

ARGENTINA
EMBASSY OF THE
UNITED STATES OF AMERICA

Buenos Aires, June 22, 1989

Mrs. Minister:

I have the honor to refer to the discussions which have 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 United States and Argentina, hereinafter referred to as the Contracting States.

The Contracting States, having agreed on certain principles and arrangements in order 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 two Contracting States; to provide for the development of procedures between the two authorities for these purposes; to deal with emerging trends toward multinational design, manufacture, and interchange of civil aeronautical products involving the joint interests of the Contracting States as they concern airworthiness certification; and to provide for cooperation toward sustaining safety objectives, have accordingly concluded the following agreement to this end.

1. BASIS

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

(b) Each Contracting State agrees to develop and 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 technical evaluations, test results, inspection, conformity statements, marks of conformity, and certifications accepted or issued by or on behalf of the civil airworthiness authority of the exporting state in granting its own domestic certification of the products

(c) In the interest of promoting aviation safety standards, 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, taking into account commitments, to joint agreements; and to cooperate to reduce, to the minimum, the economic burden imposed on each State's aviation industries and operators by avoiding redundant technical evaluations, tests and inspections

2. SCOPE OF COVERAGE

This Agreement applies to:

(a) The acceptance by the importing authority of the type design approval, and the finding of compliance made by the exporting authority with the importing authority's design related operational requirements, for civil aeronautical products for which the importing authority is the basic type certifying authority.

(b) The acceptance by the importing authority of the airworthiness certification, approval, or acceptance of civil aeronautical products that may be exported from the other Contracting State, including both new and used products which were designed or manufacture partially wholly in other states;

(c) Cooperation and assistance on continued airworthiness of inservice aircraft;

(d) Cooperation, assistance, and exchange of information regarding safety standards and certification systems.

(e) Cooperation in providing technical evaluation assistance to the other Contracting State.

3. DEFINITIONS

For the purposes of this Agreement:

(A) "Additional Technical Conditions" means the terms notified by the importing State 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 States in:

(1) Adopted airworthiness standards;

- (2) Special Conditions relating to novel or unusual features of the product design which are not covered by the adopted airworthiness standards;
- (3) Application of exemptions or equivalent safety findings from the adopted airworthiness standards;
- (4) Design related operational requirements; and
- (5) Mandatory airworthiness action taken to correct unsafe conditions.

(B) "Airworthiness Criteria" means criteria governing the design, performance, materials, workmanship, manufacture of civil aeronautical products, as prescribed by the civil airworthiness authority of the importing state to enable it to find that the design, manufacture, and condition of these products comply with the laws, regulations, standards, and requirements of the importing state concerning airworthiness.

(C) "Alternation" or "modification" means making change to the type design.

(D) "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, new or used.

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

(F) "Design-Related Operational Requirements" means the operational requirements affecting the design features of the product or data on the design relating to the operations of the product that make it eligible for a particular kind of operation in a state.

(G) "Exporting State" means the Contracting State exporting a type design, a modification thereof, or a product under the provisions of this agreement. The airworthiness authority of the exporting state will be referred to herein as the exporting authority.

(H) "Importing State" means the Contracting State importing a type design, a modification thereof, or a product under the provisions of this agreement. The airworthiness authority of the importing state will be referred to herein as the importing authority.

(I) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association or government entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

(J) "Product Airworthiness Approval" means the issuance of an airworthiness certificate, approval, or acceptance, as appropriate, by or on behalf of 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 Contracting State.

(K) "State Regulating the Airworthiness of an Aircraft" means the Contracting State responsible for the issuance of a certificate of airworthiness for an aircraft.

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

- (1) By the exporting authority; or
- (2) By the authority of a third state with whom each Contracting State has in effect a bilateral agreement or arrangements similar in scope, in the case of a product type design transferred to a person in the exporting state from such a third state.

(M) "Type design" means the description of all characteristics of a product, including its design, manufacture, limitations, and continued airworthiness instructions which determine its airworthiness.

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

4. TYPE DESIGN APPROVAL

(a) If the exporting authority certifies to the importing authority that the type design of a product, or change to a product type design previously approved by the importing authority, complies with airworthiness criteria prescribed by the importing authority, the importing authority shall, in finding compliance with its, own laws, regulations, standards, and requirements for granting type design approval, give the same validity the technical evaluations, determinations, tests, and inspections made by the exporting authority as if it had made them itself, provided that the certification by the exporting authority was based on an evaluation of the type design using the same certification system it would apply to products approved for use in its own state.

(b) The importing authority shall prescribe the, airworthiness criteria for the type design approval of a particular product in terms of the laws, regulations, standards, requirements, and certification system applied by the exporting

authority in granting its own type design approval, and the additional technical conditions as identified by the importing authority. To this end, importing authority shall have the right to become familiar with the product to be imported and with the laws, regulations, standards, requirements, and certification system applied by the exporting authority. The importing authority may identify the additional technical conditions which it finds necessary to ensure that the product meets airworthiness standards equivalent to those which would have been applied to a similar product designed or manufactured in the importing state at the time of first application.

