CIVIL AVIATION

Safety

Agreement between the
UNITED STATES OF AMERICA
and CHINA

Signed at Washington October 20, 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."

CHINA

Civil Aviation: Safety

Agreement signed at Washington October 20, 2005;
Entered into force October 20, 2005.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA FOR PROMOTION OF AVIATION SAFETY

The Government of the United States of America and the Government of the People's Republic of China, hereinafter referred to as "the Parties,"

Desiring to promote aviation safety and environmental quality;

Noting common concerns for 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 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;

Recognizing the mutual benefit of improved procedures for the reciprocal acceptance of airworthiness approvals and environmental testing, and the development of reciprocal acceptance procedures for approval and monitoring of flight simulators, aircraft maintenance facilities, crew members, and flight operations,

Have agreed as follows:

ARTICLE I

A. The Parties agree:

1. To facilitate acceptance by each Party of the other Party's (a) airworthiness approvals and environmental testing and approval of civil aeronautical products, and (b) qualification evaluations of flight simulators;

2. To facilitate acceptance by the Parties of the approvals and monitoring of maintenance facilities and alteration or modification facilities, crew members, aviation training establishments, and flight operations of the other Party;

3. To provide for cooperation in sustaining an equivalent level of safety and environmental objectives with respect to aviation safety.

B. The Parties shall designate their civil aviation authorities as the executive agents to implement this Agreement. For the Government of the People's Republic of China, the executive agent shall be the General Administration of Civil Aviation of China (CAAC). For the Government of the United States, the executive agent shall be the Federal Aviation Administration (FAA) of the Department of Transportation.

ARTICLE II

For the purposes of this Agreement:

A. "Airworthiness approval" means a finding that the design or change to a design of a civil aeronautical product meets standards agreed between the Parties or the finding that a product conforms to a design that has been found to meet those standards, and is in a condition for safe operation.

B. "Alterations or modifications" mean making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected civil aeronautical product.

C. "Approval of flight operations" means the technical inspections and evaluations conducted by a Party, using standards agreed between the Parties, of an entity providing commercial air transportation of passengers or cargo, or the finding that the entity complies with those standards.

D. "Civil aeronautical product" means any civil aircraft, aircraft engine, or propeller or subassembly, appliance, material, part, or component to be installed thereon.

E. "Environmental approval" means a finding that a civil aeronautical product complies with standards agreed between the Parties concerning noise and/or exhaust emissions. "Environmental testing" means a process by which a civil aeronautical product is evaluated for compliance with those standards, using procedures agreed between the Parties.

F. "Crew member" means a person assigned to duty in an aircraft during flight time with the authority of the aircraft operator.

G. "Flight simulator qualification evaluations" means the qualification process by which a flight simulator is assessed by comparison to the aircraft it simulates, in accordance with standards agreed between the Parties, or the finding that it complies with those standards.

H. "Maintenance" means the performance of inspection, overhaul, repair, preservation, and the replacement of parts, materials, appliances, or components of a product to ensure the continued airworthiness of that product, but excludes alterations or modifications.

I. "Monitoring" means the periodic surveillance by the civil aviation authority of a Party to determine continuing compliance with the appropriate standards.

ARTICLE III

A. The Parties' civil aviation authorities shall conduct technical assessments and work cooperatively to develop an understanding of each other's standards and systems in the following areas:

1. Airworthiness approvals of civil aeronautical products;

2. Environmental approval and environmental testing;

3. Approval and monitoring of maintenance facilities;

4. Approval and monitoring of flight operations and crewmembers;

5. Evaluation and qualification of flight simulators; and

6. Approval and monitoring of aviation training establishments.

B. In the event that the civil aviation authorities of the Parties agree that the standards, rules, practices, procedures, and systems of both Parties in one of the technical specialties listed in paragraph (A) of this Article are sufficiently equivalent or compatible to permit acceptance of findings of compliance made by one Party for the other Party to the agreed-upon standards, the civil aviation authorities shall execute written Implementation Procedures describing the methods by which such reciprocal acceptance shall be made with respect to that technical specialty. Once executed, each Implementation Procedure shall be considered an implementing agreement under this Agreement.

C. The Implementation Procedures shall include at a minimum:

1. Definitions;

2. A description of the scope of the particular area of civil aviation to be addressed;

3. Provisions for reciprocal acceptance of civil aviation authority actions such as test witnessing, inspections, qualifications, approvals, monitoring and certifications;

4. Accountability;

5. Provisions for mutual cooperation and technical assistance;

6. Provisions for periodic evaluations; and

7. Provisions for amendments to or termination of the Implementation Procedures.

ARTICLE IV

Any disagreement regarding the interpretation or application of this Agreement or its Implementation Procedures shall be resolved by consultation between the Parties or their civil aviation authorities.

ARTICLE V

This Agreement shall enter into force upon signature and shall remain in force until terminated by either Party. Such termination shall be effected by sixty days written notification to the other Party. Such termination will also act to terminate existing Implementation Procedures executed in accordance with this Agreement. This Agreement may be amended by the written agreement of the Parties. Individual Implementation Procedures may be terminated or amended by the civil aviation authorities.

