Treaty Series No. 31 (1973)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the United States of America

relating to the Reciprocal Acceptance of Airworthiness Certifications

London, 28 December 1972

[The Agreement entered into force on 28 December 1972]

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 1973

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO THE RECIPROCAL ACCEPTANCE OF AIRWORTHINESS CERTIFICATIONS

No. 1

The United States Chargé d'Affaires ad interim at London to the Secretary of State for Foreign and Commonwealth Affairs

Embassy of the United States of America, London.

No. 30

December 28, 1972.

Excellency:

I have the honor to refer to conversations which have taken place between representatives of our two Governments relating to the reciprocal acceptance of airworthiness certifications, in the course of which discussions were held regarding appropriate actions necessary to work towards common safety objectives and to establish standards which will be as similar as practicable. It is my understanding that the two Governments have reached an agreement as set out below. It is also my understanding that this agreement does not relate to noise abatement or anti-pollution requirements.

1. This Agreement applies to civil aeronautical products (hereinafter referred to as "products") and certain components referred to in paragraph 3 of this Agreement when such products or components are produced in one Contracting State (hereinafter referred to as the "exporting State") and exported to the other Contracting State (hereinafter referred to as the "importing State"), and to products produced in another State with which both Contracting States have agreements similar in scope for reciprocal acceptance of airworthiness certifications.

2. (*a*) If the competent aeronautical authorities of the exporting State certify that a product produced in that State complies either with its applicable laws, regulations and requirements as well as any additional requirements which may have been prescribed by the importing State under paragraph 4 of this Agreement, or with applicable laws, regulations and requirements of the importing State, as notified by the importing State as being applicable in the particular case, the importing State shall give the same validity to the certification as if the certification had been made by its own competent aeronautical authorities in accordance with its own applicable laws, regulations and requirements.

(*b*) In the case of a product produced in another State with which both Contracting States have agreements similar in scope for reciprocal acceptance of airworthiness certifications, if the competent aeronautical authorities of the State exporting the product provide a certification that the

product conforms to the design covered by the certificate or approval issued by the importing State and certify that the product is in a proper state of airworthiness, the importing State shall give the same validity to such certification as if the certification had been made by its own competent aeronautical authorities in accordance with its applicable laws, regulations and requirements.

3. In the case of components which are produced in the exporting State for export and use on products which are or may be certificated or approved in the importing State, if the competent aeronautical authorities of the exporting State certify that the component conforms to the applicable design data and meets the applicable test and quality control requirements which have been notified by the importing State to the exporting State, the importing State shall give the same validity to the certification as if the certification had been made by its own competent aeronautical authorities. This provision shall only apply to those components which are produced by a manufacturer in the exporting State pursuant to an agreement between that manufacturer and the product manufacturer in the importing State. Furthermore, it shall only apply in those instances where, in the judgement of the importing State, the component is of such complexity that determination of conformity and quality control cannot readily be made at the time that the component is assembled with the product.

4. The competent aeronautical authorities of the importing State shall have the right to make acceptance of any certification by the competent aeronautical authorities of the exporting State dependent upon the product meeting any additional requirements which the importing State finds necessary to ensure that the product meets a level of safety equivalent to that provided by its applicable laws, regulations and requirements which would be effective for a similar product produced in the importing State. The competent aeronautical authorities of the importing State shall promptly advise the competent aeronautical authorities of the exporting State of any such additional requirements.

5. The competent aeronautical authorities of each Contracting State shall keep the competent aeronautical authorities of the other Contracting State fully informed of all mandatory airworthiness modifications and special inspections which they determine are necessary in respect of imported or exported products to which this Agreement applies.

6. The competent aeronautical authorities of the exporting State shall, in respect of products produced in that State, assist the competent aeronautical authorities of the importing State in determining whether major design changes and major repairs made under the control of the competent aeronautical authorities of the importing State comply with the laws, regulations and requirements under which the product was originally certificated or approved.

7. The competent aeronautical authorities of each Contracting State shall keep the competent aeronautical authorities of the other Contracting State currently informed of all relevant laws, regulations and requirements in their State.

8. In the case of conflicting interpretations of the laws, regulations or requirements pertaining to certifications or approvals under this Agreement, the interpretation of the competent aeronautical authorities of the Contracting State whose law, regulation or requirement is being interpreted shall prevail.

9. For the purposes of this Agreement:

(*a*) " Products " means aircraft, engines, propellers and appliances;

(*b*) " Aircraft " means civil aircraft of all categories, whether used in public transportation or for other purposes, and includes replacement and modification parts therefor;

(*c*) " Engines " means engines intended for use in aircraft as defined in (*b*) and includes replacement and modification parts therefor;

(*d*) " Propellers " means propellers intended for use in aircraft as defined in (*b*) and includes replacement and modification parts therefor;

(*e*) " Appliance " means any instrument, equipment, mechanism, apparatus or accessory used or intended to be used in operating an aircraft in flight, which is installed in, intended to be installed in, or attached to the aircraft as defined in (*b*), but is not part of an airframe, engine or propeller, and includes replacement and modification parts therefor;

(*f*) " Component " means a material, part, or sub-assembly not covered in (*b*), (*c*), (*d*) or (*e*) for use on civil aircraft, engines, propellers or appliances;

(*g*) " Produced in one Contracting State " means that the product or component as a whole is fabricated in the exporting State, even though portions thereof may have been fabricated in another State; and

(*h*) " Applicable laws, regulations and requirements " means:

(i) those airworthiness laws, regulations, and requirements which are effective on the date the manufacturer applies for certification of the product in the importing State, or

(ii) for products currently in production, those airworthiness requirements effective on the date of the latest amendment of the airworthiness requirements which were required to be used for the certification of the product in the exporting State or those airworthiness requirements of the importing State applicable to a similar product certificated to airworthiness requirements of the same date, or

(iii) for products no longer in production, such airworthiness requirements as the competent aeronautical authorities of the importing State find acceptable in the particular case.

10. The competent aeronautical authorities of each Contracting State shall make such mutual arrangements in respect of procedures as they deem necessary to implement this Agreement, and to ensure that redundant certification, testing and analysis are avoided.

11. Each Contracting State shall keep the other Contracting State advised as to the identity of its competent aeronautical authorities.

12. Either Contracting State may terminate this Agreement at the expiration of not less than 60 days after giving written notice of that intention to the other State.

13. This Agreement shall terminate and replace the Agreement between our two Governments for the reciprocal validation of certificates of airworthiness, effected by Exchange of Notes at Washington on September 11 and 17, 1934.[1]

Upon the receipt of a Note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland the Government of the United States of America will consider that the present Note and your reply thereto constitute an Agreement between our two Governments on this subject which shall enter into force on the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration.

EARL D. SOHM

Chargé d'Affaires ad interim

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[1] Treaty Series No. 38 (1934), Cmd. 4773.

No. 2

The Secretary of State for Foreign and Commonwealth Affairs to the United States Ambassador at London

Foreign and Commonwealth Office,
London, S.W.1.

Your Excellency, *28 December 1972*

I have the honour to acknowledge receipt of your Note No. 30 of 28 December which reads as follows:

[As in No. 1]

In reply I have the honour to inform you that the foregoing provisions are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that Your Excellency's Note together with this reply shall constitute an Agreement between our two Governments which shall enter into force on this day's date.

I have the honour to be,
with the highest consideration,
Your Excellency's obedient Servant,
(for the Secretary of State)
C. D. LUSH

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