

VOLUME 12 INTERNATIONAL AVIATION

CHAPTER 4 PART 129 OPERATIONS

Section 2 Part 129 Part A Operations Specifications—General

2.1 GENERAL.

2.1.1 Purpose. This section provides the Federal Aviation Administration (FAA) policy requirements and aviation safety inspector (ASI) guidance associated with the standard Part A (General) operations specifications (OpSpec) paragraphs and their templates available for issuance to each foreign air carrier or foreign person operating under Title 14 of the Code of Federal Regulations (14 CFR) part 129.

2.1.2 Scope. This section is applicable to all FAA Flight Standards Service (FS) personnel and International Field Offices (IFO) having responsibilities associated with part 129 foreign air carrier aviation operations and international aviation operations.

Note: Advisory circulars (AC) referenced throughout this section provide guidance for compliance with specific regulations. They define acceptable means, but not the only means, of accomplishing or showing compliance with regulations.

2.1.3 Program Tracking and Reporting Subsystem (PTRS) Activity Codes.

- a) Operations: 1326, 1327, 1343.
- b) Maintenance: 3315, 3316, 3359.
- c) Avionics: 5315, 5316, 5359.

2.1.4 Regulatory References. All regulatory references in this section are found in 14 CFR unless otherwise indicated.

2.2 DEFINITIONS. See Volume 12, Chapter 1, Section 1, Definitions, Abbreviations, and Acronyms, for information associated with this section.

2.3 PART A OPSPECS.

Note: FAA policy associated with part 129 Part A OpSpecs may be immediately accessed by clicking on the appropriate following OpSpec number: [A001](#), [A002](#), [A003](#), [A004](#), [A005](#), [A006](#), [A008](#), [A024](#), [A026](#), [A027](#), [A028](#), [A029](#), [A447](#).

OPSPEC A001—ISSUANCE AND APPLICABILITY, AND REPORTS (REQUIRED FOR ALL FOREIGN AIR CARRIERS).

a) Legal Name, Doing Business As (DBA), Air Operator Certificate (AOC), and Economic Authority. OpSpec A001 must identify the OpSpecs holder. The name that appears in A001 must be the legal name of the foreign air carrier as shown on its AOC issued by the State of the Operator and as shown on its economic authority applicable to its operations or registrant information filed with the U.S. Department of Transportation (DOT). See also Volume 12, Chapter 1, Section 2 for added detail referencing economic authority, and part 129, § 129.7 for the regulatory reference.

Note: If a foreign air carrier were to conduct operations wholly outside the United States that involved the carriage of a U.S. air carrier code (codeshare), the foreign air carrier would need economic authority in the form of an exemption and would require a statement of authorization under part 212. It would also have to meet all of the requirements of the Codeshare Safety Audit program.

1) The State of the Operator AOC (Identification). The identifying number of the foreign air carrier AOC, is as issued by the State Civil Aviation Authority (CAA). Foreign air carriers must provide a copy of the AOC and principal inspectors (PI) must verify the AOC with the CAA before the issuance of part 129 OpSpecs.

2) Legal Name and DBA. PIs can verify the foreign air carrier's or Canadian air taxi operator's legal name (listed on its economic authority) and DBA by any of the following methods:

a. By requesting either their final notice from the DOT or their application for DOT economic authority.

b. By using the regulations.gov website at <http://www.regulations.gov>. A search may be narrowed down by limiting the words used in your search such as: [name of airline] permit, [name of airline] exemption, or DOT-Office of the Secretary of Transportation (OST)-[docket year of original request]-[the next 4 numbers that were assigned to the original request].

1. When reviewing search results, look for key words such as "Final Order" in the title associated with [name of airline] permit and DBA.

2. Another phrase to look for in the search results is "Notice of Action Taken" in the title associated with [name of airline] exemption and DBA. Notice of action taken would indicate the DOT final decision for approval or disapproval of an exemption or permit request.

3. The DOT assigns a docket number to each request and response. The docket number of the response will be associated with the docket number of the request.

4. If you have a copy of the foreign airline request for DOT economic authority, it may be easier to search by the docket number. If searching by docket number, type in all but

the last four digits of the docket number associated with the request. For example, if the request had a docket number “DOT-OST-2012-0211-0001,” search using “DOT-OST-2012-0211.” Your search should yield the following results: “DOT-OST-2012-0211-0001” and “DOT-OST-2012-0211-0002,” as applicable.

5. The search results may not be in numerical or chronological order.

c. Contact the DOT’s Foreign Air Carrier Licensing Division. A foreign air carrier that wishes to change its legal name on its FAA OpSpecs must first register any name change with the DOT following the procedures in part 215, and present evidence of its new name on an AOC issued by the State of the Operator CAA.

Note: A list of Canadian Air Taxi Operators registered under part 294 is located at the following website: <https://www.transportation.gov/policy/aviation-policy/licensing/other-special-authorities>.

3) The Foreign Air Carrier’s or Person’s OpSpec Designator/Number (Part 129 and § 129.14 Templates). This will be the same number obtained from the Aviation Data Branch. Enter it into the foreign air carrier’s enhanced Vital Information Database (eVID).

b) The Foreign Air Carrier’s or Person’s Address.

1) Address of Place of Business or Residence. The foreign air carrier or person’s address is the physical address of the place of business or residence within the State of the Operator.

- Under international law, the State of the Operator is responsible for issuing an AOC to an air carrier that engages in international commercial air transport.
- The AOC is issued in accordance with the standards of International Civil Aviation Organization (ICAO) Annex 6, Part I or III, as applicable.
- Annex 6 defines the State of the Operator as, “The State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence.”

2) The Address of the Foreign Air Carrier Within the United States. Some foreign air carriers will have an operations representative in the United States (e.g., a representative for North American operations). If the air carrier does not have an address within the United States, enter “None.”

3) Address for International Mail Delivery. The foreign air carrier or foreign person’s mailing address for international mail delivery to its principal place of business or residence within the State of the Operator.

c) Responsible FS Offices. Enter the name and the mailing and overnight delivery address of the IFO with responsibility for the oversight of the OpSpec holder, to include the PI names and contact information to assist PIs with oversight responsibilities of the OpSpec holder.

d) U.S.-Registered Aircraft. Foreign air carriers operating U.S.-registered aircraft must ensure each flightcrew member complies with part 61, § 61.3(j). See Volume 12, Chapter 3, Section 4 for additional information on pilot age requirements as they relate to foreign air carriers using the services of a pilot of a civil airplane of U.S. registry.

e) Information Required by OpSpec A001, Part 129 Template. The following is a summary of some of the information captured in OpSpec A001 for foreign air carriers operating to the United States.

1) Authorized Operations. The kind of operations authorized (scheduled and/or nonscheduled). Per the DOT: frequency/schedule of service does not by itself delineate charter vs. scheduled. That is typically determined by the method in which the service is held out/advertised/sold, as well as in the terms of the contract of carriage between the carrier and the passenger. In general, if the service is held out in a Global Distribution System (GDS) and/or appears as scheduled service in the Official Airline Guide (OAG), the DOT would associate that degree of advertising to equate to scheduled service. On the other hand, many U.S. and foreign air carriers engage in direct charter sales and legally operate such flights as charter operations. If it's not clear cut, it's a determination DOT typically makes on a case-by-case basis.

2) Foreign Air Carrier Responsibilities. The responsibilities (appropriate DOT economic authority, appropriate Transportation Security Administration (TSA) security program, valid State of the Operator AOC or equivalent document, required reports as specified in A001, etc.) of the foreign air carrier in conducting its operation to the United States. See subparagraph g) for additional guidance on an appropriate TSA security program.

3) Applicable Regulations. The regulatory sections, parts 91 and 129 and Title 49 of the Code of Federal Regulations (49 CFR) part 175, and any other applicable regulations, laws, and orders of the United States or international standards that apply to the operations to be conducted (ICAO Annex 1; Annex 6, Part I or III; and Annex 8, Part II, Chapters 3 and 4, as applicable).

a. Non-discrimination on the basis of disability in air travel. Certain portions of part 382 are also applicable to foreign air carriers.

b. Overflights. Operators may find details on overflight fees in U.S.-controlled airspace at https://www.faa.gov/air_traffic/international_aviation/overflight_fees/.

c. Flight Data Center (FDC) Notices to Airmen (NOTAM). Operators must comply with the latest NOTAMs regarding entry, exit, transit, and flight within U.S. territorial airspace applicable to the operator and their operation.

4) OpSpec Effectiveness. General requirements about the effectiveness of a foreign air carrier OpSpecs as they relate to its DOT economic authority and crewmember licensing and age requirements. Foreign air carriers must comply with the current age requirements of ICAO Annex 1.

5) The DOT Economic Authority Type. Based on what the DOT has issued, in the table within subparagraph a of the OpSpec, under the heading of "DOT Economic Authority (Type)," select either "Foreign Air Carrier Exemption," "Foreign Air Carrier Permit," or "Part 294

Registrant.” For additional discussion on economic authority, see Volume 12, Chapter 1, Section 2.

a. PIs may find reference to a “third country” in the text of the economic authority. “Third country” is intended to refer to a country other than the two countries discussed in a particular passage of text. In most cases involving foreign air carriers this is a country other than the foreign carrier’s homeland or the United States. For example, in the context of a Canadian air taxi operator, a third country would be a country other than Canada or the United States.

b. The DOT issues “Part 294 Registrant” for Canadian charter air taxi operators. Part 294, § 294.1 states, in part, “This part establishes a classification of foreign air carriers known as ‘Canadian charter air taxi operators,’ and establishes registration procedures for these carriers operating or seeking to operate transborder services between Canada and the United States.” A charter from a third country to the United States or vice versa:

1. Does not meet the definition of transborder between Canada and the United States; and

2. Is a “7th freedom” charter (which is handled on a case-by-case basis under the application procedures) outlined in part 212.

c. For years, the DOT has considered applications from Part 294 registrants for these types of charters. Find a discussion of the application procedures and DOT decisional factors are discussed on the DOT website at <https://www.transportation.gov/policy/aviation-policy/licensing/foreign-carriers>. (See the heading “Charter Operations Requiring Prior Approval.”)

d. Many of these charters are requested, approved, and operated within a matter of days; and would be reflected on the following week’s report of the DOT weekly list of undocketed applications. All of the weekly reports are available at <https://www.regulations.gov/docket?D=DOT-OST-2017-0044>. If the PI needs to verify that a particular carrier holds a statement of authorization, the PI may need to request a copy of the approval from the carrier or from the DOT. Such need may arise when the responsible PI receives notification from the Part 294 registrant of a nonscheduled flight, which is not transborder between Canada and the United States.

e. Section 294.2(i) states, “Small aircraft means any aircraft designed to have:

1. A maximum passenger capacity of not more than 30 seats and a maximum payload capacity of not more than 7,500 pounds, and/or

2. A maximum authorized takeoff weight on wheels not greater than 35,000 pounds.”

Note: The DOT’s interpretation of the “and/or” in § 294.2(i) is that it should be read as “or.” This means that operators who have aircraft over 35,000 lbs., but meet the requirement for under 30 seats and 7,500 lbs. of payload, meet the definition of a small aircraft.