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

DONE at Washington, this twentieth day of October, 2005, in duplicate, in the English and Chinese languages.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Marion C. Blakey
Administrator
Federal Aviation Administration

FOR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA:

Yang Yuanyuan
Minister
General Administration of Civil Aviation

美利坚合众国政府与中华人民共和国政府
促进航空安全的协定

美利坚合众国政府和中华人民共和国政府，以下简称“双方”，

希望提高航空安全和环境质量；

注意到双方对民用航空器安全运行都很关心；

承认民用航空产品越来越趋向于多国设计、制造和互换；

希望在民用航空安全相关事务方面加强合作并提高效率；

鉴于可能减少因过多的技术检查、评估及检测给航空企业和营运人所带来的经济负担；

承认改进相互接受适航批准、环境检测的程序，开发有关飞行模拟器的批准与监督、航空器维修设施、机组人员和飞行运行方面的相互接受程序，可为双方带来共同利益，

达成协定如下：

第一条

一、 双方同意：

（一） 为任一方接受另一方 1、民用航空产品的适航批准和环境检测及批准，及 2、飞行模拟器的品质鉴定提供便利；

（二） 为双方接受另一方对维修设施及大改装或小改装设

施、机组人员、航空培训设施和飞行运行等的批准与监督提供便利；

（三） 在航空安全方面为保持同等水平的安全与环境目标提供合作。

二、 双方均须指派其民用航空当局作为实施本协定的执行机构。中华人民共和国政府的执行机构为中国民用航空总局（CAAC）。美利坚合众国政府的执行机构为隶属运输部的联邦航空局（FAA）。

第二条

在本协定中：

（一） “适航批准”是指民用航空产品的设计或设计更改符合双方认可的标准的结论，或产品符合某种已确认达到这些标准的设计，并处于安全运行状态的结论。

（二） “大改装或小改装”是指对受影响的民用航空产品的结构、构型、性能、环境特征或运行限制进行更改。

（三） “飞行运行批准”是指由一方使用双方认可的标准，对提供商业航空客/货运输的实体进行的技术检查及评估，或确认该实体符合这些标准的结论。

（四） “民用航空产品”是指任何民用航空器、飞机发动机或螺旋桨或安装其上的组合件、装置、材料、零件或附件。

（五） “环境批准”是指确认民用航空产品符合双方认可

的有关噪声和/或燃气排放的标准的结论。“环境检测”是指使用双方认可的程序，对民用航空产品是否符合这些标准进行评估的过程。

（六） “机组人员”是指受指派在航空器飞行过程中履行航空器营运人职责的人员。

（七） “飞行模拟器合格认证鉴定”是指按照双方认可的标准，将飞行模拟器与其所模拟的机型进行对比评估的合格认证过程，或确认该飞行模拟器符合这些标准的结论。

（八） “维修”是指为确保某一产品的持续适航性而对其零件、材料、装置或组件进行的检验、翻修、修理、保存、更换，但不包括大改装或小改装。

（九） “监督”是指任何一方民用航空当局为确保持续符合相应的标准而进行的定期监察。

第三条

一、双方民用航空当局应在以下领域进行技术评估和协作，以促进彼此对标准和体系的了解：

（一） 民用航空产品的适航批准；

（二） 环境批准及环境检测；

（三） 对维修设施的批准及监督；

（四） 飞行运行及机组人员的批准及监督；

（五） 飞行模拟器的鉴定及合格认证；和

（六） 航空培训机构的批准和监督。

二、 如果双方民用航空当局一致认为双方在本条第一款中所列的某一技术专业中的标准、规章、措施、程序及体系充分等同，或一致，因而一方为另一方就符合双方商定标准所做的结论可以采用，则民用航空当局应在书面实施程序上签字使之生效，实施程序将说明就该技术专业实行相互接受所使用的方法。每一实施程序一旦签字，则被视为本协定下的一项实施协议。

三、 实施程序应至少包括以下内容：

（一） 定义；

（二） 所涉及的民用航空具体领域的范围描述；

（三） 相互接受民用航空当局行动的规定，如试验的见证、监察、资格认可、批准、监督和认证等；

（四） 问责；

（五） 双方合作和技术援助的规定；

（六） 定期评估的规定；及

（七） 实施程序修订或终止的规定。

第四条

任何有关本协定或其实施程序的解释和应用的意见分歧，应由双方或其民航当局之间共同磋商解决。

第五条

本协定自签字之日起生效，在任一方终止本协定前具有效力。该终止应在一方向另一方发出书面通知后第六十天生效。该终止也包括终止现行的按照本协定签字生效的实施程序。本协定以双方书面协议的形式进行修改。单独的实施程序可由民用航空当局终止或修改。

下列代表经各自政府正式授权在本协定上签字，以资证明。

本协定于二零零五年十月二十日在华盛顿签订。一式二份，每份均用英文和中文写成，两种文本同等作准。

美利坚合众国政府	**中华人民共和国政府**
代表	**代表**
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玛里安 C.布莱基	扬元元