

No. 50029

**United States of America
and
Indonesia**

Memorandum of Agreement between the United States of America and Indonesia concerning the provision of assistance to the Directorate General of Air Communications of Indonesia (with annex and schedule). Washington, 3 April 1996, and Jakarta, 3 May 1996

Entry into force: 3 May 1996 by signature, in accordance with article XII

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 24 August 2012*

The text of the schedule is not published herein, in accordance with article 12(2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.

**États-Unis d'Amérique
et
Indonésie**

Mémorandum d'accord entre les États-Unis d'Amérique et l'Indonésie relatif à la prestation d'assistance à la Direction générale des communications aériennes de l'Indonésie (avec annexe et tableau). Washington, 3 avril 1996, et Jakarta, 3 mai 1996

Entrée en vigueur : 3 mai 1996 par signature, conformément à l'article XII

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 24 août 2012*

Le texte du tableau n'est pas publié ici, conformément au paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et à la pratique du Secrétariat dans le domaine des publications.

[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF AGREEMENT NAT-I-3287

BETWEEN THE

**FEDERAL AVIATION ADMINISTRATION (FAA)
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA**

AND THE

**DIRECTORATE GENERAL OF AIR COMMUNICATIONS (DGAC)
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS
REPUBLIC OF INDONESIA**

WHEREAS, the Federal Aviation Administration of the Department of Transportation of the United States of America, hereinafter referred to as the FAA, is authorized to furnish on a reimbursable basis to foreign governments certain services to encourage and foster the development of civil aeronautics and air commerce; and

WHEREAS, the Directorate General of Air Communications of the Department of Transportation and Communications of the Republic of Indonesia, hereinafter referred to as the DGAC, has requested that such services be provided;

NOW THEREFORE, the FAA and the DGAC subsequently referred to as “the parties” mutually agree as follows:

ARTICLE I – OBJECTIVE OF THE AGREEMENT

The objective of this Memorandum of Agreement (MOA) is to establish the terms and conditions under which the FAA, subject to the timely availability of resources, will provide assistance to the DGAC as part of the ongoing FAA assessment of the Indonesian aircraft certification system. The assessment relates to a proposal to expand the 1987 U.S./Republic of Indonesia limited Bilateral Airworthiness Agreement (BAA) to include provisions for U.S. acceptance of the DGAC's Export Certificate of Airworthiness for transport category airplanes designed and manufactured in Indonesia. The FAA assessment includes the evaluation of the DGAC's technical competence, capabilities, regulatory authority, and efficacy; airworthiness laws regulations and practices; and capabilities in design, production and airworthiness certification of transport category airplanes. For this purpose, the FAA will make available its personnel to assist and observe the DGAC in their certification of the N-250-100 turboprop airplane. The FAA's effort is hereinafter referred to as "shadow certification."

ARTICLE II – DESCRIPTION OF SERVICES

A. The specific technical assistance activities to be provided by the FAA to the DGAC shall be delineated in Annexes to this MOA. The parties agree that such Annexes will contain a Schedule of Program Services (hereinafter, referred to as the "Schedule") containing the information described in Article III of this MOA. When signed by both parties, such Annexes and Schedules shall become a part of this MOA.

B. Under the terms and conditions of this MOA and its Annexes, the FAA will, subject to the timely availability of resources, evaluate the current Indonesian aircraft certification system and provide technical assistance in areas including, but not necessarily limited to: Airframe Structures, Propulsion Systems, Mechanical Systems, Electrical Systems, Manufacturing Inspection, Flight Testing, and Operations/Maintenance (Aircraft Evaluation Group). Specific costs for necessary FAA/DGAC management meetings related to the N-250 shadow certification and the BAA assessment program will also be covered under this MOA. Any requested training will continue to be provided under an Appendix to Annex 2 of MOA NAT-I-2915.

C. Evaluation and technical assistance includes but is not limited to:

1. Providing technical and managerial expertise to review the DGAC's aircraft certification system including airworthiness standards, practices, procedures, personnel development, and training programs;
2. Assisting the DGAC in attaining aircraft certification competency;
3. Providing the personnel and the services necessary to assist the DGAC with tasks that the DGAC deems appropriate in order to develop their airworthiness regulatory and aircraft certification system and approve the N-250-100 type design;
4. Providing assistance in the implementation of programs related to the improvement, operation, and evaluation of the Indonesian aircraft certification system;
5. Monitoring the compliance of the DGAC's certification of the N-250-100 to U.S. airworthiness standards, practices, and procedures.

ARTICLE III – SCHEDULE OF PROGRAM SERVICES

A. The parties will develop Schedules contained in Annexes to this MOA, which outline in detail each shadow certification activity that will be performed under this MOA over a twelve month period. Each Annex and schedule may be updated as necessary over its period of effectivity. Each new 12-month Schedule will be contained in additional Annexes to this MOA to reflect the shadow certification activities for the upcoming year.

B. Each Schedule contains the following information:

1. **Activity Date** – Indicates the actual dates of the activity. Travel time is not included in the dates listed, but will occur before and after the identified time frame.
2. **Activity/Description** – Contains a title and a short description of each shadow certification activity.
3. **Location** – Indicates the city, state, or country of the activity.
4. **FAA Participants** – Includes FAA employees who will participate in each activity.
5. **Prep/Follow-Up** – Itemizes the number of hours charged to this activity for preparatory (prep) and follow-up activity time. The total time per individual for prep and follow-up activities is not expected to exceed the length of the technical activity.

6. **Accounting Designator** – Identifies each activity in the Schedule contained in Annexes to this MOA. Each accounting designator is unique and must be referenced on all correspondence (account balances, etc.) regarding the financial arrangements of the MOA.

7. **PC&B Cost** – Contains the total cost for personnel compensation and benefit (PC&B) charges and administrative costs.

8. **Travel Cost**

9. **Total Cost** – Itemizes the total estimated cost of each activity in the Schedule contained in Annexes to this MOA.

ARTICLE IV – STATUS OF FAA PERSONNEL

A. The FAA will assign personnel to perform the tasks agreed upon in the Schedule contained in Annexes to this MOA. FAA personnel assigned to any activity will retain their status as U.S. Government, FAA employees. Their supervision and administration will be in accordance with the policies and procedures of the FAA as an agency of the U.S. Government, and they will perform at the high level of conduct required by the FAA.

B. FAA personnel shall be accorded the same privileges and immunities as are accorded to the administrative and technical personnel of the U.S. Embassy under the Vienna Convention on Diplomatic Relations of 1961. Such FAA personnel shall not, however, be considered members of the Embassy staff by virtue of their enjoyment of such privileges and immunities.

C. The value of services provided under this MOA by the FAA as a U.S. Government Agency shall not be subject to taxation by the Government of Indonesia.

ARTICLE V – HOST GOVERNMENT SUPPORT

A. FAA participants will handle all hotel reservations and travel directly.

B. The DGAC shall provide the following support to the FAA employee(s) without cost to the FAA or its employees:

1. Duty free entry privileges and exit clearances for the FAA employee during the assignment period as prescribed in the Schedule contained in Annexes to this MOA.