

North American Free Trade Agreement ADVISORY

This Advisory Circular provides information on the *North American Free Trade Agreement* (NAFTA).

Background

Ratified by Canada, the United Mexican States and the United States of America (U.S.), 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, firefighting, aerial advertising, glider towing, parachute jumping, aerial construction, heli-logging, aerial sightseeing, flight training, aerial inspection, aerial 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. (See Appendix II.)

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 began a process for the “smooth implementation” of SAS operations. Representatives from the three civil aviation authorities (CAA) 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), United Mexican States;
- the **Federal Aviation Administration** (FAA), U.S.; 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 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 SASs are being conducted.

Operator: The organization engaged in a commercial SAS operation.

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 SASs identified by NAFTA and shall include any other special-purpose operations determined by the three CAAs to have similar characteristics.

NAFTA SASs 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 control as well as for the purpose of dispensing any substance intended for forest fire suppression and prevention. This does include 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.

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 rotorcraft 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 rotorcraft 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. This flight 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 that permits students to meet all certification requirements for obtaining an airman certificate or rating. Flight training also includes 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.

Recommended List of Publications

- *Annex 2 to the Convention on International Civil Aviation*, International Civil Aviation Organization (ICAO)
- *A.I.P. Canada*, Canada
- *Publicación de Información Aeronáutica (PIA)*, United Mexican States
- *Aeronautical Information Manual (AIM) / Aeronautical Information Publication (AIP)*, U. S.

NAFTA Cross-border SAS Operations

General Requirements

Validity

- A NAFTA authorization, 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 Process

- The SAS operator must be equipped and able to operate in each SAS applied for, apply for and obtain authorization from the national CAA, apply for and

obtain authorization from the host CAA(s), and make application in the official language(s) of the host country.

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 ex-military aircraft that are operating as civil types may be eligible provided they meet civil standards and are in a civil type configuration.
- Foreign (third-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 countries on their own designs and manufactured products will be acceptable provided there is a bilateral airworthiness agreement or the equivalent with either the FAA or TCCA that specifically addresses design standards.
- 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 Operations

- As required by *Annex 2 to the Convention on International Civil Aviation*, 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.
- Operators must deal with government agencies, including customs, trade and commerce, immigration, environment, and other applicable agencies, as necessary.
- The SAS operator must contact the host CAA(s) (see Appendix III) 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 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.
- 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.
- 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 IV.)
- 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 take-off 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.
- Sightseeing operations shall be conducted by operators certificated by their national CAA for commercial passenger-carrying operations.
- The movement of essential personnel from a base camp to a fire zone is not deemed to be air transportation, nor is the movement of essential personnel from one base camp to another to continue firefighting. These are operational necessities included under SAS for firefighting purposes.

Specific Requirements

For Operations in Canada

- Operators must provide TCCA with the name of the appropriately approved maintenance organization(s) where maintenance can be performed.

- Proof of insurance must be carried on board the aircraft (see Appendix VI).
- Operators must comply with the regulations and standards pertaining to flight and duty limitations applicable to the operations to be conducted. (see section 700.15 of the *Canadian Aviation Regulations* and section 720.15 of the *Commercial Air Service Standards*)
- Operators must comply with the survival equipment requirements applicable to the operations to be conducted (see Appendix V).

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 (that is, progressive, annual, at 100-hour intervals, or according to the manufacturer's recommended program or an approved program).

For Operations in the United Mexican States

- Operators must provide the DGAC with the name of the appropriately rated repair station(s) where maintenance can be performed.
- The PIA must be used for all operations and carried on board the aircraft.
- 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 VI).
- 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 V).
- All night flights under visual flight rules 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 Secretaría de la Defensa Nacional.

For Operations in the U.S.

[FAA NAFTA ADVISORY AC00-60](#)

- Operators must participate in alcohol- and drug-testing programs when conducting sightseeing operations from a base in the U.S. (see Appendix III).
- 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.

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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 a National CAA

In Canada

- Application for Specialty Air Service Operations (NAFTA Form 26-0509)

In the United Mexican States

- Letter of Application for Operations Under NAFTA

In the U.S.

- Application for Certificate of Waiver or Authorization (FAA Form 7711-2)

Operators Applying to a Host CAA

In Canada

- Application for Specialty Air Service Operations (NAFTA Form 26-0509)

In the United Mexican States

- Letter of Request for Operations Under NAFTA
- Proof of Insurance

In the U.S.

