

**No. 31547**

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**CANADA  
and  
ITALY**

**Agreement on airworthiness. Signed at Ottawa on 18 February 1991**

*Authentic texts: English and French.*

*Registered by Canada on 27 January 1995.*

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**CANADA  
et  
ITALIE**

**Accord de navigabilité. Signé à Ottawa le 18 février 1991**

*Textes authentiques : anglais et français.*

*Enregistré par le Canada le 27 janvier 1995*

## AGREEMENT<sup>1</sup> ON AIRWORTHINESS BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF ITALY

The Government of Canada and the Government of Italy, hereinafter referred to as the "Contracting Parties",

WHEREAS:

- Each Contracting Party has determined that the standards and systems of the other Contracting Party for the airworthiness and environmental certification or acceptance of aeronautical products are sufficiently equivalent to its own to make an Agreement practicable;
- Each Contracting Party wishes to develop and employ procedures for granting airworthiness and environmental certification or acceptance of aeronautical products imported from the other Contracting Party so as to give as much recognition as is practicable to technical evaluations, test results, inspections, conformity statements, marks of conformity and certificates accepted or issued by or on behalf of the airworthiness authority of the exporting Party in granting its own domestic certification of such aeronautical products; and
- In the interest of promoting aviation safety and preservation of the environment and with a view to fostering cooperation and assistance between their airworthiness authorities in achieving common safety and environmental quality objectives, establishing and maintaining airworthiness and environmental standards and certification systems which are as similar to those of the other Contracting Party as practicable and cooperating in the reduction of the economic burden on aviation industries and operators arising from redundant technical evaluations, tests and inspections;

Therefore, having agreed on certain principles and arrangements in order to:

- facilitate the airworthiness and environmental certification, approval or acceptance by the airworthiness authority of the importing Party of aeronautical products, including maintenance services, imported and exported between the two Contracting Parties;

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<sup>1</sup> Came into force on 18 February 1991 by signature, in accordance with article X.

- provide for the development of procedures between the two airworthiness authorities for these purposes and for facilitating management of the emerging trend toward multinational design, manufacture, and interchange of aeronautical products involving the joint interests of the Contracting Parties in airworthiness and environmental certification;
- provide for cooperation in sustaining safety and environmental quality objectives;

THE CONTRACTING PARTIES AGREE AS FOLLOWS:

## ARTICLE I

### Definitions

For the purpose of this Agreement:

"Additional Technical Conditions" means the terms notified by the importing Party for the acceptance of the type design of an aeronautical product or for the acceptance of an aeronautical product to account for differences between Contracting Parties in:

- (i) adopted airworthiness and environmental standards;
- (ii) special conditions relating to novel or unusual features of the aeronautical product design which are not covered by the adopted airworthiness and environmental standards;
- (iii) application of exemptions or equivalent safety findings from the adopted airworthiness and environmental standards;
- (iv) maintenance requirements;
- (v) mandatory airworthiness action taken to correct unsafe conditions.

"Airworthiness Criteria" means criteria governing the design, performance, materials, workmanship, manufacture, maintenance and alteration or modification of aeronautical products as prescribed by the airworthiness authority of the importing State to enable it to find that the design, manufacture and condition of these aeronautical products comply with its own laws, regulations, standards and requirements concerning airworthiness.

"Alteration or Modification" means making a change to the type design.

"Aeronautical Product" means any civil aircraft, or aircraft engine, propeller, appliance, material, part or component to be installed thereon, new or used.

"Airworthiness Authority" means the national government organization of a Contracting Party responsible for regulating the airworthiness and environmental certification, approval or acceptance of aeronautical products.

"Design-related Operational Requirements" means operational requirements related to design features of an aeronautical product or data on its design relating to its operation or maintenance that make it eligible for a particular kind of operation.

"Environmental Criteria" means criteria governing the design, performance, materials, workmanship, manufacture, maintenance and alteration or modification of aeronautical products prescribed by the importing authority to ensure compliance with the laws, regulations, standards and requirements of the importing Party concerning noise and emissions abatement.

"Exporting Party" means the Contracting Party exporting a type design, a modification thereof, or an aeronautical product, under the provisions of this Agreement.

"Exporting Authority" means the airworthiness authority of the exporting Party.

"Importing Party" means the Contracting Party importing a type design, a modification thereof, or an aeronautical product, under the provisions of this Agreement.

"Importing Authority" means the airworthiness authority of the importing Party.

"Maintenance" means actions to ensure the airworthiness of an aeronautical product not including alterations or modifications.

