Office of the Secretary, DOT § 375.19

*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
right of the State where such embar-
kation or discharge takes place to im-
pose such regulations, conditions or
limitations as it may consider desir-
able. The U.S. Congress by the 1953
amendment to section 6 of the Air
Commerce Act of 1926, now designated
as section 1108(b) of the Act, authorizes
the Department to permit such oper-
ations only where conditions of recip-
rocity and the interest of the public
in the United States are met. Thus, the
operator of any foreign registered air-
craft is not entitled as a matter of
right to the issuance, renewal or free-
dom from modification or change in a
permit issuable pursuant to this au-
thority. Accordingly, any authority
conferred by this part may be withheld,
revoked, amended, modified, restricted,
suspended, withdrawn, or canceled by
the Department in the interest of the
public of the United States, without
notice or hearing.

§ 375.20 Airworthiness and registra-
tion certificates.

Foreign civil aircraft shall carry cur-
cently effective certificates of registra-
tion and airworthiness issued or ren-
dered valid by the country of registry
and shall display the nationality and
registration markings of that country.
However, a foreign civil aircraft may
carry, in lieu of such certificate of air-
worthiness, an effective special flight
authorization issued by the Federal
Aviation Administration for the oper-
ations being performed.

§ 375.21 Airmen.

Members of the flight crew of a for-
eign civil aircraft shall have in their
personal possession valid airmen cer-
tificates or licenses authorizing them
to perform their assigned functions in
the aircraft and for the operation in-
volved issued or rendered valid by the
country of registry of the aircraft or by
the United States. No such flight crew
members shall perform any flight duty
within the United States that they are
not currently authorized to perform in
the country issuing or validating the
certificate.

§ 375.22 Flight operations.

Flights of foreign civil aircraft in the
United States shall be conducted in ac-
cordance with the currently applicable
rules of the Federal Aviation Adminis-
tration.

§ 375.23 Maximum allowable weights.

Foreign civil aircraft that are per-
mitted to navigate in the United
States on the basis of foreign air-
worthiness certificates must conform
to the limitations on maximum certifi-
cated weights prescribed or authorized
for the particular variation of the air-
craft type, and for the particular cat-
gory of use, by the country of manu-
facture of the aircraft type involved.

§ 375.24 Entry and clearance.

All U.S. entry and clearance require-
ments for aircraft, passengers, crews,
baggage and cargo shall be followed.

§ 375.25 Unauthorized operations.

No foreign civil aircraft shall be
navigated in the United States unless
authorized by this part. Commercial
air operations (other than those au-
thorized by § 375.36) shall not be under-
taken without a permit issued by the
Department.

§ 375.26 Waiver of sovereign immunity.

Owners and operators of aircraft op-
erated under this part that are engaged
in proprietary of commercial activities
waive any defense of sovereign immu-
nity from suit in any action or pro-
ceeding instituted against any of them
in any court or other tribunal in the
United States for any claim relating to
that operation.

Subpart D—Authorized Operations

§ 375.30 Operations other than com-
mercial air operations.

Foreign civil aircraft that are not en-
gaged in commercial air operations
into, out of, or within the United
States may be operated in the United
States and may carry non-revenue traf-
fic to, from or between points in the
United States.

§ 375.31 Demonstration flights of for-
eign aircraft.

Flights of foreign civil aircraft with-
in the United States may be made for
the purpose of demonstration of the