



Treaty Series No. 8 (1941)

Exchange of Notes

between His Majesty's Government in New Zealand
and the Government of the United States

embodying an Arrangement regarding

Certificates of Airworthiness for Export

Wellington, January 30, 1940/February 28, 1940

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT
IN NEW ZEALAND AND THE GOVERNMENT OF THE UNITED
STATES EMBODYING AN ARRANGEMENT REGARDING
CERTIFICATES OF AIRWORTHINESS FOR EXPORT.

Wellington, January 30, 1940/February 28, 1940.

No. 1.

*The United States Consul-General, Wellington, New Zealand, to the
Prime Minister of New Zealand.*

American Consulate-General, Wellington,

Sir, *New Zealand, January 30, 1940.*

I HAVE the honor to set forth below the terms of the Arrangement between the United States and New Zealand relating to the importation into New Zealand of aircraft and aircraft components manufactured in the United States as understood by me to have been approved in the course of the negotiations recently conducted by the Consulate-General with the Office of the Prime Minister :—

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE
DOMINION OF NEW ZEALAND RELATING TO THE IMPORTATION INTO
NEW ZEALAND OF AIRCRAFT AND AIRCRAFT COMPONENTS MANU-
FACTURED IN THE UNITED STATES.

ARTICLE I.—*Scope of Arrangement.*

(a) This Arrangement applies to civil aircraft and to aircraft components constructed in the continental United States of America, including Alaska, and exported to the Dominion of New Zealand.

(b) This Arrangement shall extend to complete aircraft of all types, and to aircraft components when imported into New Zealand as merchandise and not as a part of a complete aircraft.

(c) For the purpose of classifying import procedure, aircraft and aircraft components are divided into three general classes of aircraft Units, as follows :—

- (1) Class I Units are defined as any complete aircraft or aircraft components having type approvals in themselves, or any major assemblies of aircraft structural parts exported not as a part of a complete aircraft.

Items in this class include, among others, complete aircraft, aircraft engines, propellers, appliances, and such major assemblies of structural parts as wings, tail surfaces, ailerons and fuselages.

- (2) Class II Units are defined as any assemblies or parts, other than those included in Class I, which directly influence the airworthiness of an aircraft or aircraft component, except small standard parts and materials. Items in this class include components not having type approvals in themselves, such as any structural part or assembly of an aircraft, and any functioning or structural part of an engine or propeller, except small standard parts.
- (3) Class III Units are defined as small standard parts and materials not having type approvals in themselves. Items in this class include, among others, sound-proofing materials, cowling, ventilation equipment, tires, bolts, nuts, rivets, cotter pins, and standard ball or roller bearings.

ARTICLE II.—*Importation of Class I Units.*

The competent aeronautical authorities of New Zealand will confer the same validity upon Certificates of Airworthiness for Export issued by the competent aeronautical authorities of the United States for complete aircraft subsequently to be registered in New Zealand, and for other Class I Units imported into New Zealand, as if such certificates had been issued pursuant to the regulations in force on the subject in New Zealand, upon receipt of the applicable documents and technical data specified in special requirements prescribed by the New Zealand authorities pursuant to Article III of this Arrangement.

As used in this Arrangement, the term "Certificate of Airworthiness for Export" means a document issued by the competent aeronautical authorities of the United States, certifying that, at the time of the issuance thereof, a specified aircraft Unit, identified by specific markings or otherwise, has been found, after inspection by a qualified representative of such authorities, to comply with any special requirements specified by the New Zealand authorities as provided in Article III of this Arrangement; and

- (1) to conform to a type which the competent aeronautical authorities of the United States have found to be of proper design, material, specifications, construction and performance for safe operation; or
- (2) to be airworthy (either generally or subject to special conditions).

ARTICLE III.—*Special Requirements.*

The competent aeronautical authorities of New Zealand may make the validity conferred upon Certificates of Airworthiness for Export and the importation and use of Class II and Class III Units dependent upon the fulfilment of any special requirements which are for the time being specified by them for the issuance of certificates of airworthiness, or for the use of similar Units, in New Zealand, provided such requirements shall have been communicated to the United States

authorities 60 days or more prior to the date of shipment of the aircraft Unit or Units involved. Pursuant to Article VII, the details of such special requirements shall be communicated by the competent aeronautical authorities of New Zealand directly to the competent aeronautical authorities of the United States.

