

# 中国民用航空局和巴西民用航空局

## 关于促进民用航空安全谅解备忘录

中国民用航空局（以下简称“中国民航局”）作为中华人民共和国法定的民用航空管理当局，巴西国家民用航空局（以下简称“巴西民航局”）作为巴西联邦共和国法定的民用航空管理当局，在本文中为方便起见统称为当局：

—考虑到1944年12月7日在芝加哥签署的《国际民航公约》的要求，且中华人民共和国和巴西联邦共和国均为此公约签署国；

—希望促进航空安全和改善环境质量；

—注意到民用航空器安全运行的共同关切；

—认识到民用航空产品多国设计、生产和互换的发展趋势；

—愿意在平等、互惠和互利的基础上，在各自相关法律和预算范围内，加强民用航空安全相关事务中的合作并提高效率；

—考虑到有可能减轻由于过多的技术检查、评审和测试给航空业界造成的经济负担，并且；

—认识到相互接受适航批准、环境测试或批准、飞行模拟器监控和批准、航空器维修设施批准、维修人员批准和机组人员批准程序所带来的共同利益；

达成如下共识：

## 第一条

基于本备忘录的目的，双方当局同意：

- 1、为一方当局接受另一方当局（出口当局），当出口当局为型号设计责任机构主审当局时，所做的民用航空产品的适航批准、环境测试和批准提供便利；
- 2、对在役的民用航空产品持续适航提供合作和支援；
- 3、就共同感兴趣的航空技术问题提供合作、协助和情报资料交换，并根据需要建立信息交流渠道；
- 4、双方相互熟悉对方的组织机构、法规、规章、方法和程序；
- 5、派民用航空专家和代表团互访，参加民用航空研讨会和参与对方工作；
- 6、为培训或其他民用航空技术援助做出专门安排，并且；
- 7、当双方同意时，提供民用航空安全的其他合作方式。

## 第二条

本谅解备忘录中使用了以下定义：

- 1、机组人员指飞行员、飞行工程师、飞行报务员、领航员和乘务员；

26



2、**适航批准**指当确认民用航空产品的设计或设计更改满足双方局方同意的标准或民用航空产品符合已满足上述标准的设计，并处于安全可用状态时，适航当局视情况对某一民用航空产品颁发适航证、适航批准书或认可证书；

3、**适航标准**指进口局方规定的关于民用航空产品的设计、性能、材料、工艺、制造或改装的标准，以供进口局方确认产品的设计、制造和状态符合进口方有关适航方面的法律、规章、标准和要求。这包括适航要求及其解释和符合性方法；

4、**民用航空产品**指任何民用航空器、航空发动机或螺旋桨，以及安装在其上的组件、装置、材料、零件或部件，包括新的或使用过的；

5、**设计相关的运行要求**指为使航空产品能够在中华人民共和国或巴西联邦共和国进行某一特定类型的运行，而影响到民用航空产品设计特点或此产品运行相关设计数据的那些运行或环境要求；

6、**环境批准**指民用航空产品符合各自局方有关航空器噪音和（或）航空器发动机排放标准的结论；

7、**环境标准**指进口局方所规定的关于民用航空产品的设计、性能、材料、工艺、制造或改装的标准，以供进口局方确认产品的设计、制造和状态符合进口方有关航空器噪音和发动机排放削减方面的法律、规章、标准和要求。这包括环境要求及其解释和符合性方法；

26

8、环境测试指使用双方同意的程序，对民用航空产品评估的过程，该评估过程用以证明符合各自局方相关的航空器噪音和（或）航空器发动机排放标准；

9、出口局方指航空产品从巴西联邦共和国出口到中华人民共和国时，巴西民航局为出口局方。当航空产品从中华人民共和国出口到巴西联邦共和国时，中国民用航空局为出口局方，

10、飞行模拟器认证评估指按照双方局方同意的标准，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，或确认该飞机模拟器符合这些标准的结论。

11、进口局方指航空产品从巴西联邦共和国出口到中华人民共和国时，中国民用航空局为进口局方。当航空产品从中华人民共和国出口到巴西联邦共和国时，巴西民用航空局为进口局方；

