



Treaty Series No. 30 (1934)

Exchange of Notes

between His Majesty's Government in the United Kingdom
and the Italian-Government

for the reciprocal validation of

Certificates of Airworthiness

Rome, September 17, 1934

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

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE ITALIAN GOVERNMENT FOR THE RECIPROCAL VALIDATION OF CERTIFICATES OF AIRWORTHINESS.

Rome, September 17, 1934.

No. 1.

Mr. Murray to Signor Mussolini.

British Embassy, Rome,
September 17, 1934.

Your Excellency,

IN accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are prepared, in consideration of a reciprocal undertaking by the Italian Government and so long as they are satisfied that an adequate standard of airworthiness is maintained and enforced in Italy, to accord, subject to the conditions hereinafter set out, the following treatment to aircraft in respect of which an Italian certificate of airworthiness, as defined below, has been issued.

2. For the purposes of this note, the term "Italian Certificate of Airworthiness" means a certificate of airworthiness in the "normal" or "acrobatic" category, issued together with a certificate of classification by the Italian Naval and Aeronautical Register in respect of an aircraft constructed under the regulations in force in Italy. The term "Italian Certificate of Acceptance" means a certificate of acceptance issued by the Italian Naval and Aeronautical Register in respect of an aero engine constructed under the regulations in force in Italy and which has passed the type test therein prescribed. The term "United Kingdom Certificate of Inspection and Test" means a certificate of inspection and test given in the engine log-book by the makers of the engine in respect of an aero engine constructed under the regulations in force in the United Kingdom and which has passed the type test therein prescribed.

3. Subject to the terms of this note, Italian certificates of airworthiness issued in respect of aircraft subsequently registered in the United Kingdom shall be validated by the competent United Kingdom authorities, and shall thereupon have the same effect as if they had been issued under the regulations in force in the United Kingdom, and Italian certificates of acceptance shall be accepted as the equivalent of United Kingdom certificates of inspection and test

in so far as concerns the installation of aero engines in aircraft whose certificates of airworthiness are validated under the terms of this note.

4. Persons applying in the United Kingdom for the validation of an Italian certificate of airworthiness will be required to produce with the application an Italian certificate of airworthiness granted or renewed within one month prior to the date of application ; if more than one month has elapsed since the issue or last renewal of such certificate, the applicant will be required to obtain a special renewal by the issuing authority before validation is effected.

5. A validation conferred by the competent United Kingdom authorities in accordance with the terms of this note will on expiry be renewed under the conditions laid down for the renewal of certificates of airworthiness in the United Kingdom. Reference to the Italian authorities will not be made unless special circumstances require it in any particular case.

6. The competent United Kingdom authorities shall have the right to make the validation of Italian certificates of airworthiness dependent on the fulfilment of any special conditions which are for the time being required for the issue of certificates of airworthiness in the United Kingdom. Information with regard to these special conditions will from time to time be communicated to the competent Italian authorities.

7. The competent United Kingdom authorities may at any time revise their standard of airworthiness. Any such revised standard may, as in the case of other aircraft, be enforced in respect of aircraft whose certificates of airworthiness are validated in accordance with the terms of this note. Facilities will be given as and when necessary for referring the particular problems arising from any such revised standard to the authorities responsible for the approval of the original design of the aircraft.

8. The competent United Kingdom authorities shall be free to give special consideration to any type of aircraft which in practice appears to them to be unsafe, and if they consider it necessary to withhold or suspend validation. They shall notify the competent Italian authorities in all cases in which the provisions of this clause are invoked.

9. The competent Italian authorities shall keep the competent United Kingdom authorities fully and currently informed both of the regulations in force as regards the airworthiness of civil aircraft, the standards for material and of the conditions of construction, methods of inspection, &c., laid down and in force in Italy, and also of any modifications which may be made therein.

(a) The competent Italian authorities shall arrange for the effective communication to the competent United Kingdom

authorities of particulars of "compulsory modifications" prescribed in Italy for the purpose of enabling the United Kingdom authorities to require, should they see fit, these modifications to be made to aircraft of the types affected whose certificates of airworthiness have been validated by them.

(b) The competent Italian authorities shall, where necessary, afford the competent United Kingdom authorities facilities for dealing with "non-compulsory modifications" which are such as to affect the validity of certificates of airworthiness validated under the terms of this note or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

10. The competent United Kingdom authorities will, if so required, provide facilities for the tuition of Italian technical officers in special inspectional methods in use in the United Kingdom for any particular type of aircraft or aero engine.

