

AERONAUTICAL INFORMATION CIRCULAR 22/07

NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) ADVISORY

This aeronautical information circular provides information on the *North American Free Trade Agreement (NAFTA)* ratified by Canada, the United Mexican States and the United States of America, which opened-up cross-border trade in Specialty Air Services (SAS).

Background

Ratified by Canada, the United Mexican States and the United States of America, the *North American Free Trade Agreement (NAFTA)* came into force on January 1, 1994. Among other things, NAFTA opened up cross-border trade in Specialty Air Services (SAS), defined in article 1213 of NAFTA as aerial mapping, aerial surveying, aerial photography, forest fire management, fire fighting, aerial advertising, glider towing, parachute jumping, aerial construction, heli-logging, aerial sightseeing, flight training, aerial inspection and surveillance, and aerial spraying services. The effective date of NAFTA coverage for some of these services was January 1, 1994, while coverage for other services was to be phased in for each signatory country in accordance with Annex B to NAFTA. All services have been phased in as of January 1, 2001.

Meetings of government officials led to the issuance of a joint statement establishing Working Groups “to discuss standards and regulations pertaining to specialty air services” and thus began a process for the “smooth implementation” of SAS operations. Representatives from the three Civil Aviation Authorities (CAAs) formed a Steering Committee to provide leadership during the process, and technical experts from each country constituted Working Groups covering the areas of airworthiness, flight operations and personnel licensing. This document identifies the process resulting from the efforts of the Steering Committee and Working Groups.

Applicability

This advisory material applies to operators in each NAFTA signatory country who wish to conduct a cross-border SAS, as defined in Article 1213 of NAFTA. This information is exclusive to NAFTA SAS operations and is not to be used for any other purpose.

Glossary

The following **CAAs** are referenced in this document:

- The **Dirección General de Aeronáutica Civil (DGAC)** - Mexico;
- The **Federal Aviation Administration (FAA)** - United States of America; and
- **Transport Canada, Civil Aviation (TCCA)** - Canada.

National CAA: The CAA responsible for the regulatory control of an operator when it applies for operating authority and/or registration in another NAFTA country. The national CAA will normally be the same as the state of registry for the aircraft and will be responsible for the regulatory oversight of aircraft on its register, including but not limited to, maintenance and inspection requirements.

Host CAA: The CAA of a NAFTA country in which cross-border SAS are being conducted.

Operator: The organization engaged in a commercial SAS operation.

Essential Qualified Non-Crewmembers: Personnel essential to SAS operations that support that service and are trained by the operator prior to conducting the work under SAS. (Essential with respect to SAS operations is defined as: required to properly conduct the SAS operation. The absence of these personnel would make the actual operation impossible).

Flight Training is a term that applies to the following:

- **Certified Flight Schools:** Those schools that hold an operating permit or certificate issued by the CAA to conduct approved training for any pilot qualification.
- **Flight Training Operators:** Those operators conducting training for an agricultural rating, a seaplane rating, a multi-engine rating, a type rating, an instrument rating, an airline transport pilot licence, or currency requirements.
- **SAS Operators:** Those operators conducting specific operational training for a particular SAS. Type-rating training may be included if the aircraft is used in that specific operation and is specified on the air operator certificate or the NAFTA operating authority.

Definitions of SAS

The following is a list of SAS identified by NAFTA and shall include any other special-purpose operations determined by the three CAAs to have similar characteristics.

NAFTA SAS are specialized commercial aviation operations involving the performance of the following:

Aerial Mapping: The operation of an aircraft for the purpose of mapping by use of a camera, or other measuring and recording devices.

Aerial Surveying: The operation of an aircraft for the purpose of surveying by use of a camera, or other measuring and recording devices.

Aerial Photography: The operation of an aircraft for the purpose of taking photographs or recording information by use of a camera, or other measuring and recording devices.

Forest Fire Management: The operation of an aircraft for the purpose of fire detection and controls, as well as for the purpose of dispensing any substance intended for forest fire suppression and prevention. This includes carrying fire fighters, fire bosses and/or managers from the base camp into the fire area or the actual fire site as well as within the fire zone.

Firefighting: The operation of an aircraft for the purpose of dispensing water, chemicals, and fire retardants intended for suppressing a fire. This includes the carrying of fire fighters.