6) The DOT Economic Authority Expiration.

a. Based on what the DOT has issued, in the table within OpSpec A001 subparagraph a, under the heading of “DOT Economic Authority (Expiration)” there are three selectable choices: a blank space, “N/A,” and “application pending (Part 377 & APA).” If the DOT economic authority is without an expiration date, then select “N/A.” If the foreign air carrier’s economic authority has an expiration date, then select the blank space and enter the expiration date. In addition to the expiration date, PIs may also enter the Docket ID. PIs must select “application pending (Part 377 & APA)” if:

1. The foreign air carrier has applied for exemption renewal before the exemption’s expiration date;
2. In the application for renewal, the applicant cited part 377 and APA; and
3. The DOT has not taken some type of action.

b. A foreign air carrier exemption will have an expiration date. The DOT will:

1. Grant an exemption for 1 or 2 years, subject to timely renewal.
2. Normally grant a permit to a foreign air carrier under the statute for an indefinite period, subject to certain conditions tied to the agreements. In the case of denial of a long-pending application of a carrier that holds part 129 OpSpecs, the DOT would likely advise both the FS International Program Division and the applicable IFO.

3. Grant a permit:

- i. With a duration coextensive with the terms of the applicable bilateral aviation agreement; or
- ii. If no bilateral agreement exists, for 5 years.

Note: Canadian air taxi registrations under part 294 are indefinite.

7) DBA Names Authorized by the DOT and the State of the Operator. (See also subparagraph a.)

8) Authorized Geographic Areas of U.S. Operation. The foreign air carrier must conduct each operation within the United States in accordance with its State of the Operator-issued AOC and associated limitations and provisions, and in accordance with specific authorizations, limitations, and procedures contained in these FAA-issued part 129 OpSpecs. For the purpose of OpSpec A001, the available authorized areas are selectable as follows:

- USA—The 48 Contiguous United States and the District of Columbia.
- USA—The State of Alaska.
- USA—The State of Hawaii.

- USA—The Commonwealth of Puerto Rico.
- USA—The Commonwealth of the Northern Mariana Islands (CNMI).
- USA—The Territory of American Samoa.
- USA—The Territory of Guam.
- USA—The Territory of the U.S. Virgin Islands.

9) Authorized Radio Call Sign and the ICAO Three-Letter Designator. Like the United States, some foreign CAAs do not require all air carriers to whom they have issued an AOC to obtain a radio call sign and the ICAO three-letter designator. It is each foreign air carrier's responsibility to provide the responsible PI with supporting documentation. PIs may find additional information on international standards in ICAO Annex 10, Volume II, Chapter 5, 5.2.1.7.2, Radiotelephony Call Signs for Aircraft.

10) Nonscheduled Flight Notification Method. If the foreign air carrier conducts only nonscheduled operations, leave the "Airports to be Used for Scheduled Operations" table blank. If the foreign air carrier to whom the FAA issues part 129 OpSpecs plans on conducting a nonscheduled flight, the foreign air carrier must provide the responsible IFO with advance written notice (including by fax, email, or paper document) of the operation. For urgent situations, a foreign air carrier may use telephone notification to the responsible IFO, followed by a written notice sent as soon as possible. At a minimum, the nonscheduled foreign air carrier must provide the following information for each flight conducted to, from, or within the United States:

- a. Aircraft registration.
- b. Aircraft make and model (M/M).
- c. All arrival and departure airports used within the United States.
- d. Estimated arrival and departure times at each airport used.
- e. As directed by the IFO, the foreign air carrier will provide updates on the estimated time of arrival (ETA) and departure when delays are expected.
- f. Purpose or description of flight. For example, ferry flight for maintenance, golf charter, dropping off passengers, private flights (owner flights, not for hire), etc.
- g. If possible, the foreign air carrier should provide a contact phone number within the United States. An example of this would be a Fixed-Base Operator (FBO), a ground-handling company, or a contract maintenance provider.

1. Foreign air carriers from U.S. Department-of-State-designated special interest countries to which the FAA issues part 129 OpSpecs are exempted by the U.S. Department of State from the previously required Special Interest Flight (SIF) program notifications.

i. A part 129 foreign air carrier's route information is not posted on the FAA SIF website.

ii. A foreign air carrier from a special interest country conducting a part 375 operation under § 375.42 (authorized by the DOT for occasional planeload charters) must continue to make SIF notifications.

iii. A part 375 foreign air carrier's route information is required to be posted on the SIF website.

2. An ASI conducting a ramp inspection may use the FAA SIF website as an additional tool to help determine the type of operation conducted.

i. ASIs should direct any operational issues with a specific SIF to the Domestic Events Network (DEN). PIs should direct general questions on SIFs, including link and access authorization for the FAA SIF website, to the Strategic Operations Security Group (AJR-22) via email at 9-ATOR-HQ-IFOS@faa.gov.

ii. PIs may find FAA U.S. Territorial Airspace Route Authorization Requirements for SIF foreign air carriers for each special interest country in the International section of the FAA Class II NOTAM publication, http://www.faa.gov/air_traffic/publications/notices/.

11) Airports Used in Scheduled Operations. For scheduled operations, select one ICAO airport identifier per dropdown list. For additional details on foreign air carrier actions (e.g., what the foreign air carrier must provide to the IFO to operate into an airport in the United States and what the IFO uses to evaluate whether to approve the addition of an airport to OpSpec A001), see Volume 12, Chapter 4, Section 4, OpSpec C067, subparagraph b). For scheduled operations, the foreign air carrier will provide the list of airports to be used and included as follows:

a. Regular Terminal. An airport approved under scheduled service to a community as the regular stop to that community.

b. Alternate. An airport at which an aircraft may land if a landing at the intended airport becomes inadvisable or if operational necessity requires the use of that airport. Select the most probable alternate for the regular terminal airport listed for a given regular terminal airport. This does not preclude the foreign air carrier from using an alternate airport not listed in the table if weather, air traffic control (ATC) routing, or other operational necessity requires it.

c. Technical/Refueling Stop. Leave blank if the foreign air carrier has no technical/refueling stop that it will use on a regular basis for the regular terminal airport.

d. For nonscheduled operations, the "Airports to be used for Scheduled Operations" table will be left blank.

Note: See Volume 11, Chapter 6 for inspector guidance on Environmental Assessments (EA) when adding a new scheduled destination airport for the foreign air carrier. For a checklist of the information needed by the General Aviation Operations Branch for an environmental

review, refer to the document in WebOPSS for OpSpec A001 by clicking the Guidance button and locating the document in the Guidance pop-up window titled “OpSpec Environmental Reviews.”

12) Notifications. Changes to any information in the FAA-issued OpSpecs, or the basis upon which the FAA issued them, require that the foreign air carrier notify the responsible IFO in a form and manner acceptable to the FAA. For example, changes to the:

- a. Foreign air carrier (company) ownership;
- b. Addresses for the foreign air carrier and contact details such as telephone, fax, and email;
- c. Foreign air carrier agent for service and management personnel;
- d. Economic authority issued by the U.S. DOT;
- e. Airports authorized for scheduled operations to the United States by the State of the Operator and to be used in the United States; and
- f. Notification method for nonscheduled flights to the United States.

Note: The responsible IFOs, if necessary, should make periodic inquiries to the foreign air carrier to ensure the currency of information.

13) Additional Reports. The foreign air carrier must provide additional reports and notifications when requested by the FAA. For example:

- a. A copy of the valid AOC or equivalent document issued by the State of the Operator;
- b. For scheduled flights, the schedule and frequency of flights and any changes to those schedules and frequencies; and
- c. The foreign air carrier’s operations and maintenance liaison persons and contractors at any U.S. airport served on a scheduled basis.

14) Responsible FS Office. See subparagraph c).

f) Information Required by A001, the § 129.14 Template. The following is a summary of the information captured in OpSpec A001 for foreign air carriers or foreign persons operating U.S.-registered aircraft only outside the United States.

- 1) The Foreign Air Carrier’s or Foreign Person’s Name. See subparagraph a).
- 2) The Foreign Air Carrier’s or Foreign Person’s Addresses. See subparagraph b).
- 3) DBA Names Authorized by the State of the Operator. See subparagraph a).

- 4) The Foreign Air Carrier's or Foreign Person's OpSpec Designator/Number. See subparagraph a).
- 5) The Foreign Air Carrier's or Foreign Person's State's Operating Certificate Number.
- 6) The Foreign Air Carrier's or Foreign Person's Representative. This representative will be the primary representative for all contact regarding the foreign air carrier or foreign person's U.S.-issued OpSpecs for the maintenance program and minimum equipment list (MEL) approval.
- 7) Agent for Service Located in the United States. See the definition of an agent for service in Volume 12, Chapter 1, Section 1. See also OpSpec A006 in this section for additional information.
- 8) Responsible FS Office. See subparagraph c).
- g) TSA Security Program. Part 129 foreign air carriers must maintain an appropriate security program, as required by the TSA. If the TSA requires a security program, then responsible PIs need documentation from their part 129 foreign air carriers (on the TSA security program) prior to issuing OpSpecs. The TSA will make the determination if the foreign air carrier needs a security program. It is each foreign air carrier's responsibility to contact the TSA. The TSA will analyze the foreign air carrier's proposed operations and fleet. Per the TSA:
 - 1) Title 49 CFR part 1546 identifies foreign air carriers that are obligated to hold a security program.
 - 2) Many smaller foreign air carrier charters may fall into the category of not needing a security program. Essentially, foreign air carriers with planes with less than 60 seats, less than a certain takeoff weight, not flying into/out of a sterile area, and not departing from an area where the TSA has determined a threat exists are not required by the TSA to have a security program. Operators may opt in to have a TSA security program, if they like.
 - 3) The TSA Office of Global Strategies (GS) maintains a list of part 129 foreign air carriers with valid TSA security programs. Foreign air carriers on the TSA's GS list are carriers that hold a security program (model security program (MSP), all-cargo international security procedure (ACISP), twelve-five standard security program (TFSSP), etc.) and actively fly to/from the United States. Active is defined by the individual TSA International Industry Representative (IIR) and can include asking if the carrier has flown to/from the United States in the past year, and will the carrier fly to/from the United States in the next year. If both answers are no, then typically those foreign air carriers will be removed from the Automatic Detection and Processing Terminal (ADAPT).

Note: If the responsible IFO has any concerns regarding a foreign air carrier's TSA security program, they will contact the International Field Office Management Branch who will assist in coordinating with the TSA, as appropriate. IFOs may request a copy of the latest GS list from the International Program Division.

