

CIVIL AVIATION

Safety

**Agreement between the
UNITED STATES OF AMERICA
and AUSTRALIA**

Signed at Canberra June 21, 2005



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

AUSTRALIA

Civil Aviation: Safety

*Agreement signed at Canberra June 21, 2005;
Entered into force November 28, 2006.*

AGREEMENT ON THE PROMOTION OF AVIATION SAFETY

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF AUSTRALIA

The GOVERNMENT OF THE UNITED STATES OF AMERICA and the GOVERNMENT OF AUSTRALIA (hereinafter referred to as "the Parties"):

REAFFIRMING that they should act in accordance with the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944 with amendments in force between them and Annexes or any amendments thereto effective for both Parties;

DESIRING to promote aviation safety and environmental quality;

NOTING common concerns for the safe operation of civil aircraft;

RECOGNISING 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; and

ACKNOWLEDGING the mutual benefit of improved procedures for the reciprocal acceptance of airworthiness approvals, environmental testing or environmental approvals, evaluation of flight simulator qualifications, and the certification of aircraft maintenance facilities, maintenance personnel, and crews;

HAVE AGREED as follows:

Article 1

Purposes of Agreement

The purposes of this Agreement are:

(1) To provide for cooperation to sustain an equivalent level of aviation safety between the Parties; and

(2) To facilitate acceptance by each Party of the other Party's approvals, evaluation and monitoring associated with civil aeronautical products, personnel and facilities.

Article 2

Implementing Authorities

- (1) The Government of Australia designates the Civil Aviation Safety Authority as its implementing authority. For a particular technical area, the Government of Australia may designate another authority, which is authorised under Australian law to perform that function, as the relevant implementing authority for that technical area.
- (2) The Government of the United States of America designates the Federal Aviation Administration as its implementing authority.
- (3) A Party shall advise the other Party of any changes to its implementing authority(ies) in writing through the diplomatic channel.

Article 3

Definitions

For the purposes of this Agreement:

- (1) "Airworthiness approval" means:
 - (a) the finding that the design or change to a design of a civil aeronautical product meets standards agreed between the Parties and/or
 - (b) that a product conforms to a design that meets standards agreed between the Parties, has been found to meet those standards and is in a condition for safe operation.
- (2) "Alterations or modifications" means making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected civil aeronautical product.
- (3) "Approval" means a finding by a Party that a particular civil aeronautical product, person, facility or process complies with standards used by that Party.
- (4) "Aviation training establishment" means any civil aviation establishment or facility approved or certificated by a Party to train aviation personnel.
- (5) "Civil aeronautical product" means any civil aircraft, aircraft engine or propeller; or subassembly, appliance, material, part, or component to be installed thereon.
- (6) "Crew" means a person or persons assigned to perform duty in an aircraft during flight time, with the authority of the aircraft operator or owner.
- (7) "Environmental approval" means a finding that a civil aeronautical product complies with standards agreed between the Parties concerning noise and/or exhaust emissions.

(8) "Environmental testing" means a process by which a civil aeronautical product is evaluated for compliance with environmental standards agreed between the Parties, using procedures agreed between the Parties.

(9) "Evaluation of flight simulator qualification" means:

- (a) the process by which a flight simulator is assessed by comparison to the aircraft it simulates, in accordance with standards agreed between the Parties, and/or
- (b) the finding that it complies with standards agreed between the Parties.

(10) "Maintenance" means the performance of inspection, overhaul, repair, preservation or replacement of parts, materials, appliances, or components of a civil aeronautical product to assure the continued airworthiness of that product, but excludes alterations or modifications.

(11) "Monitoring" means the periodic surveillance by a Party to determine continuing compliance with the appropriate standards.

Article 4

Cooperation and Implementation Procedures

(1) When the relevant implementing authorities of each Party are prepared to pursue cooperation in a technical area listed below, the implementing authorities shall conduct technical assessments and work cooperatively to develop an understanding of each other's systems including standards, rules, practices and procedures, in the following relevant technical areas:

- a) airworthiness approvals of civil aeronautical products;
- b) environmental approval and environmental testing;
- c) approval and monitoring of maintenance facilities and alteration or modification facilities;
- d) approval and monitoring of maintenance personnel;
- e) approval and monitoring of crews;
- f) evaluation of flight simulator qualifications;
- g) approval and monitoring of aviation training establishments; and
- h) any other matters within the scope of this Agreement, or otherwise agreed between the Parties through an exchange of correspondence through the diplomatic channel.

