the following certification statement to be signed by an authorized signatory: "I hereby certify that the aircraft parts described hereon were acquired from a source of supply that is consistent with the conditions under which Certification of the said parts has been granted".

(2) An authorized signatory may only sign the certification statement for a product which has been received, stored and released in accordance with the procedures set out in the distributor's product control system manual and where documented evidence of product conformity to the manufacturer's design specifications has been received and is retained by the distributor.

(3) Except as prescribed in subparagraph (d), for imported products, the documented evidence specified in subparagraph (b) must comply with the following requirements:

- (i) Airframes, aircraft engines, propellers, appliances and any parts and assemblies thereof must have been received, by the distributor, with inspection release documents or tags that were originated and signed on the authority of a certificated organization.
- (ii) Proprietary parts and accessories that are listed in approved product parts catalogues, but excluding those requiring approval to Authority appliance standards or FAA Technical Standard Orders, must have been received, by the distributor, with inspection release documents or tags traceable to the manufacturer or an approved organization.
- (iii) Materials intended for aircraft construction or maintenance must have been received, by the distributor, with release documentation from an organization approved by the Authority or from a supplier who can provide proof of conformity to the material specifications in certificates supplied by the manufacturers or in test and analysis reports prepared by qualified persons in a materials test laboratory.
- (iv) Standard aircraft hardware manufactured to government or industry association standards must have been received by the distributor with packing notes, invoices or equivalent documents that identify the product and the supplier.

(4) For imported products the documented evidence specified in Subparagraph (b) must, as appropriate, comply with the following requirements or as prescribed in Subparagraph (c) paragraphs (2), (3), or (4):

- (a) Each foreign manufactured aircraft engine or propeller must have been received with an export airworthiness certification signed by a representative of the civil aviation authority of the country of export certifying that such engine or propeller conforms to the type approval stated on the document.
- (b) Aircraft parts, appliances and assemblies from FAA approved organizations must have been received with release notes or tags. Imports from other sources must have been received with airworthiness tags or release notes signed by a representative of the civil aviation authority of the country of export.

(5) Any number of items may be included on a distributor's release note provided there is only one customer involved and that each item is clearly described and identified.

21.14.13 Certification For Export

(1) An approved distributor may obtain an export airworthiness certificate from the Authority for any aeronautical product, except for materials, standard aircraft hardware, and proprietary parts and accessories, where:

- (a) The distributor can demonstrate conformity to approved design data through documented evidence traceable to an approved manufacturer, and
- (b) It can be determined that the product is in a condition for safe operation.

(2) To obtain an export airworthiness certificate for an aircraft engine or propeller, the distributor must comply with the requirements set out in regulation 21.11.2. Following an inspection of the product and completion and issuance of the export certificate of airworthiness by the Authority,, the distributor must , ensure that the export certificate of airworthiness and all other tags as required accompany the engine or propeller. The distributor must retain a copy for its records.

(3) To obtain an export airworthiness certificate for a product other than that described in subparagraphs (a) and (b) the distributor must complete a release certificate, certified by an authorized signatory, for the signature and inspection stamp of the Authority's authorised inspector, officer or person responsible for the issuance of the certificate.

SUBPART 15: IDENTIFICATION OF AIRCRAFT, AIRCRAFT ENGINES, AND PROPELLERS

21.15.1 Identification of aircraft, aircraft engines, and propellers

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

(a) marked with the identification information prescribed in 21.15.2 by etching, stamping, engraving, or other method of fireproof marking; and

(b) secured in such a manner that it is not likely to be—

(i) defaced or removed during normal service; or

(ii) lost or destroyed in an accident; and

(c) for an aircraft other than a manned free balloon, secured to the fuselage so that it is legible to a person on the ground—

(i) at an accessible location near an entrance; or

(ii) externally on another part of the fuselage; and

(d) for an aircraft engine, secured to the engine at an accessible location; and

(e) for a manned free balloon—

(i) secured to the balloon envelope; and

(ii) located where it is visible to the operator when the balloon is inflated.

