

**No. 16040**

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**UNITED STATES OF AMERICA  
and  
POLAND**

**Exchange of notes constituting an agreement relating to  
certificates of airworthiness for imported aircraft  
products (with annex). Washington, 8 November 1976**

*Authentic texts: English and Polish.*

*Registered by the United States of America on 29 November 1977.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
POLOGNE**

**Échange de notes constituant un accord relatif aux certi-  
ficats de navigabilité pour les aéronefs importés (avec  
annexe). Washington, 8 novembre 1976**

*Textes authentiques : anglais et polonais.*

*Enregistré par les États-Unis d'Amérique le 29 novembre 1977.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE UNITED STATES OF AMERICA AND THE  
POLISH PEOPLE'S REPUBLIC RELATING TO CERTIFICATES  
OF AIRWORTHINESS FOR IMPORTED AIRCRAFT PRODUCTS

I

*The Secretary of State to the Polish Ambassador*

November 8, 1976

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 those civil aeronautical products listed in the Annex to this Agreement which are certificated or approved by the exporting and importing States. The Annex may be amended, as necessary, from time to time, upon mutual agreement of the Parties to this Agreement.

2. 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 3 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.

3. 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.

4. 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.

5. The competent aeronautical authorities of the exporting State shall, in respect of products produced in that State, assist the competent aeronautical authorities of the

<sup>1</sup> Came into force on 8 November 1976, the date of the note in reply, in accordance with the provisions of the said notes.

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.

6. 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.

7. 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.

8. For the purpose of this Agreement:

(a) "Products" means aircraft, engines, propellers and appliances listed in the Annex;

(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 engine accessories and engine 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) "Produced in one Contracting State" means that the product or component as a whole is fabricated in the exporting State; except that parts of a product fabricated in a State with which the importing State does not have a relevant bilateral airworthiness agreement may be used when approval is granted by the importing State, which will be done on a case-by-case basis;

(g) "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; and

(h) "Competent aeronautical authorities" means the authorities which according to the laws of the Contracting State concerned have the responsibility for airworthiness certification of civil aeronautical products and components.

9. 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.

10. Each Contracting State shall keep the other Contracting State advised as to the identity of its competent aeronautical authorities.

11. 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.

12. This Agreement shall terminate and replace the Agreement between the two Governments for the reciprocal validation of certificates of airworthiness, effected by an exchange of notes at Washington on September 16, 1965, and September 27, 1965.<sup>1</sup>

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the Polish People's 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 shall enter into force on the date of your reply.

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

For the Secretary of State:

PAUL BOEKER

His Excellency Dr. Witold Trąpczyński  
Ambassador of the Polish People's Republic

## ANNEX

### *Products from Poland*

- (A) Civil glider aircraft, and replacement and modification parts therefor, designed and produced in Poland.
- (B) Piston engines of 1000 H.P. or less with associated propellers and accessories, and replacement and modification parts therefor, produced in Poland.
- (C) Small fixed-wing aircraft of 12,500 lbs. or less maximum take-off gross weight, and replacement and modification parts therefor, produced in Poland, and designed in Poland or the United States or in another State with which the United States has a bilateral airworthiness agreement covering such aircraft, provided that in this last case, responsibility for design control exists in Poland.

### *Products from the United States, its Territories and Possessions*

—U.S. designed and produced aircraft, engines, propellers and appliances.

<sup>1</sup> United Nations, *Treaty Series*, vol. 564, p. 169.

## ZAŁĄCZNIK

*Wyroby z Polski*

- A. Zaprojektowane i wyprodukowane w Polsce cywilne szybowce oraz zamienne i zmodyfikowane części do tych szybowców.
- B. Wyprodukowane w Polsce silniki tłokowe 1000 KM lub mniej, z towarzyszącymi śmigłami i agregatami oraz zamienne i zmodyfikowane części do tych silników.
- C. Małe samoloty o maksymalnym ciężarze startowym 12.500 funtów lub mniej oraz zamienne i zmodyfikowane części do tych samolotów, wyprodukowane i zaprojektowane w Polsce lub w Stanach Zjednoczonych lub w innym Państwie, z którym Stany Zjednoczone posiadają dwustronne porozumienie o uznawaniu świadectw zdatności do lotów obejmujące te samoloty, z zastrzeżeniem, iż w tym ostatnim przypadku odpowiedzialność za nadzór nad projektowaniem spoczywa na Polsce.

*Wyroby ze Stanow Zjednoczonych, ich Terytoriów i Posiadłości*

- Zaprojektowane i wyprodukowane w USA statki powietrzne, silniki, śmigła i osprzęt.

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]EMBASSY OF THE POLISH PEOPLE'S REPUBLIC  
WASHINGTON, D.C.

November 8, 1976

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note dated November 8, 1976, which reads as follows:

[See note I]

I have the honor to inform Your Excellency that my Government agrees with the contents of the above-mentioned note, and accepts Your Excellency's proposal that the above note and this reply shall constitute an agreement between our two Governments which shall enter into force on this date.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[Signed]

WITOLD TRĄMPCZYŃSKI  
Ambassador

His Excellency Henry A. Kissinger  
Secretary of State  
Washington, D.C.

[Annex as under note I]

<sup>1</sup> Translation supplied by the Government of the United States of America.

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.