11. The competent United Kingdom and Italian authorities shall exchange full and frank information as to the performance of any aircraft of which the certificate of airworthiness has been validated under the terms of this note on any matter of material importance for reasons of safety.

12. The competent United Kingdom and Italian authorities shall each have the right to determine absolutely the interpretation of their regulations on any point of doubt or difficulty which may arise in the application of their own standard of airworthiness.

13. The question of the procedure to be followed in the application of the above provisions shall be the subject of direct correspondence, where necessary, between the competent United Kingdom and Italian authorities.

14. The Government of the United Kingdom may terminate the arrangements set out in this note at any time by means of a notification in writing addressed to the Italian Government to take effect six calendar months after the date of its receipt.

I take this opportunity, &c.

JOHN MURRAY.

No. 2.

Signor Mussolini to Mr. Murray.

Ministero degli Affari esteri,

Signor Incaricato d'Affari, *Roma, 17 settembre 1934—XII.*

Ho l'onore di informare V.S. che il Governo italiano è disposto, in vista di una reciproca intesa con il Governo del Regno Unito, giusta la nota di V.S. in data del 17 settembre corrente, e fino a tanto che esso sarà convinto che una regolamentazione adeguata sulla navigabilità è mantenuta ed assicurata nel Regno Unito, ad accordare, alle condizioni qui appresso specificate, il seguente trattamento agli aeromobili per i quali il Regno Unito ha rilasciato un certificato di navigabilità, quale è definito qui appresso.

2. Ai fini della presente nota, il termine "certificato di navigabilità del Regno Unito" significa un certificato di navigabilità delle categorie "normale" e "acrobatica," rilasciato dalle competenti autorità del Governo del Regno Unito ad un aeromobile costruito in conformità ai regolamenti vigenti nel Regno Unito. Il termine "certificato di ispezione e di prova del Regno Unito" significa un certificato di ispezione e di prova rilasciato, nel libretto del motore, dai fabbricanti del motore stesso, ad un motore d'aviazione costruito secondo le prescrizioni in vigore nel Regno Unito e che è stato sottoposto alle prove di prototipo ivi prescritte. Il termine "certificato italiano di collaudo" significa un certificato di collaudo rilasciato dal Registro Italiano Navale e Aeronautico ad un motore di aviazione costruito secondo le prescrizioni vigenti in Italia e che è stato sottoposto alle prove di prototipo ivi prescritte.

3. In armonia alle condizioni della presente nota, i certificati di navigabilità del Regno Unito rilasciati agli aeromobili successivamente registrati in Italia, saranno convalidati dalle competenti autorità italiane, ed avranno pertanto lo stesso effetto di quelli rilasciati secondo le prescrizioni in vigore in Italia. I certificati di ispezione e di prova del Regno Unito saranno accettati come un equivalente dei certificati di collaudo italiani, per quanto concerne l'installazione di motori di aviazione sugli aeromobili i cui certificati di navigabilità sono convalidati conformemente alle prescrizioni della presente nota.

4. Chiunque richieda in Italia la convalida di un certificato di navigabilità del Regno Unito dovrà produrre, con la domanda, un certificato di navigabilità del Regno Unito, rilasciato o rinnovato non oltre un mese prima della data della domanda; nel caso in cui fosse passato più di un mese dalla data del rilascio o del rinnovo di tale certificato, il richiedente dovrà esibire uno speciale rinnovo della autorità che ha rilasciato il certificato prima che la convalida possa essere effettuata.

5. Una convalida, eseguita dalle competenti autorità italiane conformemente alle prescrizioni della presente nota, sarà rinnovata alla scadenza, a norma delle condizioni stabilite per il rinnovo dei certificati di navigabilità in Italia. Non sarà fatta speciale richiesta alle autorità del Regno Unito, se non quando ciò sia richiesto da speciali circostanze, in casi particolari.

6. Le competenti autorità italiane avranno il diritto di convalidare i certificati di navigabilità del Regno Unito subordinatamente alla rispondenza con le speciali condizioni richieste, in quel tempo, in Italia per il rilascio di certificati di navigabilità. Di tanto in tanto sarà comunicata alle competenti autorità del Regno Unito ogni informazione riguardante tali speciali condizioni.

7. Le competenti autorità italiane possono, in ogni tempo, modificare le loro norme di navigabilità. Ogni norma modificata può, come nel caso degli altri aeromobili, essere applicata all'aeromobile i cui certificati di navigabilità sono convalidati in armonia con i termini della presente nota. Saranno concesse, se e quando necessario, speciali facilitazioni per risolvere i particolari problemi nascenti da una qualsiasi di tali speciali modifiche, alle autorità competenti per l'approvazione dell'originale progetto dell'aeromobile.