12、生产批准指局方按照法律、法规、标准和要求，采取适当的授权、批准或颁发证件的形式，允许制造人在特定地点，按照局方批准的设计和局方批准的质量或检验体系下生产民用航空产品；

13、生产延伸批准指局方按照法律、法规、标准和要求，在生产批准中增加一个生产设施，允许制造人按照局方批准的设计和局方批准的质量或检验体系，在此生产批准中指定的不同地点生产民用航空产品；



14、型号设计指对民用航空产品的所有特性的描述，包括设计、制造、限制和持续适航文件，这些因素均用于确认该航空产品的适航性和环保特性。

### 第三条

当双方局方认为必要时，应保持合作以了解对方体系，包括但不限于以下领域的标准、法规、实践和程序：

- 1、民用航空产品适航批准；
- 2、环境批准和环境测试；
- 3、维修设施、更改或改装设施批准；
- 4、维修人员和机组人员批准，和
- 5、飞行模拟器的认证评估。

### 第四条

该合作大纲具体条款和内容将通过局方间的实施程序来确定。实施程序将视情包括项目的性质和范围、单独和共同的责任、双方特定的义务以及其他事项。实施程序将依据其范围命名，如适航实施程序（IPA）、维修实施程序（IPM）等。

### 第五条



在本谅解备忘录中同意的任何批准活动，均将不被政府预算所涵盖。所有费用应由申请人来支付。

## 第六条

未经对方同意，任何一方均不能将另一方提供的标记为专有资料的信息提供给第三方。

## 第七条

在实施本谅解备忘录中的审定、批准和认可工作时，如果对进口局方要求的适航标准、环境标准或与设计相关的运行要求解释相矛盾时，在对所有技术条款进行大量讨论后，以进口局方解释为准。

## 第八条

除双方另有约定，信函和文件应以英文准备和提交。

## 第九条



本谅解备忘录应按照双方当局同意的并由各自部门在实施程序中制定的程序和条件来实施。实施程序和条件应在本谅解备忘录的基础和范围内。

对于本备忘录第三条所列的技术专业，当双方当局同意在其中某一专业双方当局的标准、法规、程序和系统允许接受一方为另一方对已达成一致的标准所作的符合性结论时，双方当局应制定书面实施程序，规定对此技术专业进行此类相互接受所应采取的方法。

每方均应指定适当的部门作为实施本谅解备忘录的执行机构。

## 第十条

经双方书面同意，可以修改本谅解备忘录。

## 第十一条

本谅解备忘录或其修正文本，在双方签定之日起生效且一直有效，除非双方当局同意修改或被一方终止。

本谅解备忘录的中止应在书面通知另一方后六十天生效，该中止也将用于中止依据本谅解备忘录制定的所有现行的实施程序。

26

然而，鉴于中华人民共和国和巴西联邦共和国均为《国际民用航空公约》的签署国，只要有从出口当局国家进口的任何民用航空产品仍在进口当局国家运行，则任何一方均应继续承担该公约附件 8 第 4.2 节中规定的持续适航责任。

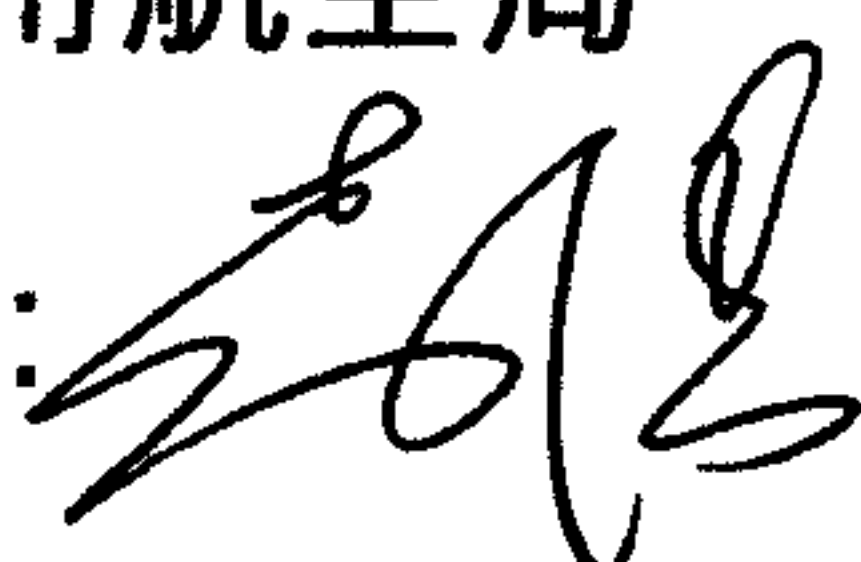
以下代表，即中国与巴西民用航空当局，经正式授权，签署本备忘录的英文本、中文本及葡萄牙文本，以昭信守。本备忘录将取代 2001 年 3 月 8 日签署的适航谅解备忘录和 2001 年 11 月 19 日签署的航空安全领域技术合作谅解备忘录。对文本解释出现不一致情况时，以英文文本为准。