OPSPEC A002—DEFINITIONS AND ABBREVIATIONS (REQUIRED FOR ALL AIR CARRIERS). OpSpec A002 includes definitions of words or phrases used in other OpSpec paragraphs. These definitions enhance understandings between the FAA and foreign air carriers. The FS International Program Division developed the definitions and they must not be changed. Forward all recommendations for changes/addition to the International Program Division for review and determination. An addition of a definition by an IFO would make the OpSpec nonstandard and, as such, the IFO must process the addition as a nonstandard OpSpec paragraph request through the International Program Division for approval.

OPSPEC A003—AIRCRAFT AUTHORIZED FOR OPERATIONS TO THE UNITED STATES (REQUIRED FOR ALL FOREIGN AIR CARRIERS OPERATING TO THE UNITED STATES. ONLY APPLIES TO PART 129 OPSPEC TEMPLATES, NOT THE § 129.14 OPSPEC TEMPLATES).

a) General. OpSpec A003 lists the aircraft that the FAA has authorized a foreign air carrier to use in its operations to the United States by aircraft, configuration, conditions, and certain operations authorized. This paragraph also describes the following specific requirements to list the aircraft in A003 and be used by a foreign air carrier to conduct international air transportation operations within the United States.

1) Aircraft Registration and Airworthiness Certificates. The aircraft must carry a current and valid Certificate of Airworthiness (C of A) and registration issued by the State of Registry. ICAO requires (in Article 29) that aircraft engaged in international navigation carry a C of A and registration. Airworthiness and registration certificates are also required for foreign air carrier aircraft by part 91, § 91.203(a)(1) and (2), and §§ 129.13 and 375.20. If the aircraft is subject to an agreement made under Article 83 *bis* (see Volume 12, Chapter 3, Section 5) to the Convention on International Civil Aviation, the C of A may be issued by the State of the Operator.

2) Airworthiness Code. The State of Registry must have a comprehensive and detailed national airworthiness code established for the class of aircraft as required ICAO Annex 8, Part II, 3.2.2. Determinations concerning the adequacy of a State's airworthiness code are based on the FAA's International Aviation Safety Assessment (IASA) Program. If any doubt exists, contact the International Program Division before adding the aircraft.

3) Maintenance Programs. Each aircraft must have a maintenance program approved by the State of Registry or, for an aircraft subject to an Article 83 *bis* agreement, by the State of the Operator.

a. For aircraft subject to an Article 83 *bis* agreement, verify the agreement has been registered with ICAO and covers the applicable aircraft (see Volume 12, Chapter 3, Section 5).

b. The maintenance program will conform to the international standards set forth in ICAO Annex 6, Part I, Chapters 8 and 11 for airplanes and Part III, Chapters 6 and 9 for helicopters.

c. For each U.S.-registered aircraft, the FAA must have approved the maintenance program in accordance with § 129.14(a).

4) Minimum Equipment List (MEL) Exceptions. The aircraft manufacturer develops the Master Minimum Equipment List (MMEL) in conjunction with the State of the Manufacturer's CAA. The State of the Operator approves a foreign air carrier's MEL.

a. Each foreign air carrier who wants to operate U.S.-registered aircraft with certain instruments or equipment inoperative must have OpSpec D095 issued to them. (See Volume 12, Chapter 4, Section 5.)

b. If the foreign air carrier does not have an MEL, then the PI must ensure that the following limitation is selected in A003 under subparagraph b(4):

“The following aircraft listed below do not have a Minimum Equipment List (MEL). Accordingly, the foreign air carrier must not take off the following aircraft with inoperable instruments or equipment installed.”

c. The PI must ensure that the appropriate aircraft make, model, and series (M/M/S), aircraft registration, or both are listed in the text box below the above limitation. For example, if a foreign air carrier has three aircraft listed in the table for A003, none of which has an MEL, then the PI should just list the M/M/S. If a foreign air carrier has three aircraft listed in the table for A003, all of which are the same M/M/S, but one of the aircraft does not have an MEL, then the PI needs only to ensure that the registration number of the aircraft without the MEL is listed.

5) Airworthiness Directives (AD).

a. A foreign air carrier must have properly accomplished all ADs issued by the State of Registry or adopted by the State of Registry from the State of Design applicable to each aircraft listed, in accordance with ICAO Annex 6, Part I, Chapters 8 and 11 (airplanes) and Part III, Chapters 6 and 9 (helicopters) as applicable. After the aircraft is on the OpSpecs, the failure to comply on an ongoing basis with all applicable ADs is justification for removing the aircraft from the OpSpec paragraphs.

b. OpSpec A447 must also be issued to each foreign air carrier operating U.S.-registered aircraft, which are listed in A003, to enable the FAA to notify the foreign air carrier regarding emergency ADs.

6) Flight Deck Security. Section 129.28 establishes additional flight deck security requirements to prevent unwanted persons from entering the flight deck when operating to the United States.

7) Aircraft Accident Liability Insurance. A foreign air carrier's aircraft must have accident liability insurance coverage and meet the requirements of part 205.

b) Enter Aircraft Information. All aircraft information must be first entered into WebOPSS, in the left navigation area, under “CHDO,” “Maintain Operator Data,” and “Aircraft.” Once accomplished, move the new A003 paragraph template to workspace. All of the information entered under “Operator - Aircraft” will then self-populate the table.

- All aircraft that the foreign air carrier owns, dry leases, or wet leases that it will operate within the United States must be entered in A003. Both foreign- and U.S.-registered aircraft must be entered.
- The aircraft of a foreign air carrier that provides service to the United States will only be listed in A003 of the “primary operator’s” A003, in the case of an interchange operation; the “lessor’s” A003, in the case of a wet lease; or the “lessee’s” A003, in the case of a dry lease (see Volume 12, Chapter 3, Section 2).

Note: For additional help in adding an aircraft to part 129 OpSpecs, in the left navigation area under “Tools” select “CHDO - User Manual.”

1) M/M/S. When entering an authorized M/M/S into A003, select it from the listing provided in WebOPSS. If the appropriate M/M/S cannot be found in WebOPSS, ASIs should send an email to WebOPSS Support at AFS-WebOPSS@faa.gov to request the M/M/S be added to WebOPSS. Provide any aircraft type certification information, if available. On the “Certificate Holder, Aircraft Authorization” menu, enter data on both the general and detail tabs.

2) Aircraft Serial Number. Enter the manufacturer’s aircraft serial number.

3) Aircraft Registration Number. Enter the aircraft registration marking assigned by the State of Registry. The ICAO defines the State of Registry as “the State on whose register the aircraft is entered.” In accordance with Article 18 of the Convention on International Civil Aviation, an aircraft cannot be validly registered in more than one State.

4) Configuration. PIs must select “All Cargo,” “Passenger,” “Combi,” or “Pax and Cargo” based on the main cabin configuration. The PI must ensure that the selection represents how the aircraft’s main cabin can be used and that it is not contrary to the type of service for which the aircraft is approved. For example, if an aircraft’s main cabin can be configured for “Pax and Cargo,” but the State of the Operator and DOT economic authority only authorize the foreign air carrier to carry passengers, then the PI must select “Passenger.”

a. All Cargo. The main cabin is for cargo hauling only. There may be a few supernumerary seats.

b. Passenger. The main cabin is for passenger seating only. There may be overhead bins for bags.

c. Combi. The main cabin of the airplane is a simultaneous combination of passenger and cargo. For example, half of the main cabin volume is for cargo and half of the main cabin volume is passenger seating.

d. Pax and Cargo. At one time the main cabin is all cargo (see above); at another time the main cabin is passenger (see above), though not at the same time.

5) En Route. Inspectors must enter the appropriate en route flight rule for each M/M/S.

a. If the M/M/S is a large aircraft, as defined in OpSpec A002, and/or approved for only instrument flight rules (IFR) operations by the State of the Operator CAA, select the phrase “IFR” in the column labeled “En Route.”

b. If the M/M/S is other than a large aircraft, as defined in OpSpec A002, and/or restricted to visual flight rules (VFR)-only operations by the State of the Operator CAA, select the phrase “VFR.”

c. If the M/M/S is other than a large aircraft, as defined in OpSpec A002, and/or approved for both IFR and VFR operations by the State of the Operator CAA, select the phrase “IFR/VFR.”

6) Condition. Select the day/night condition for each M/M/S.

a. If the State of the Operator CAA approves the M/M/S for both day and night conditions, select the phrase “Day/Night” in the block labeled “Condition.”

b. If the State of the Operator CAA approves the M/M/S for daylight conditions only, select the phrase “Day Only.”

7) Noise Stage. This only applies to turbojet airplanes with a maximum weight of more than 75,000 pounds; otherwise, enter “NA.” Select the aircraft noise stage II, III, or IV. If the aircraft is stage II or the aircraft is a dual-noise-stage-certificated B747, then OpSpec A026 must also be issued to the foreign air carrier. Evidence of noise stage should be from approved aircraft documentation, such as a noise certificate if issued, Airplane Flight Manual (AFM), or other document issued by the State of Registry.

8) Reduced Vertical Separation Minimum (RVSM). The State of the Operator provides operational authorization of RVSM. A003 confirms that the foreign air carrier has operational approval. The State of Registry approves the maintenance program. For U.S.-registered aircraft, the United States approves RVSM maintenance as part of the maintenance program authorized via OpSpec D085. The State of the Operator must have regulation and supporting guidance documents for the issuance of RVSM.

a. Authorized for RVSM Operations. If the foreign air carrier has aircraft authorized for RVSM operations by the State of the Operator, then for each authorized aircraft, select “Yes” in the “RVSM” column of A003 Table 1.

Note: If the PI has concerns as to how the State of the Operator approved the foreign air carrier for RVSM (e.g., the State of the Operator approved RVSM for the foreign air carrier without regulation and supporting guidance documents), the PI must advise the International Program Division. The International Program Division will coordinate with the Flight Technologies and Procedures Division, initiate discussions with the State, as appropriate, and advise the PI on resolution.

b. Not Authorized RVSM Operations. If the foreign air carrier is not authorized for RVSM, then select “No” in the “RVSM” column of Table 1 in A003.

c. Authorization Process. Before designating the airplanes in A003, the responsible IFO ASIs must obtain documentation from the foreign air carrier for verification of RVSM approval to include the following:

1. In the case of foreign-registered airplanes, a copy of their foreign OpSpecs or other issued AOC special operating provisions that show they have been authorized by the State of the Operator for RVSM. The documentation from the foreign CAA must show the M/M/S, aircraft serial number, and aircraft registration number of the airplanes that the foreign air carrier has been authorized to fly in RVSM airspace. Normally for foreign-registered aircraft, the responsible IFO ASIs will only need to examine the foreign OpSpecs or other AOC special operating provisions documented evidence of foreign CAA approval. If the responsible IFO believes it to be necessary in the interest of safety to verify such RVSM authorization, then the responsible IFO ASI(s) may require that the foreign air carrier submit the following:

i. Documentation of airplane RVSM eligibility. The foreign air carrier's aircraft must comply with RVSM standards. For in-service aircraft, documentation showing the completed inspections and/or aircraft system modifications as required by the applicable Service Bulletin (SB), Service Letter (SL), Supplemental Type Certificate (STC), or other approved documents approved or accepted by the State of Registry CAA. For aircraft that were manufactured RVSM-compliant, the approved AFM or Type Certificate Data Sheet (TCDS) contain a statement of RVSM eligibility, as appropriate.

