

SWITZERLAND

Certificates of Airworthiness for Imported Aircraft

Agreement amending the agreement of October 13, 1961.

Effected by exchange of notes

Signed at Washington January 7, 1977;

Entered into force January 7, 1977.

The Swiss Ambassador to the Secretary of State

EMBASSY OF SWITZERLAND

WASHINGTON, D.C., *January 7, 1977*

DEAR MR. SECRETARY:

I have the honor to refer to the discussions which have recently taken place between representatives of the Government of Switzerland and the Government of the United States of America regarding amendment of the agreement between our two Governments relating to the reciprocal acceptance of certificates of airworthiness for imported aircraft, which was effected by an exchange of notes at Bern on October 13, 1961 and to propose that the agreement be amended as follows:

In Article 1.a after the words "civil aircraft", in both places in which they appear, insert a comma and the words "appliances and components".

Add new subparagraphs c. and d. to Article 1 to read as follows:

c. "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, attached to or intended to be attached to an aircraft as defined in b., but is not part of an airframe, engine or propeller, and includes replacement and modification parts therefor.

d. "Component" means a material, part or subassembly not covered under "aircraft" or "appliance", for use on aircraft or appliances.

Renumber Articles 2 and 3 as 2.a and b respectively and add a new Article 3 to read as follows:

a. In the case of appliances which are constructed in the exporting State for export and use on aircraft which are or may be certificated or approved in the importing State, if the competent aeronautical authorities of the exporting State certify that the

design of the appliance complies with the airworthiness requirements of the exporting State together with any special conditions which are for the time being required by the importing State for approval of appliances and also certify that the particular appliance conforms to such design, the importing State shall give the same validity to the certification as if the certification had been made by its own competent aeronautical authorities.

b. In the case of components which are constructed in the exporting State for export and use on aircraft or appliances which are or may be certificated or approved in the importing State, if the competent aeronautical authorities of the exporting State certify that the component conforms to the applicable design data and meets the applicable test and quality control system requirements which have been notified by the importing State to the exporting State, the importing State shall give the same validity to the certification as if the certification had been made by its own competent aeronautical authorities. This provision shall only apply to those components which are constructed by a manufacturer in the exporting State pursuant to an agreement between that manufacturer and the aircraft or appliance manufacturer in the importing State. Furthermore, it shall only apply in those instances where, in the judgment of the importing State, the component is of such complexity that determination of conformity and quality control cannot readily be made at the time that the component is assembled with the product.

All other terms and conditions of the October 13, 1961 agreement remain the same.

If the foregoing is acceptable to the Government of the United States of America, it is proposed that this note together with your reply so indicating shall constitute an agreement between our two Governments which shall enter into force on the date of your note in reply.

Accept, dear Mr. Secretary, the renewed assurances of my highest consideration.

RAYMOND R. PROBST
Ambassador of Switzerland

The Honorable
HENRY A. KISSINGER
*The Secretary of State
Department of State
Washington, D.C. 2052*

SWITZERLAND

The American Ambassador to the President of the Swiss Confederation, Chief of the Federal Political Department

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA,

BERN, *October 13, 1961.*

EXCELLENCY:

I have the honour to refer to your note dated Friday, October 13, 1961 reading as follows:

"I have the honour to refer to the discussions which have recently taken place between representatives of the Government of Switzerland and the Government of the United States of America, reaching an understanding concerning the reciprocal acceptance of certificates of airworthiness for imported aircraft.

The agreement as made reads as follows:

Article 1

a. The present agreement applies to civil aircraft constructed in the United States, its territories and possessions and exported to Switzerland; and to civil aircraft constructed in Switzerland and exported to the United States, its territories and possessions.

b. As used herein, the term aircraft shall include civil aircraft of all categories including those used for public transport and those used for private purposes; aircraft engines and propellers; and spare parts for aircraft, aircraft engines and propellers which have been exported in accordance with this agreement.

Article 2

The same validity shall be conferred by the competent authorities of the United States on certificates of airworthiness for export issued by the competent authorities of Switzerland for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided, that such aircraft have been constructed in Switzerland and the competent authority of Switzerland has certified that the type design of the aircraft complies with the airworthiness requirements of Switzerland together with any special conditions prescribed in accordance with Article 6, and has certified that the particular aircraft conform to such type design.

Article 3

The same validity shall be conferred by the competent authorities of Switzerland on certificates of airworthiness for export issued by the competent authorities of the United States for aircraft subsequently to be registered in Switzerland as if they had been issued under the regulations in force on the subject in Switzerland, provided, that such aircraft have been constructed in the United States, its territories or possessions and the competent authority of the United States has certified that the type design of the aircraft complies with the airworthiness requirements of the United States together with any special conditions prescribed in accordance with Article 6, and have certified that the particular aircraft conform to such type design.

Article 4

a. The competent authorities of the United States shall arrange for the effective communication to the competent authorities of Switzerland of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling authorities of Switzerland to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

b. In the case of aircraft for which the United States has issued certificates of airworthiness for export, subsequently validated by Switzerland, the competent authorities of the United States shall, when requested, afford the competent authorities of Switzerland assistance in determining that major design changes or major repairs made to such aircraft comply with the applicable airworthiness requirements of the United States.

Article 5

a. The competent authorities of Switzerland shall arrange for the effective communication to the competent authorities of the United States of particulars of compulsory modifications prescribed in Switzerland for the purpose of enabling the authorities of the United States to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

b. In the case of aircraft for which Switzerland has issued certificates of airworthiness, subsequently validated by the United States, the competent authorities of Switzerland shall, when requested, afford the competent authorities of the United States assistance in determining that major design changes or major repairs made to such aircraft comply with the applicable airworthiness requirements of Switzerland.

Article 6

a. The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issuance of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

b. The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

Article 7

The question of procedure to be followed in the application of the provisions of the present agreement shall be the subject of direct correspondence, whenever necessary, between the competent authorities of the United States and Switzerland.

Article 8

The present agreement shall be subject to termination by either Government upon six months notice given in writing to the other Government.

Article 9

The present agreement is in the German and English languages, and the texts of both languages are equally authentic.

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the United States of America, the Government of Switzerland will consider that this note and Your reply thereto constitute an agreement between our two Governments on this subject, which shall enter into force provisionally on the date of Your reply note and shall enter into force definitively on the date of the notification from the Government of Switzerland to the Government of the United States of America that the agreement has been ratified by the Swiss Government.

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

I have the honour to convey the agreement of the Government of the United States of America to the foregoing and I confirm that your note of Friday, October 13, 1961 and my reply given herewith constitute an agreement between our two Governments on this subject.

Accept, Mr. President, the renewed assurances of my highest consideration.

ROBERT M. MCKINNEY

His Excellency

Mr. FRIEDRICH T. WAHLEN,
*President of the Swiss Confederation,
Chief of the Federal Political Department,
Bern.*