

MEMORANDUM OF UNDERSTANDING ON AIRWORTHINESS

BETWEEN

THE GENERAL ADMINISTRATION OF CIVIL AVIATION OF CHINA

AND

THE DEPARTMENT OF CIVIL AVIATION - BRAZIL

A handwritten signature in black ink, appearing to be a stylized name with a horizontal line extending to the right.A handwritten signature in black ink, appearing to be a stylized name with a vertical line extending upwards.

**MEMORANDUM OF UNDERSTANDING ON AIRWORTHINESS
BETWEEN
GENERAL ADMINISTRATION OF CIVIL AVIATION OF CHINA
AND
DEPARTMENT OF CIVIL AVIATION - BRAZIL**

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

- considering the Annex 8 to the Convention on International Civil Aviation, as signed at Chicago on 07 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;
- 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 and environmental testing or environmental 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 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 regarding safety and environmental standards and certification systems; and
4. to provide for cooperation in providing technical evaluations and assistance.



ARTICLE II

The following definitions for terms are used in this Memorandum:

1. *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.
2. *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.
3. *Civil Aeronautical Product* means any civil aircraft, aircraft engine or propeller; subassembly, appliance, material, part or component to be installed thereon, new or used.
4. *CAAC-AAD* means the Aircraft Airworthiness Department of the General Administration of Civil Aviation of China, assigned as the Branch responsible for all type and production certifications and export approvals of civil aeronautical products in the People's Republic of China.
5. *CTA* means the "Centro Técnico Aeroespacial" (Aerospace Technical Center), a branch of the Research and Development Department of the Defense Ministry-Air Command, assigned as the Branch responsible for all type and production certifications and export approvals of civil aeronautical products in the Federative Republic of Brazil.
6. *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.
7. *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.



8. *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.

9. *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.

10. *Exporting Authority* means the CTA, 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.

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 DAC, in the case of a civil aeronautical product exported from the People's Republic of China to the Federative Republic of Brazil.

12. *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.

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; and
2. environmental approvals and environmental testing.

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.

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

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 VII

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

ARTICLE VIII


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.

The Implementation Procedures on Airworthiness will be established and agreed between CAAC-AAD and CTA.

ARTICLE IX

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



ARTICLE X

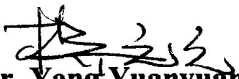
This Memorandum of Understanding on Airworthiness, or any amendment to its text, shall go into effect upon the date of signature by both Authorities and shall remain in force until revised by mutual agreement of the two Authorities or terminated by one of the Authorities.

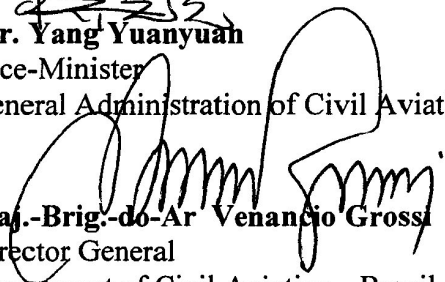
Such termination shall be effected by 60 days written notification to the other Administration/Authority. Such termination will also act to terminate all existing Implementation Procedures executed in accordance with this Memorandum of Understanding.

However, each Authority shall continue to perform the obligations stated in the Implementation Procedures on Airworthiness, concerning continuing airworthiness, for as long as any civil aeronautical product imported under this Memorandum is operated in the Importing Authority's country.

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

Done at Rio de Janeiro, this 8th day of March 2001, in triplicate, each in the Chinese, Portuguese and English languages, all texts being equally authentic.


Mr. Yang Yuanyuan
Vice-Minister
General Administration of Civil Aviation of China


Maj.-Brig.-do-Ar Venancio Grossi
Director General
Department of Civil Aviation - Brazil