ARTICLE IV.—*Importation of Class II Units.*

The competent aeronautical authorities of New Zealand will approve the importation and use of Class II Units provided each Unit or shipment of like Units is accompanied by an Inspection Tag and by the technical data specified in the special requirements prescribed by the competent aeronautical authorities of New Zealand pursuant to Article III of this Arrangement.

As used in this Arrangement, the term "Inspection Tag" means a document signed by a qualified representative of the competent aeronautical authorities of the United States, certifying that, at the time of issuance thereof, the specified Unit to which the tag is affixed has been inspected and approved as airworthy by such authorities.

ARTICLE V.—*Importation of Class III Units.*

The competent aeronautical authorities of New Zealand will approve the importation and use of Class III Units provided each Unit or shipment of like Units is accompanied by a manufacturer's invoice which shall set forth—

- (1) that such Units were manufactured for use with aircraft or aircraft components for which the competent aeronautical authorities of the United States issue Certificates of Airworthiness for Export;
- (2) that the Units are new and were manufactured in accordance with approved specifications, naming the applicable specifications;
- (3) full details of the conditions under which the Unit may be operated, such as permissible loads and information of like nature, if necessary; and
- (4) with respect to materials, their conformity with certain stated specifications and a report of tests of specimens taken from the material under consideration.

ARTICLE VI.—*Compulsory and Non-Compulsory Modification.*

(a) As used in this Arrangement, the term "compulsory modification" means a modification of an aircraft Unit required by the competent aeronautical authorities of the United States. The term "non-compulsory modification" means a modification approved, but not required, with respect to an aircraft Unit, by the competent aeronautical authorities of the United States.

(b) The competent aeronautical authorities of the United States shall arrange for the effective communication to the competent aeronautical authorities of New Zealand of the particulars of compulsory modifications affecting aircraft Units of such make and model as have been imported under this Arrangement.

(c) The competent aeronautical authorities of the United States shall, to the extent that they may from time to time deem practicable and desirable, advise the competent aeronautical authorities of New Zealand of the provisions of non-compulsory modifications affecting aircraft Units of such make and model as have been imported pursuant to this Arrangement.

ARTICLE VII.—*Direct Correspondence.*

(a) The competent aeronautical authorities of each Party shall keep the competent aeronautical authorities of the other Party fully and currently informed of all their regulations in force in regard to the airworthiness of aircraft Units and any changes therein that may from time to time be made.

(b) In the event that, as a result of difficulties encountered in service (such as structural failure, &c.), the competent aeronautical authorities of New Zealand should suspend or prohibit the further operation of aircraft imported pursuant to the terms of this Arrangement, they shall promptly inform the competent aeronautical authorities of the United States of the nature of the difficulties encountered.

(c) The furnishing of the information required by this Arrangement and the notification of special requirements pursuant to Article III shall be communicated by the competent aeronautical authorities of one Party directly to the competent aeronautical authorities of the other Party. All questions of procedure to be followed in the application of the provisions of the present Arrangement shall be the subject of direct correspondence, whenever necessary, between the competent aeronautical authorities of the Parties.

ARTICLE VIII.—*Termination.*

The present Arrangement shall be subject to termination by either Party upon six months' notice given in writing to the other Party.

I should be pleased if you would inform me whether your Government accepts the foregoing text as the text which was agreed to in the course of the recent negotiations. If so, my Government suggests that the Arrangement become effective on the 1st March, 1940.

I have, &c.

L. C. PINKERTON,

American Consul-General.

SPECIAL REQUIREMENTS SPECIFIED BY THE NEW ZEALAND AERONAUTICAL AUTHORITIES FOR THE IMPORTATION OF UNITED STATES AIRCRAFT AND AIRCRAFT COMPONENTS INTO THE DOMINION OF NEW ZEALAND AS OF MARCH 1, 1940.⁽¹⁾

1.—(a) A Licence to Import, issued by the competent authorities of New Zealand, shall be required for each shipment of aircraft Units. With respect to Class I Units the Licence to Import, together with a Certificate of Compliance, must be produced at the time release is secured of such shipment of Class I Units from the customs authorities of New Zealand.

As used in this Arrangement, the term "Certificate of Compliance" means a document issued by the competent aeronautical authorities of the United States to a United States manufacturer certifying that a particular Class I Unit, produced by such manufacturer, complies with all of the special requirements for the importation of Class I Units into New Zealand.

