

No. 31547

**CANADA
and
ITALY**

Agreement on airworthiness. Signed at Ottawa on 18 February 1991

Authentic texts: English and French.

Registered by Canada on 27 January 1995.

**CANADA
et
ITALIE**

Accord de navigabilité. Signé à Ottawa le 18 février 1991

Textes authentiques : anglais et français.

Enregistré par le Canada le 27 janvier 1995

AGREEMENT¹ ON AIRWORTHINESS BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF ITALY

The Government of Canada and the Government of Italy, hereinafter referred to as the "Contracting Parties",

WHEREAS:

- Each Contracting Party has determined that the standards and systems of the other Contracting Party for the airworthiness and environmental certification or acceptance of aeronautical products are sufficiently equivalent to its own to make an Agreement practicable;
- Each Contracting Party wishes to develop and employ procedures for granting airworthiness and environmental certification or acceptance of aeronautical products imported from the other Contracting Party so as to give as much recognition as is practicable to technical evaluations, test results, inspections, conformity statements, marks of conformity and certificates accepted or issued by or on behalf of the airworthiness authority of the exporting Party in granting its own domestic certification of such aeronautical products; and
- In the interest of promoting aviation safety and preservation of the environment and with a view to fostering cooperation and assistance between their airworthiness authorities in achieving common safety and environmental quality objectives, establishing and maintaining airworthiness and environmental standards and certification systems which are as similar to those of the other Contracting Party as practicable and cooperating in the reduction of the economic burden on aviation industries and operators arising from redundant technical evaluations, tests and inspections;

Therefore, having agreed on certain principles and arrangements in order to:

- facilitate the airworthiness and environmental certification, approval or acceptance by the airworthiness authority of the importing Party of aeronautical products, including maintenance services, imported and exported between the two Contracting Parties;

¹ Came into force on 18 February 1991 by signature, in accordance with article X.

- provide for the development of procedures between the two airworthiness authorities for these purposes and for facilitating management of the emerging trend toward multinational design, manufacture, and interchange of aeronautical products involving the joint interests of the Contracting Parties in airworthiness and environmental certification;
- provide for cooperation in sustaining safety and environmental quality objectives;

THE CONTRACTING PARTIES AGREE AS FOLLOWS:

ARTICLE I

Definitions

For the purpose of this Agreement:

"Additional Technical Conditions" means the terms notified by the importing Party for the acceptance of the type design of an aeronautical product or for the acceptance of an aeronautical product to account for differences between Contracting Parties in:

- (i) adopted airworthiness and environmental standards;
- (ii) special conditions relating to novel or unusual features of the aeronautical product design which are not covered by the adopted airworthiness and environmental standards;
- (iii) application of exemptions or equivalent safety findings from the adopted airworthiness and environmental standards;
- (iv) maintenance requirements;
- (v) mandatory airworthiness action taken to correct unsafe conditions.

"Airworthiness Criteria" means criteria governing the design, performance, materials, workmanship, manufacture, maintenance and alteration or modification of aeronautical products as prescribed by the airworthiness authority of the importing State to enable it to find that the design, manufacture and condition of these aeronautical products comply with its own laws, regulations, standards and requirements concerning airworthiness.

"Alteration or Modification" means making a change to the type design.

"Aeronautical Product" means any civil aircraft, or aircraft engine, propeller, appliance, material, part or component to be installed thereon, new or used.

"Airworthiness Authority" means the national government organization of a Contracting Party responsible for regulating the airworthiness and environmental certification, approval or acceptance of aeronautical products.

"Design-related Operational Requirements" means operational requirements related to design features of an aeronautical product or data on its design relating to its operation or maintenance that make it eligible for a particular kind of operation.

"Environmental Criteria" means criteria governing the design, performance, materials, workmanship, manufacture, maintenance and alteration or modification of aeronautical products prescribed by the importing authority to ensure compliance with the laws, regulations, standards and requirements of the importing Party concerning noise and emissions abatement.

"Exporting Party" means the Contracting Party exporting a type design, a modification thereof, or an aeronautical product, under the provisions of this Agreement.

"Exporting Authority" means the airworthiness authority of the exporting Party.

"Importing Party" means the Contracting Party importing a type design, a modification thereof, or an aeronautical product, under the provisions of this Agreement.

"Importing Authority" means the airworthiness authority of the importing Party.

"Maintenance" means actions to ensure the airworthiness of an aeronautical product not including alterations or modifications.

"Product Airworthiness Approval" means granting an airworthiness certificate, approval or acceptance, as appropriate, by or on behalf of an airworthiness authority for a particular aeronautical product to permit its operation or use consistent with applicable laws, regulations, standards and requirements.

"State Regulating the Airworthiness of an Aircraft" means the Contracting Party responsible for issuing a certificate of airworthiness for an aircraft, or the Contracting Party responsible for the certification of an operator operating, under lease or charter, an aircraft which possesses a certificate of airworthiness issued by another State.

"Time of First Application" means the time that the application was received for the approval of the aeronautical product type design either:

- (i) by the exporting authority; or
- (ii) in the case of an aeronautical product design introduced into and manufactured in the territory of the exporting Party from a third State with which both Contracting Parties have in force bilateral airworthiness agreements or arrangements similar in scope to this Agreement, by the airworthiness authority of a third State.

"Type Design" means the description of all characteristics of an aeronautical product, including its design, manufacture, limitations and continued airworthiness instructions, which determine its airworthiness.

"Type Design Approval" means granting a certificate, approval or acceptance by or on behalf of an airworthiness authority for the type design of an aeronautical product.

ARTICLE II

Scope

This Agreement applies to:

- (a) the acceptance by the importing authority, where the exporting authority is responsible for type certification, of the exporting authority's type design approval, including environmental approval, and at the option of the importing authority, of the exporting authority's finding of compliance with the importing authority's design-related operational requirements for aeronautical products, the type certification of which is the responsibility of the exporting authority;
- (b) the acceptance by the importing authority of the airworthiness certification, approval or acceptance of aeronautical products exported from the territory of the other Contracting Party, including both new and used aeronautical products designed or manufactured partially or wholly in other States;
- (c) the acceptance by one airworthiness authority of maintenance, alterations or modifications performed under the authority of the other airworthiness authority on aircraft, or on aircraft engines, propellers, appliances, materials, parts or components installed or suitable for installation in civil aircraft;