

AGREEMENT BETWEEN
THE GOVERNMENT OF JAPAN
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR THE PROMOTION OF AVIATION SAFETY

The Government of Japan and the Government of the United States of America, hereinafter referred to as "the Parties";

Desiring to promote aviation safety;

Noting a common interest in 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 governmental efficiency and economy in matters relating to civil aviation safety;

Considering the possible encouragement of economic efficiency through improved procedures for technical inspections, evaluations and testing; and

Recognizing the mutual benefit of improved procedures for the reciprocal acceptance of airworthiness approvals and environmental testing and approvals, and the mutual benefit to be gained through future development of reciprocal acceptance procedures for other areas related to the promotion of aviation safety;

Have agreed as follows:

ARTICLE I

For the purpose of this Agreement:

1. The term "authorities" means, in the case of Japan, the Ministry of Land, Infrastructure, Transport and Tourism, and, in the case of the United States of America, the Federal Aviation Administration of the Department of Transportation.

2. The term "airworthiness approval" means an approval made by the authorities of a Party when:

- a. the design or change to a design of a civil aeronautical product is found to comply with standards defined by the authorities; or
- b. a civil aeronautical product conforms to a design that has been found to comply with standards defined by the authorities, and is in a condition for safe operation.

3. The term "civil aeronautical product" means any civil aircraft, aircraft engine, or propeller; or a subassembly, appliance, material, part or component to be installed thereon.

4. The term "environmental approval" means a finding that a civil aeronautical product complies with standards defined by the authorities of a Party concerning noise and/or fuel venting and exhaust emissions.

5. The term "environmental testing" means a process by which a civil aeronautical product is evaluated for compliance with standards defined by the authorities of a Party concerning noise and/or fuel venting and exhaust emissions, using procedures agreed between the authorities of both Parties.

6. The term "finding" means a determination of compliance or non-compliance with the standards defined by the authorities of a Party as the result of actions such as test witnessing, inspections, qualifications, approvals and monitoring.

ARTICLE II

1. Each Party shall accept the airworthiness approvals that have been made by the other Party's authorities in accordance with the other Party's laws and regulations as well as the terms and conditions of the Implementation Procedures referred to in Article III.

2. In negotiating the Implementation Procedures under this Agreement, the authorities of each Party shall endeavor to formulate terms and conditions for the reciprocal acceptance of airworthiness approvals for civil aeronautical products to ensure that each Party's civil aeronautical products meet a level of safety and environmental quality equivalent to that provided by the applicable laws, regulations and requirements of the other Party.

3. The Parties may agree to additional areas of cooperation and reciprocal acceptance by amending this Agreement in accordance with the provisions in Article VII.

ARTICLE III

1. Implementation Procedures, consistent with the laws, regulations and requirements of each Party, shall be entered into between the authorities within the scope of this Agreement.

2. The Implementation Procedures shall include, inter alia:

- a. Definitions;
- b. A description of the scope of the particular area of civil aviation to be addressed;
- c. Terms and conditions for reciprocal acceptance of airworthiness approvals;
- d. Provisions for accountability through the identification of internal organizations within each authority responsible for the different technical areas;
- e. Provisions for mutual cooperation and technical assistance in implementing reciprocal acceptance of airworthiness approvals;
- f. Provisions for periodic evaluations; and
- g. Provisions for amendments to or termination of the Implementation Procedures.

ARTICLE IV

Each Party's authorities shall keep the others informed of all relevant and applicable laws, regulations and requirements.

ARTICLE V

The provisions of this Agreement shall be implemented by the Parties in accordance with their respective laws, regulations, and requirements.

ARTICLE VI

Any disagreement regarding the interpretation or application of this Agreement or the Implementation Procedures shall be resolved solely through consultation between the Parties or their authorities, respectively. If the disagreement regarding the interpretation or application of the Implementation Procedures cannot be resolved through such consultation between the authorities, consultation between the Parties will be held through diplomatic channels with a view to finding a mutually acceptable solution.

ARTICLE VII

1. This Agreement shall enter into force upon signature and shall remain in force until terminated by either Party by giving sixty (60) days' written notice to the other Party. Termination of this Agreement shall also terminate the Implementation Procedures entered into in accordance with this Agreement.

2. This Agreement may be amended by the written agreement of the Parties. The Implementation Procedures may be terminated or amended by the written agreement of the authorities of both Parties.

ARTICLE VIII

The agreement between the Government of Japan and the Government of the United States of America concerning the reciprocal acceptance of airworthiness certifications, effected by exchange of notes at Washington November 29, 1977, shall remain in force until terminated by the Parties through an exchange of notes following the conclusion by the authorities of the Implementation Procedures referred to in Article III of this Agreement.

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

DONE at Tokyo this twenty-seventh day of April, 2009, in duplicate, in the Japanese and English languages, both texts being equally authentic.

FOR THE GOVERNMENT
OF JAPAN:

FOR THE GOVERNMENT
OF THE UNITED STATES OF AMERICA: