

CHINA

EMBASSY OF THE UNITED STATES OF AMERICA

October 8, 1991

Excellency:

I have the honor to refer to the discussions which have recently taken place between representatives of our two Governments regarding an agreement concerning the airworthiness certification, approval, or acceptance of imported civil aeronautical products and cooperation on this matter between the Government of the United States of America and the Government of the People's Republic of China, hereinafter referred to as "the Contracting States." It is my understanding that the Agreement shall be as follows:

His Excellency

QIAN QICHEN,

Minister of Foreign Affairs of

The People's Republic of China.

1. **PURPOSE**

The purpose of this Agreement is to facilitate the airworthiness certification, approval, or acceptance by the civil airworthiness authority of the importing State of civil aeronautical products imported and exported between the United States and the People's Republic of China; to provide for the development of procedures between the two authorities for this purpose and to accommodate the emerging trend toward multinational design, production, and interchange of civil aeronautical products; and to provide for cooperation toward sustaining equivalent safety objectives.

2. **BASIS**

(a) Each Contracting State has determined that the standards and systems of the other Contracting State for the production and airworthiness certification, approval, or acceptance of civil aeronautical products are sufficiently equivalent to its own in respect to the scope of this Agreement to make this Agreement practicable;

(b) Each Contracting State agrees to employ procedures for granting airworthiness certification, approval, or acceptance for civil aeronautical products exported from the other Contracting State so as to give maximum practicable credit for inspections, marks of conformity, and certifications accepted or issued by the civil airworthiness authority of the exporting State in granting its own domestic certification of the products; and,

(c) In the interest of promoting aviation safety, each Contracting State agrees to encourage cooperation and assistance between its civil airworthiness authority and that of the other Contracting State toward achieving common safety objectives, to establish and maintain airworthiness standards and certification systems which are as similar to those of the other Contracting State as is practicable, and to cooperate to discharge effectively each Contracting State's airworthiness responsibilities while reducing, to the minimum, the economic burden imposed on each Contracting State's aviation industries and operators by avoiding redundant evaluations and inspections.

3. **SCOPE OF COVERAGE**

This Agreement applies to:

(a) The acceptance by the People's Republic of China civil airworthiness authority of the type design approval of civil aeronautical products for which the United States civil airworthiness authority is the basic type certificating authority;

(b) The acceptance by the United States civil airworthiness authority of the type design approval of civil aeronautical products for which the People's Republic of China civil airworthiness authority is the basic type certificating authority once the United States civil airworthiness authority makes a determination that the PRC

airworthiness system is capable of, and is similar to the U.S. system in, producing equivalent results;

(c) The acceptance by the United States civil airworthiness authority of the production approval and airworthiness certification or approval of civil aeronautical products for which the People's Republic of China manufacturer holds the manufacturing rights to a United States type certificate under a licensing agreement with a United States manufacturer, or with a manufacturer in another State with which the United States has an agreement for the reciprocal acceptance of type design certifications;

(d) Technical cooperation and assistance including the exchange of information between the civil airworthiness authorities of the Contracting States toward developing and maintaining equivalent safety standards and the application of equivalent certification systems.

4. **DEFINITIONS**

For the purposes of this Agreement:

(a) "Airworthiness criteria" means criteria governing the design, performance, materials, workmanship, manufacture, maintenance, and alternation or modification of civil aeronautical products to be imported, as prescribed by the civil airworthiness authority of the importing State, to enable it to find that the design, construction, and condition of the product comply with the laws, regulations, standards, and requirements of the importing State concerning airworthiness.

(b) "Civil aeronautical product" (herein also referred to as "product") means any civil aircraft, or aircraft engine, propeller, appliance, material, part, or component to be installed thereon.

(c) "Civil airworthiness authority" (herein also referred to as "airworthiness authority") means the national government agency within a Contracting State which is charged by the laws of that State with regulating the airworthiness certification, approval, or acceptance of civil aeronautical products.

(d) "Exporting State" means the Contracting State making a certifying statement to the importing State concerning a product's compliance with the airworthiness criteria.

(e) "Importing State" means the Contracting State accepting a certifying statement from the exporting State concerning a product's compliance with the airworthiness criteria.

(f) "Product airworthiness approval" means the issuance of an airworthiness certificate, approval, or acceptance, as appropriate, by an airworthiness authority for a

particular civil aeronautical product to permit operation or use of the product under the laws, regulations, standards, and requirements of the issuing State.

(g) "Type design approval" means the certification, approval, or acceptance by the issuing airworthiness authority of the design of a product including its performance, operating characteristics, and operating limitations.

