

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
FOR PROMOTION OF AVIATION SAFETY

The Government of the United States of America and the Government of the Federal Republic of Germany,

Desiring to promote aviation safety and environmental quality,

Noting common concerns for the safe operation of civil aircraft,

Recognizing the emerging trend toward multinational design, production, and interchange of civil aeronautical products,

Desiring to enhance cooperation and increase efficiency in matters relating to civil aviation safety,

Considering the possible reduction of the economic burden imposed on the aviation industry and operators by redundant technical inspections, evaluations, and testing,

Recognizing the mutual benefit of improved procedures for the reciprocal acceptance of airworthiness approvals, environmental testing or environmental approvals, flight simulator qualification evaluations, aircraft maintenance facilities, maintenance personnel, crews, and flight operations,

Have agreed as follows:

ARTICLE I

A. The purposes of this Agreement are:

1. To facilitate acceptance by each Contracting Party of the other Contracting Party's

(a) airworthiness approvals and environmental testing or environmental approval of civil aeronautical products, and

(b) flight simulator qualification evaluations;

2. To facilitate acceptance by the Contracting Parties of the approvals and monitoring of maintenance facilities and alteration or modification facilities, maintenance personnel, crews, aviation training establishments, and flight operations of the other Contracting Party;

3. To provide for cooperation in sustaining an equivalent level of safety and environmental objectives with respect to aviation safety.

B. Each Contracting Party designates its civil aviation authority as the executive agent to implement this Agreement. For the United States of America, the executive agent is the Federal Aviation Administration (FAA) of the Department of Transportation. For the Government of the Federal Republic of Germany, the executive agent is the Bundesministerium für Verkehr.

ARTICLE II

For the purposes of this Agreement:

A. "Airworthiness approval" means a finding that the design or change to a design of a civil aeronautical product meets standards agreed between the Contracting Parties or that a product conforms to a design that has been found to meet those standards, and is in a condition for safe operation.

B. "Alterations or modifications" means making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected civil aeronautical product.

C. "Approval of flight operations" means the technical inspections and evaluations conducted by a Contracting Party, using standards agreed between the Contracting Parties, of an entity providing commercial air transportation of passengers or cargo, or the finding that the entity complies with those standards.

D. "Civil aeronautical product" means any civil aircraft, aircraft engine, or propeller or subassembly, appliance, material, part, or component to be installed thereon.

E. "Crew" means pilots, flight engineers, flight radio operators, flight navigators, and flight attendants.

F. "Environmental approval" means a finding that a civil aeronautical product complies with standards agreed between the Contracting Parties concerning noise and/or exhaust emissions.

"Environmental testing" means a process by which a civil aeronautical product is evaluated for compliance with those standards, using procedures agreed between the Contracting Parties.

G. "Flight simulator qualification evaluations" means the process by which a flight simulator is assessed by comparison to the aircraft it simulates, in accordance with standards agreed between the Contracting Parties, or the finding that it complies with those standards.

H. "Maintenance" means the performance of inspection, overhaul, repair, preservation, and the replacement of parts, materials, appliances, or components of a civil aeronautical product to assure the continued airworthiness of that product, but excludes alterations or modifications.

I. "Monitoring" means the periodic surveillance by a Contracting Party's civil aviation authority to determine continuing compliance with the appropriate standards.

ARTICLE III

A. The Contracting Parties' civil aviation authorities shall conduct technical assessments and work cooperatively to develop an understanding of each other's systems including standards, rules, practices, and procedures, in the following areas:

1. Airworthiness approvals of civil aeronautical products;
2. Environmental approval and environmental testing;
3. Approval and monitoring of maintenance facilities and alteration or modification facilities;
4. Approval and monitoring of maintenance personnel;
5. Approval and monitoring of crews;
6. Approval and monitoring of flight operations;
7. Flight simulator qualification evaluations; and
8. Approval and monitoring of aviation training establishments.

B. When the civil aviation authorities of the Contracting Parties agree that the systems of both Contracting Parties in one of the technical specialties listed in paragraph (A) of this Article are sufficiently equivalent or compatible to permit acceptance of data resulting from testing, evaluations, or monitoring, or acceptance of findings of compliance, made by

one Contracting Party for the other Contracting Party to the agreed-upon standards, the civil aviation authorities shall execute written Implementation Procedures describing the methods by which such reciprocal acceptance shall be made with respect to that technical specialty.

C. The Implementation Procedures shall include at a minimum:

1. Definitions;
2. A description of the scope of the particular area of civil aviation to be addressed;
3. Provisions for reciprocal acceptance of civil aviation authority actions such as test witnessing, inspections, qualifications, approvals, monitoring and certifications;
4. Provisions for accountability;
5. Provisions for mutual cooperation and technical assistance;
6. Provisions for periodic evaluations; and
7. Provisions for amendments to or termination of the Implementation Procedures.

ARTICLE IV

Any disagreement regarding the interpretation or application of this Agreement or its Implementation Procedures shall be resolved by consultation between the Contracting Parties or their civil aviation authorities, respectively.

ARTICLE V

1. This Agreement shall enter into force on the day on which both Contracting Parties have informed each other by an exchange of diplomatic notes that the necessary internal procedures for entry into force of this Agreement have been completed. This Agreement shall remain in force until terminated by either Contracting Party. Such termination shall be effected by sixty days' written notification to the other Contracting Party. Such termination will also act to terminate all existing Implementation Procedures executed in accordance with this Agreement. Individual Implementation Procedures may be terminated or amended by the civil aviation authorities.

2. If after entry into force of this Agreement, the provisions of another agreement that addresses matters covered by this Agreement become applicable to the Contracting Parties, the Contracting Parties shall consult to determine the extent to which this Agreement should be revised to take into account the other agreement.

ARTICLE VI

The Agreement Relating to the Reciprocal Acceptance of Airworthiness Certifications effected by exchange of notes at Bonn-Bad Godesberg and Bonn March 12 and May 31, 1974; and the Agreement for Application to Land Berlin of the Agreement of March 12 and May 31, 1974, effected by exchange of notes at Bonn and Bonn-Bad Godesberg November 3, 1976 and March 18, 1980, shall remain in force until terminated by an exchange of notes following completion by the Contracting Parties' civil aviation authorities of the technical assessments and Implementation Procedures concerning airworthiness certification, as described in Article III. In the event of any inconsistency between the Agreements of 1974 and 1980 and this present Agreement, the Contracting Parties shall consult.

DONE at Milwaukee, this 23rd day of May, 1996, in duplicate, each in the English and German languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
FEDERAL REPUBLIC OF GERMANY:

