



Transport
Canada

Transports
Canada

TP 11524E
(06/1998)

*Foreign Air
Operator Certification
and Inspection Manual
(TP 11524E)*

Policy and Procedures for the
Certification and Safety Oversight
of Foreign Air Operators

Foreword

This manual outlines Transport Canada, Civil Aviation (TC) policies and procedures for the certification and safety oversight of foreign air operators. It provides guidance to TC personnel whose duties involve inspection, certification and continued surveillance of foreign air operators. Because of the wide scope of operations involved and the many variables that can be encountered, it is impossible to anticipate all exigencies; therefore, TC personnel must exercise common sense and good judgement in all circumstances.

The functional head for the certification and safety oversight of foreign air operators is the Director General, Civil Aviation (AAR). The operational specialist is the Chief, Foreign Inspection Division (AARXH), who is responsible for the organization and administration of the program, as well as the risk management processes upon which certification approval and safety oversight activities are based.

Art LaFlamme
Director General,
Civil Aviation

(ii)

Record of Amendments

Amendment Number	Date of Amendment	Pages Affected	Date Entered	Initials
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Chapter 1

General Information

1.1 Foreign Inspection Division

1.1.1 General

Pursuant to Section 4.2 of the *Aeronautics Act*, the Minister of Transport is responsible for the development, regulation and supervision of all aeronautical matters within Canada. Pursuant to Part VII of the *Canadian Aviation Regulations (CARs)*, the Minister has determined that all foreign aircraft operated in commercial service within Canada shall be operated under the terms of an air operator certificate issued by the Minister. The discharge of this responsibility has been delegated to the Chief, Foreign Inspection Division.

1.1.2 Responsibilities

The Foreign Inspection Division is responsible for:

- (a) promulgating functional direction for the regulation of foreign air operators operating in and out of Canada;
- (b) conducting the certification and safety oversight of foreign air operators;
- (c) conducting, as necessary, operator base and Inflight inspections to confirm that certification standards have been met;
- (d) drafting functional direction for air services conducted under the aegis of the *North American Free Trade Agreement (NAFTA)*;
- (e) approving overflights and technical landings for foreign commercial aircraft operating without a Canadian foreign air operator certificate (FAOC) and foreign state aircraft (DND will issue clearance to all foreign military aircraft);
- (f) communicating with foreign civil aviation authorities, and related co-ordinating and liaising with appropriate Canadian government departments and agencies;
- (g) participating in working groups, seminars, conferences, and so on, on matters relating to international air services and the regulation thereof; and
- (h) providing assistance, when requested, to foreign civil aviation authorities (CAAs).

1.2 Application of the Manual

The policy and procedures herein apply to all foreign air operators operating in Canada and in Canadian-controlled or Canadian-mandated airspace. They will be applied in conjunction with the Convention to the International Civil Aviation Organization (ICAO), its Standards and Recommended Practices (SARPs) and other ICAO advisory documents (see Annex A of this chapter). Adherence to the guidance herein provided will enable TC personnel to perform foreign inspection duties in a uniform manner.

For the purposes of this manual:

- (a) “TC” identifies Transport Canada, Civil Aviation; and
- (b) “TC inspector” identifies, as applicable, an operations inspector, a cabin safety inspector or an airworthiness inspector.

The guidance herein provided applies to all foreign air operators falling within the scope of Subpart 701 of the CARs.

Because of the broad scope of foreign air operations and the many variables involved, it is impossible to provide detailed procedures and guidance for all exigencies. Therefore, TC inspectors must have a sound knowledge of their inspection responsibilities and exercise sound judgement in applying the policy, procedures and guidance found in this manual.

1.3 Preparation and Distribution of the Manual

This manual is an official TC document, available to the public upon request.

1.4 Manual Revisions

Suggestions and comments should be sent to the Foreign Inspection Division (AARXH). Amendments and revisions will be drafted by the Foreign Inspection Division for review by the Director, Commercial and Business Aviation, and submitted to the Director General, Civil Aviation, for approval.

1.5 Applicability of Statutes

1.5.1 *Aeronautics Act* and the CARs

Pursuant to the authority of the *Aeronautics Act* and to the requirements of Sub-Section 701.02(1) of the CARs, “no person shall operate an aircraft in Canada unless the person complies with the conditions in a Canadian foreign air operator certificate issued to that person by the Minister pursuant to Section 701.07.” By issuing an FAOC, the Minister, in consideration of the safety certification made by a foreign operator's civil aviation authority (CAA), is certifying to the Canadian public that the foreign air operator is adequately equipped and is able to conduct a safe operation in accordance with ICAO and CARs requirements.

Note: Pursuant to Subpart 701 of the CARs, the Foreign Inspection Division will prescribe such specific conditions and operations specifications as are considered necessary to be contained in the FAOC.

1.5.2 ICAO

To recommend the issuance of an FAOC, TC inspectors shall ensure that:

- (a) the foreign air operator's flight crews and cabin crews are competent to operate in Canada in accordance with ICAO standards and recommended practices (and applicable requirements of Part VII of the CARs); and
- (b) the proposed aircraft are maintained in accordance with ICAO standards.

1.5.3 Canadian Transportation Agency of Canada Licensing Requirements

All foreign air operators wishing to operate a commercial air service within Canada or into and out of Canada must obtain a licence from the Canadian Transportation Agency of Canada. This is a requirement entirely separate from the process of obtaining an FAOC. For additional information regarding licensing requirements, please contact the Agency in Hull, Quebec, Canada, by telephone at (819) 997-6226; by facsimile at (819) 953-5562; or by telex at (819) 953-4254. The telephone number after business hours is (613) 769-6274.

