CIVIL AVIATION

Safety

Agreement Between the
UNITED STATES OF AMERICA
and JAPAN

Signed at Tokyo April 27, 2009
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.”
JAPAN

Civil Aviation: Safety

Agreement signed at Tokyo
April 27, 2009;
Entered into force April 27, 2009.
AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF JAPAN
FOR THE PROMOTION OF AVIATION SAFETY

The Government of the United States of America and the
Government of Japan, 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 the
United States of America, the Federal Aviation
Administration of the Department of Transportation, and, in
the case of Japan, the Ministry of Land, Infrastructure,
Transport and Tourism.
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 the United States of America and the Government of Japan 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 English and Japanese languages, both texts being equally authentic.

FOR THE GOVERNMENT
OF THE UNITED STATES OF AMERICA: FOR THE GOVERNMENT
OF JAPAN:

[Signature]

[Signature]
アメリカ合衆国政府及び日本国政府は、航空の安全を増進することを希望し、民間航空機の安全な運航についての共通の関心に留意し、民間航空機の安全確保に関する協力の促進及び交換される傾向が生じていることを認識し、技術上の検査、評価及び試験のための改善された手続により経済効率を促進することの可能性を考慮し、耐空性の認証並びに環境適合性の試験及び認証についての相互受入れに関する事項と、協力を促進し、並びに政府の効率性及び経済性を高めることが希望されることで、相互の利益が得られることを認識し、次のとおり協定した。
第一条
この協定の適用上、<br>
当局とは、アメリカ合衆国にあっては運輸省連邦航空局をい、<br>日本国にあっては国土交通省をい

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耐空性の認証とは、次のいずれかの場合において一方の当局が行う認証をいう。

a 民間航空製品の設計又は設計の変更が、当該一方の当局が定める基準に適合すると認められる場合

b 民間航空製品が、当該一方の当局が定める基準に適合する部品、装備品、材料、部品若しくは構成品をいう。

三 運航のための状態が確保されている場合、民間航空機、航空機用発動機若しくはプロペラ又はこれらに装備される組立部品、装置、材料、部品若しくは構成品をいう。

四 環境適合性の認証とは、民間航空製品が、騒音又は排出燃料及び排出ガスに関して一方の当局が定める基準に適合する旨の認定をいう。

五 環境適合性の試験とは、両当局間で合意された手続により、民間航空製品が、騒音又は排出燃料及び排出ガスに関して一方の当局が定める基準に適合する旨の認定をいう。
排出ガスに関して、一方の当局が定める基準に適合することを評価する手続をいう。

認定とは、試験の立案、検査、資格審査、承認、監視等の活動の結果として、一方の当局が定める基準に適合するか否かを決定することをいう。

第二条
一方の締約国政府は、他方の締約国の当局が当該他方の締約国の法令及び次条に規定する実施取決めの条件に従って行った耐空性の認証を受け入れる。

この協定に従って実施取決めを交渉するに当たり、締約国の当局は、一方の締約国の民間航空製品を他方の締約国の関係法令及び要件に定められた安全及び環境上の品質に係る水準と同等の水準を満たすことを確保するため、民間航空製品のための耐空性の認証の相互受け入れの条件を定めるよう努める。

加前の分野について合意することができる。

実施取決めは、締約国の法令及び要件に適合したものとし、この協定の範囲内において当局間で締結
実施取決めには、特に次のものを含める。

一、定義

b 対象とされる特定の民間航空の分野の範囲に関する説明

c 耐空性の認証の相互受入れの条件

d 各技術分野について責任を有する各当局の内部機関を特定することによらる説明責任に関する規定

e 定期的な評価に関する規定

f 実施取決めの改正及び終了に関する規定

g 第四条

一方の締約国の当局は、すべての関係法令及び要件を他方の締約国の当局に常に通報していただく。

この協定の規定は、両締約国の政府により、それぞれの締約国の法令及び要件に従って実施される。
に関するアメリカ合衆国政府と日本国政府との間の合意は、第三者に規定する実施決定を当局間で締結し
た後、両締約国政府が公文の交換によって終了させる時まで効力を有する。
以上の証拠として、下記は、各自の政府から正当に委任を受けてこの協定に署名した。
二千九年四月二十七日に東京で、ひとしの正文である英語及び日本語により本書通を作成した。

日本国政府のために
市場根弘文