Note: For U.S.-registered airplanes, the FAA is the State of Registry CAA and ~~documentation must be in accordance with subparagraph ii below.~~

ii. Documentation showing that the CAA of the State of the Operator has approved the foreign air carrier's RVSM maintenance program, and that it is acceptable to the State of Registry.

iii. Documentation that the State of the Operator CAA has approved/accepted the foreign air carrier's plan to participate in a monitoring program.

iv. Documentation that the State of the Operator CAA has approved/accepted the foreign air carrier RVSM operational procedures in their manual required by ICAO Annex 6, 4.2.

2. In the case of U.S.-registered airplanes, submit the following documentation of airplane RVSM eligibility:

i. For in-service aircraft, the FAA determines that inspections and/or aircraft system modifications are completed as required by the applicable SB, SL, STC, or other Aircraft Certification Service office-approved document.

ii. For aircraft manufactured RVSM-compliant, the FAA-approved AFM or TCDS contains a statement of RVSM eligibility, as appropriate.

9) Additional Aircraft Items. When adding aircraft information into WebOPSS under "CHDO," "Maintain Operator Data," and "Aircraft," enter, select, or check other information

about the aircraft as appropriate to the AOC and the aircraft used. These include nose number (or N/A), Multiengine Land, Single-Engine Land (SEL), Multiengine Sea (MES), Single-Engine Sea (SES) etc., or § 129.14; number of certificated and installed seats; and Civil Reserve Air Fleet (CRAF) information, if appropriate. Fields denoted with an asterisk are required. The “Authorizations” column should have appropriate entries assigned (e.g., RVSM, Category (CAT) II or CAT III) for each aircraft entry.

10) Ground Deicing Program.

a. The foreign air carrier will have a system to conduct operations in accordance with ICAO Annex 6, Part I, 4.3.5 for airplanes or Part III, 2.3.5 for helicopters. The carrier’s system will be contained in the manual required by ICAO Annex 6, Part I, 4.2.3 and Appendix 2, 2.1.15 for airplanes or Part III, 2.2.3 and Attachment G, 2.1.14 for helicopters. The foreign air carrier’s system will not conflict with the aircraft approved flight manual, and must be accepted or approved by the foreign air carrier’s State CAA.

b. The PI must ensure that the appropriate response from the dropdown list (yes or no) is selected in the column titled “Ground Deicing Program” for each CAA-approved aircraft based on whether or not the M/M/S has been approved for ground deicing. If requested, the foreign air carrier must provide (as proof of CAA ground deicing program approval) their PI with either:

- The English language material provided to the U.S. ground deicing contractor (if the foreign air carrier’s manual reference for ground deicing is not in English), or
- The foreign air carrier’s manual reference (if in English).

11) Data Communications (Data Comm). The FAA has made Departure Clearance (DCL) available using Future Air Navigation System (FANS) 1/A at various airports within the United States. This is an alternative means to voice communication between pilots and ATC with data link communications at those U.S. airports for picking up DCLs. Controller-Pilot Data Link Communication (CPDLC)-DCL is now operational at various U.S. airports. When data link communications are implemented in U.S. en route airspace, and if the foreign air carrier has Data Comm that meets the requirements of U.S. airspace, and are already authorized via A003, then the foreign air carrier can use Data Comm within the United States whenever/wherever it is available.

Note: The National Airspace System (NAS) Data Communications Guide replaced the Data Communications Implementation Team (DCIT) CPDLC-DCL Flight Deck User Guide. When Data Comm is available for en route in U.S. airspace, AC 90-117, Data Link Communications, will contain the requirements for en route in U.S. airspace as well.

12) Data Comm Criteria Acceptable to the FAA. Data link communications installations, training programs, MELs, or maintenance programs for foreign air carriers operating non-U.S.-registered aircraft are not approved by the FAA. Such authorizations are as specified by the State of the Operator. However, since compatibility of data link communications within U.S. airspace is essential, part 129 operations issues guidelines for data link communications.

Compliance with the provisions of data link communications ensures both the data link communication system and procedural compatibility. The FAA issues limitations for data link communications, in accordance with, but not limited to, the following:

- ICAO Doc 10037, Global Operational Data Link (GOLD) Manual, ICAO's global guidelines for data link operations.
- If adopted by the CAA, equivalent standards to AC 90-117.

Note: PIs must coordinate all acceptable criteria other than that specified above with the International Operations Branch, who will coordinate with the Flight Technologies and Procedures Division subject matter expert (SME), as appropriate. For a list of applicable ICAO Standards and Recommended Practices (SARP), refer to AC 90-117.

13) Data Link Address. An appropriate data link must be installed and operated on suitable frequencies specified by ATC during flight in U.S. airspace if procedures are predicated on its use. A unique and specific address, the ICAO 24-bit aircraft identification, must be assigned to the airplane and the data link must recognize this address. When properly set, the unique address may not be altered, to include set to a duplicated address or set to an address that potentially interferes with ATC or data link safety functions.

14) Data Link Coordination. A data link capable of coordinating with air traffic facilities using RTCA DO-219, Minimum Operational Performance Standards (MOPS) for ATC Two-Way Data Link Communications, or other equivalent standards, must be installed if operations will be predicated on its use. Operate the data link system in an appropriate data link mode during flight in U.S. airspace using data link, except as provided for by the MEL provisions acceptable to the State of the Operator.

15) Data Link Training Program. All foreign air carrier flightcrews must have successfully completed their State of the Operator's CAA-approved training program for data link communication prior to conducting data link communication in U.S. airspace.

16) Foreign Air Carrier Actions. A foreign air carrier applying to the FAA to conduct data link communications within U.S. airspace must provide the responsible IFO with evidence that the State of the Operator has approved the foreign air carrier for this operation. The approval must include:

a. Documentation (e.g., foreign-issued OpSpecs, official letter) from the State of the Operator's CAA stating that:

1. The approval of the foreign air carrier for data link communication is in accordance with XXXX (e.g., ICAO GOLD) criteria;
2. The aircraft and aircraft equipment are eligible and approved for data link communication; and
3. The foreign air carrier has procedures to conduct data link communication with properly trained flightcrews.

b. Supporting documentation for A003, Table 1, data link system flight plan code (filled in field 10a) that meets U.S. domestic airspace requirements for each aircraft M/M/S.

1. Foreign air carriers may find U.S. domestic airspace requirements as well as the corresponding flight plan codes in AC 90-117.

2. PIs may accept equipment eligibility that has been determined eligible and approved by a foreign air carrier's CAA when additionally documented by the AFM or other FAA-recognized means.

3. If the documentation includes (marketing) terminology not covered by AC 90-117, or de-identified in GOLD and listed as available for that M/M/S, the foreign air carrier will need to obtain a letter from the Original Equipment Manufacturer (OEM). The OEM will need to de-identify the (data link communication marketing) terminology in internationally accepted terms which can be found in ICAO Doc 4444, Procedures for Air Navigation Services—Air Traffic Management.

4. Any other pertinent information.

Note: For foreign air carriers that wish to configure and receive FANS CPDLC dispatch messages, refer to the Subscriber Database Website User's Guide.

17) Foreign Air Carrier Authorization. The PI must select all of the applicable data link flight plan codes and Data Comm boilerplate limitation, after the Principal Operations Inspector (POI) and Principal Avionics Inspector (PAI) agree that the foreign air carrier:

a. Is authorized to conduct data link communications by the State of the Operator's CAA;

b. Is eligible for data link communications operations in the U.S. NAS;

c. Understands the Data Comm boilerplate A003 limitations (i.e., the difference in the U.S. domestic airspace requirements between CPDLC-DCL and en route data communications services); and

d. Understands that if the data link flight plan code applicable to U.S. domestic airspace requirements is not in Table 1 of A003, then a request for the addition must be made to the International Operations Branch who, with the Flight Technologies and Procedures Division SME concurrence, will coordinate the addition with the Air Transportation Division.

18) Data Link System Flight Plan Codes and U.S. Domestic Airspace.

a. Air traffic issues a departure clearance in U.S. domestic airspace via CPDLC based on the foreign air carrier filing one or both of the following equipment codes in field 10a of the ICAO flight plan:

- J3.
- J4.
- J3 and J4.

b. J3 stands for CPDLC FANS 1/A. J4 stands for CPDLC FANS 1/A Very High Frequency (VHF) Data Link (VDL) Mode 2. In ICAO GOLD, PIs and foreign air carriers will find FANS and Aeronautical Telecommunications Network (ATN) product availability by aircraft M/M/S. For example:

1. For the Airbus A350, product availability is FANS A+B as FANS 1/A-ATN B1. FANS A+B is marketing terminology used by Airbus. FANS 1/A-ATN B1 is the internationally acceptable terminology used for air traffic management (refer to ICAO Doc 4444, page A2-6).

2. For the Boeing 747-8, product availability is FANS 2 as FANS 1+ and ATN B1. FANS 2 is marketing terminology used by Boeing. FANS 1+ and ATN B1 are the internationally acceptable terminology used for air traffic management (refer to ICAO Doc 4444, page A2-6).

c. When en route data communication is available in U.S. domestic airspace, the same J codes as those for CPDLC-DCL are suitable for U.S. data communication en route.

19) CPDLC and “Push to Load” Requirement. “Push to Load” is the ability of the flightcrew to press a button on their flight management system (FMS) to load the sent clearance into the aircraft FMS/avionics system.

a. If the FMS/avionics system does not have push-to-load capability, the flightcrew will manually enter the clearance. Foreign air carriers whose FMS/avionics do not have push to load should contact their FMS/avionics equipment OEM to see if push to load is available for their FMS/avionics equipment.

b. Currently, there is no ICAO flight plan code to identify to air traffic that the foreign air carrier’s FMS has push-to-load capability (sometimes referred to as automation).

Note: The FAA has made push to load a requirement for the following CPDLC message sets into the FMS: UM79, UM80, and UM83, as it eliminates typing errors and, as such, enhances safety.

20) CPDLC Flight Plan Designators/Codes.

a. Filing of all applicable flight plan codes is the responsibility of the foreign air carrier. Foreign air carriers must enter all applicable Data Comm codes in field 10a of the ICAO flight plan for their entire route. The reason for this is that those flight plan codes will determine the routing from point of departure to destination. For example: A foreign air carrier wanted to fly from Boston’s Logan Airport (U.S.) to Paris’ Charles De Gaulle Airport (France) in a Boeing 747-8 (in which FANS 2 as FANS 1+ and ATN B1 was installed). If the foreign air

carrier was approved by the State of the Operator for data link over the North Atlantic (NAT) track, the foreign air carrier would list in field 10a of the ICAO flight plan:

1. J1 for the ATN B1. J1 would be a flight plan code used for data link communications in Europe.

2. J3 and/or J4 as appropriate for FANS 1+. J3 and J4 are the flight plan codes used for data link communications in U.S. domestic, presently CPDLC-DCL and later U.S. domestic en route. For additional guidance on VDL Mode 0/A as it relates to U.S. domestic en route, refer to AC 90-117.