The Agency issues licences with respect to non-scheduled international services or scheduled international services operated by non-Canadian air carriers, as referred to in Paragraphs 5(2)(b) and 5(3)(b) of the *Air Transportation Regulations*. Application guides and application instructions may be ordered from:

Secretary
Canadian Transportation Agency of Canada
Ottawa, Ontario
Canada
K1A 0N9

ICAO Standards and Recommended Practices/Advisory Documents

Document Name	Publication Number
<i>Convention on International Civil Aviation</i>	7300
Annex 1 - Personnel Licensing	AN 1
Annex 2 - Rules of the Air	AN 2
Annex 5 - Units of Measurement to Be Used in Air and Ground Operations	AN 5
Annex 6 - Part 1 - International Commercial Air Transport - Aeroplanes	AN 6-1
Annex 6 - Part II - Operation of Aircraft - International General Aviation - Aeroplanes	AN 6-2
Annex 6 - Part III - Operation of Aircraft - International Operations - Helicopters	AN 6-3
Annex 7 - Aircraft Nationality and Registration Marks	AN 7
Annex 8 - Airworthiness of Aircraft	AN 8
Annex 16 - Volume 1 - Environmental Protection - Aircraft Noise	AN 16-1
Annex 16 - Volume 2 - Environmental Protection - Aircraft Engine Emissions	AN 16-2
Annex 17 - Security	AN 17
Annex 18 - The Safe Transport of Dangerous Goods by Air	AN 18
<i>Airworthiness Technical Manual</i>	9051
<i>Manual of Procedures for an Airworthiness Organization</i>	9389
<i>Manual of Procedures for Operations Certification and Inspection</i>	8335
<i>Continuing Airworthiness of Aircraft in Service</i>	CIR95
<i>ICAO Abbreviations and Codes</i>	8400
<i>Procedures for Air Navigation Services - Aircraft Operations - Volume 1: Flight Procedures</i>	8168-1
<i>Manual of Model Regulations for National Control of Flight Operations and Continuing Airworthiness of Aircraft</i>	9388
<i>Manual of All Weather Operations (TP 1490)</i>	9365
<i>Manual on Aerial Work</i>	9408
<i>Preparation of an Operations Manual</i>	9376
<i>Policy and Guidance Material on the Regulation of International Air Transport</i>	9587
<i>ICAO Journal (subscription)</i>	310027A
<i>Continuing Airworthiness Manual</i>	9642
<i>Accident Prevention Manual</i>	9422
<i>Protocol Relating to an Amendment to the Convention on International Civil Aviation (Article 83 bis): Signed at Montreal on 6 October 1980</i>	DOC 9318
<i>Training Manual: Part D-3: Flight Operations</i>	7192-D-3
<i>Training Manual: Part D-1: Aircraft Maintenance Technician Type II and Type I</i>	7192-D-1
<i>Training Manual: Part E-1: Cabin Attendants' Safety Training</i>	7192-E-1
<i>Aircraft Type Designators</i>	8643
<i>Designators for Aircraft Operating Agencies</i>	8585
<i>Aeronautical Information Services Provided by States</i>	7383
<i>Information on National Civil Aviation Departments</i>	7604
<i>Location Indicators</i>	7910
<i>Human Factors Digest #7</i>	Circular 240
<i>Human Factors Digest #10</i>	Circular 247
<i>Human Factors Digest #13</i>	Circular 266
<i>Airport Manager Contact List</i>	TP 4298
<i>Canada Air Pilot</i>	
<i>Low Level Enroute and High Level Enroute Charts</i>	
<i>Canada Flight Supplement</i>	

Chapter 2

Certification of Foreign Air Operators

2.1 General

Pursuant to Section 701.01 of the CARs, all foreign air operators operating an air transport service in Canada shall operate that service under the terms and conditions of an FAOC issued by the Minister. The discharge of this responsibility has been delegated to the Chief, Foreign Inspection Division. The Foreign Inspection Division's mandate, while exercising this responsibility, is to ensure the safety of the Canadian public and is applied regardless of the registry of an aircraft.

Pursuant to Article 1 of the ICAO Convention, each member state recognizes the other members' right to regulate aircraft that operate in their airspace. Consequently, the foreign air operator must comply, where applicable, with the *Aeronautics Act* and the CARs when operating in Canada or in Canadian-controlled or Canadian-mandated airspace. In addition, holders of an FAOC shall adhere to and comply with:

- (a) the ICAO Convention;
- (b) ICAO annexes;
- (c) ICAO SARPs; and
- (d) Canadian filed differences to ICAO.

Note: Immediately upon receipt of an application wherein there is "special interest," the Foreign Inspection Division will liaise with the Department of Foreign Affairs and International Trade and the Canadian Transportation Agency of Canada.

2.2 Certification Process

2.2.1 Initial Application

- (a) Applicants from a member state of ICAO shall make application in accordance with the directions contained in the letter and appendices in Annex A, page 2-10.
- (b) Applicants from the United States shall make application in accordance with the directions contained in the letter and appendices in Annex B, page 2-19. This letter identifies the required documentation using Federal Aviation Administration (FAA) terminology.

Note: An FAA Part 125 operator certificate will not be accepted in support of an application for an FAOC.

- (c) Application requirements for applicants from a state that is not a member state of ICAO will be determined on a case-by-case basis.

- (d) Applicants requesting an amendment to an existing FAOC (that is, a change in or addition to service, aircraft, and so on) will be required to provide the applicable information to the Foreign Inspection Division.

2.2.2 Review of Documentation

Foreign Inspection Division personnel shall confirm receipt of all requested documents. Normally, certificates and licences issued or rendered valid by a foreign state will be recognized. This recognition is predicated on the understanding that the requirements under which the certificates and licences were issued or rendered valid are equal to or exceed the minimum standards established by ICAO.

Note: If there is a concern about the validity of any aspect of the collected documentation and the air operator is unable to provide clarification, this concern is to be conveyed to the CAA of the applicant's state of registry.

2.2.3 Inspection Requirement on Initial Application

New applicants for an FAOC may be subject to an operator base inspection and/or Inflight inspections when:

- (a) the state of the operator is not a signatory to the ICAO Convention;
- (b) the documentation review indicates that the applicant does not meet all ICAO and CARs standards;
- (c) there is reason to suspect the competency or regulatory compliance of the applicant;
or
- (d) these inspections are deemed necessary by the Minister.

2.3 Certification Documentation Requirements

(a) Documents Required

The following documents will be supplied, as necessary, by the applicant:

- (i) a copy of a valid air operator certificate (AOC) or equivalent document (certificate of competency) issued by your Civil Aviation Authority (CAA);
- (ii) a copy of the air operator's authority to operate an air transport service to and from Canada issued by the State of the operator;
- (iii) a copy of a Company Operations Manual including the Cabin Attendant Manual if it is published as a separate document (ICAO Annex 6, paragraph 11.1 refers). *If an operator approval page for each section of the manual. In this instance, the manual(s) will be reviewed at the applicant's facilities.*
- (iv) a copy of the approval page for a Minimum Equipment List (MEL) for each aircraft type intended to be operated in Canada;

- (v) a copy of a valid Certificate of Airworthiness for each aircraft type intended to be operated in Canada
- (vi) a representative copy of a Certificate of Registration issued for the aircraft type(s) proposed to be operated in Canada;
- (vii) a copy of a document identifying maintenance checks (pre-flight, transit, overnight etc.) that are required to be carried out for the aircraft while they are operated in Canada. Where this maintenance is carried out under contract by a Canadian maintenance organisation, provide copy of the contract;
- (viii) for those aircraft intended to be operated in Canada which are not registered by the State of the applicant, a copy of the lease agreement for each aircraft so operated;
- (ix) a copy of an aircraft ground icing operations program, approved by the State of the applicant or a copy of a program made in accordance with *subsection 721.25(1) of the Canadian Commercial Air Service Standards*;
- (x) verification from the State of the applicant that the pilot-in-command and flight crew operating into Canada and any individuals referred to in *701.25(6) of the Canadian Aviation Regulations* have received annual recurrent training concerning surface contamination in accordance with *subsection 721.25(2) of the Canadian Commercial Air Service Standards*;
- (xi) where the applicant desires a special flight operations specification in accordance with *subparagraphs 701.08 (g)(i), (ii), (iii), (iv), (v) and (vi) of the Canadian Aviation Regulations* the operator must provide a copy of the equivalent operation(s) specifications approved by the State of the operator;
- (xii) a copy of the company flight crew training program (ICAO Annex 6, paragraph 9.3.1 refers);
- (xiii) a copy of the cabin attendant initial training course syllabus (ICAO Annex 6, paragraph 12.4 refers);
- (xiv) a copy of the Passenger Emergency Briefing Card(s) for each of the aircraft type to be operated into Canada (ICAO Annex 6, 4.2.11.1 (e) refers);
- (xv) a copy of the rules limiting flight time and flight duty periods of flight crew members (ICAO Annex 6, paragraph 4.2.10.3 refers);
- (xvi) a copy of the pilot-in-command route and airport qualifications (ICAO Annex 6, paragraph 9.4.3 refers), if margin is added to the normal operating minima, a copy of the state of the operator approval (ICAO Annex 6, paragraph 9.4.3.3 (a) refers).

(b) Cost Recovery and Certification Charges

Before the certification process can begin, the following must be received:

- (i) a signed copy of the *Agreement for Cost Recovery of Providin Regulatory Services Outside Canada*; and
- (ii) the certification charges found in Schedule IV of Sub-Section 104.01(1) of the CARS.

2.4 Leased Aircraft on an FAOC - Additional Requirements

2.4.1 Dry Lease

Where an aircraft is moved under a dry lease arrangement from the state of registry to another state (the state of the operator) and the registration is not changed, the applicant shall provide TC with documents to show:

- (a) whether any responsibilities held by the CAA of the state of registry have been transferred to the CAA of the state of the operator. If responsibilities have been transferred, then those responsibilities shall be identified;
- (b) who has responsibility for the legal custody and control of the aircraft — the lessor or lessee;
- (c) the duration of the lease;
- (d) that the flight crew members hold current, valid and appropriate certificates or licences; and
- (e) which CAA is responsible for the oversight of the airworthiness certification, maintenance and inspection procedures that apply to the aircraft, throughout the lease.

2.4.2 Wet Lease

Where application is made to operate an aircraft that is wet leased, TC requires:

- (a) that the operator from whom the applicant is leasing the aircraft hold a valid FAOC (containing the required privileges) prior to TC processing the applicant's request; and
- (b) that a copy of the transition training syllabus for crew members approved by the state of the wet lease operator, when the cockpit and/or cabin crew members are not integral to the wet lease operator, be provided.

2.5 Inspections

2.5.1 Operator Base and Inflight Inspections

New applicants may be subject to operations and maintenance inspections. These inspections will be carried out with prior notice to the appropriate CAA, and may include a consultation visit to that CAA. Areas covered during the inspection will normally include flight operations, cabin safety and aircraft maintenance.

Note: The presence of the local CAA representatives during any inspection is to be welcomed.

As outlined in the *Agreement for Cost Recovery of Providing Regulatory Services Outside Canada*, these inspections will be conducted on the basis of cost recovery from the applicant. The Chief, Foreign Inspection Division, will assign a team leader to coordinate an inspection timetable with the applicant.

2.6 Consultation Visit to a CAA

The purpose of a consultation visit to a CAA is to become familiar with:

- (a) the standards and procedures used to certify national operators;
- (b) the safety oversight program that is maintained; and
- (c) the approvals issued to national operators who operate internationally.

2.7 Issuance or Amendment of an FAOC

Pursuant to Section 701.07 of the CARs, the Chief, Foreign Inspection Division, shall, upon determination that the applicant has met all of the safety and regulatory requirements, issue or amend an FAOC.