"Product Airworthiness Approval" means granting an airworthiness certificate, approval or acceptance, as appropriate, by or on behalf of an airworthiness authority for a particular aeronautical product to permit its operation or use consistent with applicable laws, regulations, standards and requirements.

"State Regulating the Airworthiness of an Aircraft" means the Contracting Party responsible for issuing a certificate of airworthiness for an aircraft, or the Contracting Party responsible for the certification of an operator operating, under lease or charter, an aircraft which possesses a certificate of airworthiness issued by another State.

"Time of First Application" means the time that the application was received for the approval of the aeronautical product type design either:

- (i) by the exporting authority; or
- (ii) in the case of an aeronautical product design introduced into and manufactured in the territory of the exporting Party from a third State with which both Contracting Parties have in force bilateral airworthiness agreements or arrangements similar in scope to this Agreement, by the airworthiness authority of a third State.

"Type Design" means the description of all characteristics of an aeronautical product, including its design, manufacture, limitations and continued airworthiness instructions, which determine its airworthiness.

"Type Design Approval" means granting a certificate, approval or acceptance by or on behalf of an airworthiness authority for the type design of an aeronautical product.

## ARTICLE II

### Scope

This Agreement applies to:

- (a) the acceptance by the importing authority, where the exporting authority is responsible for type certification, of the exporting authority's type design approval, including environmental approval, and at the option of the importing authority, of the exporting authority's finding of compliance with the importing authority's design-related operational requirements for aeronautical products, the type certification of which is the responsibility of the exporting authority;
- (b) the acceptance by the importing authority of the airworthiness certification, approval or acceptance of aeronautical products exported from the territory of the other Contracting Party, including both new and used aeronautical products designed or manufactured partially or wholly in other States;
- (c) the acceptance by one airworthiness authority of maintenance, alterations or modifications performed under the authority of the other airworthiness authority on aircraft, or on aircraft engines, propellers, appliances, materials, parts or components installed or suitable for installation in civil aircraft;

- (d) cooperation and assistance with respect to maintaining the continuing airworthiness of in-service aircraft;
- (e) exchange of information regarding environmental standards and certification systems;
- (f) cooperation in providing technical evaluations and assistance.

### ARTICLE III

#### Acceptance of the Type Design Approval

1. If the exporting authority, applying its own certification system, certifies to the importing authority that the type design of an aeronautical product, or a change to an aeronautical product type design previously approved by the importing authority, complies with airworthiness and environmental criteria prescribed by the importing authority, the importing authority shall, in establishing compliance with its own laws, regulations, standards and requirements for granting type design approval, give the same validity to the technical evaluations, determinations, tests and inspections made by the exporting authority as if it had made them itself.
2. The importing authority shall prescribe the airworthiness and environmental criteria for the type design approval of any aeronautical product, in terms of the laws, regulations, standards, requirements and certification system of the exporting authority together with any additional technical conditions it deems necessary.
3. The exporting authority shall assist the importing authority to become familiar with the aeronautical product to be imported and with the laws, regulations, standards, requirements and certification system applied by the exporting authority.
4. Notwithstanding paragraph 2., the importing authority may prescribe additional technical conditions to ensure that the aeronautical product meets the airworthiness and environmental standards equivalent to those which would be required for a similar aeronautical product designed or manufactured in the territory of the importing Party at the time of first application.
5. As soon as practicable after it has become familiar with the design of an aeronautical product, the importing authority shall notify the exporting authority of its requirements concerning airworthiness and environmental criteria for type design approval.

6. On request from the exporting authority, the importing authority shall promptly advise the exporting authority of its current design-related operational requirements.
7. If pursuant to agreement between them, the exporting authority certifies to the importing authority that the design of an aeronautical product or data on the design relating to the operations or maintenance of such aeronautical product comply with those design-related operational requirements prescribed by the importing authority, the importing authority, in establishing compliance with its own operational requirements, shall give the same validity to the technical evaluations, determinations, tests and inspections made by the exporting authority as if it had made them itself.

#### ARTICLE IV

##### Acceptance of Aeronautical Product Airworthiness Certification

If the exporting authority certifies to the importing authority that an aeronautical product in respect of which type design approval has been issued or is in the process of being issued by the importing authority, conforms in construction to a type design description notified by the importing authority and is in a condition for safe operation, the importing authority shall give the same validity to the technical evaluations, determinations, tests, and inspections made by the exporting authority as if it had made them itself on the date of the certification by the exporting authority.