Note: Although an aircraft may be able to send a CPDLC (text) message to air traffic while sitting on the ground at a U.S. domestic airport via satellite communications (SATCOM), the U.S. air traffic controller will not be able to send a message back to the aircraft via SATCOM. Currently, SATCOM is only available to air traffic centers tasked with separating traffic over the ocean.

3. The appropriate combination of J2 (CPDLC FANS 1/A High Frequency Data Link (HFDL)), J5 (CPDLC FANS 1/A SATCOM (Inmarsat)), J6 (CPDLC FANS 1/A SATCOM (Multi-System Access Tool (MSAT))), and J7 (CPDLC FANS 1/A SATCOM (Iridium)). J2, J5, J6, and J7 would be the flight plan code(s) used for data link communications over the ocean between the United States and Europe when outside of range of VHF. When over water, in line of sight/ground radio range CPDLC data can be transmitted via FANS 1/A VDL Mode A (J3) and FANS VDL Mode 2 (J4).

b. The U.S. Aeronautical Information Publication (AIP) also makes reference to field 18 DAT in relation to CPDLC-DCL (refer to U.S. AIP, paragraph 30.3.2.5). For details, refer to AC 90-117, Appendix D, Flight Planning.

c) Adding or Deleting an Aircraft. ASIs must instruct a foreign air carrier wishing to add or delete an aircraft to its part 129 OpSpecs to submit a letter or electronic transmittal to their assigned FAA office. The foreign air carrier should address the letter or email to their PI, as listed in OpSpec A001, requesting the aircraft addition or deletion. The PIs assigned to the foreign air carrier must obtain and review the following documents prior to adding an aircraft to the foreign air carrier's OpSpecs:

1) A copy of the State of the Operator-issued OpSpecs/Air Carrier Certificate or other document, reflecting that the proposed aircraft is authorized for the proposed type of operation by the State of the Operator.

2) If applicable, any aircraft lease agreement (wet or dry) or interchange arrangement. The lease agreements or interchange arrangement must address who is responsible for aircraft maintenance, operational control, flightcrew and cabin crew responsibility, etc. If no lease agreement or interchange arrangement is applicable, review the copies of documents showing ownership of the aircraft (see Volume 12, Chapter 3, Section 2).

3) Approvals of the State of the Operator and State of Registry relating to the aircraft maintenance programs. OpSpec A003 and ICAO Annex 6 establish the requirement that the aircraft's airworthiness certification be in accordance with a comprehensive and detailed code of airworthiness. There is no need to obtain a copy of the entire maintenance program, just the approval page. Coordinate with the International Program Division if either of the following applies:

a. The aircraft that the foreign air carrier wants to add to its operations to the United States is registered in a country (which may not be the State of the Operator) that is IASA CAT 2 (or has not been assessed by the FAA).

b. The Airworthiness Certificate for the aircraft that the foreign air carrier wants to add to its operations to the United States, does not contain an issued statement in accordance with ICAO Annex 8.

4) The following aircraft-specific documentation showing approval from the State of the Operator and State of Registry and/or compliance by the foreign air carrier, as applicable:

a. The C of A and registration issued by the State of Registry or the State of the Operator in the case of an existing Article 83 *bis* agreement (see Volume 12, Chapter 3, Section 5).

b. If the aircraft is subject to an Article 83 *bis* agreement, review the Article 83 *bis* agreement and ensure agreement registration with ICAO.

c. Approval by the State of the Operator for the aircraft MEL, with the exception noted in subparagraph a)4). There is no need to obtain a copy of the entire MEL, just the approval page.

d. Noise stage compliance for each applicable aircraft.

e. Documentation that flight deck door security requirements have been met in accordance with § 129.28.

f. Traffic Alert and Collision Avoidance System (TCAS)/Airborne Collision Avoidance Systems (ACAS) installation approval including compliance with required software version number for aircraft equipped with TCAS II.

g. Aircraft configuration information showing the State of Registry and/or State of the Operator-approved aircraft configurations. Pls must select "All Cargo," "Combi," "Passenger," or "Pax and Cargo" based on the main cabin.

h. The foreign air carrier has each required approval from the State of the Operator CAA for specific operations.

1. These operations include: RVSM, North Atlantic High Level Airspace (NAT HLA), CAT II, CAT III, instrument landing system (ILS)/precision runway monitor (PRM), Required Navigation Performance Authorization Required (RNP AR) or restricted

CAT II/III approaches, Low Visibility Take-Off (LVTO) minima, land-and-hold-short operations (LAHSO), etc., authorized in the OpSpecs.

2. Confirm that the foreign air carrier has authorizations for Extended Operations (ETOPS), if appropriate.

3. Some authorizations will require the issuance of additional OpSpecs. For detailed guidance on Data Comm, see subparagraph b). If the PI already has documentation that the criteria used by the State of the Operator's CAA for a particular approval is acceptable to the FAA, then the criteria documentation does not need to be resubmitted unless:

- The State of the Operator's CAA changed the criteria;
- The State of the Operator's CAA uses different criteria for the aircraft the foreign air carrier requested to operate to the United States; or
- The responsible PI is not in possession of documentation referencing the State of the Operator's CAA criteria that was already determined to be acceptable to the FAA.

i. OST Form 6411, Foreign Air Carriers - Certificate of Insurance. Refer to the "Maintain Operator Data"—"Insurance" area of WebOPSS for the foreign air carrier to verify that the foreign air carrier's insurance company has filed a properly completed OST Form 6411 indicating that the additional aircraft have required insurance coverage.

1. If the foreign air carrier has an "Approved (Active)" policy with blanket coverage for all aircraft (i.e., the column labeled "Blanket" in the insurance interface will indicate "True"), then additional aircraft added to the foreign air carrier will be covered.

Note: Blanket coverage policy is indicated by the insurance company designating "Operations conducted with all aircraft operated by the insured" in section 3 of OST Form 6411.

2. If the foreign air carrier does not have a blanket coverage policy, click on the policy number links listed in "Policy Number" column for policies with "Approved (Active)" status (as listed in the "Status" column). Each link will provide details of the aircraft covered by that specific policy. Aircraft not identified as covered by an "Approved (Active)" policy must not be added to A003.

3. If additional questions exist about insurance coverage (e.g., no insurance information in WebOPSS for the operator), contact an insurance analyst in the Air Transportation Division, Technical Programs Branch, by email at AFS-260-Insurance@faa.gov.

4. Additional information, to include a link to a copy of OST Form 6411, may be located at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs200/afs260/exemptions/.

j. A statement from the foreign air carrier (e.g., Foreign AOC, Airworthiness Certificates) that the aircraft meets the aircraft equipment requirements of ICAO Annex 6, Part I

for airplanes or Part III for helicopters as appropriate. (Refer to § 129.5(b).) The following exceptions apply:

1. A foreign air carrier whose aircraft does not meet the aircraft equipment requirements of ICAO Annex 6 must apply for and receive an exemption from the Administrator in accordance with part 11 before the aircraft can be added to the foreign air carrier's part 129 OpSpecs.

2. When the FAA allows all U.S. air carriers or a class of U.S. air carriers to meet different safety standards in U.S. airspace, the FAA believes that ICAO Article 11 obligations permit the FAA to allow similarly situated carriers from ICAO Member States to operate in U.S. airspace under standards that do not make distinctions among the operators based on nationality. Per the Office of the Chief Counsel (AGC), "...when FAA rules allow U.S. air carriers to meet different standards, then the FAA can permit foreign air carriers to operate in the U.S. airspace either under the U.S. standards appropriate to the class of air carrier or under ICAO Annex 6 standards."

5) Obtain and review aircraft-specific documentation for each U.S.-registered aircraft to verify the following:

a. For U.S.-registered aircraft, approval of the aircraft maintenance program and MEL by the FAA in accordance with part 129.

Note: Documents that apply to multiple aircraft (have already been reviewed for another applicable aircraft already on A003) do not have to be reviewed again for subsequent aircraft. For example, if all airplane types are covered by a fleet MEL and another aircraft of the same type is added, the MEL does not need to be reviewed again. The option to review will rest with the responsible IFO. An instance when it would be advisable to review the records would be if the previously reviewed records were no longer available.

b. The foreign air carrier has complied with supplemental inspection requirements for U.S.-registered aircraft in accordance with part 129, as applicable.

c. Digital flight data recorder (DFDR) installation is in accordance with part 129.

d. The foreign air carrier has complied with special maintenance program requirements in accordance with part 129, as applicable.

e. The foreign air carrier has complied with aging airplane inspections and records reviews for multiengine aircraft in accordance with part 129, as applicable.

6) Environmental Assessments (EA). The lower the noise stage of an aircraft, the louder/higher the aircraft noise will be (e.g., noise stage III aircraft is louder than noise stage IV aircraft). If the foreign air carrier proposes to add new aircraft that is noisier than the aircraft already listed on A003, then:

a. See Volume 11, Chapter 6 for guidance on EAs; and

b. For a checklist of the information needed by the General Aviation Operations Branch for an environmental review, refer to the document in WebOPSS for A003 by clicking the Guidance button and locating the document in the Guidance pop-up window titled, “OpSpec Environmental Reviews.”

7) Automatic Dependent Surveillance-Broadcast (ADS-B) Exemption 12555. On January 1, 2020, all aircraft operating in U.S. airspace must comply with §§ 91.225 and 91.227 with regard to ADS-B Out equipment. The airspace where ADS-B Out will be required includes (in general) all airspace above 10,000 feet mean sea level (MSL) and all Class B and C airspace.

a. In August 2015, the FAA issued Exemption 12555. Exemption 12555 acknowledges that many transport category aircraft currently utilize GPS navigation equipment that does not meet the accuracy requirements detailed in § 91.227. Additionally, the ADS-B equipment may not be commercially available before the ADS-B requirement takes effect.

b. Exemption 12555 is available to all operators and will permit ADS-B equipped aircraft to operate in U.S. airspace using navigation equipment which does not meet the accuracy requirements detailed in § 91.227. Additional information concerning the exemption is available in Volume 3, Chapter 2, Section 3, and Information for Operators (InFO) 16003, Exemption 12555 Process.

c. For additional information concerning the FAA’s plans for ADS-B Out implementation, refer to <http://www.faa.gov/nextgen/programs/adsb>.

8) Limitations. The PI must select only the applicable limitations to the foreign air carrier’s operations.

OPSPEC A004—SUMMARY OF SPECIAL AUTHORIZATIONS, LIMITATIONS AND RESTRICTIONS (REQUIRED FOR ALL AIR CARRIERS).

a) Purpose. OpSpec A004 summarizes optional authorizations applicable to the foreign air carrier issued by OpSpecs. It also summarizes limitations and restrictions that apply to the foreign air carrier’s operations within the United States. Although A004 is completed automatically by WebOPSS when related OpSpec paragraphs are moved into the workspace, PIs can use it as a checklist in selecting other optional OpSpec paragraphs for issuance in WebOPSS.

b) Procedure. Optional OpSpec paragraphs can be selected in the workspace by checking the blocks for the associated authorizations, limitations, or restrictions. These optional OpSpec paragraphs will be generated in the workspace.

