

Embassy of the United States of America

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Ottawa, August 31, 1984

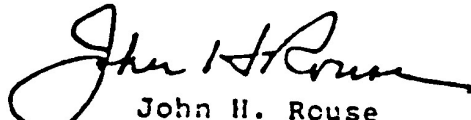
The Honorable Lloyd Axworthy
Minister of Transport,
Ottawa

Sir:

I have the honor to acknowledge receipt of your Note No. ETT-1583 of August 31, 1984, regarding an Agreement Concerning the Airworthiness and Environmental Certification, Approval, or Acceptance of Imported Civil Aeronautical Products, and cooperation on this matter, between the United States and Canada, which shall terminate and replace the Arrangement between our two Governments for the reciprocal acceptance of certificates of airworthiness for export, effected by an Exchange of Notes at Washington on July 28, 1938, as amended by an Exchange of Notes at Ottawa on August 12, 1970, and February 18, 1971.

I have the honor to inform you that my Government concurs in the terms of the Agreement, as stated in your Note under reference. It is agreed, therefore, that your Note and this reply shall constitute an agreement, to enter into force on the date of this reply.

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


John H. Rouse
Chargé d'Affaires ad interim

Note No. ETT-1583

His Excellency Mr. Paul Heron Robinson, Jr.
Ambassador for the United States of America

Excellency:

I have the honour to refer to the discussions which have taken place between representatives of our two Governments regarding an agreement concerning the airworthiness and environmental certification, approval, or acceptance of imported civil aeronautical products and cooperation on this matter between the United States and Canada, hereinafter referred to as the Contracting States. It is my understanding that the Agreement shall be as follows:

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 Canada; to provide for the reciprocal acceptance of maintenance and alterations or modifications performed in one Contracting State on civil aeronautical products certified, approved, or accepted in the other Contracting State; to provide for the

development of procedures between the two authorities for these purposes 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 and environmental objectives.

2. Basis

- (a) Each Contracting State has determined that the standards and systems of the other Contracting State for the airworthiness and environmental 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 employ procedures for granting airworthiness and environmental 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, 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 and environmental quality, 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 and environmental quality 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 and environmental responsibilities while reducing, to the minimum, the economic burden imposed on each Contracting State's aviation industries and operator by avoiding redundant technical evaluations, tests, and inspections.

3. Scope of Coverage

This Agreement applies to:

- (a) The acceptance by the importing State's airworthiness authority of the type design approval, including environmental approval, of civil aeronautical products for which the exporting State's airworthiness authority is the basic type certification authority;
- (b) The airworthiness certification, approval, or acceptance of civil aeronautical products that may be exported from one Contracting State to the other Contracting State, including both new and used products which were designed or manufactured partially or wholly in other States;
- (c) The airworthiness acceptance of maintenance or alterations performed in one Contracting State on aircraft which are under airworthiness regulation by the airworthiness authority of the other Contracting State, or an aircraft engines, propellers, appliances, materials, parts, or components installed thereon;
- (d) Technical cooperation and assistance including the exchange of information between the civil airworthiness authorities of each Contracting State toward the maintenance of equivalent safety and environmental standards and the application of equivalent certification systems.

4. Definitions

For the purpose 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 to account for differences between Contracting States in:
- (i) Adopted airworthiness and environmental standards;
 - (ii) Special Conditions relating to novel or unusual features of the product design which are not covered by the adopted airworthiness and environmental standards;
 - (iii) Application of exemptions of equivalent safety findings from the adopted airworthiness and environmental standards;
 - (iv) Operational requirements; and
 - (v) Mandatory airworthiness action taken to correct unsafe conditions.
- (b) **"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 complies with the laws, regulations, standards, and requirements of the importing State concerning airworthiness.
- (c) **"Alteration"** or **"modification"** means making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected product.
- (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.
- (e) **"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 and environmental certification, approval, or acceptance of civil aeronautical products.
- (f) **"Environmental 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 product complies with the laws, regulations, standards, and requirements of the importing State concerning noise abatement and emissions.
- (g) **"Exporting State"** means the Contracting State making a certifying statement to the importing State concerning a product's compliance with the airworthiness and environmental criteria.
- (h) **"Importing State"** means the Contracting State accepting a certifying statement from the exporting State concerning a product's compliance with the airworthiness and environmental criteria.
- (i) **"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.
- (j) **"Prior Agreement"** means the Arrangement between our two Governments for the reciprocal acceptance of Certificates of Airworthiness for export, effected by Exchange of Notes at Washington

on July 28, 1938, as amended by Exchange of Notes at Ottawa on August 12, 1970, and February 18, 1971.

(k) **"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.