中华人民共和国

巴西联邦共和国

中国民用航空局

民用航空局

签署人：

签署人：

职务：副局长

职务：局长

日期：2011年2月15日

日期： 年 月 日



**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE CIVIL AVIATION ADMINISTRATION OF CHINA**

**AND**

**THE NATIONAL CIVIL AVIATION AGENCY OF BRAZIL**

**FOR**

**PROMOTION OF CIVIL AVIATION SAFETY**



“Civil Aviation Administration of China” (CAAC), legally assigned as the Civil Aviation Authority in the People’s Republic of China and “National Civil Aviation Agency” (ANAC), legally assigned as the Civil Aviation Authority in the Federative Republic of Brazil, referred in this document, for convenience, as Authorities

- considering the Convention on International Civil Aviation, as signed at Chicago on 7 December 1944, which has been signed by the People’s Republic of China and the Federative Republic of Brazil,
- desiring to promote aviation safety and environmental quality,
- noting common concerns for the safe operation of civil aircraft,
- recognizing the emerging trend towards multinational design, production, and interchange of civil aeronautical products,
- desiring to enhance cooperation and increase efficiency in matters relating to civil aviation safety on the basis of equality, reciprocity and mutual benefit as described hereafter and within the limitations of the applicable legislation and the budget of each Authority,
- considering the possible reduction of the economic burden imposed on the aviation industry by redundant technical inspections, evaluations and testing; and
- recognizing the mutual benefit of procedures for the reciprocal acceptance of airworthiness approvals, environmental testing or approvals, flight simulators monitoring and approvals, aircraft maintenance facilities approvals, maintenance personnel approvals and airmen approvals,

have reached the following understanding

## ARTICLE I

For the purpose of this Memorandum, the Authorities have agreed

- 1 to facilitate acceptance by each Authority of the other Authority’s airworthiness approvals and environmental testing and approval of civil aeronautical products for which the Exporting Authority is the Primary Authority of the organization responsible for the type design,
- 2 to provide for cooperation and assistance on continuing airworthiness of in-service civil aeronautical products,
- 3 to provide for cooperation, assistance and exchange of information and data regarding aeronautical technical subjects of common interest and establishment of channels for the exchange of information as appropriate,

- 4 to provide for familiarization of each other's organizational structures, statutes, regulations, methods and procedures,
- 5 to provide for exchange of visits between civil aviation specialists and delegations, and participation in civil aviation seminars as well as in the civil aviation work of the other Authority,
- 6 to provide for special arrangements for training and other technical civil aviation assistance, and
- 7 to provide for other forms of civil aviation safety cooperation when mutually agreed

## ARTICLE II

The following definitions for terms are used in this Memorandum

- 1 *Airmen* means pilots, flight engineers, flight radio operators, flight navigators and flight attendants
- 2 *Airworthiness Approval* means granting an airworthiness certificate, approval or acceptance, as appropriate, based on a finding that the design or change to a design of a civil aeronautical product meets standards agreed between the Authorities or that a civil aeronautical product conforms to a design that has been found to meet those standards, and is in a condition for safe operation
- 3 *Airworthiness Criteria* means all 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 civil aeronautical products comply with the laws, regulations, standards, and requirements of the Importing Authority concerning airworthiness. This includes airworthiness requirements, their interpretations and means of compliance
- 4 *Civil Aeronautical Product* means any civil aircraft, aircraft engine or propeller, subassembly, appliance, material, part or component to be installed thereon, new or used
- 5 *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 this product that make it eligible for a particular kind of operation in the People's Republic of China or in the Federative Republic of Brazil
- 6 *Environmental Approval* means a finding that a civil aeronautical product complies with standards applied by each Authority concerning aircraft noise and/or aircraft engine emissions