(2) Each person who manufactures a manned free balloon must, in addition to paragraph (1), permanently and legibly mark the basket and any heater assembly with—

(a) the manufacturer's name; and

(b) a part number or an equivalent; and

(c) a serial number or an equivalent.

(3) Each person who manufactures a propeller, propeller blade or propeller hub under Part 148 must identify it by means of a fireproof data plate, or by etching, stamping, engraving, or other method of fireproof marking, that—

(a) contains the identification information prescribed in 21.805; and

(b) is placed on a non-critical surface; and

(c) is not likely to be—

(i) defaced or removed during normal service; or

(ii) lost or destroyed in an accident.

21.15.2 Identification information

The identification information that is required to be marked on the data plate under regulation 21.15.1 21.803(1)(a), and for the identification of a propeller, propeller blade, or propeller hub under rule 21.15.1 21.803(3)(a) must include—

(a) the manufacturer's name; and

- (b) the model designation; and
- (c) the manufacturer's serial number; and
- (d) if applicable, the type certificate or type acceptance certificate number; and
- (e) if applicable, the manufacturing organisation certificate number or foreign equivalent; and
- (f) for an aircraft engine, the established rating; and
- (g) any other information that the Executive Director may require.

21.15.3 Removal, alteration and replacement of identification information

(1) Except as provided in paragraph (2), a person must not remove, alter, or replace any of the following without the approval of the Executive Director—

- (a) the identification information that is required under rule 21.15.1 (1)(a) to be marked on a data plate;
- (b) the identification information that is required under rule 21.15.2 21.803(3)(a) to identify a propeller, propeller blade, or propeller hub;
- (c) the part number and serial number that is required under rule 21.811 for the identification of a critical part.

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

21.15.4 Removal and reinstallation of data plate

(1) Except as provided by paragraph (b), a person may not remove or reinstall the data plate containing the identification information prescribed in 21.15.2 without the approval of the Executive Director.

(2) A person performing maintenance in accordance with Part 43 may remove or reinstall the data plate containing the identification information prescribed in 21.15.2 if—

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

21.15.5 Identification of critical parts

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

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

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

(1) Except as provided in paragraph (2), each person who manufactures a replacement or modification part or appliance under subpart 9 must, in addition to the identification information prescribed in 21.15.2, permanently and legibly mark the part or appliance with—

- (a) the letters 'NAMTSO' or 'NAMPMA' as appropriate; and
 - (b) the name, trademark, or symbol of the holder of the authorisation; and
 - (c) the part number; and
 - (d) the name and model designation of each product issued with a type certificate or type acceptance certificate, on which the part is eligible for installation.
- (2) Each person who manufactures a replacement or modification material, part, or appliance under subpart 9 must permanently and legibly mark the material, part, or appliance in such a manner as to ensure it can be—
- (a) identified separately to those otherwise acceptable materials, parts, and appliances; and
 - (b) clearly related to its manufacturing data.
- (3) If a material, part, or appliance is too small or it is otherwise impractical to mark the material, part, or appliance with the information required by paragraphs (1) or (2), the information must be recorded on a tag attached to the material, part, appliance, or its container
- (4) Where the marking required by paragraph (1)(d) is so extensive that to record it on a tag is impractical, the tag attached to the material, part, appliance, or the container may refer to a specific readily available manual or catalogue for the name and model designation of each product issued with a type certificate or type acceptance certificate, on which the material, part, or appliance is eligible for installation.

21.15.6 Life-limited Component Identification

- (1) The manufacturer of a component for which a life limitation has been established by type design must place thereon, in accordance with this regulation the identification information referred to in subregulation (2).
- (2) The identification information that must be placed on a component is
- (a) the part number of the component or an equivalent series of identifying characters; and
 - (b) the serial number of the component or an equivalent series of identifying characters.
- (3) When requested by a person required to comply with 21.16.3A of this chapter, the holder of a type certificate or design approval for a life-limited part must provide marking instructions, or must state that the part cannot be practicably marked without compromising its integrity. Compliance with this paragraph may be made by providing marking instructions in readily available documents, such as the maintenance manual or the Instructions for Continued Airworthiness.