2.8 Inactive FAOC Application or Amendment Request

Once the Foreign Inspection Division has responded to an initial application for an FAOC or to a request for an amendment to an existing FAOC, the following periods will apply:

- (a) if no response has been received after a period of 90 days, the Foreign Inspection Division will send a reminder to the applicant; and
- (b) if there is no response after 180 days (including the above 90), then the application file will be closed. Where the applicant reapplies, it will be considered a new application.

2.9 Checklists

Checklists have been developed to provide guidance to TC inspectors during foreign air operator inspections. They reflect the standards to be applied in the area being reviewed. These checklists are based upon the ICAO SARPs, guidance material and other documents, such as the following:

- (a) ICAO Annex 1 - Personnel Licensing;
- (b) ICAO Annex 6 - Operation of Aircraft;
- (c) ICAO Annex 7 - Nationality and Registration Marks;
- (d) ICAO Annex 8 - Airworthiness of Aircraft;
- (e) ICAO Annex 16 - Environmental Protection;
- (f) ICAO Document 8335 - Manual of Procedures for Operations Certification and Inspection;
- (g) ICAO Document 9389 - Manual of Procedures for an Airworthiness Organization;
- (h) ICAO Document 9051 - Airworthiness Technical Manual; and
- (i) ICAO Document 9642 - Continuing Airworthiness Manual.

2.10 Safety Oversight - Certificated Foreign Air Operators

TC conducts safety oversight activities to ensure that FAOC holders continue to meet the required standards. A risk management process is used to reveal the following risk indicators upon which to schedule safety oversight activities:

- (a) should evidence of unsafe operating practices or other shortcomings become apparent, a foreign air operator holding a valid and subsisting FAOC will be subject to a progressive response from TC;
- (b) normally, the progressive response would begin with a letter to the FAOC holder, advising of the safety deficiency or observation and requesting remedial action or comment, as appropriate. This letter is to be copied to the relevant CAA. The Chief, Foreign Inspection Division, will determine the follow-up action required. The action may include more frequent surveillance activities, such as apron, operator base and Inflight inspections as required;
- (c) administrative action may be taken against the foreign air operator. This may involve adding conditions to the FAOC, suspending the FAOC, in whole or in part, or cancelling the FAOC;

- (d) Pursuant to Paragraph 8.7(1)(d) of the *Aeronautics Act* and ICAO Annex 8, Article 6.2.1, TC inspectors shall detain an aircraft whenever an immediate threat to safety exists. This action is taken when the TC inspector believes on reasonable grounds that an aircraft is unsafe or is likely to be operated in an unsafe manner. Such action requires the immediate notification of the state of registry and the state of the operator.

2.11 Approval of Amendments to an FAOC

- (a) The following documents will be requested when an application to add a new type of aircraft to an FAOC is received:
- (i) a copy of the relevant CAA authority to operate the aircraft;
 - (ii) a copy of the relevant CAA authority to operate the aircraft into Canada;
 - (iii) a completed Canadian Foreign Air Operator Certificate - Condition of Issue - Form; (Form 26-0477);
 - (iv) a copy of the applicable certificate of registration;
 - (v) a copy of the applicable certificate of airworthiness;
 - (vi) a copy of the applicable minimum equipment list, or of its approval;
 - (vii) if the aircraft is leased, documentation as outlined in 2.4 above; and
 - (viii) copies of authority, from the state of the operator, for the applicant to conduct any requested operations specifications.
- (b) An application may be made to amend an FAOC to include an operations specification.

Operations specifications are described in Sub-Paragraphs 701.08(g)(i) to (vi) and Sections 701.16 to 701.25 of the CARs. All requests to include an operations specification in the FAOC must be supported by copies of the authority from the state of the operator, designating the applicable aircraft. An index of operations specifications is listed in Chapter 5, Page 5-3.

2.12 Records Management

There are three files used to maintain records associated with the certification of foreign air operators:

- (a) 5258-xxxx (AARXH) (the suffix numbers are controlled by Central Records): This file is opened by Central Records for material relating to an application, up to the time of FAOC issuance;
- (b) 5260-xxxx (AARXH) (the suffix numbers are controlled by the Foreign Inspection Division): This file is opened on the day that the FAOC is issued and is to contain all material that supports or justifies the granting of an FAOC. It contains the latest authorization issued to the foreign air operator, justification for the authorization, and copies of all superseded documents; and

Note: Since fixed-wing aircraft and rotorcraft are not combined in an FAOC, an operator that operates both aeroplanes and helicopters will have two 5260 files.

(c) 5015-13-xxxx- (the xxxx is the same as that for the Foreign Inspections Division's 5258 file, and the suffix numbers are controlled by Central Records): This file includes all airworthiness and maintenance information.

2.13 Regulatory Exemptions

Exemption from the application of any regulation or standard shall be granted in accordance with the delegations of authority outlined in the *Aeronautics Act*. This exemption will only be granted where, in the opinion of the Minister, the exemption is in the public interest and is not likely to effect aviation safety.

Note: Ministerial authorization and exemptions are discussed in Chapter 8 of the *Air Operator Certification Manual* (TP 4711).

2.13.1 Exemptions to FAOC Holders

The Foreign Inspection Division prepares the supporting documentation, including the Issue Paper, the covering letter and exemption approval for the signature of the Director General, Civil Aviation.

The most common exemption requested by FAOC holders is to temporarily exempted from conditions of their FAOC. For example, to be allowed to conduct operations within Canada on behalf of a Canadian air operator.

2.13.2 Exemptions to Non-FAOC Holders

The Foreign Inspection Division prepares the supporting documentation, including the Issue Paper, the covering letter and exemption approval for the signature of the Director General, Civil Aviation.

The most common exemption requested by non FAOC holders is to be exempted from the requirement to hold an FAOC, in order to be authorized to conduct a non-scheduled common carriage flight into and out of Canada.

2.13.3 Exemptions Granted to Foreign Private Air Operators

The Foreign Inspection Division prepares the supporting documentation, including the Issue Paper, the form letter and exemption approval for the signature of the Director General, Civil Aviation, or Chief, Foreign Inspection Division, as appropriate.