Aerial Advertising: The operation of an aircraft for the purpose of skywriting, banner towing, displaying airborne signs, dispensing leaflets, and making public address announcements.

Glider Towing: The towing of a glider by a powered aircraft equipped with a tow hitch.

Parachute Jumping: The operation of an aircraft for the purpose of allowing a person to descend from that aircraft in flight using a parachute during all or part of that descent.

Aerial Construction: The operation of a helicopter for the purpose of conducting external-load operations in support of construction, hoisting of utilities, power line construction and erection of special purpose towers.

Heli-logging: The operation of a helicopter for the purpose of transporting timber suspended from the fuselage.

Aerial Sightseeing: The operation of an aircraft for the purpose of providing recreation to passengers that originates and terminates at the same airport or the same aerodrome.

Flight Training: Training provided by certified flight schools and flight training operators who follow an approved ground and flight syllabus, which permits students to meet all certification requirements for obtaining an airman certificate or rating, and operational training provided by SAS operators.

Aerial Surveillance and Inspection: The operation of an aircraft for the purpose of conducting aerial observation and patrols for surface events and objects.

Aerial Spraying: The operation of an aircraft for the dispersal of products, for the benefit of agriculture, horticulture, public health or forestry but not including the dispensing of insects.

Recommended List of Publications

- Annex 2 to the International Civil Aviation Organization (ICAO) *Convention on International Civil Aviation*
- Advisory Circular No. 707-001, TCCA
- Aeronautical Information Manual (AIM), Canada
- Publicación de Información Aeronáutica (PIA), Mexico
- Aeronautical Information Manual (AIM)
Aeronautical Information Publication (AIP), United States

NAFTA Cross-Border SAS Operations

General Requirements

Validity

- A NAFTA authorization and/or registration, unless amended, suspended or revoked, will normally be valid for a maximum of one year and can be renewed. The renewal process will be the same as the original authorization process.

Authorization/Registration Process

- The SAS operators applying for Fire Fighting or Forest Management will be issued a **letter of registration** for all operations conducted in the United States or all United States operators applying for SAS operations in any Host country.
- The SAS operator must be equipped and able to operate in each of the SAS applied for, apply for and obtain authorization and/or registration from the national CAA, apply for and obtain authorization and/or registration from the host CAA(s), and make application in the official language(s) of the host country.

Special Conditions

- Contracts, third party, and Qualified Non-Crewmember personnel essential to SAS:
The applicant shall identify the necessary personnel and their job function to the National CAA along with an appropriate method of control (Training requirement or process) to ensure the safe operation under the specialized SAS operation. This in no way allows for or permits the SAS operator to transport these persons from other than the base camp to the work zone. All personnel must provide their own means of commercial transportation or other means of public or private travel to the base camp.
The applicant or current "Holder" of SAS Authorization and/or Registration would include in their application the appropriate information to show their ability to use contract personnel and the control of said personnel.

Operational Conditions

Aircraft

- The current and valid certificate of airworthiness and certificate of registration are required from the National CAA. The operator must provide the National CAA with proof of the validity of the documents.
- Aircraft must have an original FAA or TCCA civil type certificate for all SAS operations. Ex-military aircraft that have restricted-category certification based on military experience only are not eligible, while those that are operating, as civil types may be eligible, provided that they meet civil standards and are in a civil type configuration.
- Foreign (third party-country) type-certificated aircraft must have both an FAA and a TCCA type certificate.
- Changes in type designs (that is, supplemental type certificates or repair design certificates) issued by third party-countries on their own designs and manufactured products will be acceptable, provided that there is a bilateral airworthiness agreement or the equivalent with either the FAA or TCCA that specifically addresses design standards.
- U.S. Registered Primary-category aircraft will not be used for flight training. Standard-category airworthiness certificates will normally be required, except as otherwise approved by the host CAA. SAS operators may conduct operational training in aircraft that are approved for the particular SAS.
- SAS operators may use leased aircraft of a foreign registry. The operator must have all pilots or required flight crewmembers of these aircraft hold at least a commercial licence and rating appropriate to the country of registry of said aircraft.

