

CERTIFICATES OF AIRWORTHINESS FOR IMPORTED AIRCRAFT

Exchange of notes at Washington September 11 and 17, 1934

Entered into force October 17, 1934

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49 Stat. 3652; Executive Agreement Series 69

The British Ambassador to the Secretary of State

BRITISH EMBASSY,

Washington, D.C., September 11th, 1934

No. 305

SIR,

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to state that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are prepared, in consideration of a reciprocal undertaking by the Government of the United States of America, and so long as they are satisfied that an adequate standard of airworthiness is maintained and enforced in the United States, to accord, subject to the conditions hereinafter set out, the following treatment to civil aircraft in respect of which a United States certificate, as defined below, has been issued:

2. For the purposes of this Note the term "United States certificate" means a certificate of airworthiness for export issued by the competent authorities of the Government of the United States in respect of a civil aircraft constructed in, and under the regulations in force in, the continental United States of America, excluding Alaska.

3. Subject to the terms of this Note, United States certificates issued in respect of aircraft subsequently registered in the United Kingdom shall be validated by the competent United Kingdom authorities and shall thereupon have the same effect as if they had been issued under the regulations in force in the United Kingdom.

4. Persons applying in the United Kingdom for the validation of a United States certificate will be required to produce with the application the under-mentioned documents or their equivalents:

(a) A United States certificate granted within sixty days of the date of application; if such certificate is more than sixty days old the applicant will

¹ 23 UST 4309; TIAS 7537.

be required to obtain a renewal by the issuing authority before validation is effected. It is understood that the granting of the United States certificate of airworthiness for export will guarantee that the special requirements agreed between the competent United Kingdom and United States authorities have been complied with.

(b) An "inspection record" or similar document; this record will contain: (i) a list of the serial numbers or other identification marks of all the principal components of the aircraft and items of equipment, or, alternatively, the principal components and items of equipment will be identified by labels attached with lead seals and bearing the serial number of the aircraft; (ii) details of the performance of the aircraft in its official flight test, and particulars of the normal engine speed in flight (with the airscrew fitted to the particular aircraft) and of the normal engine consumption of petrol and oil; (iii) rigging particulars where applicable.

(c) A "weight schedule" showing the ascertained tare weight of the particular aircraft with details of all the items that are included in the tare weight and the individual weights of each of the removable items so included; this "weight schedule" or one of the documents referred to at (a) or (b) above will also contain particulars of the ascertained position of the centre of gravity of the particular type of aircraft in the "tare" condition, and will define the limits between which the centre of gravity may be allowed to move.

5. A validation conferred by the competent United Kingdom authorities in accordance with the terms of this Note will, on expiry, be renewed under the conditions laid down for the renewal of United Kingdom certificates. Reference to the United States authorities will not be made unless special circumstances require it in any particular case.

6. The competent United Kingdom authorities shall have the right to make the validation of United States certificates dependent on the fulfilment of any special conditions which are for the time being required for the issue of certificates of airworthiness in the United Kingdom. Information with regard to these special conditions will from time to time be communicated to the competent United States authorities.

7. The competent United Kingdom authorities may at any time revise their standard of airworthiness. Any such revised standard may, as in the case of other aircraft, be enforced in respect of aircraft whose certificates of airworthiness are validated in accordance with the terms of this Note. Facilities will be given as and when necessary for referring the particular problems arising from any such revised standard to the authorities responsible for the approval of the original design of the aircraft.

8. The competent United Kingdom authorities shall be free to give special consideration to any type of aircraft which in practice appears to them to be unsafe, and, if they consider it necessary, to withhold or suspend validation.

9. The competent United States authorities shall afford to the competent United Kingdom authorities the fullest opportunity from time to time to satisfy themselves regarding the standards as to materials, structural conditions, inspectional methods, etc., laid down and enforced in the United States.

10. The competent United States authorities shall keep the competent United Kingdom authorities 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.

11. (a) The competent United States authorities shall arrange for the effective communication to the competent United Kingdom authorities of particulars of "compulsory modifications" prescribed in the United States, for the purpose of enabling the United Kingdom authorities to require, should they see fit, these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent United Kingdom authorities facilities for dealing with "non-compulsory modifications" which are such as to effect the validity of certificates of airworthiness validated under the terms of this Note, 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.