In the case of a foreign private air operator, consideration will be given to issuing regulatory exemptions consistent with those operations specifications available to holders of Canadian private air operator certificates. The operations specifications are as follows:

Number	Title	Revision Date
401	Day VFR Flight Visibility - Within Uncontrolled Airspace - Aeroplanes (CAR 604)	March 20, 1997
402	No Alternate Aerodrome - IFR Flight (CAR 604)	March 20, 1997
403	Take-Off Minima, Reported Visibility RVR 600 feet (CAR 604)	March 20, 1997
404	Take-Off Minima, Reported Visibility RVR 1,200 feet (1/4 mile) (CAR 604)	March 1, 1996
405	Instrument Approaches - Category II (CAR 604)	November 29, 1996
406	Extension of Flight Duty Time (CAR 604)	March 20, 1997
407	Operations in Performance Airspace (CAR 604)	March 20, 1997
408	Instrument Approaches - Category III	November 29, 1996
409	IFR Instrument Approaches - Global Positioning System (OPS)(CAR 604)	August 28, 1997

Agreement for Cost Recovery Of Providing Regulatory Services Outside Canada

This AGREEMENT made between:

HER MAJESTY IN RIGHT OF CANADA, represented herein by the Minister of Transport, hereinafter called "the Minister,"

OF THE FIRST PART

- and -

_____, a body corporate duly incorporated, hereinafter called "the Applicant,"

OF THE SECOND PART

WHEREAS the Applicant may require from time to time that the Minister perform services outside Canada to process an application for the issuance, renewal, amendment or endorsement of a document, the following expenses that relate to the processing of the application are payable:

(a) transportation, lodging, meal and incidental expenses, as calculated in accordance with the rates set out in the *Treasury Board Manual — Personnel Management Component*, Employee Services, Chapter 1.1, unless, in respect of transportation and lodging, there is an agreement between the applicant and the Minister that the applicant provide transportation and lodging in lieu of payment; and

(b) overtime expenses, as calculated in accordance with the appropriate collective agreement, for performing the service or travelling to perform the service on weekdays, when the total duty time for the day exceeds 7.5 hours, and on Saturdays, Sundays and Canadian statutory holidays.

(c) the Minister and the applicant may terminate this Agreement by giving reasonable notice to the other party; and

(d) the Minister shall, on request by an applicant, provide an estimate of the expenses referred to above.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement this

_____ day of _____, 199_.

Applicant

for the Minister of Transport

Operation of Leased Aircraft

1. Dry Lease

Where an aircraft is moved under a dry lease arrangement from the state of registry to another state (the state of operation) and the registration is not changed, the applicant shall provide Transport Canada with documents to show:

- (a) whether any responsibilities held by the civil aviation authority of the state of registry have been transferred to the civil aviation authority of the state of operation. If responsibilities have been transferred, then those responsibilities shall be identified;
- (b) who has responsibility for the legal custody and control of the aircraft — the lessor or lessee;
- (c) what the duration of the lease is;
- (d) that the flight crew members hold current, valid and appropriate certificates or licences; and
- (e) which civil aviation authority is responsible for the oversight of the airworthiness certification, maintenance and inspection procedures that apply to the aircraft, throughout the lease.

2. Wet Lease

TC requires:

- (a) that the operator from whom the applicant is leasing the aircraft hold a valid FAOC (containing the required privileges) prior to TC processing the applicant's request; and
- (b) that a copy of the transition training syllabus for crew members approved by the state of the wet lease operator, when the cockpit and/or cabin crew members are not integral to the wet lease operator, be provided.

Appendix "A"
 To Annex "B" To Chapter 2
 TP 11524E

	Transport Canada Aviation	Transports Canada Aviation	<u>FOREIGN AIR OPERATOR CERTIFICATE:</u> <u>APPLICATION - CONDITIONS OF ISSUE</u>
<p>In accordance with subpart 701 of the Canadian Aviation Regulations, which stipulate that "no person shall operate air service in Canada unless that person holds and complies with the provisions of a Canadian Foreign Air Operator Certificate" issued by the Minister. Application is hereby made to obtain a Canadian Foreign Air Operator Certificate.</p>			
<p>Name of the foreign air operator</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>			
<p>Mailing address</p>		<p>Telephone number</p>	
		<p>Fax number</p>	
<p>Location of the main flight operations base</p> <p>_____</p> <p style="text-align: center;">Airport / City Country</p>			
<p>Location of the maintenance base</p> <p>_____</p> <p style="text-align: center;">Airport / City Country</p>			
<p>Destination airport(s) in Canada intended to be served</p> <p>_____</p> <p>_____</p> <p>_____</p>			
<p>Type of operation requested</p> <p>Scheduled <input type="checkbox"/> Non-scheduled <input type="checkbox"/> Passenger <input type="checkbox"/> Cargo <input type="checkbox"/> Passenger and Cargo <input type="checkbox"/></p>			
<p>Description of the Flight Watch</p> <p>_____</p>			

Names of the persons performing the functions of:

Director of Flight Operations	e-mail (if available)
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Director of Maintenance	e-mail (if available)
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Director of Quality Assurance	e-mail (if available)
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Individuals within your CAA who are responsible for your flight operations and maintenance

Name	Name
Telephone / Fax number	Telephone / Fax number
email (if available)	e-mail (if available)

Approved Maintenance Organization (AMO) name and approval number in Canada, contracted to carry out the required maintenance at any Canadian airport (as applicable)

Name	Location	AMO Approval number
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To the best of my knowledge, the above information is accurate

Signature of a person Duly Authorized to Execute this
Application on behalf of the Air Carrier

Title

Date

Note: All foreign registered aircraft, regardless whether the operator holds a Foreign Air Operator Certificate or not, operating on special certificate of airworthiness or flight permit, requires the certificate / permit to be validated prior to operating in Canadian airspace. To obtain the validation, please contact the Foreign Inspection Division at telephone no. (613) 990-1100 or fax no. (613) 991-5188, mobile phone 613-290-2733, or Transport Canada, Commercial and Business Aviation Airworthiness office, nearest to the Canadian airport where the flight originates.