SAS Operations

- As required by Annex 2 to the ICAO Convention, operators must comply with the general operating and flight rules of the Host Country. Operators should be aware that there are significant differences in the visual flight rules for each country.
- NAFTA does not confer a right of entry into the host country. Prior to entry the operator is advised to contact the Immigration Authority at the intended Port of Entry into the host country, to verify the entry requirement.
- Operators must also contact government agencies including customs, trade and commerce, and environment, and other applicable agencies as necessary.
- The SAS operator must contact the host CAA(s) (see Appendix II) prior to commencing initial SAS operations in each geographic area, upon changing the type of SAS operation being conducted, or upon subsequently returning to the original geographic area.
- Operators based in one Host Country and operating in another Host Country require authorization and/or registration from each host CAA.
- As a minimum, a current and valid commercial pilot licence issued by the National CAA is required for the specific operation. A licence validation issued by the Host CAA does not meet this requirement.
- Flight instruction towards the issuance of National CAA licences, permits and ratings may be conducted in any Host Country by a person who holds a valid commercial pilot licence or flight instructor rating, as applicable for the type of instructional activity, and who satisfies the requirements of the National CAA (see Appendix III).
- Flight instruction towards the issuance of host CAA licences, permits and ratings may be conducted in any Host Country by a person who holds a valid commercial pilot licence or flight instructor rating, as applicable for the type of instructional activity, and who satisfies additional requirements specified by the applicable host CAA (see Appendix III).

- Flight-training operating authority will be granted to certified flight schools, flight training operators and SAS operators according to the conditions specified by the host CAA.
- Agricultural aircraft may be operated at an increased maximum takeoff weight (MTOW) if an increased MTOW has been authorized by the National CAA and the increase does not exceed 1.25 times the MTOW.
- Maintenance shall be performed in accordance with the requirements of the National CAA and state of registry.
- Sightseeing operations shall be conducted by operators certificated by their National CAA for commercial passenger-carrying operations.
- The movement of essential qualified non-crewmember personnel from base camp to a fire zone is not deemed to be air transportation, nor is the movement of qualified non-crewmember personnel from one base camp to another to continue the same work. These are operational necessities included under SAS.

Specific Requirements

For Operations in Canada

- Operators must provide TCCA with the name of the appropriately approved maintenance organization that is providing the operators maintenance.
- Proof of insurance must be carried on board the aircraft (see Appendix V).
- Operators must comply with the Flight Time Limitations and Flight Duty Limitations and Rest Periods regulations and standards requirements applicable to the operations to be conducted (see CAR 700.15 and CAR Std 720.15, and CAR 700.16 and CAR Std 720.16).
- Operators must comply with the survival-equipment requirements applicable to the operations to be conducted (see Appendix IV).
- Mexican flight schools must designate a qualified flight instructor responsible for operational control. Operators must identify to TCCA the type of inspection or maintenance program being used for each aircraft type (i.e. progressive, annual/at 100-hour intervals, or according to the manufacturer's recommended program or an approved program).

For Operations in Mexico

- Operators must provide the DGAC with the name of the appropriately approved maintenance organization that is providing the operators maintenance.
- The *Publication de Información Aeronáutica* (PIA) is no longer required to be carried on-board the aircraft for SAS operations by foreign operators.
- Proof of insurance must be provided with the application before a permit can be issued and must be carried on board the aircraft (see Appendix V).
- Operations will be conducted from approved runways or sites, unless otherwise authorized.
- A special permit must be obtained for handling fuel other than at approved fuelling facilities.
- Operators must participate in alcohol and drug-testing programs when conducting SAS operations.
- Operators must comply with the survival-equipment requirements applicable to the operations conducted (see Appendix IV).
- All night flights under visual flight rules (VFR) must have a special authorization.

- Flight training schools must obtain a public education certificate or a letter of authorization from the Secretaría de Educación Pública to teach ground school.
- In addition to the DGAC authorization, operators of SAS (aerial photography, aerial surveying, and aerial mapping) must obtain permission from the INEGI (Instituto Nacional de Estadística, Geografía e Informática).