- 7 *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 civil aeronautical products comply with its laws, regulations, standards and requirements concerning aircraft noise and aircraft engine emissions abatement. This includes environmental requirements, their interpretations and means of compliance.
- 8 *Environmental testing* means a process by which a civil aeronautical product is evaluated for compliance with the standards applied by each Authority concerning aircraft noise and/or aircraft engine emissions, using procedures agreed between the Authorities.
- 9 *Exporting Authority* means the ANAC, in the case of a civil aeronautical product exported from the Federative Republic of Brazil to the People's Republic of China, and means the CAAC, in the case of a civil aeronautical product exported from the People's Republic of China to the Federative Republic of Brazil.
- 10 *Flight simulators qualification evaluations* means the process by which a flight simulator is assessed by comparison to the aircraft it simulates, in accordance with standards agreed between the Authorities, or the finding that it complies with those standards.
- 11 *Importing Authority* means the CAAC, in the case of a civil aeronautical product exported from the Federative Republic of Brazil to the People's Republic of China, and means the ANAC, in the case of a civil aeronautical product exported from the People's Republic of China to the Federative Republic of Brazil.
- 12 *Production Approval* means an authorization, approval, or certificate issued, when applicable, by the authority, in accordance with laws, regulations, standards, and requirements, that allow a manufacturer, in a specific place, to produce a civil aeronautical product in conformity with authority approved design and an authority approved quality or inspection system.
- 13 *Production Extension Approval* means an inclusion by the authority, in accordance with laws, regulations, standards and requirements, of a facility in a Production Approval that allows a manufacturer to produce a civil aeronautical product in accordance with authority approved design and an authority approved quality or inspection system in a different place that is indicated in the Production Approval.
- 14 *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 and environmental protection characteristics.



### **ARTICLE III**

When both Authorities agree to find it necessary, they 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,
- 2 environmental approvals and environmental testing,
- 3 maintenance facilities, alteration or modification facilities approval,
- 4 maintenance personnel and airmen approval, and
- 5 qualification evaluation of flight simulators

### **ARTICLE IV**

The specific terms and conditions for such cooperative program will be established through Implementation Procedures between the Authorities 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. Implementation Procedures will take the title according to the scope of them, like Implementation Procedure of Airworthiness – IPA, Implementation Procedure of Maintenance – IPM, etc

### **ARTICLE V**

Government budget shall not be considered to cover any approval activities agreed upon this Memorandum for both Authorities. Any expense is supposed to be supported by the applicant

### **ARTICLE VI**

Neither Authority shall release information marked classified as proprietary data by the providing Authority to third parties without consent of the other Authority

### **ARTICLE VII**

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 after having exhaustively discussed all technical subjects, the interpretation of the Importing Authority shall prevail

## ARTICLE VIII

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

## ARTICLE IX

This Memorandum of Understanding shall be implemented in accordance with procedures and conditions agreed by the Authorities and set out by their respective Branches in Implementation Procedures. The procedures and conditions shall be within the basis and scope of the Memorandum.

When the Authorities agree that the standards, rules, practices, procedures, and systems of both Authorities in one of the technical specialties listed in Article III of this document permit acceptance of findings of compliance made by one Authority for the other Authority to the agreed-upon standards, the Authorities shall execute written Implementation Procedures describing the methods by which such reciprocal acceptance shall be made with respect to that technical specialty.

Each Authority shall designate the appropriate Branches as its executive agent(s) to implement this Memorandum.

## ARTICLE X

This Memorandum of Understanding may be amended by the written agreement of the Authorities.