8. Le competenti autorità italiane saranno libere di prendere in considerazione speciale quei tipi di aeromobile che, in pratica, non sembrano ad esse sicuri, e, se esse lo credono necessario, di rifiutarne o sospenderne la convalida. Esse comunicheranno alle competenti autorità del Regno Unito i casi in cui sarà applicata la presente clausola.

9. Le autorità competenti del Regno Unito terranno al corrente e pienamente informate le competenti autorità italiane delle disposizioni in vigore relative alle norme di navigabilità degli aeromobili civili, ai requisiti per il materiale e alle condizioni di costruzione, ai metodi di ispezioni, ecc., stabiliti e vigenti nel Regno Unito ed anche di ogni modificazione che possa esservi apportata.

10.—(a) Le competenti autorità del Regno Unito disporranno che venga fatta alle competenti autorità italiane ogni necessaria comunicazione sui particolari delle "modifiche obbligatorie" prescritte nel Regno Unito, allo scopo di mettere in grado le autorità italiane di richiedere, qualora lo giudichino opportuno, che tali modifiche siano introdotte negli aeromobili dello stesso tipo i cui certificati di navigabilità siano stati da esse convalidati.

(b) Le autorità competenti del Regno Unito, se necessario, offriranno facilitazioni alle competenti autorità italiane nel trattare le "modifiche non obbligatorie" che infirmo la validità dei certificati di navigabilità convalidati secondo i termini della presente nota o di qualsiasi altra condizione prima di validità. Analogamente.

esse agevoleranno la risoluzione di quei casi di maggiori riparazioni, eseguite in altro modo che non il semplice montaggio di parti di ricambio fornite dai costruttori di origine.

11. Le competenti autorità italiane, se necessario, provvederanno all'addestramento di funzionari tecnici del Regno Unito, sui particolari metodi di ispezione in uso in Italia per ogni tipo particolare di aeromobile o di motore.

12. Le competenti autorità italiane e del Regno Unito si scambieranno piene e leali informazioni riguardo alle caratteristiche di volo di ogni aeromobile del quale è stato convalidato il certificato di navigabilità conformemente ai termini della presente nota, per ciò che riguarda ogni questione di importanza pratica ai fini della sicurezza.

13. Le competenti autorità italiane e del Regno Unito avranno ciascuna l'esclusivo diritto di determinare l'interpretazione delle rispettive disposizioni su ogni punto dubbio o su ogni difficoltà che possa nascere nell'applicazione delle rispettive norme di validità.

14. La questione della procedura da seguire nell'applicazione delle disposizioni che precedono, formerà oggetto di una diretta corrispondenza, se e quando necessario, tra le competenti autorità italiane e del Regno Unito.

Il Governo italiano può denunciare l'accordo contenuto nella presente nota, in ogni momento, a mezzo di una notifica scritta, con effetto d'partire dal sesto mese seguente la data di ricezione di tale notifica.

15. Sarò grato qualora V.S. vorrà farmi conoscere se le clausole precedenti rispondano alla necessaria condizione di reciprocità. In tal caso, vorrei proporre che la presente nota e la nota di risposta di V.S. fossero considerate come costituenti l'accordo raggiunto dai due Governi ai riguardi della questione.

Voglia gradire, &c.

MUSSOLINI.

(Translation.)

Ministry for Foreign Affairs,

M. le Chargé d'Affaires,

Rome, September 17, 1934—XII.

I HAVE the honour to inform you that the Italian Government are prepared, in consideration of the reciprocal undertaking by the Government of the United Kingdom as incorporated in your note of the 17th September, 1934, and so long as they are satisfied that an adequate standard of airworthiness is maintained and enforced in the United Kingdom, to accord, subject to the conditions hereinafter set out, the following treatment to aircraft in respect of which a United Kingdom certificate of airworthiness, as defined below, has been issued.

2. For the purposes of this note, the term "United Kingdom Certificate of Airworthiness" means a certificate of airworthiness in

the "normal" or "acrobatic" category issued by the competent authorities of the Government of the United Kingdom in respect of an aircraft constructed under the regulations in force in the United Kingdom, and the term "United Kingdom Certificate of Inspection and Test" means a certificate of inspection and test given in the engine log-book by the makers of the engine in respect of an aero engine constructed under the regulations in force in the United Kingdom and which has passed the type test therein prescribed. The term "Italian Certificate of Acceptance" means a certificate of acceptance issued by the Italian Naval and Aeronautical Register in respect of an aero engine constructed under the regulations in force in Italy and which has passed the type test therein prescribed.