Form 26-0225

February 24, 1998

NOTE: FORWARD APPLICATION AND SUPPORTING DOCUMENTATION TO:

Chief, Foreign Inspection Division (AARXH)
Tower "C", Place de Ville, 4th Floor,
330 Sparks Street
Ottawa, Ontario, Canada
K1A 0N8

Chapter 3

Overflights and Technical Landings

3.1 Approval Process - Civil and State Aircraft

3.1.1 Legislative Requirements

Section 701.03 of the CARs requires authorization of overflights and technical landings in Canada in the following instances:

- (a) **701.03(1)** No person, other than the holder of a Canadian foreign air operator certificate, shall conduct an overflight of Canada or perform a technical landing in Canada unless the person is authorized to do so in a flight authorization issued by the Minister pursuant to Section 701.10.
- (b) **701.03(2)** No person shall operate a foreign state aircraft in Canada unless the person is authorized to do so in a flight authorization issued by the Minister pursuant to Section 701.10.

3.1.2 Flight Authorization Process

Pursuant to paragraphs 701.03(1) and 703.03(2) of the CARs, where the air operator is not a holder of an FAOC or the flight involves a foreign state aircraft, Canada requires prior authorization before these flights can be conducted over Canadian territory or to and from Canadian airports. The issuing authority for flight approval depends upon the nature of the flight. Annex A, page 3-5, to this chapter outlines the three flight categories, identifies the assigned approval authority, and describes the approval process in each category.

3.2 Clearance Authority - Foreign Military Aircraft

- 3.2.1 The Minister of National Defence is responsible for granting flight clearance to all foreign military aircraft entering Canadian airspace. Except where blanket approval has been granted, all foreign military aircraft overflying or landing in Canada require formal diplomatic clearance. The state of origin will provide full flight details, as outlined in Annex A, page 3-6, in a diplomatic note from its embassy to Foreign Affairs and International Trade Canada (DFAIT). DFAIT will consult with the Department of National Defence (DND) Operations Centre and, if the foreign military aircraft is landing at a civilian airport, with the Foreign Inspection Division to determine whether any pre-conditions should be imposed. After this consultation, DFAIT will reply to the requesting embassy by a return diplomatic note. On advice from DFAIT, the DND Operations Centre officer will then issue the appropriate flight clearance and distribute

copies to the interested parties. The Foreign Inspection Division will advise the appropriate airport manager(s), as necessary.

3.2.2 Use of Civilian Airports by Foreign Military Aircraft

Military flights will normally be restricted to DND or international airports. If a flight to an airport other than a DND or an international airport is requested, the request is to be co-ordinated with the appropriate airport operator. When only DND airports are involved, TC has no input. Foreign military aircraft carrying armed soldiers, armaments and/or other dangerous goods will not be accepted at an airport other than a DND airport unless a DND presence is provided.

3.2.3 Blanket Diplomatic Clearances to Foreign Military Aircraft

- (a) By order-in-council, United States, United Kingdom, and New Zealand military aircraft are exempted from the requirement to have a formal diplomatic clearance (see 3.2.1 above) prior to overflying and/or landing in Canada.
- (b) Military aircraft from North Atlantic Treaty Organization countries other than the United States and the United Kingdom are granted clearances on an annual basis. These clearances do not apply to aircraft carrying armed soldiers, armaments and/or other dangerous goods, nor do they apply to aircraft carrying government personnel.
- (c) France has been granted annual blanket clearance for its military aircraft when engaged in the following activities:
 - (i) French Airforce Flights
 - (A) support flights between France and Tahiti, Saint-Pierre-et-Miquelon, and the United States;
 - (B) navigation training flights; and
 - (C) urgent flights to effect the repairs of French ships, aircraft and submarines; and
 - (ii) French Naval Flights
 - (A) polar navigation training flights staging through Thule, Greenland, with Alert, Northwest Territories, as an alternate; and
 - (B) maritime exercises using Canadian Forces Base Greenwood.

3.3 Co-ordination With Other Jurisdictions - Foreign Inspection Division

3.3.1 Dangerous Goods

The Foreign Inspection Division will co-ordinate all requests to carry dangerous goods with the Dangerous Goods Standards Division, Transport Canada (AARXE), to confirm that the dangerous goods may be authorized, authorized under special conditions or restrictions, or not authorized.

- (a) Requests to carry dangerous goods must include the following:
- (i) the class, quantity (weight in each class), shipping name of the dangerous goods and United Nations number, as well as a statement that the dangerous goods shall be packaged in accordance with *International Air Transport Association/ICAO regulations*, and if applicable, *Atomic Energy Control Board regulations*; and
 - (ii) confirmation that the CAAs of the state of origin of the flight and the state of registry have authorized the flight.

3.3.2 Technical Landings Above 60° North Latitude

Revenue Canada, Customs (telephone: (613) 954-7543 or facsimile: (613) 998-5584) is to be advised of any aircraft proposing to land at an airport above 60° north latitude, excluding the Yellowknife Airport (CYZF), Iqaluit Airport (CYFB) or Inuvik (Mike Zubko) Airport (CYEV).

3.3.3 Flights with Livestock or Fowl as Cargo

Should any proposed operation have livestock or fowl as a part of or as the whole cargo, the Foreign Inspection Division must advise Agriculture and Agri-Food Canada (telephone: (613) 995-5433 or facsimile: (613) 903-4336) at least five days in advance of the flight.

3.4 Airport Access

The following information on Canadian airports is provided for the guidance of personnel when considering authorization of a technical stop by a foreign air operator.