- Application for Certificate of Waiver or Authorization (FAA Form 7711-2)

Note:

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

APPENDIX II

Phase-in Schedule of NAFTA SAS

Service Category	United Mexican States	Canada and the U.S.
Aerial Advertising	EIF*	EIF
Aerial Construction	EIF	EIF
Aerial Inspection or Surveillance	EIF	EIF
Aerial Mapping	EIF	EIF
Aerial Photography	EIF	EIF
Aerial Sightseeing	EIF	EIF
Aerial Spraying	EIF	EIF
Aerial Surveying	EIF	EIF
Firefighting	EIF	EIF
Flight Training	EIF	EIF
Forest Fire Management	EIF	EIF
Glider Towing	EIF	EIF
Heli-logging	EIF	EIF
Parachute Jumping	EIF	EIF

*EIF = entered into force

APPENDIX III

Contact Information

Country	CAA Contact Office	Phone and Fax Numbers
Canada	Chief, Certification Standards Commercial and Business Aviation Place de Ville 330 Sparks Street Tower C, 4 th Floor Ottawa ON KIA ON8	Phone: (613) 990-1098 Fax: (613) 954-1602
United Mexican States	Dirección Técnica Dirección General de Aeronáutica Civil Providencia 807-4 ^o Piso Col. del Valle C.P. 03100, México, D.F.	Phone: (525) 687-76-80 Fax: (525) 523-67-40
U.S.	General Aviation and Commercial Division, AFS-800 800 Independence Avenue Southwest Washington, DC 20591	Phone: (202) 267-3411 Fax: (202) 267-5094
U.S. Drug and 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 IV

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 section 406.02 of the <i>Canadian Aviation Regulations</i> ; paragraphs 141.11 and 141.57 of the <i>Federal Aviation Regulations</i> ; article 39 of the <i>Reglamento de la Ley de Aviación Civil</i> ; and the <i>Reglamento de Escuelas Técnicas de Aeronáutica</i> (11-X-1951)	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	

Note:

- 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.

- 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.
- The flight training listed in the third column may be conducted by an instructor operating under the authority of a SAS under NAFTA for that type of SAS operation.

Additional Pilot/Instructor Qualifications

Night Training in the United Mexican States

- A Canadian instructor must hold an instrument rating.
- A U.S. instructor must hold a certified flight instructor — instrument (CFII) rating.

Seaplane Training

- Canada requires instructors from the United Mexican States and the U.S. to have 50 hours of flight time on seaplanes.

VFR Over-the-Top Training in Canada

- A U.S. instructor must hold a CFII rating.
- A Mexican instructor must hold an instrument rating.

Aerobatics Training in Canada

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

Aerobatics Training in the United Mexican States

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

Training for a Flight Instructor Rating — Aerobatics in Canada

- Instructors certified in the United Mexican States and the U.S. 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 the United Mexican States and the U.S. to have 750 hours of flight instruction in the category (600 hours of 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 U.S. must take an evaluation flight.

- In the United Mexican States, the DGAC requires instructors from the U.S. to have 3 years of experience as a flight instructor, 350 hours of flight time in the category and class (150 hours in the aircraft), 30 hours as pilot-in-command in the preceding 2 months, a written examination, and a flight test.

APPENDIX V

Survival Equipment

Operations in Canada

- Survival equipment must be carried to satisfy section 602.61 of the *Canadian Aviation Regulations*. This equipment includes provisions for shelter, water, fire and signalling. 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.P. Canada*. A.I.P. information can be obtained by calling 1-800-305-2059 or visiting http://www.tc.gc.ca/aviation/regserv/carac/CARS/html_e/doc/index.htm.

Operations in the United Mexican States

- Survival equipment must be carried to satisfy standards 191, 193, 194, and 195 of the *Reglamento de la Ley de Aviación Civil*. 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 signalling. Emergency rations and clothing are required for remote locations only, appropriate to the area being overflown. This information can be obtained by contacting the DGAC by phone at (525) 687-76-80 or by fax at (525) 523-67-40. The information will be sent by fax.

APPENDIX VI

Insurance Requirements

Canada

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

United Mexican States

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

U.S.

- 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.