

No. 13939

FEDERAL REPUBLIC OF GERMANY
and
UNITED STATES OF AMERICA

Exchange of notes constituting an arrangement concerning the reciprocal acceptance of airworthiness certifications for imported aircraft. Bonn, 12 March and 31 May 1974

Authentic texts: English and German.

Registered by the Federal Republic of Germany on 5 May 1975.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ÉTATS-UNIS D'AMÉRIQUE

Échange de notes constituant un arrangement relatif à la reconnaissance réciproque des certificats de navigabilité pour les aéronefs importés. Bonn, 12 mars et 31 mai 1974

Textes authentiques : anglais et allemand.

Enregistré par la République fédérale d'Allemagne le 5 mai 1975.

EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE RECIPROCAL ACCEPTANCE OF AIRWORTHINESS CERTIFICATIONS FOR IMPORTED AIRCRAFT

I

EMBASSY OF THE UNITED STATES OF AMERICA
BONN-BAD GODESBERG

March 12, 1974

No. 48

Excellency:

I have the honor to refer to negotiations 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 the obligation for reciprocal recognition does not include the recognition of aircraft noise or emission certifications. As necessary and appropriate, and consistent with national laws, reciprocal recognition of such certifications shall be the subject of future negotiations between the parties hereto.

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 and its design 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 certifications 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

¹ Came into force on 31 May 1974, the date of the note in reply, in accordance with the provisions of the said notes.

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.

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 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 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 interpretation 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 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 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) the airworthiness laws, regulations and requirements which are effective on the date the manufacturer applies for certification of the product in the importing State;
- (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. Either Contracting State may terminate this Agreement at the expiration of not less than six months after giving written notice of that intention to the other State.

13. This Agreement shall terminate and replace the Agreement between our two Governments for the reciprocal validation of certificates of airworthiness, signed at Bonn on December 11, 1958.¹

Upon the receipt of a Note from your Excellency indicating that the foregoing provisions are acceptable to the Government of the Federal Republic of Germany, 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.

MARTIN J. HILLENBRAND

His Excellency Walter Scheel
Federal Minister of Foreign Affairs
Bonn

¹ United Nations, *Treaty Series*, vol. 337, p. 31.

gierungen über Lufttüchtigkeitszeugnisse eingeführter Luftfahrzeuge ersetzt und heute in Kraft tritt.

Genehmigen Sie, Herr Botschafter, die Versicherung meiner ausgezeichneten Hochachtung.

SACHS

Seiner Exzellenz Herrn Martin J. Hillenbrand
Botschafter der Vereinigten Staaten von Amerika

[TRANSLATION — TRADUCTION]

THE STATE SECRETARY IN THE FOREIGN OFFICE

Bonn, 31 May 1974

404-455.41

Sir,

I have the honour to acknowledge receipt of your note No. 48 of 12 March 1974, the agreed German text of which is as follows:

[*See note I*]

I have the honour to inform you that the provisions set forth in your note are acceptable to the Government of the Federal Republic of Germany and that your note and this note of reply thereto constitute an Agreement which supersedes the Agreement between our two Governments relating to Certificates of airworthiness for Imported Aircraft, signed at Bonn on 11 December 1958.

Accept, Sir, etc.

SACHS

His Excellency Mr. Martin J. Hillenbrand
Ambassador of the United States of America
