

No. 3473

UNITED STATES OF AMERICA
and
UNION OF SOUTH AFRICA

**Exchange of notes constituting an agreement relating to
certificates of airworthiness for imported aircraft.
Pretoria, 29 October 1954 and 22 February 1955**

Official text: English.

Registered by the United States of America on 25 July 1956.

ÉTATS-UNIS D'AMÉRIQUE
et
UNION SUD-AFRICAINE

**Échange de notes constituant un accord relatif à la déli-
vrance de certificats de navigabilité pour les aéronefs
importés. Prétorïa, 29 octobre 1954 et 22 février
1955**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 25 juillet 1956.

No. 3473. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA RELATING TO CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT. PRETORIA, 29 OCTOBER 1954 AND 22 FEBRUARY 1955

I

The American Chargé d'Affaires ad interim to the South African Minister of External Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA
EMBASSY OF THE UNITED STATES OF AMERICA

No. 64

Pretoria, October 29, 1954

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 the Union of South Africa for the conclusion of a reciprocal arrangement for the acceptance of certificates of airworthiness for imported aircraft.

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 THE UNION OF SOUTH AFRICA RELATING TO CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT

Article I

(a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to the Union of South Africa ; and to civil aircraft constructed in the Union of South Africa 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 authorities of the United States on certificates of airworthiness for export issued by the competent authorities

¹ Came into force on 22 February 1955 by the exchange of the said notes.

of the Union of South Africa 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 the Union of South Africa in accordance with the airworthiness requirements of the Union of South Africa.

Article III

The same validity shall be conferred by the competent authorities of the Union of South Africa on certificates of airworthiness for export issued by the competent authorities of the United States for aircraft subsequently to be registered in the Union of South Africa as if they had been issued under the regulations in force on the subject in the Union of South Africa, 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 authorities of the United States shall arrange for the effective communication to the competent authorities of the Union of South Africa of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the authorities of the Union of South Africa to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent authorities of the United States shall, where necessary, afford the competent authorities of the Union of South Africa 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 arrangement, or any of the other 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 authorities of the Union of South Africa shall arrange for the effective communication to the competent authorities of the United States of particulars of compulsory modifications prescribed in the Union of South Africa, for the purpose of enabling the authorities of the United States to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent authorities of the Union of South Africa shall, where necessary, afford the competent authorities of the United States 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 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 issuance 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 authorities of the United States and the Union of South Africa.

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) This arrangement shall terminate and replace the arrangement between the United States of America and the Union of South Africa providing for the acceptance by the one country of certificates of airworthiness for aircraft imported from the other country as merchandise, effected by an exchange of notes signed at Pretoria on October 12 and December 1, 1931.¹

Upon the receipt of a note indicating that the foregoing provisions are acceptable to the Government of the Union of South Africa, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject, the agreement to come into force on the date of your note in reply.

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

Wilson C. FLAKE
Chargé d'Affaires a. i.

Doctor the Honorable D. F. Malan
Minister of External Affairs for the Union of South Africa

¹ League of Nations, *Treaty Series*, Vol. CXXIX, p. 121.

II

The South African Minister of External Affairs to the American Ambassador

23/13
10/6/18.

UNION OF SOUTH AFRICA
DEPARTMENT OF EXTERNAL AFFAIRS
PRETORIA

22-2-1955

Your Excellency,

I have the honour to acknowledge the receipt of your note No. 64 of the 29th October, 1954, reading as follows :

[See note I]

In reply thereto, I have the honour to inform Your Excellency that the Government of the Union of South Africa are in agreement with the foregoing provisions and that your note and the present reply shall be regarded as constituting an agreement between our two Governments.

Please accept, Your Excellency, the renewed assurance of my highest consideration.

For the Minister of External Affairs :

D. FORSYTH
Secretary for External Affairs

His Excellency Mr. E. T. Wailes
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Cape Town
