

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS
FOR PROMOTION OF AVIATION SAFETY**

The Government of the United States of America and the Government of the Kingdom of the Netherlands, hereinafter referred to as the States,

Recalling each State's obligations under the Convention on International Civil Aviation signed at Chicago on 7 December 1944,

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 approval, environmental testing, and development of reciprocal recognition procedures for approval and monitoring of flight simulators, aircraft maintenance facilities, maintenance personnel, airmen, and flight operators,

Have agreed as follows:

ARTICLE I
Definitions

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 established by the civil aviation authority of either State 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. “civil aeronautical product” means any civil aircraft, aircraft engine, or propeller or subassembly, appliance, material part, or component to be installed thereon.

C. “alterations or modifications” means making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected civil aeronautical product.

D. “environmental approval” means the process by which a civil aeronautical product is evaluated for compliance with a State’s laws, regulations, standards, and requirements concerning noise and exhaust emissions.

E. “maintenance” means the performance of inspection, overhaul, repair, preservation, and the replacement of parts, materials, appliances, or components of a product to assure the continued airworthiness of that product, but excludes alterations or modifications.

F. “flight simulator qualification evaluations” means the qualification process by which a flight simulator is assessed by comparison to the aircraft it simulates in accordance with performance standards specified by either State’s civil aviation authority.

G. “approval of flight operations” means the process by which technical inspections and evaluations are conducted by the civil aviation authority of a State of entities providing commercial transportation of passengers and cargo.

H. “monitoring” means the periodic surveillance by a State’s civil aviation authority to determine continuing compliance with the appropriate standards.

ARTICLE II

Purposes

A. The purpose of this Agreement are:

1. to facilitate acceptance by each State of the other State’s
 - (a) airworthiness approvals and environmental testing and approval and approval of civil aeronautical products, and
 - (b) qualification evaluations of flight simulators;
2. to facilitate acceptance by the States of the approvals and monitoring on maintenance facilities and alteration or modification facilities, maintenance personnel, airmen, aviation training establishments, and flight operations of the other State;
3. to provide for cooperation in sustaining an equivalent level of safety and environmental objectives with respect to aviation safety.

B. Each State shall designate its own civil aviation authority as the executive agent to implement this Agreement. For the United States of America, the executive agent shall be the Federal Aviation Administration (FAA) of the Department of Transportation. For the Kingdom of the Netherlands, the executive

agent shall be the Directorate General of Civil aviation of the Ministry of Transport, Public Works and Water Management.

ARTICLE III
Scope

A. The States' civil aviation authorities shall conduct technical assessments and work cooperatively to develop an understanding of each other's standards and systems in the following areas:

1. airworthiness approvals of civil aeronautical products;
2. environmental approval of civil aeronautical products, with regard to noise and exhaust emissions standards and testing procedures;
3. approval of maintenance facilities and alteration or modification facilities, maintenance personnel, and airmen;
4. approval of flight operations;
5. evaluation and qualification of flight simulators; and
6. approval of aviation training establishments.

B. When the civil aviation authorities of the States agree that the standards, rules, practices, procedures, and systems of both States in one of the technical specialties listed in paragraph A. of this Article are sufficiently equivalent or compatible to permit acceptance of findings of compliance made by one State for the other State to 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, qualifications, approvals and certifications;
4. 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 Settlement of Disputes

Any disagreement regarding the interpretation or application of this Agreement or its Implementation Procedures shall be resolved between the States of their civil aviation authorities, respectively, by consultation or any other mutually agreed-upon means.

Article V Entry into Force, Amendment and Termination

This Agreement shall enter into force on the first day of the second month following the date on which the States have informed each other in writing that the formalities constitutionally required therefore in their respective countries have been complied with and shall remain in force until terminated by either State. Such termination shall be effected by sixty days' written notification to the other State. Such termination will also act to terminate all existing Implementation Procedures executed in accordance with this Agreement. This Agreement may be amended by the written agreement of the States. Individual Implementation Procedures may be terminated or amended by the civil aviation authorities in accordance with the provisions developed pursuant to Article III C.7.

Article VI Applicability

As far as the Kingdom of the Netherlands is concerned, this Agreement shall apply to its territory in Europe. Its applicability may be extended by written agreement of the States either in its entirety or with any necessary modifications to the Netherlands Antilles/or Aruba.

In case of an extension of the applicability of this Agreement to the Netherlands Antilles/or Aruba, either State shall be entitled to terminate the application of this Agreement in respect of any of the separate parts of the Kingdom in accordance with the termination procedures of Article V.

Article VII
Other Agreements

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

Article VIII
Termination of 1974 Agreement

The Agreement Relating to the Reciprocal Acceptance or Airworthiness Certificates, effected by exchange of notes at The Hague on 16 January 1974, shall remain in force until terminated by an exchange of notes following completion by the States' civil aviation authorities of the technical assessments and Implementation Procedures concerning airworthiness certification, as described in Article III. Prior to the termination of the 1974 Agreement, the States shall consult in the event of any inconsistency between the Agreement of 16 January 1974 and this present Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at The Hague in duplicate, this 13th day of September 1995, in the English language.

[Original signed by K. Terry Dornbus]
FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

[Original signed by A. Jorritsma-Lebbink]
FOR THE GOVERNMENT OF THE
KINGDOM OF THE NETHERLANDS