OPSPEC A005—EXEMPTIONS AND DEVIATIONS (OPTIONAL).

a) General. Both exemptions and deviations may be authorized for a foreign air carrier. In order for a foreign air carrier to conduct operations under the provisions of any exemption or deviation, A005 must be issued and list the exemption or deviation. Volume 3, Chapter 2 contains the process for application and approval of exemptions or deviations.

b) Exemptions.

1) In the left navigation area, under “CHDO,” “Maintain Operator Data,” “Exemptions,” find the exemption in the “Available Exemptions” list and assign using the down arrow.

2) In the space labeled “Remark” (referencing each exemption), use the “Edit Remark” button to enter a brief description of the exemption or, if appropriate, the exempted regulations.

3) If another OpSpec specifies certain conditions or limitations related to the exemption, enter the reference number of the other OpSpecs in this space.

4) Coordinate all exemptions with the International Program Division prior to authorization in the foreign air carrier’s OpSpecs.

c) Deviations. All deviations must be first selected in WebOPSS in the left navigation area, under “CHDO,” “Maintain Operator Data,” “Deviations.”

1) In the left navigation area, under “CHDO,” “Maintain Operator Data,” “Deviations,” find the deviation in the “Available Deviations” list and assign using the down arrow.

2) When prompted, enter the conditions and limitations for the deviation in the text box.

3) Coordinate all deviations with the International Program Division prior to authorization in the foreign air carrier’s OpSpecs.

OPSPEC A006—FOREIGN AIR CARRIER’S PERSONNEL, DESIGNATED AGENT, AND OTHER PERSONS (REQUIRED FOR ALL AIR CARRIERS).

a) General. OpSpec A006 identifies the following individuals: the foreign air carrier’s management personnel, personnel designated to officially apply for and receive OpSpecs, the agent for service, and the responsible government official.

b) Instructions for the Information Fields. The following provides direction for the required information fields to this paragraph:

1) Management Personnel.

a. First, enter foreign air carrier management information into WebOPSS in the left navigation area under “CHDO,” “Maintain Operator Data,” “Personnel.”

1. If designated by the operator, enter the names of the Director of Maintenance (DOM), Director of Operations (DO), Director of Quality Assurance (DQA), Director of Safety (DOS), and chief pilot.

2. If foreign equivalent titles that fulfill similar responsibilities are used, select (in the “FAA Recognized Position Title”) the title default of “(Not Applicable)” and enter the equivalent title in the “Equivalent Position Title.” Check the box for “Management Personnel (A006).” Once that is accomplished, moving the template from “available” to “workspace” will

cause the information to be loaded automatically into the table in A006 subparagraph a. The telephone, fax, and email will need to be entered manually into A006 (once the A006 template is in “workspace”).

b. There is no regulatory requirement for the FAA to approve foreign air carrier management personnel, nor is it within the FAA’s authority to approve foreign air carrier management personnel.

c. A006 intent is to clearly identify the air carrier’s key management personnel who are fulfilling management positions in accordance with the foreign air carrier’s own requirements as well as any that are imposed by the State of the Operator CAA.

2) Operations Representative. A006 subparagraph b should include the foreign air carrier’s primary representative for all contacts regarding the foreign air carrier’s OpSpecs and foreign air transportation operations within the United States.

a. Manually type the name, address, title, telephone number, fax, and email of the operations representative. Some foreign air carriers will have a management representative in the United States (for example, a manager of U.S. operations).

b. If the foreign air carrier does not have a management representative within the United States, enter information for the operations representative located outside the United States.

3) Agent for Service.

a. An agent for service is a person or company designated by the foreign air carrier upon whom all legal notices, processes and orders, decisions, and requirements of the DOT, the FAA, and the National Transportation Safety Board (NTSB) will be served. When serving any of these documents upon the foreign air carrier’s agent for service, the foreign air carrier cannot claim (legally) that it did not receive the documents. Title 49 of the United States Code (49 U.S.C.) § 46103(a) requires foreign air carriers to designate an agent for service.

b. A006 subparagraph c will include the agent’s full name and office address or usual place of residence of the air carrier’s agent for service. If deemed necessary for correspondence purposes, include other information such as telephone number or email address.

1. Enter the agent for service information into WebOPSS in the left navigation area under “CHDO,” “Maintain Operator Data,” “Personnel.” Check the box for “Agent for Service.”

2. If the agent for service is also designated by the foreign air carrier as authorized to apply for and receive OpSpecs, then the “Other Designated Persons (A007)” box also needs to be checked (see subparagraph b)4) for more details).

3. Once that is accomplished, moving the template from “available” to “workspace” will cause the “Name” and “Address” information to be loaded into A006 automatically. Manually enter the remaining contact information if appropriate.

4) Personnel Designated to Apply for and Receive OpSpecs. A006 subparagraph d should include the name, title, and parts authorized of persons designated by the foreign air carrier as authorized to apply for and receive OpSpecs.

a. Enter the persons signing the OpSpecs first into WebOPSS in the left navigation area under “CHDO,” “Maintain Operator Data,” “Personnel.”

b. Check the “Other Designated Persons (A007)” box for personnel type.

c. Also, check the boxes for the OpSpecs parts for which the designated person is responsible.

d. Once that is accomplished, moving the template from “available” to “workspace” will cause the information to be loaded into the OpSpec automatically.

5) Responsible State Government Official. A006 subparagraph e should include the name, address, title, telephone number, fax, and email of the foreign CAA official responsible for issuing the AOC and for ensuring continuing oversight of the foreign air carrier. Type the name, address, title, telephone number, fax, and email of the responsible State Government official manually into A006 subparagraph e.

c) Safety Alerts for Operators (SAFO) and InFOs. All operators may go to the FAA website (www.faa.gov) to subscribe to SAFOs and InFOs. Once on the website, they must provide their email address to subscribe. Operators have the primary responsibility for obtaining SAFOs and InFOs. PIs should not take on this primary role. PIs are encouraged to advise their foreign air carriers and foreign persons of SAFO and InFO subscription availability.

OPSPEC A008—OPERATIONAL CONTROL, AERONAUTICAL WEATHER, AND AIRPORT AERONAUTICAL DATA (REQUIRED TO BE ISSUED ONLY FOR PART 129 AIR CARRIERS FROM IASA CAT 2 COUNTRIES).

a) General. Operational control, aeronautical weather, and airport data is a requirement for all operators under ICAO Annex 6. When the FAA determines (under IASA) that the State of the Operator does not oversee civil aviation safety in accordance with minimum international standards, then the FAA puts additional OpSpec requirements on foreign air carriers issued an AOC by these countries. The FAA does not require that operational control, aeronautical weather, and airport data be captured for foreign air carriers assessed under IASA as being from a CAT 1 country because the FAA has determined that the State of the Operator oversees civil aviation safety in accordance with minimum international standards.

b) Purpose. OpSpec A008 ensures that each part 129 foreign air carrier, under the oversight of an IASA CAT 2 country, is operating within the United States in accordance with the ICAO Annex 6 standards for operational control, aeronautical weather and airport data, and that those requirements are:

1) Contained in the manual required by ICAO Annex 6 (Part I, 4.2.3 for airplanes and Part III, 2.2.3 for helicopters) that has been accepted or approved by the foreign air carrier’s State CAA; and

2) Described or referenced in A008, preferably by the manual or sections of a foreign air carrier's manual. When the foreign air carrier's manual does not adequately describe the system or procedures used:

a. The foreign air carrier provides a narrative description combined with references and enters them in A008. The narrative description should be brief. It should provide sufficient information so that the FAA and the foreign air carrier have the same understanding about the system or procedures used by the foreign air carrier.

b. The foreign air carrier shall inform their assigned FAA PI as listed in OpSpec A001 of any changes when they occur.

c) Operational Control. A dispatch organization or method of flight supervision may provide operational control. The description of the systems or procedures for controlling flight movement as described in the foreign air carrier's manual and referenced or described in A008 should include the following types of information, as appropriate to the kind of operation:

- Methods and procedures for initiating, diverting, and terminating flights.
- Persons or duty positions authorized to, and responsible for, exercise of operational control.
- Facilities and location of facilities used by the foreign air carrier in the exercise of operational control. A method of control and supervision of flight operations is covered in ICAO Annex 6, Part I, 4.2.1.3 for airplanes and Part III, 2.2.1.3 for helicopters.

Note: ICAO defines operational control as “the exercise of authority over the initiation, continuation, diversion, or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight.”

- Communication systems and procedures used by the foreign air carrier.
- Special coordination methods and/or procedures used by the foreign air carrier to ensure the aircraft is airworthy.
- Emergency notification procedures.

d) Aeronautical Weather Data. The foreign air carrier needs to have a system of obtaining and disseminating weather data (ICAO Annex 6, Part I, 4.3.5 for airplanes and Part III, 2.3.5 for helicopters) so that prior to takeoff the operator has a means of determining that:

- 1) A flight that is to be conducted under VFR can remain under VFR; and
- 2) A flight that is to be conducted under IFR has the weather minimums necessary to make a landing at the destination airport or, if required, the alternate airport. At least one destination alternate (if required), at the ETA, must have the weather at or above the airport operating minimums.

e) Airport Aeronautical Data. The data required in accordance with ICAO Annex 6 is at least the following types of airport aeronautical data:

1) Current Aeronautical Guides and Charts. Information relating to communication facilities, Navigational Aids (NAVAID), aerodromes, and other such information are found in ICAO Annex 6, Part I, 6.2.3 and Appendices 2 and 6.

2) Minimum Flight Altitudes. The method for determining minimum flight altitudes for each route to be flown (ICAO Annex 6, Part I, 4.2.7).

3) Aerodrome Operating Minima. Aerodrome operating minima shall be applicable to the type of operation as specified in ICAO Annex 6, Part I, 4.2.8. Consideration will be given in establishing such minima for the following:

- a. Airplane type, performance, and handling characteristics;
- b. Flightcrew composition and experience;
- c. Runways to be used;
- d. Adequacy and performance of the available visual and nonvisual ground aids;
- e. Airplane navigation equipment to the type of operation; and
- f. Obstacle clearance altitudes for landing, missed approach, and climb.

OPSPEC A024—AIR AMBULANCE OPERATIONS (OPTIONAL).

a) Purpose. The intent of OpSpec A024 is to promote the same understanding between the foreign air carrier and the FAA concerning the safe conduct of air ambulance operations within U.S. airspace.

b) Manual Requirements. The foreign air carrier should have air ambulance procedures in their foreign air carrier's State CAA-approved/accepted manual. While ICAO Annex 6 does not contain specific references to air ambulance operations, it does require that:

1) The operations manual required by ICAO Annex 6, Part I, 4.2 and Appendix 2 contain:

- Instructions outlining the responsibilities of operations personnel pertaining to the conduct of flight operations; and
- Checklists of emergency and safety equipment and instructions for its use.

