

There is normally a filing fee of \$25.00 US for applications for foreign aircraft permits, with an additional \$11.00 US due if the application is filed late. These fees apply to operators of Mexico. We have waived these filing fees for operators of Canada, because Canada does not charge U.S. operators for like applications.

Our regulations require that applications be filed at least fifteen days before commencement of the proposed operations. However, we will accept later-filed applications upon a showing of good cause. As a practical matter, we recognize that many commercial air operations are arranged on short notice, and we make every effort to handle late-filed applications expeditiously.

Service of applications on U.S. operators is not normally required. However, in cases involving applicants from countries where reciprocity is untested (as in the case of Mexico), or countries where there is a history of reciprocity problems (such as Canada, as discussed below), we require that applicants provide copies of their applications, by mail or fax, to U.S. operators which may have an interest. The Foreign Air Carrier Licensing Division (202-366-2388) can provide applicants with a list of the U.S. operators which must be served.

Our rules provide that any interested person may file an answer supporting or opposing an application, within seven days of the application's filing. This process allows U.S. operators to advise us of any reciprocity problems they may be experiencing in obtaining authority from the applicant's homeland to conduct similar operations.⁴ Any party filing an answer must serve a copy on the applicant.

Where a proposed operation is imminent, we may shorten the seven-day period for answers. Alternatively (and more commonly), the applicant foreign operator may "poll" (i.e., contact, usually by telephone) all the U.S. operators which have an interest in the type of operation involved, to ascertain whether they plan to file an answer (and if so, what that answer entails), and advise the Department of the results of the poll.

Should an answer be filed in opposition, the applicant may file a reply responding to the assertions made in the answer. The applicant must serve a copy of any reply on the party or parties filing answers.

Standards for Approval

Upon receipt of a complete application by a foreign operator, and receipt of any answers and replies that may be filed, the application is ripe for consideration. The Department will issue a Part 375 foreign aircraft permit if the proposed operations meet the regulatory and procedural requirements of that part and are in the public interest. The primary criterion we consider in assessing the public interest is the state of reciprocity on the part of the applicant's homeland.

⁴ As discussed below, the United States does not afford domestic operators a "right of first refusal", as do some countries.