3.4.1 International Airports

Unless operational requirements dictate otherwise, technical stops will be restricted to the following international airports:

Calgary International (CYYC)	Québec/Jean Lesage International (CYQB)
Goose Bay/Goose (CYYR)	St. John's (CYYT)
Edmonton International (CYEG)	Stephenville (CYJT)
Gander International (CYQX)	Toronto/Lester B. Pearson International
(CYYZ)	
Halifax International (CYHZ)	Vancouver International (CYVR)
Hamilton (CYHM)	Victoria International (CYYJ)
Montréal International (Mirabel) (CYMX)	Winnipeg International (CYWG)
or (Dorval) (CYUL)	
Ottawa/Macdonald-Cartier International	
(CYOW)	

Note:

- (a) At civilian airports, the operator is responsible for notifying the airport manager and Canada Customs.
- (b) Prior permission required (PPR) is normally necessary at military (DND) airports.
- (c) For current airport information, flight crews must consult the *Canada Flight Supplement* or an equivalent document.

3.5 Supersonic Concorde Flight Requests

3.5.1 Requests for authorization to conduct supersonic Concorde flights in Canadian airspace are received from British Airways and Air France on an annual basis, however, requests for specific supersonic flights may also be received.

The following co-ordination steps are to be followed:

- (a) details of the request for supersonic flight are forwarded for comment to: the Director, Air Navigation Services and Airspace (AARN); the Director, Aerodrome Safety (AARM); and Nav Canada -Air Traffic Services, requesting their comments;
- (b) when comments are received which support approval, the overflight desk officer will then prepare, for the signature of the Director, Commercial and Business Aviation, a covering letter to the operator, containing the ministerial exemption from the requirements of Section 602.33 of the CARs, permitting the Concorde to be operated at a true Mach number of 1 or greater along a designated corridor in Canada.;
- (c) all correspondence is filed in the appropriate 5260 file. The covering letter and the ministerial exemption is copied to AARN, AARM, and Nav Canada. A sample covering letter and ministerial exemption is attached at Annex B, page 3-7.

Overflights and Technical Landings of Civil or State Aircraft Approval Authority Process

Nature of Flight	Authorization Authority	Approval Action
I. Civil Aircraft - state of operator is a signatory to the ICAO Convention	Transport Canada - Foreign Inspection Division	Requests for flight authorization are received by telex, the aeronautical fixed telecommunications network, or facsimile, directly at the Foreign Inspection Division's overflight desk from either the air operator or the air operator's CAA. Requests should contain the following information: <ul style="list-style-type: none"><li data-bbox="919 716 1338 810">(a) the name of the foreign air operator and the call sign of the flight(s);<li data-bbox="919 852 1328 947">(b) the type of aircraft, the aircraft registration and the seating capacity;<li data-bbox="919 989 1308 1041">(c) a list of any dangerous goods carried;<li data-bbox="919 1083 1365 1314">(d) the proposed flight routing, including the last point of departure outside Canada; first point of entry into Canada; and the date and time of arrival at, and departure from, any Canadian airport(s); and<li data-bbox="919 1356 1338 1451">(e) the place(s) of embarkation and disembarkation abroad of passengers and freight. If the request is acceptable, the overflight desk officer issues a flight authorization to the air operator, with copies sent, as necessary, to: <ul style="list-style-type: none"><li data-bbox="919 1661 1062 1692">(a) DFAIT;<li data-bbox="919 1734 1338 1787">(b) airport managers of the airports affected;<li data-bbox="919 1923 1300 1957">(c) the Canadian Transportation

Agency of Canada;

- (d) DND; and
- (e) the area control centres concerned.

II. Civil Aircraft - state of the operator is not a signatory to the ICAO Convention	DFAIT, in consultation with the Foreign Inspection Division	In this instance, the foreign air operator must obtain permission through diplomatic channels. The state of the operator will provide full flight details, as above, in a diplomatic note from its Embassy to DFAIT. On receipt of the diplomatic note, DFAIT will consult with the Foreign Inspection Division's overflight desk officer before approving or denying the request. On advice from DFAIT, the desk officer will issue a flight authorization and distribute copies as outlined above.
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III. State Aircraft	DFAIT, in consultation with the Foreign Inspection Division	Although higher-profile, the processing of a request for an overflight or technical-stop authorization for a state aircraft is actioned in the same manner as described above for a non-signatory to the ICAO Convention. The state of the operator will provide full flight details, as above, in a diplomatic note from its Embassy to DFAIT. On receipt of the diplomatic note, DFAIT will consult with the Foreign Inspection Division's overflight desk officer before approving or denying the request. On advice from DFAIT, the desk officer will issue a flight authorization and distribute copies as outlined above.
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Note: While in Canadian airspace, the flight shall be conducted in accordance with the CARs, the Air Traffic Rules and Procedures, and the procedures and weather minima published in the *Canada Air Pilot*.

Exemption to Section 602.33 of the *Canadian Aviation Regulations* Authorizing Supersonic Flights of the Concorde Aircraft in Canadian Airspace

Sample Covering Letter

Address of Air Operator

Dear Sirs:

The attached document constitutes a temporary authority issued pursuant to Sub-Section 5.9(2) of the *Aeronautics Act* and an exemption to Section 602.33 of the *Canadian Aviation Regulations* for (British Airways or Air France) to operate a (British or French) registered Concorde aircraft, registration marks (British or French), supersonically in Canadian airspace in the (Prawn, Chibougamau, or other.) corridor on the following schedule:

(schedule as approved)

These documents are valid between, 199 , and, 199 .

Yours truly,

Director
Commercial and Business Aviation

Attachment: Exemption To Section 602.33 of the *Canadian Aviation Regulations*

Initials: AARN_____ AARM_____ AARXH_____

c.c.: AARM
AARN
Regional Managers, Commercial and Business Aviation, of Regions affected

Exemption to Section 602.33 of the *Canadian Aviation Regulations*

1. Pursuant to Sub-Section 5.9(2) of the *Aeronautics Act*, this constitutes a temporary exemption to Section 602.33 of the *Canadian Aviation Regulations*. The purpose of this exemption is to enable (British Airways or Air France), (address), to operate a (British- or French-) registered Concorde aeroplane, registration marks (British or French), serial number, in supersonic flight at a true Mach number of 1 or greater.

