

No. 13582

**UNITED STATES OF AMERICA
and
NETHERLANDS**

Exchange of notes constituting an agreement relating to certificates of airworthiness for imported aircraft products and components. The Hague, 16 January 1974

Authentic text: English.

Registered by the United States of America on 16 October 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
PAYS-BAS**

Échange de notes constituant un accord relatif aux certificats de navigabilité pour les éléments et pièces d'aéronefs importés. La Haye, 16 janvier 1974

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 16 octobre 1974.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE NETHERLANDS RELATING TO CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT PRODUCTS AND COMPONENTS

I

The American Ambassador to the Dutch Minister of Foreign Affairs

No. 8

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.

¹ Came into force on 1 August 1974, the date of receipt by the Government of the United States of America of the notification from the Government of the Netherlands that the approval constitutionally required in the Netherlands had been obtained, in accordance with the provisions of the said notes.

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. 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 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 Amendment:

- (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 subassembly 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. (a) The Government of either Contracting State may terminate this Agreement at the expiration of not less than sixty days after giving written notice of that intention to the Government of the other Contracting State.

(b) Notwithstanding termination of this Agreement, the provisions of paragraph 5 shall remain in force for a period of five years after the date of termination of this Agreement in respect of products for which a certificate has been issued in accordance with the provisions of this Agreement.

(c) Notwithstanding termination, this Agreement shall remain in force for a period of two years after the date of its termination in respect of products for which before the date of termination an application has been made for the issuance of a certificate in accordance with the provisions of this Agreement.

13. As regards the Kingdom of the Netherlands, the Agreement shall apply to the whole Kingdom. Termination of the Agreement by the Government of the Kingdom of the Netherlands in accordance with paragraph 12 may be limited to one or more of the constituent parts of the Kingdom.

14. This Agreement shall terminate and replace the Arrangement between the United States of America and the Kingdom of the Netherlands relating to certificates of airworthiness for imported aircraft, effected by exchange of notes at The Hague on September 19 and November 4, 1955.¹

I have the honor to suggest that if these provisions are acceptable to the Government of the Kingdom of the Netherlands, the present note and Your Excellency's note in reply concurring therein shall constitute an agreement between our two Governments, which shall enter into force on the date of receipt by the Government of the United States of America of a notification from the Netherlands Government that the approval constitutionally required in the Kingdom of the Netherlands has been obtained.

¹ United Nations, *Treaty Series*, vol. 269, p. 3.

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

The Hague, January 16, 1974

KINGDON GOULD, Jr.
Embassy of the United States of America

His Excellency Max van der Stoel
Minister of Foreign Affairs
The Hague

II

The Dutch Minister of Foreign Affairs to the American Ambassador

MINISTERIE VAN BUITENLANDSE ZAKEN¹
Treaties Department

The Hague, 16 January 1974

DVE/VV-222625

Excellency,

I have the honor to acknowledge receipt of your note No. 8 of 16 January 1974 which reads as follows:

[See note I]

I have the honor to inform you that the Government of the Kingdom of the Netherlands agrees to the terms of your note and also agrees that your note and this reply shall constitute an agreement between our two Governments, which shall enter into force as stated in your note.

I avail myself of this opportunity to renew to you, Excellency, the assurance of my highest consideration.

MAX VAN DER STOEL

To His Excellency Mr. Kingdon Gould, Jr.
Ambassador Extraordinary and Plenipotentiary
of the United States of America at The Hague

¹ Ministry of Foreign Affairs.