For Operations in the United States

- Operators must provide the FAA with the name of the appropriately approved maintenance organization that is providing the operators maintenance.
- Operators must participate in alcohol and drug-testing programs when conducting sightseeing operations from a base in the United States (see Appendix II).
- The maintenance and alteration of emergency parachutes must be certified by a person authorized by the FAA.
- Department of Transportation Order 97-7-03 (Specialty Air Service Operators of Canada and Mexico) must be carried on board the aircraft. (See <<http://ostpxweb.dot.gov/aviation/IntAv/airnafta.pdf>>)



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APPENDIX I

Sample Documents

This appendix contains sample documents that may be used by operators when applying for SAS authority in each NAFTA signatory country.

Operators Applying to their National CAA

Note: Applicants can obtain forms through contact information in Appendix II.

In Canada

- Application for (FTA) Specialty Air Service Operations – Canadian Air Operator (TC Form 26-0592) <<http://www.tc.gc.ca/air/menu.htm>>
Note: select “Forms catalogue” from “Resource Centre”, select “Click here to search, then enter 26-0592 in “Form Number.”

In Mexico

- Letter of Application for Operations under NAFTA

In the United States

- Application for SAS operations except Fire Fighting and Forest Fire Management requires a *Certificate of Waiver or Authorization* (FAA Form 7711-2) <<http://www.faa.gov/>>
- Application for Fire Fighting/Forest Fire Management requires a written request for a Letter of Registration.

Operators Applying to a Host CAA

In Canada

- Application for Specialty Air Service Operations – Free Trade Agreement (FTA) (TC Form 26-0509) <<http://www.tc.gc.ca/air/menu.htm>>
Note: select “Forms catalogue” from “Resource Centre”, select “Click here to search, then enter 26-0509 in “Form Number.”
- Authorization from National CAA
- Proof of insurance

In Mexico

- Letter of Request for Operations Under NAFTA
- Authorization from National CAA
- Proof of insurance

In the United States

- Application for Certificate of Waiver or Authorization (FAA Form 7711-2) <<http://www.faa.gov/>> or attachment to Letter of Registration
- Authorization from National CAA
- Proof of insurance

Notes:

1. National CAA authorization is required as part of the Host Application Process.
2. The Host CAA will provide an information package outlining the application requirements.

APPENDIX II

Contact Information

Country	CAA Contact Office	Phone / Fax Numbers / Web sites
Canada NAFTA Authorizations	Chief, Foreign Inspection Division (AARJF) Place de Ville Tower C, 4th Floor 330 Sparks Street Ottawa, ON KIA 0N8	Phone: 613-998-9074 Fax: 613-991-5188 http://www.tc.gc.ca/civilaviation/international/foreign/menu.htm
Canada NAFTA Policy and Procedures	Program Manager, Air Operator Certification Certification and Operational Standards Division (AARTF) Place de Ville Tower C, 4th Floor 330 Sparks Street Ottawa, ON KIA 0N8	Phone: 613-998-8168 Fax: 613-991-5188 http://www.tc.gc.ca/civilaviation/
Mexico	Dirección de Transporte y Control Aeronautico Dirección General de Aeronáutica Civil Providencia 807-4° Piso Col. del Valle C.P. 03100, México, D.F.	Phone: 5255-5687-7620 Fax: 5255-5523-3419 http://www.sct.gob.mx/
United States NAFTA Authorizations	Federal Aviation Administration, Southwest Region Dallas / Fort Worth International Field Office, 14800 Trinity Blvd., Suite 300 Fort Worth, Texas 76155	Phone: 817-684-6700 817-684-6776 Fax: 817-954-1602 FAA: http://www.faa.gov/ U.S. Department of Transportation (DOT): http://ostpxweb.dot.gov/aviation/IntAv/airnafta.pdf
United States NAFTA Policy and Procedures	Federal Aviation Administration General Aviation and Commercial Division AFS-800 800 Independence Avenue Southwest Washington, DC 20591	Phone: 202-267-8212 Fax: 202-267-5094
United States Drug & Alcohol Program Office	Implementation and Special Projects Branch, AAM-810 800 Independence Avenue Southwest Washington, DC 20591	Phone: 202-267-8976 Fax: 202-267-5200

