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**UNITED STATES OF AMERICA
and
FRANCE**

Exchange of notes constituting an agreement relating to certificates of airworthiness for imported aircraft. Paris, 29 August and 26 September 1973

Authentic texts: English and French.

Registered by the United States of America on 10 April 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
FRANCE**

Échange de notes constituant un accord relatif à la délivrance de certificats de navigabilité pour les aéronefs importés. Paris, 29 août et 26 septembre 1973

Textes authentiques : anglais et français.

Enregistré par les États-Unis d'Amérique le 10 avril 1974.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT. PARIS, 29 AUGUST AND 26 SEPTEMBER 1973

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA FRANCE RELATIF A LA DÉLIVRANCE DE NAVIGABILITÉ POUR LES AÉRONEFS IMPORTÉS. PARIS, 29 AOÛT ET 26 SEPTEMBRE 1973

I

The American Chargé d'Affaires ad interim to the French Minister for Foreign Affairs

Le Chargé d'affaires américain ad interim au Ministre français des affaires étrangères

EMBASSY OF THE UNITED STATES OF AMERICA

Paris, August 29, 1973

No. 139

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 and in the course of which the two delegations have agreed to take the 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 also reached an agreement as set out below. This agreement does not relate to noise abatement and anti-pollution requirements which will be the subject of different negotiations.

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 the territory of one Contracting Party (hereinafter referred to as the "exporting State") and exported to the territory of the other Contracting Party (hereinafter referred to as the "importing State"), and to products produced in another State with which both Contracting Parties have agreements similar in scope for reciprocal acceptance of airworthiness certifications.

2. *a.* If the 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

¹ Came into force on 26 September 1973, the date of the note in reply, in accordance with the provisions of the said notes.

¹ Entré en vigueur le 26 septembre 1973, date de la note de réponse, conformément aux dispositions desdites notes.

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 aeronautical authorities in accordance with its own applicable laws, regulations and requirements.

b. In case of a product produced in another State with which both Contracting Parties have agreements similar in scope for reciprocal acceptance of airworthiness certifications, if the 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 aeronautical authorities in accordance with its applicable laws, regulations and requirements.

3. In the case of components which are products in the exporting State for export and use on products which are or may be certificated or approved in the importing State, if the 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 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 judgment 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 aeronautical authorities of the importing State shall have the right to make acceptance of any certification by the 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 the applicable laws, regulations and requirements which would be effective for a similar product produced in the importing State. The aeronautical authorities of the importing State shall promptly advise the aeronautical authorities of the exporting State of any such additional requirements.

5. The aeronautical authorities of each Contracting Party shall keep the aeronautical authorities of the other Contracting Party 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 aeronautical authorities of the exporting State shall, in respect of products produced in that State, assist the aeronautical authorities of the importing State in determining whether major design changes and major repairs made under the jurisdiction of the importing State comply with the laws, regulations and requirements under which the product was originally certificated or approved. They shall also assist in analyzing those major incidents occurring on products to which this Agreement applies and which are such as would raise technical questions regarding the airworthiness of such products.

7. The aeronautical authorities of each Contracting Party shall keep the aeronautical authorities of the other Contracting Party 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 aeronautical authorities of the Contracting Party 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 the territory of one Contracting Party" 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 those airworthiness laws, regulations and requirements applicable on the date of the airworthiness laws, regulations and requirements applied to the certification of the product in the exporting State.

10. The aeronautical authorities of each Contracting Party shall make such mutual arrangements in respect of procedures as they deem necessary to implement this Agreement.

11. For the purpose of the present Agreement the term "aeronautical authorities" shall mean, in the case of France, "le Secrétariat général à l'Aviation civile", and in the case of the United States "the Federal Aviation Administration" of the Department of Transportation. Each Contracting Party shall advise the other Contracting Party of any change in the name of the body authorized to perform the functions of its aeronautical authorities.

12. Each Contracting Party may give notice to the other Contracting Party, through diplomatic channels, of its desire to terminate this Agreement. The Agreement shall terminate twelve months after receipt of the notice by the other Contracting Party, unless, by agreement between the Contracting Parties, the notice is withdrawn before the expiry of that period.

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 signed at Paris August 6 and December 14, 1956.¹

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the French Republic, 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 will enter into force on the date of your reply.

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

GALEN L. STONE
Chargé d'Affaires ad interim

His Excellency Michel Jobert
Minister for Foreign Affairs
Paris

¹ United Nations, *Treaty Series*, vol. 266, p. 117.

«Sur réception d'une note de Votre Excellence indiquant que les dispositions qui précèdent ont reçu l'agrément du Gouvernement de la République française, le Gouvernement des Etats-Unis d'Amérique considérera que la présente note et votre réponse à celle-ci constituent un Accord sur ce sujet entre nos deux Gouvernements qui entrera en vigueur à la date de votre réponse.»

J'ai l'honneur de vous faire savoir que les dispositions qui précèdent rencontent le plein accord du Gouvernement de la République française.

Veillez agréer, Monsieur l'Ambassadeur, les assurances de ma haute considération.

GEOFFROY DE COURCEL

S. E. Monsieur John N. Irwin II
Ambassadeur des Etats-Unis d'Amérique
à Paris

[TRANSLATION¹ — TRADUCTION²]

FRENCH REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

Paris, September 26, 1973

Mr. Ambassador:

You were good enough to transmit to me a note dated August 29, 1973, reading as follows:

[*See note I*]

I have the honor to inform you that the Government of the French Republic fully concurs in the foregoing provisions.

Accept, Mr. Ambassador, the assurances of my high consideration.

GEOFFROY DE COURCEL

The Honorable John N. Irwin II
Ambassador of the United States of America
Paris

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.