2) A foreign air carrier will ensure that all operations personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole, as required by ICAO Annex 6, Part I, 4.2.3.

c) Prerequisites. Prior to issuing A024, the ASI should review the appropriate documentation to ensure that:

1) The foreign air carrier has procedures in its manual for air ambulance operations that its CAA has approved/accepted. Absent any guidance or requirements from the State of the Operator, the foreign air carrier may use the advisory information in AC 135-15, Emergency Medical Service/Airplane (EMS/A), for airplanes and/or AC 135-14, Helicopter Air Ambulance Operations, for helicopters. The foreign air carrier's air ambulance procedures should be consistent with those of a U.S. air carrier authorized to conduct similar air ambulance flights.

2) The foreign air carrier has air ambulance operations included in its approved crewmember training program. The minimum training should indicate that the pilot in command (PIC), and the second in command (SIC) if appropriate, is trained in the same areas as required of all pilots. The training should be supplemented by training in any additional aircraft equipment, normal operating procedures, and emergency procedures specific to air ambulance operations. The ASI should also determine whether medical personnel participating in the flight are considered passengers or crewmembers in order to determine the extent of training required. Also, refer to AC 00-64, Air Medical Resource Management.

3) The foreign air carrier is authorized by an appropriate government agency within the State of the Operator (CAA or other agency). This may be in the form of a letter, Operating Certificate, or other document. The inclusion of air ambulance procedures and training in required manuals may be sufficient to determine if the foreign air carrier is authorized to conduct air ambulance operations since those procedures and training will have been approved/accepted by the State of the Operator.

4) The installation of the medical equipment (or air ambulance required equipment) on the aircraft (the aircraft modification) has been approved by the State of Registry and the State of the Operator.

d) System References. The system approved/accepted by the State of the Operator for the foreign air carrier must be described or referenced in A024.

1) Referencing pertinent sections of the foreign air carrier's manual or other documents that describe the system used by the air carrier should complete A024.

2) When a single manual or document does not adequately describe a system, it may be appropriate to provide an additional narrative description of the system in additional text to complete A024.

3) When a narrative description (or outline) is used, it should be brief but provide sufficient clarifying information, describing the complete system for air ambulance operations.

OPSPEC A026—RESTRICTED OPERATION OF CERTAIN STAGE II AIRPLANES (OPTIONAL).

a) General. The intent of OpSpec A026 is to promote the same understanding between the foreign air carrier and the FAA concerning aircraft noise requirements and ensure that a foreign air carrier who operates Stage 2 aircraft to the United States complies with the Airport Noise and Capacity Act of 1990 (ANCA). The ANCA prohibits the operation of civil subsonic turbojet Stage 2 airplanes over 75,000 pounds in the contiguous United States after December 31, 1999. On November 29, 1999, the President signed into law certain changes to the ANCA that affect operators of Stage 2 airplanes. These changes distinguish airplanes by type of certification and operation. The prohibition on revenue operations of Stage 2 airplanes after December 31, 1999, remains in effect.

b) Noise Requirements. The noise requirements were implemented in part 36 and §§ 91.801 through 91.877. In accordance with part 91, no foreign air carrier shall operate any aircraft to or from any airport in the contiguous United States, unless it complies with Stage 3 noise levels. A026 subparagraph a reiterates this requirement. There are two exceptions to this requirement as follows:

1) Dual-Certificated Boeing 747 Airplanes. At the foreign air carrier's discretion and in order to comply with the noise requirements of § 91.853, a foreign air carrier of a Boeing 747, who is currently certificated for operation in either a Stage 2 or Stage 3 configuration (per the AFM), may choose to limit the operation of that airplane to Stage 3 configuration only, to allow operation in the contiguous United States. These airplanes should be entered in A026 subparagraph b, including M/M/S, registration number, and serial number.

2) Other Stage 2 Airplanes. The foreign air carrier may choose to restrict their operation to operations solely outside the 48 contiguous United States. Section 91.857 requires that this restriction be included in the foreign air carrier's OpSpecs. These airplanes should be entered in A026 subparagraph c, including M/M/S, registration number, and serial number.

c) Additional Information. The law permits a range of nonrevenue Stage 2 operations. Any operator of a Stage 2 airplane over 75,000 pounds may operate in the contiguous United States for the following purposes:

1) To sell, lease, or scrap the airplane.

2) To obtain modifications to meet Stage 3 requirements. Operators moving a Stage 2 airplane to a location for Stage 3 modification must provide a copy of the modification contract to the FAA with the application for a Special Flight Authorization (SFA) (Noise).

3) To obtain scheduled heavy maintenance or significant modifications. The FAA interprets "scheduled heavy maintenance" to mean a "C" or "D" check; "significant modifications" are those requiring special knowledge or equipment not readily available elsewhere or not practicable outside the United States.

4) To deliver the airplane to a lessee or return it to a lessor.

- 5) To park or store the airplane.
- 6) To prepare the airplane for any of these events.

d) SFA (Noise) for Stage 2 Airplanes. The foreign air carrier of a Stage 2 airplane that wishes to operate in the contiguous United States for any of the purposes listed above may apply to the FAA's Office of Environment and Energy (AEE) for an SFA (Noise). The applications are due 30 days in advance of the planned flight and must provide the information necessary for the FAA to determine that the planned flight is within the limits prescribed in the law. The SFA (Noise) is issued by AEE only; FS is not authorized to issue an SFA (Noise).

OPSPEC A027—LAND AND HOLD SHORT OPERATIONS (LAHSO) (OPTIONAL).

a) General. OpSpec A027 authorizes LAHSO for foreign air carriers operating under part 129, after requirements for operational policies, procedures, and training for LAHSO have been met. No foreign air carrier may participate in LAHSO unless it has accomplished flightcrew training. The information contained in A027 is critical to the safety of LAHSO and will be used in conjunction with FAA Order JO 7110.118, Land and Hold Short Operations (LAHSO).

b) Background. In 1997, the FAA expanded and replaced simultaneous operations on intersecting runways (SOIR) with LAHSO. SOIR, used since 1968, exclusively described simultaneous operations on two intersecting runways; either two aircraft landing simultaneously or one aircraft landing while another is taking off. LAHSO includes landing operations to hold short of an intersecting runway, taxiway, predetermined point, or an approach/departure flightpath.

1) LAHSO, just as SOIR, is an ATC tool used to increase airport capacity and maintain system efficiency and safety. In April 1999, the FAA, in coordination with industry, outlined changes in policy and procedures for conducting LAHSO.

2) LAHSO procedures require both pilot and controller participation to balance the need for system efficiency and safety. These operations include landing and holding short of an intersecting runway, an intersecting taxiway, or some other predetermined point on the runway other than on a runway or taxiway.

c) Requirements. Foreign air carriers may not participate in LAHSO and the FAA will not issue A027 unless the following conditions are met:

1) The appropriate CAA having oversight responsibility for the foreign air carrier has authorized the foreign air carrier to conduct LAHSO.

2) The appropriate CAA certifies as to the completion of training and qualification of the flightcrew members to conduct LAHSO. The training and qualification of flightcrew members must be equivalent to that specified in A027.

3) The appropriate CAA has certified the landing and stopping capabilities and airworthiness requirements of the airplanes that will conduct LAHSO. The airworthiness

requirements and the landing and stopping capabilities of any airplane being operated in LAHSO by a foreign air carrier must be equivalent to that specified in Order JO 7110.118.

4) The part 129 foreign air carriers must be identified in the local Air Traffic Directives before they can participate in LAHSO.

5) The POI has received the necessary written documentation from the appropriate CAA certifying the successful accomplishment and completion of LAHSO policies, procedures, and operational requirements specified in this order and Order JO 7110.118.

6) Foreign air carriers, in order to participate in LAHSO, must ensure that English-speaking flightcrews are at the controls of the aircraft when the LAHSO clearance is accepted.

d) Procedures. OpSpec A027, subparagraph c must reference/describe the foreign air carrier's LAHSO procedures approved/accepted by the State of the Operator. These procedures may be contained in any flightcrew member manual or document readily available to flightcrew members for reference. When possible, complete A027 by referencing pertinent sections of the foreign air carrier's manual or other documents that describe the procedures used by the foreign air carrier. When a foreign air carrier's manual does not adequately describe the procedures used, a narrative description combined with references may be necessary. When a narrative description is used, it should be brief but provide sufficient information so that the FAA and the foreign air carrier have the same understanding about the LAHSO procedures used by the foreign air carrier.

OPSPEC A028—AIRCRAFT WET LEASE AGREEMENTS (OPTIONAL).

a) Purpose. OpSpec A028 is required to be issued to any foreign air carrier conducting operations to the United States under any aircraft wet lease agreements approved by the DOT. The intent of A028 is to promote the same understanding between two or more foreign air carriers and the FAA concerning their aircraft wet lease agreements. A028 provides general direction and guidance for processing and authorizing wet lease agreements in OpSpecs. Volume 12, Chapter 3, Section 2 contains complete information on wet lease agreements for foreign air carriers and should be reviewed prior to issuing A028.

1) When a wet lease to serve the United States is authorized for two air carriers, whether between a U.S. and foreign air carrier or between two foreign air carriers, at least the air carrier with operational control must hold appropriate economic authority.

a. In the case of a U.S. air carrier and a foreign air carrier, the U.S. air carrier must have operational control and must have economic authority for the wet lease.

b. In the case of two foreign air carriers, the carrier with operational control must have economic authority. This requirement allows the wet lease agreement and to serve the United States.

Note: Some wet leases may be referred to as Aircraft, Crew, Maintenance, and Insurance (ACMI), which is a leasing agreement whereby one airline (lessor) provides an

aircraft, complete crew, maintenance, and ACMI to another airline (lessee), which pays by hours operated.

- The lessee provides fuel and covers airport fees, and any other duties, taxes, etc.
- The leases normally only take place between two ICAO Member States. The lessor may operate them using the flight numbers of the lessee.
- In a damp lease, the cabin crew is provided by the lessee. Safety training and the supervising purser is provided by the lessor.
- The terms wet lease, ACMI, and damp lease can be considered to be interchangeable. However, ACMI is more commonly used instead of damp lease.

2) When a wet lease agreement is authorized, A028 is issued to both the lessor and the lessee, except as otherwise allowed by this paragraph. Only those foreign air carriers with FAA-issued OpSpecs receive A028.

3) If the foreign air carrier has more than one lease agreement, A028 must authorize all such agreements.

4) Each aircraft will also be entered in OpSpec A003 of the lessor's OpSpecs.

5) A determination must be made as to which carrier has operational control. See subparagraph a)1)a above.

6) A U.S. air carrier may not wet lease from a foreign air carrier (see Volume 12, Chapter 3, Section 2).

b) Requirements and Definitions.