APPENDIX III

Flight Training—General

Certified Flight Schools	Flight Training Operators	SAS Operators
	Specialized training facilities (for example, Flight Safety International)	Training of pilots included, regardless of whether they are employed by that operator
All training authorized under a certificate; see <i>Canadian Aviation Regulation (CAR) 406.02; Federal Aviation Regulation 141.11 (141.57); and the Ley de Aviación Civil, art. 39, and Reglamento de la Ley de Aviación Civil.</i>	Agricultural licence (DGAC)	Type rating
Recreational*	Seaplane rating	Currency requirements
Private—aeroplane and helicopter*	Multi-engine rating	
Commercial—aeroplane and helicopter*	Type rating	
Flight instructor rating—aeroplane and helicopter*	Instrument rating	
Night flying privileges—aeroplane and helicopter*	Airline transport pilot licence	
	Currency requirements	

Notes:

1. The flight training listed in the first column includes specific training activities, identified by an asterisk that must be conducted under the authority of a certified flight school.
2. The flight training listed in the second column may be conducted by certified flight schools or by instructors operating under the authority of a flight training operator.
3. The flight training listed in the third column may be conducted by an instructor operating under the authority of an SAS under NAFTA for that type of SAS operation.

Additional Pilot-Instructor Qualifications

Night Training in Mexico

- A Canadian instructor must hold an instrument rating.
- A United States instructor must hold a certified flight instructor - instrument (CFII) rating.

Seaplane Training

- Canada requires instructors from Mexico and the United States to have 50 hours' flight time on seaplanes.

VFR Over-the-Top Training in Canada

- A United States instructor must hold a CFII rating.
- A Mexican instructor must hold an instrument rating.

Aerobatics Training in Canada

- Instructors certified in Mexico and the United States who wish to teach aerobatics must hold a Canadian authorization.

Aerobatics Training in Mexico

- Canadian instructors wishing to teach aerobatics must hold a special permit and/or authorization.

Training for a Flight Instructor Rating—Aerobatics in Canada

- Instructors certified in Mexico and the United States who wish to conduct training for a flight instructor rating-aeroplane-aerobatics must hold a Canadian authorization.

Flight Training for an Instructor Rating—Aeroplane or Helicopter

- In Canada, TCCA requires instructors from Mexico and the United States to have 750 hours' flight instruction in the category (600 hours' dual flight instruction for a civil pilot licence) and have recommended 10 applicants for the private, commercial or recreational pilot permit (RPP) flight test (maximum 3 for the RPP). Instructors from the United States must take an evaluation flight.
- In Mexico, the DGAC requires American instructors to have 3 years' experience as a flight instructor, 350 hours' flight time in the category and class (150 hours in the aircraft), 30 hours as pilot-in-command in the preceding two months, a written examination and a flight test.

APPENDIX IV

Survival Equipment

Operations in Canada

- Survival equipment must be carried to satisfy *Canadian Aviation Regulations (CAR)* 602.61. This equipment includes provisions for shelter, water, fire and signaling. This section does not apply where the aircraft is being operated in an area and at a time of year such that survivability is not jeopardized. Specific information on the geographic location requirements is included in *A.I.M. Canada*. *A.I.M.* information can be obtained by calling the Civil Aviation Communication Centre 1-800-305-2059 or visiting <<http://www.tc.gc.ca/CivilAviation/Publications/menu.htm>>

Operations in Mexico

- Survival equipment must be carried to satisfy Normas NOM-012-SCT3-2001. This equipment includes provisions for a first-aid kit, shelter, flotation devices (for over-water operations), a fire extinguisher, an emergency locator transmitter, emergency rations and clothing, and signaling. Emergency rations and clothing are required for remote locations only, appropriate to the area being over flown. This information can be obtained by contacting the DGAC by phone at (5255) 5687-7941 or by fax at (5255) 5523-6275. The information will be sent by fax.

APPENDIX V

Insurance Requirements

Canada

- SAS operators must meet the insurance requirements contained in *Canadian Aviation Regulations* (CAR) 606.02 and have passenger and third-party liability coverage to the limits specified.

Mexico

- SAS operators must meet the insurance requirements contained in article 64 of the *Ley de Aviación Civil* and have passenger and third-party liability coverage to the limits specified.

United States

- Sightseeing operators must meet the insurance requirements contained in Part 402 of the *Department of Transportation Regulations* and have passenger and third-party liability coverage to the limits specified.