

No. 15900

**BRAZIL
and
UNITED STATES OF AMERICA**

Exchange of notes constituting an agreement relating to the reciprocal acceptance of airworthiness certificates. Brasília, 16 June 1976

Authentic texts: English and Portuguese.

Registered by Brazil on 30 August 1977.

**BRÉSIL
et
ÉTATS-UNIS D'AMÉRIQUE**

Échange de notes constituant un accord relatif à l'acceptation réciproque des certificats de navigabilité pour les aéronefs. Brasília, 16 juin 1976

Textes authentiques : anglais et portugais.

Enregistré par le Brésil le 30 août 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN BRAZIL AND THE UNITED STATES OF AMERICA RELATING TO THE RECIPROCAL ACCEPTANCE OF AIRWORTHINESS CERTIFICATES

I

Brasília, June 16, 1976

No. 250

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 component 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 certification, 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.

3. In the case of a component which is produced in the exporting state for export and use on a product which is 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, meets the applicable test requirements and has been produced in accordance with the applicable 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.

¹ Came into force on 16 June 1976, the date of the note in reply, in accordance with the provisions of the said notes.

This provision shall only apply to those components which are produced by a manufacturer in the exporting state pursuant to an agreement between the 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 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 of 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 purpose of this Agreement:

- (A) "Products" means aircraft, engines, propellers and appliances;
- (B) "Aircraft" means a 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. Either contracting state may terminate this Agreement at the expiration of not less than 60 days after giving written notice of that intention to the other state.

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

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

[Signed — Signé]¹

His Excellency Antonio F. Azeredo da Silveira
Minister of Foreign Affairs
Brasília

II

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

Em [16] de [junho] de 1976.

DPG/DCS/DA1/680.4(B46)(B13)

Senhor Embaixador,

Tenho a honra de dirigir-me a Vossa Excelência a propósito de sua Nota desta data, com o seguinte teor:

“Excelência, Tenho a honra de referir-me às conversações havidas entre representantes de nossos dois Governos acerca da aceitação recíproca de certificados de aeronavegabilidade, em cujo transcorrer foram mantidos entendimentos quanto a medidas adequadas, necessárias com vistas a objetivos comuns de segurança e ao estabelecimento de padrões tão semelhantes quanto possível. É seu entendimento que nossos dois Governos chegaram a um acordo nos termos abaixo. Também é meu entendimento que o citado acordo não se refere a requisitos de redução de níveis de ruído e anti-polução.

¹ Signed by John Hugh Crimmins—Signé par John Hugh Crimmins.

“10. As autoridades aeronáuticas competentes de cada Estado contratante ajustarão mutuamente os procedimentos que julgarem necessários para a implementação deste Acordo e assegurar sejam evitadas certificações, testes e análises redundantes.

“11. Cada Estado contratante manterá o outro Estado contratante informado da identidade de suas autoridades aeronáuticas competentes.

“12. Qualquer dos Estados contratantes poderá pôr termo a este Acordo ao final do prazo não inferior a 60 (sessenta) dias, a contar de notificação ao outro Estado, por escrito, desse propósito.

“Ao recebimento da Nota de Vossa Excelência com indicação de que as disposições anteriores são aceitáveis para o Governo brasileiro, o Governo dos Estados Unidos da América considerará que a presente Nota e sua resposta constituem Acordo entre nossos dois Governos nessa matéria, a entrar em vigor na data de sua resposta.”

2. Em resposta à transcrita Nota de Vossa Excelência, tenho a honra de confirmar-lhe a concordância do Governo brasileiro com seus termos, bem como o entendimento de que aquela Nota, e a presente, constituam Acordo entre nossos dois Governos, com vigência a partir desta data.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

ANTONIO F. AZEREDO DA SILVEIRA

A Sua Excelência o Senhor John Hugh Crimmins
Embaixador dos Estados Unidos da América

[TRANSLATION — TRADUCTION]

16 June 1976

DPG/DCS/DAI/680.4 (B46)(B13)

Sir,

I have the honour to refer to your note of today's date, which reads as follows:

[See note I]

In reply to your note transcribed above, I have the honour to confirm that its terms are acceptable to the Brazilian Government, which considers that your note together with this reply constitute an agreement between our two Governments, which shall enter into force as of this date.

I take this opportunity to send you renewed assurances of my highest consideration.

ANTONIO F. AZEREDO DA SILVEIRA

His Excellency John Hugh Crimmins
Ambassador of the United States of America