

# **POLAND**

## **Amendment to the Annex of the Agreement of November 8, 1976 as modified January 28, 1980**

*Effectuated by Exchange of Notes*

*Dated September 5, 2003 and February 9, 2004.*

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Poland and has the honor to request its consideration of amendments to its airworthiness agreement with the United States of America.

The Embassy of the United States of America refers the Ministry of Foreign Affairs of the Republic of Poland to the agreement between the United States of America and the Republic of Poland relating to the acceptance of certificates of airworthiness for imported aircraft products, which was effected by an exchange of notes at Washington on November 8, 1976 and amended by an exchange of notes at Washington on January 28, 1980 ("the Agreement").

The Embassy proposes that the Annex to the Agreement, under "Products from Poland," be amended as follows:

1. Revise paragraph (b) by substituting "1500" in place of "1000".

2. Revise paragraph (c) to read as follows:

"(C) Small fixed-wing aircraft of 12,500 lbs. or less maximum take-off gross weight, commuter category airplanes that have a maximum seating configuration of 19 passengers and a maximum take-off gross weight of 19,000 lbs. or less, 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."

If this proposal is acceptable to the Government of the Republic of Poland, the Embassy proposes that this note and the Ministry's affirmative note in reply shall constitute an agreement between the United States of America and the Republic of Poland to amend the Annex to the Agreement, which shall enter into force on the date of the Ministry's note in reply.

The Embassy of the United States takes this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Poland the assurances of its highest consideration.

Embassy of the United States of America  
Warsaw, September 5, 2003.

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**Agreement amending the Agreement of November 8, 1976**

*Effected by Exchange of Notes*

*Signed at Washington January 28, 1980*

*The Secretary of State to the Polish Ambassador*

January 28, 1980

Excellency:

I have the honor to refer to the discussions which have recently taken place between representatives of the Government of the United States of America and the Government of the Polish People's Republic regarding amendment of the agreement between our two Governments relating to the acceptance of each other's certificates of airworthiness for imported aircraft products, which was effected by an exchange of notes at Washington on November 8, 1976, and to propose that the agreement be amended as follows:

1. Renumber paragraph 2 as 2. (a) and add new subparagraphs (b) and (c) to read as follows:

"(b) In the case of a component or appliance 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 or appliance 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 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."

"(c) Subparagraph 2.(b) shall apply only to those components or appliances 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 apply only in those instances where, in the judgment of the Government of the importing State, a component or appliance is of such complexity that determination of conformity and quality control cannot readily be made at the time when the component or appliance is assembled with the product."

2. Renumber subparagraphs 8.(f), (g), and (h) as 8.(g), (h), and (i) respectively and insert a new subparagraph (f) to read as follows:

"(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."

3. Add to the Annex under Products from Poland the following new subparagraphs:

"(D) Helicopters with associated accessories 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. On a case-by-case basis, the United States may also accept helicopters which were designed in another State with which the United States has no bilateral airworthiness agreement and Poland is in possession of documentation and design data and bears the exclusive responsibility for design control of these helicopters."

"(E) Turbine engines 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 engines, provided that in this last case, responsibility for design control exists in Poland. On a case-by-case basis, the United States may also accept turbine engines which were designed in another State with which the United States has no bilateral airworthiness agreement and Poland is in possession of documentation and design data and bears the exclusive responsibility for design control of these turbine engines."

"(F) Components and appliances for U.S. manufactured products of the types specified in (A), (B), (C), (D), and (E)."

4. Revise the Annex under Products from the United States, its Territories and Possessions to read as follows:

"U.S. designed and produced aircraft, engines, propellers, components and appliances with replacement and modification parts therefor, as well as U.S. produced components and appliances for Polish manufactured products and replacement and spare parts therefor."

If the foregoing is acceptable to the Government of the Polish People's Republic, it is proposed that this note and your reply thereto indicating acceptance shall constitute an agreement between our two Governments 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:  
B. Boyd Hight

His Excellency  
Romuald Spasowski,  
Ambassador of the  
Polish People's Republic.

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## **POLISH PEOPLE'S REPUBLIC**

### **Certificates of Airworthiness for Imported Aircraft Products**

*Agreement effected by exchange of notes  
Signed at Washington November 8, 1976;  
Entered into force November 8, 1976.*

*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 the 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 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 the exchange of notes at Washington on September 16, 1965 and September 27, 1965.

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 TRAMPCZYNSKI,  
*Ambassador of the  
Polish People's Republic.*

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## 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 takeoff 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.