CIVIL AVIATION

Safety

Agreement Between the
UNITED STATES OF AMERICA
and INDIA

Signed at New Delhi July 18, 2011

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."

INDIA

Civil Aviation: Safety

Agreement signed at New Delhi
July 18, 2011;
Entered into force July 18, 2011.

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

The Government of the United States of America and the Government of the Republic of India (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; and

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

Have agreed as follows:

ARTICLE I
Purposes

1. The purposes of this Agreement are:

(a) To facilitate acceptance by each Party of the other Party's (i) airworthiness approvals and environmental testing and approval of civil aeronautical products, and (ii) qualification evaluations of flight simulation training devices;

(b) To facilitate acceptance by the Parties of the approvals and monitoring of maintenance facilities and alteration or modification facilities, maintenance personnel, flight crew members, aviation training organizations, and flight operations of the other Party; and

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

2. Each Party shall designate its civil aviation authority as the executive agent to implement this Agreement. For the Government of the United States, the executive agent shall be the Federal Aviation Administration (FAA) of the Department of Transportation. For the Government of the Republic of India, the executive agent shall be the Directorate General of Civil Aviation (DGCA) of the Ministry of Civil Aviation.

ARTICLE II
Definitions

For the purposes of this Agreement:

1. "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 that a product conforms to a design that 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 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.

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

5. "Environmental approval" means a finding that a civil aeronautical product complies with standards agreed between the Parties concerning noise and/or exhaust emissions.

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

7. "Flight crew member" means a pilot, flight engineer or flight navigator assigned to duty in an aircraft during flight time.

8. "Flight simulation training device qualification evaluations" means the qualification process by which a flight simulation training device 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.

9. "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.

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

ARTICLE III
Scope

1. 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:

(a) Airworthiness approvals of civil aeronautical products;
(b) Environmental approvals and environmental testing;
(c) Approval and monitoring of maintenance facilities and maintenance personnel;
(d) Approval and monitoring of flight operations and flight crew members;
(e) Evaluation and qualification of flight simulation training devices; and
(f) Approval and monitoring of aviation training organizations.

2. When 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 1 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.

3. The Implementation Procedures shall include at a minimum:

(a) Definitions;
(b) A description of the scope of the particular area of civil aviation to be addressed;
(c) Provisions for reciprocal acceptance of civil aviation authority actions such as test witnessing, inspections, qualifications, approvals, monitoring and certifications;
(d) Accountability;
(e) Provisions for mutual cooperation and technical assistance;
(f) Provisions for periodic evaluations; and
(g) Provisions for amendments to or termination of the Implementation Procedures.

ARTICLE IV
Settlement of Disputes

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
Entry into Force, Amendment, and Termination

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 New Delhi, this 18th day of July, 2011, in duplicate, in the English language.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF INDIA