5. PRODUCT AIRWORTHINESS APPROVAL

If the airworthiness authority of the exporting State certifies to the airworthiness authority of the importing State that a product, for which a type design approval has been issued or is in the process of being issued by the airworthiness authority of the importing State, or by the airworthiness authority of another State with which the importing State has a reciprocal airworthiness agreement and in which the exporting manufacturer has a licensing agreement with the type design approval holder, conforms in construction to a type design description notified by the airworthiness authority of the importing State and is in a condition for safe operation, the importing State shall give the same validity to the technical evaluations, tests, and inspections made by the airworthiness authority of the exporting State as if it had made them itself on the date of the certification by the airworthiness authority of the exporting State. Additional inspections may be made by the airworthiness authority of the importing State at the time of its airworthiness certification, approval, or acceptance as it deems necessary to ensure that the product has not been changed or has not deteriorated since the date of certification by the airworthiness authority of the exporting State.

6. NOTIFICATION OF MANDATORY ACTIONS

The airworthiness authority of each Contracting State shall keep the airworthiness authority of the other Contracting State fully informed of all mandatory airworthiness modifications, special inspections, special operating limitations, or other actions which it determines are necessary for continuing airworthiness of products manufactured in either Contracting State that have been imported or exported under this Agreement.

7. MUTUAL COOPERATION AND ASSISTANCE

(a) The airworthiness authorities of the Contracting States shall cooperate in analyzing the airworthiness aspects of accidents and incidents involving products covered by this Agreement.

(b) The airworthiness authority of each Contracting State shall keep the airworthiness authority of the other Contracting State currently informed of all relevant airworthiness laws, regulations, standards, and requirements, and of the airworthiness certification system of their State. The airworthiness authority of each Contracting State shall, to the maximum extent practicable, notify the airworthiness authority of the other Contracting State of any plans to make significant revisions to its standards and system

for airworthiness certification or approval; shall, to the maximum extent practicable, offer the other authority an opportunity to comment; and, shall give due consideration to the comments made by the other authority on the intended revision.

(c) In the case of differing interpretations of the airworthiness criteria pertaining to certifications, approvals or acceptance for import under this agreement, the civil airworthiness authority of the exporting State may request consultations regarding the relevant criteria prior to the issuance of a final interpretation of the airworthiness standards of the importing State, so as to meet the requirements of the civil airworthiness authority of the importing State.

8. IMPLEMENTATION

(a) Each Contracting State shall keep the other Contracting State advised as to the identity of its airworthiness authority. On the date of this Agreement, the civil airworthiness authority of the United States is the Federal Aviation Administration, Department of Transportation; and on the date of the Agreement, the civil airworthiness authority of the People's Republic of China is the Civil Aviation Administration of China. On behalf of their respective Governments, both airworthiness authorities are responsible for implementing this Agreement.

(b) The FAA, CAAC, and where appropriate, the airworthiness authority of the State where the licensing manufacturer is located, shall mutually develop the procedures and conditions necessary to implement this Agreement. These procedures and conditions shall be set out in an implementation document to be concluded between the FAA and the CAAC. The CAAC and the FAA shall review procedures and conditions from time to time and may amend the implementation document by written agreement as necessary to fulfill the intent of the Agreement.

9. AMENDMENT

If either of the Contracting States considers it desirable to amend any provisions of this Agreement, it may at any time request consultations with the other Contracting State. Any amendment to the Agreement agreed upon as a result of these consultations shall be concluded by the Contracting States by an exchange of diplomatic notes.

10. TERMINATION

This Agreement may be terminated by either Contracting State by written notification through the diplomatic channel. Such termination shall take effect six months following the date of the written notification.

This agreement is done in both English and Chinese, both texts being equally authentic.

If the foregoing proposals are acceptable to the Government of the People's Republic of China, I have the honor to propose that this Note, and your Excellency's affirmative Note in reply, shall constitute an Agreement between our two Governments on this matter which shall enter into force on the date of your reply.

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

J. STAPLETON ROY

Department of State
Office of Language Services
Translating Division

LS No. 136931
PK/AO
Chinese

(Opening):

His Excellency, J. Stapleton Roy, Ambassador of the United States of America to the Peoples Republic of China.

Excellency: I have received your note of October 8, 1991, the contents of which are as follows:

(Closing):

On behalf of the Government of the Peoples Republic of China I confirm and agree to the contents of this note and confirm that this constitutes an agreement between the Governments of the two countries and is in effect beginning with the date of this note.

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

QIAN QICHEN
Minister of Foreign Affairs of the
Peoples Republic of China

Beijing, October 14, 1991