2. This exemption is granted subject to the following conditions:
 - (a) the aeroplane is operated supersonically only in the Canadian airspace in the Chibougamau corridor (50°24'N, 75°24'W) and the Prawn corridor (57°12.2'N, 59°10.8'W);
 - (b) (British Airways or Air France) undertakes to indemnify Her Majesty against any claims which may arise as a result of the flight; and
 - (c) the routing, altitudes, acceleration and deceleration are to be as approved by Transport Canada (AARNA, AARX and AARM).

3. This exemption is in effect:
 - (a) until the date on which the exemption is cancelled in writing by the Minister, where he is of the opinion it is no longer in the public interest, that it is likely to have an adverse effect on aviation safety; or for cause
 - (b) from, 199 , to, 199 .

Dated at Ottawa, Canada, this..... day of 199 , on behalf of the Minister of Transport.

Director
Commercial and Business Aviation

Initials: AARN _____ AARM _____ AARXH _____ AARBH _____

Chapter 4

Multiple Part FAOC

4.1 General

The multiple part FAOCs in use, now in the National Aviation Company Information System (NACIS), cover scheduled international and non-scheduled international air services.

A sample copy of an FAOC is attached at Annex A of this Chapter.

Canadian Foreign Air Operator Certificate

Chapter 5

Operations Specifications

5.1 Operations Specifications

The operations specifications for an FAOC are described in Sub-Paragraphs 701.08(g)(i) to (vi) and Sections 701.16 to 701.25 of the CARs (**attached at Annex A**), page 5-4..

The Associated standards are outlined in the *Commercial Air Service Standards* of the CARs Part 721 - Foreign Air Operations refers (**attached at Annex B**), page 5-15.

5.2 Development of New Operations Specifications

Requests by the Foreign Inspection Division for the development of new operations specifications shall meet the following criteria:

- (a) the public interest shall be served;
- (b) safety must not be compromised; and
- (c) conditions shall be established to ensure that safety and the public interest are served.

The index of operations specifications at Paragraph 5.4 will be amended as operations specifications are added.

5.3 Procedures for the Development of New Operations Specifications

The following procedure embraces both "standard" (available through NACIS) and "unique" (not available through NACIS) operations specifications. Prior to proceeding with the development of a new operations specification, a search of the NACIS library shall be undertaken to determine whether an existing or compatible operations specification already exists. The following information shall be included in the initial request:

- (a) the specific reason(s) for the deviation, those whom it will benefit, and so on;
- (b) the effect that the deviation will have with respect to departmental responsibilities and activities; and
- (c) the conditions to the authorization that are recommended.

Note: Where deviations create, or have the potential to create, a higher degree of risk, the authorization must identify mitigation of the risk that entirely offsets this possibility and thus allows for reduced safety oversight.

When the above information has been provided to Operational Standards (AARXB), the submission will be reviewed and standards developed for the draft operations specification. Following co-ordination within headquarters, finalized drafts will be prepared by Certification Standards (AARXC), in consultation with the Foreign Inspection Division (AARXH).

Once comments have been reconciled, the operations specification will be entered into NACIS ("standard") or provided directly to the Foreign Inspection Division.

5.4 Index of Operations Specifications (CAR 701)

080 -	Extended Range Twin-Engined Operations (CAR 701) Opérations avec distance de vol prolongée - Avion bimoteur (RAC 701)	November 25, 1996
081 -	Operations in Performance Airspace (CAR 701) Exploitations dans l'espace aérien de performance (RAC 701)	May 12, 1997
082 -	IFR Flight or Night VFR Flight - Routes in Uncontrolled Airspace (CAR 701) Vol IFR ou vol VFR de nuit - Routes dans l'espace aérien non contrôlé (RAC 701)	October 10, 1996
083 -	No Alternate Aerodrome - IFR Flight (CAR 701) Aucun aéroport de dégagement - Vol IFR (RAC 701)	October 10, 1996
084 -	Take-Off Minima Reported Visibility RVR 1,200 feet (1/4 mile) (CAR 701) Minimums de décollage RVR signalée de 1 200 pieds (visibilité de 1/4 de mille) (RAC 701)	October 10, 1996
085 -	Take-Off Minima, Reported Visibility RVR 600 feet - Aeroplanes (CAR 701) Minimums de décollage, RVR signalée de 600 pieds - Avions (RAC 701)	October 10, 1996
086 -	Take-Off Minima, Reported Visibility RVR 600 feet - Helicopters (CAR 701) Minimums de décollage, RVR signalée de 600 pieds - Hélicoptères (RAC 701)	October 10, 1996
087 -	Instrument Approaches - Category II (CAR 701) Approches aux instruments - Catégorie II (RAC 701)	October 10, 1996
088 -	Instrument Approaches - Category III (CAR 701) Approches aux instruments - Catégorie III (RAC 701)	October 10, 1996
089 -	Additional Equipment for Single-Pilot Operations in IMC (CAR 701) Équipement supplémentaire - Utilisation d'un aéronef par un seul pilote en IMC (RAC 701)	January 23, 1997
201 -	Long Range Area Navigation - Primary or Additional Means of Navigation (CAR 701) Navigation de surface de longue portée - moyen supplémentaire ou moyen principal de navigation (RAC 701)	April 17, 1997
202 -	Minimum Crew (CAR 701) Équipage minimal (RAC 701)	April 17, 1997
203 -	Specific Instrument Approach Procedure (CAR 701) Procédure particulière d'approche aux instruments (RAC 701)	April 25, 1997
204 -	IFR Instrument Approaches - (CAR 701) Global Positioning System (GPS)	August 27, 1997

Canadian Aviation Regulations
Part VII
Subpart I - Foreign Air Operations

Canadian Aviation Regulations
Commercial Air Service Standards
721 - Foreign Air Operations