(c) The airworthiness criteria specified, in accordance with 4(B), by the importing authority for its type design approval of a product shall be communicated to the exporting authority as soon as practicable after becoming familiar with the design of the product.

(d) The importing authority, on request from the exporting authority, shall advise the exporting authority of its current design-related operational requirements. If, by mutual consent of the authorities, the exporting authority certifies to the importing authority that the design of the product, or data on the design relating to the operations of the product, comply with those design-related operational requirements prescribed by the importing authority, the importing authority, in finding 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. Mutual consent may be accomplished either on a case-by-case basis, or by development of a list of specific current design-related operational requirements for certain categories of products and/or operations.

5. PRODUCT AIRWORTHINESS APPROVAL

(a) If the exporting authority certifies to the importing authority that a product for which a 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.

(b) Additional inspections may be made or required by the importing authority as it deems necessary at the time of its airworthiness and environmental certification, approval, or acceptance of an aeronautical product.

6. CONTINUED AIRWORTHINESS

(a) The airworthiness authorities of both Contracting States shall cooperate in analyzing airworthiness aspects of accidents and incidents occurring on products to which this agreement applies and which are such as would raise questions concerning the airworthiness of such products.

(b) The exporting authority shall, in respect of products designed or manufactured in that state, specify any appropriate action that it finds necessary to correct any unsafe condition of the type design that may be discovered after the product is placed in service, including any action in respect of components designed and/or manufactured by a supplier under contract to a prime contractor in its state.

(c) The exporting authority shall, in respect of products designed or manufactured in that state, assist the importing authority in determining action considered necessary by the importing authority for the continued airworthiness of the product.

(d) 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 action which it determines is necessary for the continued airworthiness of products designed or manufactured in either Contracting State that have been imported or exported under this agreement.

7. MUTUAL COOPERATION AND ASSISTANCE

(a) The exporting authority shall, in respect of products designed or manufactured in that state, 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 standards under which the product was originally approved by the exporting authority.

(b) The airworthiness authority of each Contracting State shall keep the airworthiness authority of the other Contracting State informed of all relevant airworthiness laws, regulations, standards, and requirements, and of the airworthiness certification system of its state. The airworthiness authority of each Contracting State shall, to the maximum extent practicable, ensure that the airworthiness authority of the other Contracting State is notified of proposed significant revisions to its laws, regulations, standards, and requirements, and of the 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 proposed revisions.

(c) The airworthiness authority of one Contracting State may, upon request and mutual agreement, provide technical evaluation assistance to the other Contracting State's airworthiness authority.

8. PREVAILING INTERPRETATION

In the case of conflicting interpretations of the airworthiness 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.

9. IMPLEMENTATION

(a) This agreement shall be implemented in accordance with any procedures and conditions agreed upon by the airworthiness authority of each Contracting State and set out in a schedule of implementation procedures. These procedures and conditions shall be consistent with the basis and within the scope of coverage of this agreement. The airworthiness authorities of both Contracting States shall jointly review these procedures and conditions from time to time and may amend these procedures by written agreement.

(b) Each Contracting State shall keep the other Contracting State advised as to the identity of its civil airworthiness authority. On the date of this agreement, the civil airworthiness authority of the United States is the Federal Aviation Administration, Department of Transportation; the civil airworthiness authority of Argentina is the Direccion Nacional de Aeronavegabilidad.

10. TERMINATION

Either Contracting State may terminate this agreement upon 60 days written notice to the other Contracting State.

If the foregoing proposals are acceptable to the Government of Argentina, I have the honor to propose that this note, and your note in reply, 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.

Terence A Todman

Her Excellency,
Ambassador SUSANA RUIZ CERUTTI
Minister of Foreign Affairs and Worship,
Buenos Aires.

DEPARTMENT OF STATE
DIVISION OF LANGUAGE SERVICES
(TRANSLATION)

LS NO-129648

RHC

Spanish

Minister of Foreign Relations and Worship
Buenos Aires, June 22, 1989

Mr. Ambassador:

I have the honor to acknowledge receipt of your note No. 226 dated June 22, 1989, which reads as follows:

[The Spanish text of Ambassador Todman's note of June 22, 1989, agrees in all substantive respects with the original English text.

Minor typographical errors have been corrected in pencil in the English text.]

I have the honor to inform Your Excellency that the foregoing is acceptable to the Government of the Argentine Republic and that your note and this reply shall constitute an agreement between our two Governments which shall enter into force on today's date.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency

D. TERENCE TODMAN

Ambassador of the United States of America,
Buenos Aires.