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**UNITED STATES OF AMERICA
and
JAPAN**

Exchange of notes constituting an agreement relating to certificates of airworthiness for imported aircraft products and components. Washington, 29 November 1977

Authentic text: English.

Registered by the United States of America on 24 November 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

Échange de notes constituant un accord relatif aux certificats de navigabilité des produits et éléments aéronautiques importés. Washington, 29 novembre 1977

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 24 novembre 1978.

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

I

EMBASSY OF JAPAN
WASHINGTON

November 29, 1977

Excellency:

I have the honor to refer to the discussions which have taken place between representatives of the Government of Japan and of the Government of the United States of America relating to the reciprocal acceptance of airworthiness certification. I have further the honor to state that the two Governments have reached an understanding as set out below:

1. This understanding shall apply to civil aeronautical products (hereinafter referred to as "products") and certain components when such products or components are produced in one of the two States (hereinafter referred to as "the exporting State") and exported to the other State (hereinafter referred to as "the importing State"), and to the products produced in a third State with the Government of which both of the Governments have agreements similar in scope for reciprocal acceptance of airworthiness certifications (hereinafter referred to as "third State") and exported or imported between Japan and the United States of America.

2. (a) If the competent aeronautical authorities (hereinafter referred to as "authorities") of the exporting State certify that a product produced in the exporting State complies either with the applicable laws, regulations and requirements of the exporting State as well as any additional requirements referred to in paragraph 4 below which may have been prescribed by the Government of the importing State, or with the applicable laws, regulations and requirements of the importing State, as notified by the Government of the importing State as being applicable in the particular case, the Government of the importing State shall give the same validity to the certification as if the certification had been made by its authorities in accordance with its applicable laws, regulations and requirements.

(b) In the case of a product produced in a third State and exported from the exporting State to the importing State, if the authorities of the exporting State certify that the product conforms to the design which has been originally certificated or approved in the importing State and that the product is in a proper state of airworthiness, the Government of the importing State shall give the same validity to the certification as if the certification had been made by its authorities in accordance with its applicable laws, regulations and requirements.

3. (a) 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 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 Government of the importing State to the Government of the exporting State, the Government of the importing

¹ Came into force on 29 November 1977, the date of the note in reply, in accordance with the provisions of the said notes.

State shall give the same validity to the certification as if the certification had been made by its authorities in accordance with its applicable laws, regulations and requirements.

(b) The foregoing sub-paragraph 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 Government of the importing State, a component is of such complexity that determination of conformity and quality control cannot readily be made at the time when the component is assembled with the product.

4. The authorities of the importing State shall have the right to make acceptance of any certification by the authorities of the exporting State dependent upon the product meeting any additional requirements which the authorities of the importing State find 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 authorities of the importing State shall promptly advise the authorities of the exporting State of any such additional requirements.

5. The authorities of each State shall keep the authorities of the other State fully informed of all mandatory airworthiness modifications and special inspections which the former authorities determine are necessary in respect of products to which this understanding applies.

6. The authorities of the exporting State shall, in respect of products produced in the exporting State, assist the authorities of the importing State in determining whether major design changes and major repairs made under the control of the authorities of the importing State comply with the laws, regulations and requirements of the exporting State under which the product was originally certificated or approved.

7. The authorities of each State shall keep the authorities of the other State currently informed of all relevant laws, regulations and requirements.

8. In the case of conflicting interpretations of the laws, regulations or requirements pertaining to certification or approval under this understanding, the interpretation of the authorities of the State whose laws, regulations or requirements are being interpreted shall prevail.

9. For the purposes of this understanding:

(a) "Products" means aircraft, engines, propellers, appliances, and their replacement and modification parts;

(b) "Aircraft" means civil aircraft of all categories, whether used in public transportation or for other purposes;

(c) "Engines" means engines intended for use in aircraft as defined in (b);

(d) "Propellers" means propellers intended for use in aircraft as defined in (b);

(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;

(f) "Component" means any 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 exporting 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 a state other than that State;

(h) "Applicable laws, regulations and requirements" means:

(i) Those airworthiness laws, regulations and requirements which are effective on the date when a manufacturer applies for certification of a product in the importing State, or

(ii) For products currently in production, those airworthiness laws, regulations and requirements which were required to be used for the certification of a product in the exporting State, or those airworthiness laws, regulations and requirements of the importing State which were

applicable to similar products on the date when the above airworthiness laws, regulations and requirements of the exporting State were required to be used, or

(iii) For products no longer in production, such airworthiness requirements as the authorities of the importing State find acceptable in the particular case; and

(i) "Authorities" means, in the case of Japan, the Ministry of Transport and any person or agency authorized to perform the functions of the said Ministry and, in the case of the United States of America, the Federal Aviation Administration and any person or agency authorized to perform the functions of the said Administration.

10. The authorities of each State shall make such mutual arrangements in respect of the operation of this understanding as they deem necessary.

11. Each Government shall keep the other Government informed as to the identity of its authorities.

12. No provision of this understanding will be construed so as to relate to noise abatement or anti-pollution requirements.

13. The provisions of this understanding shall be implemented by the Governments of Japan and of the United States of America in accordance with their respective laws, regulations and requirements.

14. Either Government may terminate this understanding by giving two (2) months' written notice of that intention to the other Government.

15. This understanding shall terminate and replace the agreement between the two Governments for the reciprocal acceptance of certificates of airworthiness, effected by the Exchange of Notes at Washington on February 1, 1963.¹

If the foregoing provisions are acceptable to the Government of the United States of America, I have the honor to propose that this note and Your Excellency's reply to that effect shall be regarded as constituting an agreement between our two Governments, which shall enter into effect on the date of Your Excellency's reply.

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

[Signed — Signé]²

Ambassador Extraordinary
and Plenipotentiary of Japan

His Excellency Cyrus Vance
Secretary of State of the United States of America

II

November 29, 1977

Excellency:

I have the honor to refer to Your Excellency's note of today's date which reads as follows:

[See note I]

I have further the honor to confirm that the foregoing proposal of the Government of Japan is acceptable to the Government of the United States of America and that Your

¹ United Nations, *Treaty Series*, vol. 473, p. 50.

² Signed by Fumihiko Togo — Signé par Fumihiko Togo.

Excellency's note and this reply are regarded as constituting an agreement between our two Governments effective on this date.

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

For the Secretary of State:
JULIUS L. KATZ

His Excellency Fumihiko Togo
Ambassador of Japan