3. Subject to the terms of this note, United Kingdom certificates of airworthiness issued in respect of aircraft subsequently registered in Italy shall be validated by the competent Italian authorities, and shall thereupon have the same effect as if they had been issued under the regulations in force in Italy, and United Kingdom certificates of inspection and test shall be accepted as the equivalent of Italian certificates of acceptance in so far as concerns the installation of aero engines in aircraft whose certificates of airworthiness are validated under the terms of this note.

4. Persons applying in Italy for the validation of a United Kingdom certificate of airworthiness will be required to produce with the application a United Kingdom certificate of airworthiness granted or renewed within one month prior to the date of application; if more than one month has elapsed since the issue or last renewal of such certificate, the applicant will be required to obtain a special renewal by the issuing authority before validation is effected.

5. A validation conferred by the competent Italian authorities in accordance with the terms of this note will on expiry be renewed under the conditions laid down for the renewal of certificates of airworthiness in Italy. Reference to the United Kingdom authorities will not be made unless special circumstances require it in any particular case.

6. The competent Italian authorities shall have the right to make the validation of United Kingdom certificates of airworthiness dependent on the fulfilment of any special conditions which are for the time being required for the issue of certificates of airworthiness in Italy. Information with regard to these special conditions will from time to time be communicated to the competent United Kingdom authorities.

7. The competent Italian authorities may at any time revise their standard of airworthiness. Any such revised standard may, in the case of other aircraft, be enforced in respect of aircraft whose certificates of airworthiness are validated in accordance with the terms of this note. Facilities will be given as and when necessary

for referring the particular problems arising from any such revised standard to the authorities responsible for the approval of the original design of the aircraft.

8. The competent Italian authorities shall be free to give special consideration to any type of aircraft which in practice appears to them to be unsafe, and, if they consider it necessary, to withhold or suspend validation. They shall notify the competent United Kingdom authorities in all cases in which the provisions of this clause are invoked.

9. The competent United Kingdom authorities shall keep the competent Italian authorities fully and currently informed both of the regulations in force as regards the airworthiness of civil aircraft, the standards for material and of the conditions of constructions, methods of inspection, &c., laid down and in force in the United Kingdom and also of any modifications which may be made therein.

10.—(a) The competent United Kingdom authorities shall arrange for the effective communication to the competent Italian authorities of particulars of "compulsory modifications" prescribed in the United Kingdom for the purpose of enabling the Italian authorities to require, should they see fit, these modifications to be made to aircraft of the types affected whose certificates of airworthiness have been validated by them.

(b) The competent United Kingdom authorities shall, where necessary, afford the competent Italian authorities facilities for dealing with "non-compulsory modifications" which are such as to affect the validity of certificates of airworthiness validated under the terms of this note or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

11. The competent Italian authorities will, if so required, provide facilities for the tuition of United Kingdom technical officers in special inspectional methods in use in Italy for any particular type of aircraft or aero engine.

12. The competent Italian and United Kingdom authorities shall exchange full and frank information as to the performance of any aircraft of which the certificate of airworthiness has been validated under the terms of this note on any matter of material importance for reasons of safety.

13. The competent Italian and United Kingdom authorities shall each have the right to determine absolutely the interpretation of their regulations on any point of doubt or difficulty which may arise in the application of their own standard of airworthiness.

14. The question of the procedure to be followed in the application of the above provisions shall be the subject of direct

correspondence, where necessary, between the competent Italian and United Kingdom authorities.

The Italian Government may terminate the arrangements set out in this note at any time by means of a notification in writing addressed to the United Kingdom Government to take effect six calendar months after the date of its receipt.

15. I shall be grateful if you will inform me whether the foregoing provisions fulfil the necessary condition of reciprocity. In that event, I would suggest that the present note and your note under reply be regarded as placing the understanding arrived at between the respective Governments as regards this question.

I beg you to accept, &c.

MUSSOLINI.

No. 3.

Mr. Murray to Signor Mussolini.

British Embassy, Rome,

September 17, 1934.

Your Excellency,

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 17th September, 1934, and to state that the proposals contained therein regarding the proposed recognition by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Italian Government of the certificates of airworthiness issued by the competent authorities of the respective Governments fulfil the necessary conditions of reciprocity.

2. The present note, together with your Excellency's note under reference and my note of the 17th September containing the proposals of His Majesty's Government in the United Kingdom in this matter, shall be regarded as giving validity to and placing on record the understanding between the respective Governments as regards this question.

I take this opportunity, &c.

JOHN MURRAY.