



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

I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *20th* day of *September* 2010

by **STEVEN JOYCE**

A large, stylized handwritten signature in black ink, consisting of several sweeping, connected strokes that form the name 'STEVEN JOYCE'. The signature is positioned over the printed name and extends upwards and to the left.

Minister of Transport

Civil Aviation Rules

Part 119, Amendment 12

Air Operator -- Certification

EDTO - Docket 0/CAR/1354

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Rule objective

The objective of amendment 12 to Part 119 is to amend the rule for the operations specification to include details relating to aeroplanes approved for extended diversion time operations (EDTO).

Amendment 12 to Part 119 is associated with Amendment 21 to Part 121.

Extent of consultation

In 2002 the CAA commenced a project to review the ETOPS requirements for aeroplanes operating under Parts 121 (large aeroplanes), 125 (medium aeroplanes), and 135 (small aeroplanes) and to incorporate the standards contained in AC121-1 into the rules. Shortly thereafter the Federal Aviation Administration (FAA) of the United States signalled its intention to review the FAR requirements for ETOPS and so the CAA project was held over until the FAA intentions became clearer.

In 2005 the Civil Aviation Safety Authority of Australia (CASA) decided to review the Australian requirements for ETOPS and so a joint working group was established between the New Zealand CAA and CASA to develop common standards where possible for EDTO. Representatives from the major airlines in both Australia and New Zealand were also included in the working group.

A Notice of Proposed Rulemaking, NPRM 08/01, containing the proposed changes to Part 121 and the other associated rule parts was issued for public consultation under Docket 0/CAR/1354 on 17 January 2008.

The publication of this NPRM was notified in the Gazette on 17 January 2008 and advertised in the daily newspapers in the five main provincial centres on 19 January 2008. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 43 days was allowed for comment on the proposed rule.

Summary of submissions

Six written submissions were received on the NPRM. None of the submissions relate to the changes proposed for Part 119.

However following CAA review it was considered that the EDTO alternate aerodromes should be listed in the operations specifications rather than in the air operator's exposition as originally proposed.

Additional consultation

During the original development of the EDTO rules it was proposed to extend the threshold time for operating a twin turbine powered aeroplane away from an adequate aerodrome from 60 minutes flying time with one engine inoperative to 90 minutes. This 90 minute threshold time was developed in conjunction with the Australian Civil Aviation Safety Authority (CASA) to enable the older non-ETOPS approved aeroplanes to be operated on routes across the Great Australian Bight.

However in August 2009 it became apparent that under the proposed 90 minute threshold time an air operator could theoretically plan an oceanic route or a long trans-continental route as a non-EDTO and would not need to meet the additional dispatch requirements for EDTO regarding en-route alternate aerodrome meteorological conditions and services and facilities, and the additional fuel requirements for EDTO.

Following further consultation with CASA, non-supportive comments from the aircraft manufacturers, and in accordance with ICAO recommendations, the CAA decided that the EDTO threshold time should be retained at 60 minutes flying time, with one engine inoperative, from an adequate aerodrome.

A Notice of Proposed Rule Making Supplement, NPRM 08-01 Supplement, containing the proposed changes to Parts 1 and 121 to change the requirements back to a 60 minute EDTO threshold time plus some changes to the maintenance requirements in Part 121 for some older aeroplanes, and a change to Part 145 to clarify maintenance procedures for EDTO aeroplanes was issued for public consultation under Docket 0/CAR/1354 on 4 February 2010.

The publication of this NPRM Supplement was notified in the Gazette on 4 February 2010 and advertised in the daily newspapers in the five main provincial centres on 5 February 2010. The NPRM Supplement was published on the CAA web site and mailed to the airline operators who were likely to have an interest in the proposal.

A period of 25 days was allowed for comment on the proposed changes to the rule.

Summary of additional submissions

Six written submissions were received on the NPRM Supplement but the Supplement did not contain any proposed changes to Part 119.

The rule as amended was then referred to the Minister of Transport for signing.

Examination of submissions

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

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of the existing rule and replacement with a new rule.

Effective date of rule

Amendment 12 to Part 119 comes into force on 1 November 2010.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Part 119 Amendments

Subpart A — General

Rule 119.15 is revoked and replaced by the following new rule:

119.15 Operations Specifications

- (a) An air operator certificate issued under the Act and in accordance with this Part must be accompanied by the operations specifications specified in paragraph (b).
- (b) The operations specifications must contain—
- (1) details of the physical location of the certificate holder's principal base of operations; and
 - (2) the certificate holder's address for service in New Zealand; and
 - (3) other business names under which the certificate holder may operate; and
 - (4) the type, serial number, and registration of every aircraft that is authorised for use; and
 - (5) details of the air operation types authorised; and
 - (6) the authorisation and limitations for routes and areas of operations; and
 - (7) any exemption granted from any requirement of this or any other Part; and
 - (8) any other item that the Director determines is necessary to cover a particular situation; and
 - (9) where applicable, the authorisations and limitations for routes and areas of air operations conducted in Australia by a holder of a New Zealand AOC with ANZA privileges.

(c) When authorising SEIFR passenger operations in a certificate holder's operations specifications, the Director may specify that the authorisation is valid for a period less than that for which the air operator certificate is valid.

(d) When authorising EDTO in a certificate holder's operations specifications the Director must specify the following:

- (1) the registration of each aeroplane authorised for EDTO; and
- (2) the maximum diversion time for each aeroplane that is authorised for EDTO under paragraph (1); and
- (3) the EDTO alternate aerodromes authorised for EDTO.

Consultation Details

(This statement does not form part of the rules contained in Part 119. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 08/01 Extended Diversion Time Operations for large aeroplanes, containing the proposed rules was issued for public consultation under Docket 0/CAR/1354 on 17 January 2008.

Six responses to the NPRM were received.

A Supplementary Notice of Proposed Rule Making, NPRM 08-01 Supplement, was issued for public consultation under Docket 0/CAR/1354 on 8 February 2010.

Six responses to the NPRM Supplement were received but the Supplement did not contain any proposed changes to Part 119.

The summary of the submissions for the NPRM and NPRM Supplement is attached to Amendment 21 to Part 121.