(b) The prospective importer shall file a separate application for a Licence to Import with the competent aeronautical authorities of New Zealand for each shipment of aircraft Units. Such application shall be supported by full information:—

(1) *With respect to each complete Aircraft—*

- (i) The type of aircraft,
- (ii) The type of engine/s, and
- (iii) The type of propeller/s;

(2) *With respect to other Aircraft Units or shipments of Aircraft Units—*

- (i) The type of Aircraft Unit, and
- (ii) The aircraft in which the Unit may be installed or used, if any,

and will be considered by the New Zealand authorities at whose discretion the granting of a licence remains.

(c) The actual Licence to Import will not be issued until the documents and technical data specified in Special Requirements 3 (a), (b), and (c) have been received from the United States manufacturer and approved by the competent aeronautical authorities of New Zealand.

(d) In cases which are considered to be of sufficient urgency, permission to anticipate the issue of a Licence to Import for a Class I Unit or Class II Unit which is the first of its make and model to be imported, or incorporates changes or modifications in a model previously imported into New Zealand, may be given subject to receipt

⁽¹⁾ Subject to change. For definition of terms see Arrangement between the United States of America and the Dominion of New Zealand relating to the importation into New Zealand of aircraft and aircraft units manufactured in the United States, effective 1st March, 1940.

by the competent aeronautical authorities of New Zealand of assurance by the manufacturer that the required information has actually been despatched, but the actual licence will not be issued until the technical data relative to the make and model have been received.

(e) The competent aeronautical authorities of the United States will be advised directly by the competent aeronautical authorities of New Zealand of the issue or contemplated issue of a Licence to Import in respect to a Class I or Class II Unit of American manufacture.

2. The competent aeronautical authorities of the United States shall furnish the following documents and data upon receipt of advice from the competent aeronautical authorities of New Zealand that a Licence to Import has been or will be issued :—

(a) *With respect to each Class I Unit imported into New Zealand—*

- (1) Certificate of Airworthiness for Export.
- (2) Loading schedule, if applicable.

The competent aeronautical authorities of the United States shall issue Certificates of Airworthiness for Export under the Arrangement effective the 1st March, 1940, only in respect to new aircraft Units. For the purpose of this clause, no aircraft Unit shall be regarded as new if it has been flown or used in an aircraft in flight for more than fifty (50) hours before the date of shipment to New Zealand.

(b) *With respect to the first Aircraft of its make and model to be imported into New Zealand from the United States (in addition to the items listed in (a) above)—*

- (1) Type flight test report.
- (2) Rigging information when applicable.
- (3) Three-view drawing, containing general dimensions.
- (4) Approved aircraft specification describing the aircraft limitations in detail and containing a list of approved standard and optional equipment.
- (5) A list of the approved drawings of the aircraft structure, including drawing numbers and titles.

(c) *With respect to the first Aircraft of a make and model previously imported into New Zealand which incorporates changes or modifications—*

- (1) Revised type of flight test report, if prepared.
- (2) Revised rigging information, if applicable.
- (3) Revised three-view drawing, if prepared.
- (4) Approved aircraft specification showing the changes or modifications from the original specifications submitted for the model, pursuant to Special Requirement 2 (b) (4).

- (5) Drawing list revised to show the changes and modifications from the original list submitted for the model, pursuant to Special Requirement 2 (b) (5).

3. The United States manufacturer shall forward directly to the competent aeronautical authorities of New Zealand the following:—

(a) *With respect to the first Aircraft of its make and model to be imported into New Zealand from the United States—*

- (1) A complete set of drawings of the aircraft structure, showing dimensions and materials of all component parts, which drawings are contained on the list furnished by the United States authorities pursuant to the provisions of Special Requirement 2 (b) (5).
- (2) A stress analysis summary showing for all members of the primary structure their design, load, size, material, strength, and margin of safety.
- (3) Instruction manuals for the care and operation of the aircraft and its engine/s and propeller/s, if available.

(b) *With respect to the first Aircraft of a make and model previously imported into New Zealand, which incorporates changes or modifications—*

- (1) A complete set of drawings showing the changes and modifications in the original drawings of the model submitted pursuant to Special Requirement (3) (a) (1).
- (2) A revised stress analysis summary if such changes and modifications have affected the primary structure.
- (3) Revised instruction manuals for the care and operation of the aircraft and its engine/s and propeller/s, if available.