1) For the purposes of these OpSpecs, a wet lease is any leasing agreement, other than a code-sharing arrangement, whereby a lessor such as a foreign air carrier provides an aircraft and at least one crewmember to another foreign air carrier (the lessee) where one air carrier retains operational control.

a. A wet lease requires that authorized officers of the two parties execute a written agreement between the lessor and the lessee.

b. A copy of the lease agreement must be provided to the responsible IFO along with the statement of authorization approved by the DOT.

c. The wet lease must be reviewed by the FAA legal counsel of the FS office with oversight responsibility for the U.S. air carrier when that air carrier is the lessor.

d. A valid wet lease agreement must be in force for the DOT approval period as shown in the DOT statement of authorization.

e. The only wet lease agreements that should be listed in A028 are those wet lease agreement(s) that are documented and authorized by the DOT. The DOT documented authorizations are in the form of an approved statement of authorization.

2) Before issuing A028, PIs will review the terms and conditions of the appropriate wet lease agreement.

a. The wet lease agreement shall specify:

1. That the lessor has operational control and airworthiness responsibility (approved maintenance program and MEL); and

2. Any associated procedures to be used during the wet lease operation.

b. A valid wet lease agreement must be in force for the DOT approval period as shown in the DOT statement of authorization.

c. OpSpec A028 will be revised by removing authorization for any wet lease agreement at the expiration of the DOT approval period in the statement of authorization or the expiration of the wet lease agreement (if not renewed and provided to the IFO), whichever occurs first.

d. If renewal of the DOT authority has been requested prior to the expiration of the existing DOT authority, the wet lease can continue. Enter the phrase “DOT renewal applied for” in the box for the DOT order expiration date. Verification of DOT approval must be received.

Note: Any additional text added to A028 makes the entire OpSpec nonstandard. Any additional text added to A028 must be coordinated with the International Program Division.

c) OpSpec A028 Completion. Under a wet lease agreement, the lessor always maintains operational and airworthiness responsibility of the aircraft. If it is any other way, then it is not a wet lease. The purpose of A028 is to identify the airline with operational control and for whom the lessor is conducting flights. See the following for additional wet lease and paragraph completion information.

Note: For example, Operator X, a part 121 U.S. air carrier, leased aircraft under the wet lease to Operator Z, a part 129 foreign air carrier. Operator X painted their aircraft to look exactly like an Operator Z airplane, flew their routes, used their call sign, etc. From the FAA’s perspective, this was an Operator X flight, so all of the rules that the flight operated under had to have been under part 121. This would also apply to a part 121 air carrier wet leasing to another part 121 air carrier.

1) For a short-term wet lease (less than 60 calendar-days or a series of wet leases less than 60 calendar-days) between a U.S. air carrier and a foreign air carrier, with the U.S. air carrier operating flights from a foreign country to the United States, no Statement of Authority for the wet lease is normally approved by the DOT. In this case, the wet lease is not documented in A028 for either carrier, even though the foreign air carrier may hold OpSpecs to serve the United States.

2) For a short-term wet lease between two foreign air carriers from the same country, a statement of authorization may or may not be issued by the DOT, dependent on the current bilateral air transport agreement. If DOT does not approve a statement of authorization, then the wet lease will not be documented in A028.

3) For additional details on how to document any long-term wet lease operation, see subparagraph b)2).

OPSPEC A029—AIRCRAFT INTERCHANGE ARRANGEMENTS (OPTIONAL). The intent of OpSpec A029 is to promote the same understanding between two or more air carriers and the FAA concerning their aircraft interchange arrangements. A029 provides general direction and guidance for processing and authorizing aircraft interchange arrangements in OpSpecs. Complete information on aircraft interchange arrangements to include definitions for foreign air carriers is contained in Volume 12, Chapter 3, Section 2.

a) Discussion. An interchange arrangement is a form of a dry lease. An interchange arrangement permits one operator to connect two points using the same aircraft but each operator's crewmembers, thereby providing greater operational flexibility and utilization of transport category aircraft by the operators. When an aircraft interchange arrangement is authorized, A029 is issued to the primary operator (as determined by the FAA) and the interchange operator (only to the interchange and primary operator that operates to the United States).

1) For the purpose of A029, the primary operator is the air carrier that would normally operate the aircraft if an interchange arrangement were not in effect.

2) The primary operator retains responsibility for the maintenance control of an aircraft that is the subject of an interchange arrangement.

3) The interchange operator is the other party to an interchange arrangement.

4) The interchange points are those airports where an aircraft may be transferred between the primary operator and the interchange operator.

5) The transfer involves the replacement of the flightcrew of one operator with the flightcrew of the other operator.

b) Amending OpSpecs. The following scenarios will arise when amending the OpSpecs to document interchange arrangements involving foreign air carriers and operations to the United States:

1) If the primary operator under an interchange arrangement provides service to the United States, then the aircraft subject to the interchange will be identified in A029 of the primary operator's OpSpecs and included in the list of the primary operator's aircraft in OpSpec A003.

2) If the primary operator under an interchange arrangement does not provide service to the United States, then the interchange points must be located outside the United States. The FAA would not issue A029 to the primary operator.

3) If the interchange operator provides service to the United States, then the aircraft subject to the interchange will be identified in A029 of the interchange operator's OpSpecs. If the interchange operator does not serve the United States, then the FAA would not issue A029 to the interchange operator. The interchange points must be located outside the United States.

4) When U.S.-registered aircraft are included under an interchange arrangement between two foreign air carriers, those aircraft must also be listed in OpSpec D085 of the primary operator's OpSpecs.

c) Review Terms of the Interchange Arrangement. Before issuing A029, PIs must review the terms and conditions of the appropriate interchange arrangement. The interchange arrangement must specify the associated procedures to use during the interchange operation. The arrangement should ensure the following:

1) When the primary operator's flightcrew is operating the aircraft, the primary operator will be responsible for and maintain operational control of the aircraft. When the aircraft is under the operational control of the primary operator, the flightcrews and dispatch personnel of the primary operator will conduct the operation.

2) The interchange operator, when its flightcrews are operating the aircraft, is responsible for maintaining operational control of the aircraft. When the aircraft is under the operational control of the interchange operator, the flightcrews and dispatch personnel of the interchange operator will conduct the operation.

3) The primary operator is responsible for the maintenance control of the aircraft at all times and must ensure that all maintenance authorizations/special authorizations are in compliance.

d) Instructions for Information Fields for A029. The following provides direction for the information fields, which must be added to A029 in the columns provided:

- Parties to the interchange arrangement—the name, to include DBA if applicable, of the primary and interchange operators;
- Aircraft M/M/S;
- Manufacturer's aircraft serial number;
- Aircraft registration markings from the State of Registry; and
- The interchange points (airport name and ICAO identifier) where operational control between air carriers will change. List only the interchange points that are located in the United States or the last point of departure before coming into the United States, if it is an interchange point (see Volume 12, Chapter 3, Section 2).

- 1) If the primary operator is a foreign air carrier that does not serve the United States, then the interchange points must be located outside the United States.
- 2) If the FAA downgrades the State of the Operator of a foreign air carrier that is a party to an existing interchange arrangement from IASA CAT 1 to IASA CAT 2, then all interchange points must be frozen at those locations.
- 3) PIs must also ensure that if the interchange operator from an interchange point outside the United States makes any stopovers while en route to the United States, that route is identified because in the event of a downgrade that route would likewise be frozen.

**OPSPEC A447—EMERGENCY AIRWORTHINESS DIRECTIVE (AD)
NOTIFICATION FOR U.S.-REGISTERED TRANSPORT CATEGORY AIRCRAFT
(REQUIRED FOR ALL FOREIGN AIR CARRIERS OPERATING U.S.-REGISTERED
TRANSPORT CATEGORY AIRCRAFT).**

- a) **Applicability.** OpSpec A447 establishes emergency AD notification and receipt requirements. The FAA will issue A447 to part 129 foreign air carriers and foreign operators operating U.S.-registered transport category aircraft. For additional guidance on processing 400-series templates, see Volume 3, Chapter 18, Section 2.
- b) **AD Issuance.** The owner or operator of an aircraft is responsible for maintaining that aircraft in an airworthy condition, as required by § 91.403(a). ADs are substantive regulations issued by the FAA in accordance with part 39 when an unsafe condition has been found to exist in particular aircraft, engines, propellers, or appliances installed on aircraft. ADs are also issued when that unsafe condition is likely to exist or develop in other aircraft, engines, propellers, or appliances of the same type design.
 - 1) Once an AD is issued, no person may operate a product to which the AD applies, except in accordance with the requirements of that AD.
 - 2) The POI, along with the PAI and the Principal Maintenance Inspector (PMI), are responsible to see that an owner/operator complies with an AD, as applicable for the operations of any particular aircraft.

Note: More information may be found at:
http://www.faa.gov/aircraft/air_cert/continued_operation/ad/.

- c) **Emergency ADs Require Immediate Action.** The FAA Aircraft Certification Service (AIR) distributes emergency ADs by email that affect transport category aircraft. All part 129 foreign air carriers and foreign operators operating U.S.-registered transport category aircraft are required to provide a designated person or organization, 24-hour telephone number, and 24-hour monitored email address for emergency AD notification. The FAA no longer uses SITA, ARINC, or Telex codes for electronic notification.
- d) **Confirmation of Emergency AD Receipt.** Part 129 foreign air carriers and foreign operators operating U.S.-registered aircraft shall confirm receipt of an emergency AD by replying to the emergency AD email message. This ensures the FAA that all operators affected

by an emergency AD have been notified in time to comply with its requirements and avoid any undue safety risks. In the absence of a timely response by the operator to the email notification, the FAA will attempt to contact the operator by telephone.

e) Action. PIs should:

1) Review the completeness and accuracy of the Airworthiness Directive Notification information in the WebOPSS “Maintain Operator Data” menu for each assigned part 129 foreign air carrier and foreign operator operating U.S.-registered transport category aircraft.

a. Select the row of the “Responsible Party” and click the “Edit” button to review/edit the AD notification form. This information will be used to populate A447. A foreign air carrier or foreign operator may assign several people and/or organizations to receive ADs; however, only one may be assigned as the responsible party.

b. Check the “International” box. Populate and/or validate the required AD notification fields, including the “Responsible Party’s E-mail Address.” Emergency ADs will be sent to the responsible party’s email address.

2) Populate A447 and issue it to each assigned part 129 foreign air carrier or foreign operator operating U.S.-registered transport category aircraft. The certificate holder is not required to sign A447.

f) Historical ADs. ADs from the 1940s to present are now available in electronic format for full-text searching in the FAA Regulatory Guidance Library (RGL) at <http://rgl.faa.gov> or on the FAA’s website at http://www.faa.gov/regulations_policies/airworthiness_directives/. A link is provided to subscribe (or modify a subscription) to receive, via email, ADs and Special Airworthiness Information Bulletins (SAIB). PIs may direct questions to AIR via email at rgl@faa.gov.