which the transaction takes place was
opened prior to the effective date of
the part.

PART 375—NAVIGATION OF FOR-
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APPENDIX A TO PART 375—FORM 4509


SOURCE: OST Docket No. 42547, 51 FR 7254,
Mar. 3, 1986, unless otherwise noted.

Subpart A—General

§ 375.1 Definitions.

As used in this part:

Act means the Federal Aviation Act
of 1958, as amended;

Air transportation means the carriage
by aircraft of persons or property as a
common carrier for compensation or
hire or the carriage of mail by aircraft
in interstate, overseas, or foreign com-
merce (see section 101 (10) and (23) of
the Federal Aviation Act, 49 U.S.C.
1301);

Category shall indicate a classifica-
tion of aircraft such as airplane, heli-
copter, glider, etc.;

Commercial air operations shall mean
operations by foreign civil aircraft en-
gaged in flights for the purpose of crop
dusting, pest control, pipeline patrol,
mapping, surveying, banner towing,
skywriting, or similar agricultural and
industrial operations performed in the
United States, and any operations for
remuneration or hire to, from or within
the United States including air car-
riage involving the discharging or tak-
ing on of passengers or cargo at one or
more points in the United States, in-
cluding carriage of cargo for the oper-
ator’s own account if the cargo is to be
resold or otherwise used in the further-
ance of a business other than the busi-
ness of providing carriage by aircraft,
but excluding operations pursuant to
foreign air carrier permits issued under
49 U.S.C. 41301, exemptions, and all
other operations in air transportation.

Exemption means an exemption grant-
ed, under section 416(b) of the Act, au-
thorizing air transportation by a for-
eign air carrier;
Foreign air carrier permit means a permit authorizing foreign air transportation by a foreign air carrier pursuant to section 402 of the Act;

Foreign aircraft permit means a permit authorizing navigation of foreign civil aircraft in the United States pursuant to section 1108(b) of the Act and this part;

Foreign civil aircraft means (a) an aircraft of foreign registry that is not part of the armed forces of a foreign nation, or (b) a U.S.-registered aircraft owned, controlled or operated by persons who are not citizens or permanent residents of the United States;

Stop for non-traffic purposes means a landing for any purpose other than taking on or discharging passengers, cargo or mail, and does not include landings for embarking or disembarking stopover passengers or transshipped cargo or mail, or for other than strictly operational purposes.

Type means all aircraft of the same basic design including all modifications thereto except those modifications that result in a change in handling or flight characteristics.

§ 375.2 Applicability.

The provisions of this part regulate the admission to, and navigation in, the United States of foreign civil aircraft other than aircraft operated under authority contained in a foreign air carrier permit or exemption. This part also contains provisions that specify the extent to which certain classes of flight operations by foreign civil aircraft may be conducted, and the terms and conditions applicable to such operations. Nothing in this part shall authorize any foreign civil aircraft to engage in air transportation nor be deemed to provide for such authorization by the Department.

§ 375.3 [Reserved]

Subpart B—Authorization

§ 375.10 Certain foreign civil aircraft registered in ICAO member states.

Subject to the observance of the applicable rules, conditions, and limitations set forth in this part:

(a) Foreign civil aircraft manufactured in a State that at the time of manufacture was a member of the International Civil Aviation Organization (ICAO), and registered in a State that at the time of flight is a member of ICAO, may be navigated in the United States;

(b) Foreign civil aircraft manufactured in a State that at the time of manufacture was not a member of ICAO, and registered in a State that at the time of flight is a member of ICAO, may be navigated in the United States,

1. If the State of registry has notified ICAO that the requirements under which it issues or renders valid certificates of airworthiness are equal to or above the minimum standards established pursuant to the Chicago Convention, or

2. If such notification has not been made to ICAO at the time of flight, there is on file with the Department a statement by the State of registry that, with regard to aircraft of the type that is proposed to be operated hereunder, the requirements under which certificates of airworthiness are issued or rendered valid are equal to or above the minimum standards established pursuant to the Chicago Convention.

§ 375.11 Other foreign civil aircraft.

A foreign civil aircraft other than those referred to in § 375.10 may be navigated in the United States only when (a) the operation is authorized by the Department under the provisions of this part, and (b) the aircraft complies with any applicable airworthiness standards of the Federal Aviation Administration for its operation.

Subpart C—Rules Generally Applicable

§ 375.19 Nature of privilege conferred.

The provisions of this part, and of any permit issued hereunder, together with section 1108(b) of the Act, are designed, among other purposes, to carry out the international undertakings of the United States in the Chicago Convention, in particular Article 5. That article gives foreign aircraft the privilege of “taking on or discharging passengers, cargo or mail” subject to the