(2) The relevant implementing authorities of the Parties may agree that systems, including standards, rules, practices and procedures, of both Parties in one of the technical areas listed in paragraph (1) of this Article are sufficiently equivalent or compatible to permit one Party to accept findings of compliance or data from tests, evaluations or monitoring made by the other Party. At that time the Parties shall execute

written Implementation Procedures describing the methods, and any agreed standards, by which such reciprocal acceptance shall be made with respect to that technical area.

(3) Once the Parties have executed Implementation Procedures with respect to a technical area, the Parties agree to be bound by those Implementation Procedures as soon as those Implementation Procedures enter into force in accordance with Article 6.

(4) Implementation Procedures shall include at a minimum:

- a) definitions;
- b) description of the scope of the particular area of civil aviation to be addressed;
- c) identification of the relevant Australian implementing authority;
- d) provisions for reciprocal acceptance of implementing authority actions such as test witnessing, inspections, qualifications, approvals, monitoring and certifications;
- e) provisions for accountability;
- f) provisions for timely transfer of safety-related information;
- g) provisions for mutual cooperation and technical assistance;
- h) provisions for periodic evaluations; and
- i) provisions for termination.

(5) Where appropriate for the purposes of particular Implementation Procedures, a term defined in Article 3 may be refined or clarified for use within those Implementation Procedures. Where there is an inconsistency between Implementation Procedures and this Agreement, this Agreement shall prevail.

Article 5

Consultations

(1) Either Party may at any time request consultations concerning the implementation, interpretation, or application of this Agreement or of any Implementation Procedures.

(2) Any dispute relating to the implementation, interpretation or application of this Agreement, or of any Implementation Procedures, that is not resolved between the Parties' Implementing Authorities shall be subject to consultation between the Parties.

(3) Consultations, which may be through discussion or correspondence, shall begin within a period of sixty (60) days of the date of receipt of such a request, unless otherwise mutually agreed.

Article 6

Entry into force

This Agreement shall enter into force on the date of the latter note of an exchange of diplomatic notes between the Parties confirming that each Party has completed its domestic requirements necessary for entry into force of the Agreement. Any particular Implementation Procedures executed by the Parties shall enter into force on the date of the written notification by which Australia advises the United States that its domestic requirements necessary for entry into force of those Implementation Procedures have been completed.

Article 7

Amendment of Agreement and Implementation Procedures

This Agreement may be amended at any time by the written agreement of the Parties. Such amendment shall enter into force on the date of the latter note of an exchange of diplomatic notes between the Parties confirming that each Party has completed its domestic requirements necessary for the entry into force of the amendment. Any particular Implementation Procedures may also be amended at any time by the written agreement of the Parties. Such amendment shall enter into force on the date of the written notification by which Australia advises the United States that its domestic requirements necessary for entry into force of the amendment to those Implementation Procedures have been completed.

Article 8

Duration and Termination of Agreement and Implementation Procedures

(1) This Agreement and any Implementation Procedures shall remain in force until terminated. This Agreement may be terminated by either Party twelve months from the date of written notice to the other Party through the diplomatic channel of its intention to terminate. Any Implementation Procedures may be terminated in accordance with the termination provisions that are stipulated within those Implementation Procedures, except as provided in paragraph (2) of this Article.

(2) In the event that the Agreement is terminated in accordance with paragraph (1) of this Article, all existing Implementation Procedures executed in accordance with the Agreement shall terminate on the date of the Agreement's termination.

Article 9

Relationship to 1975 Airworthiness Agreement

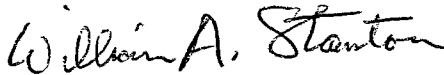
The Agreement between the Government of Australia and the Government of the United States of America relating to Reciprocal Acceptance of Airworthiness Certificates, effected by exchange of notes at Washington on 24 December 1974 and 11 June 1975, shall remain in force until terminated by an exchange of notes between the Parties following completion of Implementation Procedures concerning airworthiness approval as described in Article 4 of this Agreement. In the event of any inconsistency between the 1975 Agreement referred to in this Article and this present Agreement, such inconsistency shall be resolved by consultation between the Parties.

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

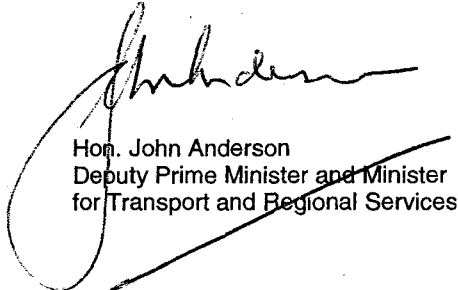
DONE in duplicate at Canberra, this twenty first day of June two thousand and five.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF
AUSTRALIA



William A. Stanton
Chargé d'Affaires ad interim



Hon. John Anderson
Deputy Prime Minister and Minister
for Transport and Regional Services