#### ARTICLE V

##### Maintenance and Performance of Alterations or Modifications

1. If maintenance or an alteration or modification is performed and certified, under the authority of one airworthiness authority in accordance with its own approval system, on an aircraft which is under the airworthiness regulation of the other airworthiness authority, or on any aeronautical product designed for installation on such aircraft, the other airworthiness authority shall give the same validity to such maintenance, alteration or modification and certification as if performed or certified in its own territory provided it has, directly or by delegation, approved such maintenance or alteration or modification.
2. The Contracting Parties may jointly determine which of them will regulate the airworthiness of an aircraft registered in the territory of one Contracting Party that is operated by an operator of the other Contracting Party.

## ARTICLE VI

### Continuing Airworthiness

1. The airworthiness authorities of both Contracting Parties shall cooperate in analyzing airworthiness aspects of accidents and incidents related to aeronautical products to which this Agreement applies.
2. In respect of aeronautical products designed or manufactured in its territory the exporting authority shall where appropriate, specify any action it deems necessary to correct any unsafe condition of the type design that may be discovered after an aeronautical product is placed in service, including any actions in respect of components designed or manufactured by a supplier under contract to a prime contractor.
3. In respect of an aeronautical product designed or manufactured in its own territory, the exporting authority shall assist the importing authority in establishing procedures deemed necessary by the importing authority for maintaining the continuing airworthiness of such aeronautical product.
4. Each airworthiness authority shall promptly inform the other of all mandatory airworthiness modifications, special inspections, special operating limitations or other actions which it deems necessary for maintaining the continuing airworthiness of relevant aeronautical products designed or manufactured in the territories of the Contracting Parties.

## ARTICLE VII

### Mutual Cooperation and Assistance

1. In respect of aeronautical products designed or manufactured in its territory, the exporting authority shall on request assist the importing authority in determining whether the design of major changes, or repairs made under the control of the importing authority, comply with the airworthiness and environmental standards under which such aeronautical products were originally approved by the exporting authority.
2. Each airworthiness authority shall apprise the other of all its relevant airworthiness and environmental laws, regulations, standards and requirements, and of its airworthiness and environmental certification system.
3. Each airworthiness authority shall as soon as practicable notify the other of proposed significant revisions to its standards and system for airworthiness and environmental



certification or approval; offer the other airworthiness authority an opportunity to comment and give due consideration to the comments made by the other airworthiness authority on the intended revisions.

4. Amendments to certification procedures for aeronautical products covered by this Agreement shall be by agreement in writing between the airworthiness authorities.
5. The airworthiness authorities shall provide to each other such technical evaluation assistance as they agree is appropriate.

#### ARTICLE VIII

##### Interpretation

In the case of conflicting interpretations of the airworthiness or environmental criteria, or design-related operational requirements prescribed by the importing authority pertaining to certifications, approvals or acceptances under this Agreement, the interpretation of the importing authority shall prevail.

#### ARTICLE IX

##### Implementation

1. The airworthiness authorities shall endeavour to develop a schedule of implementation procedures for this Agreement.
2. When such a schedule has been agreed between the airworthiness authorities, this Agreement shall be implemented in accordance with its provisions.
3. The airworthiness authorities will jointly review such schedule from time to time and may amend it as appropriate by written agreement.

#### ARTICLE X

##### Entry into Force

This Agreement shall enter into force upon signature by both Parties.

**ARTICLE XI****Termination**

Either Contracting Party may at any time give notice by diplomatic note to the other Contracting Party, of its decision to terminate this Agreement. The Agreement shall terminate twelve months following the date of receipt of the notice by the other Contracting Party, unless the said notice of termination has been withdrawn by mutual agreement before the expiry of this period.

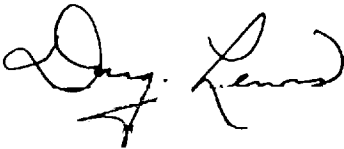
*[For the testimonium and signatures, see p. 419 of this volume.]*

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement.

DONE in duplicate in *Ottawa* this *18<sup>th</sup>* day of *February, 1991*, in the English and French languages, each version being equally authentic.

EN FOI DE QUOI les représentants des deux gouvernements, dûment autorisés à cet effet, ont signé le présent accord.

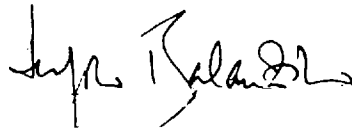
Fait en double exemplaire à *Ottawa*, le *18<sup>ème</sup>* jour de *février 1991*, en anglais et en français, les deux versions faisant également foi.



DOUG LEWIS

For the Government  
of Canada

Pour le Gouvernement  
du Canada



SERGIO LILVIO BALANZINO

For the Government  
of Italy

Pour le Gouvernement  
de l'Italie