

N° 4466.

**ÉTATS-UNIS D'AMÉRIQUE
ET CANADA**

Echange de notes comportant un arrangement relatif aux certificats de navigabilité pour les aéronefs destinés à l'exportation.
Washington, le 28 juillet 1938.

**UNITED STATES OF AMERICA
AND CANADA**

Exchange of Notes constituting an Arrangement relating to Certificates of Airworthiness for Export.
Washington, July 28th, 1938.

No. 4466. — EXCHANGE OF NOTES¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA CONSTITUTING AN ARRANGEMENT RELATING TO CERTIFICATES OF AIRWORTHINESS FOR EXPORT. WASHINGTON, JULY 28TH, 1938.

English official text communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Exchange of Notes took place October 27th, 1938.

I.

DEPARTMENT OF STATE.

WASHINGTON, July 28th, 1938.

SIR,

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal Arrangement for the acceptance of certificates of airworthiness for export.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the Arrangement shall be as follows :

ARRANGEMENT

BETWEEN THE UNITED STATES OF AMERICA AND CANADA
RELATING TO CERTIFICATES OF AIRWORTHINESS FOR EXPORT.

Article I.

(a) The present Arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada ; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This Arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

¹ Came into force August 1st, 1938.

¹ TRADUCTION. — TRANSLATION.

N^o 4466. — ÉCHANGE DE NOTES² ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU CANADA COMPORTANT UN ARRANGEMENT RELATIF AUX CERTIFICATS DE NAVIGABILITÉ POUR LES AÉRONEFS DESTINÉS A L'EXPORTATION. WASHINGTON, LE 28 JUILLET 1938.

Texte officiel anglais communiqué par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement de cet échange de notes a eu lieu le 27 octobre 1938.

I.

DÉPARTEMENT D'ÉTAT.

WASHINGTON, le 28 juillet 1938.

MONSIEUR LE MINISTRE,

J'ai l'honneur de me référer aux négociations qui ont eu lieu récemment entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement du Canada en vue de la conclusion d'un arrangement réciproque concernant l'acceptation des certificats de navigabilité pour l'exportation.

Je considère qu'il a été convenu, au cours de ces négociations maintenant terminées, que l'arrangement en question serait ainsi conçu :

ARRANGEMENT

ENTRE LES ETATS-UNIS D'AMÉRIQUE ET LE CANADA
RELATIF AUX CERTIFICATS DE NAVIGABILITÉ POUR L'EXPORTATION.

Article premier.

a) Le présent arrangement a trait aux aéronefs civils construits sur le territoire continental des Etats-Unis d'Amérique, y compris l'Alaska, et exportés au Canada, ainsi qu'aux aéronefs civils construits au Canada et exportés à destination du territoire continental des Etats-Unis d'Amérique, y compris l'Alaska.

b) Le présent arrangement s'étend aux aéronefs civils de toutes catégories, y compris les appareils utilisés pour les transports publics, ceux qui sont destinés à un usage privé, ainsi que les pièces détachées de ces appareils.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Entré en vigueur le 1^{er} août 1938.

Article II.

The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

Article III.

The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

Article IV.

(a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this Arrangement, 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.

Article V.

(a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this Arrangement, 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.

Article VI.

(a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

Article VII.

The question 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 United States and Canadian authorities.

Article VIII.

(a) The present Arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present Arrangement becomes effective, the reciprocal Arrangement¹ between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29th, 1929, and October 22nd, 1929, will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.²

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the Arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the Arrangement become effective on August 1st, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

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

Cordell HULL.

The Honorable Sir Herbert Marler, P.C., K.C.M.G.,
Minister of Canada.

II.

CANADIAN LEGATION.

No. 177.

WASHINGTON, July 28th, 1938.

SIR,

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal Arrangement between Canada and the United States of America for the acceptance of certificates of airworthiness for export, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

¹ Vol. XCVII, page 321, of this Series.

² The present Arrangement, signed July 28th, 1938, and effective August 1st, 1938, relating to certificates of airworthiness for export and two other Arrangements * between the United States of America and Canada, both also signed July 28th, 1938, and effective August 1st, 1938, one relating to air navigation (Executive Agreement Series No. 129) and the other relating to certificates of competency or licenses for the piloting of civil aircraft (Executive Agreement Series No. 130), supplant in its entirety the reciprocal Arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29th and October 22nd, 1929 (Executive Agreement Series No. 2).

* See pages 93 and 115 of this Volume.

The terms of this Arrangement which you have communicated to me are as follows :

ARRANGEMENT

BETWEEN CANADA AND THE UNITED STATES OF AMERICA
RELATING TO CERTIFICATES OF AIRWORTHINESS FOR EXPORT.

Article I.

(a) The present Arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada ; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This Arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

Article II.

The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

Article III.

The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

Article IV.

(a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this Arrangement, 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.

Article V.

(a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this

Arrangement, 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.

Article VI.

(a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

Article VII.

The question 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 United States and Canadian authorities.

Article VIII.

(a) The present Arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present Arrangement becomes effective, the reciprocal Arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29th, 1929, and October 22nd, 1929, will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.¹

I am instructed to state that the terms of the Arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the Arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir, Your most obedient humble servant,

The Honourable Cordell Hull,
Secretary of State of the United States,
Washington, D.C.

Herbert M. MARLER.

Certified to be a true and complete textual copy of the original Arrangement in the sole language in which it was signed.

For the Secretary
of State of the United States of America :

Edward Yardley,
Chief Clerk and Administrative Assistant.

¹ See footnote, p. 130.