## ARTICLE XI

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

Such termination shall be effected by 60 days written notification to the other Authority. Such termination will also act to terminate all existing Implementation Procedures executed in accordance with this Memorandum of Understanding.

However, each Authority shall continue to perform the obligations stated in the Section 4.2 of the Annex 8 of the Convention on International Civil Aviation, as signed by the People's Republic of China and the Federative Republic of Brazil concerning continuing airworthiness, for as long as any civil aeronautical product imported from the Exporting Authority's country is operated in the Importing Authority's country.



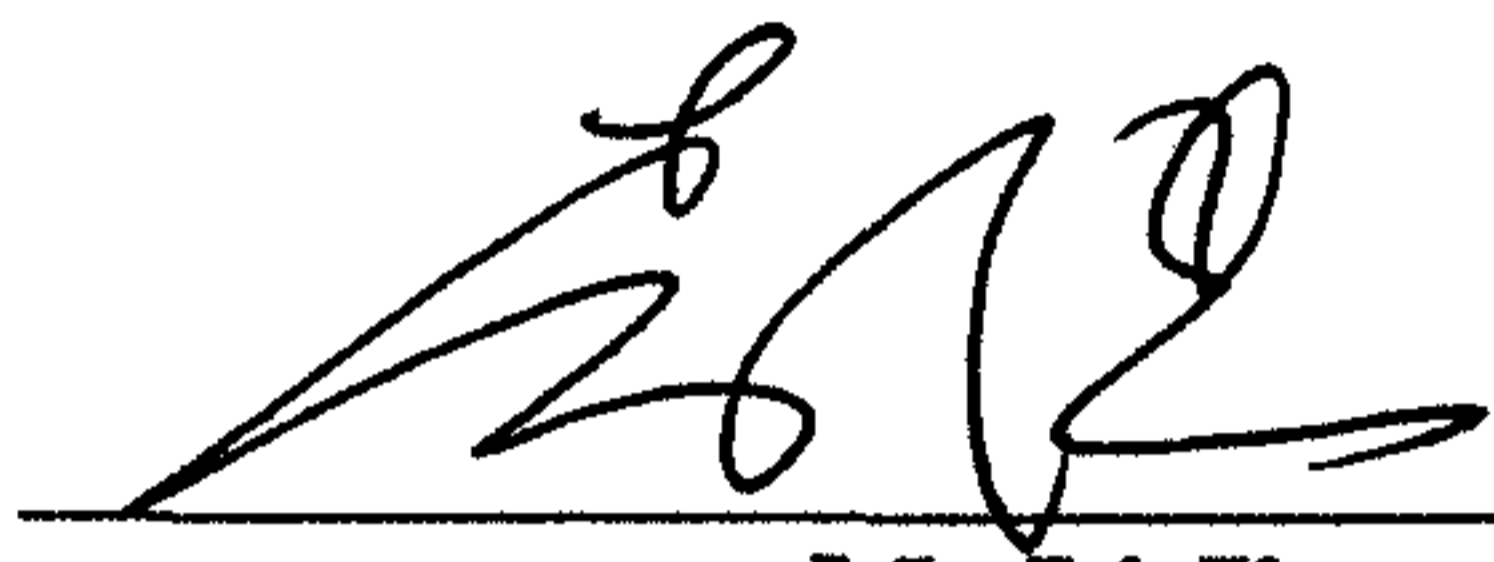
IN WITNESS WHEREOF the undersigned, being the national Civil Aviation Authorities of China and Brazil, duly authorized to that effect, have signed the present Memorandum, done in duplicate in English, Chinese and Portuguese, which integrally replace the Memorandum of Understanding on Airworthiness signed at 8 March 2001 and the Memorandum of Understanding for the Technical Cooperation in the Field of Civil Aviation Safety signed at 19 November 2001. In case of divergence of interpretation, the English version shall prevail.

FOR CIVIL AVIATION  
ADMINISTRATION OF CHINA

FOR AGÊNCIA NACIONAL DE  
AVIAÇÃO CIVIL - BRAZIL

Original Signed by

Original Signed by



Mr. Li Jian  
Vice Minister



Solange Paiva Vieira  
Director-President

Date of signature February 15, 2011

Date of signature February 15, 2011