12. The competent United Kingdom authorities will, if so required and insofar as may be practicable, provide facilities for the tuition of technical officers of the United States in the special inspectional methods in use in the United Kingdom for any particular type of aircraft or aero engine.

13. The competent United Kingdom and United States authorities shall exchange full and frank information as to the performance of any aircraft of which the certificate of airworthiness has been validated under the terms of this Note on any matter of material importance for reasons of safety.

14. The competent United Kingdom and United States authorities shall each have the right to determine absolutely the interpretation of their regulations on any point of doubt or difficulty which may arise in the application of their own standard of airworthiness.

15. The question of the procedure to be followed in the application of the above provisions shall be the subject of direct correspondence, where necessary, between the competent United Kingdom and United States authorities.

16. His Majesty's Government in the United Kingdom may terminate the arrangements set out in this Note at any time by means of a notification in writing addressed to the Government of the United States to take effect two calendar months after the date of its receipt.

17. I shall be glad if you will inform me whether the Government of the United States concur in the terms of this Note and are willing to grant recip-

rocal treatment to aircraft in respect of which United Kingdom certificates of airworthiness have been issued.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

R. C. LINDSAY

The Honourable

CORDELL HULL,

*Secretary of State of the United States,
Washington, D.C.*

The Secretary of State to the British Ambassador

DEPARTMENT OF STATE,
Washington, September 17, 1934

EXCELLENCY:

I have the honor to invite reference to your Note No. 305 of September 11, 1934, setting forth the treatment which the Government of the United Kingdom is prepared, in return for reciprocal treatment, to accord to civil aircraft in respect of which a United States certificate of airworthiness for export has been issued, and to state in reply that the Government of the United States of America concurs in its terms and is prepared, in return for the treatment therein specified, and so long as it is satisfied that an adequate standard of airworthiness is maintained and enforced in the United Kingdom, to accord, subject to the conditions hereinafter set out, the following treatment to civil aircraft in respect of which a United Kingdom certificate, as defined below, has been issued:

2. For the purposes of this Note the term "United Kingdom certificate" means a certificate of airworthiness issued by the competent authorities of the Government of the United Kingdom in respect of a civil aircraft constructed in, and under the regulations in force in, the United Kingdom; and the term "United States licence" means a civil aircraft licence issued by the competent authorities of the Government of the United States in respect of a civil aircraft constructed in and under the regulations in force in the continental United States of America, excluding Alaska.

3. Subject to the terms of this Note, United Kingdom certificates issued in respect of aircraft subsequently registered in the continental United States excluding Alaska shall be validated by the competent United States authorities and shall thereupon have the same effect as if they had been aircraft licences issued under the regulations in force in the continental United States excluding Alaska.

4. Persons applying in the United States for the validation of a United Kingdom certificate will be required to produce with the application the undermentioned documents or their equivalent:

(a) A United Kingdom certificate granted within sixty days of the date of application; if such certificate is more than sixty days old the applicant will be required to obtain a renewal by the issuing authority before validation is effected. It is understood that the "inspection record" issued with the United Kingdom certificate of airworthiness will be endorsed with a guarantee that the special requirements agreed between the competent United States and United Kingdom authorities have been complied with.

(b) An "inspection record" or similar document; this record will contain:—(1) a list of the serial numbers or other identification marks of all the principal components of the aircraft and items of equipment, or, alternatively, the principal components and items of equipment will be identified by labels attached with lead seals and bearing the serial number of the aircraft; (2) details of the performance of the aircraft in its official flight test, and particulars of the normal engine speed in flight (with the airscrew fitted to the particular aircraft) and of the normal engine consumption of petrol and oil; (3) rigging particulars where applicable.

(c) A "weight schedule" showing the ascertained tare weight of the particular aircraft with details of all the items that are included in the tare weight and the individual weights of each of the removable items so included; this "weight schedule" or one of the documents referred to at (a) or (b) above will also contain particulars of the ascertained position of the centre of gravity of the particular type of aircraft in the "tare" condition, and will define the limits between which the centre of gravity may be allowed to move.