(l) **"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. Type Design Approval

(a) If the airworthiness authority of the exporting State certifies to the airworthiness authority of the importing State that the type design of a product, or a change to a product type design previously approved by the airworthiness authority of the importing state, complies with airworthiness and environmental criteria prescribed by the airworthiness authority of the importing state, the airworthiness authority of the importing State shall, in finding compliance with its own laws, regulations, standards, and requirements for granting type design approval, give the same validity to the technical evaluations, determinations, tests, and inspections made by the airworthiness authority of the exporting State as if it had made them itself, with the understanding that the certification by the airworthiness authority of the exporting State was based on an evaluation of the type design using the same certification system it would apply to products designed in its own State. The airworthiness authority of the exporting State shall assist the airworthiness authority of the importing State in developing remedies, as may become necessary, to correct any unsafe condition of the type design that may be discovered after the product type design is approved by the importing State.

(b) In prescribing the airworthiness and environmental criteria for the type design approval of a particular product, the airworthiness authority of the importing State shall give the maximum practicable consideration and credit to the laws, regulations, standards, requirements, and certification system applied by the airworthiness authority of the exporting State in granting its own type design approval; provided, that the airworthiness authority of the importing State 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 airworthiness authority of the exporting State, and to specify any additional technical conditions which it finds necessary to ensure that the product meets the airworthiness and environmental standards equivalent to that which would be required for a similar product designed or manufactured in the importing State at the time that the application was received for the approval of the product type design by the airworthiness authority of the exporting State.

(c) The airworthiness authority of the importing State shall advise the airworthiness authority of the exporting State of the airworthiness and environmental criteria for its type design approval of a product to be imported, and when appropriate, of current operational requirements affecting the product's eligibility for a particular kind of operation in the importing State, as soon as practicable after becoming familiar with the design of the product.

6. Product Airworthiness Approval

If the airworthiness authority of the 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, 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 and environmental 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.

7. Maintenance or Alterations

(a) If maintenance or an alteration is performed, approved, or certified in one Contracting State on an aircraft which is under airworthiness regulation by the other Contracting State, or on an aircraft engine, propeller, appliance, material, part, or component for installation thereon, by a person in the first Contracting State who is authorized by the airworthiness authority of that State to perform the same work, approval, or certification, the airworthiness authority of the Contracting State regulating the airworthiness of the aircraft shall give the same validity to the work performed, and to the approvals or certifications made therefor as if they were made by an equivalently authorized person in the Contracting State regulating the airworthiness of the aircraft, provided the work, approvals, and certifications are performed on the product in accordance with the applicable laws, regulations, standards, and requirements of the Contracting State regulating the airworthiness of the affected aircraft.

(b) For the purposes of this Agreement, a Contracting State regulates the airworthiness of an aircraft where it is the State responsible for the issuance of an airworthiness certificate for the aircraft or is the State responsible for the certification of an air carrier operating, under lease or charter, an aircraft which possesses an airworthiness certificate issued by another State.

8. Notification of Mandatory Actions

The airworthiness authorities of each Contracting State shall keep the airworthiness authorities 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 designed or manufactured in either Contracting State that have been imported or exported under this or the prior Agreement.

9. Mutual Cooperation and Assistance

(a) The airworthiness authorities of the exporting State shall, in respect of products designed or manufactured in that State, assist the airworthiness authorities of the importing State in determining whether the design of changes or repairs made under the control of the airworthiness authorities of the importing State comply with the airworthiness and environmental standards under which the product was originally approved by the airworthiness authority of the exporting State.

(b) 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 or the prior Agreement.

(c) The airworthiness authority of each Contracting State shall keep the airworthiness authority of the other Contracting State currently informed of all relevant airworthiness and environmental 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 for airworthiness and environmental 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.

(d) The airworthiness authorities of both Contracting States may undertake joint type design approval projects in respect to products covered by this Agreement when it is in the interest of both Contracting States.

(e) In the case of conflicting interpretations of the airworthiness or environmental criteria pertaining to certifications, approvals, or acceptance under this Agreement, the interpretation of the airworthiness authority of the importing State shall prevail.

10. Implementation

(a) This Agreement shall be implemented in accordance with the procedures and conditions agreed upon by the Administrator of the airworthiness authority of each Contracting State and set out in a Schedule of Implementation Procedures. These procedures and conditions shall be within the purpose and scope of this Agreement. The airworthiness authority of each contracting State shall review these procedures and conditions from time to time and shall amend these procedures by written agreement as may be necessary to fulfil 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 is the Federal Aviation Administration, Department of Transportation; and, on the date of this Agreement, the civil airworthiness authority of Canada is the Canadian Air Transportation Administration, Department of Transport.

11. 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.

12. Replacement

This Agreement shall terminate and replace the Arrangement between our two Governments for the reciprocal acceptance of Certificates of Airworthiness for export, effected by Exchange of Notes at Washington on July 28, 1938, as amended by Exchange of Notes at Ottawa on August 12, 1970, and February 18, 1971.

If the foregoing proposals are acceptable to the Government of the United States, I have the honor to propose that this Note which is equally authentic in English and French, 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.

Lloyd Axworthy
Lloyd Axworthy 

Ottawa, August 31, 1984