

South Africa

**Agreement amending the agreement of October 29, 1954,
and February 22, 1955.**

Effected by exchange of notes

Signed at Washington December 18, 1984

Entered in force December 18, 1984

EMBASSY OF THE UNITED STATES OF AMERICA

Cape Town, June 7, 1984

No 215
Excellency:

I have the honor to refer to the discussions which place have recently taken place between representatives of the Government of the United States of America and the Government of the Republic of South Africa regarding amendment of the arrangement between our two governments relating to certificates of airworthiness for imported aircraft, so as to include other civil aeronautical products, and propose that the arrangement be amended as follows:

The text of Articles I, II, and III shall be deleted and replaced with the following text:

Article I

(A) The present arrangement applies to civil aeronautical products constructed in the United States of America and exported to the Republic of South Africa; and civil aeronautical products constructed in the Republic of South Africa and exported to the United States of America.

(B) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to related products for such aircraft.

(C) Civil aeronautical product (herein also referred to as product) means any civil aircraft, or aircraft engine, propeller, appliance, material, sub-assembly, part, component, or replacement/modification part to be installed thereon.

Article II

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 the Republic of South Africa for aircraft to be operated under United

States registration (and for related products to be installed on such aircraft) 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 the Republic of South Africa in accordance with the airworthiness requirements of the Republic of South Africa.

Article III

The same validity shall be conferred by the competent authorities of the Republic of South Africa on certificates of airworthiness for export issued by the competent authorities of the United States for aircraft subsequently to be operated under Republic of South Africa registry (and related products to be installed on such aircraft) as if they have been issued under the regulations in force on the subject in the Republic of South Africa, provided that such aircraft have been constructed in the United States in accordance with the airworthiness requirements of the United States. In Articles IV, V, VII, and VIII change "Union of South Africa" whenever it occurs to read "Republic of South Africa." The text of Article VI, paragraph (A) shall be deleted and replaced with the following text:

Article VI

(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 additional requirements which are required by them for the issuance of certificates of airworthiness in their own country. Information with regard to these additional requirements in respect to either country will be communicated to the competent authorities of the other country in a timely manner.

In Article VIII, paragraph (B) delete "as merchandise" and change "October 12 and December 1, 1931" to "February 22, 1955."

If the foregoing provisions are acceptable to the Government of the Republic of South Africa, I have the honor to propose that this note and your reply thereto indicating acceptance shall constitute an agreement between the two governments on this subject, which shall enter into force on the date of your reply.

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

Hernan W. Nickel

The Honorable
Roelof F. Botha,
Minister of Foreign Affairs
Republic of South Africa

Distribution:
AMB, DCM, POL, ECON (Pretoria), CG Cape Town

I, the undersigned consular officer of the United States of America, duly commissioned and qualified, do hereby certify that the foregoing is a true and faithful copy of the original/copy exhibited to me, the same having been carefully examined by me and compared with the said original/copy and found to agree therewith word for word and figure for figure.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of the American Embassy at Pretoria, South Africa, this 18th day of December 1984

Timothy Michael Carney
Consul of the United State

Union of South Africa

Certificates of Airworthiness for Imported Aircraft

*Arrangement effected by exchange of notes
Signed Pretoria October 29, 1954,
and February 22, 1955;
Entered into force February 22, 1955*

*The American Chargé d' Affaires ad interim to the South African
Minister of External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

Pretoria, October 29, 1954.

Sir:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of the Union of South Africa for the conclusion of a reciprocal arrangement for the acceptance of certificates of airworthiness for imported aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

**ARRANGEMENTS BETWEEN THE UNITED STATES OF AMERICA
AND THE UNION OF SOUTH AFRICA RELATING TO CERTIFICATES
OF AIRWORTHINESS FOR IMPORTED AIRCRAFT**

Article I

(a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to the Union of South Africa; and to civil aircraft constructed in the Union of South Africa and exported to the continental United States of America, including Alaska.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

Article II

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 the Union of South Africa for aircraft subsequently to be registered in the United States as if they had been issued under regulations in force on the subject in the United States, provided that such aircraft have been constructed in the Union of South Africa in accordance with the airworthiness requirements of the Union of South Africa.

Article III

The same validity shall be conferred by the competent authorities of the Union of South Africa on certificates of airworthiness for export issued by the competent authorities of the United States for aircraft subsequently to be registered in the Union of South Africa as if they had been issued under the regulations in force on the subject in the Union of South Africa, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

Article IV

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

(b) The competent authorities of the United States shall, where necessary, afford the competent authorities of the Union of South Africa facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any

of the other conditions of validation.

They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by fitting of spare parts supplied by the original constructors.

Article V

(a) The competent authorities of the Union of South Africa shall arrange for the effective communication to the competent authorities of the United States of particulars of compulsory modifications prescribed in the Union of South Africa, 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) The competent authorities of the Union of South Africa shall, where necessary, afford the competent authorities of the United States facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation.

They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

Article VI

(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 VII

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

Article VIII

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) This arrangement shall terminate and replace the arrangement between the

United States of America and the Union of South Africa providing for the acceptance by the one country of certificates of airworthiness for aircraft imported from the other country as merchandise, effected by the exchange of notes signed at Pretoria on October 12, and December 1, 1931.

Upon the receipt of a note indicating that the foregoing provisions are acceptable to the Government of the Union of South Africa, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject, the agreement to come into force on the date of your note in reply.

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

WILSON C. F LAKE
Charge d' Affaires a.i.

Doctor the Honorable
D. F. Malan,
Minister of External Affairs
for the Union of South Africa