5. A validation conferred by the competent United States authorities in accordance with the terms of this Note will, on expiry, be renewed under the conditions laid down for the renewal of United States licences. Reference to the United Kingdom authorities will not be made unless special circumstances require it in any particular case.

6. The competent United States authorities shall have the right to make the validation of United Kingdom certificates dependent on the fulfilment of any special conditions which are for the time being required for the issue of aircraft licences in the United States. Information with regard to these special conditions will from time to time be communicated to the competent United Kingdom authorities.

7. The competent United States authorities may at any time revise their standard of airworthiness. Any such revised standard may, as in the case of other aircraft, be enforced in respect of aircraft whose certificates of airworthiness are validated in accordance with the terms of this Note. Facilities will be given as and when necessary for referring the particular problems arising from any such revised standard to the authorities responsible for the approval of the original design of the aircraft.

8. The competent United States authorities shall be free to give special

consideration to any type of aircraft which in practice appears to them to be unsafe and, if they consider it necessary, to withhold or suspend validation.

9. The competent United Kingdom authorities shall afford to the competent United States authorities the fullest opportunity from time to time to satisfy themselves regarding the standards as to materials, structural conditions, inspectional methods, etc., laid down and enforced in the United Kingdom.

10. The competent United Kingdom authorities shall keep the competent United States authorities 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.

11. (a) The competent United Kingdom authorities shall arrange for the effective communication to the competent United States authorities of particulars of "compulsory modifications" prescribed in the United Kingdom, for the purpose of enabling the United States authorities to require, should they see fit, these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United Kingdom authorities shall, where necessary, afford the competent United States authorities facilities for dealing with "noncompulsory modifications" which are such as to affect the validity of certificates of airworthiness validated under the terms of this Note 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.

12. The competent United States authorities will, if so required and insofar as may be practicable, provide facilities for the tuition of technical officers of the United Kingdom in the special inspectional methods in use in the United States for any particular type of aircraft or aero engine.

13. The competent United States and United Kingdom authorities shall exchange full and frank information as to the performance of any aircraft of which the certificate of airworthiness has been validated under the terms of this Note on any matter of material importance for reasons of safety.

14. The competent United States and United Kingdom authorities shall each have the right to determine absolutely the interpretation of their regulations on any point of doubt or difficulty which may arise in the application of their own standard of airworthiness.

15. The question of the procedure to be followed in the application of the above provisions shall be the subject of direct correspondence, where necessary, between the competent United States and United Kingdom authorities.

16. The Government of the United States may terminate the arrangements set out in this Note at any time by means of a notification in writing addressed to the Government of the United Kingdom to take effect two calendar months after the date of its receipt.

17. I shall be glad if Your Excellency will inform me whether the Government of the United Kingdom concurs in the terms of this Note and regards them as affording the reciprocal treatment referred to in Your Excellency's Note under reply. I have the honor to suggest, in that event, that the arrangements set out in the two Notes shall take effect one calendar month from this day's date.

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

CORDELL HULL

His Excellency

The Honorable Sir RONALD LINDSAY,
P. C., G. C. M. G., K. C. B., C. V. O.,
British Ambassador.

The British Ambassador to the Secretary of State

BRITISH EMBASSY,

Washington, D.C., September 17th, 1934

No. 312

SIR,

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to acknowledge the receipt of your Note of today's date, setting forth the treatment which the Government of the United States are prepared, in return for the reciprocal treatment set out in my Note No. 305 of September 11th, to accord to civil aircraft in respect of which United Kingdom certificates of airworthiness have been issued.

2. I have the honour to state in reply that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland concur in the terms of your Note under reply, and regard them as affording the reciprocal treatment referred to in my Note No. 305 of September 11th. His Majesty's Government in the United Kingdom also concur in your suggestion that the arrangements set out in the two Notes shall take effect one calendar month from this day's date.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

R. C. LINDSAY

The Honourable

CORDELL HULL,

*Secretary of State of the United States,
Washington, D.C.*