

INDONESIA

EMBASSY OF THE UNITED STATES OF AMERICA

Jakarta, January 23, 1987

Excellency:

I have the honor to acknowledge receipt of your Excellency's note of today's date which confirms the following text:

The following is the text of the limited Bilateral Airworthiness Agreement between the U.S. and Indonesia which was discussed with representatives of the Indonesian DGAC in Washington on September 23:

"Excellency:

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 Indonesia, hereinafter referred to as "the contracting states." It is my understanding that the agreement shall be as follows:

His Excellency

Prof. Dr. MOCHTAR KUSUMAATMADJA SH, LL.M.,
Minister of Foreign Affairs,
Republic of Indonesia,

1. **PURPOSE**

The purpose of this Agreement is to facilitate the airworthiness and environmental 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 Indonesia; 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 the 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 and environmental 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 Indonesian 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 production approval and airworthiness certification or approval of civil aeronautical products for which the Indonesian 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.

(c) Technical cooperation and assistance including the exchange of information between the civil airworthiness authorities of each contracting state 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 alteration 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, operating limitations, and environmental qualities.

5.

PRODUCT AIRWORTHINESS APPROVAL

If the airworthiness authority of 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 assure 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 imported or exported under 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 of 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 conflicting interpretations of the airworthiness criteria pertaining to certifications, approvals, or acceptances under this agreement, the interpretation of the airworthiness authority of the importing state shall prevail.

8. **IMPLEMENTATION**

(a) This Agreement shall be implemented in accordance with the procedures and conditions mutually agreed upon by the Administrator of the Federal Aviation Administration, United States of America, the Director General of Air Communications, Indonesia, and where appropriate, the head of the airworthiness authority of the state where the licensing manufacturer is located. These procedures and conditions may be set out where deemed necessary in an annex to this agreement and shall be within the purpose and scope of this agreement. The above mentioned airworthiness authorities shall review these procedures and conditions from time to time and shall amend them by written agreement as may be necessary to fulfill the intent of this agreement.

(b) The procedures of subparagraph (A) of this paragraph may provide for designated officials within the airworthiness authority of each contracting state to make special arrangements as they deem necessary in unique situations to implement this agreement so as to minimize redundant certification evaluations, tests, and inspections on a particular product, provided the arrangements are within the purpose and scope of this agreement.

(c) 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 of America is the Federal Aviation Administration, Department of Transportation; and, on the date of this agreement, the civil airworthiness authority of the Republic of Indonesia is the Directorate General of Air Communications.

9. **TERMINATION**

Either contracting state may terminate this agreement at the expiration of not less than 60 days after giving written notice of that intention to the other contracting state.

If the foregoing proposals are acceptable to the Government of the Republic of Indonesia, I have the honor to propose that this note, and your Excellency's 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 assurance of my highest consideration.

RICHARD C. HOWARD