

MEMORANDUM OF UNDERSTANDING ON AIRWORTHINESS
BETWEEN
THE INTERSTATE AVIATION COMMITTEE
AND
THE DEPARTMENT OF CIVIL AVIATION

The Interstate Aviation Committee (IAC), legally assigned by the intergovernmental “Agreement on Civil Aviation and Use of Airspace” approved on 27 December 1991, in Minsk, as aircraft type and production certification civil aviation authority for the countries of the Commonwealth of Independent States signatories of the above Agreement, and the Department of Civil Aviation (DAC) of the Ministry of Aeronautics, legally assigned as the civil aviation authority in the Federative Republic of Brazil, also mentioned in this document, for convenience, as Parties, considering:

- the Annex 8 to the Convention on International Civil Aviation, as signed at Chicago on 07 December 1944, which are signatories the Federative Republic of Brazil and the countries of the Commonwealth of Independent States (hereinafter referred to as CIS) that have signed the above mentioned Minsk agreement;
- the mutual benefit of procedures for the reciprocal acceptance of airworthiness approvals and of environmental testing; and
- the possible reduction of the economic burden imposed on the aviation industry by redundant inspections, evaluations and testing;

have agreed as follows:

ARTICLE I

The following definitions for terms are used in this Memorandum:

1. *Airworthiness Approval* means granting an airworthiness certificate, approval or acceptance, as appropriate, by or on behalf of a civil aviation authority for a particular civil aeronautical product to permit its operation or use consistent with applicable laws, regulations, standards and requirements of the Parties.
2. *Airworthiness Criteria* means the criteria governing the design, performance, materials, workmanship, manufacture or modification of civil aeronautical products as prescribed by the Importing Authority to enable it to find that the design, manufacture and condition of these products comply with the laws, regulations, standards, and requirements of the Importing Authority concerning airworthiness.
3. *Civil Aeronautical Product* (herein also referred to as “product”) means any civil aircraft, or aircraft engine, propeller, appliance, material, part or component to be installed thereon, new or used.
4. *Design-Related Operational Requirements* means the operational or environmental requirements affecting either the design features of the civil aeronautical product or data on the design relating to the operation

of the product that make it eligible for a particular kind of operation in the CIS or in the Federative Republic of Brazil.

5. *Environmental Criteria* means the criteria governing the design, performance, materials, workmanship, manufacture or modification of civil aeronautical products, as prescribed by the Importing Authority to enable it to find that these products comply with its laws, regulations, standards and requirements concerning noise and emissions abatement.

6. *Exporting Authority* means the DAC, in the case of a civil aeronautical product exported from the Federative Republic of Brazil to the CIS; and means IAC, in the case of a civil aeronautical product exported from the CIS to the Federative Republic of Brazil.

7. *Importing Authority* means the IAC, in the case of a civil aeronautical product exported from the Federative Republic of Brazil to the CIS; and means DAC, in the case of a civil aeronautical product exported from the CIS to the Federative Republic of Brazil.

8. *Modification* means making a change to the type design.

9. *Type Design* means the description of all characteristics of a civil aeronautical product, including its design, manufacture, limitations and continuing airworthiness instructions, which determine its airworthiness.

10. *Type Certification Authority* means the Aerospace Technical Center (CTA), a branch of the Research and Development Department of the Ministry of Aeronautics, acting as an executive link of the DAC, and means the Aviation Register of the Interstate Aviation Committee (IAC-AR), a branch of the Interstate Aviation Committee (IAC) .

ARTICLE II

The Parties, through their respective authorities, shall conduct technical assessments and shall work cooperatively to develop an understanding of each other's systems, including standards, rules, practices and procedures, in the following areas, but not restricted to:

1. airworthiness approvals of civil aeronautical products; and
2. environmental approval and environmental testing.

ARTICLE III

For the purpose of this Memorandum, the Parties have agreed to facilitate:

1. acceptance, by the Importing Authority, of the type design approval, including environmental approval, made by the Exporting Authority for civil aeronautical products and environmental requirements, for which the Exporting Authority is the authority responsible for the type design approval;

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2. acceptance, by the Importing Authority, of the finding of compliance, made by the Exporting Authority, with the Importing Authority's design-related airworthiness, operational and environmental requirements for civil aeronautical products, for which the Exporting Authority is the authority responsible for the type design approval;
3. acceptance, by the Importing Authority, of the airworthiness certification or approval of civil aeronautical products that may be exported from the CIS or from the Federative Republic of Brazil;
4. cooperation and assistance on continuing airworthiness of in-service civil aeronautical products;
5. cooperation, assistance and exchange of information regarding safety and environmental standards and certification systems; and
6. cooperation in providing technical evaluations and assistance.

ARTICLE IV

The specific terms and conditions for such cooperative program will be established through technical arrangements between the Parties' Branches that will include, "inter alia", as appropriate, the nature and scope of the program, and the individual and joint responsibilities, along with their particular liabilities.

ARTICLE V

Government budget shall not be considered to carry on the activities agreed in this Memorandum for both Parties. Any expense, for instance: transport, accommodations, personnel "per diem", health insurance and administrative taxes, is supposed to be supported by the industry responsible for the application.

ARTICLE VI

In the case of conflicting interpretations of the airworthiness or environmental criteria or design-related operational requirements prescribed by the Importing Authority, pertaining to certifications, approvals or acceptances under this Memorandum, and exhausted all technical discussions on the subject, the interpretation of the Importing Authority shall prevail.

ARTICLE VII

In the case of a claim arising from the implementation of this Memorandum, it is recognized by the Parties that the provisions of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, signed at Rome on 7 October 1952, and its amendment - the Protocol signed at Montreal on 23 September 1978 - are applicable. The Parties shall ensure that the documents mentioned above are consistent with their respective national laws.

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ARTICLE VIII

Correspondence and documentation will be prepared and submitted in the English language unless otherwise specified by the Parties by mutual agreement.

ARTICLE IX

This Memorandum of Understanding on Airworthiness may be amended through an exchange of letters by the Parties.

ARTICLE X

This Memorandum of Understanding on Airworthiness, or any amendment to its text, shall go into effect upon the date of signature by both Parties and shall remain in force until revised by mutual agreement of the two Parties or revoked by one of the Parties.

ARTICLE XI

This Memorandum of Understanding and the technical arrangements that follow shall be implemented in accordance with procedures and conditions agreed by the Parties and set out by their respective Branches in a schedule of Implementation Procedures. The procedures and conditions shall be within the basis and scope of the Memorandum.

ARTICLE XII

Either Parties may terminate this Memorandum upon giving 180 days written notice to the other. However, each authority shall continue to perform the obligations stated in the Technical Arrangements on Airworthiness, concerning continuing airworthiness, for as long as any aircraft imported under this Memorandum is on the Aeronautical Register of the importing country.

The undersigned, being the national Civil Aviation Authorities of Brazil and the Commonwealth of Independent States, have signed the present Memorandum.

Done at ~~Moscow~~, this ~~4~~¹³th day of ~~November~~^{April}, 199~~7~~⁸, in triplicate, each in the Russian, Portuguese and English languages, all texts being equally authentic.

Mrs Tatyana G. Anodina
Interstate Aviation Committee

Ten.-Brig.-do-Ar -Masao Kawanami
Director
Department of Civil Aviation