(c) *With respect to the first of each Class I and Class II Unit to be imported into New Zealand from the United States not as a component of a complete Aircraft—*

- (1) A set of specifications descriptive of the Unit, if not adequately included in data previously furnished for the aircraft in which the Unit may be installed or used.
- (2) A repair manual for the Unit, stating limits of accuracy, recommended overhaul times, and similar information, if such a manual has been issued, and if such information is not contained in data previously furnished for the complete aircraft in which the Unit may be installed or used.

(d) *With respect to each Class I Unit imported into New Zealand--*

- (1) A Certificate of Compliance;
- (2) Information in the nature of Service Bulletins, &c., issued from time to time by the manufacturer pertaining to such aircraft and aircraft Unit subsequent to the shipment thereof.

4. Aircraft, aircraft engines, propellers, and appliances of all descriptions shall comply fully either (1) with the applicable provisions of the following Parts of the Civil Air Regulations issued by the competent aeronautical authorities of the United States, as revised to the 31st May, 1938 :—

- Part 04—Airplane Airworthiness.
- Part 13—Aircraft Engine Airworthiness.
- Part 14—Aircraft Propeller Airworthiness.
- Part 15—Aircraft Equipment Airworthiness.

or (2) with the requirements of said Parts of the Civil Air Regulations as revised to the 31st May, 1938, plus any or all further amendments or revisions thereof, provided that if the competent aeronautical authorities of New Zealand shall have notified the competent aeronautical authorities of the United States that any such amendments or revisions are not acceptable, or if such further amendments or revisions have not been communicated to the competent aeronautical authorities of New Zealand sixty (60) days prior to the date of shipment of the aircraft Unit, compliance with the amendments or revisions in question shall not entitle aircraft Units to be imported under these requirements.

5. Provision shall be made in all aircraft for protection against the effect of static electricity while refuelling.

6. Provision shall be made in all aircraft to prevent accidental or unauthorised operation of air controls and throttles, and to avoid accidental interference with the ignition switches and fuel shut-off valves.

7. The aircraft structure shall be investigated for and comply with the British centre of pressure back (CPB) condition for normal category aircraft.

8. All engines shall be fitted with dual ignition.

9. All ignition switches of the "toggle" type shall be so arranged that ignition is "off" when the knob of the switch is in the downward position.

10. All filler openings in the fuel and oil systems shall be plainly marked with the capacity in imperial gallons and the word "fuel" and "oil" as the case may be. Fuel and oil gauges showing tank contents in gallons shall be calibrated in imperial gallons.

11. All flexible fuel lines forward of the fireproof bulkhead shall be of a fireproof type approved by the competent aeronautical authorities of the United States.

12. Oil lines carried forward of the fireproof bulkhead shall be provided with fireproof flexible joints of a type approved by the competent aeronautical authorities of the United States. In other parts of the oil system, joints shall be of a flexible type approved by the competent aeronautical authorities of the United States.

13. Valves and cocks in fuel lines shall be so arranged that the effect of vibration and/or gravity shall not cause the valve or cock to move to the "closed" or "off" position.

14. All New Zealand registration marks affixed to the aircraft prior to shipment from the United States shall be affixed in accordance with the requirements of the New Zealand Air Navigation Regulations, 1933.

15. A carburettor mixture control, if one is installed, shall be so connected to the throttle control that it will automatically return to the proper position for sea-level flying when the throttle is closed.

No. 2.

*The Prime Minister of New Zealand to the United States
Consul-General.*

Prime Minister's Office, Wellington.

Sir,

New Zealand, February 28, 1940.

I HAVE the honour to acknowledge the receipt of your note of the 30th January, 1940, requesting to be informed whether my Government accepts the text set forth in the note under acknowledgement as the text of the Arrangement between New Zealand and the United States relating to the importation into New Zealand of aircraft and aircraft components manufactured in the United States, which was agreed to in the course of the negotiations recently conducted by the Office of the Prime Minister with the Consulate-General. The text as set forth in the note from the Consul-General is as follows:—

[As in No. 1.]

I am glad to assure you that my Government accepts the foregoing text as the text which was agreed to by it in the course of the recent negotiations. My Government also accepts your Government's suggestion that the Arrangement become effective on the 1st March, 1940, and will accordingly regard it as becoming effective on that date.

I have, &c.

P. FRASER,
(for the Prime Minister).